



## Specific Methods for Preserving Evidence

### A Note on Language



In this toolkit, we will sometimes use the word woman/women and feminine pronouns for simplicity and to recognize the significant impact technology-facilitated violence has on women and girls. We recognize that TFGBV also impacts trans, non-binary, and Two-Spirit people. We hope that all people impacted by TFGBV will find these documents useful.

## Preserving Digital Evidence via Video Screen Recording

When technology-facilitated gender-based violence (TFGBV) occurs, maintaining a record of events is important for criminal and civil legal matters. This document explains how to video screen record as a way of preserving evidence. For general best practices around preserving digital evidence, see [Preserving and Storing Evidence of TFGBV: Best Practices](#).

While screenshots are regularly used in criminal and civil courts as a way to display and authenticate digital evidence, one of the easiest methods of preserving digital evidence is to record a video of a smartphone screen. Screenshots are easy to manipulate with picture editing software, which may lead to questions about whether the screenshots are genuine or have been altered or fabricated. Entire text conversations may be lengthy, lasting days or weeks, and require multiple screenshots to capture the entirety of the exchange. This could potentially lead to a significant number of screenshots that would need to be organized chronologically, which may take extra effort and time. A screen recording allows the user to slowly scroll through the entire text conversation.

However, while this is a helpful method of accurately recording evidence in many circumstances, you should consider the following when deciding if this method is appropriate:

- Not all courts will have the capability to display video screen recordings. As such, it is important to check with the Court Registry where your case is being heard to check what technology will be available and whether paper copies of all evidence will be required.
- If you plan to use video screen recording on your phone as digital evidence in a court proceeding, you will need to authenticate your evidence in court. For more information about digital evidence and authentication, see [Authentication of Digital Evidence](#).

The following video screen recording information is for Apple iOS and Android devices of particular models and is accurate as of December 2022. Depending on what version of a phone you have, it may not have this particular recording function or you may need to look up different instructions if these do not match your current device. It can be easy to find these types of instructions by searching for them online. However, remember to use a safe computer or erase your search history if you are looking up this information, as it may trigger additional abuse from the perpetrator if they discover you are looking for help or preserving evidence.

### Safety Check

Before you screen record evidence or download a screen recording app, you need to consider potential risks to your safety. There may be a risk that the perpetrator is monitoring the activities on your device. This could be happening in several ways. Your smartphone could be monitored if the perpetrator has physical access to your device, such as if you share a home, or if you share your passwords with them. If the perpetrator knows your cloud storage (e.g. iCloud, Google Drive, or Dropbox) ID and password, they will have access to your files, photos, and videos. It is also possible for the perpetrator to be monitoring your smartphone or computer via [mobile spyware](#) such as stalkerware. If the perpetrator is monitoring your device these ways, recording and saving video screen recordings could alert them to the fact you are collecting evidence.

Some applications, including Snapchat, may alert a user that their message is being recorded via screen recording. You should make sure it is safe before deciding to record. You might want to test this with a friend's account or information before trying it on the perpetrator's.

If you suspect that the perpetrator has access to your devices, accounts, or files, you will need to make a plan for how to avoid detection when collecting evidence. This is both to protect you from additional abuse and to avoid the risk of the perpetrator deleting important evidence. For more information, see [Safety Considerations for Preserving Digital Evidence](#), and consider speaking to an anti-violence organization (See [Technology Safety and Victim/Survivor Resources](#)).

### Apple iOS Video Screen Recording

Since 2017 (the iPhone 6 generation), Apple's mobile devices have had built-in screen recording functionality. However, this setting is not initially available to users by default and needs to be enabled. Enabling video screen recording can be done by following the [Record the Screen on Your iPhone, iPad, or iPod Touch tutorial](#) on the Apple Support website. If you'd like to see a video on how to do this, you can watch Apple's [How to Record a Screen on Your iPhone or iPad](#).

# Android: Video Screen Recording

If you have an Android 11 or higher phone, a screen recorder for Google's mobile OS is available. To take a video screen recording on an Android 11 or higher, see Google's [Take a Screen Shot or Record Your Screen on an Android Device](#).

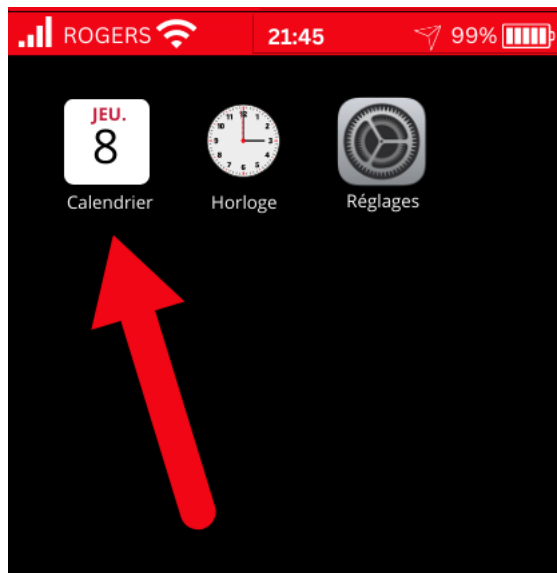
If you have an earlier version of Android, you may be required to install a video screen recorder app to screen record. Varieties of screen recording apps are available for Android devices. PC Magazine suggests some free [Video Screen Recording Apps for Androids](#). Remember to check the privacy and terms of service before downloading third-party apps.

## Tips for Using Apple & Android Phones to Video Screen Record Evidence for Trial

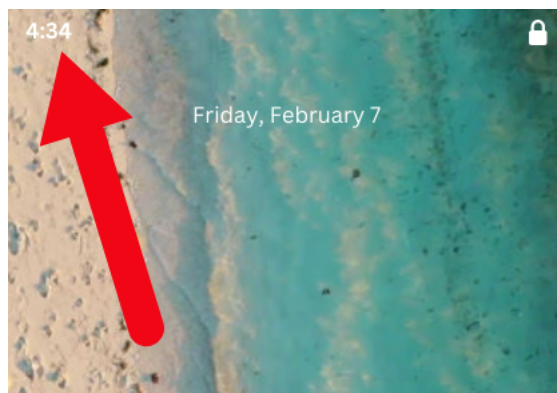
### Date and Time

#### Date

When your video recording is starting, make sure you capture the date your phone displays. This can either be done by opening a calendar app installed on your device or by finding the date displayed elsewhere.



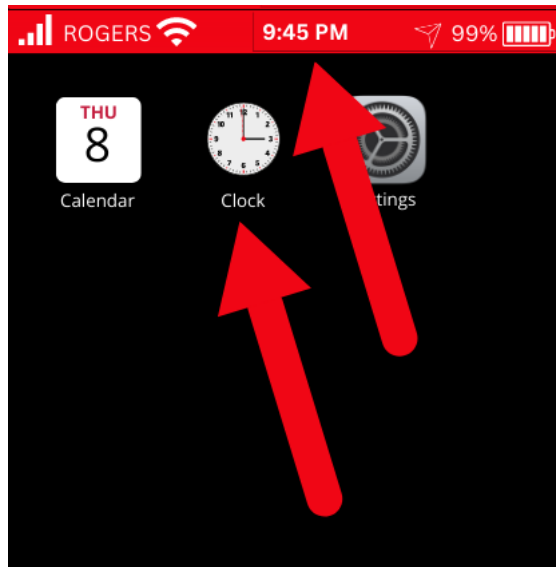
Example: Apple iOS



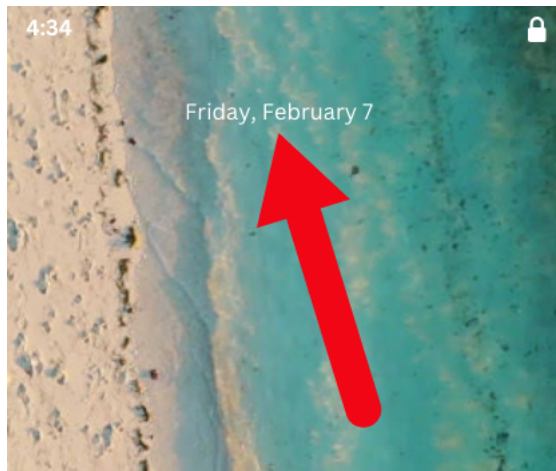
Example: Android

#### Time

Your recording will likely capture the clock (typically displayed on the top of the device). If this is not the case, you should record the date and the time on your phone by navigating to your clock at the end of the recording.



Example: Apple iOS



Example: Android

### Access

While recording, open the application that has the evidence you want to collect. It is important to show where the messages are located. This can be text messages, email, social media, or anywhere else where conversations are occurring that you want to preserve.

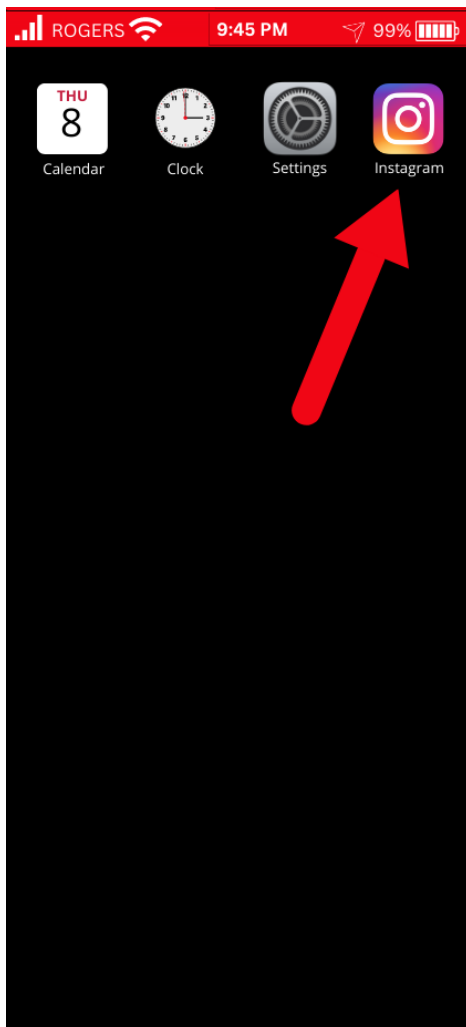
### Sender Information

Make sure you can see the names, usernames, phone numbers, and emails of the people involved.

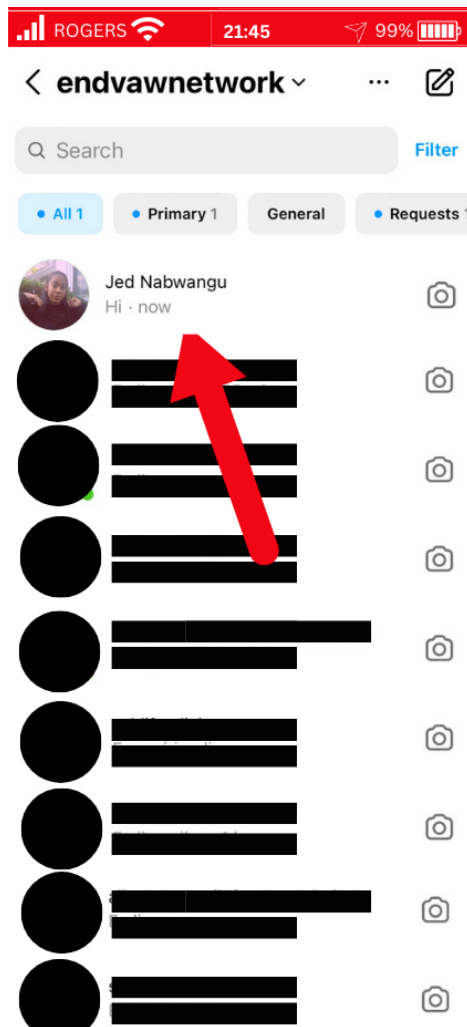
### Capture the Entire Conversation

Once you have navigated to the content you want to preserve, ensure you start from the beginning of the conversation.

From the start of the conversation, use smooth, slow movements to scroll until you reach the end of the messages. You do not want the video to be blurry. Think about going the speed of a Star Wars opening segment.



Example: Instagram



### How to Store Recordings

Once you have recorded all of the information you need using the screen recording app and you stop the recording, keep the saved video files in a safe place. Remember to back up a copy of the file on a secondary device or storage space. File storage options will depend on your circumstances. For more information, see [Preserving and Storing Evidence of TFGBV: Best Practices and Safety Considerations for Preserving Digital Evidence](#).

*Technology-Facilitated Gender-Based Violence (TFGBV) is part of a continuum of violence that can be both online and in-person. If you or someone you know is experiencing TFGBV, you are not alone. You can use [sheltersafe.ca](#) to find a shelter/transition house near you or call/text the Kids Help Phone to discuss options and create a [safety plan](#). You don't need to stay in a shelter to access free, confidential services and support.*

*We gratefully acknowledge Moira Aikenhead for providing expertise to update this toolkit.*

*Adapted with permission from BCSTH's Technology Safety project, based on their resource [How to Preserve Videos as Evidence](#).*

## Preserving Digital Evidence via Screenshot

When technology-facilitated gender-based violence (TFGBV) occurs, maintaining a record of events is important for criminal and civil legal matters. This document explains how to screenshot as a way of preserving evidence. For general best practices around preserving digital evidence, see [Preserving and Storing Evidence of TFGBV: Best Practices](#).

You should consider the following when deciding whether this method of evidence preservation is appropriate for you:

- If you plan to rely on screenshots in court as part of legal proceedings, you should consider printing them out in addition to having digital copies. It is important to check with the Court Registry where your case is being heard to determine what technology will be available and whether paper copies of all evidence will be required.
- If you plan to use screenshots as digital evidence in a court proceeding, you will need to authenticate your evidence in court. For more information about digital evidence and authentication, see [Authentication of Digital Evidence](#).

## Safety Check

Before you take and save screenshots of harmful communications, you need to consider potential risks to your safety. There may be a risk that the perpetrator is monitoring the activities on your device. This could be happening in several ways. Your smartphone could be monitored if the perpetrator has physical access to your device, such as if you share a home, or if you share your passwords with them. If the perpetrator knows your cloud storage (e.g. iCloud, Google Drive, or Dropbox) ID and password, they will have access to some of your files, photos, and videos. It is also possible for the perpetrator to be monitoring your smartphone or computer via [mobile spyware](#), such as stalkerware. If the perpetrator is monitoring your device in these ways, saving screenshots could alert them to the fact you are collecting evidence.

Some applications, including Snapchat, may alert a user if you take a screenshot of a message. You should make sure it is safe before deciding to take a screenshot. You might want to test this with a friend's account or information before trying it on the perpetrator's.

If you suspect that the perpetrator has access to your devices, accounts, or files, you will need to make a plan for how to avoid detection when collecting evidence. This is both to protect you from additional abuse and to avoid the risk of the perpetrator deleting important evidence. For more information, see [Safety Considerations for Preserving Digital Evidence](#) and consider speaking to an anti-violence organization (See [Technology Safety and Victim/Survivor Resources](#)).

## Messaging Evidence Preserved by Screenshots

Messaging evidence can provide proof of abuse and provide evidence of harassment, threats, and domestic violence. While messaging evidence can be extremely useful, it is important to properly capture it to maintain its usefulness in court. Messages can get accidentally deleted or damaged if not captured right away. One way to capture and preserve evidence of harassment, intimidation, and threats is through a screenshot.

A screenshot is a photo capture of what you currently see on the screen of your device. Screenshots can be taken on most smartphones, tablets, computers and laptops. You can take screenshots of anything that can be seen on your screen.

A screenshot will only capture what you see on your screen at any given time, so you will have to take multiple screenshots to capture all of the evidence you want to preserve if it takes up more than one screen.

This information sheet will provide information about how to take a screenshot on your device and what to include for evidence preservation. We will use text messaging as an example throughout this information sheet, but most of the tips also apply to capturing evidence via screenshots on social media platforms and websites.

### How to Take a Screenshot

Taking a screenshot can be slightly different for each device and different models of the same device. If you are not familiar with how to take a screenshot from your device, you can do an online search for "How to take a screenshot on a [your specific phone or tablet]" for instructions. There are many videos online that can show you how to do this.

The chart below provides general information about how to take a screenshot on a computer or smartphone.

Device	Take a Screen Shot	Find Your Screen Shot
Windows Laptop or Computer	Find the key on the keyboard that says: PrtScn, Prt Scr, or Print Screen.  Note: not all new keyboards have these keys. You may have to do a quick search of your model to learn how to do this. Or Press the Windows key + Shift + S Or  Use the "Snipping Tool" in your programs.	Normally you will find your screenshots saved in this folder Pictures → Screenshot  Immediately after taking the screenshot, open a document that lets you paste an image (such as Word or Google Docs), and "paste" the screenshot.
<a href="#">Mac Laptop or Computer</a>	At the same time, press these keys: Shift + Command + 3. This will save the screenshot onto your computer desktop.	Screenshots will be saved onto the desktop as a picture.
<a href="#">iPhone or iPad</a>	At the same time, press the On/ Off button + the Home button.  For iPhone X or higher, press the On/Off button + the Up Volume button.	Screenshots will be saved in your Photos app as a picture.
<a href="#">Android Phone or Tablet</a>	Android devices differ. You should try the following options:  1) Down Volume button + Home button,  2) On/Off button + Home button. If neither of those works, try an online search for "How to	Screenshots will be saved in your Gallery as a picture.

## Device

## Take a Screen Shot

## Find Your Screen Shot

take a screenshot on a [your specific phone or tablet].”

### Printing the Screenshot

Printing your screenshot directly after you have captured it is recommended. You can use these printouts in court and it can be easier for courts to view printed screenshots than digital files. Additionally, the authenticity of your evidence is less likely to be questioned if you preserve it immediately. Opposing counsel could claim there was manipulation of evidence during the capturing process if there was a delay in printing the screenshots and/or a significant amount of time passed between when you saw the evidence, captured it, and printed it.

From a smartphone, you may be able to print your screenshot directly from your device to a wireless printer. Depending on where your screenshot is stored on your computer or laptop, you may be able to print the file directly.

If you cannot directly print the original screenshot, you should always safely store the digital original. For example, you can save the screenshots in a file folder in proper order or paste your screenshot (or picture) into a document using a program that lets you paste an image (e.g. Word, Pages, or Google Docs). Pasting them in a text document can help you keep them all in chronological order. Once in the new document version, print the document that includes the screenshots. You may also want to email or text the document to a device that you will continue to have secure access to so you have an extra copy.

### Taking a Photo

If your phone or computer doesn't allow you to take a screenshot, or you think your device might be monitored, take a photo of the computer, phone, or tablet screen with another camera. Doing this can also be a way to avoid the problem with Snapchat and similar apps that notify the sender when you take a screenshot. Sometimes, the screen can be quite small, so you will want to make sure you hold the camera close. Look at the photo to make sure that the words are easy to read and that any image is clear.

### Printing the Photo

If you took a photo, you can print it as you would normally print other photos. If you have a digital photo, you can copy or “insert” the photos into a document and print the document. Just make sure that any image is clear and the words are easy to read.

### Recording a Video

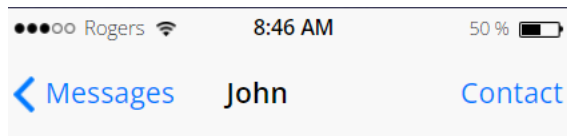
You can also take a video of the message. This might be helpful if you have a lot of information you want to capture and taking photos or screenshots is too slow. With the “video screen recording” function activated on your smartphone, hold your camera steady while you scroll through the content you want to document. See [Preserving Digital Evidence via Video Screen Recording](#) for more information.

## What to Include When Capturing Messaging Evidence

### Capture the Entire Conversation

Many survivors and victims of technology-facilitated violence will capture a screenshot of a particularly harmful message, such as a threatening text, rather than the entire text conversation. To provide the court with the context of the conversation, you should include the *full* conversation in your digital evidence, even if you do not think it has any relevance to your case. Some courts will not accept partial messaging conversations.

To do this, you will generally need to take multiple screenshots. You should always try to include the last message on the bottom of one screenshot at the top of the next screenshot, so it is clear to the judge that you have captured the entire conversation.



Today 8:46 AM

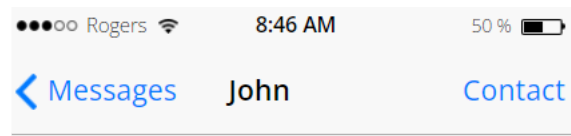
Hey! Check out this place I found for our summer vacation. It's Hogwarts themed!! Here's the link I found a great place in Victoria on Airbnb. Check it out:



The Common Room ⚡ - Condominiums for Rent in Victoria, British Columbia, Ca...  
airbnb.ca

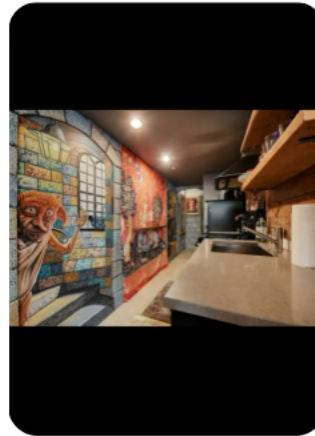
It looks ok but is parking included?

I don't think so. But when we are there we don't need to take a bus. Look it has Doby



It looks ok but is parking included?

I don't think so. But when we are there we don't need to take a bus. Look it has Doby



True! but wouldn't u rather have book something with a pool?

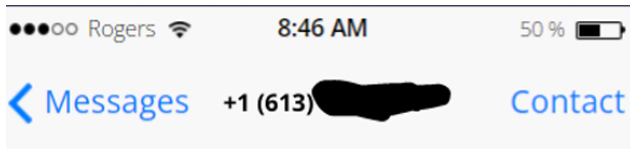
## Get Supporting Evidence

### Include the Sender's Contact Information

#### Smartphone:

On a smartphone, you may have the abusive person's name stored in your contacts and therefore, the sender of messages is identified by name rather than a phone number. Because you can assign any name to a person in your contact list and connect it to any number you have on your phone, this can be an issue in some court cases. The opposing party may argue that you have not proved that the message is actually from the perpetrator unless there is more proof that the sender was them. It may be beneficial to delete the person's name from the contact list before taking screenshots so that their phone number shows up in the messages rather than the name you have assigned to them.





Today 8:46 AM

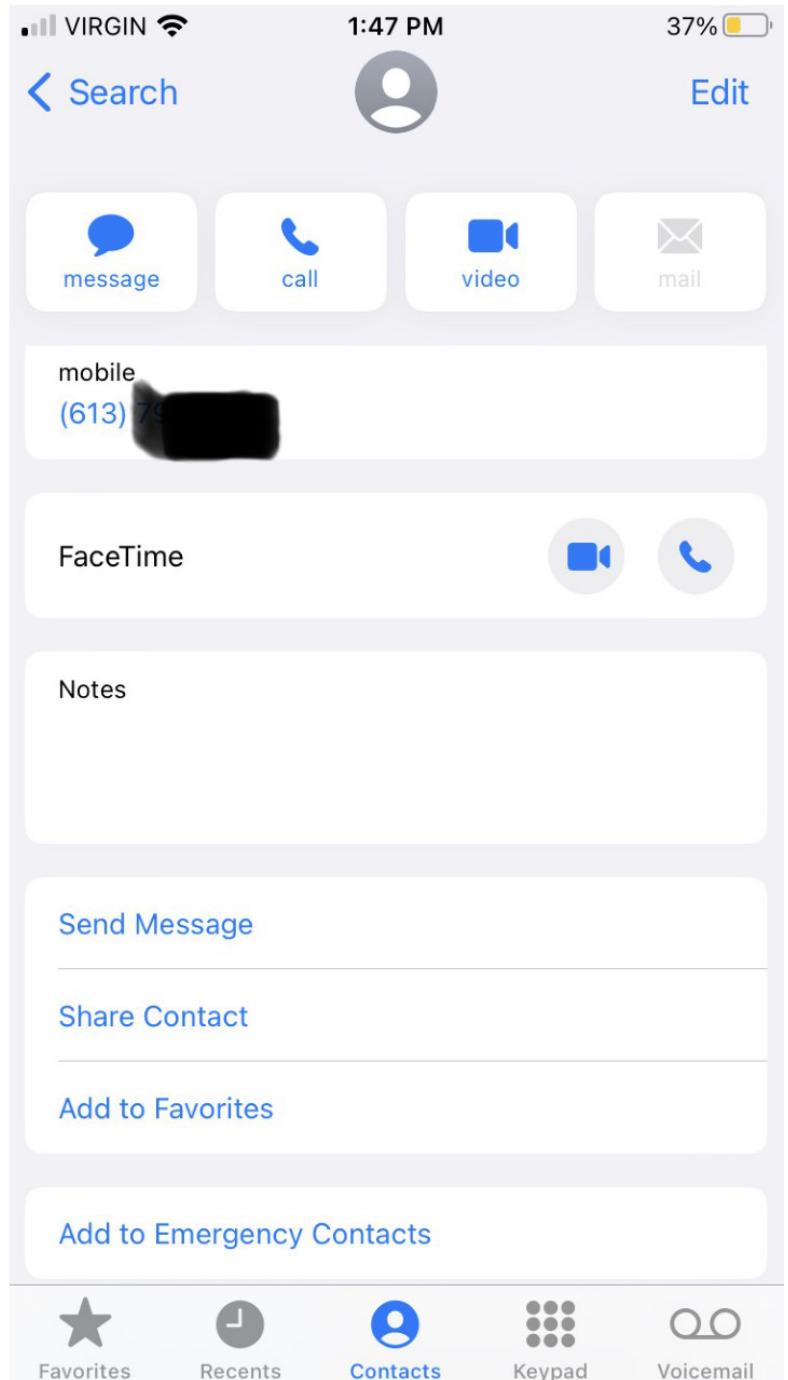
Hey! Check out this place I found for our summer vacation. It's Hogwarts themed!! Here's the link I found a great place in Victoria on Airbnb. Check it out:



The Common Room ⚡ - Condominiums for Rent in Victoria, British Columbia, Ca...  
airbnb.ca

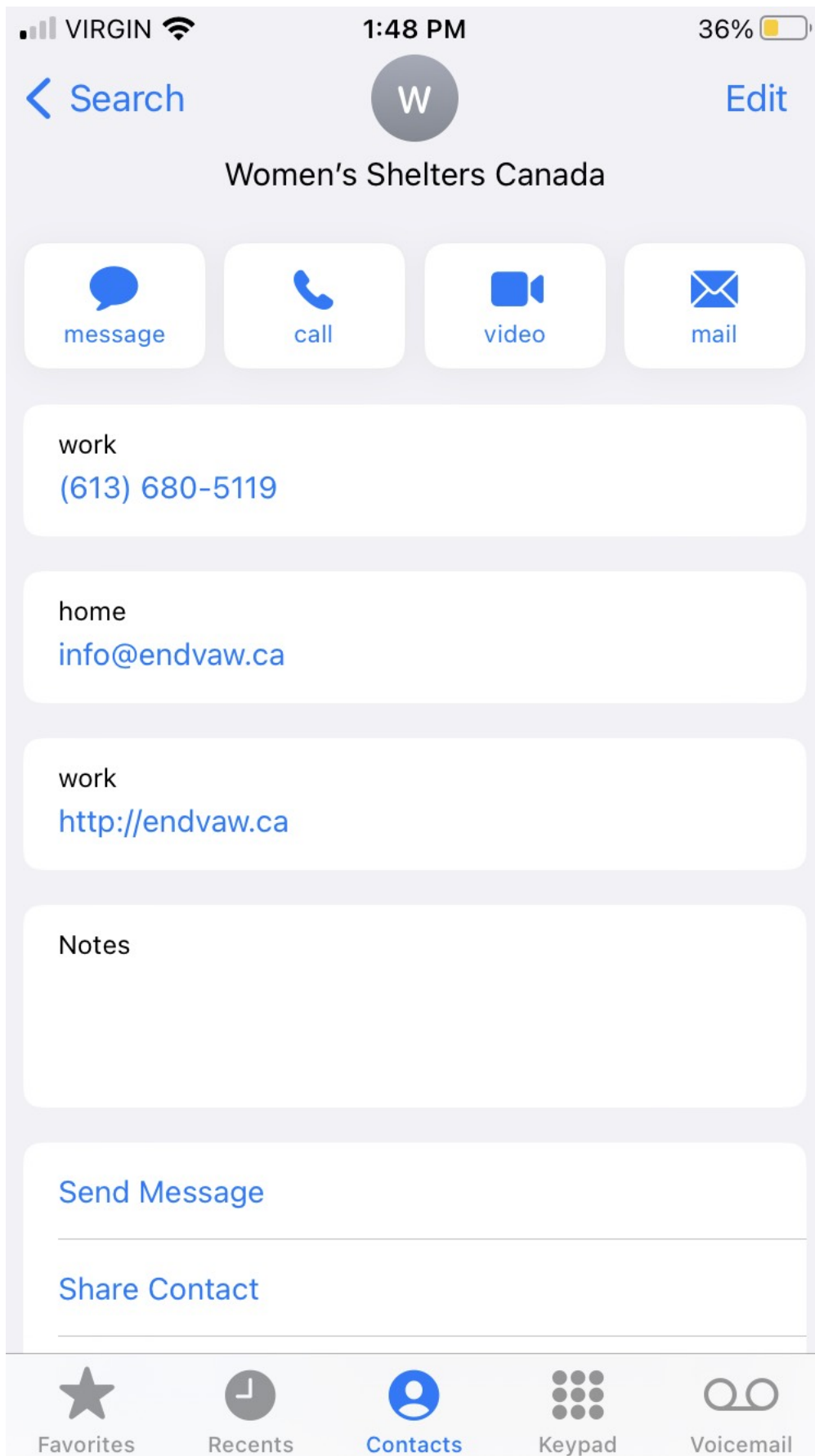
It looks ok but is parking included?

I don't think so. But when we are there we don't need to take a bus. Look it has Doby



You can also take a photo of their contact information to show their number is associated with the name on your phone. Do this by taking a screenshot of the contact entry along with the messages to demonstrate that the contact entry name is connected to that number.

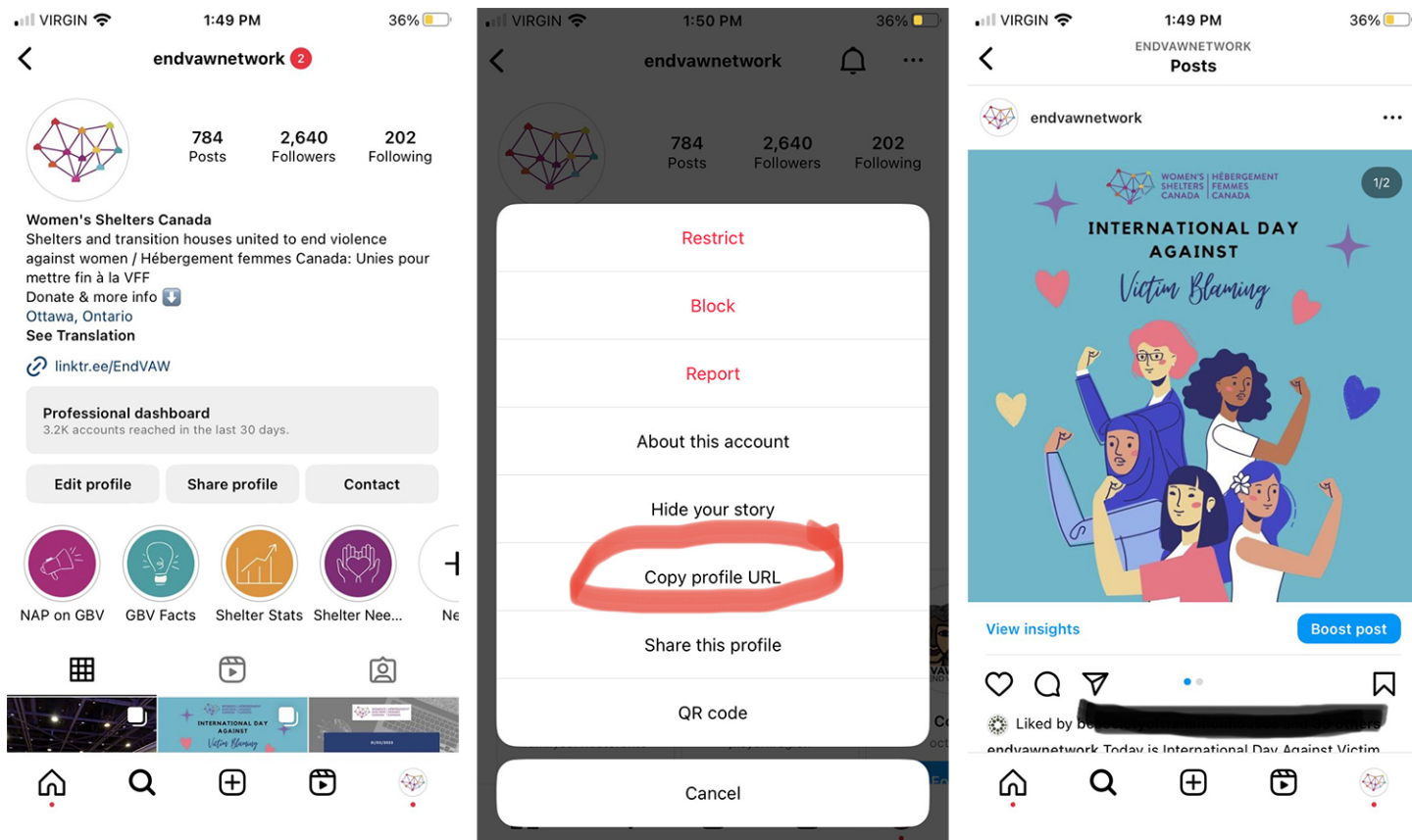




**Social Media:**

On a social media platform like Instagram, Facebook, SnapChat or Twitter, capture the:

- Image or message that contains the harmful information and the surrounding conversation,
- Photo(s) of the account of the person who wrote, sent, or posted the harmful photo, image, or comment,
- Comment(s) that are harassing or threatening,
- The *profile* of the person who wrote, sent, or posted the harassing photo, image, or comment, and
- The *person's profile URL*.



## An Important Note about Snapchat

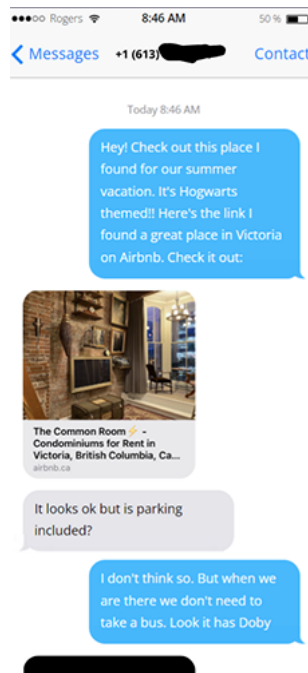
In recent years, companies have created technologies that automatically delete information, such as text, pictures, and videos, after the information is viewed. Snapchat is the most popular app that uses this technology. The whole purpose of sending a "Snap" is for Snapchat to automatically delete the information soon after it is viewed. Even if a professional forensic examiner were to search for a deleted Snap, it is almost impossible to find. Therefore, if you are being harassed through Snapchat (or another similar technology), you must plan how you will attempt to gather evidence that will be automatically deleted by the app, which includes your own Snaps and Snaps sent by an abusive person.

Here are some suggestions for evidence gathering on "disappearing" messages:

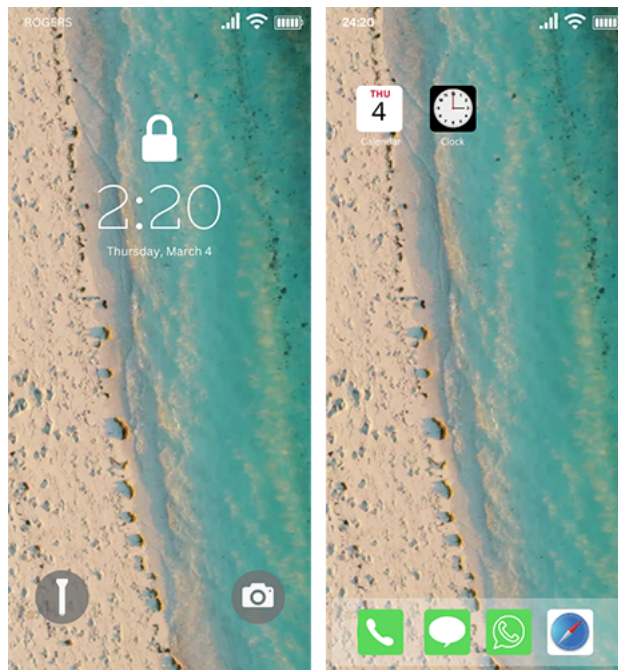
- **Your own Snaps and Chats.** You can choose to save your own posts to Memories or your Camera Roll, but you can't save other people's posts this way. Saving your own Snaps will keep another person from misstating what you have sent, so this can be a good idea if you think they will use your Snaps against you. However, this could be a dangerous option if the other person has access to your device and can see that you are collecting evidence.
- **Other people's Snaps and Chats.** After you open a Snap or Chat, you can take a screenshot, but the sender will be notified you took a screenshot. You also can choose to save a Chat, but again, the sender is notified. This may not be safe. You should consider your situation and whether alerting the other person that you have saved the information is dangerous.
- Screen recording apps are built into many smartphones, and you can download other recording apps, some free and some for a small price. Be aware that certain apps (e.g. the iPhone built-in app) may alert the sender that a recording is being taken, just like with a screenshot. You might want to test this with a friend's account or information before trying it on the perpetrator's.
- One way to avoid the notification problem is to use a second device or camera to take pictures or record. This requires having a second device or camera readily available to record as you review the Snaps sent to you. You should plan ahead, otherwise the Snaps will disappear.
- Do not forget to tell the whole story. If you need to show both the sender's Snaps and your own for context, be sure to organize the screenshots or recordings before presenting them in court. If you do a recording, follow the steps in our [video screen recording document](#) to be sure the court can view your evidence.

## Time and Date Matter

Many messaging platforms hide the exact time that messages are sent or received, but most devices allow you to include a timestamp if you follow the correct steps. On an iPhone and many Androids, swiping from the right side of the phone towards the left side while holding your finger on the screen will show the timestamp on a message. Because technology changes, do an online search for "How to show timestamp on messages on [device name]" if you're unsure.



Sometimes the date and time are on the phone or computer and you can include that when you are taking a screenshot or video screen recording.



Collecting evidence with time and date stamps will be useful to demonstrate your case. It can show that somebody sent 15 messages in a minute or two, which is substantially different than 15 messages in a week. It also shows when the offending behaviour happened. They are useful because they can be cross-referenced with phone records to help prove elements of the case.

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*We gratefully acknowledge Moira Aikenhead for providing expertise to update this toolkit.*

*Adapted with permission from BCSTH's Technology Safety project, based on their resource [How to Save and Print a Screenshot](#). Adapted for Canada with permission from NNEDV's Safety Net project, based on their resource [Legal Systems Toolkit](#).*

## Preserving Video Recordings as Digital Evidence

When technology-facilitated gender-based violence occurs (TFGBV), maintaining a record of events is important for criminal and civil legal matters. You may want to preserve video evidence as a way to support your case, as a video may illustrate relationship dynamics or domestic violence. Harassment, intimidation, and threats can be found in video recordings that have been taken during a conversation, as well as those sent by a perpetrator. Evidence of violence can also be found in videos posted online on websites and social media platforms. This document provides information on how to preserve videos as evidence in these circumstances.

It can be helpful to document an abusive or harassing video as it will:

- Provide a record of what is happening, which may be helpful if you want to pursue legal actions or in case the video is deleted.
- Alert you to any escalation in monitoring and control, which may indicate that the danger is increasing.
- Help you and the court see patterns of violence.

[Preserving and Storing Evidence of TFGBV: Best Practices](#) and the BC Society of Transition Houses' [Sample Technology-Facilitated Violence Log](#) can guide you through what is important to write down and preserve.

You should consider the following when deciding whether this method of evidence preservation is appropriate for you:

- If you plan to rely on video recordings as evidence in a court proceeding, it is important to check with the Court Registry where your case is being heard to determine whether the necessary technology to play these recordings will be available. You will either have to request equipment from the court or ask for permission to bring your own device, such as a laptop, to play the video recording in court. You will most likely not be allowed to play a recording on your phone in court unless the court approves. You may need to transfer the video recordings onto DVDs or consider other ways of presenting the videos.
- If you plan to use video evidence in a court proceeding, you will need to authenticate your evidence in court. For more information about digital evidence and authentication, see [Authentication of Digital Evidence](#).

## Safety Check

Before you decide whether to make or preserve video recordings as evidence of abuse, you need to consider potential risks to your safety. Filming abusive behaviour on the part of the perpetrator could lead to an immediate escalation in violence. If you are saving video evidence to your smartphone or computer, there may be a risk that the perpetrator is monitoring the activities on your device. This could be happening in several ways. Your smartphone could be monitored if the perpetrator has physical access to your device, such as if you share a home, or if you share your passwords with them. If the perpetrator knows your cloud storage (e.g. iCloud, Google Drive, or Dropbox) ID and password, they will have access to some of your files, photos, and videos. It is also possible for the perpetrator to be monitoring your smartphone or computer via [mobile spyware](#), such as stalkerware. If the perpetrator is monitoring your device in these ways, recording and saving videos could alert them to the fact you are collecting evidence.

If you suspect that the perpetrator has access to your devices, accounts, or files, you will need to make a plan for how to avoid detection when collecting evidence. This is both to protect you from additional abuse and to avoid the risk of the perpetrator deleting important evidence. For more information, see [Safety Considerations for Preserving Digital Evidence](#) and consider speaking to an anti-violence organization (See [Technology Safety and Victim/Survivor Resources](#)).

## Videos You've Taken

### Preservation

In some circumstances, you may have recorded a video where a perpetrator is harassing or threatening you. The recording device you used may have the ability to save and store a video recording that you have taken. On an Apple iPhone, the video you recorded will be saved in your Photos app as a video. On an Android, the video will be saved in your Gallery as a video. For laptops and desktops, the videos become files in your systems.

It is important to note that courts prefer to view the recording in its entirety. This means **you should not edit** the video recording in any way. Be prepared to establish the circumstances in which the recording was made (i.e. when the video was made, who filmed it, what device was used to film it), that its integrity has not been compromised, and that it has not been edited. It is important to preserve the metadata of the electronic file by keeping a copy of the original recording. The metadata can often confirm your story about the video, such as when it was taken, because it contains the time and date the video was taken.

For safety and security reasons, if the perpetrator has access to your cloud account, you may choose to back up your video evidence in another location and keep the recording on your device. You can transfer the file onto a USB memory stick, CD, or DVD.

\* Note: If a harassing or threatening video was sent to you by the perpetrator, you may be able to save that video on your device to your Photos app or Gallery.

## Videos Posted Online

### Video Screen Recording

Most modern phones have an option to video screen record. If your phone doesn't have this feature, you can capture the content with another device that can record or take photos. If you are using an Android phone, be sure to check the audio features and to turn the audio function "on" before you record. See [Preserving Digital Evidence via Video Screen Recording](#) for more information.

### Preservation

You may want to preserve videos that are posted online immediately because they can be removed quickly. If you are not able to video screen record, there are many apps and websites that can be used to preserve online video evidence. Please note that some of these options may not be legal, depending on the type of content you wish to download, and might raise their own concerns regarding your data privacy. While it is always recommended that you video screen record using your own device, if this is not possible then one of these third-party options may be the only way for you to preserve this important evidence.

## Other Considerations

## Transcripts

It is recommended that you or someone else make a transcript of the video recording. It can be helpful for the court to be able to read what was said in the recording, as it saves time and may be clearer than listening to the recording's audio. Additionally, there may be situations where you are not allowed to play a video recording in court. In these situations, a transcript may be allowed as evidence instead. For example, if there is a lot of irrelevant background noise or interruptions in your recording, a judge may prefer the transcript to the recording.

If the perpetrator isn't monitoring your device, there are helpful online transcription tools such as [www.descript.com](https://www.descript.com) or Google Voice Transcription through Google Docs. If you use a secondary transcription service, you will want to double-check all transcriptions to ensure that the transcript is correct by reading it and listening to the audio recording. You can correct any mistakes so the transcript is accurate.

## Documenting Time and Date

Document the time and date of the recording and who can be heard on the recording.

## Presenting in Court

To present the video recording in court, you will need the following information:

- **The video** in a format the court can accept (call the court in advance to confirm the best way to display the video).
- **How to access equipment** needed to play the recording. You may be able to request certain equipment from the court using an Equipment Request Form. However, courts may not always have the equipment you need (e.g. a laptop). If this is the case, you may be able to bring your own equipment.
- You should also be aware that a court may not accept secretly recorded video as evidence. In some situations, trying to use a secret recording in court may even result in the judge having an unfavourable impression of you. This is a common occurrence in family law matters, especially in matters involving children. Secret recordings can erode the trust between family members. It can be emotionally damaging for children to be caught in the middle of a disagreement between adults and you need to balance that potential harm with the need for the recorded evidence. If you choose to record, make sure that you are not leading the person you are recording to say things or purposely trying to make the opposing party look bad. The recording could end up being detrimental to your credibility and case if the court finds you were manipulating the presentation of evidence.

## Authentication

It is best to transfer the video file as few times as possible to minimize questions about the authenticity of your recording.

If the authenticity of your recording is contested, then you will have to authenticate your recordings. See [Authentication of Digital Evidence](#) for more information. Although this document focuses on text messages and emails, the same concepts are applicable to video recordings.

## Identifying the Other Party

You might have to prove the identity of the person being recorded. Sometimes an individual may deny that they are the individual depicted in the video. If you record a conversation between yourself and another individual, you will need to testify to the other individual's identity. Additionally, if the individual reveals personal information about themselves during the recording, it can be used to prove their identity.

## Safeguarding Video Evidence

Keep any saved videos you plan to rely on as evidence in a safe place. Remember to back up a copy of the file on a secondary device or storage space. File storage options will depend on your circumstances. For more information, see [Preserving and Storing Evidence of TFGBV: Best Practices](#) and [Safety Considerations for Preserving Digital Evidence](#).

*Technology-Facilitated Gender-Based Violence (TFGBV) is part of a continuum of violence that can be both online and in-person. If you or someone you know is experiencing TFGBV, you are not alone. You can use [sheltersafe.ca](https://sheltersafe.ca) to find a shelter/transition house near you or call/text the Kids Help Phone to discuss options and create a [safety plan](#). You don't need to stay in a shelter to access free, confidential services and support.*

*We gratefully acknowledge Moira Aikenhead for providing expertise to update this toolkit.*

*Adapted with permission from BCSTH's Technology Safety project, based on their resource [How to Preserve Videos as Evidence](#). Adapted for Canada with permission from NNEDV's Safety Net project, based on their resource [Legal Systems Toolkit](#).*

## Preserving Audio Recordings as Digital Evidence

When technology-facilitated gender-based violence (TFGBV) occurs, maintaining a record of events is important for criminal and civil legal matters. You may want to preserve audio evidence as a way to support your case, as an audio recording can illustrate relationship dynamics or domestic violence.

It can also be helpful to document an abusive or harassing voicemail as it will:

- Provide a record of what is happening, which may be helpful if you want to pursue legal actions or in case a video is deleted
- Alert you to any escalation in monitoring and control, which may indicate that the danger is increasing
- Help you and the court see patterns of violence

Harassment, intimidation, and threats can be found in audio recordings that have been taken during a conversation, as well as those sent by a perpetrator. This document provides information on how to preserve audio recordings as evidence in these circumstances.



You should consider the following when deciding whether this method of evidence preservation is appropriate for you:

- If you plan to rely on audio recordings as evidence in a court proceeding, it is important to check with the Court Registry where your case is being heard, to determine whether the necessary technology to play these recordings will be available. You will either have to request equipment from the court or ask for permission to bring your own devices, such as your phone and Bluetooth speakers, to play the audio recording in court. You will most likely not be allowed to play a recording on your phone in court unless the court approves. You may need to transfer the audio recordings onto a CD or consider other ways of presenting the recording.
- If you plan to use audio evidence in a court proceeding, you will need to authenticate your evidence in court. For more information about digital evidence and authentication, see [Authentication of Digital Evidence](#).

## Safety Check

Before you decide whether to make or preserve audio recordings as evidence of abuse, you need to consider potential risks to your safety. Recording abusive behaviour on the part of the perpetrator could lead to an immediate escalation in violence if the abuser is aware you are recording. If you are saving audio evidence to your smartphone or computer, there may be a risk that the perpetrator is monitoring the activities on your device. This could be happening in several ways. Your smartphone could be monitored if the perpetrator has physical access to your device, such as if you share a home, or if you share your passwords with them. If the perpetrator knows your cloud storage (e.g. iCloud, Google Drive, or Dropbox) ID and password, they will have access to your files, photos, and videos. It is also possible for the perpetrator to be monitoring your smartphone or computer via [mobile spyware](#), such as stalkerware. If the perpetrator is monitoring your device in these ways, recording and saving audio recordings could alert them to the fact you are collecting evidence.

If you suspect that the perpetrator has access to your devices, accounts, or files, you will need to make a plan for how to avoid detection when collecting evidence. This is both to protect you from additional abuse and to avoid the risk of the perpetrator deleting important evidence. For more information, see [Safety Considerations for Preserving Digital Evidence](#), and consider speaking to an anti-violence organization (See [Technology Safety and Victim/Survivor Resources](#)).

## Voicemail Messages

### Preservation

If you want to preserve a voicemail message or voice note recording, you can do this through the [video screen record](#) option on your phone or with an audio recorder app, a USB recorder, or a traditional tape recorder.

If you have an iPhone, the simplest method is the video screen recording option built into iOS that can capture all system sounds being played by the phone. For Android phones, it will depend on what recording app you choose to use and what audio recording capabilities the app has. Alternatively, you can purchase an inexpensive audio recorder with a 3.5 mm microphone jack and connect it to your phone using an adapter. If you play the audio from the speaker on your phone, you can record the audio you want to capture on another device.

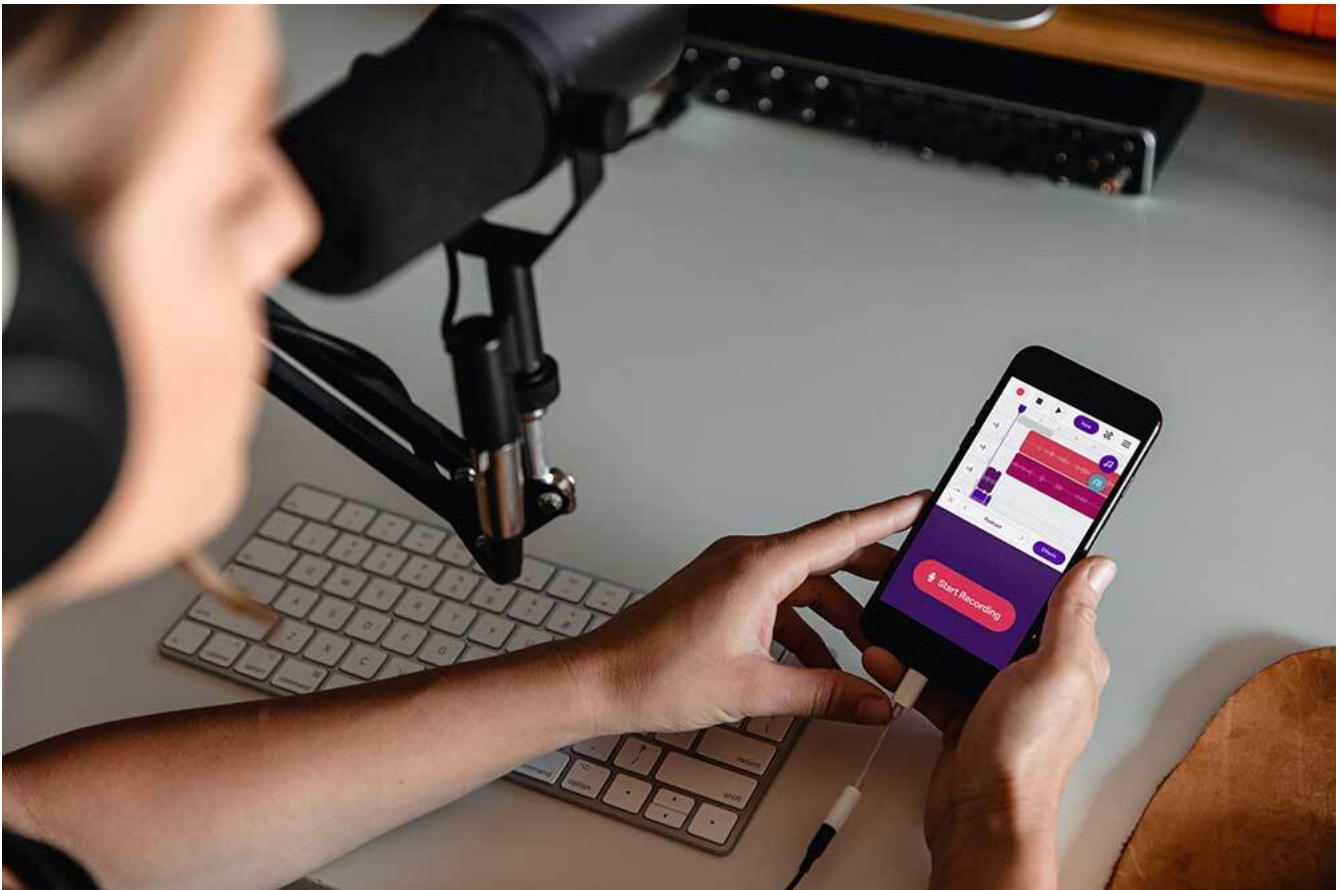


Photo by Soundtrap on Unsplash

**Note:** If you have a digital answering machine (one that plugs into an electric outlet), unplugging it could erase all your messages. It may be helpful to make an audio recording of the voicemail messages you want to keep on a separate recording device in case the original gets accidentally erased. You will most likely need to transfer the voicemail messages onto a USB, CD, or DVD to present the messages in court.

## Transcript

It is recommended that you or someone else make a transcript of the recording. It can be helpful for the court to be able to read what was said in the recording, as it saves time and may be clearer than listening to the audio recording. Additionally, there may be situations where you are not allowed to play a recording in court. In these situations, a transcript of the recording may be allowed as evidence instead. For example, if there is a lot of irrelevant background noise or interruptions in your recording, a judge may prefer the transcript to the audio recording.

If the perpetrator isn't monitoring your device, and you have Internet access, there are helpful online transcription tools such as [www.descript.com](https://www.descript.com) or Google Voice Transcription through Google Docs. If you use a secondary transcription service, you will want to double-check all transcriptions to ensure that the transcript is correct by reading it and listening to the audio recording. You can correct any mistakes so the transcript is accurate.

## Documentation

You may want to gather the following as documentation of audio recordings:

- **Additional information** about the call. Some voicemail services will be able to tell you the number of the person who left you a message and the date and time of the voicemail.
- **Your phone logs or call history**, which you can find on your phone or your phone bill, can match up the message with the phone number, date, and time of the call on your phone logs. Take [screenshots](#) of the phone log. You may have to ask your telephone carrier to give you records, which can take time, so plan ahead. If you think you will need these records, contact your telephone carrier immediately to ask that they retain your records.

[Preserving and Storing Evidence of Technology-Facilitated Violence: Best Practices](#) and Women's Shelters Canada's [Sample Technology-Facilitated Violence Log](#) can guide you through what is important to write down and preserve.

## Presenting in Court

To present the voicemail recording in court, you will need the following information:

- **The voicemail message** in a format that the court can accept as evidence (call the court in advance to ask for guidance and confirm they can accept audio evidence in the format you have).
- **How to access equipment** needed to play the recording. You may be able to request certain equipment from the court using an Equipment Request Form. However, courts may not always have the equipment you need (e.g. a laptop, speakers). If this is the case, you may have to bring your own equipment.

# Audio Recordings

An audio recording is a recording of a conversation between people. How you record and store an audio recording depends on the device you are using, assuming you are the one who is recording the conversation. If you are not familiar with how to record an audio conversation from your device, you can also do an online search such as: "How to record audio on a [your specific phone or tablet]." Generally, audio recording apps built within the device allow you to record, edit, share, store and delete the recording.

It is important to be aware of the following information before recording a conversation:

- Section 184 of the Criminal Code states that recording private conversations is legal, as long as the person recording is one of the people involved in the conversation. For example, if you are speaking on the phone with an abusive partner, it is legal for you to secretly record this conversation. This is called "one-party consent." It is **not legal** to record conversations that you are not involved in (i.e. eavesdropping). For example, you cannot secretly record a conversation between an abusive partner and one of their friends, and you cannot ask a friend to record a call between you and an abusive partner.
- Although it is legal to record a conversation you are involved in, a court may not accept one-party audio recordings as evidence. In some situations, trying to use a one-party consent recording in court may result in the judge having an unfavourable impression of you. You would need to explain to the court the circumstances of why you felt it was necessary to record the conversation without telling the other person you were recording. One explanation to provide the court is that it was necessary to document the ongoing abuse, harassment, and intimidation that you and your children experienced regularly, and it was not safe to tell the perpetrator you were recording the conversation. In family law matters, one-party consent recordings can erode the trust between family members, particularly between parents and children and youth. It can be difficult for children to be in the middle of a disagreement between adults and if you are recording a child, you should not try to encourage them to say negative things about the opposing party. Additionally, when you are recording a conversation, make sure that you are not purposely trying to make the opposing party look bad for the sake of the recording. These actions could undermine your credibility in court.
- Depending on your device and settings, all audio recordings may be saved and available on every device that is signed into your cloud storage account. This could mean that the perpetrator has access to your audio recordings (e.g. if you share devices or the perpetrator knows your cloud ID and password).
- Do not edit the audio recording in any way. Courts prefer to hear the recording in its entirety and may doubt the accuracy of the recording if it has been edited.
- Be prepared to establish the circumstances in which the recording was made, and that its integrity has not been compromised (i.e. it has not been edited). In this regard, it is important to preserve the metadata of the electronic file by keeping a copy of the original recording. The metadata show when the original recording was made.
- It is best to transfer the audio file as few times as possible to minimize questions about the authenticity of your recording. Keep a record of the number of times and the ways you transferred the recording from one device to another.
- Document the time and date of the recording and who can be heard on the recording. Women's Shelters Canada's [Sample Technology-Facilitated Violence Log](#) can guide you through what is important to write down.

## Identifying the Other Party

You might have to prove the identity of the person being recorded. Sometimes an individual may deny that they are the individual on the recorded audio. If you record a conversation between you and another individual, you can testify to their identity. If the recording is a voicemail from someone you know well, you can testify that you recognize the



individual's familiar voice and style of speech. If it is a phone call or voicemail, you may have evidence that the perpetrator's phone number is associated with the evidence. Additionally, if the individual reveals personal information about themselves during the recording, it can be used to prove their identity.

### **Safeguarding Audio Evidence**

Keep any saved audio recordings you plan to rely on as evidence in a safe place. Remember to back up a copy of the file on a secondary device or storage space. File storage options will depend on your circumstances. For more information, see [Preserving and Storing Evidence of TFGBV: Best Practices](#) and [Safety Considerations for Preserving Digital Evidence](#).

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*Adapted with permission from BCSTH's Technology Safety project, based on their resource [How to Preserve an Audio Recording as Evidence](#). Adapted for Canada with permission from NNEDV's Safety Net project, based on their resource [Legal Systems Toolkit](#).*

## **Preserving Websites as Digital Evidence**

When technology-facilitated gender-based violence (TFGBV) occurs, maintaining a record of events is important for criminal and civil legal matters. Perpetrators can misuse websites to post non-consensual images and videos as well as harassing, intimidating, and threatening comments and messages. They can also create fake profiles and accounts intended to harm you or your reputation. Posting and removing content online can occur as quickly as pressing a button or two, so it is important to preserve online evidence as soon as possible. This document provides information on how to preserve information posted to a website as evidence in these circumstances.

If you plan to use website evidence in a court proceeding, you will need to authenticate your evidence in court. For more information about digital evidence and authentication, see [Authentication of Digital Evidence](#).

### **Safety Check**

Before you decide whether to preserve websites as evidence of abuse, you need to consider potential risks to your safety. If you are saving website content evidence to your smartphone or computer, there may be a risk that the perpetrator is monitoring the activities on your device. This could be happening in several ways. Your smartphone could be monitored if the perpetrator has physical access to your device, such as if you share a home, or if you share your passwords with them. If the perpetrator knows your cloud storage (e.g. iCloud, Google Drive, or Dropbox) ID and password, they will have access to your files, photos, and videos. It is also possible for the perpetrator to be monitoring your smartphone or computer via [mobile spyware](#), such as stalkerware. If the perpetrator is monitoring your device these ways, saving evidence from websites could alert them to the fact you are collecting evidence.

If you suspect that the perpetrator has access to your devices, accounts, or files, you will need to make a plan for how to avoid detection when collecting evidence. This is both to protect you from additional abuse and to avoid the risk of the perpetrator deleting important evidence. For more information, see [Safety Considerations for Preserving Digital Evidence](#) and consider speaking to an anti-violence organization (See [Technology Safety and Victim/Survivor Resources](#)).

## **Options to Capture Evidence on a Website**

### **Video Screen Recording**

One of the easiest methods of preserving digital evidence on a website is to record a video of the website on your smartphone. For detailed information on how to capture digital evidence using screen recording, see [Preserving Digital Evidence via Video Screen Recording](#).

### **Screenshots**

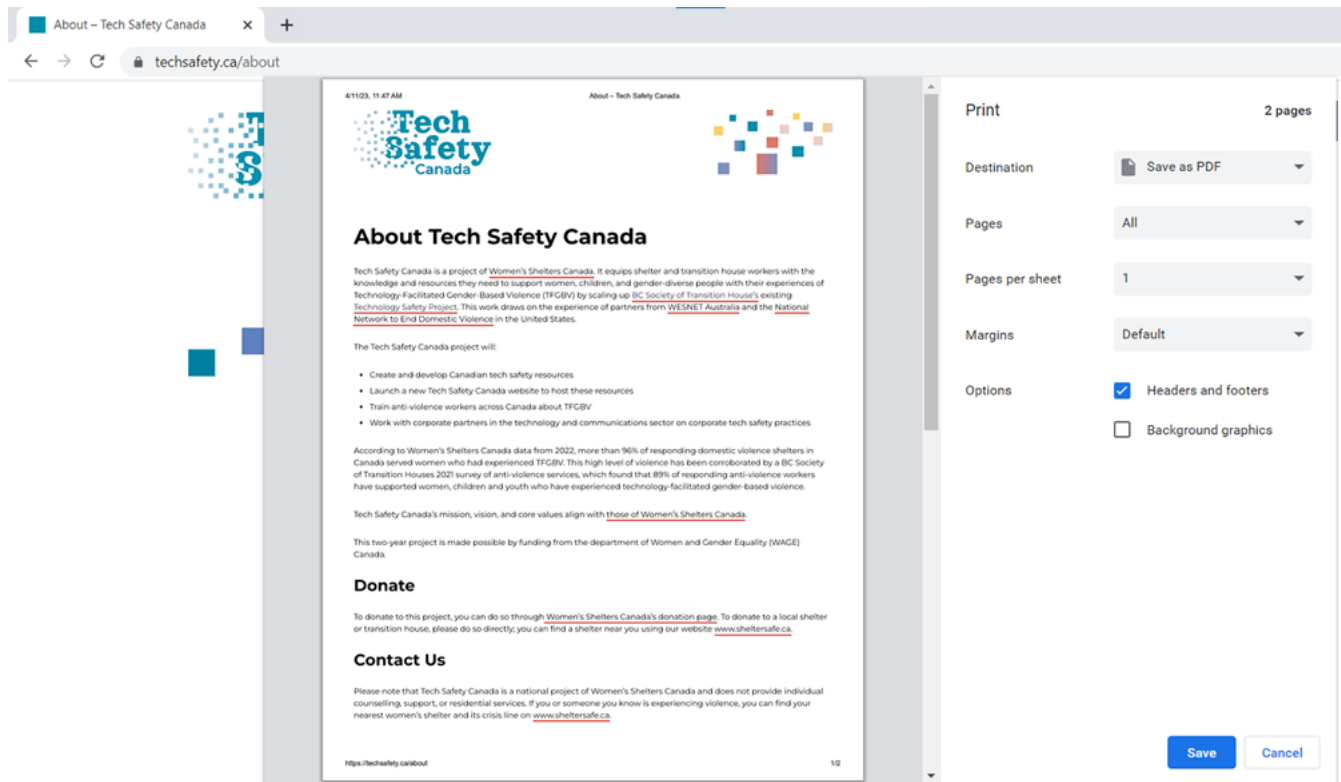
If your smartphone can't record video through screen recording, you can take a screenshot or series of screenshots of the website and the pages you would like to preserve. See [Preserving Digital Evidence via Screenshot](#) for more information.

### **Print to PDF**

It is possible to save a copy of a website and the web pages you want to preserve as a PDF file. From your laptop or computer, open the page of the website you want to save as a PDF. Depending on the browser you are using, select the "Print" option that works for your browser. This can be done by either:

- Selecting the Print option on your web browser, or
- Right-clicking on the webpage and select Print, or
- Holding down the "Ctrl" and "P" keys at the same time until the print screen appears.

Once your print screen appears, select the option to "Save as a PDF" in the printer or destination box.



### The Tech Safety Canada project will:

Make sure you select the "Headers and Footers" option if it's available so the PDF file will include the website link and date on the document you want to save.

Once the website has been converted to a PDF, you can choose to save the file in a safe location and/or print the document for your records. You will want to double-check the PDF to make sure it properly saved the information from the website. Saving a PDF through the print function does not always capture the entire website.

#### Other Options:

1. Using "Markup" in iOS Safari saves your entire loaded page as a PDF
2. Firefox on Android has a save-to-PDF option

#### Preserving Evidence

If you are preserving evidence on a website, it is best to save a copy for your records in case the printed copy gets lost or stolen or the information on the website is deleted. To print a copy of the website you can:

- Print the screenshot
- Print the webpage
- Print the PDF

Backups can be stored on USB flash drives, other external hard drives, or secure devices.

#### HTML (HyperText Markup Language)

It is recommended that you capture the HTML of a webpage with a screenshot. This is because the HTML language contains the source files which shows that someone uploaded a file to the website. Generally, from a desktop or laptop computer, you can retrieve the HTML of a website from File or right-click directly on the webpage -> Save As -> Webpage -> Complete.

Taking a screenshot of the HTML of the website (before downloading) is a good backup as the HTML file could have broken parts when saved locally. Note that incomplete screenshots of the HTML webpage may cause issues presenting the evidence in court, so you may need to take multiple screenshots to capture the entire webpage.

## Tips for Preserving Website Information

### 1. Capture the Entire Website

Many individuals wishing to rely on website evidence in court will capture an offending message, comment, or photo rather than the entire web page. As some courts will not accept just a portion of the webpage, it is always best to capture the entire webpage. To do this, you may need to take multiple screenshots or print multiple pages to capture an entire post with comments and identifying information. You may need to expand comments to ensure you are capturing all of the information.

Make sure to include the URL of the website and the time and date the capture of the webpage was taken.

## 2. Get Supporting Evidence

Screenshots of a webpage may be adequate for some courts. However, this type of evidence may not always be sufficient. Consider if there is any supporting evidence available to you. For example, if you are trying to capture a post on Facebook, supporting evidence like the time and date of the post, who was the original poster, and who commented on it might be found in your Facebook data which can be accessed through the [Download Your Data Feature](#).

## 3. Include Perpetrator Information

### Social Media Sites

On a social media platform like Instagram, Facebook, SnapChat, or Twitter, capture the following:

- Photo(s) of the account of the person who wrote, sent, or posted the harassing photo, image, or comment
- The profile of the person who sent wrote, sent, or posted the harassing photo, image, or comment
- The person's profile URL
- The image or message that is harassing
- Any comment(s) that are harassing or threatening
- The date and time of post

### Websites

Websites can come in many different forms. They can also have less identifying data if they are not set up like a social network with profiles. Anonymous posting websites can make it particularly challenging to collect information about people uploading content. In these cases, legal action against the site to disclose their data or data on their users might be necessary. Collect all information you can see from pages that concern you using screenshots, videos, and other tools discussed in these resources.

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*Adapted with permission from BCSTH's Technology Safety project, based on their resource [How to Save a Website Page as a PDF or HTML](#). Adapted for Canada with permission from NNEDV's Safety Net project, based on their resource [Legal Systems Toolkit](#).*

# Preserving Emails as Digital Evidence

When technology-facilitated gender-based violence occurs, maintaining a record of events is important for criminal and civil legal matters. Email messages, whether accessed through a computer or a mobile device, are a common form of communication. In many family law agreements, courts routinely order email communications as a means of "safe" communication between parties, as it leaves a written record. However, an abuser can misuse email by sending harassing messages, gaining unauthorized access to your email, creating fake email addresses to monitor or impersonate you, or sending computer viruses or spyware via email. Email evidence can be used to strengthen contested cases by providing proof of abuse and presenting a picture of the abusive relationship and domestic violence. This document provides information on how to preserve emails as evidence in these circumstances.

If you plan to use email evidence in a court proceeding, you will need to authenticate your evidence in court. For more information about digital evidence and authentication, see [Authentication of Digital Evidence](#).

## Safety Check

Before you decide whether to preserve emails as evidence of abuse, you need to consider potential risks to your safety. If you are saving email evidence to your smartphone or computer, there may be a risk that the perpetrator is monitoring the activities on your device. This could be happening in several ways. Your smartphone could be monitored if the perpetrator has physical access to your device, such as if you share a home, or if you share your passwords with them. If the perpetrator knows your cloud storage (e.g. iCloud, Google Drive, or Dropbox) ID and password, they will have access to your files, photos, and videos. It is also possible for the perpetrator to be monitoring your smartphone or computer via [mobile spyware](#) such as stalkerware. If the perpetrator is monitoring your device these ways, recording and saving video screen recordings could alert them to the fact you are collecting evidence.

If you suspect that the perpetrator has access to your devices, accounts, or files, you will need to make a plan for how to avoid detection when collecting evidence. This is both to protect you from additional abuse and to avoid the risk of the perpetrator deleting important evidence. For more information, see [Safety Considerations for Preserving Digital Evidence](#), and consider speaking to an anti-violence organization (See [Technology Safety and Victim/Survivor Resources](#)).

## Email Evidence: The Digital Trail

While email evidence can be extremely useful, it is not always properly preserved, and it can get accidentally deleted or have its authenticity questioned. Admitting email evidence generally requires showing that an email is relevant to your case and that a specific person authored and/or sent it.

### What to Include in Email Evidence

1. **The Email Message.** You can save a copy of an email using the print function, which can create a physical copy (if you print the email from a printer) or a digital copy (if you select "Save as PDF" from the printer options). Printing the email will show the To, From, Date, and Subject information like the image you see below. A printed email will also show the file name of any attachments. When printing an email, it can change how the email looks, which can make it harder to admit the email in court. If the email changes when you print it, you might want to take a [screenshot](#) and then print the screenshot instead.

**From:** [REDACTED]  
**Sent:** July 21, 2020 1:18 PM  
**To:** [REDACTED]  
**Subject:** anti-violence programs

**Hi there, I'm looking for an anti-violence program in my area, please get back to me as soon as possible.**

2. **The Header.** What you see in an email is often not all of the information available in that email. A lot of information is hidden in what is called the "header," which has information about the IP address (an individualized code that can help to show who sent an email). When printing emails for court, make sure to print the email with the email header. To find out how to print emails with headers, do an online search for "How to print email header in [name of email provider (e.g. Outlook, Gmail, etc.)]" and follow the instructions.

Email headers might open in a text editor or browser window. Saving the digital file to a readable file format (such as .txt, .doc, or .pdf) is recommended for the preservation of data. Below is an example of an email header from a Microsoft Outlook email address.

Received: from YT1PR01MB8540.CANPRD01.PROD.OUTLOOK.COM (2603:10b6:b01:c7::7) by YQBPR01MB10754.CANPRD01.PROD.OUTLOOK.COM with HTTPS; Mon, 17 Apr 2023 14:33:20 +0000  
Authentication-Results: dkim=none (message not signed)  
header.d=none;dmARC=none action=none header.from=endvaw.ca;  
Received: from YQBPR0101MB9839.CANPRD01.PROD.OUTLOOK.COM (2603:10b6:c01:7b::8) by YT1PR01MB8540.CANPRD01.PROD.OUTLOOK.COM (2603:10b6:b01:c7::7) with Microsoft SMTP Server (version=TLS1\_2, cipher=TLS\_ECDHE\_RSA\_WITH\_AES\_256\_GCM\_SHA384) id 15.20.6298.45; Mon, 17 Apr 2023 14:33:19 +0000  
Received: from YQBPR0101MB9839.CANPRD01.PROD.OUTLOOK.COM ([fe80::9687:cbfc:9e87:5c1f]) by YQBPR0101MB9839.CANPRD01.PROD.OUTLOOK.COM ([fe80::9687:cbfc:9e87:5c1f%4]) with mapj id 15.20.6298.045; Mon, 17 Apr 2023 14:33:19 +0000  
Content-Type: application/ms-tnef; name="winmail.dat"  
Content-Transfer-Encoding: binary  
From: Nikki Owens <NOWens@endvaw.ca>  
To: Jed Nabwangu <JNabwangu@endvaw.ca>  
Subject: RE: programmes antiviolence  
Thread-Topic: programmes antiviolence  
Thread-Index: AQHZcTj8mRbAy0wNO0WhDeyZjwA0nK8vj83w  
Date: Mon, 17 Apr 2023 14:33:19 +0000  
Message-ID: <YQBPR0101MB983903524A6BE78BE68204DFD79C9@YQBPR0101MB9839.CANPRD01.PROD.OUTLOOK.COM>  
References: <YQBPR01MB10754037DC68E05188074AE0EB49C9@YQBPR01MB10754.CANPRD01.PROD.OUTLOOK.COM>  
In-Reply-To: <YQBPR01MB10754037DC68E05188074AE0EB49C9@YQBPR01MB10754.CANPRD01.PROD.OUTLOOK.COM>  
Accept-Language: en-US  
Content-Language: en-US

3. **The IP Address.** Once you have the printed email header, look for the "received" IP address. It will be a long code. You can take that code and enter it into an IP address search on an online search service. Generally, it will provide you with a map that shows where an email was sent from. This will not work with all emails, but it will work for many emails.

*Note: Tracking an IP location will only narrow the location down to a specific city, not an exact address (a warrant is needed for exact locations). Additionally, IP addresses can be easily masked so it might not actually help you identify who sent the email.*

4. **Evidence of Who Sent the Email.** If you are receiving email from someone using a fake email address, what is written in the email may help indicate who sent it. If you have multiple emails from one fake email address, you can print all of them to help show that the different emails are from one person by establishing common patterns, themes, or word/sentence/phrase choices in the communication. If these words/sentences/phrases are similar to those used by a specific individual who you think might be sending the emails, you will want to gather evidence of this as well. For example, if you think the anonymous e-mails are coming from your former partner because the word "over" is

misspelled as "ovur" and this is something your ex always does, you will want to save examples of previous emails or text messages sent by him containing this error. These previous emails or text messages can help you establish it was your former partner who sent the anonymous messages in court.

5. **The Original Email Message.** If you want law enforcement to investigate your emails as evidence in a criminal case, you mustn't delete the emails. You should keep the original email messages in the email account for clarity.
6. **The Entire Thread.** Print all the emails of the same conversation or "Subject." Most courts will want to see the entire conversation thread, not just one "reply" to a larger conversation. It may be helpful to start new email conversations or "Subjects" for separate conversations instead of replying to the same email thread for long periods of time.

#### **Safeguarding Email Evidence**

Keep any saved emails you plan to rely on as evidence in a safe place. Remember to back up a copy of the file on a secondary device or storage space. File storage options will depend on your circumstances. For more information, see [Preserving and Storing Evidence of TFGBV: Best Practices](#) and [Safety Considerations for Preserving Digital Evidence](#).

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*Adapted with permission from BCSTH's Technology Safety project, based on their resource [How to Preserve Emails as Evidence](#). Adapted for Canada with permission from NNEDV's Safety Net project, based on their resource [Legal Systems Toolkit](#).*

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*This document is part of a series of resources provided through Women's Shelters Canada's Tech Safety Canada project. We encourage you to visit [www.techsafety.ca](#) to find additional information and resources about technology-facilitated violence, technology safety planning, and preserving digital evidence. This document, or any portion thereof, may be reproduced or used as long as acknowledgement is included. If you would like to adapt the content, please contact Women's Shelters Canada at [info@endvaw.ca](#).*

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