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Ms. Frances Fitzgerald, T.D.
Minister for Justice
94 St. Stephen's Green
Dublin 2

RE: Covert Human Intelligence Sources

1. This is my Fourth Report in my capacity as the Independent Oversight Authority of the above title, authorised by letter dated 10th December 2010.
2. I have visited all the divisions (or Regional Offices) concerned and in an order which differed from any previous year.
3. On all visits, save one, I met with the Controller; and, in the exceptional case, I met a very experienced, able and competent Detective Sergeant whom I had the opportunity of interviewing for an appreciable period of time.
4. The length of notice given in respect of each visitation and inspection varied from several weeks to less than 24 hours notice. No indication was given by me as to the matter(s) into which I would enquire, or material which I would require. To this arrangement I made one exception which I considered appropriate.
5. In all offices I questioned and discussed, in varying degrees of detail, and for varying lengths of time, with several members of An Garda Síochána of different ranks and experience concerned in the CHIS (Covert Human Intelligence System). The number of officers I queried and examined differed from place to place: in some instances my enquiries with individuals were of an hour or more, in others a short period of a few minutes. Officers were required to illustrate their competence and compliance with the system, and to

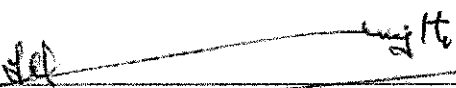
respond to particular "scenarios" I raised with a view to being satisfied that there was a full and proper understanding and appreciation of the rights and duties arising from the CHIS system.

6. Before completing my visitations I attended the Offices of the Detective Chief Superintendent, Security and Intelligence and met with the Detective Chief Superintendent, a very senior member of his staff and a member of the National Source Management Unit.
7. A complete and exhaustive investigation was, and is not envisaged by my terms of reference. My enquiries were carried out without prescription or limitation of any kind by either The Department of Justice of An Garda Siochana or any branch, division or officer thereof. I set my own agenda for all meetings, which I did not disclose to anyone in advance, except in respect of the meeting referred to at paragraph (6) above. In that instance I wished to be satisfied on a particular matter.

My inspections might be characterised as "cold calling". The random, on the spot form of inspection I have adopted since my appointment.

8. I have reviewed and monitored the use within An Garda Siochana of Covert Human Intelligence Sources: and I am satisfied that there has been substantial compliance with the Code of Practice of An Garda Siochana of the Management and Use of Covert Human Intelligence Sources.

Dated this 20th day of October, 2014



T.C. Smyth, S.C.

(Retired Judge of the High Court)