TRANSIT POLICE
NOTEBOOKS AND NOTES

Effective Date: May 9, 2005
Revised: July 20, 2006; February 22, 2013; April 29, 2013 [Chief Directive]; June 5, 2026
Reviewed Date:
Review Frequency: As Required
Office of Primary Responsibility: Director IT and Information Management

POLICY

Definitions

FOIPPA – The BC *Freedom of Information and Protection of Privacy Act,* [RSBC 1996] CHAPTER 165, as amended from time to time.

Chief Officer – The Transit Police Chief Officer or delegate.

IMS – Information Management Services at the Transit Police.

Member – Designated Constable, the Chief Officer, a Deputy Chief Officer and Designated Law Enforcement Officer of the Transit Police.

Notebook – s.15 [redacted] All Notebooks are required to have numbered pages.

Police Act – The BC *Police Act*, [RSBC 1996] CHAPTER 367, and the regulations thereto, as amended from time to time.

RTCC – Report to Crown Counsel.

Transit Police – The South Coast British Columbia Transportation Authority Police Service (Designated Policing Unit and Designated Law Enforcement Unit), also known as Metro Vancouver Transit Police.

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.

General

2. Every Member has a duty to prepare accurate, detailed, and comprehensive notes as soon as practicable during or shortly after an incident.[1] Members will maintain a

[1] *Wood v. Schaeffer*, 2013 SCC 71

Notebook within which a written record of daily police activities, events, evidence, and information will be kept.

3. 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.

s.15 [redacted]

4. Members will produce their 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 Protected "B"[2] 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.

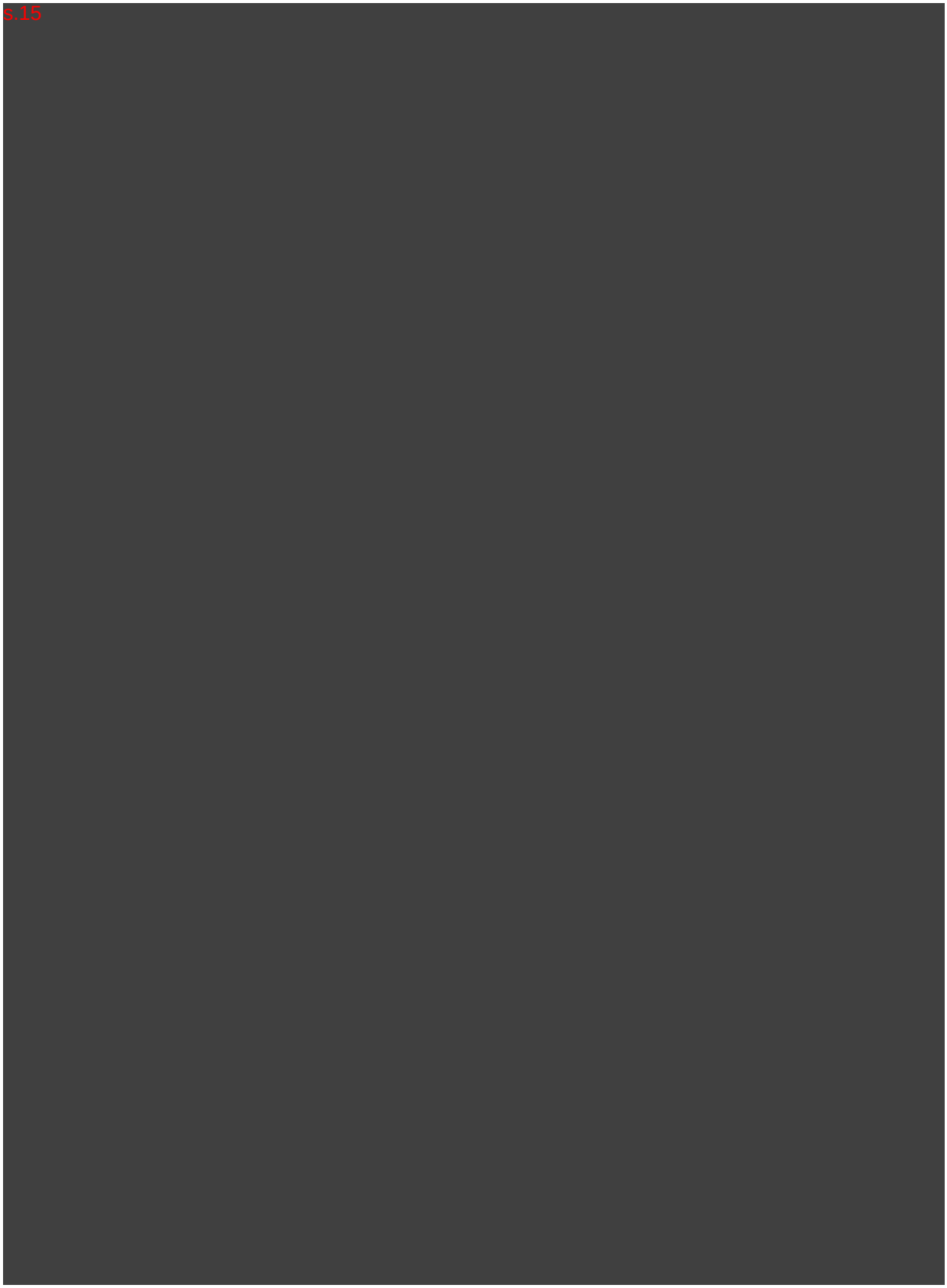
7. Members will surrender their Notebooks upon directive of the Chief Officer (or their designate) or upon separation from the Transit Police, and as otherwise set out in the Procedures that follow.

PROCEDURES

Notebook Entry and Maintenance

s.15 [redacted]

s.15



s.15



Review of Notes and Notebooks

17. It is part of a Supervisor's general responsibility to ensure that Members they supervise follow policy, make good notes, and properly document the incidents in which they are involved. Supervisors are encouraged to give timely periodic reminders to Members to make detailed notes and to turn in their inactive Notebooks in accordance with this policy.

18. Supervisors may inspect Members' Notebooks as and when it is deemed necessary in relation to performance review and to ensure fulfilling of legal obligations. Supervisors are also responsible to follow-up anytime there is cause to believe a Member is not in compliance with this policy.

19. In the event of a deficiency in the notes or Notebook of a Member, the Supervisor will document as necessary on a performance log (use Transit Police **Form AZ1080**) and outline the follow-up period to ensure the situation is resolved.

Lost, Stolen, Damaged or Destroyed Notebook

20. Members are responsible for promptly reporting in writing any lost, stolen, damaged, or destroyed Notebook to their Supervisor.

21. In the event of a lost or stolen Notebook, the Supervisor will notify the Inspector Investigations so that investigation and/or follow-up actions can be taken. This includes advising the Manager IMS and Privacy Officer, and Crown Counsel, if the Notebook contains notes related to an active or pending prosecution.

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 consult with their Supervisor when there is concern about disclosure of certain information in the Member's notes, prior to sending the notes forward to Crown Counsel. For example:

    (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. Police notes regarding an ongoing investigation should not be provided until the investigation is concluded.

26. Members will not edit their notes prior to disclosure to Crown Counsel. Where there are serious concerns over disclosure of notes or any other information being sent to Crown, a Supervisor will contact Crown Counsel to discuss the nature of information of concern in the police notes. Where vetting and severing of notes is required, it is the responsibility for Crown Counsel, not police.

27. Where Defence Counsel request disclosure of police notes that were severed by Crown Counsel, they will be referred to Crown Counsel.

28. Members will not release anything directly to the Defence Counsel. All items must be forwarded to Crown Counsel for review prior to being disclosed.

29. 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.

30. 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. *[See on OWL/Reference Library/Crown Counsel - Disclosure: Memorandum of Understanding re Disclosure between Crown and Police in BC.]*

Storage, Retention, and Archiving of Notebooks

31. While Notebooks are the property of the police service, it is recognized that Members will need to retain and/or have accessible their Notebooks for court/legal proceedings and investigations purposes,

32. A Member is responsible for ensuring the security of their Notebooks and safeguarding of contents. s.15 [redacted]

33. s.15 [redacted]

34. To facilitate access to and secure retention and archiving of Notebooks, Members will:

    (1) At the end of each year, turn in their 'inactive' Notebooks into IMS, or more frequently as needed. To be considered 'inactive', Notebooks should not contain active investigation content or anticipated to be needed for court or another legal proceeding.
        a. Use Transit Police Form **AZ4000 – Member Notebook Archiving Request** to list the Notebook numbers and the date ranges for each Notebook, and submit the completed form with the Notebooks, following the IMS issued instructions.

    (2) s.15 [redacted]

35. Upon retirement, resignation or termination of employment, all Notebooks, notes, drawings or audio recordings made during the course of a Member's duties will be turned over by the Member (or their designate), in person, to IMS for storage and archiving. The departing Member is responsible for completing Transit Police Form **AZ4000 – Member Notebook Archiving Request** (to list all the Notebooks being turned in and the date ranges covered by each Notebook) to accompany their submission of Notebooks.

36. 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.

37. IMS must retain Members' Notebooks in a secure location and have a written procedure for maintaining Notebook security, including recording of all retrieval and storage respecting those records.

38. When required for court, the former Member will retrieve their Notebooks, notes and related items from IMS; and when the court matter is completed, the same items to be returned by IMS to the secure storage.

Audits

39. The Deputy Chief Officer Administrative Services will ensure that periodic audits are conducted to ensure IMS proper retention and retrieval of archived Notebooks.

Key References:
BC *Freedom of Information and Protection of Privacy Act* [RSBC 1996] CHAPTER165
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
Wood v. Schaeffer, 2013 SCC 71