

# Protecting witnesses

## Overall performance 2005-06

Indicator	Performance
Applications received and assessed	91
Number of admissions to program	47
Percentage of eligible people offered interim protection within two days	99
Number of witnesses provided with court security	38
Percentage of protected witnesses who met court commitments	100
Cost for 'protecting witnesses' output	\$4.316m



## Protecting witnesses

The CMC is committed to providing an effective witness protection service.

In our Strategic Plan 2005–09, we undertook to adopt the following strategies to protect witnesses:

- > Provide quality, timely, cost-effective support to protected witnesses.
- > Develop methodologies for providing effective witness protection.
- > Proactively develop working relationships with client law enforcement agencies.

### Advanced driving exercise

The Witness Protection course developed by the CMC includes topics such as legislation, policy and procedure, firearms operation, court security management, physical fitness and advanced driving.

In fulfilling these responsibilities during 2005–06, we focused particularly on:

- > developing effective witness protection methods
- > providing high-quality training
- > liaising with other Australasian agencies that provide witness protection
- > carrying out research in collaboration with the CMC's Research and Prevention unit.

**Table 14. Performance 2005–06 against outlook in last year's annual report**

Last year we said we would:	In 2005–06 we:
Continue to develop new and better ways of protecting witnesses, both generally and in specific cases.	<ul style="list-style-type: none"> <li>&gt; Saw changes enacted to the <i>Witness Protection Act 2000</i> to provide for short-term protection and relevant powers for production of financial records.</li> <li>&gt; In conjunction with the CMC's Research and Prevention unit, started research into national and international best practice in creating new identities for protected witnesses.</li> </ul>
Continue to deliver education and awareness/marketing sessions to client agencies throughout Queensland to promote the existence of the Witness Protection Unit and the services it provides.	<p>Conducted training, information and marketing sessions for:</p> <ul style="list-style-type: none"> <li>&gt; QPS prosecutors</li> <li>&gt; QPS detectives in training courses</li> <li>&gt; criminal investigators</li> <li>&gt; regional police commands.</li> </ul>
Offer interim witness protection to 95 per cent of eligible people within 2 days, assess 175 applications for witness protection, and admit an estimated 90 people to the witness protection program.	<ul style="list-style-type: none"> <li>&gt; Protection offered to 99% of eligible people within 2 days.</li> <li>&gt; Assessed 91 applications.</li> <li>&gt; Admitted 47 people to the program.</li> </ul>
Continue to pursue the recognition of the <i>Witness Protection Act 2000</i> with other states and to develop memoranda of understanding and working relationships with state and federal departments to assist in the application of the Act.	<ul style="list-style-type: none"> <li>&gt; Began developing memoranda of understanding with other Australian witness protection agencies.</li> <li>&gt; Negotiated with state government departments and agencies to develop memoranda of understanding for mutual arrangements and benefits.</li> <li>&gt; Witness Protection Act declared complementary legislation to that of Australian witness protection jurisdictions.</li> </ul>
Liaise with other Australasian agencies undertaking witness protection activities to share information on methodologies, trends, technological and legislative developments, and other issues likely to affect the strategic management of witness protection in Queensland.	<ul style="list-style-type: none"> <li>&gt; Attended a National Witness Protection Training Group meeting in Sydney, to further review and develop national competencies of witness protection officers.</li> <li>&gt; Liaised with interstate and federal counterparts on matters relating to identification processes, technology and equipment, and court security issues.</li> <li>&gt; Travelled interstate to selected jurisdictions to liaise and conduct research into specific methodologies.</li> </ul>

## Overview of witness protection

Witness protection is an essential component of our criminal justice system, because it provides an environment that encourages people in danger to come forward and assist law enforcement agencies.

The CMC has primary responsibility for the protection of witnesses in Queensland. Since its inception, our Witness Protection Unit has maintained a 100 per cent success rate in protecting witnesses.

The Witness Protection Unit is largely made up of sworn police officers attached to the CMC to work as witness protection officers. These officers not only manage the day-to-day welfare of protected witnesses, but also provide a range of other services including close personal protection and security during court appearances. The unit also has responsibility for changes of identity to, and relocation of, protected witnesses.

## Providing support to protected witnesses

A person does not have to be a witness in a court of law to qualify for witness protection, but must have helped a law enforcement agency and be in danger as a result. People eligible for witness protection come from all walks of life. They include victims of crime, innocent bystanders to a crime, and people who have inside information about criminal or corrupt activity – generally because they are themselves associated with crime or corruption.

Witness protection can involve relocating the person, and may include the creation of a new identity.

As well as providing physical protection, witness protection officers provide a welfare support service, which involves ensuring that protected people receive relevant professional assistance. Through this service, severely drug-affected and dysfunctional people have been rehabilitated as a direct result of being on the witness protection program.

In 2005–06 the CMC protected 136 people in 70 operations, including 42 who were already receiving protection at the start of the year; none came to any harm. At the end of the reporting period, 27 people in 11 operations were receiving protection (see Tables 15 and 16, facing page).

During the year, 61 threat assessments were conducted and 38 witnesses were protected while giving evidence in court.

## Examples of court cases leading to witness protection operations

### Attempted murder

- > In proceedings against a number of people for attempted murder, three CMC-protected witnesses gave evidence of an incident that left one witness permanently disabled. The defendants were committed to stand trial over the attack.

### Drug cultivation

- > Close personal protection was afforded to two witnesses who appeared for the prosecution in relation to the cultivation of extensive marijuana plantations by an organised drug syndicate. The CMC-protected witnesses were also able to identify further crop locations, as well as assets of the alleged leaders of the syndicate.

### Drug trafficking

- > Two CMC-protected witnesses gave evidence that resulted in a person being sentenced to 12 years' jail for drug trafficking, and the seizure of criminal proceeds to the value of over \$4m.
- > In another drug trafficking matter, a CMC-protected witness gave evidence in a trial against three members of a drug syndicate. Two of the accused were sentenced to 12.5 years' jail for drug trafficking, and the third was sentenced to 8 years' jail on similar charges and deemed to be a Serious Violent Offender.

## Training

The Witness Protection course developed by the CMC was registered as an Advanced Diploma in Public Safety (Police – Witness Protection) through the Queensland Department of Education and Training. It was the first nationally accredited police course awarded such a standing.

The second accredited Queensland Witness Protection course was conducted at the CMC in Brisbane in April and May 2006. Participants attended from the CMC and QPS, from the witness protection agencies of the Victorian and West Australian police services, and from the Australian Federal Police and the New Zealand Police Service.

All participants successfully completed the course, which includes practical and theoretical training in various areas relevant to the effective protection of witnesses.

Training topics include:

- > advanced driving
- > legislation
- > policy and procedure
- > operations and court security management
- > firearms operation and tactics
- > physical fitness.

The course also examines some of the advances in technology that have enabled criminals to become more adept and efficient in undertaking their unlawful activities. To date, 41 police officers from local, interstate and international law enforcement agencies have completed the course and received the qualification. The CMC's Witness Protection Unit is the designated lead agency in witness protection training in Australasia, and delivery of the course further enhances the standing of the unit in the professional development of witness protection officers.

Current members of the CMC's Witness Protection Unit and other witness protection agencies throughout Australia are also able to attain the Advanced Diploma of Public Safety (Police – Witness Protection) through formal processes involving 'recognition of prior learning' or 'recognition of current competencies'. These processes involve collating and providing evidence to satisfy the attainment of competencies that make up the qualification. To date, a further 15 people, made up of members of the Witness Protection Unit and the CMC, and including three members from other agencies, have been awarded the Advanced Diploma in Public Safety (Police – Witness Protection) in this manner.

## Liaison with other agencies

The Witness Protection Unit relies on good working relationships with law enforcement agencies, especially client agencies such as the QPS.

## Significant external presentations

In 2005–06 the Witness Protection Unit delivered a number of training and marketing presentations to client agencies. These presentations were aimed at marketing the service offered by the CMC to investigators, and providing information to maximise the benefits of witness protection to the prosecution process. Witness protection presentations were given at the QPS North Coast Region District Officers Conference, and training sessions presented at the QPS Prosecutors Course and Detective Training Program.

## Research

In July 2005 a joint project was initiated between the Witness Protection Unit and the Research and Prevention unit, to review how other law enforcement jurisdictions manage the issuing of new identities for protected witnesses.

The project will clarify potential best practice, and may result in adjustments to Witness Protection's policies, procedures and practices. An internal report with recommendations will be produced at the completion of the project.

**Table 15. Witness protection statistics, 2004–05 and 2005–06**

	2004–05	2005–06
People protected	115	136
Operations	61	70
Protection at court	41	38
Referrals	156	91
Threat assessments	78	61
Acceptances	70	47
Arrangements concluded	76	69
No. on program as at 30 June 2005	39	27

**Table 16. Current applicants, current operations and new referrals, 1987–88 to 2005–06**

	Current applicants*	Current operations	New referrals
1987–88	96	32	111
1988–89	116	42	29
1989–90	150	56	53
1990–91	176	66	62
1991–92	228	87	97
1992–93	201	76	86
1993–94	192	74	123
1994–95	206	83	155
1995–96	198	80	138
1996–97	174	70	128
1997–98	112	53	102
1998–99	114	58	136
1999–2000	153	72	165
2000–01	153	73	195
2001–02	129	63	199
2002–03	141	68	190
2003–04	121	55	143
2004–05	115	61	156
2005–06	136	70	91

\* A person may apply for protection more than once.

## Outlook 2006–07

### Protecting witnesses

- > The Witness Protection Unit will continue to develop new and better ways of protecting witnesses, both generally and in specific cases.
- > The CMC will continue to deliver education and awareness/marketing sessions to client agencies throughout Queensland to promote the existence of the witness protection unit and the services it provides.
- > In 2006–07, the Witness Protection Unit expects to offer interim witness protection to 95 per cent of eligible people within two days, assess 150 applications for witness protection and admit 75 people to the witness protection program.
- > The CMC will continue to pursue the recognition of the Witness Protection Act with other states and continue to develop memoranda of understanding and working relationships with state and Commonwealth departments to assist in the application of the Act.
- > The CMC will liaise with other Australasian agencies undertaking witness protection activities to share information on methodologies, trends, technological and legislative developments and other issues likely to impact on the strategic management of witness protection in Queensland.