

# An effective witness protection service

## Achievements

- All witnesses were kept safe and were able to give their evidence in court (see page 32).
- Our staff further developed the national witness protection course, which benchmarks national standards for witness protection practitioners, and delivered the course in June 2014 (see page 33).
- Through the annual Australia and New Zealand Witness Protection Committee meeting we contributed to procedures and systems to help overcome common jurisdictional problems and drive consistency in complementary legislation (see page 33).

### **Witnesses**

100% kept safe to give evidence

### **Benchmarking national standards**

Delivered national witness protection course in June 2014

## Challenges

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

## 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.

A witness protection function is vital for an effective judicial system. Without it, certain evidence would not be available to the courts, which could result in some offenders avoiding conviction or a person being wrongly convicted.

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.

The CMC Chairperson administers the Witness Protection Program (WPP) through the Witness Protection Advisory Committee (WPAC), which consists of the Director, Witness Protection and Operations Support; Official Solicitor; Executive General Manager; and two senior WP officers.

### **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 an offer of protection.

## Performance summary

In 2013–14, the median time to conduct an initial witness protection assessment was 18 hours, against the Service Delivery Statement (SDS) performance target of 48 hours.

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 program is generally regarded as having high numbers of participants annually.

**Table 5.** SDS service standards

Witness protection service standards	Target	Result
Median time to conduct initial witness protection assessment	48 hours	18 hours

Our SDS performance over the past five years is provided in Appendix 1, page 99.

## Protecting witnesses

We commit to providing interim protection within 48 hours to any eligible applicant wherever their location within Australia, ensuring a rapid and effective response to providing protection to witnesses at risk and assisting investigators.

This year we received 90 applications for protection, fewer than our estimate of 100; all interim applications were assessed within our target of 48 hours and appropriate assistance offered. Of the individuals offered protection, 42 people accepted the offer and entered the program. All protected persons were kept safe and were able to give their evidence at court, representing a 100 per cent success rate for the program over the last 27 years. Since its inception in 1987, more than 1690 individuals who were under threat have been protected.

### Securing convictions

Eyewitness evidence is crucial to gaining successful prosecutions and combating serious and organised crime. The evidence provided by protected witnesses this year helped secure convictions in cases that included murder, assault and trafficking dangerous drugs.

### 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 longer term or higher level protection, with specific provisions to ensure their continued safety.

For others who are unable to strictly comply with the conditions of the full witness protection program but who still require assistance with their security, we have adopted more flexible support, such as shorter term assistance with court security.

### 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, child custody responsibilities 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.

### Marketing protection services to peer agencies

To try to ensure that persons under threat can access 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. In 2013–14, we delivered eight presentations to investigators, detective training courses and conferences, to raise awareness of the potential for our services to assist in investigations into major and organised crime, serious offences and other matters of significant public concern.

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## Targeting continuing improvement

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### Improving our systems

This year the CMC also focused on intelligence processes – the gathering and sharing of strategic intelligence information – to more effectively collate and assess information about those posing a risk to persons on the witness protection program.

### Continuing to develop our skills

In collaboration with counterpart agencies, the national witness protection course and the national qualification (Advanced Diploma of Public Safety – Police Witness Protection) have been further developed. The CMC facilitates the course and conducts all assessment towards the qualification; competencies are benchmarked annually in relation to procedures and operational methodologies. The course was delivered in Queensland in June 2014 to participants from Queensland and interstate jurisdictions.

### Collaboration with peer agencies

Witness protection staff again participated in the annual meeting of the Australia and New Zealand Witness Protection Committee. Discussions focused on a range of matters, including strategic relationships with other bodies such as the Australia New Zealand Policing Advisory Agency and the Australian Crime Forum; legislative and technological impacts; continued development of a national database and alert system; biometrics; and liaison with federal and state agencies with common purposes.

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

### Looking forward

In 2014–15 we will pursue our objective of providing an effective witness protection service, through providing quality, timely and effective support to protected witnesses.