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WITNESS PROTECTION PROGRAM ACT

ANNUAL REPORT

1999- 2000

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STATISTICS

This is the fourth Annual Report on the Witness Protection Program Act as required by section 16 of the Act.

Providing witness protection services is one of the most effective tools for law enforcement to fight crime, particularly organized crime. Based on available data, a high percentage of cases involving witness protection result in convictions, usually because of the testimony of the protected individual.

The statistics included in this report deal with the assistance provided by the Royal Canadian Mounted Police (RCMP) between April 1, 1999 to March 31, 2000. Protectees include individuals from RCMP matters, protectees referred by other Canadian police services and foreign protectees under subsection 14(2) of the Act. It is to be noted that protection under subsection 14(2) is on a cost-recovery basis and all expenses have been recovered, including the related expenses of RCMP personnel.

In order not to jeopardize the integrity of the Program, or the safety of any individual within the Program, statistics have been provided on the most relevant areas of the Program, without detail about the individual cases involved.

During the reporting period, the RCMP provided lectures to visiting foreign officials on the Witness Protection Program and attended conferences as invited guests in countries with similar law enforcement concerns. The RCMP also received several requests for assistance from foreign countries to accept witnesses in Canada. This past year, the RCMP was involved in assisting foreign countries to establish their own Witness Protection Programs.

The statistics for this reporting period are significantly lower than those of last year. The total number of cases treated went down by 20% (57 from 70). The number of treated cases requiring secure identity changes decreased from 36 to 11 cases or a reduction of 67%. The total cost of the program has diminished by 50% (\$3.8M last year versus \$1.9M this year).

Several factors have contributed to the reduced cases being reported this year. These factors include:

1. The Supreme Court of Canada's decision in *R. v. Campbell and Shirose* and its impact on operations. In that case, the Court ruled that the police are not immune from criminal liability for criminal acts undertaken in good-faith in the course of *bona-fide* investigations unless authorized by Parliament through legislation. As a result, some long-accepted and valuable law enforcement techniques have been called into question, such as the purchase of contraband by the police for the purpose of gathering evidence. Certain law enforcement investigations have been suspended, substantially modified, or stopped altogether to avoid placing officers or persons who act under their direction and control in violation of the law.
2. The RCMP's new mandate on organized crime which targets higher level criminal organizations. This higher level targetting has translated into fewer investigations being

conducted as they are typically longer in duration.

3. Training courses have resulted in a better selection of sources/agents and an increased use of other methods of investigation.

No witness was refused admission to the Program by the RCMP pursuant to section 10 of the Act. Two cases of involuntary termination were reported as per section 9 of the Act. These cases involved serious breaches of security by the witnesses and were only terminated as a last resort following verbal and written notices.

There have been four cases of lawsuits filed in court or complaints with the RCMP Public Complaints Commission in relation to the Program during the last fiscal year. No cases were reported alleging that the RCMP failed to provide proper protection to a protectee.

### Statistics 1999-2000

Total number of protectees accepted in the Program (1999-00): 72 (1)

Total number of protectees accepted in the Program from another law enforcement agency: 12

Total number of protectees accepted in the Program from a foreign country: 6

Total number of cases: 57

Total number of secure identity changes: 11

Total number of relocations outside the province of origin: 25

Total number of relocations within the province of origin: 15

Total number of voluntary terminations: 7

Total number of involuntary terminations: 2

Total number of instances of refusal of protection by witnesses: 4

Total number of instances of failure of protection caused by the RCMP: 0

Total number of lawsuits filed in court or complaints with the RCMP Public Complaints Commission in relation to the Program: 4

Total cost of the Program: \$1,942,983. (2)

#### NOTES:

1. The total number of protectees includes family members who were relocated along with the primary protectee.
2. The costs reported are expenses directly associated to various measures of protection afforded to the protectees. They do not include wages and benefits of RCMP members, or the cost of investigations and subsequent court costs. This year, they include costs recovered for the protection of foreign protectees