

Provide an effective witness protection service

The big picture for 2009–10

The Crime and Misconduct Commission (CMC) provides protection to witnesses identified as being at risk as a result of assisting law enforcement agencies. The CMC is the only independent commission in Australasia with this responsibility, since witness protection elsewhere is handled by state or national policing bodies.

Although the number of applications for protection in 2009–10 exceeded our estimate, the rate of applications for protection has been relatively static over the last five years. We are unable to benchmark these results against trends in other jurisdictions in Australasia since no comparative data are available.

Another challenge in assessing numbers of applications derives from the fact that use of the program depends on requests from law enforcement agencies (primarily the police).

Rates of admissions have shown no significant trend in recent years. Predicting use of the service is difficult, in part because the protection program is voluntarily undertaken. Each year a significant number of people who are assessed as being at some degree of risk choose not to enter the program. Since such persons may still need assistance in relation to their security, CMC witness protection staff, in consultation with the Queensland Police Service (QPS) and other witness protection units, are considering alternative methods of protection.

New technologies being introduced for border control and to combat identity fraud also have the potential to impact on the protection program, through compromising the security of a re-identified witness. Our staff addressed these risks by closely liaising with appropriate witness protection and government agencies to ensure the safety of protected persons.

We continue to meet all requests by law enforcement agencies for security for protected witnesses in court. However, where appropriate the use of video-conferencing to enable witnesses at risk to provide their evidence has security and cost benefits.

“ *A significant number of people who are assessed as being at some degree of risk choose not to enter the program* ”

How witness protection matters come to the CMC

People who have assisted a law enforcement agency, and who have thereby placed themselves and their families or associates in danger, may be eligible for inclusion in our witness protection program. An application for protection is normally submitted to the CMC on behalf of the witness by the relevant law enforcement agency.

Reportcard*

Performance in 2009–10

1. We achieved our target of a 100 per cent success rate in keeping witnesses safe.
2. We undertook 92 threat assessments, exceeding our target by over 40 per cent.

Performance over five years

We also assess our performance against all SDS measures and within a five-year timeframe (see Table 7 and Figure 14 on page 38).

With respect to our most important indicator — maintaining the safety of protected persons — we have maintained a 100 per cent success rate for the last 22 years.

* Reported against performance indicators identified in the Strategic Plan and against SDS performance measures.

The other indicators showed no discernible trends up or down over the five-year period despite fluctuations from year to year. For example, we exceeded our estimates with respect to the number of threat assessments (92 compared to 70) and the number of applications for witness protection (135 compared to 100), but the results over five years do not represent any significant increase or decrease in either area.

Similarly, fewer persons were admitted into the program (46 compared to a target of 78) but results over the last five years do not indicate any significant trend. Applications for protection and admissions to the program over five years are also presented in Figure 14.

We were able to offer interim protection to 95 per cent of all eligible applicants within two days, meeting the estimate for this year and continuing the high level achieved in most recent years.

Table 7. Performance 2005–06 to 2009–10, and estimated 2010–11, as per SDS measures

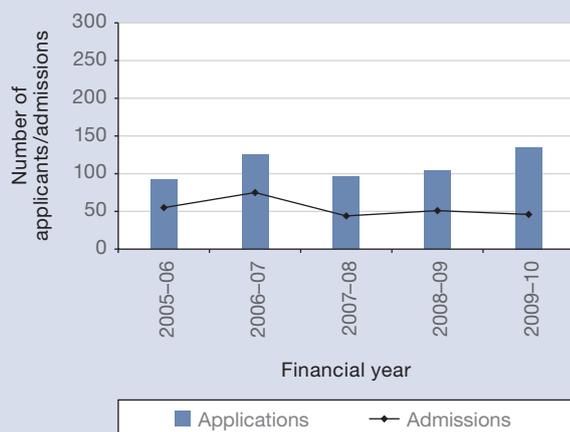
Key performance measures (SDS)	2005–06	2006–07	2007–08	2008–09	2009–10		2010–11 (estimate)
					(target or estimate)	(actual)	
Percentage of protected persons whose safety was not compromised ^a	n/a	n/a	n/a	100	100	100	100
Threat assessments conducted for protection operations ^b	n/a	74	62	60	70	92	120
Applications for witness protection assessed (persons) ^c	89	130	96	104	100	135	100
Percentage of eligible persons offered interim protection within two days of receipt of application	100	81	92	100	95	95	95
Admissions to witness protection program (persons) ^c	57	78	42	51	78	46	70
Expenses to achieve strategic goal 'To provide an effective witness protection service'	\$4.3m	\$4.3m	\$4.4m	\$5.0m	\$5.1m	\$5.2m	\$5.7m

a Introduced as an SDS measure in 2008–09.

b Strategic Plan performance indicator since 2008–09 (previously SDS).

c 'Applications' refers to all persons referred for witness protection by law enforcement agencies. While offers of protection are made to all assessed as eligible for the program, some persons may not accept the offer. Thus, 'admissions' refers to persons who are both eligible and accept the offer of protection.

Figure 14. Applications for witness protection compared to final admissions 2005–06 to 2009–10



“ Over 1600 persons have been protected since the inception of the program in 1987 ”

Protection of witnesses

The CMC ensures the long-term safety of witnesses on the program through the use of highly developed methodologies and procedures. As well as providing close personal protection which includes court security, secure relocation, and management of individual welfare needs, we also have the legislative capability to change the identity of protected witnesses when it is assessed as necessary and approved by the CMC Chairperson. Over 1600 persons have been protected since the inception of the program in 1987.

This year all protected witnesses were kept safe and, where required, were able to give evidence in court. Their evidence assisted prosecutors in securing convictions in cases that included drug trafficking, production and possession of drugs, robbery, fraud, and serious assault and property offences. For example, four protected witnesses were called to give vital evidence against several persons on charges of attempted murder, torture and extortion. The accused were subsequently found guilty on all charges and sentenced to substantial terms of imprisonment.

Other benefits to protectees

In addition to providing protection to individuals, the CMC also ensures that people on the program receive any necessary professional assistance and guidance. This enables people with issues such as drug or alcohol addiction, financial problems or family matters to access the relevant support services in a timely manner. Many witnesses have been rehabilitated as a direct result. One witness, formerly heavily involved in the illicit drug industry, credits his rehabilitation into society to the support offered through the program.

Developing witness protection methods

The CMC continued to refine its protection methodologies through participation in the Australasian Witness Protection Forum (AWPF), facilitation of training courses and regular communication with counterparts throughout Australasia and other support agencies.

The AWPF meets annually to discuss emerging issues relevant to all jurisdictions. This meeting, as well as out-of-session discussions, assists managers in identifying new procedures and legislative changes required to meet the needs of protected persons and of the organisations concerned.

To learn more about methodologies and processes used in other jurisdictions, a CMC officer conducted a research and study tour of witness protection agencies in Scotland and Germany in August 2009. This resulted in a number of recommendations, some of which have already been implemented within the CMC program.

Memorandums of understanding between the CMC and other witness protection agencies concerning assessment for the national witness protection course have been forwarded for signing.

Liaison with law enforcement agencies

Witness protection staff place a high priority on bringing the program and its potential benefits to the attention of our clients, predominantly the QPS. This year we presented regularly to participants of detective and prosecutors courses and detective conferences. The higher than estimated number of applications received this year may reflect the success of these measures.

Recruitment and training

The CMC places a high priority on both effective recruiting and ongoing training for its witness protection staff.

This year CMC witness protection staff participated in a research project conducted by the Australian Federal Police to determine personality indicators for witness protection officers. The research results will be presented to the upcoming AWPF and be incorporated into selection processes for CMC staff.

Our staff met regularly with the Queensland Police Service Academy (which administers the witness protection qualification nationally) to audit and update the curriculum in line with Australian Quality Training Framework (AQTF) requirements. All staff have either completed or are currently completing the Advanced Diploma offered for witness protection, as well as receiving ongoing in-house training and development.

Looking forward

In 2010–11 we will pursue our objective to provide an effective witness protection service using the strategies outlined in our *Strategic Plan 2010–14*.