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Scottish print bureau 'still cannot be trusted'

Despite official praise independent expert damns continued bad practice

By Liam McDougall, Home Affairs Editor

THE UK's leading fingerprint expert has savaged the Scottish Criminal Record Office over the "slip-shod" standard of its fingerprint evidence ... just days after police inspectors produced a glowing report on the organisation.

Allan Bayle, a former forensic scientist with London's Metropolitan Police Service and a member of the International Association of Identification, said that in the dozens of SCRO fingerprint analyses he has been asked to examine, "not one" was of a sufficient standard to prove an identification in court. In four years, all had "fallen short" of basic standards, he said.

His criticisms have cast doubt on a report on the SCRO by HM Inspectorate of Constabulary (HMIC), which found it to be an "efficient and effective organisation".

The report was compiled by chief inspector of constabulary Andrew Brown, who was chairman of the SCRO executive committee when it was embroiled in its biggest controversy, the mistaken identification of fingerprints at a murder scene as belonging to then police officer Shirley McKie.

McKie's father, Iain, a former police chief superintendent, condemned HMIC's report. He told the Sunday Herald: "Andrew Brown was the chairman of the SCRO executive committee and was the SCRO's main apologist when controversy was raging over Shirley's case. How can it be right that Andrew Brown is now in a position where he presides over those inspecting the SCRO? The problems within the SCRO keep getting covered up. They are terrified to admit to their failings."

Allan Bayle is so concerned by the fingerprint evidence being produced by the agency that he last week sent a report to HMIC outlining his concerns about an analysis which was "not up to the standard required for court".

The print, sent to him by lawyers for independent assessment, is part of a Scottish drugs case about to go to court.

Bayle said that to establish identification it is imperative that 16 points on a fingerprint are identified clearly, marked with a line and fully explained.

He said: "This one I've just done is an SCRO job and the lines don't even match. They were all over the place. The photograph is actually at the wrong angle so the whole thing doesn't look right anyway. There was one line that wasn't even on the fingerprint so the reader shouldn't have marked it up. It had just been a guess.

"I am not happy with their marking up at all. The evidence they produce for court is very poor. They are still making the same mistakes they made in the McKie case."

Bayle said he has had conversations with forensic experts at other Scottish bureaux, who said they had “no confidence in the SCRO whatsoever”.

The comments raise fresh questions about the competency of the SCRO fingerprints section, six years after it was plunged into crisis over the McKie case.

McKie was found not guilty of perjury at Glasgow High Court in 1999, triggering a radical overhaul of the SCRO, including new training and management structures. She has now launched a civil case against the Scottish Executive over her treatment.

The reliability of the SCRO was again thrown into doubt in 2002 when David Asbury had his murder conviction quashed after it was revealed that crucial fingerprint evidence used against him was wrong.

And a year later, the Sunday Herald revealed the case of Mark Sinclair, who had a fingerprint linked to him by the SCRO in an armed robbery case. Separate reviews by Bayle and scientists with the Police Service of Northern Ireland concluded the identification was unsafe.

Bayle added: “The big problem in Scotland is that lawyers treat fingerprints as God and don’t challenge them.

“Since the McKie case there are a few solicitors who are challenging fingerprints, but they’re not doing it nearly enough. In court they take it for granted that it’s definitely identical. But the SCRO are so bloody slip-shod in their work that it’s got to be tested.

“The standards at other Scottish bureaux are very good but in the SCRO they are so poor. There should be an overhaul done by an independent team. They are lacking their basic training.”

Bayle also cast doubt on the SCRO’s plans to move to electronic fingerprint identification, warning that such systems often lacked clarity, making a match even more difficult.

A spokeswoman for HMIC said there was “absolutely no conflict of interest” in Brown’s position as chief inspector. She added: “Andrew Brown was not involved in this inspection nor in writing this report. This was carried out by the assistant inspector Kenny McInnes.”

However, Nationalist MSP Alex Neil, a vocal supporter of the McKies, said it was “absolutely ludicrous” that Brown now presided over the body that inspected the SCRO. “That would be like finding yourself guilty,” he said. “The report has no credibility.”

Ian Hamilton QC, who defended Mark Sinclair, branded the SCRO a “total disgrace”. He said: “It is worrying everyone who has anything to do with it, including the prosecution services, although they won’t say that.”

Hamilton added that he was “surprised” at HMIC’s findings because “that is not the view held in the profession”.

But an SCRO spokeswoman defended its work, saying all its fingerprint experts were tested by an “independent competency assessor”. She added that the service provided by the Scottish Fingerprint Service was of “the highest quality”.