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Significant failings in attempted murder investigation, and lack of police resources on night of att

The Police Ombudsman has found that investigative errors and a lack of police officers in Larne on the evening of 23 October 2002 led to significant failings in the police investigation of an attempted murder case.

Only seven police officers were on duty in Larne District Command unit - which has a population of over 30,000 people - when local man Gerald McRandal was assaulted in the early hours of the morning. Just three officers were available for patrol duties at the time. Mr McRandal suffered extremely serious injuries and two men were subsequently charged with his attempted murder.

Their trial collapsed in January 2004, following the failure of a police officer to disclose an unofficial notebook she had used on the night of the attack.

The Police Ombudsman, Mrs Nuala O'Loan, said: "While many aspects of the police investigation were conducted with due rigour, the initial police response was inadequate and a number of serious investigative errors occurred. "In particular, the failure to cordon off and protect the scene following the attack was a major failing and rendered any evidence from the scene virtually worthless.

"This was compounded by the fact that police failed to inform defence solicitors about an unofficial notebook containing information central to the case." It is clear that while these investigative failures did not on their own cause the collapse of the attempted murder trial, they did further weaken a case in which eight key witnesses had already withdrawn their evidence."

Mrs O'Loan has recommended that one police officer be disciplined, that another should receive additional training, and has made a series of recommendations to the PSNI in respect of the failures in the investigation.

The assault on Mr McRandal took place close to the entrance of Gardenmore House, one of three tower blocks close to the main dual carriageway leading into the town from Belfast. He had just left his mother home to her flat shortly after midnight when two men approached and attacked him with such severity that blood was left spattered over the doors at the main entrance to the tower block.

The attack, which is suspected to have been sectarian, was witnessed by a second member of his family who lived about 100 to 150 metres away in a flat in another of the tower blocks. She said she could identify a number of people who had been with the assailants just before the attack.

Seven police officers were on duty in the Larne District Command Unit that night: one sergeant and six constables. Only two officers were available to attend the scene of the attack. When they arrived at the flats Mr McRandal was unconscious. An ambulance was present and it took him to hospital. The officers spoke to witnesses at the scene and then left to search for the men who had carried out the attack, bringing with them a man who believed he could identify them.

About 45 minutes after the attack, the sergeant on duty in Larne police station enquired whether steps had been taken to preserve the scene. An officer was sent to the scene and, approximately one hour after the attack, cordoned the area off. A plastic sheet was used to help protect evidence from heavy rain.

"Preserving the scene with a cordon should have been an immediate priority," said Mrs O'Loan. "Instead, people were able to move freely through this area, which meant any evidence from the scene was potentially contaminated."

In the hours following the attack a major incident team was set up and additional police resources were brought in to assist with the investigation. Shortly before 5pm that evening two men were arrested by police and subsequently charged with attempted murder. Three other people were also charged with withholding information.

The trial of these five suspects took place in December 2003. By this stage eight of nine key witnesses in the case had withdrawn their evidence. During the trial, one of the two officers who initially attended the scene, produced an 'unofficial' notebook in which she had taken notes that night before subsequently transcribing them into her police notebook.

It emerged that the name of one of the accused appeared on the first page of the 'unofficial' notebook but had not been transferred into her police notebook. When questioned by a senior officer, the officer said she could not remember why the name of the accused had been entered into the 'unofficial' notebook.

It was also established that the existence of the 'unofficial' notebook had never been disclosed to the solicitors representing the defendants. When the prosecution was made aware of it, and the reference to the name of one of the accused, a decision was taken to withdraw all charges.

Following the collapse of the trial, the PSNI's Internal Investigations Branch launched an investigation into the failure of the officer to disclose the 'unofficial' notebook.

Mr McRandal subsequently made a complaint to the Police Ombudsman's Office. Its investigators seized all relevant documentation, interviewed the officers concerned and listened to police radio transmissions from the night.

The Police Ombudsman has concluded that, overall, police made significant efforts to investigate the case. These included conducting house-to-house enquiries within hours of the attack, distributing witness appeal questionnaires to almost 350 homes in the area, carrying out extensive checks of phone records, undertaking a large-scale search for a mobile phone used by one of the suspected assailants around the

time of the attack and maintaining a detailed decision log.

She also noted that police had offered witnesses in the case access to the Witness Protection Programme in a bid to ensure their safety and allow them to testify in the case.

However, Mrs O'Loan concluded that the lack of police resources in Larne on the night of the attack had inhibited the police investigation of the attack. "Despite there being insufficient officers on duty to deal with a major incident of this type, the senior officer on duty made no request for assistance from neighbouring areas," she said.

Mrs O'Loan also said the two officers who were first at the scene had made "a major error in judgement" by deciding to leave in search of the assailants instead of establishing a cordon to preserve evidence. In addition, Mrs O'Loan found that the initial prosecution file sent to the Director of Public Prosecutions was poorly compiled and was missing key elements including statements from the two officers who were first at the scene.

She was also critical of a Detective Constable who was told about the existence of the 'unofficial' notebook in the autumn of 2003 but failed to make the police Disclosure Officer aware of its existence. She noted, however, that the Detective Constable had been placed under pressure by being required to serve multiple roles during the investigation. Mrs O'Loan recommended that the officer should receive additional training in disclosure.

In addition, Mrs O'Loan criticised police for failing to investigate properly a suggestion from a member of the public that the attack may not have been purely sectarian, but may have been the result of a personal grudge by another man who was never charged in relation to the attack.

Mrs O'Loan said lessons had to be learned to reduce the possibility of similar situations arising in the future. Recommendations made to the PSNI as a result of the investigation included that it should:

- ensure that major investigation teams are fully staffed with suitably trained officers;
- conduct pre-trial reviews in major cases such as this;
- review their use of the witness protection scheme to identify learning for future cases;
- reassure the McRandal family that the investigation into the attack is still live.

Mrs O'Loan also recommended that the more senior of the two officers who were first at the scene should be disciplined for failing to establish a cordon, as well as her failure to disclose the unofficial notebook and failing to keep accurate records. Mrs O'Loan added that the actions of the Sergeant who had been in charge of the DCU that evening, but has since retired, were inadequate in that he failed to seek help from neighbouring District Command Units.

He also failed to properly manage and supervise the immediate response to the attack on Mr McRandal, said Mrs O'Loan.

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