

Institution: University of Dundee

Unit of Assessment: 17 Geography, Environmental Studies and Archaeology

Title of case study: Protecting intimidated witnesses: shaping policy and practice in the UK and internationally

1. Summary of the impact

This case study focuses on the researcher's work on witness protection arrangements put in place by police forces to ensure the safety of individuals and close relatives whose lives are in danger as a result of their willingness to give evidence in criminal trials. Typically this involves the permanent relocation of witnesses and their families to new communities and the adoption of new identities.

This research was the first of its kind in the world and its impact has been evident in:

- Changes in UK legislation with respect to witness protection arrangements;
- Changes in the organisation and delivery of witness protection in Scotland;
- Invitations to advise other jurisdictions on witness protection reform and to contribute to media and policy debates;
- Use of the research by police practitioners in the UK and internationally in the continuing professional development of police officers involved in witness protection programmes;

2. Underpinning research

The underpinning body of research, led by Professor Nicholas Fyfe of the University of Dundee, comprised two key elements:

- A detailed evaluation of the structure and operation of the Strathclyde Police Witness Protection Programme funded by Scottish Government, which included interviews with police officers, representatives of partner agencies, policy makers, and protected witnesses;
- An international review of legislation and other evidence relating to witness protection arrangements in other jurisdictions funded by the Home Office.

The specific insights that underpin the impact and benefits claimed in this case-study include:

- Evidence of specific legislative provisions providing a framework within which witness protection is delivered in other jurisdictions, covering issues of eligibility for protection, type of protection provided, and responsibility for the delivery of protection;
- A detailed understanding of the nature, impact and implications of witness intimidation, particularly in terms of the importance of location (court room versus community-based), context (including the relevance of a culture of 'no-grassing' in the areas that witnesses live), and affect on witnesses' decisions to cooperate with police investigations;
- A systematic evaluation of the challenges faced by police organisations in providing witness protection in terms of resources, training and operational implications;
- An in-depth understanding of how witness protection arrangements impact on witnesses and their families, particularly with regard to the ways in which physical safety is a necessary but insufficient condition for their long term well-being and consequently the need to better understand the ways witness protection impacts on witnesses' feelings of ontological security.

3. References to the research

References – listed below are a book, key academic journal papers, and research reports for Scottish Government and the UK Home Office. The academic quality is evident in achieving publication in both the discipline of geography's most prestigious journal (*Transactions of the Institute of British Geographers*) and the discipline of criminology's most prestigious journal (*British Journal of Criminology*).

- 1999 FYFE, N.R. and McKay, H. *Making it safe to speak? A study of witness intimidation and protection in Strathclyde* (HMSO, Edinburgh), 81pp. (ISBN 0 7480 7787 1)
- 2000 FYFE, N.R. and McKay, H. 'Witness intimidation, forced migration and resettlement: a British case study', *Transactions of the Institute of British Geographers*, 25, 77-90. DOI: 10.1111/j.0020-2754.2000.00077.x
- 2000 FYFE, N.R. and McKay, H. 'Desperately seeking safety: witnesses' experiences of intimidation, protection and relocation' *British Journal of Criminology*, 40, 675-691. DOI:10.1093/bjc/40.4.675
- 2000 FYFE, N.R. and McKay, H. 'Police protection of intimidated witnesses: a study of the Strathclyde Police Witness Protection Programme' *Policing and Society: an International Journal of Research and Policy*, 10, 277-299. DOI: 10.1080/10439463.2000.9964844
- 2001 FYFE, N.R. *Protecting intimidated witnesses* (Ashgate, London) (ISBN 0-7546-1335-6; 147pp)
- 2005 FYFE, N.R. and Sheptycki, J. *Facilitating witness co-operation in organised crime cases: an international review* (London, Home Office)
- 2006 FYFE, N.R. and Sheptycki, J. 'International trends in the facilitation of witness cooperation in organised crime cases', *European Journal of Criminology*, 3, 319-356. DOI:10.1177/1477370806065585
- 2007 FYFE, N.R. and Smith, K. 'Victims and Witnesses in criminal investigation', in *The Handbook of Criminal Investigation* (Cullompton: Willan), pp.450-465.
- 2007 FYFE, N.R. 'Witness protection: The UK experience in comparative context', *Covert Policing Review*, 1, 12-18.
- 2008 Allum, F. and FYFE, N.R. 'Developments in State Witness Protection Programmes: The Italian experience in an international comparative perspective', *Policing: A Journal of Policy and Practice*, 2, 92-102. DOI: 10.1093/police/pan001

Research grants relevant to this case study:

1997-98 PI N Fyfe £52,000

Funded by **Scottish Government**

Title: Witness intimidation and protection in Strathclyde.

2003 PI N Fyfe £16,000

Funded by **Home Office**

Title: International differences in measures to facilitate witness co-operation in cases involving organised crime.

(Co-I: J. Sheptycki, York University, Toronto).

4. Details of the impact

At a Scottish level, Fyfe's review of the Strathclyde Police Witness Protection Programme was used to inform the decision to establish this programme at a national level under the authority of the Scottish Crime and Drug Enforcement Agency (now part of Police Scotland). It also led to specific operational reforms relating to the use of temporary accommodation of protected witnesses, risk assessment processes, and the type of medium to long term support provided for relocated witnesses. All these reforms have benefitted witnesses, the police and the judicial process throughout the assessment period (2008-13). Fyfe is also actively involved in the training and professional development of police officers in Scotland working in the field of witness protection through his work at the Scottish Police College where he jointly delivers an input on the CPD programme on this topic. From 2011, he has been working with the Witness Liaison Unit to develop a new performance management approach for witness protection in Scotland. (Corroborating source 1).

At a UK level, the research carried out for the Home Office on the legislative frameworks for witness protection in other jurisdictions contributed directly to the evidence-base for the UK Government's White Paper 2004, *One Step Ahead: A 21st century strategy to defeat organised crime*, and subsequently the relevant section of the 2005 Police and Serious Organised Crime Act dealing with witness protection arrangements at a UK level. Operational guidance for working with intimidated witnesses, which was also informed by the research conducted at Dundee, was published by the Office for Criminal Justice Reform in 2006. This guidance provided the basis for the operation of witness protection arrangements by police and practitioners responsible for identifying and supporting intimidated witnesses which have contributed to police practice in this area throughout the 2008 – 2013 assessment period. (Corroborating source 2) .

At an international level, Fyfe's pioneering research on witness protection has been extensively used by police and judicial organisations. In 2004 Fyfe's work was used to inform a review of the Victoria Police Witness protection Scheme in Australia carried out by an Assistant Commissioner for the Office of Police Integrity. This review led to significant changes in the delivery of witness protection by Victoria Police which have been operational throughout the assessment period (Corroborating source 3). In 2006 Fyfe's research was drawn on by the International Criminal Court in the Hague by the Victims and Witnesses Unit in the development of a new programme for resettled witnesses. This new programme was also operational throughout the assessment period. In 2007 Fyfe was asked to appear as an expert witness before the Canadian Government's Standing Committee on Public Safety and National Security for their inquiry into the reform of witness protection arrangements in Canada and to give evidence to the Canadian Commission of Inquiry into the Investigation of the Bombing of Air India Flight 182. Again, this led to reforms in the operation of witness protection in Canada that have been implemented during the assessment period (2008-13). (Corroborating source 4).

As a result of his research on witness protection, Fyfe is regularly asked to discuss his research findings in the media, including appearances with CNN, BBC TV Breakfast News, ITN News, BBC TV Reporting Scotland, BBC TV Newsnight Scotland, BBC Radio 4 File on Four, and BBC Radio Scotland Speaking Out, as well as in national newspapers including *The Guardian*, *The Independent*, *The Daily Telegraph*, *The Scotsman* and *The Herald*. In 2008 Fyfe was also asked to contribute on the topic of witness intimidation to the Street Crime Commission led by Cherie Booth QC and commissioned by Channel 4. (Corroborating source 5).

5. Sources to corroborate the impact

1. Head of Witness Liaison Unit, Police Scotland.
2. Head of Witness Intimidation Section, Office of Criminal Justice Reform, Ministry of Justice.
3. Assistant Commissioner, Victoria Police, Australia.

Impact case study (REF3b)

4. Dandurand, Y. (2010) *A Review of Selected Witness Protection Programmes* (Organised Crime Division, Law Enforcement and Policy Branch, Department of Public Safety, Canadian Government).
5. The Street Weapon Commission Report (2008). Channel 4, London. ISBN 978-0-9559622-0-2: http://aashaproject.files.wordpress.com/2008/08/c4_street-weapons-commission-final-report.pdf.