

AN GARDA SÍOCHÁNA



Background

An investigation in 2011 found that An Garda Síochána had breached the Garda Síochána Act 2005. This finding resulted from members of An Garda Síochána who were not competent enough in Irish to enable them to use it with ease being stationed in a district with a Gaeltacht area in An Bun Beag / Doirí Beaga, [Gaath Dobhair], Co. Donegal.

It was recommended as a result of the investigation of An Garda Síochána:

- That the Garda Commissioner take every necessary step to ensure that Gardaí competent in Irish are deployed to Gaeltacht stations.
- That the finding and recommendations of the investigation are not to be used as an excuse to reduce or slow the provision of an appropriate policing service for the area in question.
- That An Garda Síochána implement an appropriate language testing system to assess the Irish language fluency of members when it is proposed that they may be stationed in a district with a Gaeltacht area, and

- That An Garda Síochána examine if there were implications from the decision of this investigation in relation to all the districts of An Garda Síochána with Gaeltacht areas and, if there were, that these be addressed to ensure compliance with the statutory language obligations.

The audit work

Numerous communications have occurred between my Office and An Garda Síochána since the investigation. Indeed, there were more communications with it in the context of implementing recommendations of an investigation than with any other public body. It is regrettable that a better result is not evident from those efforts.

I had a meeting with Garda Commissioner Drew Harris on 25 March 2019, and I sent him a letter on 15 April 2019 providing a summary of that meeting and outlining the actions required in order to finalise the case. Eight actions, in total, were specified in that document.

On 25 June 2019 the Office was informed that a comprehensive document, in reply to An Coimisinéir Teanga's letter, had been forwarded to Garda management. A note was sent to An Garda Síochána on 11 July enquiring when we would receive the reply. A reminder was sent on 2 September when no reply had been received.

On 3 September 2019 an acknowledgement was received apologising for the delay and stating that the Human Resources and Personnel Development Office of An Garda Síochána understood the urgency of the matter and that a reply would be provided soon in respect of all the actions discussed at the meeting with Commissioner Harris on 25 March 2019.

An email was issued to An Garda Síochána on 20 September 2019 stating that almost 6 months had elapsed since the meeting of 25 March, and that the Office was still awaiting a response on the matter from An Garda Síochána. It was explained that the apparent lack of progress on this issue was a matter of concern and that consideration was being given to the next steps to be taken in light of the lack of a full response from An Garda Síochána.



Quite a few contacts between my Office and the Office of the Garda Commissioner followed that, during which it was reminded that I am obliged to present a report on the subject to the Houses of the Oireachtas if no progress was shown on recommendations of the investigation.

A response, including an up-to-date report, was received on 5 November 2019. In that letter, it was advised that the important obligations of An Garda Síochána to provide their services through Irish would be included in their ongoing change programme. It was also stated that a Strategic Workforce Plan was being drafted at present for the period 2020-2022 and that an Irish language service which is fit for purpose would be included in this Strategic Workforce Plan.

It was stated in the letter that the Human Resources and Personnel Development Office of An Garda Síochána would ensure the inclusion of the demand to provide services through Irish in every internal promotional and lateral competition henceforth and that trainees with Irish will continue to be recruited from future competitions.

My Office examined the report provided, and it was compared with the actions requested in my letter of 15 April 2019. Although a reply was given in relation to each of the actions requested in my letter, there was little evidence of action. The majority of the cases were characterised by no timeframes, vagueness or conditional understandings.

On 22 November 2019 a clarification was sought from An Garda Síochána in relation to the number, as opposed to the percentage, of Gardaí who have Irish in Gaeltacht stations, and a reminder was issued on the matter on 12 December. Despite receiving acknowledgements for both emails, no reply had been received by the end of April 2020.

Response

This Office sought additional information and clarifications once more from An Garda Síochána at the beginning of May this year. We sought information in respect of any progress that had been made in regard to assessments, promotion of members of An Garda Síochána to Gaeltacht stations, analysis of members with and without Irish in Gaeltacht stations who are due to retire, arrangements in respect of Gardaí with Irish who come through the recruitment panel and the protocol in respect of special units.

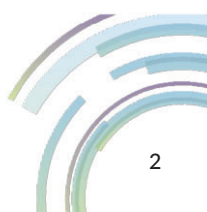
A response was provided on 10 June. I must, at this stage, examine fully the letter An Garda Síochána submitted to me, but the progress one would expect has not been achieved to date. It was clear from the information provided that the number of Gardaí with Irish who are on duty in stations located in districts which have a Gaeltacht area has increased from 47 to 51 in the period since the investigation was carried out. That is an increase of 4 since the recommendations of the investigation were made in 2011. The number of Gardaí stationed in Gaeltacht areas has decreased from 114 to 98 during that same period.

Main finding

It is most unfortunate that the recommendations of the investigation made in 2011 have not been implemented. It may be that this lack of progress will result in a report on the matter being put before the Houses of the Oireachtas. I have an obligation to do this where I believe that recommendations of an investigation are not appropriately implemented within a reasonable period of time. It would be difficult for anyone to argue that a reasonable period of time has not now elapsed.

Initial liaison: 9 November 2012

Latest liaison: 10 June 2020





Appendix 1 - Timeline

- 9 November 2012: Office of An Coimiseoir Teanga (OCT) issues a monitoring letter to the Garda Commissioner.
- 19 November 2012: Acknowledgement received by OCT from the Office of the Garda Commissioner.
- 27 November 2012: OCT spoke with An Garda Síochána's Irish Language Officer and explained that there was quite a lot involved with the recommendations of the investigation. An extension until 21 December was granted to provide an answer.
- 2 January 2013: Answer received by OCT from the Garda Commissioner.
- 8 January 2013: Letter issued from OCT in reply to that letter.
- 6 February 2013: Meeting set up for 20 February 2013 between an officer from OCT and an Assistant Commissioner of An Garda Síochána.
- 28 February 2013: Report on the meeting forwarded to An Coimisinéir Teanga by the Assistant Principal.
- 6 March 2013: Letter received by OCT from the Office of the Garda Commissioner, arising from the meeting of 20 February 2013. It was advised that they would continue with the steps and actions they were then taking in relation to compliance with the Garda Síochána Act 2005 and with the Official Languages Act 2003. It was confirmed that appropriate adjustments are being implemented in Donegal to improve services through Irish, with Irish-speaking members of the force being stationed in Gaeltacht areas and the provision of Irish classes. Recommendation made to them that every Gaeltacht region be examined to assess the fluency in Irish of Gardaí and that they be able to conduct their business through Irish with the Irish language community.
- 30 August 2013: Letter sent by OCT to the Office of the Garda Commissioner seeking an up-to-date account of the situation.
- 30 October 2013: Response received by OCT from the Garda Commissioner.
- 27 June 2014: Monitoring letter issued by OCT to An Garda Síochána.
- 3 July 2014: Acknowledgement received that An Garda Síochána received the monitoring letter dated 27 June 2014.
- 3 September 2014: Response received by OCT in relation to the monitoring letter dated 27 June 2014.
- 16 November 2015: Monitoring letter issued by OCT to the Office of the Garda Commissioner.
- 27 November 2015: Acknowledgement received by OCT from the Superintendent.
- 27 January 2016: Telephone call made by OCT to Garda Headquarters as a reminder.
- 29 February 2016: Another telephone call made to Garda Headquarters, seeking a response.
- 8 April 2016: Response, dated 14 March 2016, received by OCT from An Garda Síochána, with details in relation to the number of members based in its station in An Bun Beag as well as information in relation to recommendations of the investigation.
- 29 June 2016: Letter sent by OCT to An Garda Síochána, seeking further clarification.
- 23 August 2016: Telephone call made by OCT to An Garda Síochána seeking a response to the letter dated 29 June.
- 30 August 2016: Written reminder sent from OCT to the Office of the Garda Commissioner.
- 7 September 2016: Telephone call made by OCT to the Executive Director of Human Resources in An Garda Síochána, and advised the call would be returned without delay.

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- 21 October 2016: Telephone call made by OCT to the Executive Director of Human Resources in An Garda Síochána, and advised the call would be returned without delay.
- 26 October 2016: Letter sent by OCT to the Garda Commissioner, seeking a response to the letter dated 29 June.
- 11 November 2016: An offer of a meeting on 9 December received from An Garda Síochána. That offer was accepted.
- 25 November 2016: Letter received from the Garda Commissioner.
- 20 January 2017: Letter received from Executive Director, advising that they were conducting a survey at that time in relation to the deployment of fluent Irish speakers in Gaeltacht stations.
- 17 February 2017: Letter received from the Garda Commissioner in response to An Coimisinéir Teanga's letter of 26 October 2016.
- 14 April 2017: E-mail sent by OCT seeking clarification in relation to Garda stations within the Gaeltacht. A second response received in which Co. Mayo was included.
- 18 April 2017: Acknowledgement issued in relation to the queries by An Garda Síochána.
- 19 April 2017: Answer issued to the query.
- 30 June 2017: E-mail received by OCT from An Garda Síochána in relation to Garda stations in the Gaeltacht and 'Breac-Ghaeltacht'.
- 11 July 2017: E-mail from An Garda Síochána acknowledged.
- 29 July 2017: E-mail sent to the contact in An Garda Síochána: As far as this Office is concerned, no differentiation is made between "Fíor-Ghaeltacht" and "Breac-Ghaeltacht" as those terms have no status in legislation. The yardstick of this Office is that the obligation set out in the Garda Síochána Act is fulfilled: *"The Garda Commissioner shall, to the extent practicable, ensure that members of the Garda Síochána stationed in a District that includes a Gaeltacht area are sufficiently competent in the Irish language to enable them to use it with facility in carrying out their duties"*.
- 31 July 2017: Letter sent to the Executive Director of An Garda Síochána on the same matter.
- 12 October 2017: Reminder issued to the contact. Answer received suggesting contacting the Office of the Executive Director.
- 13 October 2017: Telephone call made to the Office of the Executive Director.
- 13 October 2017: Note sent to the contact seeking a written response.
- 17 October 2017: Telephone call made to the Office of the Executive Director.
- 18 October 2017: Telephone call made to the Office of the Executive Director.
- 18 October 2017: Telephone call received from the Office of the Executive Director – he would telephone before Friday.
- 19 October 2017: Telephone call, voicemail message and text to the Executive Director.
- 23 October 2017: Meeting with Acting Commissioner
- 25 October 2017: Account of the meeting of 23 October sent to the Acting Commissioner.
- 2 November 2017: Letter received from the Executive Director.
- 8 November 2017: Message sent to the Executive Director seeking a copy of the attachment mentioned in the letter, but which was not attached. Answer received with a copy of the attachment.
- 17 November 2017: Note sent from An Coimisinéir Teanga to the Irish Language Officer of An Garda Síochána

- 17 November 2017: Reply received from the Irish Language Officer, expressing thanks for the e-mail and the constructive meeting and advising that a report is being prepared for the Executive Director in relation to the matters discussed and the means by which matters can be concluded as quickly as possible.
- 8 January 2018: Electronic version of letter received from the Executive Director, thanking An Coimisinéir Teanga for attending the meeting with An Garda Síochána in Oranmore on 15 December. A copy of the minutes was included, as well as a spreadsheet giving an account of the number and percentage of members who are competent carrying out their duties through Irish in a Gaeltacht area, in December 2012, April 2016 and November 2017, and the consequential changes.
- 19 February 2018: E-mail from the Irish Language Officer to An Coimisinéir Teanga with up-to-date information in relation to the new language testing system to be introduced – An Garda Síochána’s Irish Language Competency Framework.
- 19 February 2018: Reply sent by An Coimisinéir Teanga expressing thanks for the e-mail and the report on the steps being taken by An Garda Síochána to fulfil the statutory obligations in relation to Gardaí who are competent in Irish being stationed in Gaeltacht areas. Advised that the sooner An Garda Síochána can show that there is a systematic and substantial increase in the number of Gardaí in Gaeltacht stations, the better it will be.
- 19 September 2018: E-mail received by OCT from the Office of the Garda Commissioner stating a Headquarters’ Directive had been issued seeking interest from members who wished to be assessed for allocation to a Gaeltacht station.
- 19 September 2018: Reply sent by OCT seeking a copy of the Headquarters’ Directive.
- 20 September 2018: E-mail received by OCT from the Office of the Garda Commissioner with the Headquarters’ Directive attached.
- 25 March 2019: Meeting held in Galway between An Coimisinéir Teanga and the Garda Commissioner, Drew Harris.
- 15 April 2019: Letter sent by OCT to the Garda Commissioner, based on the 25 March meeting.
- 25 June 2019: Email received from the Irish Language Officer of An Garda Síochána, advising that a comprehensive document had been forwarded to HR&PD, to be forwarded to the Commissioner, in relation to the eight actions mentioned in the letter of 15 April 2019.
- 11 July 2019: Note sent by OCT to An Garda Síochána contact seeking the reply.
- 2 September 2019: Reminder issued to the contact in An Garda Síochána seeking the reply, which had previously been mentioned.
- 3 September 2019: Response received by OCT from the contact in An Garda Síochána apologising for the delay in replying due to holidays, etc. It was advised that HR was to go through the document in detail during the week. It was advised, as a postscript, that an oral examination would be held in the Garda College on 11 September for members who had expressed an interest in being on the Irish Language Proficiency Panel, and that ten people in total were to be examined on this occasion.
- 20 September 2019: Another reminder sent by OCT to An Garda Síochána’s Irish Language Officer, stating that almost six months had elapsed by then since the meeting of 25 March, and that a response from An Garda Síochána on the matter was still awaited.
- 16 October 2019: Request made to a member of Commissioner Harris’ Office for an appointment for a telephone conversation between the two Commissioners.



22 October 2019: Telephone call received by OCT from the Office of the Garda Commissioner asking the exact nature of what was required by An Coimisinéir Teanga. It was explained that a letter was sent by An Coimisinéir Teanga to Commissioner Harris in April, based on discussions at the meeting of 25 March and that a report had been requested in that letter of the progress made. It was advised that it was understood that the report was prepared by the Irish Language Officer in July, but that OCT was still awaiting the answer. Commissioner Harris' Office said it would investigate the matter and revert that afternoon.

22 October 2019: Commissioner Harris' Office reverted and said it was following up with the answer to the letter dated 15 April.

5 November 2019: Bilingual response received by OCT with a report on progress. The graphs with the Irish version were in black and white only.

22 November 2019: E-mail sent by OCT to the Office of the Garda Commissioner, cc'd to the Irish Language Officer, seeking the number of Gardaí in Appendix E, as distinct from the percentages provided, and a colour version of the graphs in Irish, as the black and white ones were not as clear.

25 November 2019: Acknowledgement received by OCT from the Office of the Garda Commissioner.

13 December 2019: Reminder issued to An Garda Síochána.

17 December 2019: A second acknowledgement received.

16 April 2020: A paragraph from the preface of the draft Monitoring Report read on the telephone to the Irish Language Officer, advising that it appears to An Coimisinéir Teanga that he has no choice but to submit a report to the Houses of the Oireachtas.

17 April 2020: E-mail received from the Irish Language Officer seeking clarification.

1 May 2020: Clarifying e-mail issued, along with a report on the response of An Garda Síochána of 5 November 2020.

6 May 2020: Acknowledgment received from An Garda Síochána in relation to the e-mail and report of 1 May 2020.

12 May 2020: Interim response received advising that senior officials were preparing to issue a substantive response.

2 June 2020: E-mail from the Irish Language Officer advising of a personnel change.

4 June 2020: Conversation and e-mail contact with the Irish Language Officer in respect of the response required to the e-mail of 1 May 2020.

4 June 2020: E-mail from the Irish Language Officer with figures requested in the e-mail of 22 November 2019.

5 June 2020: Acknowledgement issued to the Irish Language Officer.

8 June 2020: E-mail from the Irish Language Officer advising we would receive a response to the e-mail of 1 May on the afternoon of 9 May or on 10 May.

10 June 2020: Response received to the e-mail of 1 May 2020 with an apology for the delay.

