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Title	'Acceptance Criteria' for individuals referred for witness protection measures standard operating procedure (SOP).
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Summary	This SOP details the 'Acceptance Criteria' for individuals referred to MPS Witness Protection Units (WPU) for protection measures, and outlines the referral process.
(B)OCU or Unit, Directorate	Covert Policing Standards Board
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Introduction

This Standard Operating Procedure (SOP) sets out the Metropolitan Police Service (MPS) criteria for assessing the eligibility of witnesses and other individuals for protection measures in accordance with Section 82 of the Serious and Organised Crime Police Act 2005 (SOCPA). This SOP supports the MPS Policy on The Protection of Individuals by Witness Protection Units.

The SCD10 Criminal Justice Protection Unit (CJPU) is the primary Witness Protection Unit (WPU) in the MPS, but these instructions apply equally to dealings with any MPS WPU.

The CJPU is responsible for delivering appropriate protection measures for witnesses to some of London's most serious and high profile crimes, who by virtue of their witness status countenance risks that are serious and life threatening.

Advice on any aspect of this SOP can be obtained from the CJPU on 0845 850 0453. Out of hours the services of the CJPU can be accessed through Specialist Crime Operation Centre on 0207 230(6) 8666.

Investigating officers should contact the Directorate of Professional Standards (DPS) in all cases where protection measures have the potential to be frustrated because of the existence or suspicion of corruption within a Law Enforcement or Government Agency. Advice can be sought from the DPS on extension 33518.

Application

This SOP applies with immediate effect.

This SOP is applicable to all police officers and police staff, including the extended police family and those working voluntarily or under contract to the MPA, who must be aware of, and are required to comply with, all relevant MPS policy and associated procedures. However, this SOP applies in particular to officers and staff in the following roles:

- All staff whose role brings them into contact with witnesses,
- All Investigating Officers, Senior Investigating Officers and BOCU Crime Managers,
- All CHIS handlers, controllers and authorising officers,
- All staff performing the role of Witness Protection Officer (WPO) and those associated with the management of dedicated Witness Protection Units (WPU),
- MPS ACPO.
- Directorate of Professional Standards

SOP details

Acceptance Criteria

Schedule 5 of Section 82 SOCPA makes provision for providing protection for certain individuals involved in legal proceedings, law enforcement and other officers, informants and

persons who have or have had a significant connection with a person falling within any of those categories, such as family members.

However, the acceptance of an individual on the Witness Protection Programme (WPP) has significant cost and resource implications for the MPS. As a result MPS WPU's will only undertake to assess an individual's suitability for voluntary inclusion on the WPP if the following criteria apply:

- The individual must be willing to give essential evidence in respect of a serious crime

OR

- The individual must be willing to give essential evidence in respect of a lesser crime against a 'NIM Level 3 Subject'

OR

- The individual must be a Covert Human Intelligence Source (CHIS) or former CHIS whose status has been compromised

AND

- There must be a fully documented real and imminent threat to the life of the individual, or member of their family, as a result of his / her willingness to give evidence

AND

- The individual (other than if that individual is a CHIS or former CHIS whose status has been compromised) must have made a full evidential statement and be prepared to co-operate in further evidential procedures.

AND

- In support of the protection measures, the individual is fully prepared to abide by agreed conditions for participation on the WPP, and accept that any breach of the conditions or advice given may result in the withdrawal of WPU assistance.

For the purposes of this instruction 'serious crime' means:

- Murder
- Attempted Murder
- Kidnap
- Serious Sexual Offences
- Other organised crime where a term of five years imprisonment can be reasonably expected upon conviction,
- Any other offence at the discretion of WPU Management,
- Any other offence or issue impacting upon the MPS when directed by an ACPO Officer.

'Essential evidence' means the evidence supplied by the witness must be crucial, decisive and critical to the case. A letter from the Crown Prosecutor verifying that the prosecution cannot proceed in the absence of evidence from the witness must be obtained.

Making a referral

Unless directed by an ACPO Officer, MPS WPU's will not provide protection measures to individuals who do not meet the Acceptance Criteria.

Within the MPS the CJPU is the initial point of contact point for all advice and requests for provision of witness protection. The only exception to this is where protection measures have the potential to be frustrated because of the existence or suspicion of corruption within a Law Enforcement or Government Agency. In such instances advice can be sought from the DPS on extension 33518.

Implementation of witness protection measures will have a significant cost implication to the MPS and will cause serious disruption to lives of those individuals so referred. Accordingly, investigating officers are reminded of their obligations under the Human Rights Act in that any referral must be necessary and that it is a proportionate response to the requirements of the investigation.

Investigating officers will be accountable for a decision to refer an individual for witness protection measures and therefore due consideration must be given to establishing whether the evidence supplied by the witness could be secured through other evidential means.

Before consideration is given to moving individuals from their current address(es), consideration should be given to "target hardening". This may take the form of panic/intruder alarms and other technical equipment. Further advice can be obtained on this topic from the Directorate of Information (DoI) Operational Technology Unit (formerly OTSU) on 61443.

Investigating officers are reminded of their obligations under Section 78 Police and Criminal Evidence Act 1984 in that a witness must not be offered any incentive, inducement or special treatment to secure their evidence.

In circumstances where a potential witness asks for witness protection, or inquires what level of assistance will be provided to them in the event of them supporting criminal proceedings, they should be advised as follows:

"The MPS will take appropriate measures to ensure the safety of witnesses, depending on the circumstances of the case and level of threat to the individual".

Form WS1 (Request for Assistance or Advice) and Form WS2 (Threat Assessment)

A form WS1 must be completed before the CJPU can consider granting assistance to a referring B/OCU or outside agency. Each Form WS1 must be accompanied by a threat assessment completed on a Form WS2.

Each individual or family being referred to the CJPU will require a new Form WS1 and WS2.

The blank forms WS1 and WS2 are marked “**SECRET**” which refers to the Protective Marking System (PMS) category the form should attract once it has been completed. As the document is protectively marked the completion, storage and movement of the documents must be in accordance with METSEC code GEN1.

The forms WS1 and WS2 must be typed but must not be completed on the MPS Aware system. A blank copy of the forms must be downloaded onto a disc, and then uploaded onto a secure “standalone” computer where they can be completed.

Copies of the forms WS1 and WS2 are available via the CJPU intranet page.

Once completed the forms must be printed off and signed by both the completing officer and a Senior Investigating Officer (SIO) or Crime Manager. An officer of at least the rank of Detective Chief Inspector must support referrals to the CJPU. However, in line with METSEC Code GEN1.6.3 “the authority to assign SECRET and TOP SECRET markings rests with the OCU commander or head of branch. It is however, acceptable for staff working to instructions from the OCU commander or head of branch to apply the protective marking in pre-determined situations.” Even if pre-determined authority is given to mark forms WS1 and WS2 as SECRET, B/OCU Commanders should be made aware of every referral to the CJPU.

Arrangements must then be made for copies of the signed forms to be hand delivered to the CJPU.

Investigating Officers are reminded that all WPU operatives will identify themselves and be known by their first name only. This covert practise is necessary in order to minimise the risk of compromise.

WPU Assessment

Once the CJPU are in receipt of the completed forms WS1 and WS2 they will undertake an assessment of the individual(s) referred to them in line with the Management of Individuals by Witness Protection Units SOP.

Initial meeting

If the referral meets the criteria, the CJPU will conduct an initial meeting with the individual(s) to establish whether the CJPU will take on the immediate/ short-term management of the individual(s).

If after an initial meeting the CJPU accept responsibility for the management of the individual(s) referred to them, the referring officer/ B/OCU or agency will be required to:

- Provide updated threat assessments: when there is a change in the level of threat ; post trial; and/or whenever requested by the CJPU. And,
- Ensure details in relation to any arrest, bail, court or case disposals linked to the relevant criminal proceedings are communicated to the CJPU handlers within the time frames set out in the Code of Practice for Victims of Crime so that the individual(s) can be notified.

Assessment period

The full assessment to establish an individual's long-term suitability to be accepted onto the Witness Protection Programme will happen over an extended period of time.

The degree of the 'protection measures' will differ in each case and are dependent upon the threat levels.

Individuals not suitable for management by the CJPU

Not all individuals assessed by the CJPU during the initial meeting or assessment period are suitable for the protection measures provided by the CJPU. There are many reasons why an individual may not be suitable for acceptance onto the WPP, and often it can be because they are simply not prepared to abide by the strict conditions that are required for participation on the WPP.

Where an individual is assessed as being unsuitable for management by the CJPU, responsibility for the management of that individual will return to the referring B/OCU or agency.

In some cases an individual may have been accepted onto to the WPP, but they breach the conditions of their agreement or advice given to them. If this behaviour results in their exclusion from the WPP, again responsibility for their management would revert to the original referring B/OCU or agency.

The CJPU will provide protection advice to B/OCUs for individuals not eligible or suitable for CJPU assistance.

File Retention, storage and disposal

All completed forms WS1 and WS2 submitted to MPS WPU's will be retained for a minimum of 7 years. Depending on the outcome of the referral files may be retained longer in accordance with the following provisions:

Cases not afforded witness protection measures

In the circumstances listed 1-6 below, hard copy records will be retained by the relevant WPU for seven years, reviewed, and then destroyed. Computer records will be retained on the WPU database for seven years, reviewed and then destroyed. In the case of the CJPU hard copy files will be retained on a General Registry Docket CR/170.

1. WPU assistance requested and subsequently cancelled by the referring agency.
2. Persons declining WPU assistance at the time of the initial assessment consultations.
3. Persons failing to meet the WPU adoption criteria.
4. Persons afforded target-hardening advice only.

5. Persons afforded limited target hardening measures and subsequently monitored by the referring agency – personal radio and house alarms.
6. Advice Sheets – post 2004.

Cases afforded witness protection measures

Files in this category relate to cases where a WPU have afforded assistance to persons referred for witness protection measures. They include cases where an individual has been the subject of a full relocation package, with or without an identification change.

This section also includes the two categories of people who have either voluntarily removed themselves or have been excluded from the witness protection programme.

Hard copy dockets will be retained until the 100th birthday of the youngest referral. The docket will then be reviewed and destroyed. Computer records will be retained on the WPU database until the 100th birthday of the youngest referral, reviewed and then destroyed. In the case of the CJPU hard copy files will be retained on a General Registry Docket CR/170.

Constabulary/Outside Agency referrals

The historic files in this section relate to vulnerable persons referred to the CJPU by the constabularies who at the time were operationally unable to provide adequate witness protection measures. The files are all registered on a General Registry Docket CR/170.

Hard copy dockets will be retained at General Registry until the 100th birthday of the youngest referral. The docket will be returned to the CJPU for assessment and destruction. Computer records will be retained on the CJPU archived database until the 100th birthday of the youngest referral, reviewed and then destroyed.

Responsibilities

The Covert Policing Standards Board owns this SOP.

The Head of Profession Covert Policing is responsible for implementing this SOP.

The CJPU is responsible for monitoring and reviewing this SOP.

Associated Policies and Documents

MPS Policy on the Protection of Individuals by Witness Protection Units

Management of Individuals by Witness Protection Units SOP.

Serious and Organised Crime Act 2005

Police & Criminal Evidence Act 1984

National Intelligence Model (NIM)

METSEC Code

Request for assistance or advice - Form WS1.

Threat Assessment - Form WS2.

Guidelines for completion of Form WS2.