

DOWNSTATE ILLINOIS INNOCENCE PROJECT

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On Thursday Jan. 27, 2010, at approximately 3:41 p.m., reporting agent **Bill Clutter** and attorney **Peter Wise** conducted a phone interview of **Mary McCarthy**, a forensic scientist with the Illinois State Police laboratory in Carbondale.

McCarthy stated that she examined the actual fingerprint lift that was recovered from the Findley Bridge (Exhibit #2).

She was asked for the basis of her conclusion that the fingerprint from the Findley Bridge "is not suitable for AFIS processing," as determined in her Jan. 21, 2010 report.

She stated that this is a low quality latent print. She stated that the minimum AFIS standards require at least 8 points of minutiae. She stated that she was only able to identify 6 clear points of minutiae. She conceded that there are additional points of minutiae, but that these are less clear and "marginal."

She compared AFIS as looking for a needle in a very large haystack. McCarthy stated that there are over five million latent prints in the AFIS data base. The patterns and minutiae that can be identified, she said, help narrow the search.

She stated that this print, in her opinion, is from the tip of the finger. "To me, it looks like a fingertip," she said.¹

¹ This opinion is contrary to information that was related to reporting agent during Kevin Horath's interview on Jan. 28, 2009. Certain types of latent prints i.e. palm prints, the tips of fingers, the side of the hand, and fingers below the top knuckle are unsuitable for AFIS. "Horath agreed with this. I directed him to Mark Mill's report dated Oct. 11, 1996, in which Mills asked for major case prints from certain suspects because he needed palm, sides of palms, fingers, and tips of fingers in order to make comparisons with some of the prints that were found inside the Hardess sack, that implied because he did not make such a request for the latent print found on the bridge that the print on the bridge was a fingerprint, and by location would be suitable for AFIS if there were enough points of minutia. Horath agreed that the print from the bridge was described by Mills in his worksheet as a "fingerprint" and not as a palm print, and was not from the sides of palms, not a finger tip, but a fingerprint. He stated that if it were a palm, a side or a tip, it would have been noted in Mills' worksheet."

She stated that she could not see any clear core-axis. She stated that the core-axis can be compared to the center of the fingerprint, and it gives a reference point for placing the patterns (loops and whorls) and minutiae points in the cross-hairs to give the right location for the coordinates for the AFIS system to search. She stated that AFIS sees the address of those points.

She stated that the AFIS system provides a list of the top ten prints within its data base that most closely compare with the print that is submitted. She agreed that the AFIS data base is a tool by which law enforcement can narrow down a field of suspect prints, but that the actual identification must be done by a visual examination by a latent fingerprint examiner. "We evaluate the top ten candidates," said McCarthy.

McCarthy stated that the ISP AFIS system has one of the highest hit rates in the nation, averaging a hit rate of 30 to 35%. "We have a high hit rate because we are careful what we put in. Given our standards, we have a pretty high hit rate."

McCarthy stated, "Given the low quality of this print, I'd say the chances of getting a hit are pretty low." She stated she could not rule out the possibility that an identification may be possible if the print were submitted into AFIS. A visual comparison with the top ten candidates based on the AFIS search would have to be done, in order to say with any certainty that no identification would be possible.

Asked how much time would running this into AFIS involve, she estimated that it would take no more than an hour to prepare a tracing of the print. She stated it would then take some time for a latent print examiner to compare the print to the top ten candidates that are identified by AFIS.

Ms. McCarthy was asked whether ASA Jay Scott shared with her the report and affidavit of defense AFIS expert **Ken Moses**. She stated that she was not given any information about any reports or opinions of Moses.

She was asked about the last line of her report: "This reanalysis confirmed that the conclusions previously expressed by Forensic Scientist Mark R. Mills in this case, regarding the AFIS suitability of Exhibit #2, were proper." She was asked if she reviewed any laboratory worksheets or reports of Mr. Mills regarding the AFIS suitability of Exhibit #2? She replied that she didn't see any notes or reports that documented any conclusions by Mills concerning the AFIS suitability of this latent print. "I didn't see any of his notes or anything of his," said McCarthy.

She was asked if she referred to any AFIS guideline standards or guidelines in determining AFIS suitability. She replied that she didn't review the ISP guidelines. "I didn't need to go back and refer to any guidelines." She stated that she is the latent fingerprint training coordinator for the Carbondale crime lab.

Later in the interview when asked about the FBI IAFIS data base, she acknowledged that she does not know how to prepare a latent finger print for submission to the FBI's Integrated Automated Fingerprint Identifications System (IAFIS integrates all of the state data bases into one system for searching all offender prints in the US). This she said, is done by a few of the latent fingerprint examiners who work in the ISP Chicago crime lab. "I don't know how to prepare a print for the FBI. I understand it's done different than the way we do it." She explained that the Illinois State Police has two state data bases. [The Chicago Police Dept. maintained its own data base prior to merging the Chicago crime lab with the ISP].