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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. By letter dated 10 December 2010 I was appointed the Independent Oversight Authority in respect of the above by the then Minister for Justice and Law Reform.
2. I have informed myself of 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 nine divisions (generally referred to as Regional Offices) once; and in one instance I made, on request, a return visit. The order in which I made these visits differed from that of 2011.
4. With the exception of two Regional Offices I met with the Controller attached to the office. In the exceptional cases I met in each instance a most able deputy. The queries I raised in all offices were answered to my satisfaction.
5. Each office was given a day or two days notice of my arrival, but no indication was given as to the matter or material into which I would enquire. The short notice explains why two Controllers (who had Court or Institutional prior arrangements involving many others) were not available.

6. In all offices I requisitioned files of my own choosing: a complete exhaustive investigation was/and is not envisaged by my terms of reference. Accordingly, I carried out a spot check.


As records began to be computerised from late 2011 and in early 2012 my examination involved the following:-

- (i) Some files, examined in 2011 from the date of that examination up to the date of computerisation, and from the date of computerisation to the actual date of my 2012 examination.
- (ii) Some files – not previously examined, which had been, computerised de novo.

In addition this year I had the opportunity of speaking with Handlers in four offices and to observe them retrieve on their computers, information I requested.

7. After I visited all the Regional Offices I attended the offices of the D/Chief Superintendent's Office, Security & Intelligence, Garda Headquarters and met with the Detective Chief Superintendent and a member of the National Source Management Unit.
8. 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.
9. This is my report to you for the year 2012, as required by my letter of appointment.

Dated this 2<sup>nd</sup> day of October, 2012.

  
T.C. Smyth, S.C.

(Retired Judge of the High Court)