

**Report to / Rapport au:**

**OTTAWA POLICE SERVICES BOARD  
LA COMMISSION DE SERVICES POLICIERS D'OTTAWA**

**24 January 2022 / 24 janvier 2022**

**Submitted by / Soumis par:**

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**SUBJECT: RESPONSE TO INQUIRY I-21-27: PROTECTIONS FOR MEMBERS OF  
THE PUBLIC WHO SHARE INFORMATION ABOUT CRIMINAL  
INCIDENTS WITH THE OPS**

**OBJET: RÉPONSE À LA DEMANDE DE RENSEIGNEMENTS I-21-27 :  
MESURES DE PROTECTION POUR LES MEMBRES DU PUBLIC QUI  
COMMUNIQUENT AU SPO DE L'INFORMATION SUR UN CRIME**

**REPORT RECOMMENDATIONS**

**That the Ottawa Police Services Board receives this report for information.**

**RECOMMANDATIONS DU RAPPORT**

**Que la Commission de services policiers d'Ottawa prenne connaissance du  
présent rapport à titre d'information.**

**INQUIRY**

Protections for Members of the Public Who Share Information About Criminal Incidents with the OPS - When criminal incidents occur in the City of Ottawa, the OPS will sometimes rely upon members of the public to share information or identify a person that will help police solve those crimes. In certain cases, sensitive information may be shared that could place a witness in a vulnerable position. Could the Service please explain the process undertaken, and protections provided to members of the public who share information with the OPS related to criminal incidents?

## **RESPONSE**

The Ottawa Police Service (OPS) often relies on tips and information it receives from members of the public in order to resolve incidents of crime and/or street violence, which helps to enhance the overall safety of the city.

In order to successfully prosecute persons accused of crimes, it is often dependent on members of the public being able to provide information and testify in court. The justice system's ability to function would be severely hampered if that were to be impeded.

Persons who are charged with an offence and are released back into the community pending the conclusion of their criminal charges will often be released with conditions not to communicate directly or indirectly with victims and witnesses. Failure to abide by these conditions are taken seriously by the Justice system and strictly enforced.

Witness tampering or intimidation is rare. Often the most common barriers to a witness coming forward is the concern of getting involved because they believe they will be at risk, and the potential time that may be required to proceed through the investigative and prosecution process.

The OPS, like all institutions within the Canadian criminal justice system, has a responsibility to ensure that all persons who come forward and cooperate with police investigations can do so safely and without fear of reprisal or intimidation. Frontline police officers and investigators in charge of files identify any threats or risks associated with witnesses. In conjunction with the OPS' Victim Support Unit (VSU), Ottawa Victim Services, and other social support agencies, the majority of safety concerns related to witnesses are mitigated or resolved to the satisfaction of the witness.

However, in rare cases, a non-confidential witness who provides information to police in a criminal investigation may be placed at an enhanced risk as a result of providing that information. In such cases, the OPS may be able to access other resources and undertake measures in order assist such witnesses to mitigate that risk.

### **The Ontario Witness Protection Program**

One resource that the OPS can access is the Ontario Witness Protection Program (OWPP) which is administrated by the Ministry of the Attorney General (MAG) and is available to all police agencies in Ontario. The mandate of the OWPP is to assist in protecting witnesses who have been (or may be) exposed to danger as a result of their cooperation in an investigation and prosecution of criminal offences. The OWPP exists to respond to the most serious of circumstances; decisions about admission are made by the Deputy Attorney General of MAG. It is designed as a last resort and the OPS

Witness Protection Unit works closely with MAG to implement the OWPP in the Ottawa area. All files are evaluated on a case-by-case basis.

### **Criteria for acceptance into OWPP**

Entry into the OWPP is discretionary and will only be considered in cases which meet the following four criteria:

1. The life or health of the witness and/or family members is judged by the police to be in real danger because of the involvement of the witness in a prosecution.
2. The case in which the witness is involved is a case of significance to the administration of justice e.g. murder, serious crimes of violence, organized crime.
3. The witness is cooperating with the police and has agreed to provide truthful testimony that is a key element of the Crown's case.
4. The witness's and/or their family members' circumstances allow them to freely participate in the program (e.g. not incarcerated, no longer an confidential informant or police agent, child custody issues etc.) and their behaviour (e.g. ability and willingness to comply with program discipline) is such that they can benefit from protective measures without themselves posing a danger to the public while in the program.

The administrative process and application to the OWPP will begin after any immediate witness safety / security issues have been resolved.

Other Basic OWPP information:

- 1.) The OWPP is 100% voluntary;
- 2.) The OWPP is designed to provide limited and temporary assistance to witnesses;
- 3.) Any assistance provided under the OWPP is strictly for safety reasons and not a reward for testimony;
- 4.) Witnesses accepted for admission to the OWPP must agree to abide by its rules and procedures and notice of their admission will be disclosed to defence counsel.

### **Provisions provided by the OWPP**

Depending on the circumstances of the witness and his or her family, MAG, working in conjunction with the OPS Witness Protection Unit, may determine that some of the following measures are appropriate:

- a.) Funding to cover the costs of relocation to a safe environment;

- b.) Funding for temporary rent or other housing, utilities, food and maintenance;
- c.) Assistance in obtaining social assistance benefits under the new name and in the new locale;
- d.) Funding to cover the costs of specifically approved security measures;
- e.) Funding to cover exceptional medical expenses including, where appropriate, psychological counselling;
- f.) Assistance in changing names and obtaining new identification documents;
- g.) Funding for time-limited and specifically approved upgrades to employment skills or education.

### **Provisions provided by the OPS Witness Protection Unit**

Additionally, the OPS Witness Protection Unit can and does operate outside the mandate of the OWPP.

Some witnesses do not wish to be part of the OWPP and some do not meet its requirements due, for example, to their personal circumstances. In such cases, the OPS Witness Protection unit often works in conjunction with other support agencies like the Ontario's Victim-Witness Assistance Program (VWAP), Ottawa Victim Services, Ottawa Housing, and CAS.

In these cases, the OPS Witness Protection Unit can and has provided the following support:

- 1.) Extensive safety planning;
- 2.) Liaising with Ontario's VWAP and connecting witnesses with other community-based resources;
- 3.) Assistance with accessing counselling / mental-health services;
- 4.) Assistance or guidance and support with relocation from the threat area (locally or outside the city);
- 5.) Secure court details, including transportation, accommodation, and other general assistance with the court process, and ensuring that witnesses are able to testify free from intimidation or threat; and/or
- 6.) Assistance or guidance with name changes and obtaining new identity documents.

The OPS is also able to provide, where appropriate, security for high-risk court details when such witnesses are required to attend court to testify.

**Basic OPS Witness Protection Unit information:**

- 1.) Dedicated full time unit operating within the OPS Intelligence Unit. The Witness Protection Unit is not part of the investigative team and will make independent assessments about the security needs of witnesses.
- 2.) Administers and manages all safety and security support measures available for witnesses under the OWPP.
- 3.) Provides safety planning and support for persons in non-OWPP cases.
- 4.) Provides witness safety support for all OPS sections (Homicide, SACA, Guns and Gangs, Partner Assault, Robbery etc.).
- 5.) The preparation of applications and handling of witnesses accepted into the OWPP, including the implementation of protective measures, is the responsibility the OPS Witness Protection Unit officers.
- 6.) The OPS Witness Protection Unit operates and manages safety planning and implementation independently of the criminal investigation.
- 7.) The OPS Witness Protection Unit is consistently one of the busiest witness protection units not only within the province, but nationally as well.

The OPS Witness Protection Unit is also active in the delivery and training of witness protection officers in the province and nationally via the CISO Witness Protection course, annual MAG conferences, and other advanced specialized training.