

Pocket Note Books

Pocket Note Book Guide

- *Start each day with the day, date and year. This should be underlined. Indicate the time you start work.*
- *Any corrections are to be made by striking through the incorrect word or entry once with a single line. This is so the original word can still be read and it also supports your integrity at any future court hearings.*
- *Rule off across the page at the end of your working day.*
- *Block capital letters should be used on all surnames and direct speech.*
- *Holidays, Rest days, Time taken off in lieu / overtime and sickness should all be recorded.*
- *Your pocket note book should be available at all times during your working day.*
- *Only use Black ink for note book entries*

ELBOWS

- E** - Erasures of entries. All corrections should be made by striking through with a single line. Never use correction fluid.
- L** - Lines left out. All lines are to be used. Any left out in error, must have a single line drawn through, and be initialled.
- B** - Blanks. Where whole or part pages are accidentally left blank a diagonal line should draw across the blank area and the words 'Omitted in error' written across the page. This should then be initialled.
- O** - Overwriting. Not acceptable. Errors dealt with as before (strike through with single line)
- W** - words crossed /scrubbed out ... not acceptable.
- S** - Statements to be in direct speech i.e. I asked 'Are you the owner of this business'. He/she replied 'yes'.

Scene Strategy

- Identify Scene(s)
- Preserve
- Photograph
- Examine
- Search
- Retain/Release
- Evaluate



WRITE USING BALL POINT PEN

Public Rights Of Way Exhibit

Exhibit Ref. No: GB/102

Property Ref. No:

Rv H. STUFF FARMING LTD.

Description

1 x PHOTOGRAPH OF GATE AND LOCK/CHAIN
AT PB7 FOOTPATH FACING NORTH GR PB 358901

~~Time & Date Found / Seized / Produced:-~~

10:20 AM WEDNESDAY 14th SEPTEMBER 2021

~~Where Found / Seized / Produced:-~~

PUBLIC FOOTPATH PB7 PLAXDALE GR PB 358901

~~Found / Seized / Produced by:~~

PROW - GORDON BENNETT

Signed: Gordon Bennett

Incident / Crime No.: 855233

Laboratory Ref.:

Continuity

Received by Name / ~~Rank / No.~~ (Block Letters)

GRAHAM RUSLING

Signed G Rusling

Time & Date 14.00 14-09-2021

Received by Name / Rank / No. (Block Letters)

Signed _____

Time & Date _____

Received by Name / Rank / No. (Block Letters)

Signed _____

Time & Date _____

Received by Name / Rank / No. (Block Letters)

Signed _____

Time & Date _____

Received by Name / Rank / No. (Block Letters)

Signed _____

Time & Date _____

Received by Name / Rank / No. (Block Letters)

Signed _____

Time & Date _____

EXHIBITS

What is an Exhibit?

- A piece of property
- **ANY SIZE**




1

MAIN ISSUES

What are they?

- **CONTINUITY**
- and
- **INTEGRITY**



2

CONTINUITY

From when it is seized

- From when it is seized, to
- Storage or Disposal
- after Court/tribunal.

3

CONTINUITY

From the moment of finding.
Through its life.
To its presentation at court/tribunal.
and there after -

All its movements
are
documented and accountable.


4

CONTINUITY

- All material
- which may be relevant
- to the investigation

- **MUST be retained**

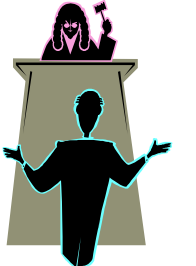
- until a decision is taken whether
- to institute proceedings
- against a person
- for an offence.



5

CONTINUITY

- If investigation results in proceedings being instituted,
- **ALL material**
- which may be relevant
- **MUST be retained**
- until the accused is
- **Acquitted**
- or
- **Convicted**
- or the prosecutor decides
- **not to proceed with the case**



6

CONTINUITY

How long do I have to retain relevant material?

- **Where the accused is convicted,** Release from Custody in cases where the court imposes custodial sentence.
- **“relevant material”** Discharge from Hospital in cases where the court imposes hospital order.
- **MUST be retained** Six months from Date of Conviction.
- **at least until...** If sentence is less than six months, still keep it six months from date of conviction. If appeal in progress must retain until appeal is dealt with.

7

PRESERVATION and INTEGRITY

All Exhibits should be packaged and sealed as soon as they are taken.

8

All physical evidence used MUST have complete integrity, which can be demonstrated in court.

- That it **is** what it claims to be: Therefore you need to describe the item.
- That it is from **where** it claims to be from: Therefore you must record the location it has been recovered from.
- That it was **recovered** by the person who claims to have recovered it: Therefore you need to sign bags and seals.
- That it has **been** where it claims to have been: Chain of evidence needs to be recorded by signatures of all people who have handled it.
- That it has **not been contaminated**: By correct packaging that prevents loss of evidence from within or contamination from outside.

If you can prove all of the above in court it improves the value of the evidence. If you can't prove these points the evidence may not even be admissible in the court.

9

PACKAGING

- Should be packaged and sealed as soon as it is recovered.
- Protects the evidence from outside contamination.
- Prevents evidence getting lost.
- It guarantees the integrity of the evidence, by ensuring the evidence has not been tampered with.

10

EXHIBIT LABELS

- Should be completed by the person recovering as soon as it is recovered.
- Identifies what the evidence is, when it was recovered, where it was recovered, by whom it was recovered/seized or who produced it.
- Identifies the exhibit reference number.
- Continuity details provide information of exhibit movement.

11

EXHIBIT LABELS



Front

Exhibit Details and Reference Numbers



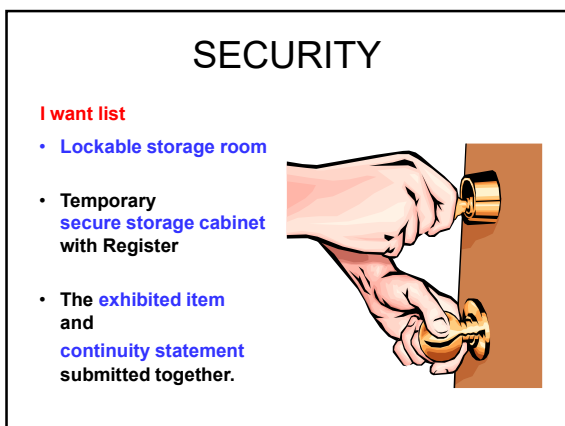
Back

Continuity

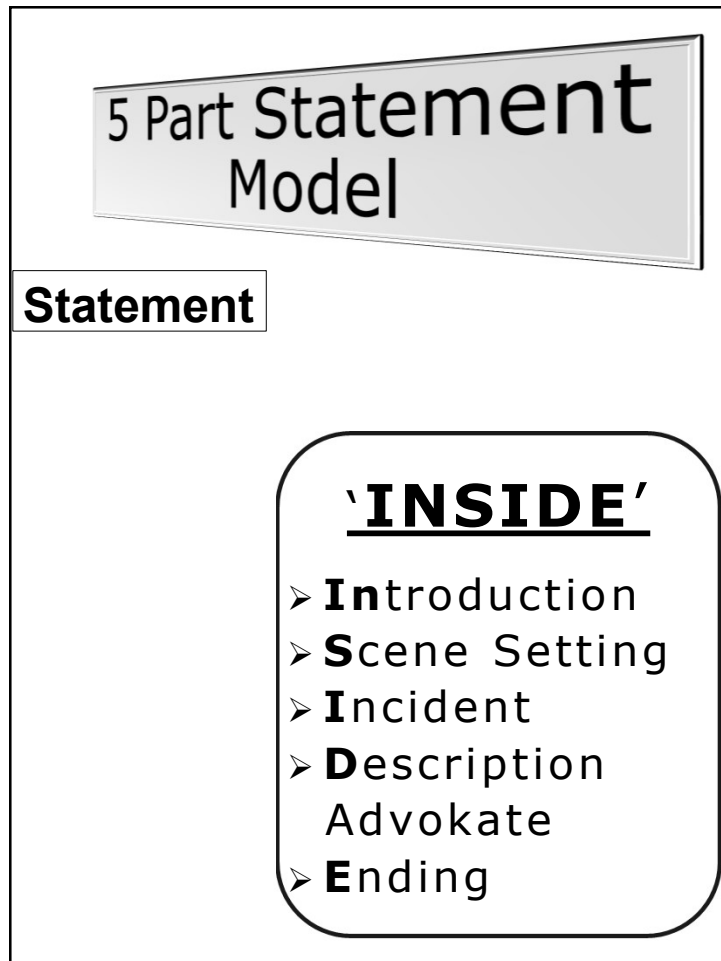
12



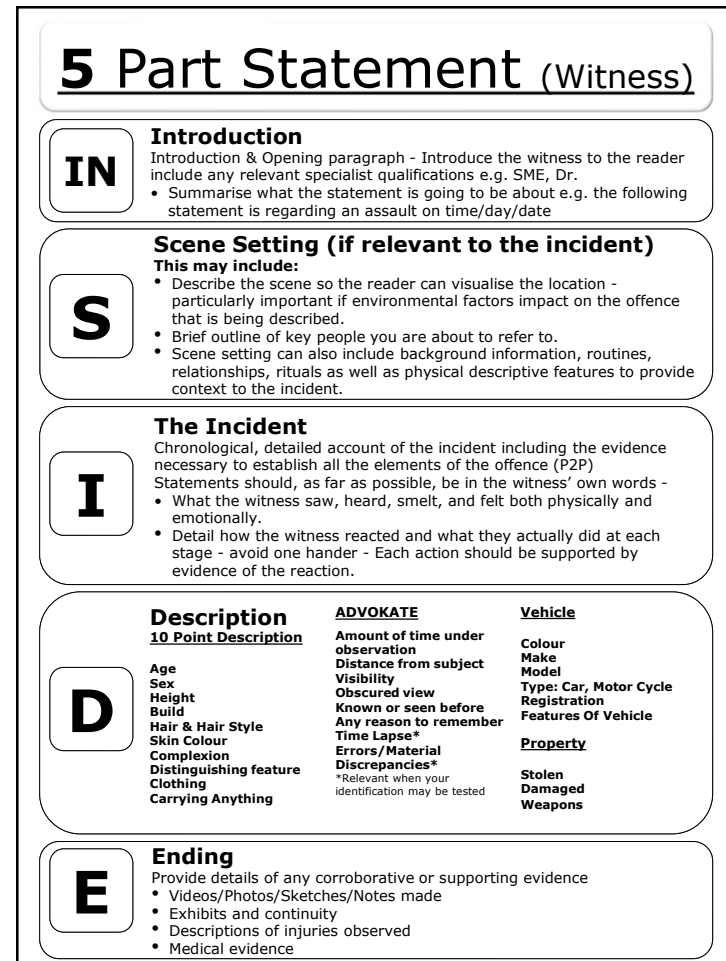
13



14



1



2

Dealing with Suspected Offenders

Priorities



Dealing with Suspected Offenders

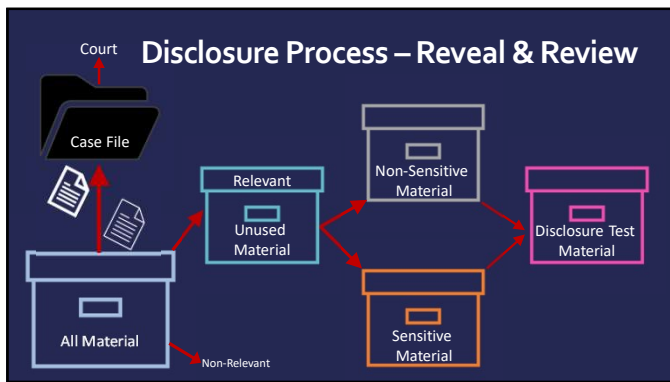
Actions



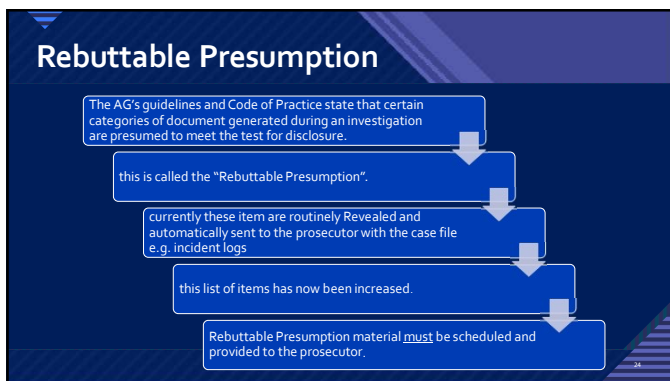
DAY 2

Criminal Procedures and Investigation Act 1996

22



23



24

Rebuttable Presumption Material

- a) records of tapes or recordings of telephone messages containing descriptions of an alleged offence or offender
- b) any incident logs relating to the allegation
- c) contemporaneous records of the incident, such as:
 - crime reports
 - an investigation log
 - any record/notes made by an investigator on which they later make a statement or which relates to contact with suspects, victims or witnesses
 - an account of an incident/information relevant to an incident noted by an investigator in manuscript or electronically
 - records of actions carried out by officers (such as house-to-house interviews, CCTV or forensic enquiries) noted in manuscript or electronically
 - CCTV footage, or other imagery, of the incident in action
- d) the defendant's custody record or voluntary attendance record;
- e) any previous accounts made by a complainant or by any other witnesses;
- f) interview records (written records, or audio or video tapes, of interviews with actual or potential witnesses or suspects);
- g) any material casting doubt on the reliability of a witness e.g. relevant previous convictions and relevant cautions of any prosecution witnesses and any co-accused.

25

Rebuttable Presumption Material

What to do next

Retain **ALL** material subject to the rebuttable presumption and list on the appropriate schedule.

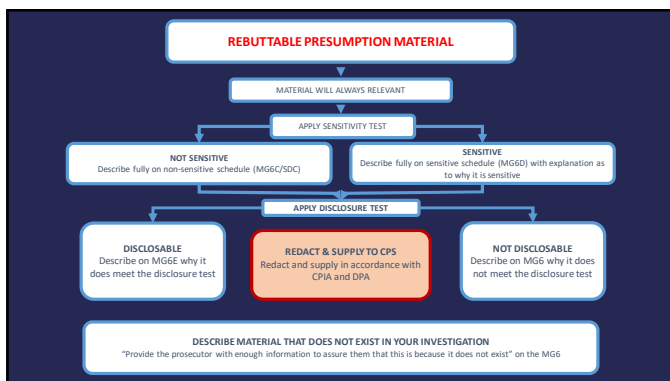
If the investigator/disclosure officer considers that the test for disclosure is met, the item should be listed on the MG6E (or SDC2).

If the investigator/disclosure officer considers that the rebuttable presumption material does not meet the test for disclosure this information should be recorded with rationale on the MG6.

If they consider a category of rebuttable presumption material does not exist at all, then they should record this on the MG6.

In magistrates' court cases the MG6 would accompany the SDC.

26



27

Scheduling

Scheduling is recording and describing your **relevant** unused material and listing it on the appropriate form and revealing it to the prosecutor

- **MG6 (C)** – Relevant Unused Non-sensitive material
- **MG6 (D)** – Relevant Unused Sensitive material
- **MG6 (E)** – Items recorded on either the MG6 (C) or MG6 (D) that meet the disclosure test

28

4 Steps - Describing items on schedules

Mnemonic: **R I S E**

STEP 1
Relevance?
Does it pass the relevance test?
Offence/Person /Surrounding Circs

STEP 2
Identifying Feature?
What is the item?
(E.g. document or unused exhibit)
*Explain what the item is or does?

STEP 3
Source?
Where did it come from?

STEP 4
Edited?
Is your item edited?
Yes or No?

Your description of the item should not leave unanswered questions or a matter in doubt.

29

Preparation of material for prosecutor – Non Sensitive Material

SCHEDULE OF NON-SENSITIVE UNUSED MATERIAL

Pitaxbourne Parish Council v Hugh Stuff Farming Ltd

The Disclosure Officer believes the following material, which does not form part of the prosecution case is NOT SENSITIVE.

Item No.	DESCRIPTION	LOCATION	FOR DIRECTORATE OF LEGAL SERVICES USE COMMENT
The relevant material is:			
1	PNB Entry by PROW Officer G. BENNETT – detailing initial report of obstruction by stock fencing/barbed wire of footpath P97 on 04/09/2021.	With officer	1

30

Preparation of material for prosecutor – Non Sensitive Material

2	Notebook entry by parish access warden Robert DOWN of original finding of obstruction by stock fencing and barbed wire to footpath PB7	With officer	2	
3	Unused Photographs of Obstruction of PB7 – taken by PROW Officer G. BENNETT during site visit 14/09/2021	With officer	3	
Date:		Continuation Sheet:		Reviewing Lawyer:
Yes <input type="checkbox"/> No <input type="checkbox"/>				

* ENTER
D = Disclose to defence
I = Defence may inspect

Signature of Disclosure Officer: _____ Date: _____
Name of Disclosure Officer: _____ Page No. 1

31

Preparation of material for prosecutor – Sensitive Material

SCHEDULE OF SENSITIVE
UNUSED MATERIAL
NOT TO BE DISCLOSED
DISCLOSURE OFFICERS REPORT

Plaxbourne Parish Council v Hugh Stuff Farming Ltd

The Disclosure Officer believes that the following material, which does not form part of the prosecution case, IS SENSITIVE.

Tick if copy supplied to Directorate of Legal Services

Item	Description	Reason for Sensitivity	* Agree Sensitive Yes/No	Conf App Yes/No	Directorate of Legal Services view
1	Intelligence report Ref 123421 dated 12/08/2021 – James Howdale of Howdale Farming Supplies. Plaxdale states he was told by an unidentified employee of Hugh Stuff Farming Ltd that they intend to erect Stock fencing in various places on land in Plaxbourne to enable cattle to graze across public access routes. Source to Howdale unidentified. Howdale declined to provide statement.	Reason for Sensitivity Material given in confidence.			

32

Preparation of material for prosecutor – Disclosure Test Material

NOT TO BE DISCLOSED
DISCLOSURE OFFICERS REPORT

Plaxbourne Parish Council v Hugh Stuff Farming Ltd

I certify that to the best of my knowledge and belief, all relevant material which has been retained and made available to me has been inspected, sifted or listened to and revealed to the prosecutor in accordance with the Criminal Procedure and Investigations Act 1996 as amended, the Code of Practice and the Attorney General's Guidelines.

I have reviewed all the relevant material which has been retained and made available to me and there is nothing to the best of my knowledge and belief that might reasonably be considered capable of undermining the prosecution case against the accused or assisting the case for the accused.


* Enter NS for non-sensitive and S for sensitive.

Schedule*	Item No.	Reason	Tick if attached
MSGC	5	Printout from Police of previous convictions of prosecution witness - Sam J. FORD FORD has one conviction for theft in 2015.	U the P A the D

Signature of Disclosure Officer: _____ Date: _____
Name of Disclosure Officer: _____

33

Unused Material



Is it **Relevant**?
Is it **Sensitive**?
Does it pass the
Disclosure test?

34

Further Information

www.gov.uk

- Criminal Procedure and Investigations Act 1996 (section 23(1)) Code of Practice
- Attorney Generals Guidelines 2020
- Review of the efficiency and effectiveness of disclosure in the criminal justice system 2018

www.cps.gov.uk

- CPS Disclosure Manual
- CPS prosecution guidance on disclosure

www.college.police.uk


- APP – Authorised Professional Practice.

www.npcc.police.uk

- National Police Chiefs' Council

35

Any Questions



36

PROW

Public Rights of Way Officers

Pocket Note Book

Name

PROW No

Date of Issue

Date of Completion

Guidance Notes

1. Only original entries must appear in your notes. All entries to be made with ink or ball point pen (no pencil)
2. All notes must be entered at the time to which they relate or as soon as practicable after the incident.
3. Important; Notes **must not** be made elsewhere and afterwards/later copied into this notebook
4. Under no circumstances must a page be taken out of this notebook. If an alteration is required draw a line through the words in question (with ink or ball point pen) and write the correction to the side of the alteration. Never alter your notes by erasure.
5. Accurate Note Taking is very important.
6. All notes must be easily readable.

Pocket Note Books – Notes For Guidance

- Entries should be made in black ink.
- Entries should be made at the time of the event which is being recorded or, where circumstances prevent this, as soon as possible after the event. Where there is a delay the specific reasons should be included, for example the conduct of the suspect or other persons involved in the incident.
- The day, date and year should be recorded and underlined at the beginning of entries for that day.
- All surnames and place names should be in block capitals.
- Entries should be made only on the lines of the pages of the book and all lines and pages should be used.
- Each entry should include time and location.
- Names and addresses of victims, offenders, witnesses and informants should be recorded. Additional information about the offender may be relevant depending on the incident.
- Where the incident involves vehicles, property or documents, full descriptive details should be recorded including unique identifiers, e.g., registration marks, serial numbers etc.
- It is often necessary to record information or a person's account of an incident immediately into the notebook and, as a result, the entry may not necessarily make sense to a reader. Such an entry should be made in direct speech wherever possible, for example:
Q: *"Can you explain what happened?"*
A: *"Yes, I was walking along the High Street when "*
- It should then be followed by a section of narrative which accurately explains the event.
- A note should be made of any comments made by a person suspected of committing an offence whether these comments are in response to your questions or not. The person should be invited to read the note and write an endorsement to the effect that 'I certify that this is a true and accurate record of the conversation that took place'. This should be signed by the suspect and the officer as the conversation may be construed to be an interview. If the suspect does not consider it to be correct, he or she should be invited to indicate which details are considered to be inaccurate and to sign a record of those details.
- If the suspected person refuses to read or sign the note, this should be noted and signed by the officer. The senior officer present should read the note over to the suspect and ask whether he would like to sign it as correct, or indicate the aspects he considers to be inaccurate, then endorse the pocket notebook as to what has taken place.
- Where whole or part pages are accidentally left blank a diagonal line should be drawn across the blank area and 'omitted in error' written across the page if a mistake is made, cross it out with a single line so that the word or words remain legible. Initial the deletion and follow it with the replacement word or words.

A series of horizontal dotted lines for writing.

<u>THE PHONETIC ALPHABET</u>			
A	ALPHA	N	NOVEMBER
B	BRAVO	O	OSCAR
C	CHARLIE	P	PAPA
D	DELTA	Q	QUEBEC
E	ECHO	R	ROMEO
F	FOXTROT	S	SIERRA
G	GOLF	T	TANGO
H	HOTEL	U	UNIFORM
I	INDIA	V	VICTOR
J	JULIET	W	WHISKEY
K	KILO	X	X-RAY
L	LIMA	Y	YANKEE
M	MIKE	Z	ZULU

The Notebook Rules can be summarised by the mnemonic '**ELBOWS**'

NO ERASURES

NO LEAVES TORN OUT

NO BLANK SPACES

NO OVERWRITING

NO WRITING BETWEEN THE LINES

And

Statements in DIRECT SPEECH

Erasures

Leaves Torn Out

Blank Spaces

Overwriting

Writing between Lines

Statements in 'direct speech'



Criminal Procedures and Investigation Act 1996

copyright (c) GM Hardington & A Knight 2022

1

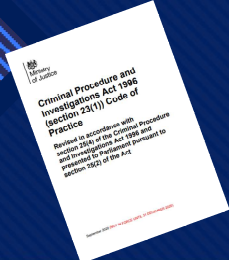
What is CPIA all about?

- ECHR – Article 6 - Right to A Fair Trial
- Criminal Procedures and Investigation Act 1996
- Fair, Balanced and Transparent Investigations
- Disclosure

2

CPIA 1996 Sec. 23(1) Code of Practice

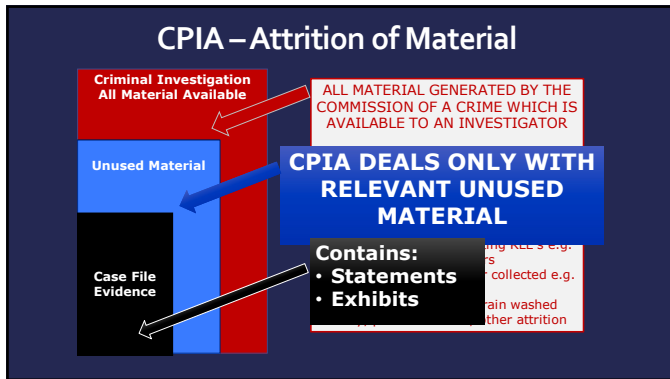
2020



Sets out the manner in which police officers and investigators are to;

Record, Retain and Reveal to the prosecutor material obtained in a criminal investigation and which may be **Relevant** to the investigation, and related matters

3



4

CPIA - Sec 23(1) Code of Practice

1

5

Criminal Investigation

A criminal investigation is an investigation conducted by police officers with a view to it being ascertained:

- whether a person should be charged with an offence, or
- whether a person charged with an offence is guilty of it.

6

Criminal Investigation

This will include investigations into crimes

- that have been committed;
- investigations whose purpose is to ascertain whether a crime has been committed, with a view to the possible institution of criminal proceedings; and
- investigations which begin in the belief that a crime may be committed, for example when the police keep premises or individuals under observation for a period of time

7

What is Material?

It is material of any kind, including information and objects, obtained or inspected in the course of a criminal investigation and includes both material you come into possession of as well as material you generate.

8

Roles in Investigations

The CPIA 1996 places duties on police officers as they fulfil distinct roles in an investigation:

- investigator,
- officer in charge of an investigation,
- disclosure officer

These roles involve different functions.

When you are preparing files of evidence as a result of investigations you have dealt with, you will find yourself carrying out the duties of one, two or all of these roles.

9

Reasonable Lines Of Enquiry

Whilst conducting an investigation, the investigator should pursue all reasonable lines of inquiry, whether these point **towards** or **away** from the suspect.

```
graph LR; A[Reasonable Lines of Enquiry] --> B[Suspect]; A --> C[Alternative]; C --> D[Could someone else have committed this crime?];
```

10

Reasonable Lines Of Enquiry

When considering Reasonable Lines Of Enquiry consider:

```
graph TD; A[What Lines of Enquiry have been completed?] --> B[What Relevant Material has this generated?]; B --> C[How does this impact the case?]; C --> D[Is there anything else that can be done?];
```

11

Third Party Material?

Third Party Material is material that may be relevant to the case having been identified as such by the Investigator and is not in the hands of either the investigator or the prosecutor. It is held by another party

12

Unused Material?

Unused material is material which is gathered in the course of an investigation, but which is not relied on as evidence.

It is your duty to record, retain and, where required, reveal such unused material and so it is important to recognise such material from the moment an investigation commences.

13

The Relevancy Test

Material may be relevant to the investigation if it appears to have some bearing on

- any offence under investigation or
- any **person** being investigated.
- the surrounding **circumstances** of the case

unless it is incapable of having any impact whatsoever on the case.

14

The Relevancy Test

The diagram shows the acronym 'OPC' where 'O' stands for 'offence', 'P' for 'person', and 'C' for 'circumstances'. Below these three letters, the word 'incapable' is written in white text inside a red oval.

15

Sensitive & Non Sensitive Material

What is sensitive material?

Disclosure officer believes the disclosure of this material would give rise to a

real risk of serious prejudice to an important public interest

Disclosure officer must record reason for sensitivity

16

The Disclosure Test

Disclosure refers to providing the defence with copies of, or access to, any prosecution material which has not previously been disclosed, which might reasonably be considered capable of

undermining the case for the prosecution
or
assisting the case for the accused

17

The Disclosure Test

Undermine the **P**rosecution

and / or

Assist the **D**efence

18

Disclosure

"Disclosure is one of the most important issues in the criminal justice system and the application of proper and fair disclosure is a vital component of a fair criminal justice system. The "golden rule" is that fairness requires full disclosure should be made of all material held by the prosecution that weakens its case or strengthens that of the defence."

- Lord Goldsmith (Attorney General's Guidelines, 2005)

19

The 4 R's

Record	Retain
Reveal	Review

20

Record & Retain

Your Turn



Material

21
