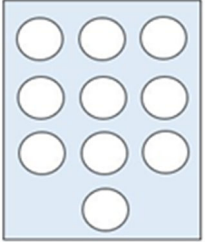


	Digital Forensics Unit DFU DOC-2 Digital Processing Notice A (DPNa) <small>Police, Crime, Sentencing and Courts Act 2022, Part 2, Chapter 3 Electronic Device Extraction User</small>
<p>To be completed by the officer taking possession of the electronic device. A separate form must be completed for each victim / witness. Provide a copy of section 1 to the user / person providing agreement once complete. Throughout this form the term 'user' means the person who ordinarily uses the device. Annex A at the end of the document can be used as a question set for digital enquires linked to RASSO offences.</p>	

This form accompanies the **DFU SF1 SUBMISSION FORM** and serves to record details of digital devices (computers, mobile devices, and related digital media) being submitted to DFU for examination.

Section 1

Occurrence Number:	
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OIC Details	
Station / Department / Team:	
Name & Collar Number:	

Device Details – <i>(If submitting multiple devices with an identical submission criteria then add further device details)</i>				
Exhibit Ref:				Device Pattern Lock  Please indicate the beginning and end of the pattern.
Property Ref:				
Make of Device:		Model:		
Device Pass Code (or pattern code opposite)				
Is the SIM PIN protected?	Yes/No	SIM PIN Code:		
Description of device condition (Please note any damage, marks)				
Device Security Protection	(Protected / Not protected / Not requested / user refused / other)			
				 

Section 2 – The purpose and power

(This section explains the lawful power being used to extract the required information)

Lawful power being utilised	Sub-section	Indicate which sub-section you are utilising.	Has the user or their representative agreed to provide the device for extraction (yes/no)?
Police, Crime, Sentencing and Courts Act 2022 Section 37(1).	(2)(a) Preventing, detecting, investigating or prosecuting crime.		
	(2)(b) Helping to locate a missing person.		
	(2)(i) Protecting a child or an at-risk adult from neglect or physical, mental or emotional harm. <i>(Note: An adult is an at-risk adult if you reasonably believe that they are experiencing, or at risk of, neglect or physical, mental or emotional harm, and they are unable to protect themselves against the neglect of harm or the risk of)</i>		

When the user has not agreed / is unavailable / is unable to provide the device and/or to the extraction, indicate which of the following conditions are met: (mark with an X)

Police, Crime, Sentencing and Courts Act 2022 Section 40(1).	Condition A A person who was a user of the electronic device has died and the person was a user of the device immediately before their death.	
	Condition B A user of the electronic device is a child or an adult without capacity, and you reasonably believe that the user's life is at risk or there is a risk of serious harm to the user. <i>(Note, Harm may also include financial abuse or coercive control)</i>	
	Condition C A person who was a user of the electronic device is missing, they were a user of the device immediately before they went missing, and you reasonably believe that the person's life is at risk or there is a risk of serious harm to the person. <i>(Note, you must reasonably believe they were a user of the device)</i>	

Indicate here if you are utilising the alternative power under Section 41:

Extraction of information from electronic devices for investigations of death:

- A person who was a user of the electronic device has died, and the person was a user of the device immediately before their death.

('Immediately before they died' means that they were the user of the device around the time of their death.)

This power may be exercised only for the purposes of an investigation into the person's death under Chapter 1 of Part 1 of the Coroners and Justice Act 2009.

Section 3 – The Information

(This section explains what information is sought and why it is strictly necessary and proportionate to obtain it for the investigation/purpose)

<p>What information is requested from the device?</p> <p><i>What information are you looking for? Be specific. For example, WhatsApp messages between person A and person B between set dates in which the offence is discussed.</i></p>
<p>I reasonably believe that information stored on the electronic device is relevant to a reasonable line of enquiry / the purpose because:</p> <p><i>Explain the offence(s) under investigation or the circumstances, and the basis for your belief that information is on the device. This will either be to follow a reasonable line of enquiry if investigating a crime, or for the purpose of extraction, i.e. locating a missing person or protecting a child or at risk adult:</i></p>
<p>Why it is strictly necessary and proportionate to extract the information?</p> <p><i>Explain why the information is strictly necessary in light of the reasonable lines of enquiry or the purpose you have identified above. You must have considered the risk of obtaining other information that is not being targeted and collateral intrusion.</i></p> <p><i>Explain what alternative less intrusive methods of obtaining this information have been considered, and if available, why it is not practicable to use them. Specify how the information will be reviewed to minimise intrusion, yet secures the information sufficiently. Always consider an incremental approach where possible, and extraction from a suspect's device should always be considered first.</i></p> <p><i>Please consider account archiving, screenshots, photograph capture and Charter submissions via the Central Authorisation Bureau</i></p>

<p>Confidential Material:</p> <p>You <u>must</u> assess whether there is a risk of obtaining confidential information.</p> <p>(See FAQs for an explanation and guidance on confidential information)</p>	
<p>Has the device user been asked whether there is likely to be confidential information on the user's device? If so, what was their response?</p>	
<p>Do you expect to find confidential information on the device? If so, how will you proceed?</p>	

<p>Cryptocurrency Investigation:</p> <p>You must provide detail to the following:</p> <p>(If yes to either question then please complete DIU Crypto Microsoft Form which can be found on the DIU intranet page.)</p>
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Does cryptocurrency form part of your investigation?	Yes / No
Has the device user identified any cryptocurrency on the above devices?	Yes / No

Extraction time period: *(Record how long the user is likely to be without their device)*

The time-period the user will be without their device will be dependent on force capability and capacity. If you cannot be precise, you must provide the device user with an approximate time-period.

Section 4 – Volunteered devices and agreement

(This section is where the device user agreement is recorded – see below for children or adults without capacity)

User of device			
Name:		DOB:	
Declaration:	<p>I have voluntarily provided the digital device, and; I have agreed to the extraction of information specified within this notice from it.</p> <p>I understand that due to limitations in forensic software, it may be necessary to extract datasets outside of what has been authorised for the device; however, parameters specified on this disclaimer will be applied to the data analysis and supplementary datasets deleted.</p> <p>I am aware I am entitled to a copy of section 1 and a DPNb.</p> <p>I am aware that I can refuse this request and that the enquiry will not be brought to end merely because of this refusal.</p>		
Signature:			
Date and Time:			

If utilising Section 37 powers and the user of the device has given oral agreement only (due to physical impairment or lack of literacy skills), you must record that here

Note, you should ask whether they wish to have another person present, such as a family member or friend, to ensure the oral discussion accurately reflects what is in the written notice

Reason for requiring oral authorisation and confirmation that it has been given.	
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Date and Time:	
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Section 5 - Volunteered devices and agreement on behalf of a child or an adult without capacity
 (This section is where the agreement is recorded on behalf of a child or an adult without capacity)

The alternative Individual where the device user is a child or an adult without capacity:			
Name:		DOB:	
Declaration	<p>I have voluntarily provided the digital device, and; I have agreed to the extraction of information specified within this notice from it.</p> <p>I understand that due to limitations in forensic software, it may be necessary to extract datasets outside of what has been authorised for the device; however, parameters specified on this disclaimer will be applied to the data analysis and supplementary datasets deleted.</p> <p>I am aware I am entitled to a copy of section 1 and a DPNb.</p> <p>I am aware that I can refuse this request and that the enquiry will not be brought to end merely because of this refusal.</p>		
Signature:			
Date and Time:			

Views of a child or adult without capacity

In cases where the user is a child, you should record:

- if the child was asked for their views, what those views were;
- if the child's views differed from the views of the person providing the device and agreeing to the extraction of information from it;
- if the child was not asked their views, why not;
- the decision the alternative person came to on use of the power and why.

In cases where the user is an adult without capacity, you should record:

- the basis of the assessment that the adult is without capacity;
- if the adult without capacity was asked for their views, what those views were;
- if the views of the adult without capacity differed from the views of the person providing the device and agreeing to the extraction of information from it;
- if the adult without capacity was not asked their views, why not;
- the decision the alternative individual made on use of the power and why.

Section 6 - Device not volunteered and agreement not given

(This section is to record the reasons the user or the alternative individual gave if they refused to volunteer the device or provide agreement for extraction.)

Record the reasons that the user / the alternative individual gave for not volunteering their device or agreeing to extraction. This section only needs to be completed when you utilise a condition under Section 40.

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Section 7 - Urgent Oral Sanction

(This section is where the authorised person records why an urgent oral authority to examine a device is needed and the decision from the sanctioning officer).

An urgent oral sanction can only be sought when there is a real and immediate risk of serious harm to a person and the other requirements for use of the power in Section 37 are met. For the conditions that need to be met to examine a device urgently without the agreement of the device user, see section 40 of the PCSC Act.

Urgent oral sanction sought and why it is urgent:

Record what the risk is and the reason for seeking urgent sanctioning of extraction.

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Sanctioning Officer response to an urgent oral request:

If the Sanctioning Officer gave urgent oral authorisation for extraction, then record the extent of that extraction and the details of the Sanctioning officer.

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Section 8 - Sanctioning the Extraction

To be completed by the authorising Inspector

Authority Required from	INSPECTOR
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Authority to extract			
Is the device lawfully in police possession? (Does the PCSC Act allow for extraction in the given circumstances)	Yes/No If no, detail below what action you have taken		
Has the device been interfered with or interrogated in any way? (By police)	Yes/No Explain:		
Did you urgently sanction an extraction? (Note, this is available when there is a real and immediate risk of serious harm to a person)	Yes/No		
If the device user has provided oral agreement only, confirm here whether you consider this appropriate and why.			
<p>I have considered the following in relation to this authorisation:</p> <ul style="list-style-type: none"> Section 1 is completed accurately and contains the required information and considerations; Less intrusive means of obtaining the required information have been appropriately considered, and where precluded, an appropriate explanation provided; Whether a DPNb has been provided to the device user and/or the alternative individual providing agreement; Whether the right support was provided to the device user so that I can be confident that the person providing agreement fully understood the request, and that the device was lawfully volunteered and agreement freely given <p>(Note, if you orally sanctioned extraction you should record the reason why, and what extent of extraction was sanctioned)</p> <p>Having considered the above I authorise/reject this request for extraction:</p> <p>Comment here</p>			
Name:		Signature:	
Date and Time Authorised:			

Section 31 exemption applied to Annex A.