



How to Preserve Videos as Evidence

Perpetrators can misuse technology to harass, intimidate, and threaten. When technology-facilitated violence occurs, maintaining a record of events is important for criminal and civil proceedings. Women may want to preserve video evidence as a way to support their case as the video may illustrate the relationship dynamics and 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 information sheet will provide information on how to preserve videos as evidence for these circumstances.

Safety Check

Before you capture video evidence, always think through any potential risks to your safety as your devices may be monitored

If you think your smartphone is being monitored and/or someone has access to the files, for example you share devices or the perpetrator knows your cloud ID and password, they might know that you are capturing evidence. Monitoring of smartphones via [mobile spyware](#) is also possible. If the perpetrator is monitoring your device, this could alert them to you collecting evidence and find ways to delete the evidence.

Look at your account settings to see what devices are connected to it and disconnect other devices from the account may be essential if it's safe to do so.

Consider [password safety](#) and the importance of changing passwords on all relevant platforms and devices. If you have any concern that your device(s) may be infected with spyware, plan how to change passwords without alerting the perpetrator.

You may need to consider alternative ways to preserve evidence, some of which can be found in this toolkit.



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 into your Photos app as a video. On an Android, the video will be saved into your Gallery as a video. For laptops and desktops they are files in your systems.

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.

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), and that its integrity has not been compromised and it has not been edited. It is important to preserve the metadata of the electronic file by keeping a copy of the recording in its original form. The metadata can often confirm your story about the video, such as when it was taken, because the metadata 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. You will need to check with your local court to see how you can play a recorded video file in court. 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 your phone in court unless the court approves.

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 to video screen record or to record a video of the video posted online, be sure to check the audio features and to turn the audio function "on" before you record.

See BCSTH's "[Preserving Digital Evidence for Court Using Video Screen Recording](#)" and "[How to Save and Print a Screenshot for Evidence](#)" for more information on *how to*.



Preservation

You may want to preserve videos that are posted online 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 evidence. Please note that if you are using a third-party website or app to download the video, you may be asked questions in court about the tool you used and how it works in order to [authenticate](#) it.

Videos posted on video sharing platform like YouTube can be downloaded using a website such as <https://www.y2mate.com/en23>

Firefox add-ons can also be helpful in preserving videos depending on how a website codes their videos. Some Firefox tools are:

<https://addons.mozilla.org/en-CA/firefox/addon/video-downloadhelper/>

<https://addons.mozilla.org/en-CA/firefox/addon/video-downloader-pro-firefox/?src=search>

For Instagram videos that are posted on a public account, tools such as

<https://downloadinstagramvideos.net/en/> or

https://play.google.com/store/apps/details?id=com.popularapp.videodownloaderforinstagram&hl=en_CA may be helpful.

Remember, generally, in most cases the most reliable option is video screen recording.

Other Considerations

Transcript

It is recommended that a transcript of the recording should also be made if you are considering presenting video evidence in court. This is because there may be situations where you are not be allowed to play a recording. In these situations, a transcript of the recording may be allowed as evidence. For example, if there is a lot of irrelevant background noise or interruptions in your recording, a judge may not allow the recording to be played. However, you might still be able to use a transcript of the [relevant](#) portions of your recording as evidence.

If it is safe to do so, there may be helpful online tools available such as www.descript.com or Google Voice Transcription through Google Docs that can help with translation. You will want to double check the wording used in the transcription to ensure that it accurately captures what was said in the video.



Documentation

Document the time and date of the recording and who can be heard on the recording. It can also 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 it the video deleted.
- Alert you to any escalation in monitoring and control, which may indicate that the danger is increasing as well.
- Help you and the court see patterns of the technology-facilitated violence and may help determine how the perpetrator is misusing technology.

BCSTH's [Documentation Tips For Women Experiencing Technology-Facilitated Violence](#) Information Sheet and [Sample Technology-Facilitated Violence Log](#) can guide you through what is important to write down and preserve.

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 make sure you've got this organized properly).
- 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, when you are recording a conversation, make sure that you are not leading the person of child to say things or purposely trying to make the opposing party look bad for the sake of the recording. The recording could end up being detrimental to your credibility and case if the court felt you were manipulating the presentation of evidence.



Authentication

It is best to transfer the video file as few times as possible in order 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. BCSTH has more information about authentication in our [Authentication of Digital Evidence for Protection Order Matters in BC Family Court or BC Civil Courts information sheet](#). Although the authentication tip sheet focusses on text messages and emails, the same concepts are applicable for 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 on the recorded video. If you record a conversation between you and another individual, you will need to testify to their identity. Additionally, if the individual reveals personal information about themselves during the recording, it can be used to prove their identity.

SAFEGUARDING VIDEO EVIDENCE

Once you have captured the message, it is important that to save it somewhere safe: somewhere you won't lose it or someone else who might be able to delete it won't have access to it. For example, you may not want to save evidence on a phone, computer, or tablet that the perpetrator has access to. Even if you do not think they have access, you may still want to change [passwords](#) and put in other security measures.

Cloud storage

Storing the recording in cloud storage using an online storage solution like Dropbox, Google Drive, iCloud or others can be an option if having saved copy on your device is too high a safety risk. This option can also be simpler than external storage options and remove the need to purchase any other devices or adapters.

To learn more about backing up and storing digital evidence, see our [How to Back Up and Store Your Digital Evidence](#) information sheet.



Safety Reminder

Your safety is the top priority. If you think that the other person in your recording may become more violent if the saved evidence is discovered, consider alternative ways to preserve and safekeep video evidence such as:

- Do not download a video screen recording app for your cloud storage provider that connects directly to your account and/or indicates you have used such an app. The exception would be if you normally use the app for other personal reasons for example, using one for work purposes.
#TechSafetyTip: if you are using a cloud storage app for personal reasons, create a different account when uploading digital evidence. This can help keep the information private and organized.
- Sign up for these services with an email account that the perpetrator does not have access to. You can even make up a whole new email for this purpose. Reasons to do this include:
 - If you are using a shared email account or they know your email password, the perpetrator may reset the password on the cloud storage account to gain access to it.
 - Any revisions or updates related to your cloud storage provider likely will be communicated via email and can signal to the perpetrator that you have an account
- Create a new email specifically for uploading your digital evidence to the cloud. There are many free email account services, below is a sample of some services. As a bonus, some free email providers also offer free limited cloud storage.
 - Mail.com
 - Gmail.com
 - Outlook.com
- Be cautious when accessing an email or cloud storage website with a web browser. By default, web browsers keep a browsing history. If having the perpetrator access your web browsing history is unsafe, delete your history after visiting any sources where you are storing your video screen recordings.
- When apps are downloaded from an app store, often the history of what apps you have currently and previously installed will be assigned to your app store account which may be dangerous if the perpetrator has access to your account.
- Typically, most online storage options are based in the United States and therefore, bound by US law. Despite how private you may think your cloud storage account is, there is also a



possibility that US law enforcement may have access to it. Generally, this poses low risk to users, but this still must be considered.

Connect to an Anti-Violence Worker or Legal Advocate for Support

If you are unsure how to preserve evidence of technology-facilitated violence, contact an anti-violence program in your area for support and to develop a safety plan that includes technology safety considerations. Legal advocates available in BC communities may be able to assist.

BC anti-violence programs and legal advocates:

- [VictimLink BC](#)
- [Legal Aid BC](#)
- [Rise Women's Legal Centre](#)
- [Shelter Safe Map](#)
- BCSTH [technology safety planning](#) and [A Guide for Canadian Women Experiencing Technology-Facilitated Violence: Strategies for Enhancing Safety](#)

Technology Safety Project

This document is a part of a series that details how to preserve evidence related to the misuse of technology in experiences of domestic violence, sexual assault, and stalking. The series is part of the [Preserving Digital Evidence of Technology-Facilitated Violence Toolkit](#). This document, or any portion thereof, may be reproduced or used in any manner whatsoever as long as acknowledgment to the BC Society of Transition Houses is included in the product.

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