

# **JUSTICE 1 COMMITTEE**

Wednesday 22 February 2006

Session 2

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## JUSTICE 1 COMMITTEE

### † 6<sup>th</sup> Meeting 2006, Session 2

#### CONVENER

\*Pauline McNeill (Glasgow Kelvin) (Lab)

#### DEPUTY CONVENER

\*Stewart Stevenson (Banff and Buchan) (SNP)

#### COMMITTEE MEMBERS

\*Marlyn Glen (North East Scotland) (Lab)

Mr Bruce McFee (West of Scotland) (SNP)

\*Margaret Mitchell (Central Scotland) (Con)

\*Mrs Mary Mulligan (Linlithgow) (Lab)

\*Mike Pringle (Edinburgh South) (LD)

#### COMMITTEE SUBSTITUTES

Brian Adam (Aberdeen North) (SNP)

Karen Gillon (Clydesdale) (Lab)

Miss Annabel Goldie (West of Scotland) (Con)

Mr Jim Wallace (Orkney) (LD)

\*attended

#### THE FOLLOWING ALSO ATTENDED:

Margo MacDonald (Lothians) (Ind)

Mr Kenneth Macintosh (Eastwood) (Lab)

Alex Neil (Central Scotland) (SNP)

#### CLERK TO THE COMMITTEE

Callum Thomson

#### SENIOR ASSISTANT CLERK

Douglas Wands

#### ASSISTANT CLERK

Lewis McNaughton

#### LOCATION

Committee Room 6

† 5<sup>th</sup> meeting 2006, Session 2—held in private.



# Scottish Parliament

## Justice 1 Committee

*Wednesday 22 February 2006*

[THE CONVENER *opened the meeting at 10:11*]

## Scottish Criminal Record Office

**The Convener (Pauline McNeill):** Good morning and welcome to the Justice 1 Committee's sixth meeting in 2006. I have received apologies from Bruce McFee. Everyone is in attendance.

Item 1 concerns the Scottish Criminal Record Office. As members know, the agenda has been revised, so I will say a word on why I chose to revise it. The various discussions about the Scottish Criminal Record Office in the past few weeks will not have escaped the notice of anyone present. I believe that there is public concern about that aspect of the criminal justice system and that the committee would fail in its duty if it did not take the opportunity to raise those matters with the Executive. As the Scottish Criminal Record Office is part of the criminal justice system and the committee is responsible for holding the Executive to account on that system, I want to say a few words this morning and give other members the opportunity to express their points of view and to voice concerns. I make it clear that the sub judice rule applies because some cases that have been referred to in the press are continuing. I expect that members are clear on that rule.

I propose that the committee put to the Executive some questions that have arisen in public in the past few days. I make it clear that although I am not proposing that we conduct a parliamentary inquiry, I am not opposed to doing so. The right course of action at this point is for us to ask pertinent questions and to make a decision based on any reply that we receive. For instance, international experts have made allegations about the SCRO that should cause us concern. The SCRO's methods have been questioned when compared with what happens in other countries, so it is important that we know in detail what the Executive has done since 2000 to correct or change structures within that office. We might have read some of that in the press, but it is our duty to ensure that it is on the public record.

I am neither for nor against a parliamentary inquiry but, as others have said recently, none of us should underestimate the magnitude of the issues with which any parliamentary inquiry would be concerned. We would have to be clear what good such an inquiry could do and what its terms

would be. I hope that members will support me in saying that, in fulfilling its duty to hold the Executive to account, the committee should ask questions. I realise that members will have different points of view on how the matter should be addressed and on all aspects of the SCRO, but in this difficult situation it would be helpful to achieve consensus on how we will progress.

I have allocated about 20 minutes to this item. As members know, we hope this morning to sign off our report on the Scottish Commissioner for Human Rights Bill, and I want to ensure that we have time to do that. I do not want to prevent discussion from proceeding, but I must put a clock on it.

Before I open the floor to members of the committee, I welcome other members of the Scottish Parliament to this morning's meeting. We have with us Ken Macintosh, Margo MacDonald and Alex Neil, who are among the members who have been interested in the case. Once we have heard from members of the committee, I will invite them to make short contributions, which I am sure they will want to do. I will time them. I suggest that all members, including those who are not members of the committee, take three minutes in which to speak. If members have proposals or suggestions to make, I would like to hear them.

10:15

**Stewart Stevenson (Banff and Buchan) (SNP):** I want to suggest a few headings under which it may be useful to think about the issue. First, we are probably all clear that the facts, which may touch on the position of the SCRO and cases that are affected by its work, are unclear. Unless and until there is a delineation of those facts, the role of political oversight, as exercised by committees such as this one, will be extremely difficult to fulfil. For that reason, there is a role for an inquiry that seeks to establish the facts on which oversight can subsequently be based.

Like you, convener, I do not believe that there is enough time for a parliamentary committee to undertake that work. Arrangements might be made elsewhere that would change the situation, although I am likely to remain sceptical on that score. That is why my political colleagues and I are likely to continue to support calls for an inquiry in public. I do not necessarily use the term public inquiry, because that is only one option for an inquiry in public. Such an inquiry would almost certainly be judicially led to ensure that the facts would be determined. Parliament will need to return to consideration of oversight at a later date. I make those comments in the context of my not yet having heard from the Minister for Justice, who will speak this afternoon.

Our objective is to restore public and professional confidence in the operation of the SCRO. If we do not achieve that, we will achieve nothing. We seek to support the ends of justice for parties to cases that are not yet closed—and to which I will not refer directly—including professionals, the police, the prosecution service and of course victims for whom justice has not yet been served. It is proper for the committee to put questions to the minister and, once it has received responses, to consider what further action it wishes to take.

**The Convener:** You referred to the statements that Cathy Jamieson and the Lord Advocate will make this afternoon, of which all members are aware. Members also know that we placed this item on our agenda before we became aware that there would be any statements. Obviously, it is an issue that we need to consider further.

**Mike Pringle (Edinburgh South) (LD):** I agree with much that both my colleagues have said. I have no doubt about the professionalism of the staff who work in the Scottish Criminal Record Office. They have a very difficult job and have done their work professionally. We are all elected to Parliament and must therefore take on responsibilities. It is the unanimous view of the Liberal Democrat group that there should be an inquiry and that that inquiry should be conducted by Parliament, which must take on that responsibility. As we have seen, not just in the past few weeks but over a considerable period, there are huge issues relating to the work of the Scottish Criminal Record Office.

It is only right, at this stage, that some work be done by somebody, although I do not underestimate the amount of work that would be involved. If it is done correctly, it will be a large amount of work. I find it difficult to understand how either of the justice committees will have the time to do it, given that they already have heavy workloads. If Parliament decides that one of the justice committees should do the work, that will happen, but it will involve an awful lot of time. People will have to delve into the issues and all of us will need almost to become experts on fingerprints. Whether we have the ability to conduct such an inquiry in a professional manner remains to be seen, but something has to be done. As I said, the unanimous view of the Liberal Democrat group—some might say that that is an unusual thing—is that there should be a parliamentary inquiry.

**Margaret Mitchell (Central Scotland) (Con):** There is no doubt that the reputations of the SCRO, fingerprint evidence and the justice system are at stake. I want to know what the remit of an inquiry by the Scottish Parliament would be. Would it consider merely the changes that have

happened in the SCRO since the McKie case, or would it examine the evidence that is pertinent to that case? In both cases, there is a difficulty of perception. Every parliamentary committee has a built-in Scottish Executive majority, so there is a clear problem with accountability and perception.

For a number of reasons, I favour and call for a full judicial inquiry. I do so for the sake of both the McKies, who have asked for such an inquiry, and members of staff of the fingerprint bureau and the SCRO. I do not believe that it is beyond the wit of our politicians—or whoever is capable of making the decision—to distinguish between the unique set of circumstances that have arisen and anything that is likely to materialise in the future. The circumstances to which I refer include the McKies' call for an independent inquiry, the SCRO's call for an independent inquiry and the complex issues surrounding the Lord Advocate, his position on the Scottish Executive and what was or was not said to, or known by, the Minister for Justice.

**Mrs Mary Mulligan (Linlithgow) (Lab):** The role of the Parliament's justice committees is clear: it is to hold the Scottish Executive to account for the operation of the Scottish justice system. I appreciate that concerns are being voiced publicly about how the justice system operates, so I understand the convener's reasons for putting the item on the agenda for this morning's meeting.

Mike Pringle said that there should be an inquiry, but I will reserve my position on that for the moment. The convener suggested that we should question the Executive about how justice is being administered. I would be interested to hear what line our questions should take, but I agree that we should decide, based on the answers to our questions, whether the committee has a role in holding an inquiry and in looking further into the issues.

I do not want to go any further until I have heard the ministerial statement that will be made this afternoon, and the Executive's response to the committee's questions. However, I recognise that calls are being made for an inquiry and, if the committee has a role in responding to those, I have every confidence that we will take that up.

**Marlyn Glen (North East Scotland) (Lab):** I, too, welcome the convener's decision to put the matter on the committee's agenda to allow not only committee members but other members to express their views on a matter of public concern. I agree with the convener's proposal that the committee should question the Executive.

As Mary Mulligan said, we must listen to the statements that are made this afternoon and to the debate that follows them, but we should also decide now to return to the matter next week or in

the following weeks in order to consider those statements, what is said in the debate and the answers that we receive to our questions.

**The Convener:** All committee members have had the chance to speak. Our visitors now want to say something.

**Alex Neil (Central Scotland) (SNP):** Thank you for giving me the opportunity to speak in the meeting, convener.

My view is straightforward and is shared by Jean McFadden, who is the chair of the Strathclyde joint police board, the staff of the SCRO, as expressed by their union, Unison, and the McKie family. It is also shared by almost all of civic Scotland, although not by some politicians in Parliament. There must be a full scale, wide-ranging, independent and comprehensive judicial public inquiry into all aspects of the McKie case, including the allegations of criminality and cover-up at the SCRO. The inquiry should not only be into those allegations, but must cover the SCRO's role, professionalism and mistakes. The idea that a parliamentary inquiry that is conducted by politicians could examine allegations of criminality and cover-up is absolutely absurd. No inquiry by the Justice 1 Committee or any other committee would be a substitute for a judge sitting in charge of a proper judicial public inquiry in which that judge can call people, call for papers and recommend what action—in respect of criminality or otherwise—should be taken as a result of his or her findings. The view that to deny such an inquiry would represent a total betrayal of the Scottish justice system is widely shared. To suggest that we could not come up with a remit for such an inquiry is a total red herring; in fact, I volunteer to draft a remit for it. The questions that must be answered in such an inquiry are clear.

The SCRO's current position is a separate but related issue. I do not doubt that improvements have resulted from the implementation of recommendations in the report by Her Majesty's inspectorate of constabulary for Scotland about five years ago, but everything in the garden is still far from rosy, particularly with respect to the Glasgow fingerprint bureau. I will give an example. About 18 months ago, there was a case at the High Court in Ayr in which the Crown did not present the Glasgow bureau's fingerprint evidence because the defence had had an independent assessment made of it and it was agreed that it would not stand up in court. Therefore, the problems still exist.

Some recommendations have not been implemented. For example, one recommendation was that each of the four fingerprint bureaux in Scotland should be managed by a fingerprint expert. However, the chap who is currently in charge of the Glasgow bureau is from the Ford

Motor Company—which, to the best of my knowledge, is not in the fingerprint business—the chap who is in charge of the Aberdeen bureau is from the oil industry, the person in Dundee is from the Post Office and the person in Edinburgh is from the Royal Air Force. It is absurd to say that the SCRO is currently entirely free of problems. However, that is my view and is not the crux of the issue. The crux is the questions that must be properly examined and answered as a result of the McKie case. If the Executive does not announce a public inquiry this afternoon, it will come to regret not doing so because public pressure will force a public inquiry sooner or later.

**The Convener:** Thank you. You finished bang on time.

**Mr Kenneth Macintosh (Eastwood) (Lab):** I thank you for putting the matter on the agenda, convener, and for allowing us to take part in the meeting. I am encouraged by the remarks that committee members have made and by their willingness to look into the matter, which is clearly of great concern.

I will explain my position: I represent three of the fingerprint officers who made the original identifications in the Shirley McKie case and I have known about their concerns for several years. I wrote to the convener on Monday—yesterday, I gave her a hard copy of the correspondence—calling for a parliamentary inquiry, because only an inquiry in public will resolve my concerns about the matter. I do not know whether they would be fully resolved, but an inquiry in public would certainly begin to address them and a parliamentary inquiry would be well placed to do that.

10:30

All four of the officers, three of whom are constituents of mine, have been very badly served over the piece. I will not go into the terms of the case, but the officers initially thought that their employer or the Executive would defend their interests. In fact, they were named initially in the case that the McKies brought against the Executive. Their names were dropped last year, but they continued to think that the Executive would protect their interests, which clearly has not happened. The officers do not agree with the terms of the settlement and, furthermore, they feel that they have for the past few years been on trial in the media but have never had the chance to state their case in any fair or public forum. They were looking forward very much to their day in court so that they could refute on oath in that public forum everything that has been said about them. However, the assertions that have been made keep being repeated and the officers do not have the chance to refute them. Alex Neil has

made further assertions—totally unsubstantiated allegations—this morning.

I worry that an inquiry would put people on trial; it would be unfair to put the fingerprint bureaux on trial in that way, but it would at least give my constituents a chance to state their case in a fair forum—I trust parliamentary inquiries to be fair—and for the record in a way that would not be open to interpretation. We would be able to hear their version of what happened and their honesty and integrity could be seen and tested for what it is.

I welcome the convener's suggestion that, as a first step—after the parliamentary statement today—the committee should write to the Executive. The committee should write to all the individuals who are involved in the case. I would welcome the committee's writing to the fingerprint bureaux, to my constituents—through me or directly—and to all the other so-called experts who have been quoted in the case. I specifically suggest that the committee write to Peter Swann who was initially instructed by the McKies as an independent expert and who confirmed my constituents' identifications. All those people, the police and the Crown Office should be asked for their opinions. Once the committee has that written evidence before it, it will be able to decide how best to proceed.

My constituents would welcome the chance to speak to the committee and to present their case to it. I, too, would welcome that.

**Alex Neil:** Convener, can I make a point of order?

**The Convener:** No, you cannot.

**Alex Neil:** On a point of order, convener.

**The Convener:** It had better be one.

**Alex Neil:** It is. Kenneth Macintosh said that I made "unsubstantiated allegations."

**Mr Macintosh:** I said "assertions".

**Alex Neil:** I have made no assertions or allegations that cannot be substantiated.

**The Convener:** Okay—leave it at that.

**Margo MacDonald (Lothians) (Ind):** Convener, I congratulate you on having put the item on the agenda timeously. Parliament's business should reflect what is going on outside its walls; people are talking about the matter, are asking questions about it and would prefer to have some answers.

I agree that the next logical step is to wait and see what comes out of this afternoon's statement, but I disagree profoundly with the way in which the statement will be delivered. It covers two separate areas of responsibility—the Lord Advocate's and that of the Minister for Justice—and it is

unsatisfactory that they will be rolled up in one package and that we will be expected to question both ministers under the same umbrella. That said, valuable information might well emerge.

There are two strands to this matter, the first of which is the necessity for justice to be seen to be done. It might well be that justice has been done—very belatedly—in Shirley McKie's case. However, I do not know whether that is true, because I cannot see any of the workings. How was the settlement reached? Why was it set at that level? We can ask a great number of questions about the matter. I do not know whether doing so would require a full judicial review or public inquiry, but I do know that if Parliament is minded to take on the job, it need not be undertaken by one or both of the justice committees. A special ad hoc committee could be set up. We could also decide whether that committee should be d'Hondted—in other words, whether the Executive should have an in-built majority on it. I think that such a committee's membership should be decided by drawing names out of a hat.

One element that greatly interests me is the light that the case has thrown on the institutional and operational aspects of our justice system. Aside from the damage that has been done to the McKie family, the most distressing thing about the case is the potential damage that has been done to the perceived probity and reputation of our justice system. As a result, I would like an investigation—preferably held in public—into how the various parts of our justice system are locking together. If any investigation into the SCRO concludes that its service is satisfactory, we should examine the changes that have been made. That would tell us whether the service had, at one point, been unsatisfactory, which might give us some clues about some of the other historical questions that we are asking.

We should not necessarily have only one inquiry, because two areas need to be examined: the case of Shirley McKie and the way in which our justice system has been called into question. For example, should the Lord Advocate be a member of the Government? Lord McCluskey and Lord Mackay of Clashfern—both eminent people who are accepted as objective observers who have the best interests of Scots law at heart—have recently raised such questions. I suggest that the committee might hear from them on the subject, because their evidence would inform the investigations that would be undertaken by whatever committee.

Much of what we want to investigate and discuss is esoteric, but we must not forget that Parliament will also be brought into disrepute if we do not get this right. After all, people outside Parliament are aware of what is going on.



**The Convener:** I thank members for sticking to their allotted time.

I want to wind this up and draw some conclusions—if there are any to draw. First, though, I wonder whether Alex Neil can tell us where the recommendations that he referred to came from.

**Alex Neil:** They are from the report on the SCRO that the Executive commissioned.

**The Convener:** The report by Her Majesty's inspectorate of constabulary for Scotland?

**Alex Neil:** Yes.

**The Convener:** I should also have said at the outset that Ken Macintosh wrote me a letter, which I received yesterday. I thought that an electronic copy of the letter was to follow, which is why it was not circulated to members. However, I think that he has made his position quite clear to everyone.

I do not think that anyone has dissented from my suggestion that we ask the Executive certain questions. Are members happy with that proposal?

**Members indicated agreement.**

**The Convener:** The next step is to agree which questions to ask. I will summarise my own concerns and add one or two that I have heard from members.

One is that there have been a variety of allegations from other experts about the SCRO. Then there is the question of the methods employed by the SCRO compared with those used in other developed countries. There is also the question of the changes that have been made since 2000. Although some of them have already been spoken about, we should have details of them. We must also ask about the point made by Alex Neil, on the recommendations from HMIC and whether they have all been implemented. He suggests that they have not. I cannot think of any other obvious questions. I think that those questions cover our main concerns. By way of introduction, we will explain that we are fulfilling our role in holding the Executive to account.

**Stewart Stevenson:** On the specific questions that we may choose to address to the minister, I suggest that we ask her what steps she, or the Executive, will take to determine the facts that touch on the operation and recent history of the SCRO. That goes to the core of the issue. I do not think that that question would box the minister into any particular answer, although I have made clear what I think the answer should be, and others have expressed their views about that.

Secondly, it would be proper for us to consider asking the minister what steps she would take to ensure that a peer review of the operation of the

SCRO is undertaken, to re-establish confidence in the service or establish whether more needs to be done.

Those are two specific questions that the committee can reasonably ask. I anticipate that they may be touched on during this afternoon's parliamentary proceedings. However, we cannot do anything about what will happen in future. Colleagues may have other suggestions.

**The Convener:** Those were helpful suggestions. On your second suggestion, could we phrase the question so that it reads “for example, a peer review”?

**Stewart Stevenson:** My preference is for the term “peer review”. I used the term because it involves an external review by other professionals in the field. We had the inspector's oversight of the service in 2000, which I have read, as others may have done. Asking for a peer review should not exclude other forms of review. However, we should not limit our questions to the two that I suggested. I am just homing in on them as I have a particular interest in them.

**The Convener:** I am happy to accept your suggestion if we are asking whether a peer review will be considered as one of the options.

**Alex Neil:** I referred to the recent case in Ayr, where there appears to be an on-going problem with the reliability of the evidence. That it has been publicly documented by the defence counsel highlights the fact that all is still not well with the reliability of evidence from the SCRO.

There has been a very public row between the Glasgow and Aberdeen fingerprint bureaux. It is not quite right to treat the SCRO as one homogenous unit. The Aberdeen bureau—as well as the Lothians bureau—has clearly stated that the Glasgow bureau got it absolutely wrong in the Shirley McKie case. There is public conflict between the various fingerprint bureaux on the Shirley McKie evidence.

**Margo MacDonald:** That was one of the questions that I had in mind.

**The Convener:** Alex, what question are you suggesting needs to be asked?

**Alex Neil:** There is something far wrong when the Aberdeen and Lothian bureaux say—the Aberdeen bureau has said this publicly—that the Glasgow bureau got the Shirley McKie matter entirely wrong. The question is: what is the difference between the Glasgow bureau and the Aberdeen and Lothian bureaux?

10:45

**The Convener:** I am not proposing to make any determination about how the SCRO is structured. I

know very little about that. I am just using the SCRO as a term that everyone understands.

**Alex Neil:** It is not a structural question. A public, open letter was written to Lord Cullen, which raised a range of issues. You need to circulate that to the committee, because I am sure that loads of questions would arise from it that you would want to ask the Executive.

**The Convener:** Such questions will arise. However, at the moment I am trying to draw up preliminary questions to which we can get answers. In the light of the statements that are to be made this afternoon and the replies that we will get, we might have more questions to ask along the lines that you suggest. I am not seeking to draw up an extensive list of every question that arises at the moment, but I am sure that the committee will not be slow to act if other questions arise from the replies that we get.

**Margaret Mitchell:** I seek an assurance that, should the committee deem any information necessary for its inquiry, there would be absolutely no barrier to its receiving it. The matter should be put in context. Although we welcome the opportunity to look into the SCRO, that is not a substitute for the judicial inquiry that needs to be undertaken to establish properly what took place, to restore confidence in both the fingerprint unit and the criminal justice system and to protect the reputation of the Parliament.

**The Convener:** I agree whole-heartedly that anything that we do as a committee is not a substitute for anything else or an attempt to circumvent any other decision. If there was work for us to do, it would not matter to me if three inquiries were running. We have to stand our ground. If there are parliamentary issues to consider, we should deal with them, regardless of whatever else is going on. I am happy to make that point at the beginning of the letter.

**Margaret Mitchell:** That would be helpful.

**Margo MacDonald:** With respect, convener, that is what I was trying to imply. If the committee becomes acquainted with the changes that have been made to the SCRO, it might be able to compare and contrast the situation now to what it was previously. You could ask why particular changes were made and evaluate whether they stand up. I presume that the only way that you can do that is to consider the SCRO's record in court cases, which makes Alex Neil's question about the case in Ayr relevant, and get international comparisons. We cannot expect the Executive to have those answers to hand, but they are the only things that would allow us to get some sort of perspective on the situation.

It is difficult for us to discuss the operation of our criminal justice system in isolation from the McKie

case, but I think that we have to do so. We have to ensure that justice is seen to be done in the case of Shirley McKie and understand the settlement, but we also have to consider the bigger picture. There might be two different mechanisms for doing that. Whatever we do should be done in public.

**The Convener:** Yes. I am sure that members of the committee would agree that any reply that we get from the Executive will be shared with the Justice 2 Committee, because it also has a remit in this area, and other members with an interest.

**Mrs Mulligan:** Stewart Stevenson's suggestions about getting an overall picture were helpful. I am sure that Alex Neil was trying to be helpful in suggesting that we consider an individual case. However, asking a general question will provide examples along the way. Margo MacDonald is correct to say that we cannot consider the experience of the SCRO without considering how different cases impact on it. However, I would not want to be prescriptive at this stage, which is why Stewart Stevenson's initial question—to determine the facts of the operation—is more helpful.

I say to Margaret Mitchell—and I said this earlier—that this committee should not, at this stage, say whether there should be an inquiry, of whatever type. The committee's role is clear: we will ask questions and only then decide whether we should hold a committee inquiry. She will have an opportunity this afternoon if she wants to say that a public inquiry is required, but this committee should not make such a decision at this stage.

**Mike Pringle:** I was going to say something similar to what Mary Mulligan has just said.

It would be wrong of us to examine individual cases. Alex Neil may be right to say that a mistake occurred in Ayr, but that would be only one mistake. Are we to examine every case, to find out how often fingerprint evidence from the Scottish Criminal Record Office proved to be right?

As we all know, anybody in the justice system can make mistakes. Judges make mistakes and juries make mistakes, and the justice system must try to correct those mistakes. We all know of people who have been convicted of crimes but who have later been pardoned. None of us is infallible; we can all make mistakes. We should therefore accept that a fingerprint expert, in what is perhaps not an exact science, can make a mistake.

If we examine one or two cases in which mistakes were made, we should surely examine all the statistics to find all the cases in which evidence has been crucial in securing a conviction. Was there a mistake in one in 500 cases, or in one in 10,000 cases? How far would we go if we followed such a line of examination?

We should accept Stewart Stevenson's suggestion of considering the general principles; we should not start examining individual cases.

As I said earlier, however any future review is conducted, it will entail a huge amount of work. If we started examining individual cases, and hearing evidence on them, that work would be doubled.

**The Convener:** I want to draw our discussion to a close. Do members wish to add anything new?

**Members:** No.

**The Convener:** Do members agree that my suggestions and Stewart Stevenson's suggestions are the key points? Shall I go through them again?

**Mr Macintosh:** I am obviously delighted at the steps that we are taking, but I am slightly concerned that Alex Neil's questions were based on the assumption that something is wrong with the SCRO. We could look at this differently: we could start from the assumption that—although there has been a disputed fingerprint—the SCRO is still the body that it has always been, and is still providing professional opinion on fingerprints that is used as valid evidence in court. If we start from that position, it will be useful to ask the fingerprint officers to present their opinion of what has happened at the SCRO. Those officers are at the heart of this and their views will be invaluable to the committee.

**The Convener:** At this stage, I do not want to go any further than asking questions. I hear what you say about giving a forum to people who feel that their views should be presented, and I am not shutting down that option. I just want to ask some basic questions—I do not want to shut any doors. That would not close down the option of a parliamentary inquiry, and it says nothing for or against a public inquiry. However, we should operate independently and get answers to questions.

By the time that we receive a reply from the Executive, and by the time that we hear this afternoon's statements, things may have changed. As has been suggested, members will be able to present their views in other forums.

We will circulate a draft letter to members to ensure that we are all happy with its wording. The letter may be pre-empted by this afternoon's statements, but I would still insist that it be sent. The reply may be exactly the same as the reply given to Parliament this afternoon, but there is a demarcation and an important difference between a reply to members in the chamber and a reply to members of this committee. Once we have received our reply, we will be able to ask further questions of the Executive if we wish. As I have said, whatever responses we receive will be shared with all interested parties.

I thank everyone for coming along this morning and focusing so directly on this complex issue.

**Alex Neil:** Thank you.

**Margo MacDonald:** Thank you.

**The Convener:** The committee will now move into private session. I hope that we can sign off our report on the Scottish Commissioner for Human Rights Bill.

10:55

*Meeting continued in private until 12.50.*



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**Wednesday 1 March 2006**

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