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Mr. Alan Shatter, T.D.  
Minister for Justice and Law Reform  
94 St. Stephen's Green  
Dublin 2

**RE: Covert Human Intelligence Sources**

1. This is my Third Report since my appointment on 10<sup>th</sup> December 2010 as the Independent Oversight Authority in respect of the above.
2. Mindful of certain public controversy in or about the month of May 2013 between the Garda Ombudsman Commission and An Garda Síochána (which is not a matter of my concern) I reviewed the contents of the Operational Policies and the Code of Practice for Garda Personnel involved in the Management and Use of Covert Human Intelligence Sources.
3. I have visited all the divisions (or Regional Offices) once: and in two instances I made return visits to satisfy myself on matters of detail upon which I required confirmation [or satisfaction].
4. I met with the Controller attached to each division. At each venue I had the opportunity of speaking to those in the CHIS Charter Scheme, those interviewed or spoken to, differed in number, rank and experience from place to place. I had an opportunity to speak to those involved, in groups and/or individually at my discretion. The queries I raised in all offices were answered to my satisfaction.
5. The order in which I made my visits differed from that of previous years. The length of notice given to any division differed considerably to ensure I would meet with the Controller. In one instance three weeks notice was given, in

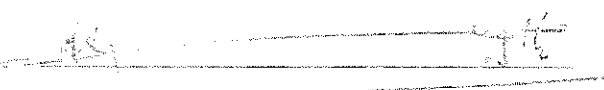
another case only four hours notice was given. No advance notice or indication was given to any division as to what matter or material I would enquire into.

6. The nature and extent of my remit is to act as an Oversight Authority. I therefore carry out an on the spot, random enquiry. I do not audit all the files or interview all members of An Garda Síochána involved in the CHIS Schemes. At one venue I interviewed all of the Handlers, in another venue only one Handler was interviewed.

I could observe both Controllers and Handlers as they retrieved from their computers the information that I requested.

7. I realise that uncritical credulity ought not to be a characteristic of one entrusted with judgement, but the importance of distinguishing matters of principle from accidentals and maintaining a sense of proportion, reason and common sense must bear on a fair, proper and accurate assessment of the information I received.
8. In the course of my review I attended the offices of the D/Chief Superintendent's Office, Security & Intelligence, Garda Headquarters and met with the Detective Chief Superintendent on two occasions and with his deputy on one occasion, and a member of the National Source Management Unit.
9. I have reviewed and monitored the use within An Garda Síochána of Covert Human Intelligence Sources: and I am satisfied that there has been substantial compliance with the Code of Practice of An Garda Síochána of the Management and Use of Covert Human Intelligence Sources.
10. This is my report to you for the year 2013, as required by my letter of appointment.

Dated this 19<sup>th</sup> day of September 2013

  
T.C. Smyth, S.C.

(Retired Judge of the High Court)