



Home Office

## Notebook guidance

Version 8.0

Archived

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## About this guidance

This guidance tells criminal investigators in Immigration Enforcement (IE) about how to obtain, use and store an official notebook.

The guidance contains Home Office policy relating to:

- why notebooks are used (including the use and issue of notebooks)
- the contents of notebooks (including how to make notes when it is not operationally appropriate to use an official notebook)
- checking notebooks
- retention and storage of notebooks
- how notebooks can be used in evidence
- an example notebook entry
- useful notebook inserts

## Contacts

If you have any questions about the guidance and your line manager or senior caseworker cannot help you or you think that the guidance has factual errors then email criminal investigation operational guidance inbox.

If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the guidance then you can email the Guidance Rules and Forms team.

Safeguard and promote child welfare: The Home Office has a duty to safeguard and promote the welfare of children for more information see: Safeguard and promote child welfare.

## Publication

Below is information on when this version of the guidance was published:

- version **8.0**
- published for Home Office staff on **11 October 2017**

## Changes from last version of this guidance

- new template
- housekeeping changes

### Related content

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## The purpose of a notebook

This section tells criminal investigators in Immigration Enforcement (IE) about the purpose of using notebooks, the issuing of notebooks and how to use them.

During an investigation or operation you must use notebooks to:

- comply with the requirements of [section 23 of the Criminal Procedure and Investigation Act 1996 \(CPIA\)](#) in England, Wales and Northern Ireland
- comply with the requirements of section 14 of the Code of Practice on disclosure of evidence in criminal proceedings issued under [section 164 of the Criminal Justice and Licensing \(Scotland\) Act 2010 in Scotland](#)
- meet the 'best' procedures for evidence

You are required to make an evidential record when you:

- observe, obtain or witness any material that would be considered relevant to any criminal investigation
- take action to secure evidence after witnessing events

You must maintain a notebook to record evidence, throughout an ongoing investigation, of what was:

- seen
- found
- heard
- done

You must expect to provide witness statements, and give evidence in court, based on information you have written in a notebook.

The notes also:

- confirm the evidence was gained at the time rather than at a later date
- help colleagues, management and lawyers to see what evidence you are able to present in court

For more information about witness statements, see: [Witness statements](#).

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## Issuing notebooks

This page tells issuing officers how to issue notebooks to criminal investigators in Immigration Enforcement (IE).

Within Home Office, all blank, unused official notebooks are controlled and issued to staff by a Chief Immigration Officer, who is known as the issuing officer.

As the issuing officer, when you receive a new set of notebooks you must:

- set up a notebook control register
- make a note of the serial numbers of the new notebooks in the register

If a notebook control register already exists you can continue to use it. You must then make sure you secure the unused notebooks in a suitable safe or secure cupboard, which only you can open.

When you issue a notebook you must note the following information in the register:

- the serial number of the new notebook
- the name of the officer you gave the new notebook to
- the date you gave the new notebook out and authenticated it
- the date the notebook was completed or taken out of use (depending on which date is first)
- any comments or management checks and inspections

You can decide whether to have a:

- separate register sheet for each officer in the team
- single register for each team

### What criminal investigators do if the usual issuing officer is not available

You can ask another issuing officer for a new notebook, and that issuing officer will record the issue details in their own register.

You must make sure you obtain a new notebook before going out on an Immigration Enforcement operation if you think your current notebook does not have enough remaining pages for you to take any necessary notes. You must cross through all unused pages in the current notebook before you take it out of use and replace it with a new one.

You must never have more than one notebook in use at any time.

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## Using notebooks

This page tells criminal investigators in Immigration Enforcement (IE) about using a notebook, and how they must use the notebook so it meets the best evidence procedures for court.

The Home Office issue staff with official notebooks to record their original notes of evidence if their daily work brings them into contact with issues that may need investigation.

You must always complete your notebook:

- in as much detail as possible
- as accurately as possible

This is important to the evidence and it also helps you to give a professional presentation in court proceedings.

When a new notebook is first issued to you, you must always check:

- all the pages and cover are secure
- each page is sequentially numbered

## Keeping contemporaneous notes

Contemporaneous notes means notes written either:

- at the time
- as soon as possible after the event

You must always try to keep a contemporaneous note of events, either:

- in an official notebook
- as a trigger or secondary note

If you do not complete a notebook entry as soon as possible:

- it may not be regarded as contemporaneous
- you may not be permitted to refresh your memory from it at court

Sometimes you will:

- write 'trigger notes' in your notebook
- refer to some secondary notes at the time

If you do make trigger or secondary notes you must expand them in the official notebook afterwards.

For some useful inserts to keep with your notebook on using your notebook and noting Home Office cautions, see:

- Use of the notebook
- Home Office cautions

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## The contents of a notebook

This section tells criminal investigators in Immigration Enforcement (IE) about what the content of a notebook entry should look like and how to record sensitive information.

Your notebook contains numbered pages one after the other. You must:

- not remove any pages or leave any blank
- write your notebook entries in line with the following rules

### Basic entry information

All your entries must be:

- written in black ink
- dated, timed and state the location of events
- made at the time of the event or as soon as possible afterwards
- as detailed as possible including details such as:
  - the power of entry used
  - name of officer who executed the warrant
  - the start and finish times of any search of premises
  - the language used when questioning those present
  - names of all officers and third parties who are present
  - the full details of anyone who is arrested
  - the power of arrest used

### Recording time of entry

You must write the time you make the entry in the margin:

- if you are making the note as the event is taking place the event time will be the same as the entry time
- if you do not make the entry at the time and you are making it as soon as possible afterwards, you must:
  - note the time the event took place in the body of the notebook
  - note the time you are making the entry in the margin
- if you make a late entry after you have ruled through, signed, dated and timed an entry then you must bring it to the attention of the Chief Immigration Officer (CIO) they must then countersign your cross-referenced changes

### Effective use of the index

The Home Office notebooks have an index at the front of the notebook.

At the time of making an entry into your notebook you must complete the index with the following information, the:



- date of the entry
- subject of the entry
- pages the entry covers

By completing the index it acts as a useful reference tool when trying to find past entries in your notebook, particularly when referring to your notebook in court.

## When to use a separate page

You must use a separate page for each:

- surveillance period
- operation
- task
- incident

## Blank spaces and deletions

You must:

- rule through, sign, date and time blank spaces at the end of a series of entries
- make deletions with a single line, initialled and dated

You must not:

- leave blank spaces between words or any lines left between entries
- use correction fluid or other types of erasing products
- rub out mistakes with an eraser or strike through deletions in heavy pen

## Comments or replies made by suspects

When an entry contains any comments or replies to questions made by a suspect, you must:

- read the notebook entry to the suspect (when it is practical)
- include any unsolicited (volunteered) comments made outside of an interview which you consider to be relevant to the offence
- ask them to confirm whether the entry is accurate
- ask the suspect to sign and date under the entry
- record any disagreement and ask the suspect to sign it to confirm
- record any refusal to sign entry

If a second officer is present and has witnessed the suspect's comments or answers, you must ask them to confirm the entry by signing and dating under it.

## Recording diagrams

These can be very useful to remind you about a certain event or location, for example a room layout. You must refer to any diagrams you make in your notebook in any later witness statement.

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## Taking notes if unable to use official notebooks

This page tells criminal investigators in Immigration Enforcement (IE) about how to take notes if it is not appropriate to use the official notebook at the time.

### When you may not be able to use an official notebook

Sometimes, you may not think it is suitable to make a notebook entry at the time, for example if you are taking part in an Immigration Enforcement surveillance operation. Using your notebook in this sort of situation could lead to compromising the operation.

### How you record these notes

In this sort of situation, where you may need to make notes as evidence (evidential notes), you must make sure you have ways to record any observations that would not cause suspicion, for example writing on a newspaper or a napkin. You must:

- attach these notes to the surveillance log later
- time, date and sign the notes
- record the reason why you did not use the official notebook

When you use anything other than a notebook to record evidential notes or observations, the trigger notes you made will be the original evidence and you must:

- staple them into your notebook at the earliest opportunity
- write up the notes in full as soon as possible after the event in your notebook

### Evidence or observations taken on a Dictaphone

You will also need to transfer any commentary you have dictated onto a Dictaphone into your notebook. Whoever is giving the commentary must identify themselves on tape and state the date and time of the recording. You must keep the tape securely in a Home Office building.

You are not allowed to use:

- digital Dictaphones or other digital recorders which do not rely on a tape recording the contents
- electronic diaries or other electronic media that has the ability to record information

The only exception to this is the use of mobile phones to record evidence in the form of a SMS text message.

## Recording notes from SMS text messages

As soon as possible after the event, you must record a full note in the surveillance log using the SMS text to refresh your memory. At the first opportunity you must:

- photocopy the text message off the mobile phone screen
- endorse the copy as a true copy, signing and dating it
- record a brief explanation as to why this method of note taking was used

The photocopy of the phone's screen showing the text message sent then becomes the 'ancillary note' and you must attach it to the surveillance log.

Similarly, if you decided to compose a text message and save this in draft without sending it to colleagues, you must follow the same process as above for recording what you saw or overheard in a surveillance log or your notebook.

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## Recording sensitive information

This page tells criminal investigators in Immigration Enforcement (IE) about how to record sensitive information in their notebooks.

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### **Official – sensitive: start of section**

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### **Official – sensitive: end of section**

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## Checking notebooks

This page tells Home Office staff about the checks conducted on notebooks currently in use by officers.

### Why notebook checks must be done

Prior to submitting a full prosecution file to the Crown Prosecution Service (CPS) the disclosure officer (DO) or officer in charge (OIC) will check all witness statements against notebook entries in order to identify if there is any material difference between an officers notebook entries and the witness statements served. Any inconsistency will almost always satisfy the disclosure test.

A chief immigration officer (CIO) or disclosure officer (DO) in a Criminal and Financial Investigation (CFI) team must ensure that they:

- check notebooks and witness statements for accuracy
- compare the officers account written in their witness statement to the original evidential notes they made at the time in their notebook
- identify any 'material differences' between the 2

For more information about witness statements, see: [Witness statements](#).

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## Keeping and storing completed notebooks

This page tells criminal investigators in Immigration Enforcement (IE) about what to do with a completed notebook.

### Taking notebooks out of use – the officer

You must keep a single notebook for all evidential purposes, which you must use until it is:

- full
- withdrawn for other specific reasons

If a notebook is taken out of use before it is full, you must:

- line through the unused spaces and pages
- initial and date them

### The issuing officer

You must:

- look at and sign full or withdrawn notebooks at the first available opportunity
- make sure all pages are intact and all unused pages are lined through and approved
- sign and date stamp the inside rear cover of the notebook
- approve the control record

You must:

- store completed or withdrawn notebooks securely in official accommodation
- never post original notebooks to anyone

If other officers, typists or the solicitor's office require a completed or withdrawn notebook, you must give the person asking for it a copy of the relevant section of the notebook.

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## Lost or stolen notebooks

This page tells criminal investigators in Immigration Enforcement (IE) what to do if their notebook is lost or stolen.

### What the officer must do

If your notebook is lost or stolen, you must:

- report the loss or theft to the issuing officer as soon as possible
- tell them if any specific sensitive information has been written down in it

In all cases, you must assume the notebook contains information that must not be in the public domain.

### What the issuing officer must do

When you have been told, you must:

- report the loss or theft to the Physical Security team
- tell them the facts and whether any specific sensitive information was written in the notebook

If it is likely their details may have been recorded in the lost notebook, you must tell the:

- investigation officers
- disclosure officers
- Crown Prosecution Service (CPS) lawyer

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## How notebooks can be used in evidence

This page tells criminal investigators in Immigration Enforcement (IE) how to use their notebooks when giving evidence in court.

Your notebook should contain all the detail you need to:

- write a witness statement
- give evidence in court

You must remember:

- always use your original notebook in court, rather than copies of pages
- the defence may ask for access to your notebook before the trial and during your evidence
- if there is any significant delay which cannot be accounted for (between the occurrence and your notebook entry) your notebook entry may not be regarded as contemporaneous - you may not be permitted to refresh your memory from it in court

For a definition of contemporaneous notes, see: [Using notebooks](#).

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