

**Public Statement in accordance with**

**Section 62 of the Police (Northern Ireland) Act 1998**

**REPORT INTO HOW POLICE DEALT WITH  
INFORMATION THEY RECEIVED PRIOR TO THE  
MURDER OF MARION MILLICAN ON 11 MARCH 2011.**

# 1.0

## INTRODUCTION

- 1.1 On 11 March 2011, Marion Millican was shot and killed at her place of work, 'The Launderette', 3A The Promenade, Portstewart. Frederick McClenaghan was arrested and charged, and later convicted of her murder at Antrim Crown Court.
  
- 1.2 On 18 March 2011, the Deputy Chief Constable of the Police Service of Northern Ireland (PSNI) referred concerns about the police response to information they had received prior to Marion Millican's death. This referral to the Office of the Police Ombudsman was made in accordance with Section 55 (4) of the Police (Northern Ireland) Act 1998.
  
- 1.3 The Office of the Police Ombudsman also received a complaint from a member of the McClenaghan family in relation to concerns she had raised with the police about Frederick McClenaghan on 25 January 2011, upon which she believes police failed to act.
  
- 1.4 This public statement is made in accordance with Section 62 of the Police (Northern Ireland) Act 1998 and it also fulfils the statutory obligation to comply with Regulation 20 of the Royal Ulster Constabulary (Complaints etc.) Regulations 2000.

# 2.0

## CIRCUMSTANCES

- 2.1 Marion Millican was a 52 year old mother of four adult children who lived in the town of Portstewart. She had worked in the town launderette for 11 years and since 2009 had been in a relationship with Frederick McClenaghan, 48 years old, which ended in December 2010. During the course of the police investigation into the murder, members of Marion's family as well as friends and work colleagues stated that the relationship had ended as a result of the violence to which she had been subjected by McClenaghan, none of which had been reported to the police.
- 2.2 On 24 December 2010, McClenaghan telephoned Lifeline, a crisis response helpline, and spoke to a counsellor, stating that he had a plan to kill his ex-girlfriend, Marion Millican and then himself. Concerned for both McClenaghan's mental health and the threat to kill his ex-girlfriend and himself, the counsellor passed this information to McClenaghan's General Practitioner (GP) and police at Magherafelt.
- 2.3 Police immediately informed Marion of the nature of the threat made by her ex-partner and she was given advice regarding her personal safety. She was also advised to call the emergency line on 999 should she be concerned at any time. A Mental Health Crisis Response Team conducted an assessment upon McClenaghan on that day but a decision was made not to admit him to hospital under the Mental Health Act. Following this assessment, the Health Service did not inform police of their decision nor did police take steps to find out the result of the assessment.

- 2.4 On 30 December 2010, Marion Millican reported to police at Coleraine that she had received information from her sister that McClenaghan was planning to pay her a visit. This information was recorded by the police but no further police enquiries were conducted. On that day McClenaghan commenced a course of counselling.
- 2.5 On 25 January 2011, a counsellor contacted police to inform them that Frederick McClenaghan's sister had disclosed to the counsellor that her brother had bought a gun and had threatened to shoot himself, his son-in-law and other unnamed individuals. The gun was mentioned by the counsellor to the police at least three times during this conversation.
- 2.6 Police had further telephone conversations with Frederick McClenaghan's sister on this date which included information about her brother making an allegation of childhood sexual abuse and her concern about his future interactions with the police in respect of this allegation, given his dislike of them. She also told police about the conversation she had with her brother about the gun and about her brother's mental health issues. Furthermore, she told the police that she was aware that he had made threats against a number of people, including a woman with whom he had recently ended a relationship (Marion Millican).
- 2.7 On 9 February 2011, police officers from the Child Abuse Investigation Unit (CAIU) met with Frederick McClenaghan. He confirmed with them that he wished to make an allegation about abuse he had suffered as a child. The CAIU officers told him that they would be in contact at some point to record a statement.
- 2.8 On 11 March 2011, Frederick McClenaghan shot and killed Marion Millican at her place of work in Portstewart. She died from a gunshot wound to her chest.

# 3.0

## INVESTIGATION

- 3.1 The Police Ombudsman investigation set out to determine:
1. The detail of the information provided to and held by police prior to Marion Millican's murder.
  2. Whether or not the police policy and procedures regarding threat's to life were adhered to.
  3. Whether or not the actions and decisions taken by police in dealing with the information were appropriate and proportionate.
- 3.2 During the Police Ombudsman investigation, interviews were conducted with police officers and civilians, who had some involvement in the chain of events. A number of the police officer interviews were under misconduct caution in respect of alleged failure(s) in duty.
- 3.3 Where possible, information contained within relevant telephone conversations with police officers was secured, transcribed and examined. Investigators also obtained and reviewed all the relevant police documentation following these calls. This included examination of police notebooks, statements, computerised records and all relevant police radio transmissions.

## 3.4 **POLICE POLICY AND PROCEDURES**

- 3.5 Police officers have a duty to protect life and to seek to prevent the commission of offences. This requires members of the PSNI, once they have knowledge of any threat to the life of an individual, to take certain steps to avoid or reduce that threat by the most appropriate lawful means, or a combination of lawful means available to the police and/or the individual under threat.
- 3.6 At the time of the murder, Service Policy (Policy no: PD 16/08) 'Threats to an individual and location' was in effect across the PSNI. It was implemented on 1 January 2009.
- 3.7 The aim of this police policy is to address the issue of individuals and locations in the community that were subject to threats from whatever the source. The policy addresses the legal obligations upon police officers and details the process by which police can demonstrate the discharge of those obligations. The Service Policy gives clear guidance about the operational actions available to protect individuals who are the subject of a threat.
- 3.8 Central to any actions taken by police officers in response to being informed of a threat to a person is the need to make accurate and detailed records of information available and decisions made to manage any identified risks.
- 3.9 The Service Procedure requires that there is a consistent approach to the manner in which information relating to threats to life is examined to establish that a threat actually exists and if so to conduct a proper assessment of the level and seriousness of the threat.

- 3.10 In many cases where the police become aware of a threat, the service of a Form PM1 (Threat Message) will be sufficient. The document provided to the person subject of the threat should give as much information as possible to allow them to take informed decisions about their personal safety.
- 3.11 Having created and delivered a Form PM1, the Service Procedure provides detailed guidance of what is expected of the police officers managing the ongoing risk.
- 3.12 A number of notifications must be made in respect of the service of the PM1 including providing a form PM2, which summarises the steps taken by police, to a Central Threat Co-ordinator, who maintains oversight of all activity across the PSNI in respect of threats to life.
- 3.13 The following is a list, taken from the Service Procedure, of some of the roles and responsibilities of police for the handling of information concerning a threat to an individual.

On receipt of the threat information police will:

- Ensure the completion of Form PM1, unless there is a suggestion of an imminent attack.
- Ensure a Command and Control (C&C) serial is commenced. (A C&C serial is a computer based log of all activity during the course of an incident.)
- Ensure all possible local checks are carried out.
- Ensure any criminal offence revealed is effectively investigated.
- Ensure the expeditious delivery of the police message.
- Ensure the central threat co-ordinator is updated expeditiously and

as fully as possible.

- Ensure appropriate measures are taken commensurate with the available information.
- Determine the most appropriate means to reduce or avoid the risk.
- Appoint a Liaison Officer for the Policing District as necessary.
- Ensure a full record is made of action taken on Form PM2.
- Advise other relevant District Commander(s) and devise a joint strategy to reduce or avoid the threat to life of the individual concerned
- Ensure any actions required as a consequence of the threat information/police message are taken and sign off Form PM1 indicating the police action taken.
- Ensure all actions are reviewed.

3.14 During the period from 24 December 2010 to 11 March 2011 the Police Ombudsman investigation established the following sequence of events.

3.15 **24 DECEMBER 2010**

3.16 At 10:43 hours on 24 December 2010, Frederick McClenaghan telephoned the Lifeline crisis response counselling service. During the conversation, he informed a counsellor that he had lashed out at his girlfriend on the previous Saturday and that she had left him. The counsellor stated that whilst his demeanour was calm during the call McClenaghan admitted that he was, “worried what he was capable of.” However, of more immediate concern



was that he had a plan to kill his ex-girlfriend and then himself.

- 3.17 At 12:42 hours the counsellor contacted McClenaghan's GP and made her aware of the threats made in the telephone call and concerns regarding his mental state. Subsequently, his GP contacted the Mental Health Crisis Response Team to consider admitting him to hospital under the Mental Health Act.
- 3.18 At 12:57 hours the counsellor also telephoned police at Magherafelt and informed them of the details of the telephone conversation with McClenaghan, making particular reference to the fact that he was planning to kill his ex-girlfriend (Marion Millican) and then himself. The counsellor has informed Police Ombudsman investigators that she also passed to police the information concerning McClenaghan's admission that he 'lashed out at his girlfriend on the previous Saturday'.
- 3.19 Following an examination of all police information and computer records, Police Ombudsman investigators found that the police officer who took the telephone call made a record of its detail upon C&C Serial 544, in accordance with normal practice. However, there was no information recorded concerning a suggestion of domestic violence in the relationship. Investigators have spoken with the police officers on duty when the call was received and they have denied that any reference was made to domestic violence.
- 3.20 The police officer who received the call took the decision to treat the matter as a concern for safety. Although this police officer has stated that there was no incident for police to respond to, she stated that she did discuss the matter with her Duty Sergeant and that a course of action was agreed, which involved contacting police in Coleraine and giving them a full overview of the circumstances. Coleraine police would then contact Marion Millican and make her aware of the comments made by her ex-partner.

- 3.21 Accordingly, police at Magherafelt contacted police at Coleraine to advise them of the information that had been received and asked them to inform Marion about the verbal threat against her.
- 3.22 At 13:22 hours a police officer on patrol in the Coleraine area was tasked to call and speak to Marion Millican at her home in Portstewart. He passed the threat message verbally to Marion advising her about her personal safety and security. While the police officer cannot recall the exact nature of the advice, he did recall telling her to call the emergency response line should she feel it necessary. At 13:41 hours the words ‘message passed’ were recorded on C&C Serial 544.
- 3.23 At 13:34 hours the Crisis Response Team contacted police at Magherafelt and reported that McClenaghan was going to be assessed by them under the Mental Health Act following an urgent referral from his GP. Police were informed that they would be provided with an update that afternoon following the assessment.
- 3.24 Later that afternoon the Crisis Response Team assessed McClenaghan and a decision was made not to admit him to hospital. This information was not passed to police. Equally, police made no further enquiries about the outcome of the assessment and in particular whether or not McClenaghan had been detained under the Mental Health Act.
- 3.25 The Police Ombudsman investigation has not found any evidence that consideration was given to the issue of a form PM1 or the instigation of a criminal investigation for the offence of Making Threats to Kill.
- 3.26 **30 DECEMBER 2010**
- 3.27 At 14:10 hours on 30 December 2010, records show that police at Coleraine received a call from Marion Millican. She identified herself and quoted the reference number she had been given by police when they had called with

her six days earlier. She told police that she had received information from her sister that McClenaghan was going to see her that day in Portstewart.

3.28 C&C Serial 606 was commenced and correctly linked to the incident on 24 December 2010. It was recorded on this serial that there was 'no mention of any threat on this occasion', however, Marion was provided with advice about obtaining a Non-Molestation Order and to telephone police should McClenaghan appear. It was also recorded that no police attendance was required and the serial was closed at 14:27 hours.

3.29 Whilst there is no evidence that McClenaghan was present in Portstewart on this date, police did not make any enquiries with Marion's sister to establish the facts of the information at that time nor did they consider contacting police at Magherafelt, where McClenaghan resided, to seek any additional and relevant information such as whether he had in fact been detained under the Mental Health Act six days earlier.

3.30 Also on this date, Frederick McClenaghan began a programme of counselling which had been organised as the result of a referral by Lifeline. This required his attendance once a week for a period of six weeks. Police Ombudsman investigators spoke to the counsellor involved in the sessions, who stated that during these sessions McClenaghan had disclosed no information that gave cause for concern.

3.31 **25 & 26 JANUARY 2011**

3.32 In a statement provided to Police Ombudsman's Investigators by Frederick McClenaghan's sister, she stated that sometime between Christmas 2010 and 23 January 2011 she became aware that her brother had made allegations about being sexually abused as a child. On the night of 23 January 2011 she had been informed that her brother was in the Dry Dock bar in Magherafelt where he was upset and crying. She and a female friend went to the bar and found him in a drunken state. She stated that during

conversation in the car on the journey home, her brother completely out of blue said “I bought a gun” and that it had cost him £300 - £400. McClenaghan would not tell his sister where he had bought it and would only say that it was “out the road.”

- 3.33 On the 25 January 2011, still concerned for her brother’s mental well-being and the fact that he had said that he had bought a gun (albeit when drunk) she contacted the counselling service treating McClenaghan and relayed her concerns. Given the nature of the information, the counsellor at that time advised her that they would have to contact police and inform them of the details.
- 3.34 A review of all telephone calls made to police at Strand Road on the 25 January 2011 established that at 16:15 hours, a counsellor spoke to a police call handler (civilian employee) in the Call Management Unit (CMU) to report the information they had received. The counsellor informed the call handler of the concerns of Frederick McClenaghan’s sister in relation to her brother’s recent disclosure about being a victim of sexual abuse as a child. During the telephone conversation the counsellor informed the call handler at least three times that McClenaghan had a gun and had made threats to kill.
- 3.35 Subsequent to this initial call, two further calls took place between the counsellor and the police call handler, and one further call between Frederick McClenaghan’s sister and the call handler. These calls served to provide more information and clarity of the facts.
- 3.36 Having been alerted to the issue, the CMU Sergeant at Strand Road then phoned Frederick McClenaghan’s sister and they had a lengthy discussion. She told the Sergeant that it was only in recent weeks that she had become aware of her brother’s allegation and had learned about the involvement of the support agencies. She also said that her brother had a strong dislike for the police and in the circumstances she suggested that she attended along

with police, if necessary. She told the Sergeant about the sexual abuse allegation and her concern for his future interactions with police, the mental health issues and the believed presence of a gun. She confirmed that she had not seen the gun and said that she wanted to keep her brother's trust therefore she did not want police to go in heavy handed. She stated that her brother had strong family support and that there was no need for police to check up on him.

3.37 C&C Serial 767 was opened as a result of the conversation but there was no mention on it of a gun or the threats to kill which McClenaghan had made. It is recorded that the local Duty Inspector was informed of the call and the Serial was closed at 17:10 hours with a decision that no police attendance was required. It should be noted that this telephone call was not recorded and therefore the only record of the conversation is the CMU Sergeant's entry on Serial 767.

3.38 An analysis of the content of the telephone calls and the information provided therein demonstrates that Serial 767 clearly does not reflect the full information provided by the counsellor and Frederick McClenaghan's sister; (a) that McClenaghan was making threats to kill, (b) that he had disclosed to his sister that he was in possession of a gun and, (c) that there were serious concerns expressed about his well-being. Given the nature of the report, the level of information recorded regarding this call was insufficient and unacceptable.

3.39 At 16:29 hours the CMU Sergeant submitted a report to the District Intelligence Unit (DIU) at Strand Road. The report detailed the call received from McClenaghan's sister and the relevant Serial number. The report stated that a drunken McClenaghan had told his sister that he had a gun and that there was no other evidence to suggest he had a gun. However, the report did not mention any of the threats made against Marion Millican and other persons or the serious concerns raised by the counsellor and McClenaghan's sister concerning his current state of mind.

- 3.40 On the evening of 25 January 2011, the CMU Sergeant sent an e-mail to the Child Abuse Investigation Unit (CAIU). The e-mail detailed the fact that McClenaghan was making historical sexual abuse allegations. However, again the document did not contain any information regarding the background concerning recent contact with police in relation to Marion Millican having been served with a threat message, McClenaghan's alleged possession of a gun; threats to kill being made against other individuals; his on-going mental health concerns; or reference to the previous incidents / occurrences.
- 3.41 The CMU Sergeant was formally interviewed. He stated that during his conversation with McClenaghan's sister she had given him details about the historical sexual abuse allegations her brother was making and the admission that he had a gun but had not mentioned any threat he had made against Marion Millican or anyone else. The officer claimed that there was no evidence that anyone had seen McClenaghan with a firearm and that he had concluded that there was no immediate threat to anyone.
- 3.42 The CMU Sergeant also stated that he had taken all the information he received very seriously. He said that he had discussed it with the Duty Inspector and that they agreed on a course of action, which he then carried out promptly. This course of action was as follows:
1. The CMU Sergeant was to log everything on the C&C serial and to make the relevant police department (CAIU) aware of the historic sexual abuse allegations McClenaghan was making.
  2. An email was to be forwarded to CAIU to ensure that they did not miss the related C&C entry and to make contact with McClenaghan's sister.

3. Finally, in relation to McClenaghan's possession of a shotgun, the CMU Sergeant was to pass this information to DIU.

- 3.43 The CMU Sergeant stated that it was his role was to ensure that information was forwarded to the appropriate departments and he did this. He said that he also checked McClenaghan on NICHE (police computer system) but that he could not recall if he conducted any further checks to see if there was any other relevant information to assist him in assessing the situation. He stated that he believed police assessed the information correctly.
- 3.44 Police Ombudsman's Investigators also interviewed the Duty Inspector who was a senior supervising officer for "G" District (Derry/Londonderry) on 25 January 2011. The Inspector said that there had been no report of anyone actually having seen McClenaghan with a firearm. He said that the fact that McClenaghan's comments to his sister had been made a few days before they were reported to police and the fact that his sister did not believe that there was any immediate danger, all led him to conclude that there was no immediate threat to life. The Inspector stated that he did not believe that he had reasonable grounds or sufficient information to search McClenaghan's home and that he believed all police actions taken at the time were as much as could have been achieved on the information available.
- 3.45 Police Ombudsman's Investigators also interviewed the Sergeant who was on duty within "G" District Intelligence Unit (DIU). He stated that he had been on duty on the 25 January 2011 when Strand Road CMU submitted their report to the DIU. However, this report had not been opened and read until two days later on 27 January 2011. The DIU Sergeant said that at that time due to there being no follow up call from the CMU on 25 January and from his interpretation on reading the C&C Serial on 27 January, he believed that the issue of the firearm had already been dealt with. He therefore did not alert police at Magherafelt about McClenaghan's threats or claims to have been in possession of a firearm. During interview, he stated that he took the firearm issue "at face value" and in hindsight he could have done more.

3.46 It is evident and significant that there were no further police enquiries to progress the information pro-actively regarding Frederick McClenaghan's possession of a firearm.

3.47 On 26 January 2011, a CAIU police officer received the email from the CMU Sergeant requesting that someone make contact with McClenaghan's sister. The CAIU officer viewed the C&C serial 767 and noted the report of a third party allegation of historical sexual abuse made by a female on behalf of her brother. CAIU contacted McClenaghan's sister and she explained to the officer that her family had become increasingly concerned about her brother for some time due to his weight loss and very heavy drinking. The fact that the family had contacted social services, counselling services and his GP was also discussed.

3.48 CAIU officers spoke to McClenaghan's sister again on 31 January 2011 and arrangements were made to discuss Frederick McClenaghan's allegations and complaint with him on 9 February 2011.

3.49 **9 FEBRUARY 2011**

3.50 On 9 February 2011, CAIU investigators met with Frederick McClenaghan at his sister's home. During this meeting McClenaghan confirmed that he wished to make a complaint regarding his sexual abuse allegations. However, the CAIU investigators were to make contact with him at a later date to record a statement. No further CAIU contact was made on or before 11 March 2011.

3.51 **11 MARCH 2011**

3.52 On the 11 March 2011, Frederick McClenaghan shot and killed Marion Millican at her place of work. She died from a gunshot wound to her chest.



McClenaghan was arrested the same day and later charged with her murder. He was subsequently convicted of her murder at Antrim Crown Court on Tuesday 3 July 2012.

# 4.0

## FINDINGS

### 4.1 **Finding One**

4.2 **The police response to the information they received on 24 December 2010 was inadequate and had an impact on subsequent decisions and actions taken by the police in the following months.**

4.3 Having received information that McClenaghan had made threats to kill Marion Millican, the police should have taken a number of steps which are clearly laid out in their Service Policy.

4.4 While acknowledging that some measures were taken such as passing a verbal message to Marion Millican about the threat, it seems that the police were simply going through the motions and not giving the matter serious consideration.

4.5 The failure to use the PM1 process resulted in no easily accessible records being made, clearly linking both McClenaghan and Marion Millican, something that would have had an impact later.

4.6 The absence of the PM1 process also resulted in the lack any ownership of assessing the risk on an ongoing basis. In effect, once the verbal message was passed, that seemed to be the end of the matter as far as the police were concerned.

4.7 The Police Ombudsman has evidence from other investigations where problems are encountered when a police incident or investigation crosses one or more police district boundaries. In this case two police

districts Magherafelt and Coleraine featured. The Service Policy covers this risk by advising that the relevant District Commanders should devise a joint strategy to reduce or avoid a threat to life. In this case, however, the lack of proper adherence to procedures meant that the existence of the threat was not elevated through the PM1 process and therefore no effective management of the risk across the two areas took place.

- 4.8 One of the police responsibilities when dealing with a threat under the Service Procedure is to *'Ensure any criminal offence revealed is effectively investigated'*.
- 4.9 Section 16 of the Offences Against the Person Act 1861 states;  
*A person who without lawful excuse makes to another a threat, intending that that other would fear it would be carried out, to kill that other or a third person shall be guilty of an offence.*
- 4.10 The Police Ombudsman takes the view that the police had sufficient information to at the very least record the threats made as a crime and commence an investigation, which would have involved seeking an account from McClenaghan for his actions.
- 4.11 The Lifeline counsellor is insistent that when she called the police she made mention of the fact that one of the reasons for the break up of the relationship between Marion Millican and McClenaghan was because he had lashed out at her. When made aware of any incident of domestic abuse, the police have an obligation to take some form of positive action.
- 4.12 There is no record on the C&C serial about McClenaghan 'lashing out' and the police officer who took the call denies receiving this information. Given the fact that the purpose of the call from the counsellor was to alert the police to a potentially serious situation, the Police Ombudsman takes the view that it is inconceivable that the domestic abuse information would not have been included.

4.13 The effect of this omission was that a further opportunity to gather more information to inform any ongoing or future risk assessment through a domestic abuse investigation/intervention was lost.

4.14 At 13:34 hours on 24 December 2010 police were contacted by the Mental Health Crisis Response Team who informed them that they were going to conduct an assessment of Frederick McClenaghan that day. It was agreed that the police would be updated on the outcome.

4.15 The assumption that McClenaghan would be detained under the Mental Health Act may to some extent explain why the police did not seem to treat the threats seriously as they believed that the source of the threat would be removed. This assumption was clearly wrong but there was no further contact with the police from the Crisis Response Team and as a consequence of a lack of ownership of the overall incident nobody from the police sought to find out the result of the assessment. Had the police been aware that McClenaghan remained within the community, perhaps they would have been more proactive about properly assessing the risks.

## 4.16 **Finding Two**

4.17 **Due to failings in the initial response police missed a further intervention opportunity on 30 December 2010**

4.18 On 30 December 2010, Marion Millican contacted the police at Coleraine to inform them that she believed that McClenaghan might be intending to visit her in Portstewart. She told the police that the source of the information was her sister.

4.19 Whilst Marion did not report any perceived threat during her call to police

and may not have appeared to have been unduly concerned about the information her sister had told her, no further investigative action was taken by police.

4.20 Having been provided with the original C&C serial number the police officer dealing with Marion Millican on that day was able to access the available limited information about what had happened on 24 December.

4.21 While there remained no mention of a firearm at this stage a more careful examination of the circumstances from the earlier incident might have prompted enquiries to establish whether or not McClenaghan had in fact been detained under the Mental Health Act and contact with Marion Millican's sister to establish what information she had that might have raised the level of risk.

4.22 There is no evidence that McClenaghan made any effort to contact Marion Millican on that day and the C&C Serial created in response to Marion Millican's call was closed 17 minutes after it was opened.

4.23 **Finding Three**

4.24 **Being already aware of the previous threats made by Frederick McClenaghan, Police failed to deal effectively with the report that McClenaghan had possession of a firearm.**

4.25 On 25 January 2011, the police were made aware of the fact that Frederick McClenaghan might be in possession of a firearm. This should have prompted a series of actions to gather all of the available information known about McClenaghan so that a decision could be taken about what action, if any, was required.

- 4.26 It is a fact that the police had failed to properly manage the original report of the threat made on 24 December and as a consequence their records were not as comprehensive as they should have been. There was, however, sufficient detail in existence to justify taking some form of proactive action to investigate whether McClenaghan did in fact have possession of a firearm and, if warranted, take action to recover it.
- 4.27 Again poor records were made in relation to the information provided to the police by McClenaghan's sister. While accepting that the existence of a gun was discussed, the police dispute that any mention was made of threats being made by McClenaghan. Given the concern that prompted McClenaghan's sister to call the police it is highly improbable that she would not have given all of the information that she had. On balance the Police Ombudsman believes that the police were fully aware of all of the threats being made by McClenaghan at the time when they considered what action to take about the gun.
- 4.28 Evidence exists that the CMU Sergeant and the Duty Inspector discussed the information that they had but they concluded that in the absence of anyone actually seeing the firearm, there was insufficient evidence to take any further action.
- 4.29 Had the police made a proper analysis of the information that was available to them, the Police Ombudsman believes that sufficient grounds existed to obtain a warrant to search McClenaghan's home for the firearm.

4.30 **Finding Four**

- 4.31 **Given the information available to the police from 25 January 2011 onwards, no consideration was given to sharing information with health professionals who may have had alternative options available.**

- 4.32 By 25 January 2011, the police had been contacted by counsellors from two separate organisations who were expressing concerns about McClenaghan. They were aware that he had been the subject of a mental health assessment and that he had been referred for a programme of counselling. Through contact with McClenaghan's sister and the concerns that she expressed there was sufficient information to consider seeking to confer with other agencies in the search for a solution.
- 4.33 Following the allegation that McClenaghan had been the victim of abuse as a child, a referral was, quite properly, made to the Child Abuse Investigation Unit (CAIU), a team well versed in multi-agency working.
- 4.34 However, the referral made to the CAIU did not make mention of the full history of police involvement in the case including the threats to kill made, the report that McClenaghan had a firearm; and the concerns that had been expressed about his mental health.
- 4.35 The CAIU officers who then met with McClenaghan, being unaware of the full picture dealt with the allegations he was making in isolation and as a consequence it is understandable that they were content to make future arrangements to re-engage with him.
- 4.36 Had they been in possession of all of the information available, the Police Ombudsman believes that the CAIU officers may have taken a different course of action and it is more likely that consideration would have been given to seeking to work on a joint agency basis with health professionals to manage the obvious risks.

# 5.0

## CONCLUSIONS

- 5.1 It is not possible for the Police Ombudsman to definitively say whether the murder of Marion Millican could have been prevented. He has, however, identified a number of intervention opportunities that were missed by the police, any one of which could have dramatically changed the outcome for both Marion Millican and Frederick McClenaghan.
- 5.2 The procedures in place for the PSNI to deal with threats to individuals are quite clear. Using the information that was available to them at that time, had the police followed those procedures, not only could an investigation have taken place but also comprehensive records would have been made about the risk and the plan to manage it.
- 5.3 On 25 January 2011, the police received more information in relation to McClenaghan possessing a gun, threatening to kill persons and making historic sexual abuse allegations, as well as, on-going concerns regarding his own mental health. The lack of detailed records and action taken in respect of the previous incidents led to an ineffective and inadequate assessment of the risk that was present.
- 5.4 It is accepted that had the police searched McClenaghan's home there was no guarantee that a firearm would have been found. However, had a weapon been located a number of further courses of action would have been available to the police and potentially health professionals.
- 5.5 Since the murder of Marion Millican, the PSNI has published and recently reviewed a new service procedure in respect of how they deal with threats to life. This procedure has incorporated national policy and is cognisant of the outcomes of previous Police Ombudsman



investigations relating to the same theme. Training has been made available to all police officers and police staff setting out their responsibilities when dealing with a threat to life.

5.6

Frederick McClenaghan has been convicted of the murder of Marion Millican, a senseless act that he alone bears responsibility for. A succession of failings on the part of the PSNI meant that chances to deal with McClenaghan, either as a suspect or a person in need of urgent mental health care, were significantly reduced or in some cases completely missed.

# 6.0

## RECOMMENDATIONS

- 6.1 The Police Ombudsman recommended that three police officers receive disciplinary sanctions in relation to breaches of the PSNI Code of Ethics.
- 6.2 The PSNI agreed with the disciplinary recommendations of the Police Ombudsman and these sanctions have been administered to the police officers concerned.

**MICHAEL MAGUIRE**  
**POLICE OMBUDSMAN FOR NORTHERN IRELAND**

**DATE: 10 SEPTEMBER 2013**