

NOT PROTECTIVELY MARKED

Published

| Event History

**Policy owned by Operational Services
Pocket Note Books (PNB)****1. Policy Purpose and key drivers**

The official pocket note book (PNB) is an important document and is used for official purposes only. It has historically been used to facilitate the earliest possible recording of primary evidential matters, significant incidents, complaints, receipt of property and various other matters at the individual's own discretion in order to be able to refer to them to refresh the memory at a later date.

When used properly its contents are invaluable for a number of reasons, e.g. evidence for court purposes both criminal and civil, enquiries both internal and external and as an aide memoir for other police related issues.

The pocket note book is an official document and remains the property of Staffordshire Police. It is subject to access and scrutiny under the Freedom of Information Act (subject to exemptions under the Act) as well as the courts, supervisors and managers and other appropriate / authorised persons. Whilst PNB entries are made by individuals in their own handwriting, there is a need to set minimum standards of individual entries as well as the subject areas to be recorded.

This policy provides cohesive procedures to be followed by Police Officers and those members of Police Staff issued with a PNB that are required to make a personal record of something evidential and/or significant relevant to their role within Staffordshire Police and to do so to a satisfactory standard.

HUMAN RIGHTS CERTIFICATION

This policy and the application of its associated procedures have been audited for potential interference with Human Rights and for the potential for it to be discriminatory. In particular with regard to its legal basis; the legitimacy of its aims; the justification and proportionality of the actions intended by it; that it is the least intrusive and damaging option necessary to achieve the aims; and that it defines the need to document the relevant decision making process and outcomes of the contents of this policy (and any powers, contained in it).

In setting out how policing activity is to be carried out in meeting the responsibilities under the Act, this policy has the potential to engage the following articles under the convention on human rights:

- Article 5: Right to Liberty and Security;
- Article 6: Right to a fair trial;
- Article 7: No punishment without law;
- Article 8: Right to respect for private and family life

The potential for the above articles to be engaged only exists because the use of the PNB is inextricably part of the evidence / intelligence gathering and recording process. If used properly in line with the policy, then the above articles will be

protected not infringed.

In the application of this policy, Staffordshire Police will not discriminate against any persons regardless of sex, race, colour, language, religion, political or other opinion, national or social origin, association with national minority, property, birth, or other status as defined under Article 14, European Convention on Human Rights (ECHR).

Related Documents

Links to related documents:	Pocket Note Books - How & When to Use & What to Record (Procedure) Pocket Note Books - Storage, Issue & Disposal of PNBs (Procedure)
Gatekeeper - the Author suggested the following Procedure document(s) to link to.	Pocket Note Books – How & When to Use & What to Record; Pocket Note Books – Storage, Issue & Disposal of PNBs

Relevant Dates and Review Period

Effective Date:	30/03/2015
Review Date:	18/04/2018
Review Frequency:	Annually

Policy Basis and Implications

2. Legal Basis: The Police And Criminal Evidence Act 1984 together with the Codes of Practice pertaining to that Act require the use of pocket note books in a number of circumstances and as such failure to record the required information/evidence could prejudice any subsequent investigation and may result in the individual being subject to disciplinary proceedings.

Where there is apparent extreme malpractice in the maintaining of pocket books, the credibility of the individual concerned may be so called into question that the long term effect is that their reputation and integrity becomes permanently damaged. This may then result under the requirements of the disclosure of unused material that any ongoing misconduct investigations as well as any findings of guilt have to be disclosed to the Crown Prosecution Service for consideration of disclosure to the defence. The case may be jeopardised as a consequence. Any failure to disclose such information is in itself a misconduct offence.

3. Management of Police Information (MoPI):

MoPI Policing Purpose:
Protecting Life and Property, Preserving order, Bringing offenders to justice, Any duty or responsibility arising from common or statute law
MoPI Review, Retention and Disposal addressed as follows:
 The Management of Police Information (MoPI) Guidance clearly sets out that information retained for policing purposes must be searchable and retrievable.

Therefore, Officers and Staff must ensure an electronic entry is made onto appropriate systems of crime and intelligence (information for a policing purpose) contained in a pocket note book during its use and importantly before it is submitted for filing e.g. suspect details should be entered onto intelligence and crime recording systems as well as in the PNB. In reality this should already be working practice across the various business areas, meaning no additional burden on operational staff.

Once completed, PNB's should be retained for a period of six years. There is no requirement to review the pocket note books at the end of the six year period as they are regarded as historical records and are not required to be reviewed. The PNB may be disposed of. However, in exceptional cases it may be appropriate and necessary to retain a PNB for a longer period if it contains evidence of a serious offence (for

example a signed entry). In such cases the officer or police staff member submitting the pocket book should attach a short report detailing the reason for extended retention which will be reviewed after six years.

4. Associated Benefits:	The benefits for the force, of the implementation of this policy are more accurate and standardised record creation by those staff that use PNBs operationally. This then should improve the standard of evidence and reduce lost or cracked cases. It will also reduce the potential for complaints and/or litigation.
	The measurement of success and obversly failure, will be the numbers of prosecutions lost due to the lack of relevant evidence recorded in PNBs as well as complaints, inquiries and civil cases based around poor record keeping in PNBs. Thus the policy supports the drive to close the justice gap and to improve the trust and confidence in Staffordshire Police.
5. Consultation:	Professional Standards Dept; The Diversity Unit; Unison; The Police Federation.
6. Financial Implications:	There are no additional financial implications in the application of this policy but by re-enforcing the rules and standards of PNB record keeping the policy is aimed at reducing the Force being subject to litigation and to reduce the numbers of lost cases and wasted police time.
7. Human Resources / Training:	There are no additional training implications with the implementation of this policy. The use of pocket note books is subject of training for new recruits both police and police staff (subject to role) and this policy is aimed at supporting that training.
8. Associated Policy:	None

FOI, Human Rights and Equality Impact Assessment Indicators

FOIA:	Release to Public		
ECHR:	Compliant with proportionality test	Articles engaged:	Article 6 Fair Trial; Article 7 No Punishment without Law
EIA:	Compliant	Compliant with Code of Ethics:	Yes

Indexing

Categories:	Animals Anti Social Behaviour Counter Terrorism Court Proceedings Crime Investigation Crime Recording Critical Incidents Custody Death Domestic Extremism Drugs Economic Crime Equality and Diversity Firearms Firearms licensing Forensics Harassment Information Compliance Intelligence
-------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

NOT PROTECTIVELY MARKED

Licensing
Major Crime
Military Personnel
MoPI
Offence Resolution
PNC
Pocket Note Books
Prisons
Property
Protecting Vulnerable
People
Public Order
Roads Policing
Searches
Serious and
Organised Crime
Traffic Procedures
Vehicles
Victims and
Witnesses
Warrants
Young Offenders

NOT PROTECTIVELY MARKED