

## Note taking and the use of your official notebook.



Note taking is the practice of taking down information from different sources. Writing down information frees the mind from having to recall from memory conversations that were spoken.

Depending on the information you are recording you will need to determine the relevant details that need to be captured. When recording notes use an accountable official notebook so that you can take notes that are formatted consistently and organised for later reference.

### **The purpose of a notebook**

Notebooks are used to assist investigators adhere to legislation, policies and procedures required for recording evidence. Evidence must be recorded in cases where a person obtains materials or observes something that would be relevant to your investigation.

A notebook is an important reference for investigations that span over a long period of time. The notes can be used to record evidence regarding what was seen, found, heard, or done at the time of the incident.

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## Using Official Notebooks

As an investigator you can use a notebook to record evidence in your original handwriting and thoughts anytime that you deem it relevant.

This type of notetaking is referred to as contemporaneous notes. These are notes that are written during an event or immediately after it. If notes are not recorded immediately, they are not considered contemporaneous and may be excluded from any judicial proceedings, if at a later stage you try to use the evidence from your notebook to refresh your memory.

## Contents of a notebook

It is important to remember that pages in an official notebook should not be left blank or removed for any reason. All the entries completed in the notebook must be done in ink and include the date, time, and location of the events.

Any blank pages left in the notebook at the end of an entry must be ruled through. Use a single line to make deletions. You should also initial and date the deletion.

Other important issues to remember about deletions include:

- Blank spaces and empty lines should not be left in between words.
- Correction fluids or any other erasing mechanism should not be used when deleting entries in an official notebook.

## Diagrams

You may wish to draw diagrams in your notebook. This can be helpful when recalling the location of events or the layout of a room where an incident occurred. These diagrams can be used in judicial proceedings in concert with your witness statement. Ensure that when using diagrams these can be understood later. Use as much space within your notebook as possible when recording diagrams.

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## Reasons for requirements of note taking for official purposes.

Note-taking is important for various reasons. Some reasons include-

- If an investigation continues over the course of numerous months, notes will assist to recall detail over the span of the investigation.
- Notes are critical if interviewing witnesses. This is generally completed before formal statements; these notes may be used to contrast and compare what you were told. Therefore, detail is important.
- Notes taken from a scene can help clarify details upon reflection.

When recording notes avoid using slang words or jargon. Instead use clear and concise language that can be easily understood. When you are investigating an incident, if possible, ensure you are recording your notes in a **chronological manner**.

Any case management recording should be reflected from details obtained in your notebook. As a result, your notebook entries need to contain detail. You should describe every relevant action you take during an investigation.

## Retaining and securing notes.

Organisations need to use their discretion when it comes to destroying documents including your notes. Notes might be needed later for record-keeping and evidence purposes. The notes should be kept:

- Length of the time as required by legislation/regulations.
- Retained for the time in which notes may be required.

## Using notes to submit statements.

During judicial proceedings notes can be referred to, in addition, notes are used to create your statements. Your statement will contain what you did during the investigation including any conversation you engaged in. This conversation should be

recorded either during the time or shortly after. Conversation should be recorded in first person. Such as I said 'You need to go to the bathroom to wash your hands'. He said 'Okay, I'll do that now'. I said 'When you finish that, please come, and sit down'. He said 'Yes, okay'.

Most relevant witnesses, including investigators are required to prepare a statement. This statement serves to refresh their memory of the information regarding their testimony. An example of this is when a doctor is asked to give evidence of an assault. The doctor can use notes from those visits to refresh his memory of the injuries suffered. The notes can also help make sure that no details are left out or added for embellishment. Witnesses can be allowed to refer to contemporaneous notes or prepared statements during court proceedings if notes are recorded shortly after the occurrence.

This is why it is so important that you make sure your notes are detailed, accurate and made shortly after the occurrence, so that you can use them to recall identified information without having to rely on your own memory. Your own memory can become faulty as time passes so having notes will help refresh your memory and make sure you give factual based answers during your testimony.

### **Producing the notes used to refresh the memory.**

Any notes that are used in court to refresh a witness' memory should be made available to all the involved parties. This is done well in advance of any judicial proceeding and generally will form part of the of the brief of evidence.

When submitting your statement ensure that you cross reference the contents of the notes so that the information within your statement is consistent. If evidence clashes, that is it contradict your notes, you will be required to explain the same.

A statement is defined as written evidence. This evidence can be used by a witness to make various assertions. A statement can be made by:

- An expert who has knowledge that is relevant to a case.
- A witness.
- A victim.
- A respondent or defendant.
- An applicant or plaintiff.

There are certain circumstances during investigations that determine whether a statement is needed. If you are unsure whether a statement is required, seek the advice of your manager or Legal officer within your organisation.

## **Investigators Statement.**

### **Construct of a statement**

Your statement should include the following-

- Heading
- body

### **Heading**

The heading should describe the reason for the statement. This includes your name, address, occupation of the individual making the statement. Your statement should start with the relevant jurat. This jurat ensures that your statement will be admissible and complies with relevant legislation. This will vary depending on your state of residence, any authorities or expertise you have.

### **Body**

The body of your statement should be made in numbered paragraphs. The paragraphs should describe the evidence in chronological order. Ensure you include what you did, saw, heard,

touched. During the submission of your statement, you will need to ensure that it doesn't contain hearsay. Hearsay will be discussed in your legal session.

## Attaching documents

If there are documents that support the evidence detailed in the statement you should attach them. This is known as an annexure. Be sure that any attachments are labelled in chronological order. For example: Annexure A, three colour images of the boundary fence taken by Investigator Smith at 10.00am Friday 28 March 2024.

## Essential Inclusions for a Comprehensive Statement

- Jurat - required by law in your relevant jurisdiction, setting out your authority.
- Name and age of maker of the statement required by law.
- Time, date, place of incident attended.
- Reference to documents used to prepare the statement eg your notebook.
- What the investigator officer saw, heard, smelt, touched.
- How/where the investigator met the victim/ witness and description of injuries.
- Conversation with the victim/witness which fits within the exception to the hearsay rule to establish person, place, or thing.
- Reference to obtaining statements from victims and witnesses.

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- Description or introduction of exhibits located (refer to annexures)
  - Attended scene and spoke to the accused, which includes how the identity was verified.
  - Physical description, clothing, injuries and demeanour of accused.
  - Caution and allegation put to the accused.
  - Questions asked of the accused (preliminary interview).
  - Exhibits, including the interview and anything else shown to the accused during the interview, for example photographs and notebook.
  - Exhibit/ continuity
  - Signature of investigator/witness and date.