

What if an intervention order is breached? How to collect evidence safely



How to collect evidence

Intervention orders contain conditions to increase your safety. Breaching those conditions is a crime. You will need evidence to prove the intervention order was breached.

This brochure offers advice on collecting evidence for the police and courts.

Your safety in the most important thing

Do not gather evidence, like taking photographs or video, if it puts you or your family at risk. It is always better to prevent harm than collect evidence.

Keep doors and windows shut and locked.

Consider upgrading your home security. Install sensor lights, alarm systems, CCTV etc. Speak to your worker at GenWest – there are programs available that can cover any costs associated with this.

Photographic and other evidence

- Photograph the other party during any breach (but only if it's safe to do so).
- Date stamp any photographic evidence. You will need to prove when any photograph was taken. It may be inadmissible at court without a date stamp. You should be able to turn this on via your phone's camera settings.
- Video the other party during any breach (but only if safe to do so).
- Get to know your neighbours and ask them to report any suspicious activity. Give them descriptions of people and vehicles.
- If you are assaulted and do not want to call the police, have a friend or family member photograph any injuries and note the time and date. Keep photographs as you may wish to show police at a later stage.
- See a doctor to treat and record any injuries. Note the details of the doctor especially at an Accident and Emergency clinic.
- Install video surveillance cameras.
- Place items the person breaching the order has touched in a secure place protected from the weather. These can be analysed in future if needed.
- In the case of sexual assault, avoid showering or washing clothing if possible.



Phones

Keep all SMS messages.

Police can download them or photograph the screen for evidence.

Do not delete any messages left on voicemail, message bank or similar recording service.

Keep copies of the other party's mobile phone bills if they still come to your address.

Have a witness listen to phone calls.

Write down any verbal threats as accurately as you can. Record the time and date of the threat and how it made you feel.

If it is safe to do so, **record face to face conversations** using your mobile phone. Phone conversations can only be recorded if you are involved in the conversation.

Note that it is illegal to attach a recording device to the handset of the phone. You can hold a recorder near the handset, but don't attach it to the phone.

If safe, **photograph or video the other party during any breach** using your mobile phone.

Written notes

Keep a diary of individual breaches of the intervention order, whether you report them to police or not.

- Examples include:
- Times / dates
- Location
- Actions of people involved
- Conversations
- Threats
- Cars driven/used, registration numbers
- Assaults and injuries

Keep a diary of suspicious activity at home or work, for example prowlers, cars, or incoming calls from unknown mobile phone numbers.

Keep threatening notes and letters and handle them as little as possible. Carefully put them in a plastic sleeve or envelope touching only the outer edges of the paper. Give them to police.

Emails and messages

Keep emails and take screen shots of conversations in online messaging services like WhatsApp or Facebook Messenger. Photograph the screen and print the photos if you can't keep them on your phone.

Reporting the breach

Call '000' if you are at immediate risk or need quick assistance.

If you are not at immediate risk or do not need a fast response contact your local police station and make an appointment.

Note the name of the officer, and the time and date.

Your matter will be formally recorded and the police will refer you to someone who can help. Each situation is different. You may need to contact the police immediately or soon after an incident.

Or you may feel comfortable enough to keep detailed notes of a breach and make an appointment to see the police later.

Contact your local police station for advice if you have queries about collecting evidence to prove a breach, especially if evidence may be lost or destroyed if police don't attend soon.

Many police stations have a Family Violence Liaison Officer to help you.



If you need an interpreter, please call the Telephone Interpreter Service on 13 14 50.



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