



TRANSIT POLICE

NOTEBOOKS AND NOTES

Effective Date: May 9, 2005

Revised: July 20, 2006, February 22, 2013

Reviewed Date:

Review Frequency: As Required

Office of Primary Responsibility: Inspector Support Services

POLICY

Definitions

FOIPPA – The BC Freedom of Information and Protection of Privacy Act.

Chief Officer – The Transit Police Chief Officer or delegate.

Designated Constables – The Transit Police police officers appointed by the Police Board.

Member – Designated Constable, the Chief Officer or a Deputy Chief Officer of the Transit Police.

Police Act – The BC Police Act, RSBC 1996, c. 367, and the regulations thereto, including the Transit Police Operations Regulation, all as amended from time to time.

Notebook – The standard bound notebook with numbered pages issued by the Transit Police for the specific purpose of recording notes related to police duties.

RTCC – Report to Crown Counsel.

Transit Police – The South Coast British Columbia Transportation Authority Police Service.

Authority

1. Members maintenance, use and retention of Notebooks (and supporting notes), and disclosure of the Notebooks and notes will be consistent with the provisions of the *Criminal Code*, the *Police Act*, the *FOIPPA*, legal jurisprudence and Transit Police policy.
2. All police Notebooks and notes written by Members in the execution of duty are considered “records” under the *FOIPPA* and are subject to disclosure requests. All notes compiled in relation to events become part of the record of the event.

General

3. All Members will take careful, accurate and contemporaneous notes during their investigations. Members will maintain a Notebook within which a written record of daily police activities, events and information will be kept. Notebooks and notes are the personal records of the Member but remain the property of the Transit Police. The original Notebook is to be available for production in court when giving evidence.

NOTE: Notes are one of the most important investigative tools. They aid police officer memory; may assist when interviewing witnesses, victims and suspect; aid in report writing and accurate testimony; are reviewed by Crown Counsel for the purpose of screening/vetting the charges; and reviewed by Defence Counsel as part of the disclosure process.

4. Members will produce his/her Notebook for Supervisor inspection and at the request of a superior officer, in response to a *FOIPPA* request or any other instance where production is required for law, including Crown Counsel disclosure and *Police Act* proceedings.
5. Information that is contained in a Member's notes must be treated as confidential and must receive the degree of protection necessary to prevent any disclosure to unauthorized agencies or persons.
6. Notebooks will only be accessed in accordance with Transit Police policy and when access is required by law.
7. Members will surrender their Notebooks upon directive of the Chief Officer (or their designate) or upon separation from the Transit Police.

PROCEDURES

Notebook Entry and Maintenance

8. All Members will properly use and maintain issued Police Notebooks, indexed in chronological order with the start and completion date and the Member's name and pin number on the first page or front cover.
9. An entry will be made for each day of duty and will include, but not limited to:
 1. date, day of week, shift, duty assignment, partner's name, vehicle and equipment assigned, weather conditions; and
 2. a chronological record of the Member's activities, including calls attended, problem oriented policing initiatives, foot beat times and locations, traffic enforcement/education activities, persons arrested or interviewed and details of any incident or event that is deemed important (for the purpose of assisting the Member's later recollection of the incident), including notation of when a person is chartered and cautioned.

10. All notes made on pieces of paper, other than in Notebooks, will be preserved by the Member even if the information is subsequently transferred into their Notebook. These notes will be attached to the investigative file.
11. All notes made by the Member on a computer will be printed, dated, signed and attached to the investigative file. The Member will ensure the GO number is recorded on the notes where feasible.
12. Members will only use one Notebook at a time, unless authorized by their respective Deputy Chief Officer, or as otherwise permitted by this policy.
13. Members in specialized units or assigned a special investigation may utilize a separate Notebook in regards to the operation or investigative activities only with the prior approval of the supervisor in charge of the unit/investigation or higher rank, or as specified in Transit Police policy.
14. When involved in an off duty incident, the Member will complete their notes as soon as is practicable.
15. Each Member will:
 1. write, in pen, their own notes regarding each incident or event (what each Member heard, observed or did);
 2. include the exact words spoken by an individual as accurately as possible, and if the conversation is verbatim, then quotation marks used;
 3. not leave unnecessary blank spaces, and leave no more than two lines to separate subject matter and that a diagonal line is drawn through that space and initialed;
 4. not erase, scratch out, use any correction fluid or tape to remove or correct inaccurate or inadvertent entries in their Notebook;
 5. cross out any wrong entry with a single line and initial the line at both ends, and then record the correct entry and date of the alteration;
 6. not remove any pages from the Notebook;
 7. not make entries not relevant to their duties.
16. s.15(1)(a)

Notebook Inspection

17. Supervisors must inspect Members' Notebooks on a regular basis to ensure they are up-to-date and properly maintained. Following inspection, the Supervisor will sign the
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Notebook. The frequency of Notebook inspections is at the discretion of the applicable Supervisor, but at a minimum must occur at least quarterly within each year.

18. Supervisors will maintain a log (use TP Form AZ830) of their inspections of Members' Notebooks.
19. Supervisors will take such action as may be necessary as a result of Notebook inspection. Supervisor notations concerning deficiencies or corrections required to a Member's Notebook will be noted separately and given to the Member, and not made directly in the Member's Notebook. The Supervisor will follow-up with the Member to ensure the situation is rectified.

Notebooks – Loss of, Damage to, Destruction of

20. Members are responsible for promptly reporting in writing any lost, damaged or destroyed Notebooks to their Supervisor.
21. In the event of a lost or destroyed Notebook, the Supervisor will notify the Inspector in charge of the section so that investigation and/or follow-up actions can be taken.

Disclosure of Police Notes

22. Members submitting RTCCs will transfer all relevant information from their notes, and any other involved officers' notes, onto the narrative portion of the RTCC. A copy of the Member's Notebook (relevant pages) will also be submitted to the Crown Counsel.
23. Where a Member's notes contain a witness statement, signed or unsigned by the witness, a copy of those notes will be forwarded along with the RTCC. Where there is neither a statement nor Member's notes of a witness statement, a summary of the information the witness can be expected to provide will be included in the RTCC by the Member.
24. Members will ensure that all police notes provided to Crown Counsel or Defence Counsel are edited to eliminate:
 1. informant identity and location, any information that would serve to identify or locate informants or witnesses at risk; and/or
 2. any other legally privileged information or information about confidential police investigation methods.
25. Where Members have reason to believe any information may be otherwise legally privileged, their Supervisor should be consulted before editing disclosure. Police notes regarding an ongoing investigation should not be provided until the investigation is concluded.
26. Members must inform Crown Counsel of the nature of information edited from police notes, and any witness known to be at risk of harassment or injury.

27. Crown Counsel will provide to Defence Counsel a copy of the RTCC narrative, witness statements, Members' notes containing witness statements, summaries provided by the police of a witness's information and copies of any other police notes provided by the Member.
28. Where Defence Counsel request disclosure of police notes not provided to Crown Counsel, they will be referred to the Deputy Chief Officer Operations for an opportunity to review police notes relevant to the investigation.
29. Members will not release anything directly to the Defence Counsel. All items must be forwarded to Crown Counsel for review prior to being disclosed.
30. Issue regarding relevancy of any police notes will be referred to Crown Counsel for resolution. Copies of such notes will be provided to Crown Counsel who will provide the same copies to Defence Counsel.
31. In major or complex cases, Members should consult with Crown Counsel regarding Defence Counsel access to information in police possession, but not provided to Crown Counsel due to an apparent lack of relevance or redundancy. This could include such things as police notes, documents, photographs and audio or video recordings.

Retention of Notebooks

32. The Transit Police recognizes the operational need for Members to access completed Notebooks as an investigative technique. For this reason, police Notebooks will be retained by each Member for the duration of their career.
33. Upon retirement or termination of employment, all Notebooks, notes, drawings or audio recordings made during the course of their duties will be turned over to the Transit Police (via the Member's Supervisor).
34. When a Member is away from duties for an extended period of time or under suspension, the Member may, upon directive of a Deputy Chief Officer, be required to surrender their Notebooks for temporary storage. In such cases, the Notebooks will be returned to the Member upon authorization of the Deputy Chief Officer.
35. The Supervisor will forward all received Notebooks, notes and related items to the Records Services Section for retention.
36. When required for court, the former Member will retrieve their Notebooks, notes and related items from the Records Services Section; and when the court matter is completed, the same items to be returned to the Records Services Section for storage.
37. Notebooks, notes and related items will be held by the Transit Police (following the Member's submission upon retirement or termination of employment) on a ten-year retention schedule and then be destroyed, unless still required for court/legal purposes.

Notebook Security and Audits

38. The Transit Police must retain Members' Notebooks in a secure location and have a written procedure for maintaining Notebook security, including recording of all retrieval, storage and destruction respecting those records.
39. The Deputy Chief Officer Support Services will ensure that regular audits are conducted to ensure proper retention, retrieval and destruction of Notebooks.

Key References

BC Police Act [RSBC 1996, Chapter 367]
Criminal Code of Canada [RSC 1985, c. C-46]
R. v. Stinchcombe 1992 68 C.C.C. (3d) 1
R. v. Bailey, 2005, ABPC 61