



Home Office

## Case decision logs

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## Case decision logs

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This guidance tells you the purpose of completing a case decision log within a Home Office criminal investigation and why it is important you record each decision correctly.

The guidance provides the following information about case decision logs:

- how to record case decisions
- where to record case decisions, and
- who in the investigation case team is most likely record those decisions.

Changes to this guidance – This page tells you what has changed since the previous version of this guidance.

Contacts – This page tells you who to contact for help if your senior caseworker or line manager can't answer your question.

Information owner – This page tells you about this version of the guidance and who owns it.

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This page lists changes to the case decision log guidance, with the most recent at the top.

Date of the change	Details of the change
15 November 2013	Change request: <ul style="list-style-type: none"><li>• Information to help you make operational decisions - SAFCORM:<ul style="list-style-type: none"><li>○ new page</li></ul></li><li>• Minor housekeeping changes.</li></ul>
16 October 2013	Six month review by the modernised guidance team: <ul style="list-style-type: none"><li>• Minor housekeeping changes.</li></ul>
	For previous changes to this guidance you will find all earlier versions in the archive. See related link: <a href="#">Case decision logs - archive</a> .

**Related links**  
[Information to help you make operational decisions - SAFCORM](#)

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### How case decision logs help an investigation

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This page tells you what case decision logs (CDL) are and how they help your investigation.

The main purposes of a CDL are to:

- provide an accurate, 'at the time', record of all significant decisions made during a criminal investigation
- provide an audit trail of decisions made, and
- make sure those running a case take a balanced and strategic approach to their investigation.

You must make sure the reasoning behind each decision is sufficiently well documented, so the decision making process stands up to any subsequent scrutiny.

A CDL must contain:

- a record of the decisions made, and
- the justifications for making them in the light of the information available at the time.

#### **Why it is important to record decisions correctly**

The professionalism of any major investigation can be measured by the quality of its decision log. A log for a well managed case will show clear objectives and effective direction from the initial adoption of a case to its final conclusion.

If you are ever unsure about a decision's potential importance - record it.

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### What decisions to record in a case decision log

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This section tells you what kind of decisions you must record in a case decision log (CDL) and how and when to record it.

A CDL is not intended to be a record of every single action taken in an investigation. Case decisions can be either:

- strategic - those decisions made around the intention of what the investigation is to achieve, or
- tactical - those decisions where the focus of an investigation may shift or the targets are changed.

#### Definition of a 'decision'

A decision in this context can be defined as:

- 'Anything which could be construed as having chosen a course of action that could affect the outcome of an investigation in either a positive or a negative way'.

#### Specific decisions you must always record

You must always record decisions to go against policy.

You must also record decisions made jointly with representatives from other agencies. You must invite the senior representative of the other agency to countersign the entry. If they refuse the offer, you must record it and any reason(s) offered for refusal, for example, they are keeping a separate record.

#### Negative decisions

You must also record any negative decisions, when you decide not to take a certain course of action. If you make a conscious decision not to do something, it may create more issues than the decision to follow a course of action would have done. For example, decisions not to:

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- conduct surveillance on an individual
- arrest somebody
- search a set of premises, or
- oppose unconditional bail.

**Consolidated entries**

Combined entries in decision logs may sometimes be appropriate, for example, when appointing staff to roles at the start of a case. These entries can list all the decisions taken as one entry, using bullet points if appropriate.

If you are uncertain as to whether to make an entry in a decision log, or how much detail to include, a final test to consider would be:

- 'If, in five years time, you have to stand in front of a public enquiry, court, or other tribunal and justify why you did or did not do a certain thing, would putting more detail in the decision log assist you?'

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### How and when to record a decision

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This page tells you how to record a decision in a case decision log (CDL) and when you must record it.

You must set out in the first part of any entry, the circumstances that prompted you to take the decision.

You must:

- think carefully about:
  - what you would like the outcome of your decision to be
  - how this fits in with the overall strategy of the investigation, and
  - making sure all the aims are recorded and prioritised, as situations frequently arise where there are multiple or conflicting aims
- clearly detail all factors that have influenced your decision, these could be:
  - operational
  - administrative, or
  - legal
- list all of the choices realistically open to you, and consider for each option:
  - proportionality
  - legality
  - accountability
  - necessity, and
  - the closer the call between your choices, the more detail you must consider and record in the log
- nominate your preferred option, which you will need to transfer to the 'decision' box of the log.

You must outline how you intend to manage any risks attached to your chosen option, not to the ones you have considered and dismissed.

You may need to monitor a particular aspect of the situation or decision for further

**Related links**  
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consideration. So you will need to either:

- add a simple note to review a decision after an appropriate time, and the reason why, or
- undertake regular or even continuous reviews.

Other decisions may be stand alone ones which you will not need to revisit, in which case this section does not apply.

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This page gives immigration enforcement investigation staff and managers some advice about what to consider when making operational decisions, which need to be recorded in case decision logs.

#### **SAFCORM**

SAFCORM is a useful mnemonic that will help you go through the process needed when making operational decisions in an immigration investigation. The SAFCORM mnemonic is a:

- learning guide technique that helps you remember information, and
- structured method to help you make a decision and make it easier to record your decision in a case decision log:
  - you must approach this process with an open mind and use the mnemonic in a 'step by step' way to make your decision.

Each letter stands for a separate part of your decision-making and these are set out below. These headings are for guidance only. You are not limited to use this when making a decision because every individual case is different, but it may help you explain your decision.

Recording your decision using SAFCORM doesn't need to be a complex process, sometimes you will record only a few lines to explain how you made your decision.

#### **Situation**

Consider the following:

- Why do you need to make a decision? For example, you may:
  - think about the situation
  - start your decision-making process, and
  - record an opening line in your case decision log with:

#### **Related links**

[How and when to record a decision](#)

'I am currently investigating a...'

Consider entering details in your decision log to set out the circumstances that prompted you to make a decision.

If the decision is a further development after a previous decision was made then you:

- don't need to restate this, and
- can cross refer to the previous decision, for example:
  - 'Further to decision 27 in this log (or further to the decision made at 1030hrs today), further information has now been received that means I have reconsidered the situation...'

**Aim**

You must think carefully about what you would like the outcome of your decision to be, and how this fits with the overall strategy of the investigation.

This is important because sometimes there can be multiple, conflicting, things to consider. For example:

- if a covert human intelligence source (CHIS, or sometimes called an informant) told your investigation team about a sham marriage that would be taking place, then your investigation aims would be to:
  - investigate and disrupt the marriage before it takes place, and
  - protect the CHIS and safeguard their information.

Consider entering details in your decision log similar to:

'The strategic aims of this operation are to..., however my overriding aim in making this decision is to...'

**Factors**

Consider what factors could affect or influence your decision:

- There is another mnemonic (STEEPLES) which you may find useful when thinking about what factors could impact upon your decision:
  - Social factors
  - Technical factors
  - Economic factors
  - Environmental factors
  - Political factors
  - Legal factors
  - Ethical factors, and
  - Safety factors. And also
- Whether there are any staffing or administrative factors.

Consider entering details in your decision log:

'Factors affecting this decision are...'

### **Choices**

Consider and list all choices open to you while you make your decision:

Another mnemonic (SWOT) can help you to analyse each choice before you make a final decision:

- Strengths, what are the strengths in the argument to choose one potential decision over another?
- Weaknesses, are there any flaws or things to take into account with a particular choice?
- Opportunities, will each choice actually be available to you to make as a decision?
- Threats, are there any issues or factors which may prevent a successful outcome if you choose one option over another?

When considering each aspect of SWOT, you must also consider a further mnemonic (PLAN) when looking at each choice:

- Proportionality, is your decision balanced and fair?

- Legality, for example, do you need to apply for permission to carry out surveillance, or to obtain a search warrant?
- Accountability, are you the right person to make this decision?
- Necessity, does the decision really need to be made or is the action that you intend to take completely necessary?

Where two or more choices are immediately obvious, consider and record as much information in your decision log as possible. Record something similar to:

'At this time, there are a number of choices open to me, namely A, B and C. For each of these I shall evaluate their suitability...'

### **Option**

This is where you nominate and record your preferred option and make this your 'decision'.

Write something like:

'My preferred option is (c), as I believe that...'

### **Risks**

In this section:

- State how you intend to manage any risks attached to your chosen option:
  - but do not comment further on any other risks you have already considered and dismissed as part of your earlier decision making process (using the SWOT mnemonic when considering your 'choices').
- Clearly state the risks that may be involved, but not repeat any risk assessment that has been made elsewhere:
  - For example, if you have already completed a risk assessment form to assess a specific risk you have identified, there is no need to repeat this assessment when recording your decision.
  - Instead you must cross refer to the risk assessment and record something like: 'I have reconsidered the risks attached to my decision and concluded these have not changed since I completed a risk assessment on XX/XX/XX (date)' or 'The

operational risks assessment has been further modified and signed off as a result of this decision. The updated version is now held by the case manager’.

One example of how you may sum up and record how you dealt with the risks is:

‘I have considered the current situation regarding the relationship between law enforcement authorities and the residents of the XX (area/estate) which indicates that XX (enter the supposed risk) and I have consulted with the police local community liaison officer, and area inspector, and their opinion is that...’.

**Monitoring**

In this section, state whether any particular aspect of the situation or your decision needs to be monitored for further consideration.

Record a simple note to confirm you will review your decision after a certain period of time, for example:

‘The situation will be reviewed in 72 hours or earlier if any additional intelligence is received or any further risks are brought to my attention during that period’.

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### Electronic and paper case decision logs

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This page tells you the different formats of case decision logs (CDLs) you can record decisions in.

#### Electronic CDLs

In any investigation operating an electronic case management system, you must record decisions using the function that time stamps each individual entry within the system. This is the preferred method of recording decisions rather than using a paper CDL.

If you are making the decision you must record it personally. If this is impractical, the officer making the entry on your behalf must make clear who the decision maker was and why you were unable to make the entry in person.

If you are making live decisions as part of an ongoing operational situation you often have to make them in circumstances where access to the case management system is impractical. In these circumstances it is essential you record your decisions as soon as possible.

If you cannot enter your decisions directly you must record them on the most appropriate paper document available, preferably a:

- paper CDL
- daybook, or
- notebook.

But if you do not have access to any of these, it is acceptable to use:

- any piece of paper to hand, or
- any PC, subject to operational and data security rules, so you can:
  - print a paper copy
  - sign, date and time it, and
  - attach it to a paper CDL.

#### Related links

Links to staff intranet removed

### **Paper CDLs**

The paper CDL is a pre-carbonised, uniquely numbered bound book with numbered pages, each page having a detachable copy.

Once your investigation has been issued a CDL, you must maintain it until criminal proceedings end or the case is otherwise concluded. You must then keep and store it securely with other case papers for the prescribed period, in line with the Home Office's current policy on retaining papers when you have completed a case. For more information on retention of material, see related link: [Agreed retention policy \(UK Border Agency\)](#).

Completing a paper CDL is straightforward and you must use one page for each entry. If an entry extends beyond one page and you have to continue on either a following page or loose sheets you must make this clear. For each entry you must:

- Sign, time and date it. And
- Strike through any unused space in a similar manner to notebooks. For more information on completing notebooks, see related link.

If you miss a page by accident, you must:

- strike through the blank page
- add an explanatory note, and
- sign and date it.

If you make a written entry in the CDL in error, you must:

- cross through the entry with a single line, and
- initial and date it.

At the foot of every page of a paper CDL you are asked whether your decision is potentially sensitive for Criminal Procedure and Investigations Act 1996 (CPIA) disclosure purposes. For more information on the disclosure process guidance, see related link: [Disclosure - Criminal Procedure and Investigations Act \(CPIA\)](#).

	You must always complete the box to positively indicate whether or not you consider your decision to be sensitive.	
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### Disclosure of case decision log details

<p><a href="#">About this guidance</a> <a href="#">How case decision logs help an investigation</a> <a href="#">What decision to record in a case decision log</a> <a href="#">Electronic and paper case decision logs</a> <a href="#">Assurance of case decision logs</a></p>	<p>This page tells you how to treat case decision logs (CDLs) in relation to the disclosure regime.</p> <p>As with all material that may have an impact on the case, the appointed disclosure officer must consider all entries made in a case decision log for:</p> <ul style="list-style-type: none"><li>• relevance</li><li>• any assistance they may afford the defence, and</li><li>• sensitivity.</li></ul> <p>If any entry made in a CDL is relevant it is disclosed in the normal way.</p> <p>For more information on the disclosure process guidance, what constitutes relevant material and how this information is disclosed, see related link: Disclosure – Criminal Procedure and Investigations Act (CIPA).</p>	<p><b>Related links</b> Links to staff intranet removed</p>
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### Assurance of case decision logs

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This page gives guidance on the assurance (checking) of case decision logs (CDLs) and their use within a criminal investigation. It tells you who carries out the assurance (checks) and the frequency of each check.

#### **The senior investigation officer's (SIO) or Her Majesty's inspector's (HMI's) role**

They have overall responsibility for their teams' electronic and paper based CDLs, and they must exercise tight control over decision making within their commands.

To assist with the day to day running of operations, they may delegate authority to make decisions to named team members, if appropriate, and the CDL must be accessible to any of the authorised officers. However, any delegation does not release the SIO or HMI of their overall responsibility for the effective management of the case and for making sure CDLs are completed correctly.

In particular, CDLs relating to sensitive investigations must be examined on a regular basis.

#### **The assistant director's role**

Their role is crucial to the integrity of the CDL system. They are required to make sure the team:

- maintain a complete record of paper CDLs issued, recording the dates of issue and closure, and
- record details of any CDLs transferred between teams or branches.

You must check CDLs taking into account the instructions relating to case continuance, which requires assistant directors to:

- conduct detailed quarterly reviews of all pre arrest cases, and
- review post arrest cases on a risk assessed basis.

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This page explains who to contact for more help with a specific query relating to case decision logs (CDLs).

If you have read this guidance and still need more help with CDLs, you must first ask your line manager.

Restricted information – do not disclose – start of section

The information in this page has been removed as it is restricted for internal Home Office use only.

Restricted information – do not disclose – end of section

Changes to this guidance can only be made by the modernised guidance team (MGT). If you think the policy content needs amending you must use the above email links, who will ask the MGT to update the guidance, if appropriate.

The MGT will accept direct feedback on broken links, missing information or the format, style and navigability of this guidance. You can send these using the link: Email: Modernised guidance team.

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This page tells you about this version of the case decision logs guidance and who owns it.

Version	4.0
Valid from date	15 November 2013
Guidance owner	Official – sensitive: information removed
Cleared by director	Official – sensitive: information removed
Director's role	Official – sensitive: information removed
Clearance date	8 October 2012
This version approved for publication by	Official – sensitive: information removed
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Approval date	8 November 2013

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