

RCMP



ROYAL CANADIAN MOUNTED POLICE

Annual Report to the Commissioner

2016

**WITNESS
PROTECTION
PROGRAM**

Advisory Committee

Ottawa, Ontario
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Royal Canadian Mounted Police
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Canada

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Executive Summary

This is the second report from the federal Witness Protection Program Advisory Committee presented, per its terms of reference, to the Commissioner of the Royal Canadian Mounted Police (RCMP).

The Committee was created to have independent subject matter experts provide advice on pertinent issues. The Committee's role is to advise the Commissioner, and by extension, Program personnel, on matters related to the effective and efficient administration of the federal Witness Protection Program.

Over the last few years, the Program has undergone substantial change to its structure and operating procedures. These enhancements were articulated around three main pillars that were identified as important in the strategy to address identified challenges and to move the Program forward. These pillars are: Protectee Focus, Program Independence, and Program Standards. These pillars have been significant in setting the course for the Program and remain relevant in any ongoing or future discussions. This report acknowledges and comments on some of the most notable work that has taken place over the past year and suggests methods of further improvement and continued evolution.

These changes to the Program have also had significant impacts on staff at National Headquarters (NHQ) and in the divisions, as well as implications for RCMP members throughout the investigative branches of the Force. In addition, there have been significant changes in personnel within the Program, related to the new functions. At times these changes have combined to place increased workload demands on Program staff, in particular within NHQ, bringing additional strain. The Committee recognizes that the leadership of the Program has endeavoured to manage these changes while ensuring the Program meets its mandate and has taken proactive steps to identify the extent of issues among staff and to address the identified issues with a view to ensuring the Program functions efficiently.

The Committee recognizes that the Program has made much progress in many areas since the last report, notably:

- A Management Action Plan is underway in response to recommendations from last year's internal program audit
- Further development of a resilient, formalized Case Management Model
- Efforts to address ethno-cultural client populations
- Review of employee roles and responsibilities and Program processes for clarification and to ensure independence and avoid overlap
- Staffing vacant positions
- Updates to policy and standard operating procedures (ongoing)
- Development of a performance measurement strategy and logic model for monitoring and evaluation

- Development of both a quality assurance and security framework for its electronic records management system
- Enhancements to the electronic records management system for ease of use and enhanced research capacity

Limited resources have kept the Program from fully addressing all recommendations, however because of this and the Program's complexities, many Committee recommendations are evergreen and will carry over from year to year.

The Committee wishes to commend the personnel for their continued efforts in guiding the Program through a major transformation while ensuring that high quality and effective services are delivered.

Second Annual Report to the RCMP Commissioner from the federal Witness Protection Program Advisory Committee

A. Introduction

This is the second report from the federal Witness Protection Program Advisory Committee, hereinafter referred to as the Committee, presented, per its terms of reference, to the Commissioner of the Royal Canadian Mounted Police (RCMP).

The federal Witness Protection Program, hereinafter referred to as the Program, was established pursuant to the Witness Protection Program Act (WPPA), federal legislation that gives the Commissioner of the RCMP the responsibility for the administration of the Program. In the simplest of terms, the Program exists to facilitate the protection of witnesses or persons who are at risk because of their assistance to the state, or persons who are at risk because of their relationship or association with these witnesses¹. Some of the most common, though not necessarily only, strategies used to provide protection are various witness protection services. These may include financial assistance with respect to relocation, counselling, certain costs associated with change of identity, etc.

The Standing Committee on Public Safety and National Security (2008) and the Commission of Inquiry into the Investigation of the Bombing of Air India Flight 182 (2010)² have both examined elements of the Program and made recommendations pertaining to its administration and operations. A number of these recommendations concerned the independence of the Program, vis-à-vis the police investigative function, and the fair and equitable treatment of protectees.

In response to these recommendations, the RCMP, in collaboration with Public Safety Canada, has consulted with a number of stakeholders and the Government has committed to bring a number of changes to both the Program and to the WPPA, the legislation from which the Program derives its authority. On November 1st, 2014, amendments³ to the WPPA came into force, demonstrating the government's determination to deliver more efficient and effective witness protection services.

In addition to the legislative changes, the Program made a number of significant changes to its structure and operations. These enhancements were articulated around three main pillars that were identified as important in the strategy to address identified challenges and to move the Program forward. These pillars are: Protectee Focus, Program Independence, and Program Standards. These pillars have been significant in setting the course for the Program in the

¹ The exact definitions of the Program, protection and witnesses can be found in section 2 of the Witness Protection Program Act.

² Both reports are available publicly.

³ These amendments were introduced as Bill C-51, The Safer Witnesses Act.

recent past and remain relevant in any ongoing discussions. They will be discussed in greater depth later in this report.

The Committee recognizes that today's Program is markedly different from what it was only a few years ago. An extensive list of changes made to the Program can be found in the Committee's first report to the Commissioner.⁴ Much work remains and the Program is still evolving, thus the Committee will use this report to acknowledge and comment on some of the most notable work that has taken place over the past year and suggest methods of further improvement.

B. The Committee's role

The Committee was created in order to have independent subject matter experts provide advice on pertinent issues.

The Committee's role is to advise the Commissioner, and by extension Program personnel, on matters related to the effective and efficient administration of the Program. The Committee is not involved in, nor accountable for, specific admission or termination decisions, or the protection services that are provided by Program personnel⁵. The Committee can provide a different, balanced and external perspective on the Program's processes and effectiveness.

Per its term of reference, the Committee advises the Commissioner on:

- The function, processes, and protocols of the federal Program relative to the prescribed legislation;
- Methods developed to assist protectees in adapting to the Program, including addressing health and legal issues;
- Funding schemes to facilitate the provision of protection by ensuring adequate funding levels for the Program are maintained;
- Ensuring that Program standards are appropriate for the Program to facilitate the services required under the WPPA and to ensure that such standards are complied with;
- Any other witness protection issues that will contribute to enhancing the Program.

The Committee may also play a role in communicating and educating external stakeholders on the roles and work performed by Program personnel and to advocate on the Program's behalf as and when it sees fit.

⁴ Witness Protection Program Advisory Committee, First Annual Report to the Commissioner, April 2015.

⁵ Committee members are not privy to any information that would reveal the identity or location of protectees.

The Committee's mandate is to provide advice on a wide-range of issues, but not specific operational or administrative decisions. While the mandate does not specify the format in which the advice is to be provided, Committee members and Program personnel have recognized that the Committee's work lends itself well to providing advice both informally, through discussions during its regular meetings, and in a more formal manner, through this report to the Commissioner.

Meetings of the Committee take place twice a year and are set up to encourage continuous debate and exchange of information among Committee members and Program personnel. The membership of Assistant Commissioner Todd Shean as an ex-officio Committee member is also conducive to direct information exchanges between Committee members and Program personnel.

Since its inception, the Committee has held six meetings.

The Committee is comprised of:

- Dr. Jim Bonta, Public Safety Canada (retired)
- Professor Yvon Dandurand, School of Criminology and Criminal Justice, University of the Fraser Valley - Committee Chair
- Dr. Julia Hughes, University of New Brunswick - Committee Vice-chair
- Dr. David Marsh, Northern Ontario School of Medicine
- RCMP Commissioner (retired) Philip Murray
- Dr. Irvin Waller, University of Ottawa
- Assistant Commissioner Todd Shean, RCMP Federal Policing Special Services (ex-officio member)

There have been no changes to the composition of the Committee since its creation.

Given the complexity of the Program, a significant learning component had to take place at the front end of the Committee's work. This has resulted in the Committee choosing not to report in its first year. Therefore the first report covered the Committee's work since its inception to March 31, 2015. This report covers the period of April 1, 2015 to March 31, 2016.

C. The Three Pillars

As indicated earlier in this report, three key pillars; Protectee Focus, Program Independence and Program Standards, have been identified and positioned at the forefront of the Program's changes and orientation. Much of the Committee's work, as it examines various aspects of the Program, has been organized in relation to these three pillars. As such, an explanation of these pillars is provided below, along with examples of how the Program has continued to adapt over the past year using the pillars and the Committee's 2015 recommendations⁶ as a guide.

⁶ Witness Protection Program Advisory Committee, First Annual Report to the Commissioner, April 2015

Throughout the Committee's exchanges, Program personnel have demonstrated their commitment to arrive at decisions guided by these pillars.

- Protectee Focus

A fundamental shift has taken place in the Program's service delivery, now focusing on placing the protectee at the forefront of Program decision-making and actions. The protectee focus perspective aims at identifying and, where possible, addressing client needs⁷ to ultimately deliver on the Program-legislated mandate of ensuring the physical integrity of the protectee, as well as providing protection as defined in section 2 of the WPPA, i.e., *"...to facilitate the protectee's re-establishment or becoming self-sufficient"*.

In more concrete terms, protectee focus means appropriate and early standardized assessments of a prospective protectee, so that the best possible decision can be made as to the suitability of the individual for admission to the Program. This results in the implementation of a corresponding strategy, articulated in an individualized plan in the case of an admission, or an alternate aid arrangement if the individual is not admitted to the Program.

The Committee is pleased that Program personnel have been endeavouring to formalize the protectee-focused Case Management Model. As a result, the Program is developing a formalized process map, including the clarification of, and enhancement to, roles, responsibilities and processes. Additionally, a subject matter expert working group was created to help staff advance the model and the Committee has had the opportunity to review and comment on the working group's suggestions. The Committee continues to support this important shift to a risk and needs approach and looks forward to further discussions on the progress of the model.

The Committee has supported the concept of a Resource Center (a secure and covert location where protectees and their families may receive services deemed appropriate) from the outset but advised that it must be both evaluated and executed in a cost effective and efficient manner. The Committee acknowledges that the Program was able to acquire a location that is both secure and affordable and is pleased to have had the opportunity to provide advice on the use of the center. The Committee believes it is important to consult and learn from other programs and is also pleased that Program personnel were able to visit a similar concept in a partner country to gain ideas for further efficiency and additional use. A challenge may exist in getting maximum use out of the center and, accordingly, the Committee would encourage further exploration of additional uses for the center.

The protectee focus principle recognizes that admission into the Program is highly disruptive in an individual's life and should be used as a last resort option. It also places a responsibility on

⁷ Identifying a need does not amount to an obligation to meet that need and while recognizing that a client may have a certain need, there must also be a realization that the Program may not be the appropriate vehicle to meet that need.

the Program to recognize and address differences amongst its clients. One of these important differences is ethno-cultural. The Committee notes that Program personnel are continuing efforts to address these matters by mandating cultural sensitivity training into its various training initiatives. The Committee also acknowledges the efforts made by Program personnel to recognize and address the unique circumstances of Indigenous protectees. The Program hosted a successful two day forum in May 2015 to address witness protection issues as they relate to Indigenous peoples; valuable connections were established with various Indigenous organizations and leaders.

- Program Independence

The Government of Canada and the RCMP have endeavoured to make the Program more independent from investigative interests and, in support of that independence, the Program has introduced a series of significant changes. This pillar is at the heart of the integrity of the Program and of the expectations from Government that the RCMP can and will operate a Witness Protection Program that is sufficiently independent from its investigative mandate.

Previously, the protection of witnesses was seen as an extension of the Human Source program. A human source, especially an agent source whose identity was revealed, was at risk and had to be protected. Given the importance of human sources as an investigative tool, there had to be a system to protect them. The transition from source, to witness, to protectee, was a “natural” transition that was felt could be best be handled by a single unit.

While the importance of human sources has not diminished, the protection of witnesses, as mandated under the WPPA, is now administered independently from investigative interests. Within the Witness Protection Program, the protectee or prospective protectee is placed at the forefront of decisions, while investigative / prosecutorial interests are accounted only insofar as section 7 of the WPPA mandates⁸.

The Committee recognizes that the Program has continued to pursue avenues of increasing its independence over the past year, while recognizing that until very recently, strong links existed between the witness protection function and the investigative function, and personnel on both sides are still adapting to the newly implemented independent model.

Using the recent internal audit and subsequent recommendations as a guide, the Program is reviewing its current structure to ensure separation of the investigative and prosecutorial influence. This review will include roles and responsibilities of handlers, coordinators, Designated Officers, and decision makers. A review of the RCMP's "Collaborators of Justice

⁸ When determining whether a witness should be admitted to the Program, the Commissioner must consider a series of factors described in section 7 of the WPPA. Amongst these factors are two that relate to the investigations; 7(c) *the nature of the inquiry, investigation or prosecution involving the witness – or the nature of the assistance given or agreed to be given by the witness to a federal security, defence or safety organization – and the importance of the witness in the matter*; and 7(d) *the value of the witness's participation or of the information, evidence or assistance given or agreed to be given by the witness*.

Program" is underway in an effort to identify an appropriate level of separation from investigators. The Program has also undertaken to increase awareness on the separation of roles and responsibilities between investigators and the Program by frequently providing presentations at numerous RCMP training sessions. The Committee encourages continued use of tools such as the internal audit recommendations to ensure the Program remains advantageously positioned on the independence continuum.

As another step toward independence, the Program has revised its policy and the Committee is pleased to have had the opportunity to review and comment on proposed changes.

- Program Standards

Program standards allow the delivery of Witness Protection services in a standardized manner to all clients, from admission decision making to the level of assistance that is to be provided. It is not necessarily about providing the same services to all; it is about providing the same level of service, based on individual circumstances, to all.

The application of program standards avoids inconsistent decision making. The program standards pillar rests with clearly defined and articulated standard operating procedures that are uniformly applied by properly trained and instructed personnel. The centralization of the Program that has taken place, along with its support structure, database, and Designated / Regional officers, also serves to maintain an oversight and to direct the delivery of witness protection services in a consistent manner across the country.

A solid training regimen, for those involved in the delivery of witness protection services, is of significant importance in the application of program standards. The Committee has had the opportunity to enter into discussions on a number of training-related issues and has encouraged the Program to ensure the continued training of personnel beyond the regular training regimen they receive when joining the Program. For example, the Committee has advocated for specialized training of handlers and has been pleased to see regular handler workshops implemented in the Program's training activities over the last year.

The Committee has also had the opportunity to review and provide input on the Program's policy and certain standard operating procedures. Although much progress has been made, there is a need to accelerate the finalization of the policy, procedures and processes. The Committee looks forward to continuing to contribute to that process in the coming year.

D. Evidence-based Considerations

In addition to the three pillars just discussed, two further elements have been identified as important axes for the Program, around which the Committee articulated its advice; these elements are "Monitoring and Evaluation" and "Research". A brief explanation of these elements is provided below, along with examples of how the Program has adapted over the past year.

- Monitoring and Evaluation

The Program's ability to monitor and assess the impact of the many changes it has implemented is fundamental. Such evaluation will allow the Program to ensure it is on the right course and is meeting its objectives as they relate to the aforementioned pillars.

The Committee acknowledges that a number of monitoring and evaluation processes are already in place within the Program, notably regular internal program reviews of witness protection units, including sensitive expenditures and internal control reviews, as well as the collection of metrics for internal quarterly reports.

During meetings, Committee members have had the opportunity to discuss monitoring and evaluation on a number of occasions, as it pertains to a number of issues, e.g., general Program effectiveness, client assessments and resultant admission / non-admission, and case management planning. The Committee asks to be apprised of and, whenever possible, consulted on all Program monitoring and evaluation initiatives.

Accordingly, the RCMP's Audit and Evaluation Unit recently performed an internal review of the Program and the Committee appreciated the opportunity to comment on the resulting report and recommendations, as well as to provide input on the subsequent action plan discussions. As reinforced in the review, the Committee acknowledges the Program's work in developing a performance measurement strategy and logic model, which includes research based program evaluation and the development of comprehensive performance indicators. The Committee has appreciated the opportunity to provide input during the development of this framework and would ask that it be a recurring discussion topic at subsequent Committee meetings.

Additionally, the Program has developed a quality assurance (QA) framework to examine and evaluate the electronic file management database. Files will be reviewed for compliance with standard operating procedures and business rules to ensure the data is in a position to support the performance measurement framework, research, evaluation and decision making capabilities. The results from the QA will be used to focus efforts on streamlining and minimizing data entry errors, identifying training requirements and improving the overall quality and accuracy of the information being collected in order to improve the reporting functions and monitoring.

- Research

The Committee believes that research should be undertaken in order to understand the needs and circumstances of protectees and the various challenges they face. Understanding who the protectees are and their evolving needs is essential to the Program's ability to deliver effective protection services.

Through discussions between Committee members and Program personnel over the past few years, a number of recommendations have been made on areas felt to be of significance and worthy of research, within a protectee focus context, such as profiles of protectees, women and children, ethno-cultural issues (understanding the cultural composition of clients), breaches and terminations, health issues, adjustment, success rates, etc.

The Committee expressed concern that limited staff resources and an incomplete database have resulted in delays in conducting research. Nonetheless, research is fundamental to improve the Program, as well as to understand it for the purposes of informing external stakeholders and further driving Program developments. The Program does not yet have a comprehensive understanding of its client base, i.e., their basic characteristics, their risk and need profiles, as well as their progression within the Program. This research is an important component of the Program to ensure its continued evolution.

The Committee recognizes that the Program is making strides in staffing vacant positions and is working diligently towards enhancing and updating its database. A special project was recently undertaken to review all historical files and ensure that every client is captured on the database. Having that tombstone data and, eventually, all client data captured on the database will greatly enhance the Program's capacity to conduct research with an emphasis on the protectee focus pillar. Additionally, recently updated features in the database are a positive development for the Program in meeting its research objectives. A solid security framework, quality assurance framework and system updates will facilitate the use of the database and the input of appropriate data. The Committee encourages the continuous use and development of the database. It is important to proceed as quickly as possible with the updating of the database in order to monitor the impact of the changes brought to the Program and ensure that it has the adequate structure and resources to manage these changes and meet its mandate.

The Committee is encouraged by the interest and the commitment Program personnel have shown to evidence-based decision making and its willingness to look at international standards to have the best program possible; it looks forward to hearing about Program personnel's participation in international working groups and subsequent outcomes.

E. Transformation Process

Over the past few years the federal Witness Protection Program has undergone substantial change to address the mandate and expectations outlined in the WPPA. These changes have had significant impacts on Program staff at National Headquarters (NHQ) and in the divisions, as well as substantial implications for RCMP members throughout the investigative branches of the Force. The leadership of the Program has endeavoured to manage these changes while ensuring the Program meets the new mandate. In addition, there have been significant changes in personnel within the Program, related to the new functions and processes as well as mandated training requirements of the Force. At times these changes have combined to place

increased workload demands on the staff of the Program, in particular within NHQ. It is not surprising that the combination of substantial change and increased workload may have brought additional strain to relationships within the Program.

The Assistant Commissioner, Federal Policing Special Services, has been taking proactive steps to identify the extent of issues among staff and to address the identified issues with a view of ensuring the Program functions efficiently and has the required complement of staff to effectively meet the mandate of the Program. During its tenure, the Advisory Committee has discussed the following measures towards improving the function of the Program: moving from a paper-based system to electronic records; development of standard operating procedures to ensure consistent application of the Program; training of staff and officers within investigative branches on the new mandate and procedures; identification of metrics for tracking the implementation of the Program changes and to inform leadership on the required resources for delivery of its mandate. Such process development and data collection is crucial in managing change within the Program.

F. Committee recommendations:

Over the many hours of discussions amongst Committee members and Program personnel during the past year, numerous suggestions and comments were made that may not be considered as formal advice; however, they were nevertheless useful for the Program. The Committee would again like to acknowledge the Program's receptivity and willingness to move forward on issues that were discussed.

The Committee uses this report to provide more formal advice and recommendations on what it sees as significant elements to continue to evolve the Program. These recommendations are grounded on the pillars that have been at the centre of the Committee's discussions and work since its inception.

The Committee hopes that its recommendations will be given consideration and found useful. Some of these recommendations are evergreen and will continue to carry over from year to year, given their complexities and the time and resources required to fully implement.

- The Committee supports and recommends the continued formalization of a resilient Case Management Model that will accommodate the various types of protectees and their individual needs.
- The Committee encourages the use of validated tools that will not only add to the consistency of the assessments, but will also support and facilitate the development of research within the Program.
- The Program should review its use of the Resource Center in order to maximize functionality.

- The Program should continue in its efforts to assist clients of various backgrounds and, to that effect, the Program should:
 - Continue pursuing research to enhance the knowledge of its client base from different backgrounds.
 - Maintain relationships with various stakeholders that can assist in addressing the particular issues faced by Indigenous peoples entering the Program.
 - Maintain relations with the Office of the Federal Ombudsman for Victims of Crime and continue to pursue research to enhance the knowledge of clients at risk of being most affected by victimization, including women and children.
 - Perform a gender analysis of the Program by taking a systematic look at whether the Program is responding to some of the gender challenges in the system.
- The Committee encourages the Program to examine the implications of the Canadian Victims Bill of Rights on victims in the Program.
- The Program should explore developing avenues of independent research that would foster the integrity and effectiveness of the Program and put the Program in a position to contribute internationally to the identification of best practices.
- The Program should continue to dedicate sufficient resources to ensure that those involved in the delivery of witness protection services receive the appropriate training, that they are subsequently updated on changing techniques and protocols and that the training platform is subjected to an appropriate evaluation process to ensure it meets Program needs.
- The Program should continue to remain alert for evolving technologies and the risk they may represent for the protectees.
- The Program should continue to explore opportunities to communicate its roles and responsibilities to the RCMP membership at large and externally, within the limitations imposed by the WPPA and other legislations, e.g., continuing training to ensure that roles are more concrete in terms of independence; awareness training for investigators on using the Program as a “last resort option.”
- The Program should continue to utilize and introduce processes geared toward the systematic collection of data to inform ongoing evolution of the Program and to report it in a structured way, as well as to inform leadership on the required resources for Program delivery, e.g., through the electronic records management system, quarterly reporting, etc.

- The Program should keep the Committee apprised and, whenever possible, consulted on changes to the Program's formal evaluation framework and any other Program monitoring and evaluation initiatives.
- The Program should keep the Committee updated on progress made on the Management Action Plan that followed the program review conducted by the Audit and Evaluation Unit.
- Given the importance of the electronic records management system to the Program in terms of operational applications and as a research, evaluation and communication tool, the Committee recommends that:
 - the Program should continue to make ongoing enhancements, and more quickly advance database updates; and
 - the RCMP should make database desktop access readily available for all divisions.

Making the above a priority will help ensure that appropriate data is captured and that the Program will have the adequate resources to meet its mandate.

G. Concluding Remarks

Since its formation, the Committee has seen significant improvements in line with the WPPA and the three pillars, and has been pleased by Program management and staff responsiveness to its suggestions. The Committee also noted the Program's strengthened accountability and governance. Additional steps are still required to consolidate the transformation of the Program and strengthen its capacity to respond to evolving needs for effective witness protection. The Program's leadership and staff are well aware of the challenges that lie ahead of them and they remain committed to the key objectives that inspired that transformation. The Committee will continue to support their efforts.