Government of Canada

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Audit of notetaking

Internal Audit and Program Evaluation Directorate
September 2023

> **Note:** [redacted] appears where sensitive information has been removed in accordance with the *Access to Information Act* and the *Privacy Act*.

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Introduction

1. Notetaking is fundamental to a Canada Border Services Agency (CBSA) officer's work and is conducted by Officers across the agency, in various forms depending on the operational area in which they work. This includes Border Services Officers (BSOs) working at a Port of Entry (POE), including commercial and postal operations, as well as those who work inland, including intelligence officers, investigators, removals officers. It is the policy of the CBSA that officers are required to take fulsome notes to document the activities they perform while on duty, including any incidents, occurrences, enforcement actions, or notable observations. The CBSA notetaking policy outlines a list of notable events that would require notetaking [1].

2. CBSA officers can be involved in administrative or legal proceedings, which may require appearances in court or before oversight bodies. The success of such appearances may depend heavily upon the officer's ability to recount the circumstances immediately before, during and after a notable event occurs. Oversight bodies may include: Office of the Privacy Commissioner of Canada, Human Rights Commission and the Office of the Auditor General of Canada (OAG) [2].

3. Regional management (including superintendents, chiefs, District Directors and Regional Directors General (RDGs)) have oversight responsibilities outlined in the policy that include the conduct, tracking, monitoring and reporting of notebook reviews. As well, they are responsible for providing a secure location for the storage of CBSA notebooks and tracking and retaining notebooks that are in-use or turned-in per the policy. CBSA National Headquarters (NHQ) – Travellers Branch

(TB) is responsible for developing notetaking-related policy, providing guidance, monitoring national performance related to notebook reviews and regional compliance, and ensuring compliance with the policy and its procedures.

4. In December 2020, part 8, chapter 1 of the CBSA Enforcement Manual, Notebooks and Notetaking by Officers at Ports of Entry, was updated from the previous version of this policy dated April 2008. This update included clarified notetaking requirements, new accountability measures, and improvements to notebook tracking.

Significance of the audit

5. Officers' notes serve to refresh memory, record actions taken, justify decisions made, provide evidence and lend support for any investigation and subsequent proceedings. Well-documented notebook entries lend credibility to testimony and can substantiate information years after the original entry was made [1].

6. Previous audits and evaluations have found significant instances of non-compliance with the notetaking policy requirements, issues related to sufficiency of oversight over notetaking and accessibility of notebooks. They also noted inconsistencies in notetaking by officers [3].

7. The CBSA's Operational Program Assessment (OPA) function (formally the Port Program Assessment (PPA)) has identified some notetaking related risks over the past ten years, such as: officers not documenting all activities they perform in their notebook while on duty (including all incidents, occurrences, enforcement actions or notable observations made), and the inconsistencies in the control of notebooks (including accessibility and retention of notebooks) [4].

8. Given the importance of this subject and recommendations raised in recent years, this audit was approved as part of the 2022 to 2023 Risk-Based Audit and Evaluation Plan.

9. The objective of this audit was to assess the effectiveness of oversight activities to confirm and support the sufficiency of notetaking by officers at Ports of Entry, and the agency's compliance with policy for tracking, storage and retention of officer notebooks.

10. The scope period of the audit: June 1, 2021 to May 31, 2023.

11. The scope of the audit included:

- notetaking done by officers at a POE:
    - scope limitation: the focus was on notes taken in notebooks (BSF556), per the CBSA Enforcement Manual Part 8 Chapter 1; however, the audit team's root cause identification and lessons learned encompass all forms of notes taken at the POE, including those in systems
- tracking, storage and retention of officer notebooks (BSF556) per policy

Refer to Appendix A for further details on the lines of enquiry and criteria used in this engagement.

12. The scope excluded the following:

- review of formal training materials that directly or indirectly cover notetaking
- assessing notetaking and oversight around the notes specific to examination of digital devices

13. The team employed the following audit methodology:

- reviewed 250+ supporting documents (gathered throughout planning and examination phases of audit)

- interviews with 120+ key stakeholders (held throughout planning and examination phases of audit)
  - 85 regional stakeholders
    - 20 BSOs
    - 20 Superintendents
    - 15 Chiefs
    - 30 Regional Management (including RDGs)
  - 37 NHQ stakeholders
- site visits in 3 regions and 9 POEs to discuss notetaking and observe notebook handling processes
- analysis of a sample of completed notebook review checklists and stored notebooks
- held facilitated officer feedback sessions with each region virtually to obtain feedback from the frontline perspective (refer to Appendix D for more details on facilitated sessions)
- conducted a Root Cause Identification and Analysis exercise, leveraging information gathered from the above mentioned sources (refer to Appendix C for more details on factors impacting notetaking)

14. To support this work, the audit team selected the following samples:

- 12 POEs for analysis of oversight activities
- 7 POEs for analysis of storage and retention activities

The samples were used to identify contacts for interviews and visits, as well as obtain documents from specific sites for analysis and review.

The sample was selected judgementally to ensure coverage of all regions and a variety of perspectives/input (that is high vs. low volumes, different streams and modes, etc.).

Statement of conformance

15. This audit engagement conforms to related Treasury Board's Policy and Directive on Internal Audit and the Institute of Internal Auditors' (IIA) International Professional Practices Framework (IPPF). Sufficient and appropriate evidence was gathered through various procedures to provide an audit level of assurance. The agency's internal audit function is independent and internal auditors performed their work with objectivity as defined by the IIA's International Standards for the Professional Practice of Internal Auditing.

Audit opinion

16. The TB has developed and maintained a notetaking policy that has had a positive impact on notetaking practices and storage and safeguarding of notebooks. Further work is required to ensure key stakeholders are held accountable for their responsibilities and that the notetaking policy is easily accessible and applicable throughout the agency, in all operational areas. Opportunities also exist to improve the process of storage and retention practices and to ensure notebooks are properly tracked throughout its lifecycle.

17. There are many root causes that contribute to improper notetaking, such as a lack of individual awareness of the importance of notetaking, the environment in which an officer is working, the type of influence exerted by colleagues or superiors and clarity of expectations. More effort will be needed to address the root causes of the issues and improve the quality of notes.

Key findings

18. Roles and responsibilities related to notetaking oversight, as well as the storage and retention of notebooks, were clearly outlined in the notetaking policy. In the absence of well defined accountabilities, some roles and responsibilities were not being fully executed at most levels.

19. There are numerous program areas and various notable events with specific notetaking requirements that can be found in different policies or guidelines. Some of these specific policies or requirements were referenced (either listed or hyperlinked) in the notetaking policy, but the list was not complete and some policies were outdated.

20. The biannual review of notebooks encouraged good foundational notetaking practices, basic awareness and helped officers improve their notes. Due to inherent limitations of this checklist, it may not be the best method of validating the sufficiency of notes.

21. Biannual reviews were conducted and the results were tracked at most POEs. The roll-up and feedback of the results from biannual reviews to the regional level was limited in most regions and did not occur at the national level despite being required by policy.

22. Ad-hoc compliance checks ("spot checks") were rarely conducted as a mechanism to perform oversight over notebooks and were not risk-based.

23. Several factors were identified by key stakeholders during the audit's examination as root causes that impeded proper notetaking. Limited awareness of the importance of notetaking was identified as one of the major factors hindering the implementation of good notetaking practices.

24. Changes in guidelines and responsibilities in the updated notetaking policy have had a positive impact on storage and safeguarding of notebooks. In general, POEs were in transition to making officer notebooks

more accessible to CBSA management. The approach towards tracking issued and retained notebooks varied. Most ports of entry were still in the process of formalizing their notebook retention processes.

Summary of recommendations

25. The audit makes two recommendations:

1. Fulfill regional and Headquarters (HQ) oversight expectations of the notetaking policy by ensuring regional compliance is assessed. Also, further review the root causes for non-compliance with notetaking policy and implement appropriate measures.
2. Update the notetaking policy to facilitate accessibility of program specific notetaking requirements and application of spot checks. In addition, ensure that the biannual review checklist (BSF858) is updated based on feedback from POEs and a standardized tracker is created to manage the lifecycle of notebooks.

Management response

The TB welcomes the results of the notetaking audit and accepts all recommendations made.

In 2020, the CBSA revised its notetaking policy to address a number of gaps in the former policy. The audit found that the revised notetaking policy had a positive impact on notetaking practices, however, instances continue to be observed where frontline officers are not taking complete, detailed and accurate notes. The audit identified opportunities in the areas of education and awareness as well as enhanced compliance monitoring and reporting in regions and HQ and updates to forms and notebook controls.

From the program's perspective and confirmed via this audit, the non-compliance with policy is rooted in two factors, notetaking culture and officer awareness of policy requirements. Increasing oversight measures and educating officers from initial recruitment and throughout their careers will help achieve sustainable change in behaviour and demonstrate to officers why notetaking is critically important and the impacts and outcomes of non-compliance.

BSOs are the first line of defence for Canada, and on a daily basis they interdict illegal goods (that is, child pornography, fentanyl/opioids, prohibited firearms, etc.), dangerous offenders (that is, impaired drivers, pedophiles, etc.) and persons involved in serious criminal activity (that is, drug smugglers, human traffickers, etc.). In many cases, the BSO's notes not only support actions taken by the officer, but are also the beginning of the chain of evidence that will ultimately lead to charges and either a conviction or an acquittal. Poor notes can impact cases in different ways: they can prevent a prosecutor from laying charges, can discredit officer testimony in court or can lead to failure of the prosecution.

To better understand the magnitude of the issue and impact to the agency, TB will introduce a mechanism for the regions to document and analyze the impacts of notetaking on litigation and court proceedings. Through this type of review, management will know how officers are performing in court which would include whether their notes were sufficient and to identify specific issues that may be impacting successful outcomes.

TB will undertake a benchmarking exercise with some law enforcement partners to determine what best practices exist that can be further incorporated into CBSA practices. This review could include how technology enhancements may improve notetaking practices along with improved oversight and reporting mechanisms. The agency will review its program-

specific notetaking requirements for all three business service lines to identify ways to streamline communication of notetaking guidance and policy requirements to the frontline (for example, cross-referencing program-specific requirements in the notetaking policy).

Notetaking is a critical component to the agency's operations and supports activities carried out well beyond the event which warranted officer notes. Comprehensive notes support other law enforcement actions performed by our Public Safety partners and bolsters the credibility of our agency as part of the law enforcement community.

Audit findings

The audit resulted in the findings below.

Oversight and monitoring of notetaking

This section is divided into four subsections.

- Roles, responsibilities and accountabilities
- Oversight and monitoring compliance
- Sufficiency of current oversight
- Factors impacting notetaking

Roles, responsibilities and accountabilities

26. Roles and responsibilities define what stakeholders should do to perform their assigned duties. Accountability is the means that ensures responsibilities are being executed and stakeholders are answerable for their actions.

27. The audit assessed whether roles, responsibilities and accountabilities for the oversight of notetaking were clear and occurring at appropriate levels per policy requirements.

28. The following graphic outlines the oversight responsibilities as described in the notetaking policy.

Figure 1: Oversight responsibilities in the notetaking policy

▶ Text description
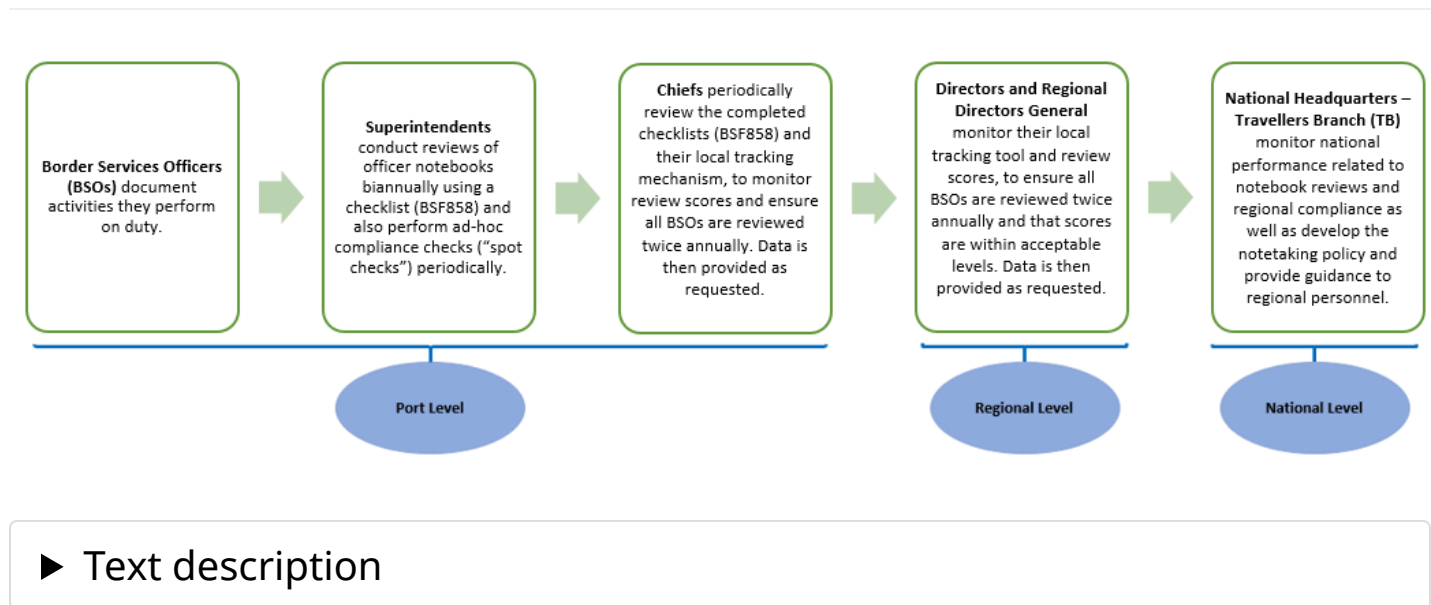
29. Roles and responsibilities were clearly outlined in the notetaking policy. In the absence of well defined accountabilities, some roles and responsibilities were not being fully executed at most levels (such as: reviewing oversight results / monitoring performance and ensuring compliance with the notetaking policy).

The notetaking policy states that stakeholders (that is chiefs, directors and RDGs) are responsible for providing data related to notebook reviews and port compliance as requested. The policy also states that it is the responsibility of TB to monitor national performance related to notebook reviews, ensure regional compliance and provide guidance. TB was not

requesting this data nor providing feedback in order to confirm or reinforce that stakeholders were properly fulfilling their oversight responsibilities per policy.

The level of awareness of responsibilities per the notetaking policy varied. Those further removed from port of entry operations seemed less aware of their specific responsibilities related to notetaking oversight.

30. The notetaking policy is developed and maintained by NHQ – TB. The principles contained in the policy apply generally across the agency, in all operational areas. There are also program areas with specialized functions with additional notetaking requirements, which were not included as part of the policy. Some of these specific policies or requirements were referenced (either listed or hyperlinked) in the notetaking policy. However, the list was incomplete, not easily accessible and some policies were outdated.

The agency would benefit from all program areas confirming their notetaking-related guidance, where required. Incorporating or linking additional notetaking requirements for all specialized functions and operational areas in one policy would ensure the agency has a one-stop policy solution for notebooks and notetaking that applies throughout the agency, in all operational areas.

31. Risk and impact:

🛇 Risk
There may be a lack of accountabilities in place to confirm or ensure that responsibilities are being executed.

❯ Impact
If stakeholders are not held accountable for their responsibilities per policy, the agency will not have the sufficient oversight in place to confirm compliance with the policy and improve notetaking practices.

Refer to <u>Recommendation 1</u>.

Oversight and monitoring compliance

32. Performing oversight and monitoring compliance with policy provides insight into whether notetaking practices are meeting program requirements and expectations. It also fosters learning through highlighting good or bad practices and raises awareness which can lead to positive change in behaviours and culture.

33. As per the notetaking policy, the main notetaking oversight and monitoring mechanisms are formal biannual reviews, and ad-hoc compliance checks (spot checks). Results of oversight activities are to be reviewed by regional management and NHQ – TB.

34. The audit tested a sample of biannual review checklists (BSF858) to determine if the oversight of notebooks were being conducted and also assessed if the results were being rolled up from the POEs up to NHQ. The process of conducting ad-hoc compliance checks was also reviewed.

35. Oversight requirements per policy:

- **Biannual reviews** should occur six months apart, as practicable, to ensure officers have an opportunity to respond to any areas requiring improvement.
  - **Superintendents** review a minimum of three (3) notebook entries at each biannual review, at least one (1) of which must involve a notable event [5], if available. Completed Officer Notebook Review Checklists (BSF858) are kept in the officer's personnel file.
  - **Chiefs, Directors and RDGs** review the results to ensure notebooks are reviewed twice a year and that officer scores are within acceptable levels. **NHQ – TB** monitors national performance related to notebook reviews and regional compliance.

- **Spot checks** should include a cursory scan of an officer's notebook to ensure an officer is following the notebook and notetaking policy and procedures. Spot checks can be used to quickly identify areas for improvement outside of the formal biannual review process.
  - Spot checks do not need to be tracked in the port of entry's local notebook tracking tool. When a superintendent conducts a spot check of an officer's notebook, the superintendent is to date and initial the notebook entries reviewed.

36. The biannual review of notebooks (using the BSF858) was conducted, in some form, by all regions:

- 11/12 POEs in our sample were conducting the biannual review
- testing identified common inconsistencies/errors in approximately 58% of all biannual checklists that were reviewed (that is, not documenting the dates of entries reviewed, missing signatures, etc.)
- testing identified inconsistencies in the retention of checklists (that is, in some cases, completed checklists couldn't be located to support our testing, or results were entered directly in the tracker)

37. Roll-up of oversight results to the district and/or regional level was done inconsistently and to a limited extent in most regions.

Testing demonstrated that roll-up was being done at a regional level in the Pacific Region and the Northern Ontario Region including analytics, comparison of results between multiple periods and communicating any gaps.

38. Roll-up of oversight results and monitoring of national performance related to notebook reviews and regional compliance were not completed by NHQ – TB.

The policy defines responsibility to monitor the results of the notebook oversight. Monitoring was not prioritized by NHQ – TB and the oversight accountabilities were not fulfilled.

39. Ad-hoc compliance checks (spot checks) were not common practice. As per the notetaking policy, spot checks do not need to be tracked [6]. Therefore, it would be challenging to confirm compliance, even if Superintendents had attested to doing them.

40. Risk and impact:

❶ Risk

Oversight and monitoring may not be occurring in compliance with policy.

❯ Impact

POE management, regional management, and supporting HQ programs may not have insight into whether notetaking practices are meeting policy expectations and cannot take corrective actions.

Refer to Recommendation 2.

Sufficiency of current oversight

41. Oversight practices contribute to the improvement of the notetaking process by identifying and sharing gaps and best practices. The principles of notetaking contained in the policy apply throughout the agency, in all operational areas (refer to examples listed below). The manner in which notes are recorded may vary depending upon the specific environment in which an officer is working, where there may be specialized functions with additional notetaking requirements. While officers in specialized areas may refer to the principles in the notetaking policy, they must follow the policies associated to their role. Other considerations could impact notetaking such as port size, volume, schedule and time of the year.

42. The audit assessed whether current oversight and monitoring can be relied on to confirm proper notetaking and the sufficiency of notes.

Examples of operational areas:

Modes
- Air
- Highway
- Rail
- Marine
- Postal

Streams
- Commercial
- Traveller
- Immigration
- Enforcement

43. The audit conducted interviews with frontline officers to gain their perspective on the sufficiency of oversight from their experience. Overall, no concerns were raised by most of the interviewees about the degree of current oversight. The result of facilitated officer feedback sessions indicated that most officers expressed that current oversight has helped improve notetaking practices.

44. Feedback from frontline officers on the oversight they currently experience:

- What degree of oversight over your notetaking do you experience? [select one]

  (Based on 74 responses from frontline officers.)

  ○ Enough: 45%

  ○ Not enough: 39%

  ○ Too much: 16%

- Which of the following do you feel about current oversight? [select any that resonate]

  (Based on 100 responses from frontline officers.)

  - It helps remind me to take notes: 31%
  - It helps me to improve my notetaking: 21%
  - I don't see the value in it: 16%
  - It is not helpful at all: 13%
  - I learn about good notetaking practices: 11%
  - it takes too much time: 8%

Officers were taking more notes/using up more notebooks as a result of the new policy/notebook reviews.

Many officers and superintendents expressed concern that excessive oversight could foster a perceived lack-of-trust between officers and management and/or discourage notetaking.

> — from feedback/sentiments gathered through interviews and group sessions

Refer to Appendix D for details on facilitated sessions with frontline officers.

Sufficiency of biannual reviews

45. The biannual review, using the checklist (BSF858), encouraged good foundational notetaking practices and basic awareness.

46. There was inconsistency in how the checklist (BSF858) was completed, either due to unclear expectations or a misinterpretation of the guidance or policy.

There was no option to adapt the questions to specific operational environments, as needed.

Where checklist questions did not apply or an example couldn't be found, some reviewers treated it as a "No" [implying not met], some as "N/A" [not an option on the checklist], and others as "Yes" [implying met] even if they didn't meet the condition.

The current biannual review was designed to confirm the quality of existing notes. However, it could not confirm that officers are taking notes in all necessary instances or significant events. It may not be the best method of validating that notes contain all necessary/pertinent information or demonstrate compliance with specific policies (for example, specific notetaking requirements for Digital Device Examinations). This would require alternate methods of oversight beyond the notetaking policy to address these gaps.

47. The agency cannot substantiate that notes are sufficient from an overall perspective without reviewing notes in their specific context. The broad approach of the checklist did not allow for this nuance; it would require more explicit program area oversight and involvement with notetaking such as providing specific guidance to frontline staff reviewing the notes to assess sufficiency (for example, the current process around review of Digital Device Examinations related notes).

48. Refer to Appendix B for feedback on specific elements of the biannual review checklist.

Refer to Recommendation 2.

Sufficiency of ad-hoc compliance checks (spot checks)

49. In addition to biannual reviews, superintendents are responsible for conducting spot checks through a cursory scan of an officer's notebook to ensure that notetaking policy and procedures are followed.

50. The audit found that the policy did not promote "risk-based" spot checks of notes that focus on specific risks identified by the agency (higher risk events such as seizure and arrest) and program areas.

Some POEs attested to having some additional oversight activities around notes/notetaking related to significant enforcement actions including a cursory scan or review of officers notes.

A lack of risk-based spot checks may prevent the agency from confirming the sufficiency of notes and identifying areas for improvement in order to increase the overall likelihood of proper notetaking.

51. Risk and impact:

❶ Risk

Gaps in the sufficiency of notes or notetaking practices may not be identified or quantified through current oversight practices (including biannual reviews and spot checks).

❯ Impact

The agency cannot address, correct, and improve notetaking processes and quality of notes.

Refer to Recommendation 2.

Factors impacting notetaking

52. The agency expects that officers exercise proper notetaking practices and take sufficient notes. Understanding factors impacting notetaking practices is the first step in determining why officers' notetaking practices may not produce notes that can be relied upon. According to the notetaking policy, an officer's notes must follow specific requirements during the course of their daily shift (refer to example below).

53. The audit assessed factors impacting officers exercising proper notetaking practices and taking sufficient notes. Through interviews, group discussions and audit testing, the audit team gathered and assessed feedback on impediments to proper notetaking.

Daily notetaking structure:

- as per the policy, there are specific requirements for start of shift, during shift, and end of shift notetaking
- notes are required for any incidents, occurrences, enforcement actions, or notable observations, including but not limited to 22 notable events listed in the policy

General notetaking requirements:

- per policy, officers should ensure the following in all notetaking:
  - be clear, concise, legible, understandable, accurate, complete, and sequential
  - be factual, unbiased, and provide an account of the events officers have witnessed or participated in, as well as any decisions made by officers
  - thoroughly describe the details of the occurrence and answer: who, what, when, where, why and how
  - contain professional language, unless documenting verbatim comments

54. Frontline staff expressed or demonstrated a lack of clarity about:

- what needs to be documented and how, such as:
  - lack of clarity on application of general notetaking requirements and guidance included in the main policy vs. other policies and guidelines associated with specialized functions
- where information should be notated/documented, such as:

- how or when notes and narratives that are recorded in various mediums (for example, notebooks, systems, stat decks, and will say) can be relied upon as documentary evidence for investigations and court proceedings
- lack of clarity between where and/or when notes are required in a notebook, in a system or both (for example, raised by immigration and postal officers)

55. Discrepancy in the perception of the sufficiency and/or use of notes between frontline and NHQ:

- for the most part, frontline officers did not consider their notes to be lacking; however, feedback from senior management, program areas, previous audits and reviews had highlighted concerns with insufficient notes
- some officers felt that notes are solely a personal tool to help refresh their memory, rather than providing support to the agency in the form of a record of actions taken to provide evidence, and a justification of decisions made

56. Overall throughout the agency, there was no evidence that reocurring notetaking concerns were documented and analyzed for trends in order to identify and address gaps (excluding analysis of results regarding biannual reviews in a few regions and review of Digital Device Examinations notes).

The lack of quantification/tracking of notetaking gaps limits the agency's understanding of the extent of the issues surrounding improper notetaking.

Tracking would identify areas where there are gaps in current guidance/processes and subsequently guide improvements. For example, two regions collected and consolidated data from their districts to analyze

trends, identify gaps and determine recommendations which led to an action plan.

57. Interviews indicated that notetaking related gaps such as quality and consistency of notes are often communicated to program areas only after cases go to court.

58. Lack of awareness was often identified during audit interviews and discussions as a factor impacting notetaking. Many stakeholders expressed a desire for increased awareness around proper notetaking practices and what holds up in court or is required for internal/external investigations.

- The results of the audit's root cause analysis also highlighted a "lack of awareness" as a major factor contributing to the insufficiency of notes
- Stakeholders felt that buy-in for notetaking can be improved through better overall awareness of the "so-what?"/"why?"

59. Some of the reasons why a lack of awareness can hinder good notetaking practices are as follows:

- officers may never have experienced the impact of insufficient notes (for example, if they are called to testify in court or provide evidence long after an incident has occurred)
- officers may be less likely to prioritize notes if notetaking is not encouraged by POE management or colleagues
- officers may not realize the importance of making time to document notes
- officers may not understand the implications of delaying or forgetting notetaking
- officers may not be clear on why notetaking should be prioritized
- officers may make their own judgement around perceived duplication or redundancy and limit their notetaking if rationale is not clear

60. Refer to <u>Appendix C</u> for details on root cause analysis for this finding.

61. Risk and impact:

❶ Risk

Frontline staff may experience a limited awareness of the importance of notetaking and a lack of clarity around notetaking expectations.

❯ Impact

Notetaking practices are not executed as expected/required, and notes are insufficient to meet their required purpose.

Recommendation 1

To improve the quality of officer notes, the Vice President (VP) of TB in collaboration with RDGs should:

a. fulfill regional and HQ oversight expectations of the notetaking policy by ensuring compliance is assessed at the regional level and submitted to TB for analysis and implementation of corrective measures as appropriate

b. further review the root causes for non-compliance with notetaking policy and implement appropriate measures, especially relating to increasing the level of awareness of the importance of proper notetaking

> ### Management response

The VP of TB agrees with this recommendation and will work with RDGs to ensure that TB monitors national performance related to notebook reviews, outcomes in court, regional compliance and provide guidance to regional personnel. The VP of TB will work with RDGs to address the root causes of non-compliance with the notetaking policy and increase awareness of **why** notetaking is important and **impacts** of poor notetaking.

Completion date: June 2024

Safeguarding and accessibility of notebooks

This section is divided into four subsections.

- Introduction
- Storage of in-use notebooks
- Retention of used notebooks
- Tracking of notebooks

Introduction

62. The following graphic outlines the notebook lifecycle as described in the updated notetaking policy.

Figure 2: Notebook lifecycle
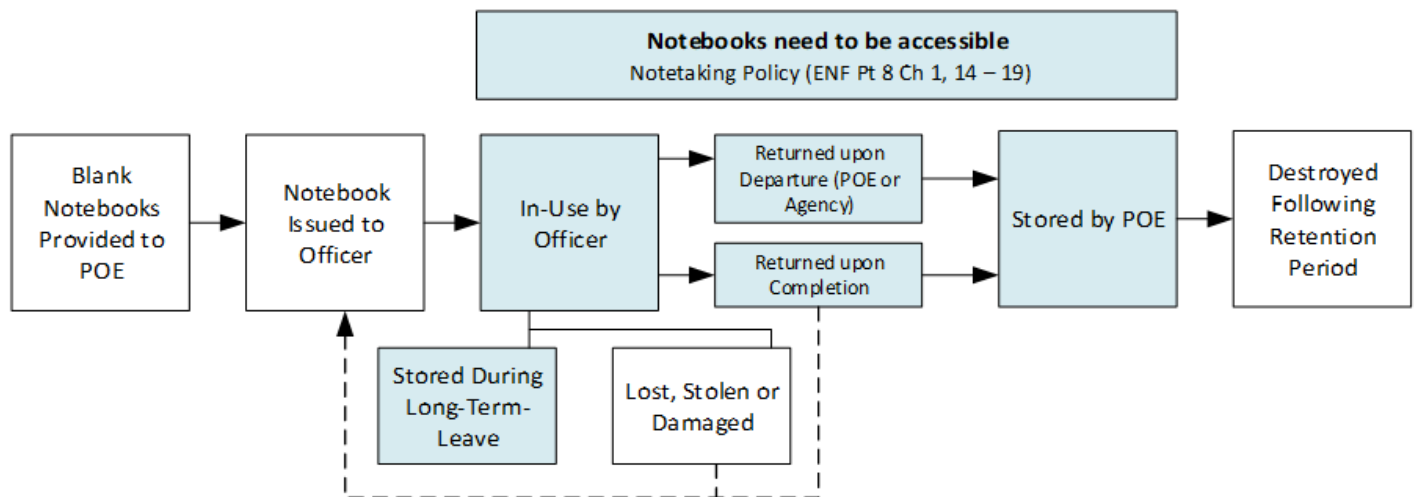
▶ Text description

Policy change and culture shift

63. When the notetaking policy was updated in 2020, guidelines and responsibilities for the storage and retention of notebooks were changed or became more explicit.

64. For in-use notebooks, the guidelines added emphasis around the accessibility of notebooks (previously only focused on secure storage).

65. For retention and long-term storage of used notebooks, responsibility transferred from the officer to the POE.

The change in storage and retention practices required a culture shift, especially for officers who were used to maintaining control of in-use and completed notebooks.

This culture shift had an impact on the rate of implementation and the associated compliance results in the following sections.

Why do notebooks need to be accessible?

66. In-use and completed notebooks need to be accessible in order to refresh officer memory, justify decisions made and provide evidence/lend support for a variety of purposes, including:

- **Legal:** To provide evidence for legal proceedings or to refresh an officer's memory of events when they are called to testify.
- **Access to Information and Privacy:** Notebooks may be requested to be included as part of an Access to Information or Privacy request that has been made.
- **Complaints:** Notebooks may be referenced to provide support when a complaint about an officer's conduct or actions has been made.

Storage of in-use notebooks

67. As per Treasury Board Secretariat Guidelines, notebooks are a controlled asset and must be stored on-site in a locked container or other container appropriate for storing Protected B information. When notebooks are stored securely on-site, per the policy requirements, they are safeguarded and can be quickly accessed when needed.

68. The audit assessed whether notebooks currently in-use are stored securely on-site, in a locked container that is accessible per the notetaking policy.

69. All POEs interviewed or visited attested to officer notebooks being accessible.

- Many POEs required storage of the in-use notebook in officer Dasco lockers (with other CBSA controlled assets such as firearms).
- Some POE environments were not setup for all officers to use Dascos for notebook storage. For example, at one POE in our sample, not all employees were armed/assigned Dascos and at other POEs there could be limited space in arming rooms.

- POE management attested that notebooks were maintained on-site (that is in Dascos or personal lockers with protective vest and duty belt). When on-site at POEs that required storage in Dascos, audit was able to access approximately 68% [27 of 40 notebooks] of notebooks selected for off-shift officers.
    - Where notebooks were not in the Dasco, the next expected place of storage was the officer's personal locker.
    - The audit did not access the contents of personal lockers. All POEs who allowed storage in the personal locker maintained that notebooks were accessible if required.
    - Given that the audit did not access the personal lockers, we could not confirm that the notebooks were in fact stored on-site.
    - Without confirming with officers if they store their in-use notebook in their Dasco or personal locker, POEs were not able to quickly identify the current location of a notebook.

70. Per interviews, POEs had processes in place to ensure access to in-use notebooks of employees on long-term leave.

- When on-site for testing, the audit team was able to access approximately 57% [8 of 14] of requested notebooks for selected employees on leave. This result was not representative (as the sample was small and limited to POEs that were visited) and it was influenced by the storage practices of each POE.
- Where the notebooks for this sample could not be found in the Dascos, there were other places that POE management mentioned they could be stored (that is personal lockers, with POE security team or administrative staff).

71. Ports did not have any concerns with lost, stolen or damaged notebooks, and mentioned very rare instances of such occurrences. A few examples that POEs provided pre-dated the implementation of the new policy.

POE staff indicated that lost, stolen or damaged notebooks would be noted in the notebook tracking tool and that a security incident form would be completed and submitted. One instance of a damaged notebook, documented in the tracker, was observed.

72. Although the POEs indicated that they do not have any major concerns about accessibility of in-use notebooks, based on previous audits and the results of our limited testing, there are indications that the process of storing in-use notebooks is still maturing.

Retention of used notebooks

73. Proper retention of used notebooks per policy ensures that notebooks are accessible when needed, and can be relied on to support officers and the agency.

74. The audit assessed whether used notebooks are collected and stored per the policy and can be accessed as needed.

75. Most POEs were still in the process of formalizing notebook retention and the approach toward retention varied. For the most part, used notebooks were stored in a secure room or cabinet with access limited to management or administrative staff.

Retention was generally handled by POE administrative staff (that is logging and storage of completed notebooks).

The return of old notebooks was not required or fully reinforced at some sampled POEs.

76. The audit was able to access approximately 88% of requested samples [44/50] while on-site.

While compliance with accessibility of retained notebooks was high (approximately 88%), several POEs that we visited mentioned that retention practices may have been put in place / improved in anticipation of our arrival. Therefore, compliance may not be as high elsewhere.

77. Management consideration:

- to improve the communication process, and encourage and monitor progress in this area
- to consider compliance checks in the future via the Operational Program Assessment function
- to consider obtaining feedback from programs/NHQ (that is if notes/notebooks are consistently unavailable) to determine if any future compliance checks are needed

Tracking of notebooks

78. As per the notetaking policy, notebooks must be tracked by ports of entry in their local tracking tools. Regions must be able to account for every notebook.

79. The audit assessed whether notebooks are tracked as per the notetaking policy [7].

80. The notetaking policy includes some general requirements for tracking notebooks. However, the policy does not provide sufficient detail on how the tracking should occur at every stage from issuance to destruction of notebooks.

81. There was wide variation in the manner that POEs were tracking issued and retained notebooks (manual/paper, electronic/excel or a mix of both). This was not done consistently for the 7 POEs that we visited and tracking did not include the complete notebook lifecycle.

82. Most POEs maintained a manual / written log to track notebooks as they were issued to officers (including officer name, date of issuance, signature of supervisor and officer). This log was often stored with the blank notebooks.

83. POEs then maintained a separate log of returned notebooks (most commonly in excel) in various formats and included varying details (such as date returned and coverage period of entries within notebook).

84. It was not common practice to document the expected retention period. Documenting the retention period was not explicitly a requirement per the notetaking policy, but would add value to the tracker and help facilitate proper information management practices. This would also be helpful where the retention period resets to the beginning if the notebook is accessed after being stored.

85. There would be value to the agency in standardizing a template for a notebook tracking tool, which would facilitate security checks and help to easily locate notebooks throughout their lifecycle.

86. Risk and impact:

❶ Risk
Improper tracking reduces visibility into the location of notebooks and whether they have been lost or stolen.

❯ Impact
Impedes the agency's ability to locate notebooks in a timely manner to support administrative or legal proceedings.

Recommendation 2

The VP of TB, in collaboration with VP of Commercial and Trade Branch (CTB), VP of Intelligence and Enforcement Branch (IEB) and the regions should update the notetaking policy and tools, to ensure:

a. program specific notetaking policy requirements are up to date and easily accessible
b. program specific responsibilities for oversight and monitoring of business-specific notetaking activities are defined
c. application of spot checks in the regions
d. the BSF858 Officer Notebook Review Checklist is updated to address gaps
e. a standardized tracker is created to manage the lifecycle of notebooks including location of in-use and retained notebooks

Management response

The VP of the TB agrees and will lead the review of the notetaking policy and tools to address gaps identified in the audit, in collaboration with the VPs of the CTB and the IEB, as well as the regions.

> **Completion date:** June 2024

Conclusion

87. Notebooks are an important source of reference for officers testifying in court. Well documented notebook entries lend credibility to testimony and can substantiate information years after the original entry was made. The agency has taken a number of steps to improve the notetaking policy including new oversight measures and enhancing the notebook storage and retention requirements.

88. While progress has been made, opportunities exist to further improve notetaking oversight and ensure accessibility and safeguarding of notebooks. Management attention is needed to ensure:

- oversight and monitoring can be relied on to confirm the sufficiency of notes and increase the overall likelihood of proper notetaking
- notebook tracking, storage and retention processes are formalized and notes are accessible as required

89. Limited awareness of the importance of notetaking and a lack of clarity around expectations are among the most significant factors impeding officer notetaking. By promoting the awareness around the importance of notetaking and clarifying expectations for officers, the agency would be in a better position to bring about a positive change in notetaking culture and increase the rate of policy compliance.

Appendix A: Review criteria

Lines of enquiry	Audit criteria
1. Oversight and monitoring of notetaking	1.1 Accountabilities for the oversight of notetaking are clear and occurring at the appropriate levels per policy requirements 1.2 Oversight and monitoring is available and supports the sufficiency of notes and is used to identify areas for improvement to increase the overall likelihood of proper notetaking
2. Safeguarding and accessibility of notebooks	2.1 Notebooks are tracked, stored and retained per policy and accessible as required

Appendix B: Feedback on biannual checklist

(BSF858)

Figure 3: Feedback on biannual checklist (BSF858)

▶ Text description

Appendix C: Factors impacting notetaking

Root cause is the most reasonably identified basic causal factor(s) which when corrected or removed will prevent (or significantly reduce) the recurrence of a situation

Root cause analysis is an objective and structured approach employed to identify the most likely underlying causes, the root cause, of a problem or undesired event within an organization.

What

To determine the root cause of why officers' notetaking practices do not produce notes that can be relied on (refer to full "effect" statement).
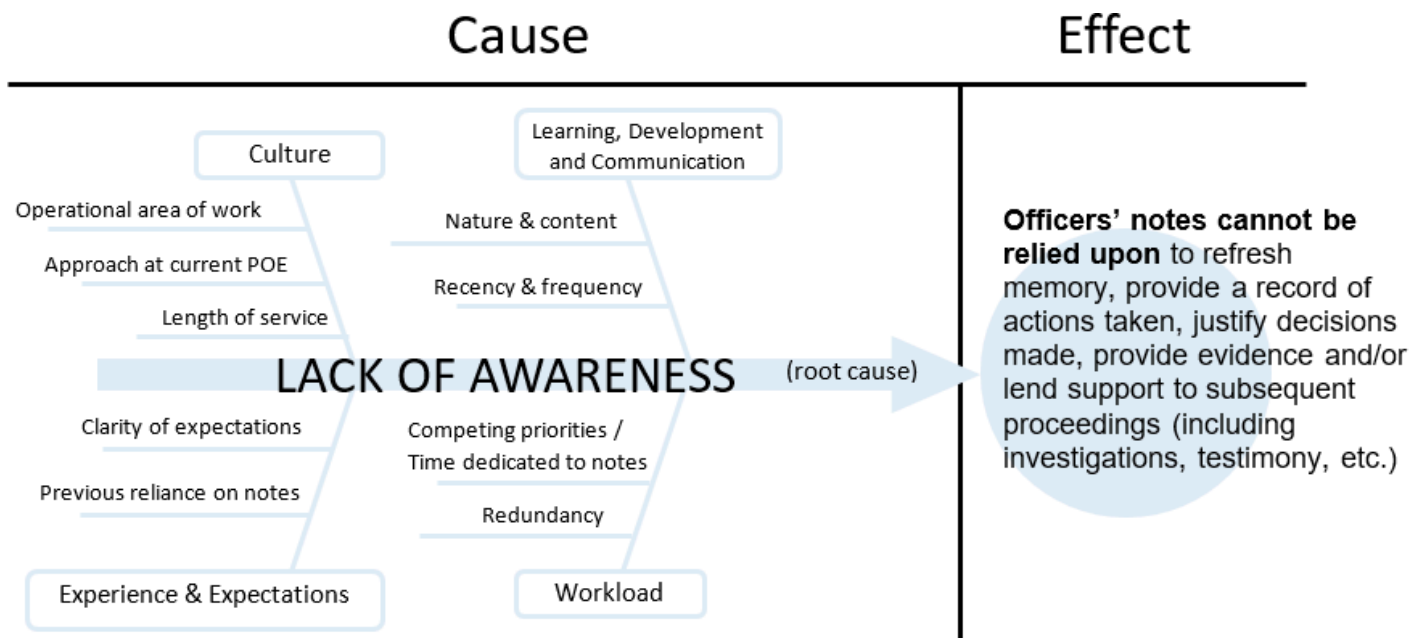
How

The audit team analyzed feedback obtained during:

- 1-on-1 interviews
- group discussions
- facilitated feedback sessions
- audit analysis

In response to the question, "what factors most impact notetaking practices?" feedback was grouped into categories and traced to the root cause using root cause analysis techniques.

Figure 4: Root cause analysis

▶ Text description

Appendix D: Facilitated Sessions

The audit team conducted facilitated sessions to gain an understanding from the BSO's perspective on what contributing factors impact their notetaking.

These were virtual group facilitated sessions conducted using Slido, which is an audience interaction platform that engages participants with live polls and questions.

The group facilitated sessions had a multiple choice component as well as a written comment component.

Number of sessions

10 (minimum 1 session per region, offered in both official languages).

Methodology

Open invitation sent to each region to be shared with frontline staff; the extent to which participation was encouraged by each region seemed to vary. Some regions pre-selected participants and shared invite directly, whereas others shared invitation broadly.

Total Respondents on Slido

98 (total number of virtual participants was greater than 98; in some locations, officers joined as a group and were given the opportunity to contribute to Slido individually or together).

Appendix E: List of acronyms

BSO
Border Services Officer

CBSA
Canada Border Services Agency

HQ

Headquarters

NHQ

National Headquarters

POE

Port of Entry

RDGs

Regional Directors General

TB

Travellers Branch

Footnotes

1   CBSA Enforcement Manual, Part 8, Chapter 1, Notebooks and Notetaking by Officers at Ports of Entry.

2   Notetaking reminder 2019 [redacted].

3   Targeted Control Audit of Temporary Resident Permit (2022), Targeted Control Audit of Examination of Digital Devices at Ports of Entry (2021), Evaluation of Contraband Enforcement in the Commercial Stream (2020), Review of determination by CBSA (2018) and Audit of Lookouts (2013).

4   Operational Program Assessment (OPA) (formally the Port
         Program Assessment (PPA)) reports that identified notetaking
         related risks include: (2013) PPA Report, (2015-A) PPA Report,
         (2016-B) PPA Report, (2017-A) PPA Report, (2017-B) PPA Report,
         (2018-A) PPA Report, (2018-B) PPA Report, (2019-A) PPA Report,
         (2020-B) OPA Report.

5   Notes are required for notable events which include any
         incidents, occurrences, enforcement actions, or notable
         observations. There are 22 examples of notable events listed in
         the notetaking policy (section 68).

6   CBSA Enforcement Manual, Part 8, Chapter 1, Notebooks and
         Notetaking by Officers at Ports of Entry (Notebook Reviews,
         Section 83).

7   CBSA Enforcement Manual, Part 8, Chapter 1, Notebooks and
         Notetaking by Officers at Ports of Entry (Physical Notebook,
         Section 22).

Date modified:

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