

Guidance on Use of the Official Bailiff Notebook

1. General

When any bailiff is issued with, and required to use, a notebook in connection with their day to day activities, it forms part of the official documentation of the employer and as such the officer has to comply with certain rules as to its use. These have general application but may have local variations.

Notebooks should be individually numbered and signed for by the persons to whom they are issued. When a notebook is full and is no longer required it should be returned to the issuing body and the fact recorded in the current notebook held by the bailiff.

2. Offence Report forms

If special forms are provided to be issued in cases where persons have committed some offence, or in connection with the non-production of written authority to fish these should not be regarded as a substitute for a notebook but as an integral part of the recording process and used in conjunction with any notebook entry.

3. Recorded Information

An accurate record of a bailiff's day-to-day observations and activities is required by many employers and the prime source from which the relevant information can be obtained is a well kept notebook. The notebook is also the principal source of reference for making a report or giving evidence in court - when the only notes allowed to be referred to by a witness are those made at the time of the incident or as soon after as practical.

Notes correctly entered in a notebook should be more comprehensive than the basic information contained in an offence report form and enable a witness, when giving evidence, to supplement the information contained in the offence report form and to refresh his memory as to events preceding and following the incident which may be a vital point at issue in the prosecution.

4. When to use a notebook

A person who carries out part of their duties indoors should not be expected to record everything that happens to them during this time - it should be sufficient at the commencement to simply enter the date, time commenced and the location. However, other matters relating to possible legal action such as relevant telephone calls made and received, together with the time, should also be noted. At the end of the duty a simple record to the effect that they were "Off duty" at a specified time will suffice.

The notebook comes into its own where the bailiff's duties take them outside, when a number of different events will occur in the course of the day. As a bailiff has no way of knowing at

the time which of the events or observations they observe or experience in the course of their duty will be of relevance later, it follows that they should get into the habit of recording as fully as possible a chronological record of activities and observations each working day.

5. Information to be recorded

The following are good examples of the type of information which should be recorded:-

- a) the day and date;
- b) the time the duty started and, later, the time it finished;
- c) the time and location of each place visited and the purpose of the visit;
- d) the time of each relevant event and action taken e.g. detecting and reporting a pollution incident;
- e) names of people met, e.g. colleagues, - some employers require this to be accompanied by the initialling of each other's notebooks;
- f) details of permit demands made and offences detected with a note on the action taken;
- g) if issued with a vehicle, the mileage reading and amount when fuel is taken ;
- h) special duties performed, e.g. attendance at court with details of the offender and any penalty imposed;
- i) water and weather conditions

Other information which may be required on a regular basis could include the numbers of permits inspected and details of river gauge readings.

With experience, and in particular in the context of report writing and the giving of evidence in court, the relevance of the type and amount of information that needs to be recorded in respect of each incident will become apparent.

Although on first sight it might appear that making entries in the notebook takes up a lot of time, in practice the actual time forms a very small part of the day's activities, and even this can be reduced if the bailiff develops their own "shorthand" and/or abbreviations.

The benefit that can accrue to the bailiff from keeping an accurate record far outweighs any inconvenience it gives rise to. It should be realised that as a record of the bailiff's working day it can be used to justify any action he has taken, and in the past, notebook entries have helped absolve bailiffs of any wrongful allegations or complaints about their whereabouts and conduct.

6. Notebook rules

The value of a well kept notebook becomes apparent when the bailiff is required to write a report on an incident that may have occurred several days or even weeks earlier as the information it contains should enable them recall quite clearly not only the generalities of the incident but also more detailed items.

Unless the entries in the notebook are clear and unambiguous they can, in the hands of an astute lawyer, help to discredit the evidence given by the witness. To avoid this happening certain rules need to be observed when making the entries and those which were developed by, the police are a valuable guide.

These are as follows:-

- a) that the book is used to record original notes only **and under no circumstances are notes which have been made elsewhere to be copied into the book** - if such notes have been made they must be carefully preserved for later production if required;
- b) all notes entered must be made at the time of the incident, or as soon afterwards as possible, while the facts are fresh in the mind;
- c) no erasure should be made or any page torn or removed;
- d) there should be no over-writing between lines;
- e) should an error be discovered before any other words have been added it should be neatly crossed out so that the original is still visible, and the correct word written;
- f) if an error is discovered after other words have been written it should be crossed out so that the original is still visible and the letter "A" inserted over it. At the end of the record the letter "A" should be written with the correct wording following; and
- g) any omission should be dealt with as in (f) above

7. The notebook as evidence

Although a bailiff may have prepared a comprehensive report on an incident, should they be required to give evidence in court about it they would not be allowed to refer directly to the report in order to refresh their memory. Only notes made at the time of an incident or as soon after as is practicable may be referred to - and these notes should be in the notebook - hence it is only the notebook (and/or an offence report form) that can be used for this purpose.

Should it be necessary to refer to the notebook in court one should only do so with the permission of the Court, and if this permission is granted it means that the notebook becomes part of the evidence and as such may be inspected by the defence.

(To prevent other details in the notebook being examined by the defence all the pages immediately before and after the relevant ones being used to refresh the memory should be secured by elastic bands).

8. Making the entries (See example at Appendix 1)

In addition to the rules shown above there are others relating to the content of the entries that should be observed:

- a) write the day and date at the start of each day;
- b) note the time when each entry is made; the use of the twenty-four hour clock is preferred;
- c) entries must be legible and accurate;
- d) when an entry finishes part way along a line insert a dash to prevent further or later entries being made in the unused space;
- e) whenever a person is cautioned for a suspected offence make a note to this effect - this can be simply the letter "C";
- f) abbreviations are permissible provided that they are standard to the individual, e.g. lt. = left, rt. = right, U/S = upstream, D/S = downstream, C.= caution issued, etc. In time most people develop their own personal set of abbreviations:
- g) the actual words used should be written as quotes in inverted commas;
- h) names, addresses and words with difficult or ambiguous spelling should be written in capital letters;
- i) the important details relating to an offence such as the name, address, age and occupation of an offender, and anything said by them can be written down first while in their presence. A narrative relating to other facts, including the role of the bailiff, a description of the offender, etc. can be written immediately after leaving them and before any other entries are made;

- j) if a person wishes to make a short statement it can be recorded directly into the notebook which they are then asked to sign or initial indicating that it is correct.
- k) if two bailiffs are present during an interview one can conduct the interview while the other records the details. At the end of the interview the interviewer should sign the record made by his colleague. In court both bailiffs can refer to the one record as it was made at the time of the interview in the presence of both.

A notebook completed in accordance with these rules will give rise to little adverse comment if examined in court as it will be evident that no attempt has been made to hide or distort any matter.

Appendix 1: Specimen Notebook Entry

Wed.7 Feb

0800 On Duty. Mobile to lower river for FP(1) RtB(2) Sandy Beds--

0820 Saw poacher XXXXX in grey Citroen, Reg XXX XXX. Pass on to--
Insp. No other persons onboard.-----"-"-----

0840 Arrived Sandy Beds. Parked vehicle out of sight. No fresh marks
in to field. FP to Burn Bridge.-----

910 Sighted rod on Lt/B opposite Dog Hole. Took up Obs.(3)- - ----

0930 Rod fishing fairly. Resumed FP.- -----

1000 Met dog walker on f/p (4) He reported he'd seen 2 men in camo
clothing below Burn Bridge the prev day. Thought they were--
bailiffs but seemed a little strange. (Check with Insp for other--
bailiffs movements. Poss Obs for tomorrow if water drops).---

1015 Two persons sighted 500yds down from Coffee Rock. One fishing
the other sitting back. Appeared suspicious so quiet approach.-

1025 App, ID, Warr, (5) Asked to see permit. "Didn't know I needed--
one" No fish caught. First time on river. Advised to stop fishing--
until permit obtained. Directed them to the PO to purchase--
Resumed FP. Lt/B clear to Chain Br. Returned to vehicle.- - ---

1115 In to Pol Stn to see Sgt Black. Discussed plan for Op (6) this pm.
Confirmed traffic car available. Phoned Insp to relay. Arranged--
team up for 2100.-----

1210 Checked back @ Coffee Rock. Both persons away

1240 VP(7) to H/waters. Checked @ Redscar & Boon Br's for fish.---
Water still dirty & unlampable.

1405 Met shepherd at top of Fell's Crag. Reported he had not seen
any strange vehc on the road but that there had been a lot of fish pass

over the ford in the last few days. Checked it. Nothing vis (8) - - -

1520 RTB. Off Duty. Prep for night Pat.- -----

- (1) Foot Patrol.
- (2) Right Bank.
- (3) Observations.
- (4) Footpath.
- (5) Approached, identified & Produced Warrant Card.
- (6) Operation.
- (7) Vehicle Patrol.
- (8) Visible.
- (9) Return to Base.