

Witness protection

Achievements

- All witnesses in our program were kept safe and were able to give their evidence within court (see page 43).
- Developing and implementing a new witness protection database increased the efficiency and oversight of our operations (see page 45).
- We hosted a national witness protection course that benchmarked national standards for witness protection practitioners (see page 45).
- Through the annual Australasian Witness Protection Conference we contributed to procedures and systems to help overcome common jurisdictional problems and drive consistency in complementary legislation (see page 45).

Challenges

- Exploiting changing technologies where possible, while limiting the risks they pose to the security of witnesses (see page 45).
- Managing operational peaks and troughs in a workload based on third-party referrals (see page 45).

Looking forward ►

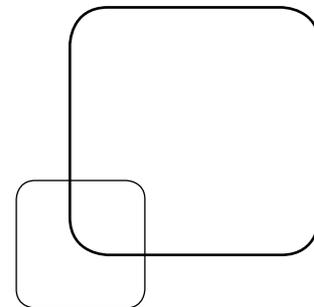
In 2012–13 we will:

- Provide quality, timely and effective support for witnesses.
- Provide security to witnesses attending court.
- Continue to develop witness protection processes, tactics and systems.

How witness protection matters come to the CMC

People who have assisted a law enforcement agency, and find that they or their families or associates are in danger as a result, can be referred to the CMC's witness protection program. The application is normally submitted by a law enforcement officer, who acts on the person's behalf and can verify the risk they face.

Individuals must qualify for protection and be assessed as suitable for the program before they can be offered protection. By legislation, entry into the program is voluntary, so individuals themselves decide whether or not to accept protection.



Our role and jurisdiction

Our role is to protect witnesses who are under threat as a result of assisting a law enforcement agency, and to enable them to safely provide evidence in court in relation to a crime.

Under the *Witness Protection Act 2000* (Qld), the CMC is obliged to respond to applications for entry into the Queensland witness protection program received from an approved authority which may include an Australian police force or service, the Australian Federal Police or another approved authority.

It is internationally recognised that a witness protection function is vital for an effective judicial system. Without it, certain evidence would not be available to the courts, with some offenders avoiding conviction and the possibility of a person being wrongly convicted.

Strategic focus

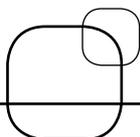
Ensuring the safety of protected persons is the primary strategic focus of the CMC witness protection service. Through collaboration with counterpart agencies, we also strive for constant improvement in our practice.

A unique structure ensuring independence

The CMC is the only independent commission in Australasia with the responsibility for protecting witnesses. Elsewhere in Australia and New Zealand, witness protection programs are managed by state and territory police forces.

This independence originated from the Fitzgerald Inquiry recommendation that the witness protection program 'should be separate from the rest of the police force ... [and] ... should not be answerable to any police officer'. This separation is important because:

- protectees can thereby have confidence that anyone from an external agency will not gain access to highly confidential information about their assistance to law enforcement
- prosecuting or investigating agencies should not be able to influence who enters the program or have a vested interest in any person who is seeking protection.



Protecting witnesses

We commit to providing interim protection within 48 hours to any eligible applicant wherever their location within Australia. This ensures a rapid and effective response to assist investigators and provide protection to witnesses at risk.

This year we received 90 applications for protection, fewer than our estimate of 100 (see Table 5, page 44). Ninety-eight per cent of applications were assessed within 48 hours, with interim assistance offered.

Of the individuals offered short-term or longer-term protection after full assessment, 39 people (fewer than the estimated 70) accepted the offer and entered the program.

All protectees were kept safe and were able to give their evidence at court. This represents a 100 per cent success rate for the program over the last 25 years. Since its inception in 1987, more than 1600 individuals who were under threat have been protected.

Securing convictions

The value of eyewitness evidence in combating serious and organised crime, through successful prosecutions, cannot be overstated. Evidence provided in this financial year by individuals within the program was crucial in securing convictions in cases that included murder, drug trafficking and other drug offences, assault and other offences of violence, and serious property offences.

Providing flexibility in protection

Once a person has been accepted into the program, the level of protection will differ depending on the type of danger to which the person is exposed. Some witnesses require long-term close personal protection, including secure relocation and change of identity (when assessed as necessary and approved by the Chairperson), and the provision of a 24-hour on-call response.

Protectees entering the full program must strictly comply with the conditions that are necessary to ensure their safety and that of any family members who may have entered the program with them. Some people are unable or unwilling to consider this, for reasons such as family, financial or employment considerations. For others, the problem is the restrictiveness of the program and the limitations imposed on personal lifestyles and networks.

However, these people may still require assistance with their security. We have therefore adopted other more flexible support, such as shorter-term assistance with court security.

Marketing protection services to peer agencies

To try to ensure that persons under threat receive protection, witness protection staff actively marketed the program to referring agencies – particularly units of the QPS, which is the primary law enforcement agency accessing our program. For example, we maintained daily contact with QPS regional crime coordinators, who are involved in some of Queensland's most publicised serious crime investigations, to offer advice on our services and our assistance to witnesses or complainants who could be at risk through involvement in these investigations.

In addition, our staff delivered 10 presentations about the program and its benefits to investigators, detective training courses and conferences. Through these they also sought to raise police awareness of the potential for our services to assist in areas such as domestic violence.

Performance

Table 5 details our performance in providing an effective witness protection service in 2011–12, assessed against the service standards and other measures in the CMC's Service Delivery Statement.

For a comparison with our performance over the last four years, see Table 18 in Appendix 1.

Table 5. Service Area: Witness protection

	2011–12 Target/est.	2011–12 Actual	2012–13 Target/est.
Service standards (SDS)			
Percentage of protected persons whose safety is maintained	100	100	100
Other measures (SDS)			
Number of persons admitted to witness protection program ¹	70	39	50
Application for witness protection assessed (persons) ²	100	90	100
Percentage of eligible persons offered interim witness protection within two days	95	98	95

The following notes are extracted from the Service Delivery Statement and explain significant variations between targets/estimates and actual performance.

1. The witness protection program is a voluntary program whereby persons offered admission can accept or reject any offer of protection. This can be for personal reasons or events outside the control of the Witness Protection Unit. Other applications are withdrawn due to court matters being adjourned. The 2012–13 Target has been adjusted downwards to reflect trend data.
2. The number of applications received for assessment is entirely dependent on requests made by law enforcement agencies, principally the Queensland Police Service.

Ensuring welfare and protection

To meet our responsibility for the overall welfare of protectees on the program, the CMC ensures that they receive professional assistance and guidance wherever necessary. This enables people with problems such as drug or alcohol addiction, and child custody or financial difficulties, to access appropriate support services and meet their obligations.

This requires witness protection staff to maintain regular liaison with relevant government agencies. Such relationships are essential not only for accessing vital services on behalf of protected persons, but for ensuring the protectees' safety.

Trends and constraints in protecting witnesses

The performance data above show a decrease for both applications and program admissions compared with last year. Five-year data (see Appendix 1) confirm a downward trend, even though they also show considerable fluctuation in numbers from year to year.

Our results are difficult to compare with the data of counterpart agencies elsewhere in Australasia, as that information is not publicly available. However, although witness protection programs vary considerably in their focus and priorities, Queensland's witness protection unit is generally regarded nationally as having high numbers of program participants annually, relative to other agencies.

Although our staff have clearly demonstrated effectiveness in protecting witnesses over the last 25 years, the very nature of witness protection makes it difficult to apply common measures of efficiency and economy. Many factors that affect resourcing of the service are beyond our control. For example:

- Our capacity to provide protection to eligible persons anywhere in Australia within 48 hours.
- Witness protection is reactive in nature – requests for the protection of individuals are the responsibility of client law enforcement agencies.
- The program as legislated is voluntary in nature – applicants themselves can reject an offer of protection or withdraw from the program at any time.
- Delays and rescheduling of court proceedings multiply the effort required to safely produce people at risk for a particular court process.

Targeting continuing improvement

Systems improvement

Developing and implementing a new witness protection database has increased the efficiency and oversight of our operations. The new case management system offers a range of benefits, including more powerful analysis and search, increased support for allocating resources, and improved case status reporting.

Continuing development of skills

We again hosted national training for witness protection officers in Australia and New Zealand, in collaboration with counterpart agencies. The national witness protection course, along with the national qualification (Advanced Diploma of Public Safety – Police Witness Protection), was developed by the CMC, which continues to facilitate the course and conduct all assessment towards the qualification. Competencies are benchmarked annually in relation to procedures and operational methodologies.

Collaboration with peer agencies

Witness protection staff participate in the annual Australasian Witness Protection Conference (AWPC), which promotes strategies and policies to ensure the continual improvement of witness protection standards and practices.

This year, AWPC discussions focused on a range of matters, including the potential for collaborative procurement to secure economies of scale, the implications of developing a national database and alert system to monitor the movements of protectees across jurisdictional borders, and technological developments such as biometrics, which present continuing challenges to the task of protecting witnesses.

These strategic discussions create a platform for sharing resources, addressing common jurisdictional problems and developing consistency in complementary legislation for witness protection.