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6. Once the Chief Constable has considered discipline, he is required to put his recommendation to the Independent Commission for Police Complaints. It can agree with his recommendation or, if it does not, can ultimately direct the Chief Constable to bring charges.

7. Diane Hamill, the CAJ and Rosemary Nelson have all been very vocal about the case and have lobbied in Northern Ireland, and, for example, the States. The family also met the Patten Commission. In addition, Diane Hamill and a member of the Stephen Lawrence family, spoke at the recent Bloody Sunday parade in Londonderry. There are some parallels between the Lawrence and Hamill murders and it is possible that there will be some pressure put on by the Hamill family when the Lawrence report is published (which is expected next week). We are in contact with the Home Office about the report, and will submit lines to take to coincide with its publication.

The role of the Secretary of State

8. As the Secretary of State has told the Hamill family, she has no role in the prosecution process or indeed in consideration of the disciplinary aspects of the case. It would not be appropriate for her to be involved in these. The Secretary of State should note that the Chief Constable and Attorney (and DPP) are very sensitive to what they would see as any interference. There are, however, a few avenues open to the Secretary of State.

9. There are two statutory options available and at least one other possibility.

10. Under the Police (Northern Ireland) Act 1998, section 49, the Chief Constable shall "whenever so required by the Secretary of State ... submit to the Secretary of State a report on such matters connected with the policing of Northern Ireland as may be specified in the requirement". The Secretary of State used this power when asking for her initial report on the case. It is seldom used, and seldom has to be. It would not seem appropriate to use it at this stage as the police files on the case are with the DPP. It could, however, be used if necessary to ask the police what other investigations they have ongoing into the case. In addition, it could be used at the disciplinary stage if the Secretary of State cannot obtain information by less formal means on progress etc.

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