

COMPLAINANT CASE	ACTION BY IO	WIDER ISSUES
<p>Current position:</p> <ul style="list-style-type: none"> - ICPC letter critical of investigation which has been "irreparably undermined". - Investigation report completed by RUC. - ICPC issuing qualified statement of satisfaction on Friday (probably) - this is copied to the complainant. File to DPP shortly thereafter from police. <p>Considerations:-</p> <ul style="list-style-type: none"> - Case sub-judice. - Under Prosecution of Offences (NI) Order 1972, Article 6(3), the DPP may request further information. - Government cannot intervene in this. 	<ul style="list-style-type: none"> - ICPC letter is critical of IO. <p>Is the ICPC letter a letter of complaint, as defined in Article 2 of the Police (NI) Order 1987? - decided by Chief Constable.</p> <p>If so RUC investigate, ICPC can veto IO and can supervise (although fairness of them supervising their own complaint?).</p> <p>S of S could use call-in power under Article 8 of the 1987 Order, if there is no complaint and it indicates a disciplinary or criminal offence may have been committed if it is in the public interest. ICPC must supervise. Can veto IO.</p>	<ul style="list-style-type: none"> - Until now we have relied on the fact the allegations are being investigated. - We have a body of criticism of RUC treatment of defence lawyers eg Mr Kumaraswamy. The ICPC letter adds to this. <p>Three options, not mutually exclusive:</p> <ul style="list-style-type: none"> (a) to see a report from the Chief Constable under section 15(3) of the Police Act (NI) 1970 (wording attached); (b) to call in HMI to report under section 16(2) (wording attached); (c) to hold a local inquiry under Article 83 of the PACE Order 1989 (wording attached). <p>- Need to avoid conflict with investigations.</p>