

Original: English

Paper reference:	Information Paper 4
Title:	Re-launching the Authorised Officer Incident Book to assist Pacific Island countries and territories (PICT's)
Author(s):	SPC and NZ MPI Te Pātuitanga (Ahumoana a kiwa)

Summary/short description/key points:

- A new initiative was launched at the last RTMCF in November 2019 to assist CFA fisheries officers, community wardens and authorised officers in their routine MCS&E work.
- The initiative revolves around an Authorised Officer Incident book that is essentially a template that guides officers through a step-by-step process to deal with minor or regulatory offending at the CFA Level.
- The incident book has been developed in a step-by-step way to guide Authorised and Community Officers through an inspection process where a minor offence has been identified. It ensures that all relevant information required *under the law* to prove the offending is correctly recorded and documented.

Recommendations:

Participants are invited to learn more about using the new incident book in their coastal fisheries and aquaculture areas by contacting:

Ian Freeman – ianf@spc.int or Jeff Dunlop - Jeff.Dunlop@mpi.govt.nz

Information paper on the MCS&E Incident Book

Background

1. A new initiative was launched at the last RTMCF in November 2019 to assist CFA fisheries officers, community wardens and authorised officers in their routine MCS&E work. The initiative revolves around an Authorised Officer Incident book that is essentially a template that guides officers through a step-by-step process to deal with minor or regulatory offending at the CFA Level.
2. The new incident book concept was well supported by members at RTMCF3 with several expressing interest in progressing its use. Unfortunately, the initiative lost momentum due to Covid_19 issues and associated travel bans so we are keen to reintroduce the incident book concept to our members. One country (Kiribati) is already using the incident book with great success and Vanuatu are using it on a trial basis.

Discussion

3. The incident book has been developed in a step-by-step way to guide Authorised and Community Officers through an inspection process where a minor offence has been identified. It ensures that all relevant information required ***under the law*** to prove the offending is correctly recorded and documented. A template of the incident book is ***attachment 1***
4. The incident book is stepped out in a logical sequence – from the initial contact where the inspection was first conducted, to identifying the offence (eg: undersize lobster), recording the required personal details of the fisher and evidence related to the offending such as noting undersize numbers and photographs, through to conducting an interview and getting the fishers explanation.
5. The proposed incident book may help fisheries officers and authorised officers deal with minor crimes. The incident book by itself may not be sufficient to support a prosecution against a larger offence unless it is accompanied by other evidence such as photographs, physical specimens, or official documents such as sales receipts. However, for minor regulatory offences such as a fish vendor selling a few banned shells, it would contain sufficient information for a fisheries manager to be able to make an informed decision on an appropriate outcome such as a formal warning, infringement notice or prosecution.
6. The incident-interview book can be used as a legal document both for court action and for spot fines. In case of prosecution, it may serve as evidence before a magistrate in the same way as an officer's notebook. If there is no prosecution, the book provides a record for decision making by the fisheries manager and a basis for appeal for the offender who has been issued an infringement notice or a spot fine.
7. Additionally, a well-documented and completed incident book will provide a history of illegal activity that can be used to focus future MCS&E operations most effectively.

8. The incident book can be tailored to suit the unique legislative frameworks (Acts, regulations, Bylaws etc) and operational environment (resourcing, policy settings, fisheries management objectives etc) particular to each country.
9. SPC and the Te Pātuitanga program can provide appropriate training on how to use the incident book with practical exercises to countries that are interested. At this stage, training can only be done virtually due to travel restrictions.

Conclusion

10. The incident book can be tailored to suit each countries requirements and appropriate training on how to use it provided to countries that are interested. At this stage this can only be done virtually due to travel restrictions. For further information or to arrange training on the use of the incident book please contact the following people

Ian Freeman – ianf@spc.int or Jeff Dunlop - Jeff.Dunlop@mpi.govt.nz

Attachment 1

**AUTHORISED
OFFICER
INCIDENT
REPORT BOOK**



EXPLANATORY NOTES HOW TO COMPLETE AN INCIDENT REPORT

A new Incident Report must be completed for each offender.

1 Record of product or illegal gear used

- Record - Time, Date, Place.
- All species of fish and/or shellfish recorded.
- Total number of persons.
- Returned and seized amounts (numbers should equal total).
- Person's signature.

2 Person's details

- All fields to be completed including ID, photographs.
- Vehicle / Vessel registration numbers and/or any other related information.
- Confirm all details are correct.

3 Field interview

- All fields must be completed and relevant offence(s) advised.
- Inform collector of all related offending that you wish to question.
- Free-form question section:
 - Open ended questions;
 - Ingredients of the offence;
 - Defences;
 - Explanation;
 - Previous knowledge of regulations.

4 Check-sheet

- Verify all steps have been followed and recorded as accurately as possible.

5 Incident summary

- Complete immediately after finishing field interview.
- What, When, Where, How, Who, Why.
- Surname and identification number of all Officers involved in the offender procedures.
- Associated incident number (if other persons identified offending).

NOTE:

- All Incident Reports are the responsibility of the Officer in charge to complete and submit to the supervisor in a timely manner.
- All related documentation is to accompany the Incident Report i.e.: notebook entries, photographs, other officers' notes etc.
- The Incident Report and *all* related documentation to be collated and submitted *together* which forms the basis of an offence file.
- Ensure all documentation on the file satisfies the *Ingredients* (can prove) of the alleged offence.

Incident Number: **000001**

TIME (am/pm) DATE PLACE

1 RECORD OF PRODUCT OR ILLEGAL GEAR USED

Species – fish / shellfish				
Number of persons involved				
Species number				
Number seized				
Reason seized				

I (person's name) agree with the totals.

Signed Date

2 PERSON'S DETAILS

Mr/Mrs/M /Miss Gender: M / F Nationality

Family name

First Middle

Other names DOB Citizen: Y / N

Identification (Type/No.)

Address (physical) or village

.....

.....

.....

HM Work Mobile

OCC Employer

Vehicle (Make/Model/Colour etc)

.....

.....

Registration

Vessel (Name/Model/Engine/Colour etc)

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.....

Other relevant details about the person (Tattoos, distinguishing features etc)

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3 FIELD INTERVIEW (PART 1)

Person Name:

.....

I wish to speak to you about:

.....

.....

.....

You have the right to consult and instruct a lawyer without delay and in private.

Q. Do you understand this advice?

A. (Record answer Yes / No)

Q. Do you wish to consult and instruct a lawyer?

A. (Record answer Yes / No)

(Record the following Interview in Q + A Format)

FIELD INTERVIEW (PART 2)

A series of horizontal dashed lines for writing, spanning the width of the page below the section header.



A series of horizontal dashed lines spanning the width of the page, intended for handwritten notes or answers.

4 CHECK-SHEET

General

- Introduced Self as an Authorized Officer
- Showed Warrant of Authority/Appointment

Record of product or illegal gear used

- Relevant species and correct number(s) recorded
- Photographs taken of fish/shellfish
- Any seizures recorded
- Reason for seizure recorded
- Photographs taken of seizures

Person's details

- Identification confirmed
- Vehicle registration, recorded vessel numbers recorded
- Photographs taken:
 - Vessel
 - Vehicle
 - Person(s) involved

Field interview

- Reason for interview made clear to person
- Caution and lawyer advise given
- Field interview recorded in Q+A format

General comments

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