



Australian Government
Australian Customs Service

INSTRUCTIONS AND GUIDELINES

FILE NO: N08/02023

Title : Air Cargo - Use of Official Notebooks
Date : July 2008

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BCS CLASSIFICATION: *SM_Policy*

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THIS INSTRUCTION AND GUIDELINE REFERS TO:

PRACTICE STATEMENT NO:

PS2008/08 Inspection and Examination of Air Cargo – Imports

PS2008/30 Inspection and Examination of Air Cargo - Exports

PUBLISHED DATE: 10 SEPTEMBER 2008

AVAILABILITY: INTERNAL AND EXTERNAL

SUBJECT: Use of official notebooks in the air cargo environment.

PURPOSE: To provide guidance to staff in using official notebooks in the air cargo environment.

OWNER: NATIONAL MANAGER CARGO OPERATIONS NORTH

CATEGORY: OPERATIONAL

CONTACT: DIRECTOR CARGO BUSINESS IMPROVEMENT (AIR)

SUMMARY OF MAIN POINTS

This Instruction and Guideline has been developed to provide guidance to staff in using official notebooks in the air cargo environment.

It also details general procedures relating to OH&S considerations, COMCARE reporting, Customs Incident Reporting Centre (CIRC) and Employee Assistance Providers (EAP).

It is important to read the complete Instruction and Guideline before proceeding.

INTRODUCTION

In general, notebooks are to be maintained by a Customs officer involved in enforcing or maintaining an Act of law, who in the course of his or her official duty, interacts with :

The general public;

- Members of his/her own Agency;
- Persons suspected of breaching that Act;
- Other Law Enforcement Agencies; or
- Persons who are connected to a particular investigation or case.

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Correct note taking is important both in terms of recording evidence, and as a means of meeting accountability requirements.

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An occupational difficulty, to which all law enforcement officers are subject, is remembering the relevant facts of a case. This difficulty is further compounded by the possibility that several cases may be current at one time and by the fact that delays generally occur before cases are heard.

Consequently, officers must take notes and be prepared to rely on them. Similarly, officers may be called upon to account for actions taken. As is the case with remembering the facts of a case, it may be difficult to recall the circumstances under which certain actions or decisions were made.

Again, it is important that notes are made. A frequently quoted and useful rule of thumb is:

If it is worthwhile making a mental note, it is worthwhile making a written note.

Therefore, officers on duty should carry an official Customs notebook at all times (except where precluded by covert duties) for the purpose of:

- recording anything of significance, for example, intelligence received or actions taken in the course of an investigation;
- recording incidents that arise during an investigation;
- recording matters that may be difficult to remember;
- providing a reference source for Records of Interview;
- forming the basis of officer's statements;
- refreshing an officer's memory when giving evidence; and providing a permanent written record of material that is the subject of the notes.

It is perfectly proper and indeed essential, for officers to collaborate in making notes. This is a recognised means of making sure that an accurate version of the event or interview is recorded. [Regina v. BASS (1953)].

Each officer should ensure that:

- there is one notebook for all official data
- his or her notebook is completed daily with details of date, hours of duty, records of incidents and items of significance which have occurred that day;
- notes are made at the time or as soon as practicable after;
- entries are not only dated, but the time they were made is also noted;
- any rough notes taken at the time on a scrap or loose sheet of paper are "notes taken at the time" and are to be retained on file after they are written into the notebook;
- entries are to be made in pen or ink – never pencil;

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- where an entry refers to a conversation or to a dealing with a witness, suspect or fellow officer, the officer should seek to have that other person sign or initial the entry (this adoption of the notes should include the time and date so that “contemporaneity” does not become an issue in any court action;
- when charging a person with an offence, the officer records the time and date the offender was detained, full name and address, date of birth, occupation, full personal description including any identifying marks such as tattoos and whether married or not;
- the notebook is used for official purposes and not for private memoranda;
- the notebook is signed at least monthly by a supervising officer; and
- the notebook, and the information in it, is kept secure at all times.

Entries in notebooks should be:

- **Clear:** handwriting must be legible (print if you have to); rules of spelling, grammar and punctuation must be followed; and conversation must be recorded in the “I said...” / “He said...” format.
- **Concise:** use short, simple sentences; notes should be limited to what you saw, did and said.
- **Complete:** no verbal explanation should be required in addition to what you have written; include negative as well as positive results.
- **Correct:** be accurate when recording times, dates, names of all persons; conversations; items of evidence; and means of identification.

When making entries in notebooks, there is to be no ELBOWS ;

NO:

- **Erasures:** erasures, mutilations, and alterations invite cross-examination. If alteration is necessary, rule a single line through the original, add the alteration as a new entry and then initial the change. Remember, leave the original entry legible.
- **Leaves torn out.**
- **Blank lines or blank pages:** if there are blank lines / pages in the book, defence counsel can claim that in *this* case there were blank spaces which you subsequently filled up with something detrimental to the accused.
- **Overwriting:** This should be avoided as it can be claimed that this was done after the original notes were taken.
- **Writing between the lines:** This should be avoided as it can be claimed that this was done after the original notes were taken.

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- Separate sheets or scraps of paper: All loose sheets or scraps of paper used for rough notes are to be retained on an appropriate file.

Customs Officers resigning, retiring, going on extended leave or transferring interstate should return their notebook to the appropriate regional contact.

It may be the case that an officer involved in a prosecution completes his/her notebook and commences a new notebook, prior to the case going to court. In this case, the completed notebook should be delivered to the appropriate regional contact for safekeeping. Prior to the case being heard, the notebook can be requested for court purposes.

Under no circumstance should a completed notebook be retained by an officer. Notebooks at all times remain the property of Customs.

Supervisors are required to check and sign the notebooks of all officers under their supervision at least once a month to ensure that an entry is made for every working day (including days when an officer is on leave). Where notes are not being made correctly, the supervisor should discuss with the officer and explain the correct procedure.

When new staff members arrive in an area, the supervisor should inspect and sign their notebooks. In doing this, the supervisor is able to confirm that the new staff member does in fact have a notebook, and that notes are being taken correctly.

RELATED POLICIES AND REFERENCES

PRACTICE STATEMENTS

Air Cargo Security
Detained Goods Management
Customs OHS Policy – OHS Risk Management – HSMA 2
OHS Policy Guideline – Personal Protective Equipment (PPE)
OHS Policy Guideline – First Aid;

OTHER INSTRUCTIONS AND GUIDELINES

- *Customs OHS Hazard Instructions and Guidelines*
 - Hazardous substances*
 - Chemical hazards*
 - Firearms*
 - Manual Handling*

Chief Executive Instruction

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- Number 4.12 refers to the use of Mobile Telephones
- Number 5.5 refers to the use of Commonwealth Vehicles

Occupational Health and Safety Act 1991

- Section 68 states the reporting timeframes for notifiable workplace incidents

Occupational Health and Safety (Safety Standards) Regulations 1994

- Regulation 37A relates to notifiable workplace incidents

Customs Act 1901

- Section 30 refers to Customs control of goods
- Section 33 refers to persons not to move goods subject to the control of Customs
- Section 50, 51 and 51A relate to prohibited imports including certain controlled substances
- Section 112 and 112A relate to prohibited exports including certain controlled substances
- Section 186 relates to the general powers of examination of goods subject to Customs control
- Section 186A relates to the power of officers to take copies of documents examined under s.186
- Section 229 relates to forfeited goods
- Section 233BAA refers to Tier 1 goods
- Section 233BAB refers to Tier 2 goods

Customs Regulations 1926

- Regulation 179AA and Schedule 1AA relate to Tier 1 and Tier 2 goods

Customs (Prohibited Imports) Regulations 1956

Customs (Prohibited Exports) Regulations 1958

CONSULTATION

INTERNAL

The following internal stakeholders have been consulted in the development of these Instructions and Guidelines.

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CARGO BRANCH
INVESTIGATIONS BRANCH

PARTNER AGENCIES

Approval

Approved on 4 September 2008 by:

Approving Officer

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National Director Cargo

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