

TRANSCRIPT OF THE INQUIRY

Friday, 17 June 2022

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(10.00 am)

LORD BRACADALE: Now, Ms Grahame, who is the first witness today?

MS GRAHAME: The first witness is Judith --

LORD BRACADALE: Sorry.

MS GRAHAME: Oh, sorry.

MS MITCHELL: My Lord, I just want to point out that we can't get into the network for wi-fi which means we won't be able to get the transcript of things as the witness is speaking. I don't know why (inaudible - mic turned off).

LORD BRACADALE: Is that a difficulty that everybody is having? Some people are all right. Look, I will just adjourn briefly to see if you can sort that out.

(10.01 am)

(Short Break)

(10.04 am)

LORD BRACADALE: Right. Now, Ms Grahame.

MS GRAHAME: The first witness is Judith Harley and she will be taken by my learned junior.

LORD BRACADALE: Thank you.

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1 Good morning, Ms Harley. Will you take the oath?

2 A. Yes, please.

3 LORD BRACADALE: If you raise your hand and say the words

4 after me.

5 MS JUDITH HARLEY (sworn)

6 LORD BRACADALE: Ms Thomson.

7 Questions from MS THOMSON

8 MS THOMSON: Good morning.

9 A. Morning.

10 Q. What is your full name, please?

11 A. Judith Anne Harley.

12 Q. How old are you, Ms Harley?

13 A. 36.

14 Q. I understand that you are a scene examiner with the

15 Scottish Police Authority?

16 A. That's correct, yes.

17 Q. You have held this role for some 18 years?

18 A. Yes, I have, yes.

19 Q. And does your role involve taking photographs?

20 A. It does, yes.

21 Q. There should be a black folder in front of you,

22 Ms Harley, and if you open that up you should find

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1 within it a statement that you gave to a member of the
2 Inquiry team. This has reference 112 and this is
3 a statement that you gave on 7 April of this year. We
4 see the date at the top of the statement there and we
5 see that it is your statement, and if we could scroll
6 down, please, to paragraph 32, we see that it concludes
7 with the words:

8 "I believe the facts stated in this witness
9 statement are true. I understand that this statement
10 may form part of the evidence before the Inquiry and be
11 published on the Inquiry's website."

12 A. Yes.

13 Q. And if we scroll a little bit further down, do we see
14 that it was signed by you on 16 May 2022?

15 A. Yes.

16 Q. Your signature has been redacted on the public copy, but
17 I think your signature should be on the hard copy in
18 front of you?

19 A. It is, yes.

20 Q. Grand. And when you gave that statement to the Inquiry
21 did you tell the truth and do your best to be as
22 complete and accurate as you could be?

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1 A. I did, yes.

2 Q. I want to ask you some questions about photographing
3 injuries. Who instructs you to photograph a person's
4 injuries?

5 A. It depends on the situation. It will either be the
6 inquiry officer, or occasionally there will be a senior
7 investigating officer will ask us.

8 Q. An inquiry officer and senior investigating officer,
9 these are both police roles that are held by constables
10 or senior officers within the force, is that correct?

11 A. Yes, that's correct, yes.

12 Q. So one way or another, the instructions would come via
13 Police Scotland to the Scottish Police Authority, or
14 I think SPA for short, and so it would be the police who
15 would ultimately instruct that photographs be taken in
16 any case, is that correct?

17 A. Yes.

18 Q. And where do photographs tend to be taken if you're
19 photographing injuries?

20 A. As in the location? Sorry.

21 Q. Yes, as in location.

22 A. Either at a forensic medical examination with a doctor

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1 present, at a home address, or in a police station, or
2 an address agreed with the person being photographed.

3 Q. Am I correct to understand that you don't yourself have
4 any medical qualifications?

5 A. No, I do not.

6 Q. So how do you decide which parts of the body to
7 photograph when you're photographing injuries?

8 A. We are largely guided by the person we are
9 photographing. We ask them to direct us with whatever
10 they feel is an area of significance.

11 Q. If we can call up your Inquiry statement please and look
12 at paragraph 6. In your Inquiry statement you said:

13 "A lot of the time injuries are guided by the people
14 we photograph because we are not trained medical
15 professionals. So basically I will say to a person:
16 'what injuries do you want to disclose to us?' and 'are
17 you happy for these to be photographed?' Then we take
18 the photographs."

19 And is that essentially what you told us a moment
20 ago, that you will be guided by the person?

21 A. Yes.

22 Q. And if we scroll down to paragraph 7, please:

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1 "If the injured party discloses an area of their
2 body which they believe is injured, as per SOP ..."

3 Is that statement of practice?

4 A. Standard operating procedure.

5 Q. Standard operating procedure, I beg your pardon:

6 "... we would photograph the area. The exceptions
7 potentially being when taking pictures under the
8 direction of medical professionals during medical
9 examinations and post-mortems. Even if they point to
10 something and we can't see anything, we still take the
11 picture, because they are disclosing that it is there.
12 That is for everybody, custodies, people outwith. The
13 only exceptions to this are when we are in forensic
14 medical examinations with a doctor present. Photographs
15 are then guided by the doctor. And post mortem
16 photographs are guided by the pathologist because they
17 know what they want to see."

18 So should we understand then that if a person tells
19 you that they have an injury that you can't see, you
20 would still take a photograph of that part of the body?

21 A. Yes.

22 Q. You mention there the SOP, standard operating procedure.

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1 I wonder if we can have a look at that. It is reference
2 SPA 82. So we see that this has the title "Forensic
3 Services -- Scottish Police Authority" and beneath that
4 "Photography" and an approved date of 27 March 2015, so
5 it would have been in force in May 2015, this particular
6 SOP?

7 A. This version, yes.

8 Q. "Details of Amendment. New SOP".

9 So this appears to be the SOP that relates to
10 photography and if we could scroll down please to
11 chapter 7.6 which has the heading "Injury Photography",
12 so not all of the paragraphs are relevant, but do we see
13 that the chapter heading there is "Injury Photography"?

14 A. Yes.

15 Q. And if we scroll down to 7.6.6 please, it states:

16 "A facial view of the subject should be taken as
17 a means of identification regardless if subject has
18 facial injuries or not."

19 What's the purpose of that?

20 A. It's so that the identification of the person we're
21 photographing is clear because if we take photographs of
22 other parts of the body then you won't be able to see

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1 the face at that point.

2 Q. So it's to identify the subject of the photographs.

3 At 7.6.7, the SOP reads:

4 "A general view should be taken to show the position
5 of the injury in relation to an easily identifiable part
6 of the body where possible. It is good practice to work
7 in a systematic way recording injuries from the head
8 down whenever possible."

9 Is that the way that you work yourself, recording
10 injuries from top-to-toe?

11 A. Yes, generally, yes.

12 Q. And at 7.6.12, please:

13 "In cases where a complaint has been made against
14 the police alleging violence towards the subject then
15 any area indicated by the complainer as an area that had
16 sustained an injury should be photographed, regardless
17 of whether an injury is visible or not. The same
18 procedures apply when these injuries are in an intimate
19 body area. Another instance is where an area with no
20 apparent visible injury present would be photographed is
21 where direction to that effect is received from an FME."

22 So this particular paragraph -- if we can scroll up

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1 again a little bit, please -- relates to cases where
2 a complaint has been made against the police alleging
3 violence towards a person and it goes on to say, if we
4 can scroll down, please, that in that particular
5 circumstance, an injury should be photographed whether
6 or not the injury is visible where the complainer says
7 they have been injured.

8 So the SOP appears to relate that requirement to
9 cases where there has been an allegation of police
10 assault, but should we understand from what you said
11 earlier in your evidence, and indeed in your Inquiry
12 statement, that in all cases when you're photographing
13 injuries, if a person tells you they have an injury on
14 a particular part of their body, you will photograph
15 that body part irrespective of whether the injury is
16 visible?

17 A. As per now, yes, we do, as per this SOP. It may have
18 been different at that point.

19 Q. Right. So what was your practice back in 2015?

20 A. We would generally follow the standard operating
21 procedure at that point.

22 Q. Right. And this particular standard operating procedure

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1 refers to the requirement to photograph non-visible
2 injuries in a case of alleged police assault, but should
3 we understand that you would also have done that in
4 other cases that didn't involve an allegation of assault
5 by the police?

6 A. Generally, yes, but as I say, we would be guided by the
7 standard operating procedure at that point and it was
8 quite some time ago, so ...

9 Q. It was seven years ago.

10 A. Yes.

11 Q. And I think you said in your statement too, if we can go
12 back to your statement, at paragraph 6, and
13 paragraph 7 -- so this is the evidence that you gave to
14 the Inquiry in written form, that you would be guided by
15 the person who had been injured, and at paragraph 7,
16 that if they point to something that you can't see, you
17 will still take the picture because the person is
18 disclosing that an injury was present, is that right?

19 A. Yes.

20 Q. And would that have been your practice back in 2015?

21 A. I would have thought so.

22 Q. All right. Why would it be important for you to take

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1 a photograph of a body part if a person told you that
2 body part had been injured and there was no visible
3 injury?

4 A. I'm not a medical professional, so I can't say whether
5 there is an injury there or not, so largely they can be
6 determined at a later date, if required.

7 Q. Ms Harley, do you keep notes relating to the
8 instructions that you received to take photographs of
9 injuries?

10 A. Yes.

11 Q. And what sort of information do you record?

12 A. We will generally record who we're photographing, when,
13 where and what we have photographed.

14 Q. I would like to ask you some questions now about
15 photographs that you took of a former police constable,
16 Nicole Short, who was a constable back in May of 2015
17 and I understand that you took photographs of her on 3
18 and 8 May of 2015.

19 I wonder if we might firstly discuss the photographs
20 that were taken on 3 May and if we could do this by
21 reference to your Inquiry statement at paragraph 19. It
22 would appear that when you gave the statement you had

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1 your notes in front of you. I don't have those,
2 Ms Harley, but they have been copied verbatim into your
3 statement and you say at paragraph 19:

4 "I have read my notes and I can confirm 'At
5 1750 hours, 3 May 2015, I, accompanied by DC Grady,
6 attended Kirkcaldy Police Station to photograph injuries
7 to Nicole Short'."

8 Do you recall who asked you to take photographs on
9 that occasion?

10 A. I could only guess at this point, if I'm honest.

11 Q. Well, I won't ask you to guess. It may not be of any
12 importance. You say in paragraph 19 that you went to
13 the police station to do that and you were accompanied
14 by DC Grady. And if we turn to paragraph 20 it reads:

15 "I have been asked if I remember what it was that
16 I was photographing or what I saw. I don't recall.
17 I genuinely can't remember. I would always photograph
18 the face because that is the ID photograph, we always
19 take that prior, but anything else would have been
20 guided by Nicole Short."

21 Does that tie in very much with what you told us
22 earlier, that there will always be an ID photograph and

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1 that you will be guided by the person who you are
2 photographing in terms of what body parts to photograph?

3 A. Yes, that's correct.

4 Q. I would like to show you now the photographs that were
5 taken on 3 May 2015. I appreciate that these weren't to
6 hand at the point in time that you gave your Inquiry
7 statement, so you might not have seen them recently, but
8 they are SPA 6. Now, this is a book of 42 photographs
9 and it begins on photographs 1 and 2 with facial views
10 of Nicole Short. Is she familiar to you? Do you recall
11 this lady at all?

12 A. Yes.

13 Q. What I would like to do is scroll through the
14 photographs very quickly, just so we can see what body
15 parts have been photographed and what photos are in the
16 book. So 1 and 2 I think are photographs of the face.
17 3 to 8, the back of the neck. 9 to 17 are photographs
18 of her hands. 18 to 22 are photographs of her elbows
19 and the remaining photographs 23 to 42 are photographs
20 of her knees.

21 Do you recall taking these photographs?

22 A. Vaguely.

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1 Q. Vaguely. So we have flicked through them very quickly.
2 It's a book of 42 photographs and there are images of
3 the face, back of the neck, hands, elbows and knees. So
4 there weren't any photographs there of Nicole Short's
5 back or the side of her torso. Can you explain why not?
6 A. I can only assume it was never disclosed as being
7 somewhere that was relevant to photograph at that point.
8 Q. And by relevant to photograph, what do you mean by that?
9 A. As in guided as that's somewhere that we would be asked
10 to photograph by the person being photographed.
11 Q. And you would be asked to photograph it on the basis
12 that...?
13 A. If they felt that there was something there to
14 photograph.
15 Q. Did you make any notes in relation to these photographs
16 at all beyond the notes that were copied into your
17 Inquiry statement?
18 A. I can't recall, genuinely.
19 Q. I would like to show you Constable Grady's notebook
20 entry. He was the officer that accompanied you when you
21 took the photographs. It is PS 3171, please, and if we
22 can go down to page 2, please -- sorry, I think page 2

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1 of the notebook, so it might be page 3 of the PDF. It's
2 the entry at 17.50 in the margin. Do you see that,
3 Ms Harley?

4 A. Yes.

5 Q. "Present when PC Nicole Short had injuries photographed
6 by ..."

7 Can you read that, what follows?

8 A. It looks like SEB, which will be Scene Examination
9 Branch.

10 Q. I see, okay:

11 "Present when PC Nicole Short had injuries
12 photographed by [Scene Examination Branch]
13 Judith Harley. Slight redness back of neck. Elbows.
14 Palms. Scuff - redness both knees."

15 So that's his notebook entry and I appreciate you're
16 not medically qualified, but does that entry appear to
17 relate to the book of photographs that we have just
18 looked at?

19 A. It would appear to, yes.

20 Q. Can we turn now to the photographs that were taken on
21 8 May and if we look at your Inquiry statement again
22 please at paragraph 21. Again, you're reading from your

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1 own notes here and you say:

2 "At 1130 hours on 8 May 2015, I attended at her home
3 address to photograph injuries to Nicole Short ... these
4 were further photographs and previous photographs were
5 taken by myself."

6 Who instructed you to take these further
7 photographs?

8 A. As far as I'm aware, it was PIRC, the PIRC inquiry.

9 Q. What was the purpose of taking more photographs?

10 A. A revisit for photography can be carried out for
11 a variety of reasons. Sometimes if photographs are
12 taken very close to an event, we will re-attend and take
13 photographs further down the line just to ensure that
14 everything has been captured which was required to be
15 captured.

16 Q. And was the reason for the requirement to take a further
17 set of photographs shared with you on this occasion?

18 A. I can't recall, if I'm honest.

19 Q. Let's look at the photographs. They are SPA 5. Again,
20 I appreciate that these were not available when you gave
21 your Inquiry statement, you might not have seen them
22 recently. It's a smaller book of photographs: there are

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1 17 photographs in this book.

2 Again, do we see that you have begun with an

3 identification photograph showing Nicole Short's face?

4 A. Yes.

5 Q. If we scroll through the photos again, please. 2 to 10

6 show her elbows. 11 to 14, her knees. And 15 to 17 her

7 hands. So face, elbows, knees and hands. Again, there

8 are no photographs of her back or the side of her torso.

9 Can you help us to understand why?

10 A. I can only assume it was never asked for or requested

11 again.

12 Q. When you say "Asked for or requested again", do you mean

13 by the PIRC or by Nicole Short?

14 A. Both.

15 Q. Both. Did you make any further notes in relation to

16 these photographs?

17 A. I can't recall.

18 Q. You can't recall. Now, if Nicole Short had complained

19 of pain or tenderness to her back or her side on 3 May

20 or 8 May, would you have photographed the painful area?

21 A. Generally. As per guidance now, yes; as per guidance in

22 2015, I can't recall whether that was standard procedure

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1 or not.

2 Q. All right, but should we understand that if Nicole Short
3 had complained to you that she had pain or tenderness on
4 her back or the side of her torso, would it be more or
5 less likely that you would have taken a photograph of
6 that part of her body?

7 A. Generally, yes.

8 MS THOMSON: Bear with me just a second, please.

9 (Pause).

10 I have no further questions, Ms Harley, thank you.

11 LORD BRACADALE: Are there any Rule 9 applications? No.

12 Well, thank you very much, Ms Harley, for coming to
13 give evidence to the Inquiry. I will be rising briefly
14 to allow the next witness to be brought in and you will
15 be free to go.

16 A. Thank you.

17 (10.25 am)

18 (Short Break)

19 (10.30 am)

20 LORD BRACADALE: Now, Ms Grahame.

21 MS GRAHAME: The next witness is Laura MacPhie and she will
22 also be taken by my learned junior.

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1 LORD BRACADALE: Thank you. Good morning, Ms MacPhie.

2 A. Good morning.

3 LORD BRACADALE: I understand you will take the affirmation,
4 so would you say the words after me.

5 MS LAURA MACPHIE (affirmed)

6 LORD BRACADALE: Ms Thomson.

7 Questions from MS THOMSON

8 MS THOMSON: What is your full name, please?

9 A. My name is Laura MacPhie.

10 Q. How old are you?

11 A. I'm 53.

12 Q. Am I right to understand that you work for the Scottish
13 Police Authority or SPA?

14 A. Yes, I do.

15 Q. And that you work within the Mark Enhancement
16 Laboratory?

17 A. That's correct.

18 Q. As a mark enhancement recovery officer?

19 A. Yes.

20 Q. Before I ask you any questions, I want to make sure
21 you've got everything you might need today. If you
22 wouldn't mind opening up that black folder, you should

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1 find within it a copy of the statement that you gave to
2 a member of the Inquiry team on 21 April of this year.
3 It has reference 111. It is coming up on the screen in
4 front of us just now as well. Is that your statement?

5 A. That's correct.

6 Q. And do we see that you gave the statement on 21 April
7 and if we scroll to the very bottom, paragraph 36, that
8 it concludes with the words:

9 "I believe that the facts stated in this witness
10 statement are true. I understand that this statement
11 may form part of the evidence before the Inquiry and be
12 published on the Inquiry's website."

13 Do you see that?

14 A. Yes, I do.

15 Q. So when you gave the statement, did you tell the truth
16 and do your best to be as complete and accurate as you
17 could be?

18 A. I did.

19 Q. Do we see that you signed the statement on 16 May?

20 A. I did.

21 Q. The copy available on the screen publicly has had your
22 signature redacted, but did you see your signature on in

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1 fact every page of the hard copy that's in the folder in
2 front of you?

3 A. I did.

4 Q. I want to begin by asking you a little bit about your
5 qualifications and experience and if we can turn to
6 paragraph 7 of your Inquiry statement -- sorry, if we
7 refer up to paragraph 5, firstly, paragraphs 4 and 5,
8 you explain that in your current role as a mark
9 enhancement recovery officer -- you have been in that
10 role for the past 10 years?

11 A. Yes.

12 Q. But before that you were a qualified fingerprint expert.

13 A. Yes.

14 Q. And you were in that role for 10 years too?

15 A. Yes.

16 Q. So you've got more than 20 years' service --

17 A. Yes.

18 Q. -- with the SPA. At paragraph 7 you explain that the
19 training to become a fingerprint expert is generally put
20 on par with a degree course because it tends to last
21 maybe three to four years and you explain there are
22 significant exams and job-based training courses and

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- 1 examinations that you undertake both in terms of
2 practical skills and the theory, is that right?
- 3 A. Yes.
- 4 Q. So did you do that at the beginning of your time with
5 the SPA or prior to your time with the SPA?
- 6 A. I did that at the beginning of my time with SPA when my
7 first role was a tenprint identification officer and
8 then a finger -- a trainee fingerprint expert and that
9 would be the point where I undertook the training
10 course, sat the exams and was authorised as
11 a fingerprint expert.
- 12 Q. And in total you were 10 years focused exclusively on
13 fingerprints --
- 14 A. Yes.
- 15 Q. -- before moving into your current role?
- 16 A. Yes.
- 17 Q. And at paragraph 6 you explain that you have taken what
18 is known as the forensic laboratory officer course and
19 examination at the College of Policing and that
20 qualifies you to do the job that you do. So can you
21 tell us a little more about what that course involved?
- 22 A. The course involved -- it was a residential course where

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1 we undertook a series of lectures and practical
2 exercises involving the comparison -- sorry, the
3 examination and assessment of articles that have been
4 seized from crime scenes for the purposes of fingerprint
5 recovery from them and although it's often regarded as
6 a fingerprint-specific role, there are also significant
7 emphasis put on the awareness of being able to always
8 look for trace evidence and the availability of DNA, so
9 although we may be regarded as the people who generate
10 the fingerprints in a case, we are also always alert to
11 the presence of other kinds of evidence.

12 Q. So did this particular course build on your existing
13 skills and qualifications and experience?

14 A. Yes. As a fingerprint expert you learn a bit and you do
15 some practical shadowing for a short period of time in
16 the lab for the development and recovery of
17 fingerprints, but the forensic laboratory officer course
18 is specifically geared towards developing the ability to
19 be able to recover fingerprints from items, so yes, it
20 built on a specific area of the previous fingerprint
21 work.

22 Q. How long did this residential course last?

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1 A. It was two weeks long.

2 Q. When did you do this?

3 A. In 2013, I think -- yes, 2013.

4 Q. So roughly on the cusp of you moving from being
5 a fingerprints officer to a forensic laboratory officer?

6 A. Yes.

7 Q. So you have had about ten years focused on fingerprints
8 and ten years in this more expansive role. Can you help
9 me to understand -- because I think both roles involve
10 fingerprints -- the difference between your first role
11 as a fingerprint expert and your current role as a mark
12 enhancement recovery officer?

13 A. Certainly. A fingerprint expert, their role is to take
14 the fingerprints that are effectively recovered by the
15 people doing what I do now and they then carry out
16 fingerprint comparisons against fingerprint forms that
17 are taken from individuals in order to be able to arrive
18 at a decision of identity or non-identity.

19 I'm now at the kind of front end of that process
20 where I'm now assessing and examining the items in order
21 to recover those fingerprints that I then photograph and
22 then move on to the fingerprint experts for them to be

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1 able to carry out their comparisons.

2 Q. Thank you. I want to ask you some questions now about

3 the Mark Enhancement Laboratory where you work within

4 the SPA. What does the Mark Enhancement Laboratory do?

5 A. It serves, effectively, as an evidence recovery supplier

6 for productions that come in from crime scenes and the

7 MERO staff, mark enhancement recovery staff, will taken

8 items and examine the request that has come in with them

9 which may be from the Crown Office or from the police,

10 and examine the item and see if it's appropriate for the

11 tests that have been requested by the people who are

12 involved in the investigation.

13 Our priority is always -- with every -- along with

14 everybody else in the forensic services -- is to recover

15 as much evidence as you possibly can at every stage of

16 the process, without compromising anything that you

17 might have to do with an item later on in the process,

18 or without compromising anything that another department

19 may need, so we will regularly have input -- although we

20 will recover DNA, we will also recover any other trace

21 evidence that we find on an item, and then recover

22 fingerprints. We will also work with and liaise with

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1 other departments within forensic services when there
2 are instances of items that are more -- productions or
3 things that we recover or observe on a production that
4 are more relevant for them.

5 Q. Is it the case then that some examinations, or some
6 tests could render it impossible for other types of
7 examinations or tests to be carried out at a later
8 stage?

9 A. That's correct.

10 Q. So there has to be careful thought given to what tests
11 are most relevant and important in a particular case and
12 the order of priority?

13 A. Absolutely.

14 Q. What then does your individual role as a mark
15 enhancement recovery officer involve day-to-day?

16 A. On a daily basis I will allocate work to myself and
17 assess what information is present on the electronic
18 management system, which is an electronic system that
19 holds all of the SFIs, that's standard forensic
20 instructions, and ERFs, which are examination request
21 forms, which will come in from the people who are
22 involved in the investigation.

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1 I will look at all that information and I will look
2 at the items in front of me before I have even opened
3 the bag. The items will come in a sealed production bag
4 which are signed by the seizing officers and with the
5 information that is supplied to me for the request and
6 the knowledge that I have about what's possible and
7 achievable with the item, I will then commence my work
8 and the first thing I will obviously think about is does
9 this item need to have any DNA sampled from it, because
10 we have very specific areas within the building where we
11 can sample DNA. These are kept in the highest levels of
12 cleanliness and you wear full PPE when you're in there
13 to ensure that you're not causing any contamination to
14 the production that's within the sealed bag.

15 If I don't require to carry out any DNA, either
16 because the item is not suitable or because it's not
17 requested, or because it has been carried out in another
18 department, I will then commence my fingerprint
19 examination, always keeping an eye out for any other
20 trace evidence that might be there.

21 The focus of fingerprint examination in a serious
22 case such as this is to follow what's called sequential

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1 processing, and this is where you start the process at
2 the very beginning, using the least invasive and least
3 destructive techniques, which are basically just
4 examining the item visually and then moving on through
5 a series of more intensive examinations, but at each
6 stage recording any fingerprints that are generated as
7 you're going.

8 Q. Let me ask you some more questions about this sequential
9 process and what it involves. Can we perhaps look at
10 your statement again, paragraph 12, very briefly. You
11 have explained this already in your evidence,
12 Ms MacPhie. You have explained that if the item
13 requires to be examined for DNA, that has to happen
14 first because it has to take place in a sterile
15 environment with full PPE, as you said, to minimise the
16 risk of cross-contamination.

17 Moving on to paragraph 18, please, just for the
18 avoidance of doubt there you explain that you don't
19 yourself carry out DNA analysis, you would simply take
20 samples from any item to be analysed elsewhere within
21 the SPA, is that right?

22 A. That's correct. That's similarly to the generation of

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1 fingerprints. We don't actually carry out the
2 comparison of the fingerprints. We will recover the
3 evidence and then send that on and if we were to find
4 any other trace evidence, similarly we would recover
5 that, get it into the system and then move it on to the
6 relevant departments.

7 Q. So at the risk of oversimplification, your role is to
8 extract evidence from an item --

9 A. Yes.

10 Q. -- which is then analysed by colleagues within different
11 departments of the SPA depending on what it is?

12 A. That's correct.

13 Q. Can we look at paragraph 13, please. This, I think,
14 will take us back to the idea of sequential processing
15 and you explain in this paragraph that having opened the
16 item and looked at it and dealt with whether or not DNA
17 requires to be sampled, you say:

18 "... you are then in a position to start thinking
19 about what fingerprint examinations you're going to
20 carry out ... that can be a whole range of non-invasive
21 tests using lights. Sometimes you can find latent marks
22 on an item, if the surface is appropriate, just with

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1 a torch. Nothing more elaborate than a torch being
2 shone at an angle at it. We would then photograph that.
3 In a case where it's a serious case or a major inquiry
4 where there's been, for example, a loss of life, we
5 would generally carry out a visual examination, then
6 a white light examination and then we would use lasers.
7 This is equipment that has the ability to fluoresce
8 either backgrounds or body fluids, such as perspiration,
9 as you would find in sweat on a fingerprint, and
10 sometimes that will throw up the fact that there's
11 friction ridge detail there that you couldn't see with
12 the naked eye."

13 So should we understand that in terms of starting
14 with the least invasive process first, the least
15 invasive process would involve an examination with the
16 naked eye?

17 A. Yes.

18 Q. And then using a series of lights?

19 A. Yes.

20 Q. Can you tell us a little bit more about the lights and
21 how they help you to see things that you might not see
22 with the naked eye?

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1 A. The lights -- we use equipment that allows us to be able
2 to isolate particular wavelengths of light for looking
3 at items, which can allow the background to disappear
4 and ridge detail that's perhaps in a colour that's close
5 to the background can then be made to be more visible
6 and will enable us to be able to record it.

7 With lasers and high-intensity light sources these
8 use -- rely on the process of fluorescence which is the
9 property of a substance to be able to absorb energy at
10 a particular wavelength and then emit that again as
11 light, so I think everybody is probably familiar with
12 luminous dials on watches: this is a slightly more
13 intensive version of that which could allow an item that
14 has a fingerprint, let's say, on it, which is very
15 difficult to see with the lights and the various light
16 sources that we can use, if we fluoresce that, it may be
17 that the background will fluoresce and we will get
18 a relief of the fingerprint detail, or the fingerprint
19 itself will fluoresce, and that will allow us to -- give
20 us sufficient contrast to be able to photograph it.

21 All of the processes that we use, whether it is
22 lights or the application of any chemicals or other

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1 processes, is to maximise the contrast between the
2 finger mark and the background to be able to get the
3 highest resolution of detail in the fingerprint detail.

4 Q. And when you have succeeded in enhancing a mark in the
5 way that you have described using light, you said you
6 will then photograph it, is that your way of capturing
7 the mark?

8 A. Yes.

9 Q. You would photograph it and then would the photograph be
10 sent on to colleagues elsewhere to carry out --

11 A. Yes.

12 Q. -- a comparison or analysis.

13 If we can scroll down to paragraph 14, please, you
14 go on to describe the use of lasers which you mentioned
15 a moment ago:

16 "We will then use lasers or the other light sources
17 and filters on the camera to photograph that ... and
18 then you would move on to the next least destructive
19 testing process, which tends to be fingerprint powders.
20 You would powder that. Pretty much everybody has at
21 least a passing awareness of what fingerprint powdering
22 looks like. Any marks that are developed will either be

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1 photographed, or they will be lifted onto low-tack
2 adhesive tape, which is then put onto an acetate, and
3 that itself is photographed and creates a black and
4 white photograph."

5 So that's a very clear description of what you do,
6 having begun with a visual examination, naked eye, using
7 lights and lasers, you would then move on to applying
8 a powder and take a lift which you would put onto
9 acetate and then photograph, is that right?

10 A. That's correct.

11 Q. In the paragraphs that follow you go on to describe
12 a range of different chemical treatments that can then
13 be applied which may not be directly relevant for
14 today's purposes, but could you explain in very short
15 compass, if you can, how you would chemically treat a
16 fingerprint in order to enhance it?

17 A. The treatment processes that are available to us will
18 depend on what's called the substrate, which is the
19 surface upon which the fingerprint or the suspected
20 fingerprint has been left. That might be a porous item
21 like paper, in which case we would use a particular
22 chemical for that. It may be something that's quite

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1 shiny, it may be also that the fingerprint is quite new,
2 so will still contain quite a lot of moisture which
3 would then allow us to use fingerprint powders on it.

4 If there's a mark -- if there's contamination there
5 are various chemicals that we can use that will allow
6 for the attachment of the chemical to the fingerprint
7 outwith the contamination and it allows for that
8 resolution of detail to permit photography.

9 Q. So far we have been talking about fingerprints. Can
10 I ask you whether the Mark Enhancement Laboratory works
11 with other types of mark, for example, possible
12 footprints?

13 A. We -- in the instance where we encounter a foot mark,
14 a footwear mark, we will contact the Chemistry section.
15 They are the department who will carry out the
16 comparison and searching of any marks that we find, so
17 anything that we encounter on an item that is a mark of
18 some inconsistency with the background surface, we will
19 have as much of an examination of that as we can to rule
20 out there being any friction ridge detail in it, which
21 is the fingerprint area of the process, and then we will
22 contact the Chemistry section to ask them if they want

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- 1 to look at the item and see if there's anything of
2 relevance in it for them.
- 3 Q. Does it ever happen the other way round? Do the
4 Chemistry department ever contact you and say: we have
5 found something that might be a footprint, it's
6 a partial print, if it is a footprint, can you take
7 a look at it and try to enhance it? Does that ever
8 happen?
- 9 A. That's correct. Because we have such a range of
10 lighting equipment at our disposal, it's -- it gives
11 additional opportunities to be able to try and resolve
12 any detail or tread mark detail within an item, or
13 a mark on an item that we would then -- they would pass
14 it down to us, quite often come down with us and look as
15 we examine that under various light sources.
- 16 Q. You explained the different procedures that you can
17 follow to try to enhance a fingerprint. When it comes
18 to a footprint or potential possible footprint, are the
19 procedures the same? You have mentioned the lights: are
20 you using the same range of light sources and lasers?
- 21 A. It depends on the extent of detail within the mark. If
22 the mark is comprehensive and has enough detail in it

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1 for the Chemistry section for them to be able to do
2 their recording and comparison, then we generally
3 wouldn't be involved in that. It tends to be when there
4 is something that is maybe less distinct that we would
5 get involved and use the -- a lot of the processes that
6 we currently use.

7 Depending, again, on the surface on which the
8 footwear impression has been left, that would then
9 dictate whether you would use chemicals or powders, how
10 you would lift it in order to be able to permanently
11 record that detail.

12 Q. And the range of options open to you, lights, chemicals,
13 powders, is it broadly the same as the range of options
14 available to you with fingerprints?

15 A. Yes.

16 Q. So the processes that you have already outlined in your
17 evidence, the sequential processing for a fingerprint --
18 visual examination, examination with lights, powders,
19 chemicals -- would you essentially follow the same
20 processes and procedures if you were examining
21 a possible footwear mark?

22 A. I would.

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1 Q. I would like to move on to ask you some questions about
2 a vest that you were asked to examine and it was a vest
3 that belonged to a female police officer, Nicole Short.
4 Staying with your statement for now, can we look,
5 please, at paragraph 19. There's a heading there
6 "Instructions from PIRC", so should we understand that
7 on this occasion it was the PIRC who asked you to
8 examine the vest rather than colleagues within
9 Police Scotland?

10 A. Yes.

11 Q. The paragraph reads:

12 "The extent of the request from PIRC was available
13 to us for everybody to see on the evidence management
14 system ... that we use."

15 You mentioned that acronym earlier in your
16 evidence -- there were a few acronyms actually, EMS
17 was --

18 A. Sorry.

19 Q. No, no, not at all. EMS was one of them. So what is
20 your evidence management system?

21 A. It's effectively an electronic database which holds all
22 of the details of all of the casework that is being

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1 carried out within forensic services and the MEL are
2 slightly unique in that in that we use it entirely
3 within our casework and we don't generate any casework
4 files, so any requests that come in, or any instructions
5 that are generated as a result of forensic strategy
6 meetings, will be communicated to us and will be put
7 onto the EMS system as part of your processing of
8 a case.

9 Q. Now, earlier in your evidence you gave two other
10 acronyms as well. I caught one, but I didn't catch the
11 other. One I think was SFI?

12 A. Yes, that's a standard forensic instruction, and this is
13 an instruction that is issued by the Crown Office and it
14 details the productions and examinations that they wish
15 to be carried out and they give a date, a deadline date
16 for the processing of the work.

17 Q. I'm afraid I missed the second acronym but I think it
18 was another type of instruction; do you recall what it
19 was?

20 A. That's an ERF, which is an examination request form, and
21 this is generated within the police system for cases
22 that haven't got to the point where somebody has been

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1 identified and the case has been referred -- generally
2 the case has been referred to the Crown. So that's more
3 of an investigative process.

4 Q. Okay, so one of these request forms comes from
5 the police, another comes from the Crown. What about
6 instructions received from the PIRC? How do they make
7 their way into your evidence management system?

8 A. They are uploaded in the same way that an SFI or a ERF
9 are. It may actually -- I can't recall, but the format
10 of it may be in the same form or paperwork as is used
11 for an SFI. That gets sent in and then uploaded onto
12 the system and then because it's an instruction from the
13 PIRC, it would be regarded as a serious matter that
14 requires priority, so there would also probably be some
15 follow-up instructions and direction from more senior
16 staff.

17 Q. Do you recall what the request was that you received
18 from the PIRC in this case?

19 A. In this case I examined a knife and I examined the vest
20 and it was -- because the items had previously been
21 examined within other departments, my examination
22 request did not cover the sampling of any DNA, so

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1 I focused solely at that point on the recovery of any
2 fingerprints that might have been on either of the
3 items.

4 With the case of the knife, that was a fairly
5 straightforward process in terms of us working through
6 our own kind of timetable of examining things, but with
7 the vest, because there was an area of interest on the
8 vest which constituted an area of discolouration, or
9 a mark of some sort, there was a lot of liaising over
10 a period of time between ourselves and Chemistry because
11 the treatments that I would generally use on the item
12 would be on the shiny parts of the vest, so the
13 reflective badging on the vest, and I would be staying
14 away from the material, the yellow material on the vest
15 because it's a wicking, woven nature, and I can't afford
16 for any liquid contaminants that I add to the shiny bit
17 rolling off onto the yellow part, of the fabric part of
18 the vest, so it was a very slow and staged exam with
19 a bit of backwards and forwards between the two
20 departments.

21 Q. So you mentioned a knife and you mentioned a vest, and
22 your examination was with a view to recovering any

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1 fingerprints that were on either item.

2 In relation to the vest, was that the limit of the
3 instruction that you received from the PIRC to look for
4 fingerprints, or was there anything more to the
5 instruction than that?

6 A. I can't recall from the instruction -- given the length
7 of time, I can't recall if there was anything specific
8 requesting the MEL to look at any mark on it, but I know
9 that that was part of our focus and examination, just
10 because of the holistic way that the departments work
11 together to make sure that we maximise the recovery of
12 any piece of useful evidence.

13 Q. Do you have any recollection -- and I appreciate we're
14 seven years down the line -- of being asked to look at
15 a possible footwear mark on the vest?

16 A. I gather that what was being asked of as a possible
17 footwear on the vest was the area -- the mark area of
18 discolouration that was on the vest, but I did not see
19 anything of any recordable detail within that.

20 Q. I will come on shortly to ask you more questions about
21 the detail of your examination, but at this stage I'm
22 going to ask you to look at the vest and the knife and

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1 to confirm that these were the items that you examined
2 and we have the vest here. You signed the production
3 Label for that.

4 A. That's correct. I can see my signature on the
5 production label.

6 Q. And the knife. Thank you.

7 A. I can see my signature on the production label for the
8 knife.

9 Q. Thank you. I want to ask you questions about the vest
10 first, so your instruction to examine the vest -- indeed
11 the vest and the knife -- came from the PIRC, rather
12 than being a direct request from another department?

13 A. Uh-huh [nods], the area of interest on the vest was the
14 area of interest that was requested from the PIRC and
15 although I recall the item coming to me as a fingerprint
16 item, I was aware that there was this other area of
17 interest on the item that required us to have a look at
18 it as well, in conjunction with Chemistry.

19 Q. So you were aware that this mark, if I can call it that,
20 was an area of interest to your colleagues in the
21 Chemistry department?

22 A. Yes.

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- 1 Q. And you have explained that there was a degree of
2 liaison as the examination took place?
- 3 A. Yes.
- 4 Q. Was the examination of the vest conducted over a short
5 period of time, or over a series of days, weeks, months?
- 6 A. It was over a period of days. It may have stretched
7 into a couple of weeks, just allowing for movement
8 backwards and forwards between different departments.
- 9 Q. What information, if any, were you given about the
10 background to the incident involving Nicole Short?
- 11 A. We were aware that it was a death following police
12 contact, and in any case -- all crime is serious, but in
13 any case where there's been a loss of life that is
14 automatically regarded as the most serious form of
15 casework for us and we will go to every degree to try
16 and maximise whatever potential that we can -- and can
17 get out of an item, so that would have been regarded
18 that -- any casework in this would have been regarded as
19 of the most serious degree.
- 20 Q. Were you made aware that it was alleged that Mr Bayoh,
21 the man who lost his life following police contact, that
22 it was alleged that he had stamped on Nicole Short's

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1 back as she lay on the ground?

2 A. I was aware of that information, yes.

3 Q. You were?

4 A. (Nods).

5 Q. I would like to ask you questions about the work that
6 you carried out in relation to the vest and if we can
7 perhaps scroll down just a little in your statement to
8 paragraph 21. You said you were vaguely aware of there
9 being a mark on the vest, something your colleagues in
10 Chemistry would work on, because it is not a good
11 surface for recovering fingerprints.

12 At 22 you say:

13 "At first, what I focused on on the vest were the
14 reflective strips and the police badging and anything
15 that had a smooth surface on it. I know that I did
16 recover some level of detail from the reflective area.
17 The front or the back of the vest. I photographed that,
18 but it was made insufficient by my colleagues in
19 fingerprints."

20 Let me ask you some questions about that. You
21 describe there being reflective strips on the vest and
22 we have had the opportunity in the hearing to look at

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1 a sample vest -- I'm not sure whether we have that
2 today? We do. Thank you, Ms Taylor-Smith. So you
3 mention there being reflective strips and police badging
4 and you were focusing on smooth surfaces. Would you
5 perhaps be able to hold that up and highlight the
6 surfaces that were optimum, from your point of view, for
7 the recovery of fingerprints?

8 A. [indicating] from a fingerprint point of view, the items
9 on this that would be of most significance for us are
10 the shiny plastic non-porous surfaces on the front and
11 back of the item, and that includes the police badging
12 and -- on the back and front, and the reflective strips.

13 Q. Returning to paragraph 22, you say:

14 "I know that I did recover some level of detail from
15 the reflective area."

16 The detail that you recovered you photographed. Is
17 that a mark that later came to be known as LM3?

18 A. That's correct.

19 Q. So we will return to that, but you say:

20 "I photographed that but it was made insufficient by
21 my colleagues in fingerprints."

22 What does that last sentence mean?

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1 A. For a fingerprint to be useful for comparison purposes
2 it has to contain an adequate degree and number of
3 details within it and that will vary from print to
4 print, but there has to be sufficient in it for
5 a fingerprint examiner to be able to look at it and find
6 marks and sequence an agreement with a fingerprint form,
7 thereby being able to identify who the donor of the mark
8 was. In this case the item -- LM3 that I recovered from
9 the vest, was deemed to be insufficient in that it did
10 not contain enough detail.

11 Q. If we scroll down to paragraph 23, you say:

12 "There were a number of conversations over different
13 days with Chemistry colleagues in relation to the vest
14 and the knife. Because I knew that I was going to be
15 adding liquid chemicals to areas of the vest that might
16 not be restricted to the shiny parts, what I didn't want
17 to do was have any chemicals run off onto the fabric
18 part and impede Chemistry's ability to look at anything.
19 I know that they had concluded all their examinations
20 before I did that, but I do have a recollection that
21 I carried out a light source examination of the fabric
22 of the vest and did not come up with anything

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1 significant on [it]."

2 So if you could help me to understand what the
3 concern was about chemicals running off the shiny parts?

4 A. Some of the chemicals that we use are either for
5 recording -- for developing fingerprints on a shiny
6 surface -- are either black or white and they will stain
7 woven material, so there is no way on this of being
8 able -- even on the largest part -- of being able to
9 restrict the chemicals to just stay on the area that
10 I want them to stay on, so there is a danger that they
11 will run off and wick through the yellow part, the
12 fabric part of the vest, and given that there was
13 an area of interest on the vest, on the fabric part,
14 I couldn't afford for any detail -- any of that to
15 either get washed away, or to get contaminated or
16 stained by any of the chemicals that I used.

17 Q. So the lift that you had managed to take from one of the
18 shiny parts, LM3, did you succeed in taking that lift
19 just with the use of light alone, or with powders or
20 with chemicals? What did you need to do?

21 A. With powder.

22 Q. With powder. And you have expressed a reservation about

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1 using chemicals in case they were to damage the
2 non-shiny parts of the fabric.

3 Did you in actual fact use chemicals on the vest at
4 all?

5 A. May I refer to my statement?

6 Q. You may.

7 A. Thank you. Is it possible to be able to refer to my
8 statement that I submitted to the PIRC?

9 Q. I don't have a statement that you submitted to the PIRC.
10 Did you submit a statement to the PIRC?

11 A. Yes, at the -- in 2000 and -- last year I wrote
12 a statement which I'm sure is included in the list of
13 documents that I provided to the Inquiry. I have it
14 with me and I might be able to give you the reference
15 number for it, if that's of any use.

16 Q. Let's see how far we can go without it, but I was
17 unaware that you had prepared a statement for the PIRC.
18 You said that you did that last year?

19 A. Yes.

20 Q. In 2021?

21 A. Yes.

22 Q. And on what basis? Did they ask you to prepare

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1 a statement?

2 A. Yes.

3 Q. So last year the PIRC asked you to prepare
4 a statement --

5 A. Yes.

6 Q. -- and that was in connection with the work that you
7 carried out in relation to this case?

8 A. Yes.

9 Q. All right. We may come back to that, but for now, I was
10 asking whether you had in fact used chemicals on the
11 vest because I couldn't find an answer to that question
12 in your statement, so you can refer to it but it may be
13 that it doesn't shed any light on that.

14 For present purposes, it may not matter, so what we
15 will perhaps do is move on for now, but returning to
16 paragraph 23. At the bottom of that paragraph, after
17 explaining that you wouldn't want any chemicals to run
18 off onto the fabric and impede Chemistry's ability to
19 look for anything further, you say:

20 "I know that they had concluded all their
21 examinations before I did that, but I do have
22 a recollection that I carried out a light source

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1 examination of the fabric of the vest and did not come
2 up with anything significant ..."

3 So it sounds as though you had satisfied yourself
4 that Chemistry had concluded all of their own
5 examinations.

6 A. Yes.

7 Q. How would you have satisfied yourself that that was the
8 case?

9 A. With liaison and conversation and meetings with my
10 colleagues within the Chemistry section.

11 We worked -- we communicated closely. They are on
12 a different floor to us in the building, but we
13 communicated closely about the stages that the
14 examinations were at in order that nobody kind of went
15 ahead of each other in the process of the examination.

16 Q. And the reason that it was important to satisfy yourself
17 of that was because you didn't want to run the risk of
18 getting in the way of any further investigations that
19 Chemistry might want to do further down the line, is
20 that correct?

21 A. That's correct.

22 Q. And indeed, at paragraph 33, if we could scroll down for

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1 a moment, please, you explain at the very, very bottom:

2 "I can't just race ..."

3 If we can keep scrolling, please:

4 "I can't just race into doing something because it
5 might destroy something that someone else needs."

6 A. Yes.

7 Q. So is there a need for caution in your line of work?

8 A. Absolutely.

9 Q. And, as you said earlier, some forensic examinations
10 involving the use of chemicals could render other
11 examinations impossible?

12 A. That's correct.

13 Q. Returning to paragraph 23, please, I don't know whether
14 this assists you at all, but looking at the part that we
15 were looking at a moment ago:

16 " ... what I didn't want to do was have any
17 chemicals run off onto the fabric part and impede
18 Chemistry's ability to look at anything. I know they
19 had concluded all their examinations before I did that."

20 Does "before I did that" suggest that you perhaps
21 did go on to use chemicals, or does this not assist in
22 jogging your memory?

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1 A. My recollection is that I did use chemicals, a chemical
2 called powder suspension, on the shiny parts of the
3 vest, but without my statement or without looking at the
4 vest, I couldn't confirm that that's the case.

5 Q. All right. It may be that we can assist you with that.
6 It may be that we can in fact access your statement, but
7 so far as the vest is concerned it's in forensic
8 packaging --

9 A. Yes, no.

10 Q. -- so I don't think we would be able to unwrap that.

11 A. No.

12 Q. Is there anything on the label that would assist you one
13 way or the other or by looking at that through the
14 window?

15 A. No.

16 Q. I don't believe that we have your PIRC statement,
17 certainly not immediately to hand, but it is something
18 that we could perhaps revisit at a later date if that
19 would be of assistance to the Inquiry, but that's not
20 something that you should worry about.

21 (Pause).

22 I am being shown, Ms [MacPhie], something disclosed

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1 to us by the PIRC which is headed up a "joint statement
2 of involvement"?

3 A. Yes.

4 Q. Is that the document you are referring to?

5 A. Yes, that should have my name and my two colleagues'
6 names on it.

7 Q. Yes, so perhaps we're at cross-purposes. It doesn't
8 look like a statement as I understand a statement; it
9 reads like a report.

10 A. Okay.

11 Q. We will be able to check whether there's anything in
12 there that might shed light on whether the powder
13 suspension was used on the vest or not, but while my
14 senior is kindly checking that point, can you explain
15 what the powder suspension test would involve?

16 A. Powder suspension is a liquid chemical which is
17 effectively a detergent that has a suspension of very
18 small particles of iron oxide in it, and it basically
19 acts like a wet fingerprint powder, so you would paint
20 that on to the item, let it sit and then run water on it
21 to wash it away, and if there are any fingerprints on
22 the surface that are of sufficient robustness, then the

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1 powder suspension will adhere to them, the iron oxide
2 will adhere to them and then you will have them
3 disclosed as fingerprints that then permit photography
4 and permanent recording.

5 I know that with the vest, the only mark that
6 I recovered was LM3 with granular -- black granular --
7 black magnetic powder, I apologise.

8 Q. So if the powder suspension treatment was applied, it
9 didn't take you any further in terms of the enhancement
10 of LM3, which was a mark that you had already recovered
11 by means of the powder?

12 A. Yes.

13 Q. Do you recall where on the vest mark LM3 was?

14 A. I think I recall it being on the reflective panel on the
15 rear of the vest. I'm not sure if it will say that on
16 the lift, if you're able to access the actual photograph
17 itself. It may have -- it may have the location of the
18 badge on the lift.

19 Q. It was one of the shiny parts on the vest and you
20 pointed to the police sign on the back, is that right?

21 A. Yes.

22 Q. I'm advised that the joint statement that you produced

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1 for the PIRC states that black magnetic powder was used
2 to enhance mark LM3?

3 A. Yes.

4 Q. Would that be the powder stage of the process?

5 A. Yes.

6 Q. And there's also reference to a wet chemical treatment,
7 black powder suspension there too?

8 A. That's correct.

9 Q. So I appreciate the statement isn't before you today,
10 it's just one of those things, but I'm reliably informed
11 that it does record that a wet chemical treatment, black
12 powder suspension was used, and that seems to accord
13 with your recollection today?

14 A. Thank you.

15 Q. Returning to paragraph 23, at the bottom you say:

16 "I do have a recollection that I carried out a light
17 source examination of the fabric of the vest and did not
18 come up with anything significant on it."

19 Can you explain what that sentence means?

20 A. I would have -- again, because of the nature of the case
21 and the seriousness of the case, I would have examined
22 all the areas on the vest, including the areas that

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1 might not directly be involved for fingerprints, in
2 order to be able to highlight anything to anybody else
3 in any other departments and as part of that I did carry
4 out some laser and various wavelengths of light
5 examinations on the vest.

6 There was some liaison between Chemistry and myself
7 about the area of discolouration that was on the vest as
8 being a particular area of interest, but I also
9 looked -- I looked at that in detail, but I also looked
10 at all of the yellow fabric on the vest.

11 Q. What was the area of interest?

12 A. The area of interest was the area that had
13 discolouration on it, whether you want to call it a mark
14 or a patch of discolouration on the yellow part of the
15 vest.

16 Q. I wonder if we can show you a photograph just to confirm
17 that we are -- we have in mind the same mark.

18 (Pause).

19 So the photographs are PIRC 1176365, and the
20 photographs are at pages 48 and 50. If we can pause
21 there, please. There is a mark on the rear of the vest
22 that is visible to the naked eye --

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- 1 A. Yes.
- 2 Q. -- to the right and around about the area of the
3 horizontal shiny strip, as you would look at the vest if
4 it was being worn. Is that the mark that you are
5 referring to?
- 6 A. Yes. This isn't a photograph I have seen, but that's my
7 recollection of there being a mark on the vest.
- 8 Q. And that mark is the area of interest that your
9 colleagues in Chemistry had?
- 10 A. Yes.
- 11 Q. And was that the area that you had examined with a light
12 source?
- 13 A. I examined all of the vest with light sources, but
14 I paid particular attention to that area as it was an
15 inconsistency on the surface of the item, in the same
16 way that I would do with anything that is some kind of
17 contamination or inconsistency, so I focused a lot on
18 that area.
- 19 Q. And are you aware that your colleagues in Chemistry had
20 queried whether that mark might be a footwear impression
21 or a partial footwear impression?
- 22 A. My recollection is that I did -- I was aware.

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- 1 Q. Had you been asked whether there was anything that you
2 could do to enhance that mark?
- 3 A. Yes. I -- I had been asked to look at that in relation
4 to whether it was potentially a footwear impression.
5 The systems and the processes that I use will record or
6 enhance any contamination that's there, regardless of
7 how it has been put on it, whether it's two different
8 things that have gone onto it, so I haven't examined
9 that in the context of looking for a fingerprint
10 impression. I have gone in in the same way that I would
11 do when I'm examining anything for any other kind of
12 mark, whether it's a fingerprint or otherwise, to just
13 see what I can do to maximise the amount of contrast and
14 detail that's there.
- 15 Q. And you did that using a light source?
- 16 A. A variety of light sources.
- 17 Q. A variety of light sources. And you say -- sorry, if we
18 can return to your statement -- in paragraph 23 that you
19 recall carrying out a light source examination of the
20 fabric of the vest and did not come up with anything
21 significant on it. So what should we take from that?
- 22 A. That there was no other detail that could be enhanced or

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1 brought out from that mark that was on the vest and that
2 was the maximum amount of detail that was going to be
3 available for anybody to record and further analyse.

4 Q. That assessment having been made using the light source,
5 would there have been any advantage in going forward and
6 using powders or chemical treatments?

7 A. Not on a fabric surface, especially one of this nature
8 which is quite woven and will wick away any wet
9 chemistry that you put on it. If a mark had been put on
10 it in a particular type of contaminant then there are
11 chemicals that we may have been able to use because they
12 would stick solely to the contaminating substance and
13 wash away as far as possible, but the nature of that was
14 not significant in a way that I would be able to
15 identify a chemical that I could use.

16 Q. Can we scroll down to paragraph 27, please. You say
17 that you have read the notes taken at the time of the
18 examination:

19 "Chemical enhancement in conjunction with general
20 Chemistry input of any apparent footwear impressions
21 disclosed with HILS, that is high-intensity light
22 sources."

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1 So is that what you have described -- the process
2 that you have described --

3 A. Yes.

4 Q. -- that's its formal name:

5 "I did not see anything of any relevance or anything
6 that looked like a footwear mark when I carried out my
7 fluorescence exam."

8 A. That's correct.

9 Q. So there was nothing over and above what could be seen
10 with the naked eye?

11 A. No.

12 Q. And at paragraph 28.

13 "In my notes under my heading 'Fluorescence and
14 Quasar', I've said that, 'It was examined negative on
15 the 8th of July 2015'. And then I've said, 'There's a
16 range of quasar wavelengths, Crime-lites, UV and IR.
17 Reflective strip negative and no improvement of marks
18 and/or glare on the fabric area of the vest.'"

19 Can you help me with the technical detail there, the
20 quasar, Crime-lites, UV and IR?

21 A. These are -- fluorescence and quasar are the systems
22 that we would use that use either narrow or wide bands

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1 of wavelengths to fluoresce items. A Crime-lite is like
2 a smaller version of a laser in that it's a torch that
3 you can use to fluoresce an item. UV is ultraviolet and
4 IR is infrared, and we have an assortment of lighting
5 sources that allow us to use these and an assortment of
6 camera lenses that we would use in order to be able to
7 disclose and record any detail that shows up within
8 an area that's being investigated and there was nothing
9 to record.

10 Q. Scrolling down to paragraph 29. This relates to the use
11 of a laser. You say:

12 "... [it] is just the same thing but a different
13 kind of kit, I have said 'It was examined negative on
14 8th July. Yellow and green lasers. The reflective
15 strip is negative and reduction or no improvement of
16 marks on the fabric area of the yellow vest."

17 A. Yes.

18 Q. You then say:

19 "The way that the fluorescence works is by changing
20 perceptions of the colour by changing the lighting."

21 A. Yes. So depending on the chemical properties of
22 a contaminating substance, such as whatever it is that

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1 has put the mark onto the vest, because you're always
2 striving to maximise the best contrast that you can get
3 between the background and the detail, using various
4 light sources sometimes that will enhance that and
5 sometimes that will reduce the amount of contrast, just
6 because of the chemical components that are within the
7 background material and within the contaminating
8 substance itself.

9 You really just have to try it and see. In
10 a particular instance where you don't know what the
11 substance is then that's a reason to start at the very
12 beginning and work your way through all of the kit that
13 you've got at your disposal.

14 Q. And at paragraph 30 you explain:

15 "We weren't able to see anything further than what
16 the mark looks like in normal light. That's as far as
17 we would be able to go."

18 A. Yes.

19 Q. That's essentially what you said in your evidence
20 a moment ago that -- if I might use lay person's
21 language -- you couldn't enhance this mark, you couldn't
22 create anything more than what was visible to the naked

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- 1 eye?
- 2 A. That's correct.
- 3 Q. Now, should we understand that your role was limited to
4 enhancing marks, so you wouldn't have been provided with
5 a pair of boots or acetates taken from the soles of the
6 boots?
- 7 A. Absolutely not.
- 8 Q. Now, you have told us much about the fingerprint
9 analysis of the vest as well as the attempts you made to
10 enhance the dirty or black mark on the back of the vest.
11 Can you help me to understand why fingerprint analysis
12 was thought to be relevant or helpful in this particular
13 case, bearing in mind there wasn't any question mark
14 over the identity of the person said to have assaulted
15 Nicole Short?
- 16 A. This would be a standard, always included examination
17 that would be carried out on any piece of casework, just
18 to add any evidentiary value that is possible in the
19 overall assessment and analysis of the case.
- 20 Q. So should we understand that every case that comes to
21 you, every item that you examine, you will examine for
22 fingerprints?

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- 1 A. I will always assess any item that comes in for
2 fingerprints.
- 3 Q. I would like to ask you whether the science of mark
4 enhancement -- and I'm particularly interested here in
5 things like footwear rather than fingerprints -- has
6 evolved or developed over the past seven years and if
7 that's not something that you can help us with then
8 please just say so.
- 9 A. I can't recall anything that I have used in the last
10 seven years that would be in addition to what I would
11 have carried -- what I carried out at the time. I'm --
12 I'm aware of new techniques that are being trialed for
13 fingerprints, but I'm not aware of any -- that are
14 specifically for footwear impressions. I dare say you
15 could potentially apply any new, evolving fingerprint
16 recovery techniques for footwear impressions, but that's
17 not specifically my area.
- 18 Q. I want to ask some questions about the way that you work
19 with other scientists. Am I right to understand that
20 you didn't prepare a report in this case, certainly not
21 at the time in relation to the examination of the vest,
22 sorry?

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1 A. That's correct. I do recall communication with the PIRC
2 at the time because there had been some communication
3 backwards and forwards specifically about the vest and
4 to clarify information about the examination on the vest
5 and I asked if they required what we would call
6 a statement to be prepared, but which is I think
7 slightly different to what you would assess as
8 a statement, and I was told it wasn't required at the
9 time, but my awareness as, I think in January 2021,
10 a request was made for all information relating to the
11 Inquiry was to be kind of collated for yourselves and it
12 was at that point that I prepared -- I think it was at
13 that point that I prepared my statement or joint report
14 with one of my two colleagues who worked on items in the
15 case.

16 Q. And if at the time you didn't prepare a statement or
17 a report, how would other colleagues within the SPA come
18 to know that you had completed your work and what your
19 conclusions were?

20 A. They would be able to see that on the electronic
21 management system.

22 Q. And how would the PIRC come to know that you had

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1 completed your work and what your conclusions were?

2 A. I would have generated various types of kind of process
3 reports that the system generates and I would have sent
4 that information to the PIRC.

5 Q. What did you do with the vest itself after you had
6 completed your examination of it?

7 A. I believe I checked with Chemistry that they had no
8 further requirement for it, and then packaged it up for
9 return to division or wherever it's held.

10 MS THOMSON: I would like to move on to show you an email
11 chain with entries from other departments and from the
12 PIRC.

13 Sir, this is a new subject and I wonder if now might
14 be a convenient time for the morning break?

15 LORD BRACADALE: If this is a convenient moment, we will do
16 that. We will take a break for 20 minutes.

17 (11.28 am)

18 (Short Break)

19 (11.56 am)

20 LORD BRACADALE: Yes, Ms Thomson.

21 MS THOMSON: Thank you, sir.

22 Ms MacPhie, I want to ask you some questions about

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1 an email chain that I alluded to just before the break
2 and then I have a few questions about the knife and that
3 will then complete your evidence.

4 I would like to show you an email chain, this is
5 PIRC 01983, and I wonder if we can go to the very bottom
6 and work our way up. So what I think is page 7 of the
7 chain is an email from the PIRC to -- if we scroll up
8 a little bit we should see who it has been sent to -- to
9 Shirley Chin, who is one of your colleagues within the
10 Chemistry department, I believe.

11 A. That's correct.

12 Q. And it is dated 16 January 2018:

13 "Following our short telephone call earlier this
14 afternoon I just wanted to follow up with an email so
15 you've got my correct contact details. As discussed it
16 would be much appreciated if you could have a look to
17 see if the photographs of the articles were taken and,
18 if so, where if anywhere they were sent. COPFS are now
19 doing a bit of case preparation and are looking for us
20 to supply these to them.

21 "Also the report stated that 'VEST ... PC ... NICOLE
22 SHORT' was forwarded to the Mark Enhancement Lab for

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1 further examination. Are you able to confirm if this
2 was done and, if so, what the results were? Was any
3 report prepared regarding this? If so, where was it
4 sent?"

5 So this is a query from the PIRC to the Chemistry
6 department. Can you shed any light on why the PIRC were
7 seemingly unaware of the work that you had carried out
8 and your conclusions and were raising that query with
9 the Chemistry department?

10 A. I can't.

11 Q. If we move up the chain, please, to the previous page,
12 we will see that Shirley Chin forwarded the email to
13 Kenny Laing, who I gather is perhaps head of the Mark
14 Enhancement Laboratory --

15 A. He, at that time was, the head, yes.

16 Q. -- at that time. And that again was on 16 January and
17 if we can look a little bit further up the page, we will
18 see that Kenny Laing replied directly to the PIRC noting
19 that you weren't at work that day and confirming that
20 one fingerprint was recovered from the badge area of the
21 vest, nothing else of note was recovered:

22 "No statement has been prepared as this is usually

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1 only instructed if the fingerprint evidence is being
2 led."

3 And then stating that he hoped that you might be
4 back by the start of February:

5 "... [it] could be done after [that]... short of
6 that it would [be someone else who could] provide
7 a statement.

8 "Can you let me know?"

9 Again, moving up the trail, to page 5 of the PDF and
10 if you cast your eye over the next email in the chain,
11 do we see that it appears to relate to the checking of
12 fingerprints --

13 A. That's correct.

14 Q. -- against the deceased prints and page 4 -- sorry,
15 a little bit further up. It is quite a lengthy exchange
16 here but if you cast your eye over it, if you just take
17 a moment to do that, please, Ms MacPhie, will you see
18 that this concerns the fingerprint work carried out
19 within the laboratory?

20 A. That's correct.

21 Q. And this is an email from the fingerprint examiner, so
22 this is the colleague who would have examined the lifts

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1 that you took --

2 A. Yes.

3 Q. -- to the PIRC. So again, the focus is very much on

4 fingerprints here, and if we carry on moving up, so all

5 of these emails are dated January of 2018, the next

6 email in the chain is some 21 months later,

7 16 October 2019. Do you see that?

8 A. Yes.

9 Q. And it appears on that date the thread was forwarded to

10 you by the PIRC:

11 "Hi Laura,

12 "This is the ... thread I spoke about. You will see

13 that [in]... January 2018 DSI ... Taylor [of the PIRC]

14 was chasing this aspect up."

15 And there is a quote, and it is the quote that we

16 read earlier in relation to the vest: what work was

17 done? What were the results? Was a report prepared and

18 if so, where was it sent? and it continues:

19 "... we don't seem to have anything re the 'Darker

20 Partial Mark' from a MEL perspective.

21 "Hope you can assist."

22 Do you see that?

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1 A. Yes.

2 Q. And if we scroll further up the chain we saw your name
3 flash across the screen there. This appears to be
4 a reply that you sent on 16 October 2019?

5 A. Yes.

6 Q. To the PIRC saying you received the vest into the MEL:
7 "... with all relevant biology and DNA examinations
8 having been carried out, and following Chemistry having
9 examined it for apparent footwear marks.

10 "MEL Exam ..."

11 And you go on to detail what an examination
12 involved:

13 "An examination of the item using various light
14 sources was carried out by me and gave a negative result
15 for fingerprints.

16 "The item was examined by me using fingerprint
17 powders and the lift LM3 was recovered from the top
18 left-hand corner of the 'POLICE' badge on the rear of
19 the vest. This fingerprint lift was subsequently found
20 by the Fingerprint Unit to contain insufficient detail
21 for comparison purposes.

22 "The item was then examined by me using powder

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1 suspension reagent with a negative result. Of note here
2 I have specifically detailed in our system that I have
3 checked that all Chemistry comparison work between the
4 mark on the ..."

5 Would that be "outside"?

6 A. Yes.

7 Q. "... of the gilet and any submitted footwear had been
8 concluded prior to me treating the item with the
9 reagent. I have noted that such comparisons have been
10 inconclusive and then commenced by powder suspension
11 exam[ination]."

12 So this confirms as per your recollection earlier
13 and also it is confirmed by the joint statement that we
14 now know you prepared in January of last year, that in
15 relation to the police vest, you succeeded in lifting
16 one fingerprint, having had the benefit of using the
17 reagent as well as the light examinations and I think
18 you also said you used powders.

19 "In conclusion, none of the examinations carried out
20 in the MEL generated any further useful detail than LM3
21 from the gilet in general, or specifically from any dark
22 partial marks on it.

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1 "Happy to assist..."

2 So that's the email that you sent in 2019 confirming
3 the extent of the work that the MEL did in relation to
4 the vest.

5 Now, your email and all of the emails preceding it
6 in this chain that we have looked at focus on
7 fingerprints and there's no mention made in your summary
8 of the work that you carried out the explicitly that
9 I can see about your examination of the mark that the
10 Chemistry department drew to your attention as being
11 a possible footprint. Why is that not expressly
12 recorded in this chain?

13 A. I think I have referred elsewhere that I may have
14 implied it too much, but because I would never --
15 because I didn't generate anything positive in relation
16 to the darker mark, it wasn't my area of work, it was
17 Chemistry's area of work, and the additional
18 examinations that I undertook specifically for the dark
19 area were effectively on behalf of Chemistry, so it
20 would be Chemistry that would report out anything that
21 they would have -- that would have resulted from
22 anything that might have been recovered or enhanced

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1 during any examination that I undertook. So that's --
2 potentially I could have worded that differently to make
3 it more explicit, but to me because all Chemistry work
4 is complete, that implies that all of the light work
5 that I have done on the vest is also complete and has
6 generated nothing useful.

7 Q. All right.

8 You said earlier in your evidence when I asked you
9 how colleagues in other departments would know that you
10 had concluded your work and what your conclusions were
11 that this would be uploaded onto your EMS?

12 A. Yes.

13 Q. Do you have any recollection of speaking by telephone
14 with people in the Chemistry department to let them know
15 about your examination of the mark?

16 A. I very likely did do, but I can't remember the specifics
17 of it.

18 Q. All right. And you didn't prepare a report or
19 a statement back in 2015 --

20 A. No.

21 Q. -- in connection with this work and the first report you
22 prepared was in January 2021 at the request of the PIRC?

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1 A. If that's the date that's on the joint --

2 Q. I have had sight of it. It has not been cleared for
3 public disclosure so I'm afraid I can't bring it up on
4 the screen to show you today but it is
5 dated January 2021?

6 A. That's correct then.

7 Q. Let me ask you some questions about the knife now, if
8 I may, before I conclude your examination.

9 You identified the knife earlier in your evidence,
10 it was packaged up, but I think Ms Taylor-Smith has
11 a photograph of it somewhere out of the packaging.

12 (Pause).

13 Do we have that, Ms Taylor-Smith -- sorry, if we
14 don't have it, I can manage without it if it is not
15 readily to hand but I think it's in PIRC 1176365. There
16 we are. Could we scroll up a little bit, please, to
17 take it to the picture of the knife in the packaging.
18 Sorry. Probably it will be an earlier image I think.

19 (Pause).

20 It's just the single image that we have? No, that
21 will suffice, thank you.

22 Please just take it from me, Ms MacPhie, that this

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1 is an image of the knife. I appreciate we don't have
2 the preceding images that show the packaging and the
3 label and so on, but is that familiar to you? Do you
4 recognise that as being the knife that you examined?

5 A. Yes.

6 Q. And again, you examined the knife for fingerprints?

7 A. Yes.

8 Q. And am I right to understand that you managed to lift
9 two marks, or partial marks from the knife?

10 A. Yes.

11 Q. What techniques did you require to use in order to lift
12 those marks?

13 A. The initial mark I used, as I recall, black granular
14 powder, which is a fingerprint powder, which adheres to
15 the fluid, the moisture, within the fingerprint that's
16 been deposited on the item and I will have labelled that
17 as such and photographed it, and sent that to the
18 fingerprint unit.

19 I additionally used another technique for the
20 recovery of a second finger mark. I do apologise,
21 I can't recall the technique at this point, but I will
22 have mentioned it, detailed it in my statement, or joint

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1 report.

2 Q. All right. The precise detail of the technique that you
3 used may not matter, but perhaps we can look at the
4 fingerprint report, which is COPFS 113 and if we can
5 scroll down, please. So this relates to a death
6 following police contact, Hayfield Road, Kirkcaldy.
7 There are a number of columns here, we have lift, where
8 recovered and outcome?

9 A. Yes.

10 Q. And do we see there recorded "Lift: LM1"?

11 A. That's correct.

12 Q. And is LM simply your initials or does it stand for
13 something else?

14 A. It's a unique identifier using my initials and then a
15 sequential number for each of the fingerprints that are
16 recovered.

17 Q. So anything with LM preceding it would be a lift that
18 you recovered?

19 A. That's correct.

20 Q. So "LM1. Where recovered ... impression on blade of
21 knife ([right-hand side] as held) towards top edge and
22 approx 3 cm from handle..."

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- 1 A. Yes.
- 2 Q. Then we see in the next column "Outcome insufficient".
- 3 A. Yes.
- 4 Q. Can you help us with what that means?
- 5 A. Similarly to the mark that was recovered from the vest,
6 when the fingerprint examiners have assessed this mark,
7 LM1, they have found there to be insufficient levels of
8 detail in it for them to be able to carry out
9 a comparison.
- 10 Q. If we scroll down to the next page, please, do we see
11 LM2:
- 12 "LM2 impression on blade of knife ... following
13 powder suspension ... treatment."
- 14 And again the outcome is "insufficient"?
- 15 A. That's correct.
- 16 Q. And finally lift LM3 which we have talked about before.
- 17 A. Yes.
- 18 Q. "LM3 lift from top left-hand area of 'POLICE' badge on
19 rear of vest ..."
- 20 And again "Insufficient"?
- 21 A. Yes.
- 22 Q. Thank you. Finally, earlier in your evidence I asked

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1 you whether you had been made aware by way of background
2 that it was alleged that Mr Bayoh, the man who died
3 following police contact, had stamped on Nicole Short's
4 back and you said that you were aware of that.

5 A. Yes.

6 Q. Do you recall where that information came from?

7 A. I do not.

8 Q. Would that be held anywhere within your papers, do you
9 know?

10 A. It could -- it would -- I would imagine in the
11 explanation areas or description areas of the incident,
12 I would imagine within the request form, and any backing
13 information that has been sent by the PIRC in relation
14 to the examinations, I would surmise it would be in
15 there.

16 Q. Would you likely have received the same information as
17 was sent to your colleagues in Chemistry, or might you
18 have received information separately?

19 A. This information, as I understand it, all -- will come
20 in and then goes onto the system, so everybody has open
21 access to be able to look at the system and interrogate
22 what work is required and what the background is to the

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- 1 event.
- 2 Q. We may hear evidence from your colleagues in Chemistry
3 that they were advised that Nicole Short had been kicked
4 and punched as opposed to stamped on.
- 5 A. Okay.
- 6 Q. And I just wondered whether you were clear in your
7 recollection that you were aware of the allegation of
8 stamping or could it be possible that you were aware of
9 an allegation of kicking and punching?
- 10 A. I can't recall exactly, but my feeling is that because
11 there was the possibility of a footwear mark that the
12 possibility of stamping had been raised or mentioned
13 with me -- to me.
- 14 Q. Thank you. Can you bear with me just a moment, please.
15 (Pause).
- 16 You said that you thought the possibility of
17 stamping had been raised with you. Do you recall who
18 raised that with you, or who would have raised that with
19 you?
- 20 A. I have no idea. I have no recollection of that
21 whatsoever. There will have been -- because of the
22 severity of the incident, there will have been a lot of

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1 input and a lot of communications going backwards and
2 forwards between practitioners and departments and
3 I can't recall where I would have heard that from.

4 MS THOMSON: Okay. I have nothing further, thank you.

5 LORD BRACADALE: Thank you.

6 Any Rule 9 applications? Ms Mitchell.

7 Ms MacPhie, I wonder if you would withdraw to the
8 witness room while I hear a submission.

9 (Pause).

10 Yes, Ms Mitchell.

11 Application by MS MITCHELL

12 MS MITCHELL: The issues, briefly, my Lord, relate to the
13 2021 report, and it's in case this is not revisited,
14 just to ask a joint statement of involvement was sought
15 from her, who was it joint with?

16 She also indicated that when she was asked about
17 collating -- sorry, when she was asked about how it
18 would be known to PIRC that her investigations had ended
19 she said:

20 "I would have generated various types of process
21 reports that the system generates and I would have sent
22 that information to PIRC."

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1 You work at the Scottish Police Authority forensic
2 services laboratory.

3 A. Yes, that's correct.

4 Q. And that's known as the SPA?

5 A. Yes, it is.

6 Q. And you have a BSC Honours in Forensic and Analytical
7 Chemistry?

8 A. Yes, that's right.

9 Q. And you're working as a forensic scientist with the SPA
10 and you have done that since 2002?

11 A. Yes.

12 Q. And you work in the chemistry and documents team?

13 A. That's correct.

14 Q. And we have heard brief mention of the chemistry
15 department, or the chemistry and documents team. That's
16 where you work?

17 A. That's where I work.

18 Q. Now, I understand you have not watched other evidence in
19 the Inquiry, but there's a black folder sitting in front
20 of you and please, feel free to look inside. We want to
21 make sure you've got everything that you might need as
22 we go through your evidence, so you will see that some

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1 documents are contained there and you can please feel
2 free to look through any of those documents. Now, when
3 I bring up a statement, or a paragraph, it will come up
4 on the screen in front of you.

5 A. Okay.

6 Q. But it will only be the one paragraph or maybe two that
7 you can see, so if there's other paragraphs you think
8 are important as we go through your evidence today, you
9 can please direct me to them and we will bring them up
10 on the screen as well.

11 A. Okay.

12 Q. All right. So let's look at the first one, SBPI 123.
13 This is a statement given by you to the Inquiry team and
14 so you should see the hard copy in front of you in the
15 folder and then you will see the first page up on the
16 screen now, and this is a witness statement taken from
17 you by one of the members of the Inquiry team on
18 Thursday 7 April this year.

19 A. Yes, that's correct.

20 Q. Do you see that? And let's look at the last page,
21 paragraph 82, and you will see this paragraph says:

22 "I believe the facts stated in this witness

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1 statement are true. I understand that this statement
2 may form part of the evidence before the Inquiry and be
3 published on the Inquiry's website."

4 And in response to that you have signed every page
5 of your statement?

6 A. Yes, I have.

7 Q. Now, you will see on the screen your signature has been
8 redacted?

9 A. Yes.

10 Q. But the hard copy that you have in your black folder
11 actually has your signature on it?

12 A. Yes, that's correct.

13 Q. And that was signed on 18 May this year?

14 A. Yes.

15 Q. And you were doing your best, as you say there in the
16 final paragraph, to tell the truth about your
17 involvement with the -- well, the events, if you like,
18 of 3 May 2015, and you were involved with the forensic
19 analysis of certain items after that event.

20 A. Yes, that's correct.

21 Q. Thank you. Now, as I understand the position, unlike
22 some other witnesses we have had, there's no

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1 statement -- no PIRC statement, so no statement given by
2 you at the request of PIRC; is that correct?

3 A. That's correct.

4 Q. I just want to check that was right.

5 A. Yes. We produced our reports and provided those, but we
6 didn't give any other statements as such.

7 Q. Right. So the first statement that you have given about
8 this really is to the Inquiry this year?

9 A. It's the first document to be referred to as
10 a statement. Like I say, we have produced reports, but
11 this will be the first statement.

12 Q. Thank you. Right. Can I begin by looking at your
13 Inquiry statement. We will come to your report in
14 a moment, but let's begin with your Inquiry statement,
15 paragraph 5, so back to the beginning, please, and we
16 see here -- and you will see it on the screen -- that
17 your role in the SPA includes cases which may involve
18 examination of footwear, marks or impressions and does
19 that sum up part of what your role is?

20 A. Yes, that's part of my role.

21 Q. And then let's look at paragraph 7 and you say:

22 "In a marks comparison we're looking at any mark

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1 that could be transferred from another item. If a vest
2 or an item of clothing had a footwear or tyre mark on it
3 then those examinations would be included in that
4 description. You're looking at marks, you're looking to
5 see if there is a pattern that you can see, and you're
6 looking to see if it there's anything recognisable on
7 the garment that you could use to do a comparison with
8 something."

9 So it's a comparison between marks on an item and
10 something else that could have potentially made that
11 mark?

12 A. Yes, that's correct.

13 Q. And that's the comparison work that you're doing?

14 A. Yes, it is.

15 Q. Thank you. Can we look, please, now at paragraph 13 and
16 I think there you just explain that you are involved in
17 preparing reports as part of your role and they can be
18 prepared by you in combination with different people.

19 A. Yes, that's correct.

20 Q. So we might hear that you have -- hopefully we will hear
21 that you have prepared a report with Shirley Chin who is
22 a colleague in the SPA.

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- 1 A. Yes.
- 2 Q. Yes, SPA. And you have also prepared a report with
3 a Ruth Ramage --
- 4 A. Yes, that's correct.
- 5 Q. -- as well. Can you explain to the people listening why
6 there's always two of you?
- 7 A. It's corroboration, so it's independent checks and
8 examinations by both people, you come to your own
9 decision and conclusion, and we will discuss and see if
10 we're in agreement and then it will be reported.
- 11 Q. What if there's disagreement between you and
12 a colleague?
- 13 A. We can have -- another member of our team can be asked
14 to look at the items and do a sort of third person
15 check, then depending on what they said there would be
16 a discussion between the three people and you may go
17 back to look at the items and you would come to
18 an agreement with how it was going to be reported.
- 19 Q. And that might be that subsequent investigation and
20 discussion results in complete agreement between the
21 three of you, or could it mean that one of you still
22 takes a different view?

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- 1 A. It's possible that somebody might still take a different
2 view, but yes, the people generally would come to
3 an agreement. It might be something else is pointed out
4 that they have maybe missed the first time, or we would
5 take something else into account, but yes, it wouldn't
6 be reported unless there was two people in agreement
7 with each other.
- 8 Q. But you remain openminded in case there is that
9 disagreement?
- 10 A. Yes. It's -- you make up your own mind. It's an
11 independent decision and then you discuss it once you
12 have agreed it.
- 13 Q. Thank you. And in fact in this case there were only two
14 people involved with each report that you are party to?
- 15 A. Yes.
- 16 Q. There wasn't a third person involved?
- 17 A. No, there was no disagreement over the results that we
18 wanted to report.
- 19 Q. Thank you. Can we look at background information
20 please, so this is paragraphs 14 to 17 of your Inquiry
21 statement. Now, we won't get all of these on the screen
22 in front of you, but please feel free to look at your

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1 hard copy. So you talk about being involved -- you were
2 asked to look at a car -- a locus in a car yard and to
3 examine a vehicle, and then you say at 15 you were given
4 some background information at the time:

5 "... I was given information at the scene ..."

6 A "quick breakdown". And you mention Sheku Bayoh
7 there and then at 16 you say that you were told there
8 had been an arrest in Hayfield Road and again, you
9 mention the car, and then 17 you say:

10 "As things progressed, there would have been more
11 information coming through, and that's why we had been
12 asked to look at the vest because I think there was
13 questions over how the arrest had taken place and what
14 procedures were used, but we wouldn't know what an
15 arrest procedure normally was."

16 And I just wanted to ask you some general questions
17 about that. Where do you get your information from?

- 18 A. So the information that we have is provided by the
19 police officers, or whoever is asking us to attend the
20 locus or the scene, so in this instance I was given
21 information -- a phone call came or an email came into
22 the lab to ask for somebody to go and examine a vehicle.

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1 I was asked to go and examine the vehicle and I was
2 given the very vague information to start with so I know
3 what I was going to look at from members of my team and
4 then when I attended at the locus the police officers
5 there would have given me more information.

6 Q. So was that quite soon after 3 May 2015 that you
7 personally became involved?

8 A. I think I was told on 6 May in the -- late in the
9 afternoon that I was to attend on 7 May at the garage,
10 so a few days later.

11 Q. Thank you. It appears that initially you were asked to
12 look at a car, but then you mention, in paragraph 17,
13 you were later asked to look at a vest?

14 A. Yes, that's correct.

15 Q. And do you remember how long after you were asked to
16 look at the vest?

17 A. I'm not entirely sure. I think it was maybe about
18 15 May items started coming into the laboratory, but
19 I would have to check back our notes and submission
20 forms.

21 Q. We will look at these things in a moment.

22 So let's look, please, at a report that I understand

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1 was sent to PIRC on 24 August 2015 and this should be
2 COPFS 1114. And if we just move down we will see the
3 first page and do you see it is headed "Forensic
4 Services. Scottish Police Authority", and the date is
5 24 August 2015, and it is addressed to the officer in
6 charge at PIRC, and it is marked for the attention of
7 DSI William Little, who we understand is one of their
8 investigators?

9 A. Yes. I don't see the 24th date, but I can see it was
10 received on 31 August --

11 Q. Do you see just under the Forensic --

12 A. Sorry, at the last page, yes.

13 Q. Do you see just under the "Forensic Services" band, the
14 black band, it says "Date", and it is written --

15 A. Oh, yes, sorry, yes.

16 Q. Good, good. So that seems to be the date of this report
17 and then it says:

18 "Dear Sir/Madam,

19 "Examination of articles ..."

20 And if we move down the page we see:

21 "With reference to the above, I have to inform you
22 that the requested examination has now been completed

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1 and I enclose herewith two copies of the report(s)
2 submitted by the Forensic Scientist/s concerned.

3 "Both of these copies are to accompany the police
4 report when it is submitted to the Procurator Fiscal."

5 And then that's been signed by the chemistry and
6 documents team manager. We heard evidence earlier that
7 that was a Kenny Laing, although I see his signature is
8 redacted.

9 A. No, Kenny Laing wasn't the head --

10 Q. Oh, sorry, that's my mistake. He is in MEL, the Mark
11 Enhancement --

12 A. Yes, he is in the Mark Enhancement Lab. At that time
13 the chemistry and documents manager would have been
14 a Ruth Ramage, so she may have signed it, obviously it
15 is redacted here, but other people who are technically
16 competent in those areas can also check the content of
17 the report and sign them off.

18 Q. And Ruth Ramage is actually one of your colleagues who
19 did a report with you?

20 A. Yes, that's correct.

21 Q. Thank you. And let's just go down a little. We can
22 skip over that next page. Then we see here that this is

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1 a report prepared by Shirley Chin and yourself and you
2 give background information at that time:

3 "We were informed that on 3 May 2015 an incident
4 occurred in Hayfield Road, Kirkcaldy which resulted in
5 the death of Sheku Bayoh whilst in police custody.
6 A female police officer was also injured during the
7 incident. Articles in relation to this incident had
8 been submitted to the lab for further examination."

9 And so this is the start of the body of your report
10 with Shirley Chin?

11 A. Yes, that's correct.

12 Q. Thank you. Now before we go into that detail can I also
13 look at paragraph 19 of your Inquiry statement. Now, as
14 I go through this, Ms Marven, I plan to look at your
15 statement but also we will look at your report, so we
16 will flip backwards and forwards on the screen between
17 the two, but if I've got the wrong one on the screen at
18 any time, please tell me.

19 A. Okay.

20 Q. So let's look first of all at paragraph 19:

21 "In our report we've just put that a female
22 ... officer was injured during the incident and we were

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1 asked to examine items in relation to the incident. On
2 page 6 of the report [of] 24 August 2015 ...: 'a female
3 Police Officer was also injured during the incident.
4 Articles in relation to this ... have been submitted to
5 the [lab]...'. "

6 And that's the point at which we join both the
7 report you have mentioned but that you do go through
8 this in detail in your Inquiry statement as well.

9 A. Yes.

10 Q. Thank you. Can I look at page 6 of your report, please,
11 which is the one we looked at just a moment ago. Sorry,
12 it was PDF 6 rather than the -- thank you. And we
13 looked at background information there and can I look at
14 "Examination and results", and you say there:

15 "On 14 May 2015 ... the following articles ...
16 relating to [a particular crime number] were received
17 from PIRC."

18 And you mention:

19 "Knife labelled 'Grass verge - Hayfield Road at its
20 junction with Hendry Road at 07.25 hours
21 on [3 May 2015]."

22 A. Yes, that's correct.

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1 Q. And would you look for me, please, at a knife which is
2 in a plastic container and tell me if you recognise that
3 item?

4 A. Yes, I do. I can see my signature on the label.

5 Q. So that's the knife that you examined for the purposes
6 of this report?

7 A. Yes.

8 Q. Thank you. And do we see there on your report you say:

9 "The above article was a metal knife with a metal
10 handle, with manufacturer's markings 'House & Home' on
11 the blade. The tip of the blade was noted to be broken
12 off and missing. A very small fragment of white
13 material was noted on the blade surface. This was
14 removed for further examination."

15 And then did you compare that knife with other
16 knives that were supplied to you?

17 A. Yes, I did.

18 Q. And I wonder if we could look at those. Again, these
19 should be in plastic containers.

20 (Pause).

21 A. Yes.

22 Q. Thank you. And were these knives that you used in

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1 comparison with the other -- the first knife we looked
2 at?

3 A. Yes, so we were asked to compare these three knives with
4 the first knife.

5 Q. And these knives were recovered on 4 May 2015 from an
6 address in Kirkcaldy?

7 A. Yes. They came from an address in Arran Crescent in
8 Kirkcaldy.

9 Q. Thank you. And you say that the first knife had
10 a marking on it "House & Home", and in fact, do those
11 knives that you compared it with also have a marking
12 "House & Home"?

13 A. Yes, that's correct.

14 Q. And in fact if we look at a photograph of the first
15 knife, PIRC 01176, will we see that marking on the
16 blade? And we can see there on the blade the words
17 "House & Home"?

18 A. Yes.

19 Q. That's the marking that you were referring to?

20 A. Yes.

21 Q. Thank you. And then can I ask you to look at page 8 of
22 your report. As I said, sorry, I'm going to be moving

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1 about different things. We will just give
2 Ms Taylor-Smith an opportunity to get onto page 8 of the
3 PDF. Of the PDF. Keep going up please, that's it. Do
4 we see there at page 8 of the PDF which I see is page 3
5 of the actual report --

6 A. Yes.

7 Q. -- that you were also asked to look at a right boot
8 labelled "Side room, A&E, Victoria Hospital Kirkcaldy on
9 3rd May 2015 2210 hours", and you were also asked to
10 look at a left boot labelled again "Side room, A&E,
11 Victoria Hospital Kirkcaldy on 3rd May 2015 at
12 2210 hours."

13 A. Yes.

14 Q. And these are described as "brown Urban Logik boots"?

15 A. Yes, that's correct.

16 Q. And I wonder if I could -- well, first of all it says:

17 "The above two articles were found to form an
18 apparent pair and the general characteristics of both
19 boots were noted.

20 A. Yes.

21 Q. But they were kept separate in separate bags?

22 A. Yes, that's correct.

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1 Q. And could you look, please, at the boots -- these boots
2 and tell me if you recognise them, please.

3 (Pause).

4 A. Yes, I can see my signature on the labels.

5 Q. So what you see in front of you are the brown boots,
6 Urban Logik, that you examined as part of your work.

7 A. Yes, that's correct.

8 Q. Thank you. And then I also look down page 3 of the
9 report, page 8 of the PDF, and we can see that you were
10 also asked to look at a vest from PC Nicole Short
11 labelled "2.2.3 Kirkcaldy Police Office at
12 1808-1812 hours."

13 On 3 May 2015 and we have heard evidence that this
14 vest was recovered from PC Short between the hours of
15 1808 and 1812 that day.

16 A. Okay.

17 Q. So can I ask you to look at that vest, please. And
18 again, tell me if you recognise that.

19 A. I can see my signature on the label. It's hard to see
20 it through the bag, but yes.

21 Q. So what's in that bag is the vest that you examined?

22 A. Yes.

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1 Q. And then can I also ask you to look at another vest,
2 this is a demonstration model that we have, in the same
3 size, and it might be easier as we go through your
4 evidence to use this because you can touch this, it's
5 not contained within the bag, so ... and does that look
6 like the type of vest that is contained in that bag we
7 just looked at?

8 A. Yes, it's a black padded vest with a hi-vis piece over
9 the top.

10 Q. Thank you. And in fact, do you say on -- looking again
11 at your report which is on the screen, do we see that:

12 "The above article was a black padded police
13 vest ..."

14 We have heard it described by some witnesses as body
15 armour.

16 A. Okay.

17 Q. "... with an outer high visibility vest attached."

18 Can you tell us how is it attached?

19 A. There's Velcro straps over the top and it's zipped up,
20 so -- yes, it might be when we had it that the Velcro
21 was adhering to the black vest underneath.

22 Q. Thank you:

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1 "Areas of discolouration or light markings were
2 noted on the black padded vest, particularly on the
3 front left pocket, front right pocket and near the neck
4 line."

5 Now, I'm interested, would you be able to show us,
6 using the demonstration model, where those areas of
7 discolouration or light markings were noted and feel
8 free to unzip the hi-vis because this says "Areas of
9 discolouration or light markings were noted on the black
10 padded vest". So front left pocket?

11 A. So this would be the front left pocket, it would be
12 around this area (indicating).

13 Q. So that would be the left of someone who was wearing the
14 vest?

15 A. Yes.

16 Q. Rather than as I look at it now?

17 A. Yes.

18 Q. Thank you. And do you remember where those marks were,
19 or --

20 A. No, not off the top of my head, I just know they were in
21 that area. We could see them before we opened the
22 pocket, I think, so they were obviously on the exterior

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- 1 part of the black vest.
- 2 Q. And then you said front right pocket?
- 3 A. So it would be this vest (inaudible overspeaking)
- 4 (indicating) --
- 5 Q. Again, right as someone is wearing it?
- 6 A. Yes.
- 7 Q. And near the neck line?
- 8 A. So that would be up -- sorry, it's -- it would be up
- 9 round this area (indicating), round here.
- 10 Q. Right. So again as someone is wearing that, round the
- 11 front of the area closest to their neck?
- 12 A. Yes.
- 13 Q. Thank you. And then "a darker partial mark was also
- 14 noted on the high visibility vest before the police
- 15 marking", and again, using the demonstration vest you
- 16 have in your hands, can you show us where the darker
- 17 partial mark was?
- 18 A. So it's on the rear of the vest.
- 19 Q. And that's the high visibility vest?
- 20 A. The high visibility vest.
- 21 Q. Below the police marking?
- 22 A. Yes, so anything here would be below the police marking

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1 for us, so it was in this area because there was part on
2 the different materials of the hi-vis stripes.

3 Q. So just looking at that vest now at the rear, as we look
4 at it, there's the police badge in the centre --

5 A. Yes.

6 Q. -- then there appear to be two horizontal maybe
7 fluorescent strips, silver-coloured?

8 A. Yes.

9 Q. One underneath the armpits and one more closer to the
10 waist area?

11 A. Yes.

12 Q. So the first strip is under the armpits and the second
13 closer to the waist area?

14 A. Yes.

15 Q. And then in addition to that there are two sort of
16 semi-vertical strips at a slight angle and the police
17 badge is over those.

18 A. Yes.

19 Q. Thank you. And the mark was on the back of the yellow
20 vest?

21 A. Yes, it was on the back of the yellow vest.

22 Q. Thank you. And perhaps we could look at a photograph of

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1 this just to confirm the mark. Sorry, Ms Smith, I think
2 it's ... it is PIRC 1176 and I think it's 48 or 50 --
3 here we are. Is that photograph 48?

4 So can we see a picture? Would this have been the
5 picture of the vest you actually examined?

6 A. Yes, that's the vest we actually examined.

7 Q. And can you see the label on the left-hand side of this
8 picture saying it is a vest and it mentions Nicole Short
9 and Kirkcaldy Police Office and gives the time,
10 1808-1812, and the date, 3 May 2015?

11 A. Yes, I can.

12 Q. And is that mark that we see below the police badge, to
13 the right maybe near the right arm hole, that's the mark
14 that you examined?

15 A. Yes. Yes. All the mark that would be in this area, the
16 darker part towards here, but the whole -- the whole
17 mark.

18 Q. Thank you very much. Lovely.

19 Can we go back to your report please, sorry, which
20 was page 3 or page 8 of the PDF. Sorry, I think this is
21 the wrong one, it's COPFS 00114. And we will look at
22 page 3 of the report. That's lovely. Sorry, can you go

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1 up slightly. That's page 2. So can we go down to
2 page 3, that's perfect, lovely, and just at the very end
3 of that page we mentioned a moment -- keep going,
4 please. Thank you. So we're looking at the vest that
5 we have just discussed and then it says there:

6 "The padded vest and high visibility vest were
7 examined under different lighting conditions, however,
8 no further details were noted."

9 So you have spoken there of the padded vest, the
10 black vest, and the high visibility vest. What did
11 you -- what did you do with the different lighting
12 conditions? Can you tell us a little bit more about
13 that?

14 A. So we have a piece of equipment called the VSC which is
15 the visual spectral comparator and it has different
16 light sources available to us. You can put items within
17 the chamber and subject them to different forms of
18 light, so there would be UV light and infrared light and
19 you can change the wavelengths that you look at.
20 Sometimes it helps people see the marks that are there
21 but it just changes the contrast between the mark and
22 the background, so it depends on the material it's on

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1 whether you get a better result or not.

2 Q. So it can enhance what can be seen by the naked eye,
3 which may have limitations?

4 A. Yes, it can do.

5 Q. Thank you. And those examinations -- that examination
6 and those different lighting techniques were used by you
7 as part of your work?

8 A. Yes.

9 Q. Thank you. And then you say:

10 "The partial mark on the high visibility vest was
11 found to have insufficient detail for a meaningful
12 comparison to be carried out."

13 And I'm interested in what you mean by this, so
14 let's look at the different phrases "partial mark",
15 first of all; can you explain to those listening what
16 you mean by that?

17 A. So because we're looking for a footwear mark, or a mark
18 that may have been made by the sole of a shoe, or part
19 of a shoe, we are looking for the pattern, an overall
20 pattern that would look like a footwear mark to us. If
21 we don't have a full footwear mark then it would be
22 described as a partial mark. It can also be that the

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1 pattern elements within the sole pattern are not full,
2 so, for example, I think later on I have mentioned that
3 there's a possible triangle shape on it, but when you
4 have something like fabric it can be -- it's moveable,
5 so you can have contact between an item and the vest and
6 it might look like a square, but once the mark has --
7 the vest has been opened up, for example, you have a gap
8 down the middle, so you can't be sure that it's
9 definitely that. It might be that there's poorly
10 defined edges and you don't know whether the shape is
11 really a full square and you have only got part of the
12 element that's there so --

13 Q. And that's because material can move, it could fold or
14 crinkle or --

15 A. Yes, that's part of it, yes.

16 Q. Thank you. And you say there:

17 "This article was forwarded to the Mark Enhancement
18 Laboratory for further examination."

19 And we have heard that they are called MEL?

20 A. Yes, MEL, we would refer to them, but Mark Enhancement
21 Lab.

22 Q. Thank you and we have heard from a Laura MacPhie who

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- 1 works at the Mark Enhancement Lab; is that someone
2 you're familiar with?
- 3 A. Yes, it is.
- 4 Q. Do you liaise with the Mark Enhancement Lab in relation
5 to certain items that you're examining?
- 6 A. Yes. We work closely with various different sections of
7 the laboratory and the Mark Enhancement Lab is one of
8 the people that we would send items down to be looked at
9 and we may get them back again.
- 10 Q. So the SPA has a number of different departments under
11 the umbrella of SPA and you would liaise with different
12 departments in it?
- 13 A. Yes, depending on what examination types and what the
14 case type was.
- 15 Q. And depending -- you will send some items to different
16 departments, depending on what's most appropriate for
17 further tests?
- 18 A. Yes, that's right.
- 19 Q. Thank you. Can I ask you -- we have spoken about you
20 looking at some boots a moment ago.
- 21 A. Yes.
- 22 Q. Can I ask you to look at two boots, please -- did I ask

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1 you to do that earlier? No. They're still there.
2 Great, thank you. Can I ask you to look at your
3 conclusion now. So this is on page 4 of the report and
4 it says:

5 "The knife ... was examined and compared with the
6 knives in 'knife 1' [2 and 3] ... when they were found
7 to be similar in general appearance and similar markings
8 to each other. In our opinion, the knife [that's knife
9 1] could have come from the same set as the knives [the
10 three knives] ... or any other set of knives with
11 similar appearance and markings."

12 And when you say that, is that the House & Home
13 markings that you mentioned earlier?

14 A. Yes, it is.

15 Q. That's the particular markings?

16 A. Yes.

17 Q. So it's the manufacturer's marking?

18 A. Yes.

19 Q. And you found that on all of those knives?

20 A. We did.

21 Q. And that was the knife found in Hayfield Road and the
22 knives taken from the address in Arran Crescent in

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1 Kirkcaldy?

2 A. Correct.

3 Q. Thank you. And why were you only able to say it could
4 have come from the same set of knives, or any other set
5 of knives with similar appearance and markings, and why
6 don't you just say they are the same knives?

7 A. Because there will be more than one set of knives
8 available in the world that will have those markings on
9 them and we don't know how many of those sets of knives
10 there are, so it could have come from that set because
11 they were all different sizes and shapes of blade, but
12 similar general appearance, that they looked like they
13 could be a set, but there's no guarantee that they have
14 come from the same actual set.

15 Q. So in your job is it important not to leap to
16 conclusions when other knives and sets like that could
17 exist elsewhere?

18 A. Yes.

19 Q. And why is that important?

20 A. It's important because you don't want to give evidence
21 that's misleading, or information that's misleading. It
22 might put an inquiry going in a completely wrong

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1 direction and it's possible that the knife came from
2 that set, but it's also possible that it could have come
3 from somewhere else.

4 Q. So is it something you want to be careful about in your
5 job, not going too far and drawing conclusions that
6 might be later proved wrong?

7 A. I think we would always be careful with our wording when
8 we choose to report it, to try and put across what our
9 actual findings are because sometimes when it's written
10 it's -- it can be interpreted slightly differently if
11 people have read it, so we try to avoid all that and we
12 try to be as open and honest as we can be and we're not
13 biased in any way, so it could have come from there, but
14 it could also have come from somewhere else so we would
15 give the options that were available. We don't make one
16 decision and close it off if there's another option
17 that's there.

18 Q. So it would be a matter for someone else to draw any
19 conclusions about whether that knife found in
20 Hayfield Road was actually part of the set taken from
21 Arran Crescent?

22 A. Yes. There might be other departments that could look

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1 at DNA or fingerprints, for example, that might help add
2 in with the information that we can provide, so it's not
3 just for us to decide.

4 Q. Thank you. And then you do mention looking at the paint
5 sample, but I'm not going to go over any of that with
6 you today.

7 Can I also look at page 16 of your Inquiry
8 statement, so that's 123, page -- sorry, paragraph 31,
9 and you refer there to:

10 "Shirley's written the first lot of notes and then
11 I've added bits in, which is just my own observations,
12 and I think that's because there wasn't an awful lot
13 there but I wanted to record what was seen."

14 A. Yes.

15 Q. And can I ask you to look at page 16, PDF page 16, so it
16 will be at the end of the report, COPFS 114.

17 (Pause).

18 There we are. I thought I had got the wrong number.
19 It's been known.

20 We see some handwritten notes there, and we see the
21 names Shirley Chin and Alison Marven and it says
22 "Chemist" or chemistry perhaps?

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- 1 A. "Chemists", I think.
- 2 Q. And whose writing is this?
- 3 A. I don't know. I don't recognise that writing.
- 4 Q. Oh, right, you don't. It's not your writing then?
- 5 A. No, it's not mine and actually my name is not spelled
- 6 correctly, so it's definitely not my writing.
- 7 Q. Right. Could it be Shirley Chin's writing?
- 8 A. I have seen Shirley Chin's writing and that doesn't look
- 9 like Shirley Chin's writing to me. I'm not an expert in
- 10 handwriting but I have worked with Shirley quite a lot
- 11 and that, to me, doesn't look like her writing.
- 12 Q. So this is perhaps not either of your notes then if it's
- 13 not your writing. Do you know whose notes these are?
- 14 A. No, I don't. That doesn't look like notes I have ever
- 15 seen before.
- 16 Q. Right, okay. Well, we will just remove that from the
- 17 screen.
- 18 Let's go back to paragraph 31 of your Inquiry
- 19 statement and we were just talking there about Shirley
- 20 writing the first lot of notes and you adding in your
- 21 own observations. Tell us just about the notes and how
- 22 they are prepared?

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1 A. Okay. When we're in the laboratory examining an item we
2 take the general label details down and we will write
3 what the packaging is and all the sort of markings that
4 are on the labels, so that we can identify the item.

5 We will then open the item and we will take general
6 notes on the actual item, so say it's the vest, we would
7 take notes on the vest and if one person might be
8 writing them, sometimes we look at things together,
9 sometimes we do it separately, one person will write the
10 notes, the second person will maybe check the garment
11 and then check the notes and see if there's anything
12 additional they want to add. For example, when we
13 looked at the vest and in relation to this paragraph,
14 that's because it was the GER, which is the general
15 examination form, the general examination record, that
16 Shirley has written the first part of the general notes
17 and then when we have gone on to do the additional work
18 under the other light sources that I have just added
19 little bits in because I wanted to remind myself of what
20 I had seen.

21 Q. So it's a joint effort to combine those notes as you go
22 through the process of working and examining items?

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1 A. Yes. Both people have to be happy with the notes that
2 are on the record because we're both signing them and
3 both writing the report afterwards.

4 MS GRAHAME: Thank you. Now, I'm going to move on, but
5 I notice that it's nearly lunchtime.

6 LORD BRACADALE: We will stop for lunch and sit again at
7 2 o'clock.

8 (1.01 pm)

9 (The luncheon adjournment)

10 (2.01 pm)

11 LORD BRACADALE: Yes, Ms Grahame.

12 MS GRAHAME: Thank you. Can we look again at your Inquiry
13 statement, please. I'm going to look at two paragraphs.
14 We will just put them on the screen briefly. One is
15 paragraph 18 and one is paragraph 81, so let's look at
16 18, first of all, and you knew that a police officer had
17 been injured and part of your instruction mentioned
18 Nicole Short's body armour to be examined for a possible
19 footprint, and the footprint was to be compared with the
20 deceased's footwear which was seized at Victoria Royal
21 Infirmary in Kirkcaldy at the time of the recovery of
22 the body, and that's the boots that we looked at before

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- 1 lunch.
- 2 A. Yes.
- 3 Q. And then paragraph 81, do we see you say:
- 4 "To clarify I can see in the background information
5 that we had, there was something about punching. 'Bayoh
6 allegedly punched and kicked one of the officers ... on
7 the head and body. A struggle then ensued between
8 police officers and Sheku Bayoh'. We're looking to see
9 if there was anything from her clothing and his shoes to
10 show that his shoes had made contact with her vest."
- 11 So that's really the aim of what you're trying to
12 do?
- 13 A. Yes.
- 14 Q. And the background information that you had at that
15 time, when you carried out your examination, was of
16 a kick not a stamp?
- 17 A. Yes, that's the information there's come directly from
18 the submission form that we had.
- 19 Q. So -- and who prepares that submission form?
- 20 A. That was a PIRC submission form.
- 21 Q. So PIRC prepare a submission form, that comes into your
22 system, is it -- is it on the system?

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- 1 A. Yes, it's submitted to the laboratory with the
2 productions or the items that they want looked at, so
3 they have to bring a submission form with the items.
- 4 Q. And does that give you the background, or the background
5 that you're provided with --
- 6 A. Yes.
- 7 Q. -- to assist you with your examination?
- 8 A. Yes.
- 9 Q. You didn't have any other additional information, did
10 you, about the circumstances at the time you did your
11 examination?
- 12 A. I had the information that I had been provided with at
13 the vehicle, that I had been to examine, and then
14 basically we're going from the submission forms that we
15 had. I think one of my other colleagues had attended
16 a strategy meeting early on where it was discussed what
17 items were to come in, but that would just have the same
18 information as we were provided with.
- 19 Q. And that was my fault, I should have been clear: the
20 information you had, but that was in relation to the
21 vest?
- 22 A. Yes.

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- 1 Q. Rather than other information about a vehicle?
- 2 A. Yes.
- 3 Q. Can we look at paragraph 20 please of your Inquiry
4 statement. I think you talk about receiving an
5 instruction from DSI William Little from PIRC and it is
6 PIRC paperwork that we have and that's submitted on
7 14 May 2015. I think before lunch you said you thought
8 it was about the 14th?
- 9 A. Yes, 14th or 15th.
- 10 Q. And you were given a number of items and you have listed
11 them there in paragraph 20 for the Chair to consider,
12 and again, you detail there that the information you
13 have was -- you will see sort of halfway down -- just
14 below halfway down the screen that:
- 15 "... Bayoh allegedly punched and kicked one of the
16 officers ... on the head and body."
- 17 A. Yes.
- 18 Q. Thank you. And again, there's no mention in that set of
19 instructions about a stamp being alleged?
- 20 A. No.
- 21 Q. If you had been told, when you were doing your
22 examination in May, that a stamp was alleged, or more

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- 1 than one stamp had allegedly occurred, would that have
2 made any difference to the work that you were doing?
- 3 A. No, we were looking at the vest to look and see if there
4 was any footwear marks on it, so if they have been there
5 from being kicked or being stood on or being stamped on,
6 if we had seen a footwear mark there we would have
7 examined it.
- 8 Q. Can we look at paragraph 23, please. And I think you
9 say here that prior to your examination the item, the
10 vest, had gone to Biology. Is that a separate
11 department in the SPA?
- 12 A. Yes, it is.
- 13 Q. And why did it go there first?
- 14 A. I don't know. I'm assuming that they're looking for DNA
15 or biological material. Maybe it was blood pattern
16 examination. We don't particularly look at what they're
17 asked to do, we just know that they had the vest first.
- 18 Q. And can we look at PIRC 01176, please. Now, I think
19 this is photographs that were taken. Am I right in
20 saying that these photographs were actually taken by the
21 biology lab, or by -- as part of their examination, or
22 am I wrong in that?

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- 1 A. I don't see any photographs just now so ...
- 2 Q. Sorry. If we can start with photograph 18. You will
3 see that ... yes, so some of these contain the knives
4 that we have looked at earlier and some contain the
5 boots. We will go through these in a moment. And some
6 contain photographs of the vest. If we can go to 18.
7 Is it just doing it automatically? 18, please, of this.
8 If it's not working, it's fine, we will leave it. It
9 seems to be glitching for some reason.
- 10 A. Okay.
- 11 Q. So there were photographs taken. There are 55
12 photographs in this item and some of them contain
13 photographs of the boots and some of them contain
14 photographs of the knives and some of them contain
15 photographs of the vest. You maybe saw some of them
16 scrolling past very quickly there. Who took those
17 photographs?
- 18 A. Well, very quickly as it scrolled past I saw the
19 initials "RES" which is Robert Smith, which is a scene
20 examiner for SPA, and I know that we did have him take
21 photos of some of the items. Whether those are all his
22 photos or not, I don't know, but Robert Smith certainly

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- 1 photographed some items for us.
- 2 Q. We will maybe try again and see if we can get it to work
- 3 this time. If not, we will leave that.
- 4 So in the absence of those photos, can I ask you
- 5 I have looked through those photos and there don't
- 6 appear to be any photographs of the soles of the boots
- 7 that we looked at before lunch.
- 8 A. Okay.
- 9 Q. And I know that you examined the soles of the boots.
- 10 Was there a reason there was no photograph taken of the
- 11 soles?
- 12 A. No, I don't think so. I think these photographs were
- 13 potentially taken before we had the items because I saw
- 14 a radio or something there, which we didn't have
- 15 submitted to the lab, so if all these photos were taken
- 16 at the one time, that's before we saw them. But we take
- 17 lifts from the soles of the shoes, so we're actually
- 18 doing a comparison with the lift that we take directly
- 19 from the shoe soles ourselves.
- 20 Q. Rather than photographs?
- 21 A. Rather than photographs.
- 22 Q. So if we look at paragraph 41 of your Inquiry statement,

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1 and this actually explains to the Chair that you do take
2 lifts from the soles of the shoes that you were
3 examining and you took copies of those and put them onto
4 acetate sheets:

5 "... so that they're see-through but the pattern's
6 there, and we would overlay that acetate onto a mark."

7 And if you're doing a comparison:

8 "... we might have a photograph or a gel lift on an
9 item of clothing, and we would use that acetate to
10 compare against any mark that we saw on those items."

11 Would you explain to the Chair what you mean by the
12 process that you're describing?

13 A. Okay. So when we have the shoe soles we dust them with
14 powder and then we have a sticky piece of plastic, an
15 acetate sheet, that we put against the sole of the shoe,
16 and when we peel it off it's left with the pattern
17 that's present on the sole of the shoe.

18 We then put another piece of acetate sheet over the
19 top of it to cover up the sticky surface which means we
20 are able to touch both sides of the lift from the
21 pattern of the soles and we can use that by -- if we
22 have a mark here, for example, we can overlay it and we

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1 can manipulate the acetate sheet round to see if we can
2 have any correlation between the shoe pattern and the
3 mark on the item.

4 Q. Thank you. And would you look for me, please, at some
5 acetates. SPA 24 and 25, please.

6 This is SPA 24, it says "Right boot acetate", so is
7 this the acetate that you took from the right boot that
8 we looked at before lunch?

9 A. Yes, this is the acetate from the right boot.

10 Q. And then SPA 25 should be the acetate that we looked --
11 the acetate that you took from the left boot?

12 A. Yes, this is the one that was taken from the left boot.

13 Q. Can we go back to the right boot, please, 24. Now, if
14 we scroll down the page we can see the full mark from
15 the sole of the boot.

16 A. Yes.

17 Q. And I wonder if you could just describe to the Chair
18 what markings or areas that you can identify yourself
19 and describe those for us?

20 A. We have different shape blocks on the sole of the shoe.
21 We have at the centre of the sole and in the centre of
22 the heel you have what we would describe as double

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1 triangles, it's two triangle shapes with the bases
2 towards each other, and round the edges there are just
3 various shaped blocks that we would be looking at and in
4 the recess between the sole and the heel you can just
5 make it out that it says "Urban Logik".

6 Q. In the centre?

7 A. Yes, in the centre.

8 Q. And can we look at the other, number 25. And, again, if
9 we can see that. And actually, do we see the "Urban
10 Logik" a little more clearly?

11 A. It's a little more clear in this image.

12 Q. It's reversed?

13 A. Yes.

14 Q. So if someone was leaving a mark on an item it would
15 come out the correct way round, presumably, if you were
16 standing on earth or something soft?

17 A. Yes, you would see it, yes.

18 Q. You would see the actual --

19 A. You would see it the way -- the shape of the foot -- so
20 yes, if the item was stood on by a left foot, that is
21 the shape that we would see there, as if you're looking
22 through the sole of your foot.

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- 1 Q. Right, thank you. And again, do we see these double
2 triangle -- triangular shapes on that sole?
- 3 A. Yes, we do.
- 4 Q. Thank you. And then can we look at SPA 23, 00023, and
5 if we can look at the top of that, do we see this is
6 headed "Footwear examination record", and the
7 description of the item is given as "Right boot", and
8 taken from Victoria Hospital, and then if we go down and
9 it says "Upper general condition", "Good", "Damage to
10 upper", "None", "Dirty" it says and general description
11 of right boot is there. When it says "None - dirty" can
12 you explain what that meant?
- 13 A. Yes, so I have noted that the boot was dirty, so there
14 would be dirt or soil potentially on the surface, they
15 don't look clean, freshly polished, but there was no
16 damage to them like cuts or big scuffs or holes in them,
17 for example.
- 18 Q. Thank you. Then "sole/heel unit. Damage":
19 "Very worn in places, original pattern in others,
20 trapped stones, small cuts."
21 What does that mean?
- 22 A. So when we look at the sole of the shoe, the blocks

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1 had -- the edge blocks had -- some parts of it looked
2 quite smooth and some part looked almost stippled so the
3 stippling would be what we would say would be the
4 original pattern and the other part has been worn flat.
5 There's obviously little bits of stone trapped within
6 the tread elements and the small cuts are -- when we're
7 doing a footwear comparison you can look at the pattern
8 and the size and the layout of the pattern elements on
9 the shoe and depending on the surface that you're
10 looking at, for example, if it was on this wooden bench,
11 you might have fine detail which would be the small,
12 unique damage features or small features of damage
13 within that. Generally you don't see those on fabric
14 because of the texture and the background substrate.

15 Q. And if you had found dirt or mud or earth of some
16 description on the sole, is that the area of the report
17 you would have noted it?

18 A. We would have written that in the heel damage unit area,
19 yes.

20 Q. So in the absence of anything like that can we -- can
21 the Chair assume that you did not find dirt or mud or
22 earth?

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1 A. Yes. If we would have found big sort of pieces of mud
2 trapped in then that would have been noted at that
3 point, yes.

4 Q. And of equally -- although I'm talking about dirt, if
5 there was another substance present on the sole is that
6 the area where you would have noted that, if it had
7 existed?

8 A. Yes.

9 Q. Thank you. Can we go down, please, and you say:

10 "Sole/heel unit. Pattern description."

11 And you mention the double triangles and the
12 Urban Logik logo and carry on, please, and then we see:

13 "Bag contains one brown boot and a plastic bag
14 containing a piece of folded brown paper (from
15 biology/DNA exam)."

16 And then can we go down on to the next page and we
17 see this is the left boot that's been examined?

18 A. Yes.

19 Q. And again, if we go further down, we see the "upper
20 general condition":

21 "Damage to upper: none. dirty."

22 So the same as the right boot?

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- 1 A. Yes.
- 2 Q. And then the "sole/heel unit. Damage":
- 3 "Very worn in places. Original pattern in others.
- 4 Trapped stones, small cuts."
- 5 Again, that seems to be the same as the previous --
- 6 the other boot?
- 7 A. Yes, that's correct.
- 8 Q. And does the position -- the position will be the same
- 9 regarding anything else? If you had found it on the
- 10 sole, you would have noted it there?
- 11 A. Yes.
- 12 Q. And is this your writing?
- 13 A. It is my writing, yes.
- 14 Q. So these are your notes?
- 15 A. Yes.
- 16 Q. Good. Then can we go down, please, further, stop
- 17 please. On the left-hand side it says "Sole/heel unit
- 18 wear", and it says "Heavy". "Wear distribution: ball,
- 19 outer, subsole ..."
- 20 I'm not sure what the next word says?
- 21 A. It says "Viewable", sorry.
- 22 Q. "Viewable at one point"?

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- 1 A. Yes.
- 2 Q. Thank you. And is that an area that could have been
3 noticeable if a mark had been made?
- 4 A. Yes, or you would see the wear, potentially, on the item
5 that a footwear mark had transferred onto.
- 6 Q. So you're looking for all these areas which might be
7 unique features on these soles?
- 8 A. Yes, and we're looking at the overall pattern as well,
9 but part of what we're looking for is features within
10 that specific shoe.
- 11 Q. Thank you. Then carry on, please, going further down,
12 and then we see again reference to the bag that it came
13 within and then go further down, please, and the date is
14 14 August -- is that 2015 and then -- sorry, "Examined
15 by" and it is redacted, 14 August, and then another
16 "Examined by" and that's 19 August, so is that when you
17 and Ms Chin examined these items?
- 18 A. That is when we have signed off our final notes for that
19 page. The examination will have taken part -- place
20 between when the items were submitted and all the way
21 through and that's when we have done our final sign off
22 of all the sheets.

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1 Q. Thank you very much. I wonder if we could look at
2 paragraphs 37 and 38 of your Inquiry statement, please.
3 And you have said here, we're back to thinking about the
4 vest here:

5 "We don't have a photo of the mark in the file.
6 Looking at the soles of the shoe, there's different
7 pattern elements within that. There are small triangles
8 and there's slightly different shaped blocks."

9 Was that the areas around the outside of the sole?

10 A. Yes.

11 Q. And can we look at SPA 28, please? And if we go to the
12 top, please, it says "General examination record", and
13 this relates to Nicole Short's vest, is that correct?

14 A. Yes, that's correct.

15 Q. Whose writing is this?

16 A. This is Shirley Chin's writing.

17 Q. This is her writing. And this relates to the vest and
18 if we could go down, please, there's mention of the vest
19 and then you will see it says:

20 "Front left black pocket of vest has light coloured
21 markings on surface - could be dirt rubbed on surface?
22 Or part of a mark? Pocket contained latex gloves.

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1 "Front right black vest pocket has similar
2 discolouration/staining on surface. Empty pocket.

3 "Light coloured staining noted near neck
4 line/shoulder area of vest - possibly make up?

5 "Areas of dark staining noted on the back of the
6 hi vis [something] ..."?

7 A. "Layer", sorry, that's Shirley's writing, it's "Layer".

8 Q. "Police badge". And then it's a different pen, is this
9 your writing then?

10 A. Yes, this is my writing now.

11 Q. And you described before lunch how you combine --
12 sometimes Ms Chin will write things in the notes and
13 sometimes you, depending on what you see?

14 A. Yes.

15 Q. So this is an example of something you wrote to
16 yourself?

17 A. Yes.

18 Q. And it says:

19 "Marks on the jacket possibly included a triangle.
20 Possible that this is one of the elements from the shoes
21 of the deceased but there is really insufficient
22 detail/resolution of marks for any meaningful

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1 comparison."

2 Can I ask you what did you mean when you wrote that?

3 A. When I looked at the vest, there was the darker area of
4 staining. Because there was nothing identifiable as
5 a full footwear mark, I'm just trying to give myself an
6 indication of what I'm seeing on the vest, and there was
7 one area that I considered that could potentially have
8 been a triangle. We know that there was triangles on
9 the sole of the shoe because we have the shoes and it
10 was to say that -- to show that we have considered that
11 there are potentially a triangle on the vest,
12 potentially triangles on the shoes and whether those
13 triangles on the shoes could have been responsible for
14 the one on the vest, so we're just showing that we
15 looked at it and it's to indicate sometimes that marks
16 on an item, they're quite nondescript and you can't
17 really put a proper description of what their shape is.
18 This one, it was a potential triangle, and it was just
19 to show that we had actually considered all the pieces
20 that we could see.

21 Q. So possibly included a triangle and you have referred to
22 triangles on the soles of the boots?

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1 A. Yes.

2 Q. So you have considered that as a possibility?

3 A. We did.

4 Q. But having considered that as a possibility, you have
5 said there was insufficient detail or resolution to --
6 of the marks for any meaningful comparison?

7 A. Yes.

8 Q. What's a meaningful comparison?

9 A. So for one pattern element, just a triangle, it's not
10 a unique shape. To say that the triangle was from
11 a certain item, if you have only got one pattern
12 element, that would be quite misleading if you haven't
13 got any of the other pattern elements round about.

14 There's obviously differences in the substrate with
15 how a mark will be made onto an item, it might be curved
16 it, it might be flat, the different textures of the
17 material, so for a meaningful comparison there's nothing
18 more meaningful other than one has a triangle and the
19 other one also has a triangle. You're not saying --
20 it's not a specific, unique shape.

21 Q. If you were looking for a meaningful comparison --

22 A. Yes.

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- 1 Q. -- how much additional information would you be looking
2 for?
- 3 A. It really depends on the substrate that the mark is on
4 and what the pattern of the shoes are. It's very
5 case-specific, but you would need to have more than just
6 one pattern element, unless you had lots of very fine
7 detail within it that made it unique to that shoe, but
8 even still, I think you wouldn't want to say that it was
9 from that shoe with just one pattern -- one pattern
10 element, and obviously with this one, the resolution and
11 detail within that mark wasn't brilliant itself so we
12 couldn't even say whether the mark on the vest had been
13 a triangle to start with, or whether -- like I explained
14 earlier -- the folds in the material, we didn't know we
15 were definitely seeing all the edges, so we wouldn't
16 have linked that.
- 17 Q. All right, thank you. Can we look -- I wonder if we can
18 look at some photos of the vest again if that's going to
19 be possible. So they were 1176, photos 47 to 50, but
20 let's see if we can get those to come up on the screen.
21 Lovely. And they would be right at the very end, 47 to
22 50. That's lovely, that's great, thank you.

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1 Let's stick with that. Would you be able to explain
2 to the Chair, when you said "Possible triangle", what
3 area of the mark you're referring to?

4 A. On this image with the two horizontal stripes on the
5 vest running vertically, it would be the area to the
6 right of that, so closer towards the police badge, but
7 the very sort of end mark -- there's three very quite
8 dark marks down at the bottom.

9 Q. Let me just check, we do have a facility for some of the
10 things that we show on the screen to circle things with
11 a red circle, but I don't know if that's something
12 that's going to be possible -- right. We have
13 a facility on the screen --

14 A. Okay.

15 Q. -- you can touch the screen and a red circle will appear
16 and if you want to move it around you can put your
17 finger in it and move it, so try that now and then if it
18 doesn't work we can take it away and you can try again.

19 A. Sort of here (indicating).

20 Q. Okay. So maybe we could have a bigger circle, I think,
21 because the "1" sort of covers quite a large part of the
22 circle. Let's take those away and let's try and get

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- 1 a bigger red circle, if that's possible.
- 2 A. How do I make it bigger?
- 3 Q. If you don't touch it for the minute, we will wait for
- 4 Ms Smith to set that up --
- 5 A. Oh, sorry.
- 6 Q. -- and then we will get the nod from her. Right, let's
- 7 try this. It should give you a bigger circle now.
- 8 Lovely. So that's the dark marks where you thought
- 9 possible triangle?
- 10 A. Yes, it's the bit closest to the centre that would be
- 11 the possible triangle shape.
- 12 Q. Is that the sort of larger of the marks that we see
- 13 there, if I could describe it that way?
- 14 A. Yes, the kind of bit that's pointier towards the top.
- 15 Q. So that is the part that is the possible triangle?
- 16 A. Yes.
- 17 Q. And can we go back and look at the acetate, please,
- 18 which was 00024, SPA 00024. This would be the acetate
- 19 from the right boot and that's the triangles that we see
- 20 on -- from the acetate.
- 21 A. Yes.
- 22 Q. And again, can we go back just very briefly to that last

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1 photograph and that was 1176, and it would be
2 photograph -- perhaps photograph 48. So that's the mark
3 on the vest --

4 A. Yes.

5 Q. -- which was a possible triangle. And your view was
6 that there was insufficient to connect the sole or the
7 shoe -- or the shoes, and the mark on the vest?

8 A. Yes. If you look at the part that I have described as
9 the possible triangle shape, you will see that there's
10 two sides, but the base part isn't a fully straight
11 line, so that's why we couldn't even be sure that it was
12 definitely a triangle to start with and that's why it's
13 a possible triangle shape and that there was
14 insufficient for a comparison with an item.

15 Q. So the triangles on the soles of the boots from the
16 acetate have a definite, defined line at the bottom?

17 A. Yes, they do.

18 Q. And that does not have a defined line at the bottom?

19 A. Yes.

20 Q. Thank you. Looking at that photograph, can I ask you
21 about something else: do you see if someone was wearing
22 that vest where the right arm would be, so we see just

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1 lying on the table there, we see inside the hem, if you
2 like, inside the right arm area --

3 A. Yes.

4 Q. -- and it appears from this photograph that there are
5 some darker marks there, do you see those?

6 A. I do see some small markings there, yes.

7 Q. Did you examine inside the vest as well as outside?

8 A. Yes, because we had to unzip it to put it in our VSC
9 equipment, so we would have had it and looked at both
10 sides.

11 Q. Was there anything inside the vest, or inside that area
12 in the right arm area, that was of any significance?

13 A. Not to my memory, no.

14 Q. Could you tell if it was the same type of mark inside as
15 well as outside?

16 A. I don't remember, sorry.

17 Q. Could you form any view about whether the substance of
18 the mark, so the composition of the mark was the same
19 inside as out?

20 A. I'm sorry, I don't really remember the mark inside,
21 other than I can see a little bit of it there but
22 because we were looking for footwear marks and patterns,

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- 1 that's what we were mainly looking for.
- 2 Q. Thank you. And can you perhaps use the demonstration
3 model of the vest to show us the area on the vest where
4 that mark, or those marks appear to be inside, so it
5 appears to be on the right-hand side.
- 6 A. So here would be where the possible triangle shape would
7 be and the darker marks that are showing in the
8 photograph look like they're a little bit perhaps on the
9 inside of here, this bit.
- 10 Q. The sort of seamed hem area?
- 11 A. The seamed hem area. And maybe a little bit on this
12 (indicating).
- 13 Q. You have described earlier -- sorry, you can put that
14 down please.
- 15 You described earlier how you would take your
16 acetate, you could touch both sides of it --
- 17 A. Yes.
- 18 Q. -- and you would match it up when you were doing your
19 comparison?
- 20 A. Yes, we would overlay it.
- 21 Q. You would overlay it, and you would match up and see if
22 the acetate marks matched up with the marks you could

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1 see on the vest?

2 A. Yes, we would --

3 Q. And did you carry out that comparison process?

4 A. Yes.

5 Q. And did the acetate marks that you -- or the marks you
6 could see on the acetate from the soles match the marks
7 that could be seen on the vest?

8 A. No. We found that there was insufficient detail there
9 for us to orientate the footwear mark from the soles of
10 the shoe with the marks that we were finding on there
11 and that's why there was insufficient for a meaningful
12 comparison. We couldn't orientate it in any way.

13 Q. Thank you. Can we look at your Inquiry statement again
14 please, just for a moment, paragraphs 48 to 51. So we
15 will start with 48. You were shown some photographs of
16 the vest by the Inquiry team and you say:

17 "... there's a curved bit towards the armhole area,
18 and slightly towards the most right-hand side of that."

19 And you talk about a possible triangle, and then you
20 say at 49:

21 "There are three dark patches in a row, and then
22 there are two lines. The left one's a line, the middle

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1 one's a top to bottom line, and the third one looks like
2 a capital A."

3 Is that the area that you have just pointed out to
4 us on the photographs?

5 A. Yes, it was quite difficult to describe over -- the way
6 the statement was taken when -- in different locations
7 and people couldn't point to things very easily, but
8 yes.

9 Q. No, that's fine. But the area we just looked at in the
10 photographs, where we were talking about a possible
11 triangle --

12 A. Yes.

13 Q. -- would that be the capital A area?

14 A. Yes, that's right.

15 Q. Thank you. And then paragraphs 50 and 51, you
16 mention -- sorry, 50, first of all, you mention the
17 triangle:

18 "... a tiny little bit of a mark on the reflective
19 strip. You've kind of got the triangle 'A' shape. Then
20 just to the left, there's a line. Then there's a line
21 that's almost down to the right. It's, kind of, in a
22 curve of the armhole. Not quite parallel but it almost

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1 follows that shape."

2 And then at 51 you say:

3 "That's why we would have put it under different
4 light sources to see if we could see anything else
5 coming up, because it's on the different fabric type.
6 So we'd have looked at different things, but we didn't
7 get any extra marks coming up. I mean, that could be
8 oil or from anything. Somebody could've lent against an
9 oily hinge or an oily pool, or it's just dirty dark
10 marks."

11 And so you did go to the effort of putting it under
12 different light sources to see if you could get any more
13 detail from it?

14 A. Yes, we did.

15 Q. But none of that was successful?

16 A. No, we didn't see any more detail coming up when we
17 looked at the vest under the different light sources.

18 Q. So really what can be seen on the vest by the naked eye
19 is really what can be seen on the vest?

20 A. Yes.

21 Q. There's nothing hidden from the naked eye?

22 A. Not with the light sources that we looked at and that's

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1 why we forwarded the vest to the Mark Enhancement Lab
2 because they have different techniques that they can
3 use.

4 Q. And we have heard about some of those different
5 techniques earlier today and is it your understanding
6 that the Mark Enhancement Lab carried out some further
7 tests?

8 A. Yes, it is.

9 Q. And did you receive a phone call at some stage for them
10 to confirm that those had been done and nothing further
11 to help you was found?

12 A. Yes. I think there was a phone call between Chemistry
13 and the Mark Enhancement Lab and I believe there's
14 actually an email where it's confirmed with Laura asking
15 if we needed the vest back, or could it be put out and
16 they were finished with the vest because nothing else
17 had shown up.

18 Q. And although there's no more in your report about the
19 work done by MEL, is that because nothing was found?

20 A. That's because that would be up to MEL to report their
21 own work and their own examinations. If something had
22 shown up then the mark would have been photographed to

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1 scale and we could have used that photograph to do
2 further comparison work with, but we wouldn't report on
3 their activities down there, we would be doing the
4 comparison with the mark that was generated -- the
5 photograph that would be generated after their
6 examination.

7 Q. So if MEL had come up with something, found something in
8 addition, a different process would have been followed,
9 but in the end, nothing was found and that was the end
10 of your examination?

11 A. Yes. If MEL had found any additional markings, it would
12 have been photographed to scale and we would have had
13 the photograph to do a comparison with the shoes that we
14 had.

15 Q. And that would have been further work done by you?

16 A. That would have been by myself and Shirley, yes.

17 Q. Thank you. Can I look at paragraph 30 of your Inquiry
18 statement, please, and you say there:

19 "It's a little bit difficult to describe the
20 comparison process using this case because there was no
21 obvious footwear mark that needed a comparison done
22 between it and the footwear. Although there wasn't

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1 really any obvious comparison to take place we would
2 both have still looked at the vest to see if we thought
3 there was anything there."

4 And we have heard evidence, obviously, in this
5 Inquiry from some witnesses who thought the mark was
6 a footwear mark and you have obviously said here there
7 was no obvious footwear mark. Can you explain to us,
8 from your perspective what does an obvious footwear mark
9 look like?

10 A. So an obvious footwear mark could be one where you could
11 maybe see the shape of the shoe, the obvious sort of
12 right or left, or you would be able to see a pattern
13 that you could see the footwear pattern elements within
14 them.

15 Q. So like we see on the acetate?

16 A. Yes, like you see on the acetate.

17 Q. Right. Thank you. Can I ask you about paragraphs 37
18 and 38 of your Inquiry statement, please. This covers
19 the shape of the mark and you talk there about the
20 triangles. 38:

21 "When we have looked at the outer layer of the vest,
22 there's obviously been a slightly darker mark, which may

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1 or may not have been a triangle shape, so a possible
2 triangle shape. Sometimes if it's just one element or
3 shape on its own, from what I'm reading there, 'possibly
4 included a triangle'. Sometimes you get marks on an
5 item of clothing that's flexible material because
6 there's folds in the fabric when the mark has been made.
7 So there might be a scuff, but when it's straightened
8 out, you see it straightened out, you get a gap down the
9 middle between the edges of it. It might look like
10 a triangle at that shape but it wasn't a triangle when
11 the mark was made."

12 Can I ask you about some of the things you say here.
13 You have talked about material being flexible.

14 A. Yes.

15 Q. Can you tell us what your views are about the type of
16 material that the vest is made from. Is that what you
17 would call flexible material?

18 A. Yes, it's quite easy to manipulate and change the
19 direction that the fabric is sitting in.

20 Q. And does that have an impact on the marks that could be
21 left if something is transferred onto it?

22 A. Yes, because some of the material could be bunched up

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1 when an item comes in contact with it, so if we then get
2 the vest to look at where the fabric is straightened
3 out, you don't -- it's not always easy to see that it's
4 a footwear mark because it's changed from the original
5 orientation and layout of how the fabric was.

6 Q. So the movement of the material can impact on the way
7 a shape transfers onto that item?

8 A. Yes, it can, or how it is viewed afterwards certainly.

9 Q. How it is viewed after. And you mention a scuff. Now,
10 obviously I have asked you about a stamp and I have
11 asked you about a kick; what's a scuff?

12 A. Just a sort of glancing mark if two items come into
13 contact with each other, sort of briefly, then you might
14 be left with a scuff. If you scuff your shoe, or --
15 you know, you've got a slight transfer there.

16 Q. And if it's a scuff does that make it harder to see
17 a defined shape, or a defined area?

18 A. Yes, because it's not the same as looking at the sole
19 pattern where you've got distinctive pattern elements.
20 It would depend very much on what shape the item that
21 has come into contact to leave that transfer behind is.

22 Q. And when you're thinking about a stamp, a kick or

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1 a scuff, does one of those mechanisms provide better
2 quality footprint marks?

3 A. It very much depends on the surface that the mark is
4 going to be made on, but anything with a sort of full
5 contact with the sole pattern, whether -- as I say, it
6 depends on what your fabric that you're going onto is,
7 whether it's a wood or whether it's a glass --

8 Q. Assume it's a vest like that.

9 A. -- a vest like this, it would depend on how dirty the
10 soles were and -- yes, you might -- you might get better
11 transfer from a scuff because it's from a different part
12 of a shoe potentially, but then it's not as easy to do
13 a comparison with because you have not got the shape
14 that you're looking for, so we're looking for contact of
15 the footwear with -- it might be a mark you sometimes
16 see from the sides of the shoe, so you could get the
17 profile of the sole and you might be able to take a lift
18 from the side of the shoe to compare against that, but
19 we didn't see anything in this case that we could link
20 anything back to.

21 Q. If we have heard -- well, we have heard evidence about
22 a stamp or more than one stamp onto the back of the

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1 officer who was wearing a vest like that, that's a demo
2 vest, in the lower back or the kidney area --

3 A. Okay.

4 Q. -- and you -- you gestured there with your hands and
5 I don't know if the Chair was able to see that because
6 you've got a screen in front of you.

7 A. Sorry.

8 Q. But you had your hand flat out and then you moved your
9 hand flat on top, so if there was a stamp by a person
10 wearing a shoe onto the back of that vest, is that the
11 type of mechanism that could provide a mark -- a
12 footprint mark onto that vest if the shoe or sole was
13 dirty or had some substance on it?

14 A. Yes, that's a possible way that a footwear mark could be
15 transferred onto a vest from a shoe.

16 Q. Thank you. If there was no substance on the sole, no
17 dirt or oil or anything of that nature on the sole,
18 could that shoe still transfer a dirty mark, or a mark
19 like the one we saw on the vest?

20 A. You would have -- if you had contact between the sole of
21 the shoe and the vest, obviously there could be slight
22 residue from the rubber or whatever the sole is made

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1 from onto the vest, but it might not leave a visible
2 mark, and I wouldn't expect a dark mark to be visible on
3 the item of clothing if there had been nothing dark on
4 the surface that's coming into contact with it, so if
5 the shoe soles had been quite clean and there was no
6 dirty dark marks on it, I wouldn't expect a dirty dark
7 mark to be left on the vest from the soles.

8 Q. Now, we looked at your notes of the soles of the Urban
9 Logik boots.

10 A. Yes.

11 Q. And we looked at the area and I had said to you at the
12 time is that where you would note dirt or earth or
13 another type of substance and there wasn't anything like
14 that in your notes?

15 A. No.

16 Q. We discussed that. So if we assume boots in the
17 condition that you saw them, like the Urban Logik boots,
18 would you expect anything to be transferred onto a vest
19 like that?

20 A. From the soles of the shoe, as we saw them, I didn't see
21 anything that I thought would necessarily have made
22 a dark mark on the vest, but obviously things may have

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1 been removed from the soles of the shoe before we got
2 them and that's why we are using the different lighting
3 techniques as well to see if there's any other marks
4 there that isn't visible to the naked eye and we would
5 use the different light sources for that.

6 Q. And you wouldn't be in a position to speak to whether
7 things had been removed from the soles; you're talking
8 about the examination and the state they are when you
9 see them yourself in your laboratory?

10 A. Yes.

11 Q. Right. Is there -- can I look at paragraph 40, please.
12 And you say:

13 "In our notes we haven't noted the size ..."

14 But I had noted in your report UK size 10?

15 A. Yes, so when we were talking in the statement -- when we
16 were talking about the size here, we're talking about
17 the size of the triangle as opposed to the size of the
18 shoe.

19 Q. Oh, I see. Right, sorry:

20 "But we have just said there's really insufficient
21 detail to even know that it is a mark from the shoes.

22 It's just that there's a possibility of a triangle

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1 that's there, but we would have looked with the overlay
2 at the time but because there wasn't enough to do
3 a proper comparison with, because there's insufficient
4 detail in there, we wouldn't be able to relate that
5 definitively back to the shoe."

6 Apart from the triangle, were there any other
7 similarities that you identified between the shoes that
8 you had to look at and the vest?

9 A. No, the only mark that we saw that was a possibility was
10 the triangle and that's why we noted it in our
11 examination notes, but it wasn't put into the report
12 because we felt that would be misleading to say that
13 there was a possible shape there. That's really just
14 for our own detail that it's there. It's an
15 insufficient mark for comparison purposes.

16 Q. So it didn't make its way into your final report that we
17 looked at earlier?

18 A. No.

19 Q. And were there any inconsistencies between the soles of
20 the shoes that you examined and the mark that you
21 examined on the vest?

22 A. Other than we didn't really think there was a mark there

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1 that was worthy of doing a comparison with, so you have
2 obviously mentioned that the dark marks on the vest,
3 that we didn't see anything particularly dark on the
4 surface of the shoes, but, yes, we're -- it's easier to
5 look at a link between a shoe and a mark than to show
6 that there's not a link -- if you know what I mean --
7 between a shoe and a random mark, a non-definitive mark.

8 Q. Easier to identify the one area where there was the
9 possible triangle --

10 A. Yes.

11 Q. -- rather than look at all the other --

12 A. Yes, but we didn't see anything where we thought that we
13 could try and get a correlation between the shoe sole
14 and the mark.

15 Q. Thank you. Can I ask you to look at paragraph 43,
16 please. You talk about the footwear mark and you say:
17 "... if a full footwear sole has been in contact
18 with a surface it could be unusual to get to only get
19 one pattern element present. We've got a possible
20 triangle but there was nothing else of the pattern of
21 the shoe soles roundabout it."

22 And then at -- so that's 43, the word "Unusual"

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1 appears, and then in 44 you talk about:

2 "So it's just a kind of random bit that may or may
3 not have been a triangle ..."

4 And I wonder if you could just explain to the Chair
5 what you mean when you say "Unusual" and "A kind of
6 random bit", to give us a -- sort of in context.

7 A. Okay, so when we're looking for a footwear mark -- and
8 this was part of -- although it's under the section on
9 the shape of the mark, some of the comments within it
10 are to do with a general examination of marks and items
11 and not just specifically the mark on this vest, so when
12 we're looking for a transfer between a shoe sole and an
13 item, if there has been a full contact -- contact with
14 the full sole against the item, depending on what the
15 substance the item is made of is, it may be unusual to
16 only get one pattern element and not have anything else
17 show up. If somebody, for example, stood on this table
18 and the table was dusted, I wouldn't expect to only see
19 one part -- if the full sole has come into contact with
20 the table, I wouldn't only expect to see one part of the
21 mark, or one pattern element there. I would maybe
22 expect to see more. You might not have the full mark,

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- 1 but you would expect to see more than just one piece.
- 2 Obviously it depends on the shape, if there's
- 3 a curvature of the item that's been touched, maybe only
- 4 part of the item does come into contact with the sole of
- 5 the shoe, but for full sole contact it -- you might
- 6 expect to see more than one, but again, it might depend
- 7 on what's on the sole of the shoe, or if there's been
- 8 something on the vest that's -- initially that's reacted
- 9 with something that the sole has come into contact with.
- 10 Q. And when you're saying a full sole contact, again,
- 11 you're talking about the surface of the table and you're
- 12 moving your hand flat down onto the table?
- 13 A. Yes.
- 14 Q. So is that akin to a stamp?
- 15 A. That could be considered similar, or a step, it depends
- 16 how much force is put onto it whether it would be
- 17 a stamp or a step but --
- 18 Q. And would it -- if there was more force used, would that
- 19 make it more likely to see more of the full sole, or the
- 20 full footprint?
- 21 A. I think it would depend on what your surface you were
- 22 looking at was, but yes, I would expect if there was

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1 a greater force and stronger contact between them,
2 there's -- potentially you might see more of a mark left
3 from the item that's been in contact.

4 Q. Thank you. Can I ask you -- you have told us about
5 receiving the information from PIRC.

6 A. Yes.

7 Q. Were you ever asked whether you could do further tests
8 on this mark, on the composition of the material -- the
9 composition of the substance that the mark -- the dark
10 mark was made from?

11 A. No, we weren't asked specifically about that. I think
12 in one of the submission forms -- and I think it's
13 mentioned in the statement somewhere, that they were
14 looking for a forensic link between the footwear and the
15 vest if there was one, but for us, that question that
16 they were asking at that point was really to look at the
17 footwear mark comparison.

18 Q. So that's not something that you did to look at the
19 substance?

20 A. No, that's not something that we did.

21 Q. Were you ever asked by the Crown to look at the
22 substance of the mark?

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- 1 A. No, the only submission forms we had came from PIRC.
- 2 Q. And that was to look at the footprint or the possible
3 footprint?
- 4 A. Yes.
- 5 Q. And can I ask you, have you any views -- if we look at
6 paragraph 53, first of all. You're talking about
7 accelerants analysis, so this is a different part of the
8 process, you say:
- 9 "... it would have needed to have been in a knotted
10 nylon bag ..."
- 11 Now, you told us already it was a brown bag:
- 12 "... but I don't think that would necessarily have
13 even helped anyway, because, if it had been oil, you
14 might have just got a hydrocarbon mixture and we would
15 have needed something to compare against. We didn't
16 have a comparison item of dark staining to make that.
17 But no, I think we were just asked to look to see if the
18 boots could have made that mark. We were looking at the
19 footwear comparison part of it."
- 20 So you didn't find oil on the soles of the boots?
- 21 A. No, we didn't notice any oil on the soles of the boots.
- 22 Q. So there was no question of you doing that accelerants

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- 1 analysis part, or examination?
- 2 A. No, and for the accelerants analysis, the items need to
3 have been within knotted nylon bags because you're
4 looking at the atmosphere within the bag. You're
5 looking at the hydrocarbon ranges that are within the
6 bag, so they have to be airtight and items that are
7 packaged in brown paper bags are not suitable for
8 examination of that type.
- 9 Q. Do you have any views yourself, from your own
10 experience, of what made that mark, what type of
11 substance it was?
- 12 A. To me it just looked like a dark, potentially oily
13 stain, dark grease perhaps, but we didn't particularly
14 look far into it. It didn't look like soil to me, it
15 just looked like a dark, dirty mark.
- 16 Q. Thank you. And some witnesses suggested they thought it
17 might be dirt. Can I ask you to look at paragraph 55,
18 which is at the bottom of this screen and you said:
- 19 "I have been asked if I could take samples from the
20 sole of the boot and compare it against the mark on the
21 vest."
- 22 I think you were asked that by the Inquiry team?

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1 A. Yes.

2 Q. "We don't do soil examination or comparison here within
3 SPA, so that would have to be somebody else if they were
4 looking at soil comparison. The mark on the vest didn't
5 look like soil to us. It looks darker than the soil
6 that we're seeing on the footwear there in the
7 photograph."

8 What did you mean by that?

9 A. So at this point of the discussion I was shown
10 a photograph of the pair of shoes in the -- by the
11 Inquiry team, and you could see what looked like, as
12 described previously, dirty on the uppers of the shoes,
13 you could see some kind of what looked like soil there
14 and it looked completely different in colour from the
15 mark that we could see on the vest.

16 Q. I wonder if it would be possible to see some photographs
17 of the boots from 1176.

18 (Pause).

19 While we wait to see if we can get those photographs
20 can I ask, we have been talking exclusively about the
21 boots that were taken from Mr Bayoh in
22 Victoria Hospital?

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- 1 A. Yes.
- 2 Q. Were you given any other shoes or boots or footwear from
3 officers who had been at Hayfield Road?
- 4 A. No, we weren't.
- 5 Q. So there's -- can I just clarify, have you ever carried
6 out a comparison between those items of footwear and the
7 vest?
- 8 A. No, we haven't. We only had the boots from Mr Bayoh
9 submitted, so no boots from anywhere else, or sole
10 patterns.
- 11 Q. Thank you. Just like magic, we have some photographs
12 here of boots from 1176. Let's go through those and see
13 if we can find the one that you were referring to in
14 paragraph 55 of your statement. So we see some of these
15 Urban Logik logo-ed boots and perhaps if we stick to
16 this photograph, we can see some marks on the upper --
17 leather upper area of the boot?
- 18 A. Yes.
- 19 Q. Is that the type of mark that you were referring to?
- 20 A. Yes. It was quite light coloured looking dirt, totally
21 different from the dark colour that we thought we could
22 see -- well, we could see on the vest.

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1 Q. On the vest. And then we may -- if we look through some
2 of the others ... I think that's another photograph of
3 the same upper, but I may be wrong, but again, the marks
4 we see there on the leather upper area, is that the type
5 of dirty mark that you had noted in your report --

6 A. Yes.

7 Q. -- in your handwritten notes. And again, would you say
8 they were lighter than the mark you could see on your
9 vest?

10 A. Yes, I would.

11 Q. Thank you. Can I ask you to -- can I ask to go back to
12 your Inquiry statement, please, and 56 and 57. This
13 relates to the conclusions in your report. So:

14 "Shirley has put in the notes that there were areas
15 of dark staining noted on the back ..."

16 This is about the vest and then:

17 "... when we have been looking at the vest, when we
18 have had it back out to look [at it] under the VSC,
19 Shirley's maybe been doing the manipulation of the
20 garment so I have added to the notes."

21 That's the notes where there became the blue pen and
22 that was your handwriting?

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1 A. That's correct, yes.

2 Q. And you both signed those notes:

3 "If Shirley didn't agree that there was possible
4 shapes there then she wouldn't have signed the notes."

5 A. Yes, she would have written a comment beneath what I had
6 written and she would have signed it at that point.

7 Q. So if there had been any disagreement or dispute between
8 you and Ms Chin, that would have been noted in the
9 notes?

10 A. Yes.

11 Q. Thank you. And it's not there?

12 A. It's not there.

13 Q. Thank you. And then 57, please:

14 "Basically, in the notes, we have said that there's
15 a possible triangle. Possible it could be an element
16 from the shoes, but there's really insufficient detail
17 or resolution of the mark for a meaningful comparison.
18 So, because we deemed that there was not enough for
19 a meaningful comparison, we thought it would be
20 misleading to say that there is a triangle there because
21 it may or may not be a triangle and it's not a complete
22 triangle. So that's why we wouldn't have added that in.

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1 But that's not unusual. In other footwear cases, we
2 might see fragmentary marks or little bits here and
3 there, but if it's not enough to do a comparison with,
4 we would say there was insufficient for a meaningful
5 comparison."

6 And really this is confirming why it didn't appear
7 in your report?

8 A. Yes.

9 Q. Thank you. Can I also confirm you have mentioned --
10 I won't go through all the paragraphs -- you have
11 mentioned the items that went to MEL?

12 A. Yes.

13 Q. And that included the knives?

14 A. Yes, I believe so.

15 Q. And the vest?

16 A. Yes.

17 Q. But the boots didn't go to MEL?

18 A. No, no. MEL wouldn't have required the boots because
19 they were looking at the vest under different lighting
20 conditions with their equipment to see if they could
21 visualise any other part of the mark. They wouldn't be
22 involved in the comparison aspect, so they wouldn't need

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1 the boots. They're looking at the vest and what they
2 can actually see with their different light sources.

3 Q. Thank you. Can I ask you -- before I move on to the
4 knives, can I ask you to look at Ms Chin's Inquiry
5 statement which is SBPI 00122. I know you haven't seen
6 this before and it's not in your folder.

7 A. Okay.

8 Q. It's just one paragraph, paragraph 41, and I would just
9 like to ask you something about that. So this is
10 Ms Chin's Inquiry statement and it is paragraph 41 that
11 I'm keen to look at, please, and I will just read this
12 out, it says:

13 "With regards to the mark on the vest, no meaningful
14 comparison could be made between the partial mark and
15 the boots. Since the mark noted was partial, which
16 possibly comprised of two sides in a 'triangular shape',
17 and it was on its own (as a standalone, single entity)
18 with no other pattern elements in its vicinity, no
19 meaningful comparison could be carried out. The mark
20 could have been made by anything."

21 Do you understand what's being said there by
22 Ms Chin?

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1 A. Yes.

2 Q. And is that consistent actually with what you said
3 earlier about the different shapes?

4 A. Yes, I think so. She is saying there that there's the
5 triangle shape, but there isn't very much information
6 roundabout it to help us with identifying whether it
7 came from the sole of the shoe and it could actually
8 have been made by anything, or in any way.

9 Q. When it says the mark could have been made by anything,
10 does that mean it could have also been made by these
11 boots?

12 A. Yes. I mean that's a possibility, that it could have
13 been made by those boots but we didn't have enough to do
14 a proper comparison to link it or not.

15 Q. So it could have been made by anything including
16 somebody else's boots?

17 A. Yes, that's a possibility.

18 Q. Thank you. Can I move on to the knives, please. We
19 looked at the knives earlier --

20 A. Yes.

21 Q. -- and I showed you those and could we look briefly at
22 the report you prepared with Ms Ramage, which is

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1 COPFS 113. This says "Fingerprint case examination
2 results", and if you could go further down, please --
3 A. This is not something that Ruth and I did. This looks
4 like Laura MacPhie's.
5 Q. I can see that. Well, let me just ask you, you did
6 prepare a report with Ms Ramage about the knives?
7 A. I did, yes.
8 Q. And we have spoken about those earlier today before
9 lunch.
10 A. Yes.
11 Q. And I think you commented on the House & Home marked on
12 the blade and we've got some references in your Inquiry
13 statement to that.
14 A. Yes. So the comparison of the knives with each other
15 was in a report by myself and Shirley Chin. Ruth Ramage
16 and myself looked at casts from the vehicle, alongside
17 the knife, so there's a different report for that.
18 Q. Right. I don't need to go into that with you today.
19 Finally, can I just return to your Inquiry statement
20 please, PIRC request 71 to 73, paragraphs 71 to 73, and
21 you will see PIRC requests are mentioned here:
22 "I have been asked if I have been contacted by PIRC

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1 or the Crown ... for a statement in this case.
2 Certainly not recently. We were asked to do work for
3 them I think in 2015 because I think that's who our
4 reports went to.

5 "And then we had an email either during the pandemic
6 or just before telling us anything in emails or any
7 digital files that we had, that we weren't to delete
8 anything and it was all to be kept. But we haven't been
9 asked, I don't think, for a statement from them other
10 than the reports that we produced. We usually do a NSS,
11 which is a National Standard Statement, but that's
12 basically just the one that's attached onto the emails
13 that you send with the reports.

14 "The NSS statement is just basically saying 'we were
15 asked to do these things and we have done a report, it's
16 got this lab number on it and it was signed with
17 whoever'."

18 And I just wanted to confirm with you that you have
19 done your report and provided that to PIRC or
20 the Crown --

21 A. Yes.

22 Q. -- but no one ever came back and asked you for a more

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1 detailed statement?

2 A. No, the statement that I was asked to do for this
3 Inquiry, by the Inquiry team, was the first time we have
4 been asked for a statement. That's -- I have not been
5 involved with a public inquiry before, but for the
6 normal work that we do where we do comparison work and
7 produce reports for the requesting body, whether it
8 would be the police or PIRC, then we would provide the
9 reports to them, but I don't think we have ever been
10 asked for anything other than those reports.

11 Q. So it's not out of the norm, it's not unusual not to be
12 asked for a statement?

13 A. No, in fact I would say it's more the other way, that it
14 would be more unusual to be asked for a statement than
15 not asked for a statement.

16 MS GRAHAME: Could you just give me a moment, please?

17 A. Yes.

18 (Pause).

19 MS GRAHAME: Thank you, that completes my examination.

20 LORD BRACADALE: Any Rule 9 applications? No.

21 Ms Marven, thank you very much for coming to give
22 evidence to the Inquiry. I shall be rising in a moment

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1 and then you will be free to go.

2 A. Thank you.

3 LORD BRACADALE: Now, Ms Grahame, is there any further
4 evidence today?

5 MS GRAHAME: No, there will be no further evidence today.

6 LORD BRACADALE: Thank you. Very well, we will rise now and
7 sit again on Tuesday morning at 10 o'clock.

8 (3.07 pm)

9 (The Inquiry adjourned until 10.00 am on
10 Tuesday, 21 June 2022)

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