

An effective witness protection service

Achievements

- All witnesses in our program were kept safe and were able to give their evidence in court (see page 39).
- We scoped and adopted a new assumed identities database to more efficiently manage confidential personnel data (see page 40).
- Our staff further developed the national witness protection course, which benchmarks national standards for witness protection practitioners, in preparation for course delivery in 2013–14 (see page 40).
- Through the annual Australasian Witness Protection Forum we contributed to procedures and systems to help overcome common jurisdictional problems and drive consistency in complementary legislation (see page 40).

Witnesses

100% kept safe to give evidence

Assumed identities

Scoped new database to manage confidential personnel data

Benchmarking national standards

Development in national witness protection course for 2013–14

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.

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.

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.

Performance summary

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.

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.

Performance

Table 5 details our performance in providing an effective witness protection service in 2012–13, 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 20 in Appendix 1 (see page 112).

Trends and constraints in protecting witnesses

The performance data in Table 5 show little variation for both applications and program admissions compared with last year. Five-year data (see Appendix 1) confirm a downward trend, although for the past two years performance has seen less fluctuation, with comparable outcomes for applications and admissions.

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.

Table 5. Service Area: Witness protection

	2012–13 Target/est.	2012–13 Actual	2013–14 Target/est.
Service standards (SDS)			
Percentage of protected persons whose safety is maintained ¹	100	100	n/a
Other measures (SDS)			
Number of persons admitted to witness protection program ^{1,2}	50	42	n/a
Application for witness protection assessed (persons) ^{1,3}	100	89	n/a
Percentage of eligible persons offered interim witness protection within two days ⁴	95	100	n/a

The following notes explain significant variations between targets/estimates and actual performance.

- In 2013–14, this measure will be discontinued for Service Delivery Statement (SDS) reporting purposes. Performance information will be available in the CMC annual report.
- The witness protection program is a voluntary program whereby persons offered admission can accept or reject any offer of protection.
- The number of applications received for assessment is entirely dependent on requests made by law enforcement agencies, principally the Queensland Police Service.
- In 2013–14, this service standard will measure the median time to conduct initial witness protection assessment, with a target of 48 hours.

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 89 applications for protection, fewer than our estimate of 100 (see Table 5, page 38): all applications were assessed within 48 hours and appropriate assistance offered. Of the individuals offered protection, 42 people (fewer than the estimated 50) accepted the offer and entered the program.

All protectees 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 26 years. Since its inception in 1987, more than 1650 individuals who were under threat have been protected.

Securing convictions

Eyewitness evidence is critical 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 homicide, attempted 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. Appropriate measures are assessed and approved as necessary by the Chairperson.

Protectees entering the program must strictly comply with the conditions 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 accept these conditions, whether for family, financial or employment reasons or because of the limitations that the program imposes 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.

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. We maintained regular contact with QPS regional crime coordinators, who are involved in some of Queensland's most publicised serious crime investigations, to offer advice and assistance to witnesses or complainants who could be at risk through involvement in these investigations.

In 2012–13, we delivered six 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.

Targeting continuing improvement

Improving our systems

This year a new assumed identities database was adopted to better manage highly confidential personnel data. The new system offers an integrated search function to retrieve and manage large amounts of information, as well as automated features that link to administrative and operational activities. The database complements the witness protection case management system that was implemented in the last financial year.

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 in preparation for course delivery in 2013–14. The CMC facilitates the course and conducts all assessment towards the qualification. Competencies are benchmarked annually in relation to procedures and operational methodologies.

Collaboration with peer agencies

Witness protection staff again participated in the annual Australasian Witness Protection Forum (AWPF), which promotes strategies and policies to ensure the continual improvement of witness protection standards and practices.

This year, AWPF discussions focused on a range of matters, including strategic relationships with other bodies such as the Australian Crime Forum, legislative impacts including telecommunications and travel issues, further 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 2013–14, 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.