

unpleasant references to Mrs Rosemary Nelson, a solicitor, who happens to have a facial deformity.

I disagree with Commander Mulvihill's analysis and conclusions. There is no doubt that a considerable degree of incivility is implied in the allegation that a Solicitor's life was threatened by police officers. However, for a case to come into the complaints system, after initial refusal to acknowledge its status as a complaint and then to be categorised as "incivility" could be construed as representing both resistance to and trivialisation of a serious matter on the part of the RUC. ~~Further, this category is indicative of an allegedly relatively minor disciplinary offence rather than a serious crime, allowing for the inference to be drawn that this case was not treated seriously from the very outset.~~

BEHAVIOUR & ATTITUDE OF INVESTIGATING OFFICERS

A fundamental concern is that the RUC officers involved in the investigation of this case, by their behaviour and attitude, lent credibility to an interpretation that their frame of mind was such as to be undermining of the investigation, no matter how sub-consciously or unintentionally that might have been. There is a considerable body of social scientific research on the extent to which biases, unchecked by adherence to the principle of proof by disproof, adversely influence perception, decision and action. The challenge could be put that the Investigating Officers in this case fell victim to such circumstances.

Commander Mulvihill records in his report that *The ICPC hold concerns regarding the "conclusions" drawn by the Assistant Chief Constable and the Chief Inspector. They are anxious that Investigating Officers base conclusions wholly on the evidence and do not tread into broad areas of personal comment which stray from the allegations made and the evidence uncovered. Their rationale is that the inclusion of such comments can give rise to a suspicion of partiality on the part of the Investigating Officer, in particular, and the RUC in general.*

It is important to note just what exactly the comments, written as part of a formal investigation report which was ultimately intended for transmission to the Director of Public Prosecutions, actually were.

The Assistant Chief Constable recorded in his report that he had doubts about Mrs Nelson's reliability, apparently basing this assessment on a lack of response to some correspondence and an inability to arrange witness interviews. He coupled her evidence with that of one of her clients whom he described as "of bad character".

The Chief Inspector questioned the circumstances in which the evidence of Mrs Nelson's clients was prepared and forwarded, commenting that he would "have