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Our Ref: COM SEC 97/195/21

24 June 1998

COMPLAINTS AGAINST OFFICERS OF THE RUC IN RESPECT OF ALLEGED THREATS TO ROSEMARY NELSON, SOLICITOR

On 22 June 1998 I received a letter from your Chairman boldly titled and referred to in the body of the letter as being "IN CONFIDENCE".

Despite taking a most serious view of the content of the letter I felt constrained by the indicated confidentiality from taking any action other than arranging an appointment with the Chairman to discuss the letter's contents. The Chairman being currently abroad, this appointment has been arranged for, what I am told by your office is the earliest opportunity, on Wednesday 1 July.

On the early evening of 24 June 1998 I was visited by Mr John Steele of the NIO who had what appeared to be an exactly similar letter addressed, I believe, to the Secretary of State. Beyond the contents of the letter, Mr Steele intimated to me that the ICPC intended, on Friday 26 June 1998, to issue letters to Rosemary Nelson, Solicitor and to Mr Colin Duffy indicating that the ICPC would not be issuing a statement indicating their satisfaction with the conduct of the investigation under the terms of Article 8 of the Police (NI) Order 1987. I would be astounded if this should happen before my meeting with the Chairman. There has certainly been no such indication given to me either in the letter or by any other means.

The idea that such an outcome should arise, of course, gives me the greatest cause for concern. So too must the question of how we arrived at this point without the matter being brought to my earlier attention, or to my Head of Complaints and Discipline Department.

I would like, in my meeting with the Chairman, to address a number of issues including:


1. Was any objection to the Investigating Officer expressed by the Commission either on his appointment or subsequently?
2. If not, is this a departure from the course taken by the Commission in thankfuly a very small number of earlier cases where objection was taken to an investigating officer?

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3. Were any directions given in writing to the investigating officer as has been the case in other investigations?
4. I will also want to discuss the appointment of an appropriate officer to investigate what I interpret as a complaint by the Commission. I will have to consider further what supervisory mechanisms are put in place in relation to such an investigation, the ICPC being the actual complainant.
5. In relation to the ongoing investigation which is the specific subject of this correspondence I will want to discuss further investigative steps, including the possible appointment of an "external" officer to conclude this investigation.

The matters raised in the letter received by me certainly mean we are not "at the end of an investigation" within the terms of Article 7 of the Police (NI) Order 1987. I therefore request that the file be returned to me for completion and that no statement be issued until I have been given the opportunity of a meeting with the Chairman. In the public interest I feel we must discuss this matter in detail including how best the investigation can be completed so that the DPP can give due consideration to the criminal dimension of the matter and subsequently how proper consideration can be given to the disciplinary dimension.

R FLANAGAN
Chief Constable


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