



## Organized Crime Research Brief no. 1

# Witness Protection Programs

### BUILDING A SAFE AND RESILIENT CANADA

Around the world most witness protection programs are managed by police forces. Witness intimidation is usually perpetrated by criminal organizations. Most protected witnesses are criminally-involved.

Witness protection is important in the fight against crime and gangs because intimidation of informants and potential witnesses is one of the defining characteristics of criminal organizations. Offering protection to these informants and witnesses is necessary in order to obtain and sustain their collaboration. Effective and reliable witness protection programs have proven their value as essential tools in the fight against serious and organized crime.

In 2008, the Standing Committee on Public Safety and National Security undertook a review of the federal witness protection program and concluded that independent research on the operations and effectiveness of the program would help ensure its “smooth operation and credibility.” A pre-requisite to research on the operations and effectiveness of the program is a solid understanding of the operations of witness protection programs in Canada and in other countries, as well as the challenges they face.

This review compared the characteristics and operations of witness protection in selected countries, as well as the successes and challenges they face. It built upon and updated previous research conducted on behalf of the Commission of Inquiry into the Investigation of the Bombing of Air India Flight 182. As with the previous review, this study was based on the literature available in the public domain, including articles, reports, and publications available from: academic, legal, professional journals and periodicals, records of government legislative and committee deliberations, government publications, reports from law enforcement agencies, and selected news reporting media.

Among the countries with Witness Protection Programs (WPP) that were reviewed (Canada, Germany, Ireland, Italy, Jamaica, Kenya, New Zealand, Philippines, South Africa, United Kingdom, South Africa and United States of America), this study found that most WPPs were managed by national or regional police forces, most programs were legislatively based, and that the level of risk faced by a witness dictated the nature and extent of the protective measures that are taken. For instance, most WPPs had a requirement that a serious risk to the witness be established before protection services be offered. In regards to witness intimidation, this study found that in most cases, witness intimidation was perpetuated by individuals linked to criminal organizations. The majority of protected witnesses were criminally-involved police informants or criminal associates of defendants; the protection of non-criminal witnesses or victims in WPPs was very rare. Overall, better oversight, evaluation, and protection of the interests of witnesses were identified as needs in most jurisdictions.

This report also found that there was little public, credible research on witness intimidation and failed prosecutions resulting from the intimidation or suppression of witnesses. Further research could be accomplished by gathering data from the police or prosecutorial files, as well as through interviews with prosecutors (or another form of survey). The experience of criminal investigators in using informants and agents and securing their cooperation is also an area deserving further attention. In particular, the authors identified the need to review existing threat assessment practices in various police forces. Furthermore, the authors also suggest an attempt could also be made, perhaps in collaboration with countries with similar WPPs, to develop some standard performance indicators for WPPs.

Dandurand, Yvon, and Kristin Farr. (2010) *A Review of Selected Witness Protection Programs*. Ottawa, ON: Public Safety Canada.

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