Justice 1 Committee

Scottish Criminal Record Office inquiry

Written submission from Association of Chief Police Officers in Scotland

INTRODUCTION

1. On Wednesday 22 March 2006, the Justice 1 Committee launched an inquiry into the efficient running of the Scottish Criminal Record Office and the Scottish Fingerprint Service. The Committee agreed the following remit:

   To consider the efficient running of the Scottish Criminal Record Office and Scottish Fingerprint Service (this would leave terms of reference flexible enough to look at past and present practice); the implications of the McKie case; the operation of SCRO and within that the fingerprint service and public confidence in the standards of fingerprint evidence in Scotland; to scrutinise the implementation of recommendations of Her Majesty’s Inspectorate of Constabulary primary inspection report of 2000 and to ensure that their service is efficient and effective; and to scrutinise the Action Plan announced by the Minister for Justice for improvements in fingerprint and forensic services in Scotland.

2. The Association of Chief Police Officers in Scotland (ACPOS) is grateful for the opportunity to submit evidence to the Justice 1 Committee and this submission aims to provide the Committee with the Association’s views on the four specific areas highlighted in its call for written evidence, namely:

   Do you have confidence in the identification processes used by the SCRO? If not, what further changes do you think should be made to ensure future confidence in fingerprint and forensic services in Scotland?

   The recommendations of Her Majesty’s Inspectorate of Constabulary primary inspection of SCRO in 2000 have now been fully discharged. Are you confident in the way in which SCRO is now managed and organised? If not, what changes do you think should be made?

   An Action Plan to develop the Scottish Fingerprint Service as an integrated part of the new Scottish Forensic Science Service is due to be published in early
April 2006. Are you content with the terms of the Action Plan? If not, how would you wish to see it revised?

Do you have information relevant to the misidentification, or otherwise, of fingerprints in what has become known as the Shirley McKie case?

3. ACPOS has also been requested to provide oral evidence to the Committee on Wednesday 26 April 2006 and it is intended that Mr Peter Wilson, Chief Constable of Fife Constabulary, current President of ACPOS and Mr Ian Latimer, Chief Constable of Northern Constabulary, current Vice President of ACPOS and Chair of its Crime Business Area, will attend.

THE ROLE AND HISTORY OF SCRO AND THE SCOTTISH FINGERPRINT SERVICE

4. In considering a response to these questions, ACPOS believes it is vital for the Committee to have an understanding of the role and historical development of the Scottish Criminal Record Office (SCRO) and the Scottish Fingerprint Service (SFS). The following detail will inform members of the Committee of the key developments of SCRO and its fingerprint service and show how the identification processes and the management and oversight of the organisation have progressed. It is imperative that these key points are taken into account when considering the issues raised by the inquiry.

5. Historically, Scottish police forces were responsible for maintaining the criminal records of those persons who resided within their respective policing areas. Arrangements were in place for the convictions of ‘travelling’ criminals to be passed to the ‘home force’ and for the complete record to be passed on when a criminal relocated to another police force area.

6. Many Scottish forces had well established fingerprint bureaux, some dating back to the early 1930s. Each of these bureaux undertook casework (comparison of crime scene marks to local fingerprint collections) and maintained a local fingerprint collection.

7. It was not until 1960, following a review of the arrangements in Scotland, that SCRO was formally established in the City of Glasgow Police Headquarters as a Common Police Service to act as a central repository for criminal records and the national fingerprint collection. Under this arrangement, SCRO continued to provide a fingerprint service to the City force and an SCRO Controlling Committee was established, chaired by a senior civil servant, with representatives from ACPOS and Her Majesty’s Chief Inspector of Constabulary for Scotland (HMCIC).

8. With the amalgamation of forces in 1975, SCRO moved to Strathclyde Police Headquarters in Pitt Street, Glasgow and though little changed in
respect of conviction information, the provision of fingerprint services was reshaped. SCRO continued to do all case work for Strathclyde Police and Dumfries and Galloway Constabulary and provided a backup service for Northern Constabulary. The remaining five forces each retained their own fingerprint bureau and were relatively self sufficient.

9. The shape of the SCRO Controlling Committee also changed with the membership being made up by the 8 Scottish Chief Constables, representatives of the Scottish Office and HMCIC as Chair. In the 1980’s, Chair of the Controlling Committee was passed to the Chair of ACPOS (now known as the President).

10. In subsequent years, SCRO gradually evolved with the establishment of the computerised Criminal History System (CHS) and the maintenance of the Police National Computer (PNC). The Fingerprint Bureau was a key component of SCRO, and a Computer Section, User Support Bureau and a Research and Development Section were also established.

11. In 1991, the introduction of Automatic Fingerprint Recognition (AFR) as an aid to fingerprint comparison, initially at SCRO and latterly at key locations in Edinburgh, Perth and Aberdeen, again influenced service provision in Scotland – dramatically increasing the speed and search capability of the hitherto manual facilities within fingerprint bureaux.

12. In 1997, the electronic capture of fingerprint impressions through the Livescan Tenprints System within forces extended the scope of AFR to include the potential for ‘real time’ identification of persons in custody. Consequently, a new Livescan service was established at SCRO providing a 24 hour facility to all forces in Scotland. At that time, the national fingerprint collection consisted of approximately 350,000 records.

The Scottish Fingerprint Service Working Group

13. In 1996, in advance of the implementation of Livescan, the then Director of SCRO raised concerns over ‘impending difficulties’ within the Fingerprint Bureau which required urgent resolution to prevent a serious reduction to the quality of service. This largely related to the difficulties in retaining sufficient fingerprint experts to deal with the growing workloads.

14. In the year 1995/6, a full complement of 36 fingerprint experts was achieved. However, this was not sustained, gradually falling to 34 in 1996/7 and subsequently to a level of 30.5 posts by 1999/2000. Whilst the figure of 36 allowed for a normal level of abstractions, the lower number of 30.5 seriously impacted upon the resilience of the Bureau. Internal appointments and abstractions effectively resulted in an operating level of 24.5 experts.
15. The specialised field of fingerprint examination determined the existence of constrained market conditions for expert services. Coupled with a significant ‘apprenticeship’ of 5 years, long term succession planning was essential and demand for experts consistently outstripped supply. The market simply could not respond to a sudden increase in demand. Unfortunately, SCRO suffered the loss of experienced staff, often moving away for better terms and conditions or career development.

16. In response, the SCRO Controlling Committee set up a Scottish Fingerprint Service Working Group, led by the then Chief Constable of Fife Constabulary, Mr John Hamilton, with a remit to ‘examine, among other things, the potential impact of AFR, Livescan and other technical developments on fingerprint services in Scotland and to make appropriate recommendations for the future’.

17. This Working Group identified that the problems raised by SCRO were significant to the overall structure and management of fingerprint services in Scotland and suggested that minor adjustments to the existing system would be insufficient. The Group recommended:

- a model of devolved control for the fingerprint service in Scotland
- development of a system of management information
- a move towards parity in terms of pay and conditions across Scotland
- the preparation of an implementation strategy as the next phase of development, incorporating the re-launch and marketing of a new fingerprint service for Scotland.

18. Mr Hamilton was tasked with chairing the Implementation Group and Leishman Management Consulting was engaged to assist in the development of an implementation strategy. The principal objective agreed with the consultants for the Stage 1 Review was ‘a defined and structured approach to the process of change…. (which) will focus on a level of devolution of control appropriate to the efficient, effective and economic delivery of fingerprint services (in Scotland)’.

19. In December 1998, the consultants listed the following priority actions:

- Increase overall capacity to handle Tenprints and mark work (through shift working, additional terminals and the introduction of Tenprint Identification Officers)
- The temporary suspension of submission of inked palm prints to SCRO
- Consideration of re-grading experts within SCRO

20. The objective of Stage 2 was ‘to specify objectives that the chosen option (for the fingerprint service in Scotland) should be able to deliver and in so doing further define a recommended option for change’.
21. In concluding, the consultants advised that ‘to achieve best value will require a move to central management and delivery of fingerprint services in Scotland’. It promoted a more modern structure of management to ‘enable the SCRO fingerprint service to respond to the needs of those it services’, and suggested that the best alternative option (at that time) was the incorporation of all fingerprint services in Scotland within SCRO under a new Common Police Service management arrangement. It was also ventured that if such a move was seen as ‘a step too far’ then, ‘as a minimum, central management should be introduced with distributed delivery’.

Strategic Review of SCRO

22. In 1999, a further strategic review of SCRO was commissioned by the (then) SCRO Controlling Committee. The primary aim was ‘to examine the strategic direction and executive control of SCRO with a view to the next five years and the implementation of the Police Act 1997 – Part V; the implementation of the Scottish Criminal Justice Information System; and economy, efficiency and effectiveness’.

23. Although this review did not focus directly on the Fingerprint Bureau within SCRO, a number of pertinent recommendations were made, viz:

- That the executive structure should be amended to a management committee which will facilitate more effective and efficient decision making
- That greater autonomy in the sphere of strategy, decision making and implementation be devolved from Controlling and Standing Committee level to the management of SCRO
- That consideration be given to SCRO within an enhanced Common Police Service model
- A review of the organisational structure to reflect the changing nature of the demands placed on SCRO
- Consider civilianising the role of Deputy Director of SCRO
- Create a data quality/security management unit with a remit to verify the accuracy and quality of data held at SCRO

Eight Force Standard Working Group (8FSWG)

24. As a consequence of the Leishman Stage 2 report, the Controlling Committee agreed that the force bureaux and the SCRO Fingerprint Bureau should develop standardised practices as an initial step in testing the concept of a ‘centralised’ model. Mr Hamilton agreed to consult forces, progress policies towards standardisation of procedures and develop protocols to be referred to as the ‘Eight Force Fingerprint Standards’.
25. The first meeting of the 8FSWG was hosted by Mr Hamilton in November 1999. At that meeting, it was agreed to develop a strategy, under which the concept of the ‘Eight Force Fingerprint Standards’ could be progressed. Whilst such a strategy document was drafted, events surrounding ‘the McKie case’ overtook progression of the draft document and the planned reconvention of the 8FSWG.

26. It should be noted that, following publication of HMIC’s Primary Inspection Report on the SCRO Fingerprinting Bureau in September 2000, the 8FSWG was reconvened on 26 September 2000 under the chair of Mr Kenny McInnes, then Deputy Chief Constable, Fife Constabulary and leader of the ACPOS Change Management Review Team, with a view to permanent re-establishment and a renewed drive towards the development of common and agreed standards across fingerprint bureaux in Scotland.

The McKie Case

27. On 8 January 1997, Marion Ross was found murdered within her home at 43 Irvine Road, Kilmarnock. A police enquiry commenced and included Shirley McKie, then a Strathclyde Police detective constable, as part of the enquiry team. During the course of the investigation, fingerprint evidence was secured and submitted to the SCRO Fingerprint Bureau for examination.

28. Amongst the conclusions made by the SCRO fingerprint experts from the evidence submitted were:

- identification of Shirley McKie, from a mark found within the house of Mrs Ross
- identification of David Asbury, from a mark found within the house of Mrs Ross, and
- identification of Marion Ross, from a mark found on a tin within the house of David Asbury.

29. As a consequence of the police investigation, David Asbury was arrested and charged with the murder of Marion Ross. He was subsequently convicted on 12 May 1997 and sentenced to life imprisonment.

30. During the trial of David Asbury, the issue of the SCRO fingerprint experts’ identification of Shirley McKie was raised. In her testimony to the court, Shirley McKie maintained her stance that she had not entered the house of Marion Ross. As a consequence, Shirley McKie was later charged with perjury and tried at the High Court in Glasgow. Clearly, the crucial element of evidence in this case was the latent fingerprint impression that had been recovered from within the deceased’s house and identified by the SCRO fingerprint experts as being that of Shirley McKie.
31. In the course of her trial, Shirley McKie’s counsel cited two independent fingerprint experts from America who gave evidence which opposed the conclusions made by the SCRO fingerprint experts. The American experts concluded that the fingerprint recovered from the house of Marion Ross was not that of Shirley McKie.

32. On 14 May 1999, the case of HMA v Shirley McKie concluded with Shirley McKie being found ‘Not Guilty’ to the charge of perjury.

33. Following the trial, the then Director of SCRO met with the prosecuting Advocate Depute and Deputy Crown Agent in order to clarify the position. The Crown made it clear that they were satisfied with the fingerprint evidence presented by the Crown witnesses and indeed with the credibility and integrity of experts at the Scottish Criminal Record Office. This was intimated to all Chief Constables and the view was taken that no further action was required at that time.

34. On 18 January 2000, a BBC documentary programme ‘Frontline Scotland’, gave significant public profile to the alleged misidentification of Shirley McKie’s fingerprint by SCRO.

35. On 7 February 2000, ACPOS Council made the decision that it was in the best interests of the criminal justice system, and the professional standing of SCRO, that an independent assessment be made of the fingerprint evidence prepared by SCRO and presented by the Crown in the Shirley McKie case. The SCRO Executive Committee (as the successor to the SCRO Controlling Committee) agreed to approach HMCIC, Mr William Taylor, to commission this work.

36. On 22 June 2000, following an independent assessment, HMIC publicly confirmed that the mark found within the house of Marion Ross and identified by the fingerprint experts from SCRO as being that of Shirley McKie, was not that of Shirley McKie.

37. On 22 August 2000, David Asbury was granted interim liberation by the Court of Criminal Appeal pending a full appeal hearing in respect of his conviction of the murder of Marion Ross. Included in the grounds of appeal was a contention of fingerprint evidence. The conviction against David Asbury was quashed in 2002.

**HMIC Primary Inspection of SCRO Fingerprint Bureau 2000**

38. On 23 February 2000, Mr William Taylor, HMCIC, in a letter to Mr Robertson, Chief Constable of Northern Constabulary, then Chairman of the SCRO Executive Committee, confirmed that HMIC would bring forward the formal inspection of SCRO from its planned date of December 2000, in respect of those aspects specifically raised by the Shirley McKie case. The inspection commenced in early March and was completed in May.
39. On 21 June 2000, HMCIC held a meeting with Office Bearers from ACPOS and outlined the preliminary findings of his Inspection of the SCRO Fingerprint Bureau. In particular, he advised that the disputed fingerprint in the Shirley McKie case had been examined, at his request, by two independent fingerprint experts, from the Netherlands and Norway. These experts had concluded that the mark found within the house of Marion Ross and earlier identified by SCRO fingerprint experts as being that of Shirley McKie had definitely not been made by Shirley McKie. In essence, the findings of these experts concurred with those of the American fingerprint experts who had acted on behalf of the defence during the trial of Shirley McKie for perjury.

40. In addition, HMCIC said that his concerns regarding the functioning of the SCRO Fingerprint Bureau were such that he would be unable to endorse the organisation as being efficient and effective. Accordingly, due to the significant public interest, Mr Taylor publicly announced his emerging findings on 22 June 2000, in advance of his formal report.

41. In advance of the publication of the formal report by HMCIC, Sir William Rae, then Chief Constable of Dumfries and Galloway Constabulary and incoming President of ACPOS, met with the McKie family and personally apologised for the trauma and distress suffered as a consequence of the misidentification of the fingerprint mark.

42. HMCIC’s report was published on 14 September 2000 and made 25 recommendations and 20 suggestions, all of which have since been discharged.

43. It is of note that Mr Taylor states in his report:

‘It is relevant to mention that the opinions of experts who disagree with the findings of the SCRO experts in the Shirley McKie case do not result from the insufficiency of detail in the crime scene mark. The independent experts consulted by HMIC agree with the SCRO experts that, although it is a complex mark, there is sufficient detail in it to make an identification. Their disagreement is over the identification of Shirley McKie as the person who made the mark.’

The ACPOS Presidential Review Group

44. In the light of HMCIC’s ‘emerging findings’, ACPOS immediately established a Presidential Review Group (APRG) to co-ordinate the Scottish Police Service’s response to HMIC’s findings. The Presidential Review Group comprised:

- Sir William Rae, then Chief Constable, Dumfries & Galloway Constabulary and President of ACPOS
- Mr William Robertson, then Chief Constable, Northern Constabulary and immediate past President of ACPOS;
45. The agreed remit of the Review Group was:

(a) To review:
   - personnel, training and competency
   - structure
   - resources
   - procedures, processes
   - quality control

to accelerate the ongoing and future development of SCRO, in the light of HMCIC's Primary Inspection, the Leishman Reports, the SCRO Strategic Review and any recommendations arising from the Policing Review.

(b) To assess the findings of fingerprint experts engaged by HMCIC in his primary inspection in the light of their conclusion that the latent mark was not made by Shirley McKie.

(c) To report to the SCRO Executive Committee on an implementation and action plan in relation to item (a) above and any management, staffing, resources, performance and quality control issues arising from item (b) above, including any issues regarding standards of performance.

(d) To liaise with the Crown Office, Scottish Executive, HMCIC, recognised experts and relevant consultants in taking forward substantive issues in which there is a shared interest.

(e) To make available to HMCIC for public and ministerial information, through the SCRO Executive Committee, the result and prepared response to HMCIC’s final report, recommendations and suggestions.

46. Two teams were formed to give a detailed examination of the issues emerging from HMCIC’s advance statement. Mr Kenny McInnes, then Deputy Chief Constable, Fife Constabulary, was appointed to lead an ACPOS Change Management Review Team in undertaking a 90-day scrutiny of SCRO, while Mr Jim Mackay, then Deputy Chief Constable of Tayside Police, was appointed to lead the investigation of the circumstances surrounding the fingerprint identification.

The ACPOS Change Management Review Team

47. The initial remit given to the Change Management Review Team (CMRT) was ‘to undertake a 90 day scrutiny of the SCRO Fingerprint
Bureau which will inform the ACPOS Presidential Review Group established to undertake a wide ranging review of SCRO’. It was subsequently developed to cover all elements of the APRG remit not covered by the Mackay team.

48. The CMRT undertook to liaise with HMCIC to familiarise itself with the emerging findings from HMIC’s Inspection of the SCRO Fingerprint Bureau and provided an interim report to the APRG which coincided with the publication of HMIC’s final report. The CMRT’s final report included a detailed response to HMIC’s recommendations and suggestions and drew together the detail necessary to consider the future options for fingerprint services in Scotland.

49. In recognition of the need to maintain momentum, and in view of the limited resources available to the SCRO Fingerprint Bureau at the time, it was agreed to establish a Project Management Team to take forward the necessary actions identified by the CMRT under the direction of a Project Board.

50. In broad terms, the issues highlighted by HMIC could be sub-divided as relating to internal management matters, often with a wider application to all fingerprint bureaux, and strategic management considerations looking at the long-term implications for the fingerprint service in Scotland.

51. ‘Internal management’ liaison with HMIC led the CMRT to consider the following issues which appear as focus areas within HMIC’s Inspection Report:
   - Structure within the bureau
   - Corporate identity and independence
   - Procedural guidelines
   - Administrative support
   - Supervision
   - Training
   - Competency testing
   - Quality assurance
   - Standards
   - Audit
   - Openness and accountability
   - Conflict resolution

52. At the ‘Strategic Management’ level, the issues of oversight arrangements, re-structuring of Common Police Services, increased resourcing and the introduction of the non-numeric standard were cited by HMIC as matters where change was required but which were beyond the direct responsibility of SCRO Fingerprint Bureau management.
The Mackay Inquiry Remit

53. The remit of the Mackay Inquiry Team was ‘to conduct an investigation into all of the circumstances which resulted in the identifications by the Fingerprint Bureau of SCRO in the murder of Marion Ross in Kilmarnock in January 1997. In particular, the difference in opinions of SCRO fingerprint experts and the experts recently consulted by Mr William Taylor, HMCIC for Scotland’.

54. On 3 July 2000, a full enquiry process, incorporating HOLMES 2 (Home Office Large Major Enquiry System) computer, was established at Auchterarder Police Station and followed a three phase plan:

- collation of all relevant documentation, productions and statements
- analysis of all available material and information, and
- production of a full report.

55. On 6 July 2000, The Lord Advocate instructed Mr William Gilchrist, then Regional Procurator Fiscal for North Strathclyde, to enquire into allegations of criminal conduct made by Shirley McKie’s father to the Minister for Justice. Mr Gilchrist was assisted in this enquiry by Mr Mackay. The early part of this enquiry centred on the fingerprint evidence associated with the McKie case. However, in mid September, and following an independent assessment of other fingerprint evidence associated with the Asbury case, the Crown re-emphasised the importance of considering all fingerprint evidence associated with both cases.

56. On 3 August 2000, the four SCRO fingerprint officers involved in the identification process surrounding the McKie elimination fingerprint were the subject of a ‘Precautionary Suspension’. Following the suspensions, a retrospective examination of historical cases involving the four experts was undertaken and no errors were found.

57. A full report (commonly referred to as ‘The Mackay Report’) was submitted to Mr Gilchrist in October 2000. This report remains classed as ‘Strictly Confidential and not to be released without the permission of the Regional Procurator Fiscal’. The report has since been retained under the requested terms of confidentiality and therefore it would not be appropriate to offer any further comment on its contents.

58. On 7 September 2001, the Lord Advocate confirmed that there would be no criminal proceedings taken against the four SCRO fingerprint officers.

59. On 20 March 2002, Strathclyde Joint Police Board (employers of the fingerprint officers) set up a disciplinary committee, with an independent Chair, which subsequently reported that there were no matters of misconduct or inefficiency to be considered and that no disciplinary action would be taken against the four SCRO fingerprint officers.
Thereafter, the ‘Precautionary Suspensions’ were removed and the SCRO officers were reinstated.

**HMIC Primary Inspection of SCRO 2000**

60. In December 2000, HMIC conducted a Primary Inspection of SCRO, making 17 recommendations and 5 suggestions. HMIC noted in particular the progress made on the fingerprint inspection and, taking into account the performance of SCRO as a whole, considered SCRO to be efficient and effective.

**The Common Police Services Programme Board**

61. In April 2004, new governance arrangements were put in place for SCRO with the development of a formal national structure for Common Police Services (CPS) and the establishment of the CPS Programme Board. Prior to this, these responsibilities had been discharged by the SCRO Executive Committee.

62. The CPS Programme Board currently provides strategic oversight of SCRO and its membership of nine is made up of equal representation from the Scottish Executive, ACPOS and Scottish Police Authorities Conveners’ Forum. HMICIC also attends Board meetings in the capacity of professional advisor.

63. The Police, Public Order and Criminal Justice (Scotland) Bill currently passing through the Scottish Parliament will result in SCRO becoming one of the common police services overseen by the new Scottish Police Services Authority (SPSA).

**HMIC Primary Inspection of SCRO 2004**

64. As part of its regular inspection schedule, HMIC conducted a Primary Inspection of SCRO in 2004 which resulted in a total of 13 recommendations being made, five of which were directed at ACPOS due to the national implications of the recommendations. Work is ongoing within ACPOS to address the issues raised with a view to discharging the recommendations.

65. HMIC concluded that it considers SCRO efficient and effective.

66. An HMIC Review Inspection is scheduled for October 2006.

**Current SCRO Key Business**

67. Today, SCRO continues to act as a central repository for fingerprints in Scotland, maintaining a national fingerprint collection of approximately 340,000 records. It performs management and oversight of the Criminal History System which is utilised by all eight Scottish police forces and the wider criminal justice community as the primary source of criminal records. SCRO also provides business critical support for other national IT systems such as Police National Computer (PNC) interface, the
Scottish Intelligence Database (SID), Crimestoppers Scotland and Automatic Number Plate Recognition (ANPR). SCRO works in partnership with British Telecommunications plc to provide the Disclosure Scotland service.

**Question 1: Do you have confidence in the identification processes used by the SCRO? If not, what further changes do you think should be made to ensure future confidence in fingerprint and forensic services in Scotland?**

68. Since 2000, HMIC has conducted the following inspections of SCRO and the SCRO Fingerprint Bureau:

- The Primary Inspection of the SCRO Fingerprint Bureau 2000
- The Primary Inspection of SCRO 2000
- The 2nd Year Review of the SCRO Primary Inspection 2000
- The 3rd Year Review of the SCRO Primary Inspection 2000
- The Primary Inspection of SCRO 2004

In all, HMIC made 55 recommendations and 25 suggestions during these inspections. All of the recommendations and suggestions from the HMIC Inspections conducted in 2000 have since been discharged. Work is in progress to discharge the recommendations contained within the 2004 Inspection. HMIC considers SCRO and the SFS efficient and effective.

69. The ACPOS Change Management Review Team (CMRT) Report (October 2000) followed a 90-day scrutiny of the SCRO Fingerprint Bureau and contained 87 findings with implications for the fingerprint service across Scotland. These covered the areas described at paragraphs 47 and 48 above and, following the work of the ACPOS Change Management Project Team, all of the findings have been implemented and discharged.

70. The CMRT findings included an organisational restructuring to establish the Scottish Fingerprint Service as a centrally managed service, with delivery devolved through four fingerprint bureaux located at Glasgow, Edinburgh, Dundee and Aberdeen. Rationalisation of the structure commenced in June 2001 and was completed in early 2002. Following reorganisation, load sharing between the bureaux resulted in a 7000 case backlog in the Glasgow Bureau being tackled and the service currently operates with no backlog and a monthly ‘time in system’ of four days.
71. Following publication of the HMIC Interim Report on the Primary Inspection of the SCRO Fingerprint Bureau on 22 June 2000, the Lord Advocate announced that an independent external validation check would be carried out on all current and future cases where fingerprint evidence was submitted by SCRO. During a 13-month period to 19 July 2001, a total of 2246 cases were examined and the identification of 6894 marks containing 10,449 impressions were verified and, in each case, the accuracy of the verification was confirmed. Consequently, in July 2001, the Lord Advocate decided that independent verification of SCRO fingerprint evidence was no longer required and that the evidence provided by SCRO was of the highest quality.

72. The CMRT report recommended the production of a National Guidance Manual on Fingerprint Standards and Procedures. A Quality Assurance Manual was produced in 2000 and, as part of the organisation’s ISO accreditation, this was developed into the National Guidance on Fingerprint Standards and Procedures, which was published in 2003.

73. A restructuring of the organisation and procedures in the Glasgow Fingerprint Bureau has increased the independence and anonymity of the verification process. The independent verification procedures ensure that the expert carrying out the first verification, after an identification has been made, does not have access to the identifying expert’s notes or working papers. The verifier is provided with an unmarked copy of the mark and tenprint and comes to an expert opinion regarding the mark independently. This verification process is repeated for the second verification and all second verifications are carried out by a team of Principal Fingerprint Officers. The Quality Assurance Team conducts an audit of random case reviews.

74. A review and pilot was carried out within the Edinburgh Fingerprint Bureau to examine the ability to achieve this increased independence of verification in a smaller bureau. However, it was recognised that there is difficulty in achieving the level of anonymous verification attained within the Glasgow Bureau due to the smaller numbers of staff. Other ways in which the same process of verification can be facilitated at the smaller bureaux are being explored. It is important to note, however, that while the establishment of a separate verification team is not practical in smaller bureaux, there is already in place a system of independent comparison for the first verification after an identification is made.

75. The Scottish Fingerprint Service uses the internationally accepted process of identification which conforms to the scientific principles of Analyse, Compare, Evaluate, Verify (ACE V) with verification by 2 fingerprint experts following the initial expert verification thus enhancing the independent verification process. Only after this verification process has been completed will an identification be intimated to the police investigation officer and the Procurator Fiscal Service for consideration of court proceedings.
76. All trainee fingerprint officers undergo training and testing at the National Training Centre (NTC) for Scientific Support for the UK in Durham. Authorisation as a fingerprint expert is only attained on successful completion of the NTC Advanced Fingerprint Course.

77. Since 2001, all fingerprint experts at the Glasgow Bureau have been subject to external annual competency testing. This was extended to the experts within the other three fingerprint bureaux in 2002. External testing is provided by Collaborative Testing Services, a USA-based forensic testing service. A continuous professional development programme for all experts within the SFS has been in place since 2003. The National (UK) Fingerprint Board Training Sub-Committee has expressed a desire to adopt the SFS Training Programme for England and Wales.

78. All fingerprint experts within the SFS have been encouraged to gain registration with the Council for Registration of Forensic Practitioners (CRFP) and, by 2004, 86% of experts had achieved accreditation.

79. All four bureaux reached accreditation to ISO 9001:2000 standard, an internationally recognised Quality Management system, in 2004. This was superseded in August 2005 when the SFS achieved single service accreditation, ensuring that each bureau operated the agreed national operating procedures and processes. This methodology is subject to external verification by ISOQAR (International Standards Organisation Quality Assurance Register). The system entails independent external audits conducted on a six-monthly basis and an internal audit regime managed through the Fingerprint Bureau Quality Assurance Manager.

80. There are 41 electronic Livescan units in place across Scotland allowing the SFS to operate a national tenprint identification system for persons arrested with a Service Level Agreement turnaround time of 2 hours.

81. Work continues on the delivery of IDENT1 services to Scotland. This project will see the creation of an integrated UK database from the national fingerprint collections of Scotland, England and Wales and the introduction of new technology to capture palm prints electronically together with fingerprints. Stage 1 (bureau configuration) and Stage 2 (replacement Livescan units at all Scottish police forces and the British Transport Police) have been completed. Data migration (Stage 3) is currently ongoing and it is anticipated that full implementation of IDENT1 will occur early in 2007.

82. The non-numeric standard for fingerprint identification was introduced in England and Wales in 2001 and preparation for its introduction to Scotland has been ongoing for a number of years. Following the HMIC and CMRT reports published in 2000, a significant amount of work has been undertaken to ensure that the SFS has all the requisite processes and procedures in place to ensure the delivery of the highest possible standard of fingerprint evidence required by this qualitative approach. Through the various procedural changes mentioned in this submission,
the SFS has positioned itself appropriately for implementation of the non-numeric standard. The Justice Minister, in her statement to the Scottish Parliament on 22 February 2006, indicated that the non-numeric standard will be in place by this autumn following a thorough implementation and awareness programme.

83. The move from the numeric to the non-numeric standard will continue to follow the same key principles currently applied by SFS experts. However, the expert will not be constrained by numerical thresholds when presenting evidence but will use the unique information available when comparing and evaluating impressions, with the emphasis placed on the quality of the mark rather than the number of points of comparison yielded.

84. ACPOS has confidence in the current identification processes used by SCRO.

Question 2: The recommendations of Her Majesty’s Inspectorate of Constabulary primary inspection of SCRO in 2000 have now been fully discharged. Are you confident in the way in which SCRO is now managed and organised? If not, what changes do you think should be made?

85. Since 2004, strategic oversight of SCRO has been provided through the Common Police Services (CPS) Programme Board and its membership of nine is made up of equal representation from the Scottish Executive, ACPOS and Scottish Police Authorities Conveners Forum. HMCIC also attends board meetings in the capacity of professional advisor.

86. The Board’s role is seen as an interim one as the Police, Public Order and Criminal Justice (Scotland) Bill (the Police Bill), currently going through the Scottish Parliament, proposes the establishment of the new Scottish Police Services Authority (SPSA). With effect from 1 April 2007, the new SPSA would assume responsibility for SCRO and the proposed new Scottish Forensic Science Service.

87. In its submission to the Justice 2 Committee (October 2005), ACPOS welcomed the establishment of a single all-embracing Service Authority but had, and continues to have, serious and well-founded misgivings concerning the arrangements for the structure and governance of the Common Police Services. Members wishing to familiarise themselves with the ACPOS position can find full details of the ACPOS submission to the Justice 2 Committee on the Scottish Parliament website.

88. As previously outlined, a number of HMIC Inspections of SCRO have been conducted since 2000 and all of the recommendations and suggestions from these inspections have now been discharged. In its most recent inspection (HMIC Primary Inspection of SCRO 2004), HMIC acknowledged the strong leadership demonstrated within SCRO and welcomed the support provided to the Director by ACPOS.
89. The **ACPOS Change Management Review Team Report** (CMRT) took forward the recommendations and suggestions of the **HMIC Primary Inspection of the SCRO Fingerprint Bureau 2000** and published a further 87 findings. In particular, the CMRT report contained a detailed consideration of the internal and strategic management issues identified by HMIC and considered various structural options before recommending a centrally managed national fingerprint service with devolved delivery through four fingerprint bureaux. All 87 findings of the CMRT Report have now been discharged.

90. The organisational restructuring of the fingerprint bureaux to establish the SFS has been completed and resulted in the closure of fingerprint services at Fife, Central Scotland and Northern police forces. The Scottish Police Service is now provided with fingerprint services by the Aberdeen Bureau (Grampian Police; Northern Constabulary); the Dundee Bureau (Fife Constabulary; Tayside Police); the Edinburgh Bureau (Lothian and Borders Police) and the Glasgow Bureau (Central Scotland Police; Dumfries and Galloway Constabulary; Strathclyde Police).

91. In 2003, SCRO introduced a computerised office management system across its four fingerprint bureaux providing detailed case tracking facilities and management information. The system also enables load sharing and the transfer of work between bureaux to ensure efficient and effective case management and prioritisation. As previously stated, SFS now has no backlog and maintains a ‘time in system’ of just four days.

92. The **HMIC Primary Inspection of SCRO Fingerprint Bureau 2000 Report**, recommended early attention be given to establishing a corporate identity for SCRO due to a perception that the historical development of SCRO had resulted in a ‘special relationship’ with Strathclyde Police, different from the other police forces. An opportunity for SCRO to stand on its own was presented as a consequence of the provision of services on behalf of the Scottish Executive in relation to Part V of the Police Act 1997 and the need for additional accommodation. In October 2000, SCRO relocated to premises at Pacific Quay, Glasgow providing SCRO staff with a significantly improved working environment and was a major step in demonstrating independence.

93. In 2004, Heads of Bureau were appointed to each of the bureaux at Aberdeen, Dundee and Edinburgh. At that time, the Head of Service of the SFS, based at Pacific Quay, also performed the role of Head of the Glasgow Bureau. It was recognised that there was a need to appoint a separate Head of Bureau for Glasgow in order to provide clear separation of the role of Head of Service and the current structure now reflects this.

94. Quality Assurance and Training Officers have been in post at the Aberdeen, Dundee and Edinburgh Bureaux since 2002. Within the Glasgow Bureau, the roles of Quality Assurance and Training are
separated, with distinct staff employed in each area. The Training Officers are directed and managed by the SFS Training Manager.

95. The SFS has initiated and implemented Service Level Agreements with all eight Scottish forces. These are standardised agreements that recognise local force requirements.

96. SCRO is subject to the same internal audit arrangements as those in place for departments of the Scottish Executive.

97. ACPOS has confidence in the way in which SCRO is managed and organised but has concerns regarding the proposed interim arrangements for the transfer of responsibility for SCRO to the developing Scottish Police Services Authority.

98. In March 2006, ACPOS was informed by the Scottish Executive Justice Department of the proposed arrangements for interim management of SCRO following the departure of the current Director, John McLean, on 25 May 2006. ACPOS has concerns regarding the decision to transfer responsibility for oversight of SCRO to the Interim Chief Executive of the SPSA. The significant operational activity undertaken by SCRO, in addition to the real challenges of change affecting the fingerprint service, the IDENT1 project, the Criminal History System, as well as the staff welfare issues in relation to the ongoing scrutiny of the SFS, demands effective leadership and on-site management.

99. ACPOS is concerned that the capacity to undertake these tasks, as well as the principal function of setting up the SPSA, does not exist. As a consequence, a paper will be presented by ACPOS to the next meeting of the CPS Programme Board on 26 April 2006 which will recommend that the existing Deputy Director of SCRO should be appointed Acting Director and that he should report directly to the Programme Board.

**Question 3: An Action Plan to develop the Scottish Fingerprint Service as an integrated part of the new Scottish Forensic Science Service is due to be published in early April 2006. Are you content with the terms of the Action Plan? If not, how would you wish to see it revised?**

100. ACPOS understands that the Scottish Fingerprint Service Action Plan for Excellence, developed by Deputy Chief Constable David Mulhern, will be published until 21 April 2006 at the earliest. However, ACPOS has been requested to submit its written evidence to the Justice 1 Committee by 20 April 2006 and, consequently, it has not been possible to provide any comment on the proposed Action Plan. As this is to be a key focus of the inquiry, ACPOS seeks the opportunity to provide written comment on the Action Plan once published and would welcome confirmation from the Committee that it will accept this further written submission once available.
Question 4: Do you have information relevant to the misidentification, or otherwise, of fingerprints in what has become known as the Shirley McKie case?

101. The circumstances surrounding the McKie case are well documented in the reports referred to in this submission and summarised herein. ACPOS has nothing further to add.

SUMMARY

102. In recent times, the Scottish Criminal Record Office and the Scottish Fingerprint Service have been the subject of considerable scrutiny from a great many sources. The Parliamentary Inquiry by the Justice 1 Committee provides an opportunity to highlight the significant progress made as a result of a continuous improvement programme of modernising technology and management throughout the organisation.

103. Following on from the HMIC Inspections of the SCRO Fingerprint Bureau and SCRO in 2000, ACPOS initiated a series of strategic reviews which discharged all of the recommendations made by HMIC and those identified as a consequence of the ACPOS reviews. Considerable effort has been expended in ensuring that services offered by SCRO and the SFS operate to internationally recognised standards and many of the practices and procedures now adopted by SCRO and the SFS place them ahead of the rest of the United Kingdom.

104. There are future plans for SCRO and the SFS which will encompass them within a structure for Common Police Services envisaged by the Police Bill, with the SFS becoming an integrated part of the new Scottish Forensic Science Service. ACPOS awaits the proposed Scottish Fingerprint Service Action Plan for Excellence with interest.

105. ACPOS recognises that much good work has already been undertaken by SCRO, positioning it strongly at the forefront of delivering a quality service to the criminal justice community but also recognises that this must be done within a programme of continuous improvement. ACPOS has confidence that, through its current processes, management and organisation, SCRO and the Scottish Fingerprint Service are operating efficiently and effectively.

Chief Constable Sir William Rae
Hon. Secretary
April 2006