



# **Federal Witness Protection Program**

## **Annual Report 2021-22**

Catalogue number: PS61-48E-PDF

ISSN number: 2817-5565

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# **ANNUAL REPORT OF THE FEDERAL WITNESS PROTECTION PROGRAM**

## **2021-2022**

### **Introduction**

This is the 26<sup>th</sup> annual report on the federal Witness Protection Program (WPP, or Program), which was submitted to the Minister of Public Safety no later than June 30, 2022, as required by section 16 of the *Witness Protection Program Act (WPPA)*.

The Commissioner of the Royal Canadian Mounted Police (RCMP) is designated as the administrator of the Program and determines whether a witness should be admitted to the Program. The Commissioner has the responsibility to promote law enforcement, national security, national defense and public safety by facilitating the protection of persons who are at risk of harm due to their assistance or their relationship with someone who provides such assistance.

Witness protection continues to be an effective tool in combatting serious and organized crime. It is essential that the Canadian public has the confidence to provide information or assistance to law enforcement and security agencies without the fear of retribution or retaliation.

During the 2021-22 reporting period, the impact of the COVID-19 pandemic persisted; provinces and territories declared states of emergency, entering lockdowns and implementing restrictions that varied from one region and province to another. While challenging, these situations have strengthened the WPP commitment to enhance its adaptability and to customize its practices to ever changing circumstances.

The activities and figures included in this report are based on the services provided by the Program between April 1, 2021 and March 31, 2022. To avoid jeopardizing the safety and security of protected persons and employees, the information in this report has been provided at the aggregate level. This report strives to provide as much information as possible to the Canadian public without compromising the effectiveness and security of the Program, its protectees and Canadians.

### **Program Activities**

The WPP provides protection to individuals who are subject to substantial threats, intimidation or violence for having assisted or agreed to assist in a matter relating to an inquiry or the investigation or prosecution of an offence. Protection can also be extended to a parent, child or anyone whose safety may be at risk due to a relationship or association with an individual who cooperates with authorities.

The Program is available to law enforcement agencies, federal security, defense and safety organizations across Canada, including designated provincial or municipal programs<sup>1</sup>, as well as international criminal courts and tribunals and trusted international law enforcement agencies.<sup>2</sup>

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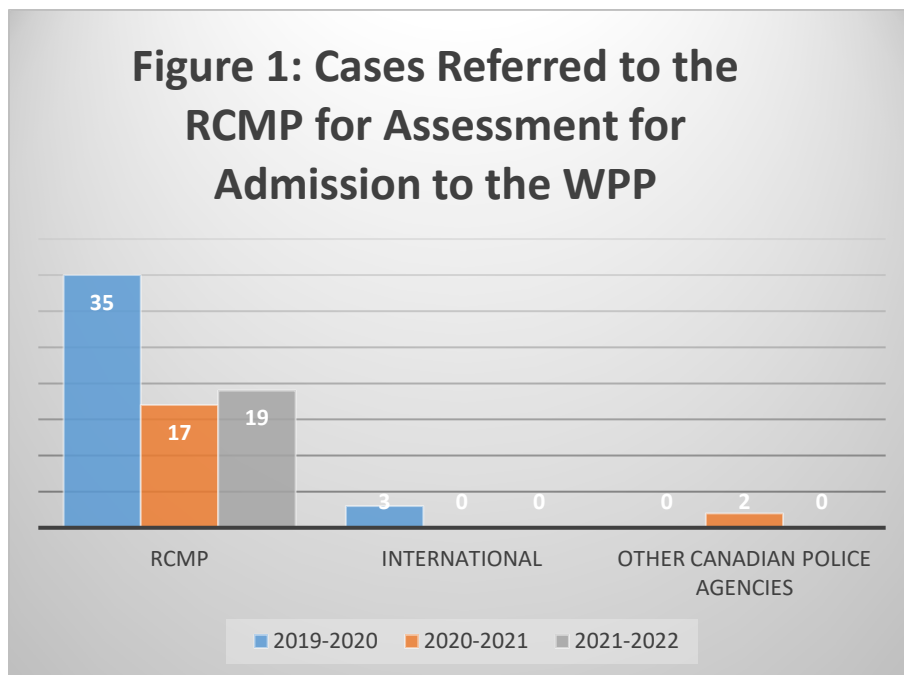
<sup>1</sup> Section 10.1 (1) of the *WPPA* allows the Governor in Council to designate a provincial or municipal program.

<sup>2</sup> Section 14 (2) and (3) of the *WPPA* allows the Minister of Public Safety to enter into an arrangement with the government of a foreign jurisdiction or an international criminal court or tribunal in cooperation with the Minister of Citizenship and Immigration.

In the 2021-22 reporting period, the Program assessed 19 cases<sup>3</sup> for admission, based on factors set out in section 7 of the *WPPA*:

- a) the nature of the risk to the security of the witness;
- b) the danger to the community if the witness is admitted to the Program;
- 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, defense or safety organization — and the importance of the witness in the matter;
- d) the value of the witness’s participation or of the information, evidence or assistance given or agreed to be given by the witness;
- e) the likelihood of the witness being able to adjust to the Program, having regard to the witness’s maturity, judgment and other personal characteristics and the family relationships of the witness;
- f) the cost of maintaining the witness in the Program;
- g) alternate methods of protecting the witness without admitting them to the Program; and
- h) such other factors as the Commissioner deems relevant.

All of the 19 cases were referred from the RCMP. There were no requests from other Canadian law enforcement agencies or from international partners. Figure 1 provides a representation of the yearly distribution of requests.

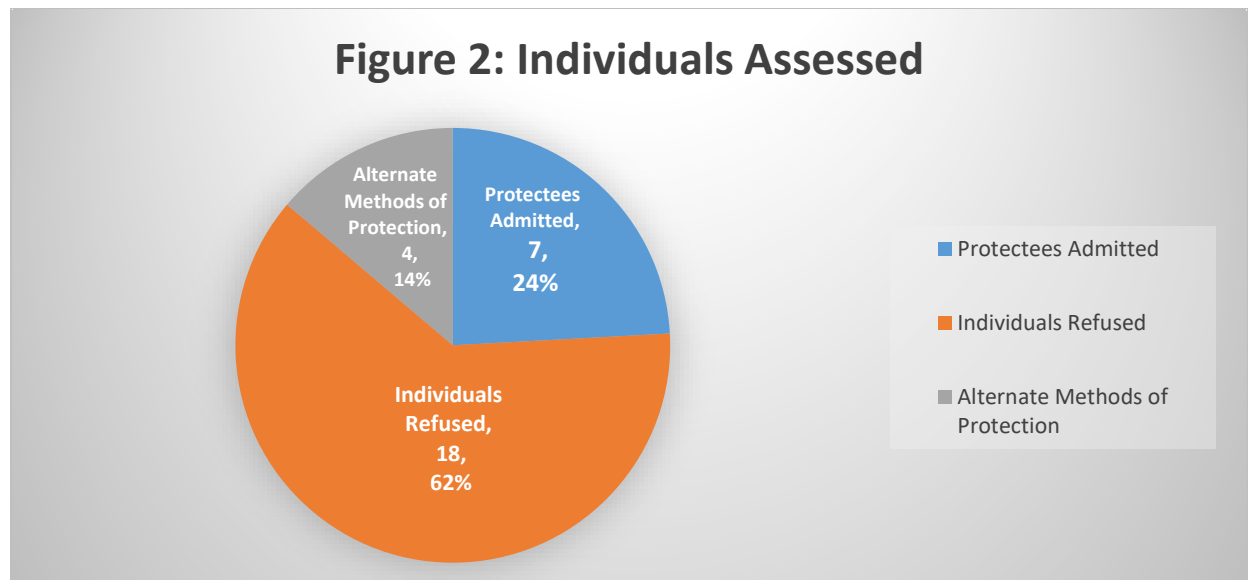


<sup>3</sup> One case may include multiple individuals. For example, a family of four would be identified as one case.

Between April 1, 2021 and March 31, 2022, seven individuals were admitted to the WPP. An individual who receives protection under the Program is referred to as a protectee. The level and type of assistance provided depends on the circumstances of a protectee and may include relocation, accommodation and change of identity, as well as counselling and financial support to ensure their security, safety or to facilitate their re-establishment and reintegration in the community. Protectees are required to meet certain expectations such as giving all information or evidence required by the investigation or prosecution, meeting all financial and legal obligations, and refraining from activities that constitute an offence against an Act of Parliament or activities that could compromise their security, other protectees or the Program itself.

During the same time period, four individuals were provided alternate methods of protection, and another 18 refused all forms of protection. Alternate methods of protection are normally provided in cases where individuals refuse to be considered for admission to the WPP or are found to be inadmissible as determined by section 7 of the *WPPA*. Reasons for an individual's refusal can include their unwillingness to relocate due to personal reasons, or an objection to the conditions imposed (e.g., abstaining from illegal activity, never returning to the threat area).

It is important to note that the WPP's admission considerations are independent from investigations. While the value of a witness' participation in an investigation is a factor that is considered for their admission to the Program, investigators are not involved in the admission process. This ensures the Program maintains independence from investigations and its primary focus is the security and safety of protectees and Program employees. Figure 2 depicts the landscape of the individuals assessed for admission to the Program in 2021-22.



While individuals are deemed admitted to the Program for life, participation is voluntary and they may choose to leave at any time. This is referred to as a voluntary termination. Reasons that a protectee may wish to terminate may include a desire to return to a threat area or to proceed with their lives without WPP involvement. In 2021-22, three protectees voluntarily terminated from the Program.

Conversely, protectees may be subject to a non-voluntary termination of protection at any time if there is evidence of a material misrepresentation or a failure to disclose information relevant to their admission to the Program, or a deliberate and material contravention of their obligations under the signed Protection Agreement (section 9 of the *WPPA*). This decision is made by the Assistant Commissioner who has been delegated the authority to both admit individuals into the Program and to terminate the protection provided to them. In 2021-22, no protectees were subject to non-voluntary termination.

### **Complaints, Civil and Criminal Litigation**

During this reporting period, there were no civil litigation cases filed and no public complaints made against the WPP<sup>4</sup>.

Certain protectees may be required to testify in court. As such, the WPP is required to disclose materials related to witnesses in trials on a regular basis. It is essential to protect any information about a witness's location, change of identity, or the means and methods by which a witness in the Program is protected, including the identity and role of persons who directly or indirectly assist in providing protection. This information is prohibited from disclosure under section 11 of the *WPPA*. During the reporting period, 10 new cases related to criminal files and needing protected disclosure by the Program, were recorded.

In addition to the number of new cases, the Program remains engaged with criminal files and civil litigation claims from previous reporting years. Furthermore, the Program is required to disclose WPP material pertaining to claims filed against investigative units. In 2021-22, the Program was involved in 14 ongoing files. To attend to the increased demand of sensitive information for legal proceedings, and to support the Program's constant need to document and provide evidence to court in support of its independence from the investigative arm - additional resources were allocated to this area of the Program. For these reasons, disclosure continues to represent one of the most demanding administrative challenges for the Program.

### **Effectiveness of the WPP**

The WPP reports that no individual protectees were injured or killed by threat actors during the reporting period.

In the second year of the COVID-19 pandemic, the Program remained centered around the continuity of its service delivery while maintaining the health, security and safety of individuals receiving support and protection.

Operationally, the Program's commitment to modernization efforts remained. During this time, the Program's operational and administrative priorities and initiatives were reviewed and updated. These include, but are not limited to: Secure communications, standardization and centralization of services and analysis tools, enhanced data gathering, and advancing research. These activities will contribute to the successful delivery of the Program's mandate and enhance its ability to maintain public trust and confidence.

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<sup>4</sup> The WPP could be named in a Statement of Claim in civil litigation actions directed at the RCMP as a whole.

## **Transparency and Accountability**

To ensure transparency and accountability, the Commissioner of the RCMP is legislatively mandated to submit a public annual report on the operation of the Program to the Minister of Public Safety, no later than June 30<sup>th</sup> of each year. The report is prepared and tabled in Parliament in accordance with section 16 of the *WPPA*.

In 2013, the Program created the Witness Protection Program Advisory Committee (WPPAC) to provide independent, expert advice to the Commissioner (and by extension, the Program) on a wide range of complex issues and to enhance the accountability of a program that is necessarily discrete, by acting as one of its only external review mechanisms. The Committee typically structures its findings and observations around the Program's three main pillars:

1. **Protectee-focus:** Ensuring the Program's service delivery places protectees at the forefront of decision-making by addressing protectee needs to ensure their security, safety, and re-establishment.
2. **Program independence:** Ensuring the integrity of the WPP, which requires the Program to be independent from investigative or prosecutorial interests.
3. **Program standards:** Supporting consistent decision-making and professional, standardized service for all clients across all parts of the country.

An Annual Report to the Commissioner is produced by the Committee. The most recent report was released on May 10<sup>th</sup>, 2022, and is available by request on the RCMP website. The Committee's report provided observation of the Program's ability to adapt and maintain its quality of service despite the challenges presented by the pandemic context. The Program was commended for its resilience and efforts in keeping the protectees and its employees safe. The Committee acknowledged the growing administrative challenges that constitutes disclosure and presented strategies under development to address them.

## **Expenditures**

The WPP is administered by the RCMP and funded from within the RCMP budget. A table of costs for the 2021-22 fiscal year is provided in Table 1 below. It includes wages and benefits for personnel, travel costs, administrative and protectee expenses totaling \$14.78M. This total also includes the cost of internal services of \$2.21M, which encompasses financial management, legal services, real property services and human resources.

These costs do not take into consideration expenses incurred by other law enforcement agencies, including other witness protection programs.

**Table 1: RCMP Expenditures on WPP for 2021-22**

	<b>Amount in Canadian Dollars</b>	<b>% of Total Expenditures</b>
Compensation	\$9,057,398.00	61.30%
Other Police Department Secondments	\$23,599.00	0.16%
Travel	\$226,861.00	1.54%
Administration	\$644,084.00	4.36%
Witness Protection Expenses	\$618,580.00	4.19%
Miscellaneous	\$624,067.00	4.22%
Civil Litigation Costs	\$0.00	0.00%
Employee Benefit Plans	\$1,370,461.00	9.28%
Internal Services	\$2,209,967.00	14.96%
<b>Total</b>	<b>\$14,775,017.00</b>	<b>100.00%</b>

**FIGURE 3: PERCENT OF TOTAL EXPENDITURES**

