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Editorial Comment

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Victim of pass the parcel

How long must Shirley McKie wait before she receives substantial compensation for the grave injustice she suffered some six years ago? The short answer is, theoretically, until February next year, when court time has been set aside for a £750,000 compensation claim against the Scottish Executive. Ms McKie, a former Strathclyde police detective, was cleared of perjury in 1999 after being wrongly accused of leaving her thumbprint at a murder scene. Doubts about the identity of fingerprints at the scene led to the conviction of David Asbury for the murder being overturned. The executive, representing the Scottish Criminal Records Office (SCRO) fingerprint bureau which analysed the prints, said in the summer it would be willing to negotiate with Ms McKie to avoid litigation. If ministers had any doubts about the wisdom of settling out of court these must surely be dispelled by the contents of a letter from Willie Rae in 2000, when he was chief constable of Dumfries and Galloway police and a senior figure in the Association of Chief Police Officers in Scotland (Acpos), to Colin Baxter in the executive's justice department. In the letter, obtained under freedom of information legislation, Mr Rae, now the Strathclyde force's chief constable and knighted, made clear his discomfort about the failure to make progress in Ms McKie's damages claim. He warned that the game of "pass the parcel" between Strathclyde police and the executive over which was legally responsible for the SCRO would embarrass the police and ministers, and undermine Acpos's efforts to restore the standing of the SCRO unless resolved (if anything, the SCRO's reputation has been further tarnished by this affair). Crucially, he strongly advised that the matter needed to be "thrashed out" by the parties involved so that a sensible agreement could be reached on the way forward. That advice implied a degree of urgency. Five years on, Shirley McKie, victim of that game of pass the parcel, is still awaiting fitting restitution. As her father, Iain, tells The Herald today: "If Willie Rae had been listened to, years of trauma and hundreds of thousands of pounds of public money could have been saved." Throughout the ordeal, Ms McKie and her father, a former policeman, have displayed the qualities of a good officer: doggedness, determination, attention to detail and, perhaps most importantly, a commitment to truth and justice. The executive has the authority finally to end the ordeal. It must do so now.

Police chief: McKie had a case in 2000

LUCY ADAMS, Home Affairs Correspondent

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THE chief constable of Strathclyde Police warned almost five years ago that Shirley McKie, the former police officer wrongly accused of lying on oath at a murder trial, was entitled to financial compensation.

Willie Rae wrote to the Scottish Executive in December 2000 to say the case needed to be resolved.

Since then, officials have refused to admit that a mistake was made, Miss McKie has been forced to take her claim through the courts and hundreds of thousands of pounds of taxpayers' money has been spent on legal costs.

The former CID officer lost her position with Strathclyde Police after the Scottish Criminal Records Office (SCRO) said her thumbprint was found at the home of murder victim Marion Ross in 1997.

Miss McKie was cleared of lying on oath in 1999 after insisting the print found at the murder scene was not hers, a claim backed by international fingerprint experts.

The letter from Mr Rae to the executive, obtained under the Freedom of Information Act, also reveals that the chief constable believed the fingerprint left at the murder scene did not belong to Miss McKie.

He suggested that progress to agree any kind of settlement with Miss McKie could be impeded by the police and executive's refusal to agree who was responsible for the fingerprint bureau of the SCRO.

Last night, politicians said the letter indicated that the executive should have paid up years ago.

Mr Rae, who was the chief constable of Dumfries and Galloway at the time and wrote the letter in his capacity as chairman of the SCRO executive committee, has consistently refused to comment publicly on the case.

However, in his letter to the executive's justice department, he warned that "if not sensibly addressed" the case would cause "embarrassment" to the police service, ministers and the SCRO.

He wrote: "There can be no doubting that Miss McKie has suffered substantial harm as a consequence of this episode . . . The bottom line is that Shirley McKie will receive financial restitution and, whatever the sum, the money will come from the public purse.

"I suspect ministers and the public will not be impressed if it appears that progress to a settlement is being impeded because of a dispute over who has responsibility for SCRO."

Miss McKie brought two court actions claiming "malicious prosecution", one against Strathclyde Police, which she lost in 2002 on the grounds she could not prove the police acted maliciously, and one for £750,000 against Scottish ministers, who are ultimately responsible for SCRO, which will be heard in February.

After losing the case against the Strathclyde force, she was forced to pay £21,000 in legal costs last year.

Iain McKie, her father, said he could not understand why the executive had failed to act on the letter.

"If Willie Rae had been listened to, years of trauma and hundreds of thousands of pounds of public money could have been saved," he said.

Alex Neil, the SNP MSP who has supported the McKies, said heads should roll.

An executive spokesman said: "This case is the subject of an ongoing civil action and is therefore sub judice."

The massive court battle over one fingerprint

1997 Shirley McKie was accused by the SCRO of leaving her fingerprint in the Kilmarnock home of murder victim Marion Ross, 51. She denied the print was hers.

1998 Tried for perjury over identification of her print.

1999 Cleared of lying on oath after insisting the print was not hers.

June 2000 Jim Wallace, the then justice minister, said he "regretted the distress" caused to Shirley McKie.

2002 David Asbury, jailed for the murder of Ms Ross, had his conviction quashed.

February 2002 Miss McKie lost a court action, claiming "malicious prosecution", against Strathclyde Police.

December 2003 Executive claim that SCRO staff should be given immunity from prosecution is rejected.

June 2005 Three fingerprint experts report that the print was definitely not the former officer's. Executive lawyers began settlement talks with Ms McKie.

February 2006 Five weeks set aside in the Court of Session for the McKie case in which she is calling for £750,000 in compensation.