

# Objective:

## Provide an effective witness protection service

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**The importance of protecting people who are at risk as a result of assisting law enforcement agencies is recognised worldwide. The CMC is the only independent commission in Australasia with this responsibility, as witness protection elsewhere is handled by state or national policing bodies.**

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In the last year the CMC offered prompt and effective assistance to all those who asked for protection. It again maintained its 100 per cent record in keeping witnesses safe, enabling them to provide evidence in court in a range of cases involving offences such as murder, drug offences, rape and other serious crimes.

Though the number of people entering the program in 2010–11 was somewhat higher than in the previous year, the overall trend has been relatively static for several years. That may reflect a number of factors – for example, applications for protection are mainly initiated by law enforcement agencies, primarily the Queensland Police Service (QPS). As well, participation in the program is voluntary, so witnesses themselves make the final decision about whether or not to enter the program. Since by its nature the full program is restrictive, some people are likely to be unable or unwilling to consider participation.

However, such people are still likely to need assistance with their security. As anticipated in last year's annual report, we adopted additional and more flexible forms of assistance and, where needed, successfully provided these to individuals who were not part of our formal program.

Under the witness protection legislation, we must be ready to provide immediate protection to people under threat anywhere in Queensland, and sometimes beyond. This means maintaining a highly responsive and mobile professional capability at all times.

At the same time, many of the factors that affect resourcing of the service are beyond our control. For example, delays and re-scheduling of court proceedings multiply the effort required to safely produce people at risk on a number of occasions for the same court process. Nevertheless, we met all requests by law enforcement agencies for security for protected witnesses at court.

Witness protection staff maintained their active collaboration with counterpart agencies throughout Australasia to ensure that CMC staff remain at the forefront of best practice in providing protection.

## 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.

## Performance snapshot

Table 9 shows our performance in protecting witnesses in 2010–11, assessed against the service standards and targets outlined in the 2010–11 Service Delivery Statements.

» See the Service Delivery Statements [here](#).

Explanatory notes are provided for any significant variations between our targets and our actual performance. For a comparison with our performance over the last four years, see Table 20 in Appendix B.

**Table 9.** Witness protection services: 2010–11 performance

Service standards (SDS)	2010–11		
	Target/estimate	Estimated actual*	Actual
Number of persons admitted to witness protection program <sup>1</sup>	70	55	51
Applications for witness protection assessed (persons) <sup>2</sup>	100	110	114
Percentage of protected persons whose safety is not compromised	100	100	100
Percentage of eligible persons offered interim protection within two days <sup>3</sup>	95	95	100
Number of threat assessments undertaken <sup>**4</sup>	120	n/a	52
Expenses to achieve strategic objective to 'provide an effective witness protection service'	\$5.7m	\$5.8m	\$5.9m

\* 'Estimated actual' figures are a provisional estimate as at 31 March 2011.

\*\* Internal measure only. This measure will be discontinued as a strategic plan performance indicator in 2011–12.

n/a Estimated actual figures were not calculated for these measurements.

Notes:

- The witness protection program is a voluntary program. Although 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 eligible and who accept the offer of protection.
- The number of applications for witness protection is dependent on requests made by law enforcement agencies, principally the QPS.
- In 2010–11, all eligible persons were offered interim protection within two days of receipt of their application.
- Threat assessments are compiled for all new applications. In 2010–11, a significant number of applications were withdrawn prior to assessment, because of events outside the control of the CMC.

## Protection of witnesses

The CMC ensures the long-term safety of witnesses on its program through the use of strict methodologies and procedures. As well as providing close personal protection that includes court security, secure relocation, and management of individual welfare needs, the CMC also has the legislative capability to change the identity of protected witnesses when it is assessed as necessary and when it is approved by the CMC Chairperson.

This year we received 114 applications for protection, more than our estimate of 100 (see Table 9). Fifty-one people entered the program, somewhat above the number last year, but continuing the relatively static trend of recent years. (See Table 20 in Appendix B.)

The value of the program is evidenced by its 100 per cent success rate in keeping participants safe – including, in some instances, high-profile witnesses. Since the program began in 1987, it has enabled 1659 people to provide vital evidence in safety. This level of protection is also provided almost immediately. For example, this year every application for protection was assessed within 48 hours of its being received, irrespective of where the person was located.

### Ensuring professional assistance

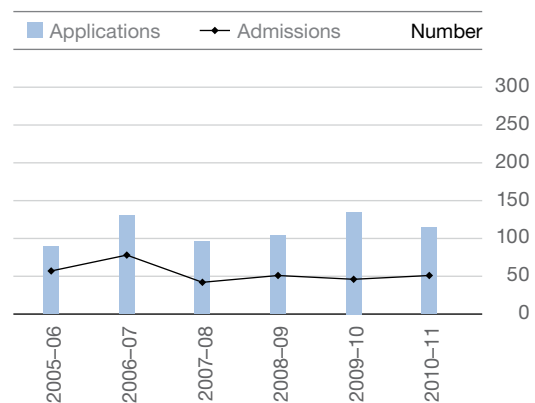
Although security is paramount, the day-to-day needs of people on the program are also given high priority. To meet our responsibility to their overall welfare, the CMC ensures that people on the program receive professional assistance and guidance wherever necessary. This enables people with problems such as drug or alcohol addiction, financial difficulties or family court matters to access appropriate support services. Many witnesses have been rehabilitated as a direct result, and have credited the support provided through the program as being largely responsible for the positive change in their lives.

## Outcomes for criminal justice

The value of evidence from informants and eye witnesses to serious and organised crime cannot be overstated – for both successful prosecutions and the suppression of major crime. The evidence provided this year by people within the program was crucial in securing convictions in cases that included murder, importation, trafficking and other drug offences, robbery, rape, serious assault and property offences.

For example, a number of protected witnesses gave evidence against several persons in separate court proceedings for murder; these defendants were committed to stand trial at a later date. In another matter, the crucial evidence of a protected witness against several persons in relation to drug importation led to the convictions of all accused and sentences to terms of imprisonment.

**Figure 15.** Applications for witness protection compared to final admissions 2005–06 to 2010–11



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## Collaboration with other jurisdictions and support agencies

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The CMC continues to be a member of the Australasian Witness Protection Forum (AWPF). The AWPF reports to the Australia New Zealand Policing Advisory Agency Crime Forum, promoting strategies and policies to ensure the continual improvement of witness protection standards and practices.

This year AWPF discussions focused on topics such as alternative methods of protection, re-identification processes, uniform protection legislation, implications of current telecommunications legislation, impact of new technologies (including biometrics) and the development of agreements with other government agencies.

Liaison with our counterparts also continued through involvement in the National Training Sub Group of the AWPF. This group oversees the national training course for witness protection officers and the continued development of the witness protection qualification, the Advanced Diploma of Public Safety (Police – Witness Protection). This year, three CMC witness protection officers attended the national training course in Western Australia, one as the course facilitator and two as participants.

CMC witness protection staff also liaised closely with units of the QPS, as the primary law enforcement agency accessing our program. Training and marketing sessions were delivered to prosecutors and human source courses, and presentations were given to regional investigators where applicable.

Witness protection staff also maintain regular contact with government agencies that facilitate protection by providing support services. These relationships are essential for accessing vital services on behalf of protected persons and ensuring their safety.

### Looking ahead

In 2011–12 we will pursue our objective of having an effective witness protection service, using the strategies outlined in our *Strategic Plan 2011–15*. This will include the following:

- Investigate, research and develop innovative methods of witness protection
- Develop partnerships with national and international witness protection law enforcement and training agencies.