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## Police Ombudsman finds ‘significant failings’ in PSNI investigation into murder of Gerard Lawlor

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The Police Ombudsman has found that there were ‘significant failings’ in the PSNI investigation into the murder of Gerard Lawlor in 2002, but no evidence that police could have prevented his murder nor of collusive behaviours.

Mr Lawlor was murdered as he walked home along the Floral Road in North Belfast shortly after midnight on 22 July 2002, the final, fatal gun attack which took place in the north of the city that evening.

### PDF: Full public statement



[Operation-Wynd-Public-Statement-The-circumstances-surrounding-the-murder-of-Gerard-Lawlor-on-22-July-2002-\(1\).pdf](#)

The first of the attacks was at 7.30pm when a Protestant man was shot while standing outside a house at Glenbryn Park, near the peace line. Although he was seriously injured, he survived.

Four further gun attacks took place that evening between 10.00pm and 11.25pm within a relatively small geographical area of north Belfast. On each occasion the victims were members of the Catholic community, leading the police to believe that the attacks were in retaliation for the attempted murder of the man at Glenbryn Park.

The sixth attack resulted in the murder of Gerard Lawlor, for which Loyalist paramilitaries claimed responsibility. He was 19 years old and had a partner and 18 month old son.

Mr Lawlor’s family had raised concerns with the Police Ombudsman, Mrs Marie Anderson, about the preventability of the murder, protection of informants and allegations of collusion, as well as how the PSNI investigation was conducted.

Commenting on the outcome of her investigation, Mrs Anderson said:

“Sectarian tensions were high in North Belfast on the night of 21-22 July 2002 and although police resources were undoubtedly stretched, police and military patrols continued in interface areas that evening and both police and military vehicle check points were also in place.

“My investigation found no evidence that police had prior information that Gerard Lawlor was going to be targeted, or that Loyalist paramilitaries were planning an attack in the Floral Road area and I do not believe that an opportunity existed for police to prevent the murder”.

Mrs Anderson continued:

“Initial police actions following the murder were conducted in a thorough and competent manner. Scenes were secured and forensically examined and police conducted extensive witness and CCTV enquiries in the vicinity of the murder scene, in addition to the route that Mr Lawlor took upon leaving the Bellevue Arms, and potential routes taken by the murderers before, and after, the attack.

“However, my investigation did find evidence of significant failings in aspects of the police investigation and, therefore, I have concluded that a number of the complaints, allegations and concerns made by the family about police actions and omissions are legitimate and justified”.

### **Investigative failings**

The Police Ombudsman’s report details a series of investigative failings, which were:

- A failure to document and develop a targeted covert/sensitive strategy with defined objectives for the purposes of the murder investigation;
- A failure to conduct searches, arrests and interviews in a timely manner as a result of which potential forensic and other evidence may have been lost;
- A failure to obtain all relevant telecommunications data;
- A failure to ensure the continuation of a dedicated Family Liaison Officer;
- A failure to establish clear communication lines and record all contacts in accordance with family liaison guidance applicable at the time;
- A failure to maintain and complete policy file/decisions;
- A failure to maintain CCTV viewing logs;
- A failure to link the murder with a series of sectarian attacks;
- A failure to fully consider the dissemination of all relevant intelligence to the Senior Investigating Officer.

### **A failure to document and develop a targeted covert/sensitive strategy with defined objectives for the purposes of the murder investigation**

Police received information at an early stage of the investigation linking two people, Person H and Person I, to Mr Lawlor’s murder.

The Senior Investigating Officer directed no arrests be made at that point, believing that it would have been

counter-productive as both suspects would not have co-operated during interview and would have been forensically aware.

The officer instead decided to pursue sensitive enquiries in order to gather evidence linking the suspects to the murder.

However, the Ombudsman's investigation was unable to locate a documented sensitive enquiry strategy which clearly outlined the objectives and tactics required for this phase of the investigation and Mrs Anderson has concluded the approach was 'flawed'.

### **A failure to conduct searches, arrests and interviews in a timely manner as a result of which potential forensic and other evidence may have been lost**

Person H and Person I were arrested under terrorist legislation on suspicion of murder in early August 2003, more than a year after the murder, and subsequently released without charge.

Although the Police Ombudsman acknowledges that there are valid reasons as to why investigators might delay making arrests, she believes the decision 'significantly undermined' evidential opportunities:

"I am of the view that the impact of delaying arrests for a year provided the suspects with the opportunity to simply state they could not recall what they were doing a year previously. This failing significantly undermined the likelihood of obtaining evidential and forensic opportunities from the relevant arrests and suspect interviews. These may potentially have advanced the investigation.

"In the absence of evidence that the Senior Investigating Officer was pursuing a sensitive strategy with defined objectives and tactics in connection with Gerard Lawlor's murder, I can identify no justification for the delay in the arrest and questioning of suspects and carrying out related searches".

### **A failure to obtain all relevant telecommunications data**

The Ombudsman's report is also critical of a failure to obtain telecommunications data in several respects, most notably after enquiries to research two mobile telephone numbers belonging to one of the suspects were allocated to a police officer who, by that time, had left the murder investigation team.

A lengthy period ensued before the issue was identified, by which time the relevant call data was no longer available and this 'may have led to the loss of important evidence'.

### **A failure to ensure the continuation of a dedicated Family Liaison Officer and to establish clear communication lines and record all contacts in accordance with family liaison guidance applicable at the time**

The deployment of specialist trained officers to bereaved families is an important investigative tool, where the Family Liaison Officer (FLO) can gather evidence from, and impart information to, the family in a timely, accurate, and empathetic manner.

Following Gerard Lawlor's murder, a FLO was appointed who maintained a Family Liaison Log that recorded his contacts with the family. However, on 11 September 2002, the officer moved to a different policing role and was not replaced.

Although the Senior Investigating Officer informed the investigation that he personally provided updates to the family from that point onwards, these updates were not recorded in either his Policy Log or a separate Family Liaison Log.

The investigation concluded that a dedicated FLO ought to have been appointed to the family, following the departure of the first police officer who fulfilled this role and that all contact between police and the family should have been recorded to preserve the integrity of the investigation and in accordance with the relevant legislation and national family liaison guidance in place at the time.

### **A failure to maintain and complete policy file/decisions**

The Senior Investigating Officer commenced a Policy Log on 22 July 2002. His last entry was on 11 September 2002, although he continued to lead the investigation until October 2003. When interviewed the Officer acknowledged that he should have continued to maintain a Policy Log to record key decisions and his rationale for them. This was particularly important as the later stages of the police investigation involved sensitive enquiries and arrest operations.

The Ombudsman could make no disciplinary recommendations in respect of this matter, as the Officer had retired.

### **A failure to maintain CCTV viewing logs**

Although extensive enquiries were conducted by PSNI to secure CCTV footage that might have advanced the investigation, investigators were unable to locate a number of the relevant CCTV viewing logs, and others contained limited information.

### **A failure to link attacks**

The Senior Investigating Officer linked Gerard's murder to the attempted murder of the person who was the victim of the second retaliatory attack of 21 July 2002, as a motorcycle or moped had been identified as being used in both attacks.

He also made a ballistic link to an attempted murder which had taken place in September 2000.

There were no other identifiable evidential links made with any of the other attacks.

However, the Police Ombudsman's investigation found that police were in possession of intelligence identifying two people, Person J and Person K, who may have played a role in sanctioning the attacks.

There is no evidence that enquiries were conducted in respect of those individuals in the murder investigation.

"I am of the view that the investigation into the other attacks should have been coordinated and subject to strategic oversight, given their proximity to one another and within the wider context of Loyalist

paramilitary attacks on 21 July 2002.

“A suitably experienced senior officer should have been appointed to oversee and coordinate the investigation into all of the attacks. This would have allowed police to better utilise their limited investigative resources in a more focused and structured manner. This could have led to additional opportunities being identified, not only in relation to those directly involved, but also those responsible for sanctioning and/or directing the attacks,” said Mrs Anderson.

### **A failure to fully consider the dissemination of all relevant intelligence to the Senior Investigating Officer**

The investigation also identified that intelligence existed that was relevant to the murder investigation, which was not shared with the Senior Investigating Officer.

Although the Police Ombudsman has been provided with an explanation why this intelligence was not disseminated, she is of the view that with careful management of this intelligence the pertinent information could have been provided to the Senior Investigating Officer and this would have provided the opportunity to assess the value of the information to the investigation.

### **Complaint of Collusion**

In respect of an allegation of collusion, the Police Ombudsman said:

“I have carefully considered all of the available evidence and information in this investigation. There is no evidence that Mr Lawlor’s murder was reasonably foreseeable and therefore preventable. I also concluded that there is no evidence that the PSNI or any of its officers sought to protect any informant.

“I have therefore concluded that there is nothing uncovered by this investigation that would support conclusions that there was *‘collusion’* or collusive behaviour on the part of any police officer”.

Mrs Anderson expressed her gratitude to Mr Lawlor’s family for their co-operation and patience in awaiting the outcome of the investigation and publication of the public statement.

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