

<b>RECORDING EVIDENCE GAINED ON AN INVESTIGATION</b>	
<b>1.</b>	<b>PURPOSE</b>  The aim of this policy is to offer guidelines to Security Manager's on observation procedures.
<b>2.</b>	<b>LINK TO ACCOUNTABILITIES</b>  Security Managers
<b>3.</b>	<b>POLICY</b>
<b>3.1</b>	<b>RETAINING THE EVIDENCE</b>  Observation is only of value if it is capable of being given in evidence. In order to give in evidence what has been observed, the investigator must do one of the following things: <ul style="list-style-type: none"> <li>• Make a note at the time or immediately after the event and convince the court the note is a correct description of what was seen and that the note was made when the facts were fresh in the memory of the witness.</li> <li>• Dictate a note to someone else, verify it and sign it as correct as soon as possible after the cessation of the observation and when the facts are still fresh in the memory of the witness.</li> <li>• Record on tape a commentary of what has been observed.</li> <li>• Record on video what has been observed.</li> </ul>
<b>3.2</b>	<b>WHAT TO RECORD</b>  The following points should, where relevant, be covered in the record of observation: <ul style="list-style-type: none"> <li>• The date.</li> <li>• Where the observing investigator is located.</li> <li>• The identity of all investigator's and any other employee who may be assisting with the observation.</li> <li>• The identity or description of the person or place being watched.</li> <li>• What is in the field of vision of the observing investigator and any obstructions in the way.</li> <li>• What is the distance between the observing investigator and the person/place being watched.</li> <li>• Lighting conditions.</li> <li>• Weather conditions.</li> <li>• Who came into and left the field of vision at material times and, in particular at any sorting frame, till or address relevant to the suspected offence.</li> <li>• The times at which significant events took place.</li> <li>• <b>How the observations were performed e.g. by binoculars, CCTV, using the naked eye etc.</b></li> </ul>

<b>RECORDING EVIDENCE GAINED ON AN INVESTIGATION</b>	
3.3	<p>It would also be beneficial to obtain certified photographs/video recordings of the area upon which the observation was conducted.</p> <p><b>MAKING A NOTE OF THE OBSERVATION</b></p> <ul style="list-style-type: none"> <li>Whenever possible, original notes should be made in an official notebook as events unfold.</li> <li>If necessary, cigarette packets, newspapers etc. can be used for note taking when in close proximity to a suspect or anyone likely to alert a suspect. Under these circumstances the original paper on which the note was made must be retained as a potential exhibit. In these circumstances the same requirements that relate to notebooks ie. timing and dating should also apply. A full notebook entry relating to the observation must be made at the earliest opportunity.</li> <li>Notes in official notebooks must be signed, timed and dated.</li> <li>Notes must be strictly accurate and relate only to the facts, not opinions or assumptions,</li> <li>Notes should be made independently without reference to any other person, subject to 3.4 below</li> <li>If two or more investigator's are present on observations, they should both/all make separate observation records as per paragraph 3.2 above unless one or more investigator's are performing the observations and one investigator is acting as notetaker for the other investigator(s) as per paragraph 3.1 above and paragraph 3.4 below. Each investigator must only record precisely what he/she saw and should sign, date and time his/her own observation record. However, each investigator must only record precisely what he/she saw and not be influenced by what was seen by any other investigator's.</li> </ul>
3.4	<p><b>NOTE DICTATED TO ANOTHER INVESTIGATOR</b></p> <ul style="list-style-type: none"> <li>This section deals with the situation where an observing investigator is unable to himself /herself make a contemporaneous note of events observed (perhaps because the observing investigator is in a dark place or wants to maintain 100% observation) and dictates either directly or by radio to another investigator in a position to make a note. The same basic rules apply to a surveillance operation involving a number of investigator's in radio contact with a 'Log Keeper' responsible for making a record of all relevant radio transmissions.</li> <li>The investigator making the record must time each entry and, if more than one investigator is providing information, distinguish between officers by using initials or radio calls signs. A key showing initials or call signs against the identities of the officers concerned must form part of the record.</li> <li>For simple operations an official notebook may suffice, but large scale operations may usefully employ surveillance log sheets or a surveillance book.</li> <li>Where a note is dictated to another investigator, as soon as possible after cessation of the observation the observing investigator(s) must examine the record made for accuracy and completeness. If any alterations are necessary, they should be crossed through with a single line so that the original is still visible and be initialled by the observing investigator. Each individual entry must then be signed and the date and time of signature noted by the observing investigator to acknowledge that the record of his/her own observations is accurate. If necessary the observing investigator may add at the end of the record his/her own entry to explain in more detail what has already been recorded. Entries of this type must be signed, dated and timed by the observing investigator. Each investigator must only</li> </ul>

<b>RECORDING EVIDENCE GAINED ON AN INVESTIGATION</b>	
	sign notes in relation to precisely what he/she saw and he must not be influenced by what was seen by any other investigator.
<b>3.5</b>	<p><b>RECORDING OBSERVATIONS ON TAPE</b></p> <ul style="list-style-type: none"> <li>• The investigator should record the date, time of commencement, place of observation and other relevant matters as outlined in 3.2 above</li> <li>• Each time the recorder is switched on to record an event, the investigator must state the time.</li> <li>• As soon as possible after the observation, preferably on the same day, the investigator must copy the whole of the observation recording onto a standard tape cassette. This can be done either by use of a fast copying machine or by playing the recording into an interview recorder so that two standard size copy tapes are made.</li> <li>• As soon as the copy tapes have been made, the original dictating machine tape must be labelled and placed in a standard size cassette box and sealed using a master tape seal CS022.</li> <li>• Relevant details must be entered on the seal, with amendments of PERSON INTERVIEWED to read PERSON OBSERVED, INTERVIEWING INVESTIGATOR to read OBSERVING INVESTIGATOR and TIME OF INTERVIEW to read TIME OF OBSERVATION.</li> <li>• If two investigator's are present during the observation and both investigator's have recorded their observations on the same tape, then the support investigator must sign the seal as a witness, having listened to the tape.</li> <li>• A note must be made on the blank part of the seal stating the date and time the observation tape was sealed.</li> <li>• This master observation tape must be preserved in accordance with the Post Office Code of Practice under the Criminal Procedure and Investigations Act 1996 and in any event for not less than six months after the date of the final court appearance to allow for any appeal. Legal Services should be consulted to confirm that no appeal is anticipated. The master tape can be archived in the same way as master tapes of interviews</li> <li>• One of the standard size copy tapes becomes the working tape and should be labelled as if it were a working tape of a taped interview. The label should be amended to make it relate to observation rather than an interview.</li> <li>• The recording must be transcribed in full and typed. The observing investigator must sign and date the typed transcript and produce it as an exhibit. Both a copy of a recording and the transcript are likely to be served on the defence.</li> <li>• The working observation tape must be enclosed in the case file.</li> <li>• The investigator must make a notebook entry about the recording of the observation tape and note the number of the tape seal.</li> </ul> <p>If the observing investigator is unable to follow the above procedures to safeguard the integrity of the observation tape, a notebook or contemporaneous dictated note should be used instead.</p>
<b>3.6</b>	<p><b>WITNESS STATEMENTS</b></p> <ul style="list-style-type: none"> <li>• When a note is exceptionally made after, rather than during observations, as an alternative to the use</li> </ul>

<b>RECORDING EVIDENCE GAINED ON AN INVESTIGATION</b>	
	<p>of a notebook the observing investigator may make a witness statement at the earliest opportunity. The statement should start with words to the effect of, "This statement is my original note made in (location) at (time) on (date)".</p> <ul style="list-style-type: none"> <li>As additional safeguards against a successful defence challenge on the timing of the making of the statement, the statement should be signed and witnessed immediately after it has been completed. The witness should additionally record the time and date after his/her signature.</li> </ul>
<b>3.7</b>	<p><b>USE OF VIDEO RECORDERS - EVIDENTIAL REQUIREMENTS</b></p> <ul style="list-style-type: none"> <li>The main method of demonstrating the integrity of the video recording is the time/date generator. It is important to ensure the time/date generator is set correctly and is synchronised with watches/clocks in use for making notebook entries.</li> <li>There is no need to use a new or expertly cleaned video tape, however video tapes should be checked for recording quality before use and changed when unserviceable.</li> <li>Video tapes showing the suspect - whether or not his/her actions are suspicious - should not be recorded over but retained for possible disclosure.</li> <li>After a recording has been made, it is essential to remove the tab preventing accidental erasure as playback will normally be on a machine having a recording/erase facility.</li> <li>If it becomes necessary to have copies of video tapes made, this service will be provided by arrangement with the Security Support Unit (SSU). In order to preserve the continuity of evidence, if a video tape is sent by post to TSU, an exhibit label bearing an identification mark must be attached to the cassette which should be sent by registered post with a relevant entry in the investigator's paper book. The TSU will maintain a record of the return of the master tape by registered post to prove continuity.</li> <li>Anti-magnetic pouches available from TSU must be used for storage and posting of master video tapes which form part of the case evidence.</li> <li>In cases where video tapes are transferred by hand to TSU for copying, an exhibit label bearing an identification mark should again be attached to the cassette and relevant entries made in the investigator's paper book and in the TSU record to prove continuity.</li> <li>Ideally the same person should start and stop the video recording. The statement of this witness will cover the fact that a video recording system is installed and which camera's signal was being recorded and what could be seen by that camera. The start and stop times should be covered in the statement and this witness should produce the video tape with his/her identification mark.</li> <li>In the case of covert cameras, these will normally be installed by TSU staff who will make a record of the installation and the area viewed by the camera. The record will be in the form of an automatically provided standard witness statement.</li> <li>Someone who knows the suspect - usually a supervisor - should identify the suspect by watching the video recording and giving a witness statement.</li> <li>In the case of an anticipated not guilty plea the investigator should play back the recording and produce a summary (but not using a specific form). The summary should identify the date and times during which the recording was made and the camera from which the signal was recorded. This summary will need to be listed on the form CS006C (if not sensitive) or</li> </ul>

RECORDING EVIDENCE GAINED ON AN INVESTIGATION						
	<p>on the CS006D (if sensitive).</p> <ul style="list-style-type: none"><li>Non-suspicious behaviour can be dealt with in general terms, but a detailed description must be given of the introduction of tests, suspicious behaviour and other points relevant to the prosecution case (e.g. supervisor comes into view).</li><li>Times from the date/time generator must be shown on the summary against the various events. This will aid others selectively to view the salient points.</li><li>Copies of video tapes can be provided to managers considering dismissal of the suspect. If used in support of the dismissal decision, the manager should retain the copy video tape with the dismissal papers, pending any appeal or Industrial Tribunal.</li><li>Video tapes used as exhibits in prosecutions should be stored by the investigator in the case for the retention period outlined in the Post Office Code of Practice under the Criminal Procedure and Investigations Act 1996 and in any event for not less than six months following the finalisation of the prosecution. After expiry of the retention period and consultation with Legal Services, provided no appeal has been notified, the tapes can be considered for training use by SIS Training Centre or can be recycled.</li></ul>					
4.	Links to other reference material (policies, processes and procedures, etc.)					
4.1	Title	Author	Located	Version	Type	Policy No.
	PO Code of Practice under Criminal Procedure & Investigations		HMSO	1996	Act	3.5 / 3.7
4.2	ID evidence					
5.	Document details					
5.1	Author :					
5.2	Owner :	Head of Corporate Security				
5.3	Audience:	Security Community				
5.4	Enquiry point :	Programme Manager, Law & Legislation, Corporate Security, 4 <sup>th</sup> Floor, Impact House, 2 Edridge Road, CROYDON, CR9 1PJ				
5.5	Effective from :	January 2001				
5.6	Review date :					
5.7	Last updated :	December 2000				
6.	Assurance Details					
6.1	Name	M F Matthews				
6.2	Business Unit	SIS				
6.3	Assurance Date	29 Nov 2000				
7.	Final Review					
7.1	Approved by					
7.2	Documented (Hard Copy)	YES/NO	Location:			
7.3	“ (Electronic)	YES/NO	Location:			