

responsible. I was aware that Mrs Nelson had in recent years had a number of clients who were suspected members of the PIRA, and this would have been well known in the local and wider loyalist community who could have perhaps drawn the conclusion that she was sympathetic to republican terrorists. She had appeared on television on prime time news programmes having been successful in the acquittal of Mr Duffy for the murder of a member of the Royal Irish Regiment. She was also in the public eye in connection with her representation of Mr Duffy who was suspected of murdering two Lurgan police officers. Mrs Nelson also represented the Garvaghy Road Residents Committee in the contentious Drumcree Parade dispute. This combination of factors would have made her a hate figure in the eyes of some loyalists, particularly the LVF. Despite having this background knowledge of pointers towards the LVF, we did not place any weight on this possibility until we were in receipt of firm intelligence which pointed very clearly to the LVF.

249. When basing a judgement on motive or who is responsible for a crime, my experience has been to do so only on clear evidence or firm intelligence. Over many years I have resisted making assumptions or speculating as to a state of events in the absence of evidence or intelligence. It is necessary to seek to challenge the evidence or intelligence available to establish if it presents a sound basis upon which to proceed on a particular line of enquiry or course of action. Clearly when there is good evidence or validated intelligence or a combination of both the need to speculate is practically unnecessary. It was the application of this approach that explains why Mr Duffy was never treated by the MIT as a suspect for the murder.

#### **DOCUMENTING POLICY AND DECISIONS**

250. I have mentioned that there was no structured review process for murder and major crime investigations in Northern Ireland in 1999. The Rosemary Nelson murder was the first case where a formal 28 day review took place and later the Omagh Bomb Investigation was reviewed internally and by the Ombudsman. It was not until 2003 that the PSNI set up a department to conduct a structured review process into cases of murder. Prior to 1999 completion of the policy book was not an integral part of CID courses and any guidance by way of General Orders did not take account of the possibility of the investigation being reviewed. Each SIO adopted their own style with regard to the completion of policy books and made their own determination as to what detail should be included, therefore