

Our ref: LIT/LF/1595-27
Your ref: PGB/LS/026063/0001

10 June 2019

Mr Philip Breen
Breen Rankin Lenzi Solicitors
Alameda Terrace
266 Falls Road
Belfast
BT12 6AL

Dear Sir

Re: Your Client- Ed Moloney

I refer to the above and your pre-action protocol letter of 21 May 2019. Please find reply as per Practice Note 1 of 2008.

Response to letter before application

1. The applicant

- 1.1 The applicant in the proposed application is Ed Moloney of 6034 Liebig Ave, Bronx, New York, 10471, USA.

2. From:

- 2.1 This correspondence is sent by the Director of Legal Services of the Office of the Police Ombudsman for Northern Ireland, on behalf of the proposed respondent, the Police Ombudsman for Northern Ireland, New Cathedral Buildings, Writers' Square, 11 Church Street, Belfast, BT1 1PG.

3. Reference details

- 3.1 We understand your reference details for the subject matter of this correspondence to be PGB/LS/026063/0001. Our reference details are set out in the heading of this letter.

4. Details of Matter being challenged

- 4.1 The Applicant is challenging the failure and/or delay of the Police Ombudsman for Northern Ireland (OPONI) to investigate his complaint against members of the PSNI.

5. Response to the proposed application

- 5.1 PONI has given careful consideration to the proposed challenge and the manner in which the applicant's complaint has been approached and dealt with. We have concluded that appropriate steps have not been taken in a timely manner.

Since the meeting which took place between PONI and the applicant in August 2018, it has been established that a similar complaint had been made by Mr McConville, contrary to what was advised under correspondence dated 30 April 2018. I understand that this will have an adverse impact on the confidence which your client has in this Office and I wish to take this opportunity to apologise on behalf of the Office.

Response to action expected of the proposed respondent

5.2 Your correspondence outlines two proposed actions:

1. Properly update the applicant on the status of the investigation into his complaint.
2. Effectively and expeditiously carry out the said investigation.

5.3 In order to address each of these matters please be advised that

1. The applicant's complaint has been allocated to an Investigation Team within the History Directorate who will advance matters forthwith.
2. The Deputy Senior Investigating Officer shall contact the applicant's legal representative on 12 June 2019 to arrange a meeting to discuss the complaint at a date suitable to all interested persons.

6. Details of any other interested parties

6.1 I do not believe that there any other interested parties.

7. Address for further correspondence and service of court documents

7.1 The address for further correspondence and service of court documents is the address set out at paragraph 2.1 above, marked for the attention of the Director of Legal Services.

8. Costs

8.1 Not applicable.

Yours faithfully

Louisa Fee

Director of Legal Services