



## Documenting Abuse in Preparation for Court

NNEDV

*Nothing contained in this document is intended as legal advice. The information provided is general guidance on using NNEDV's DocuSAFE app and navigating the legal system. Please refer to the laws in your jurisdiction for more information. To learn more about the DocuSAFE app, please visit [TechSafety.org](https://www.techsafety.org).*

### The Criminal and Civil Justice Systems:

#### **What's the Difference Between the Criminal and Civil Justice Systems?**

The criminal justice system (CJS) was created to hold an individual accountable for wrongs they have committed. The primary focus of this system is offender accountability and not assistance to/for the victim or the wronged party. Under the CJS, the defendant is held accountable to the state.

The civil justice system on the other hand, evolved out of a need to make the wronged party, also known as the "plaintiff", whole again. The focus of this system is to try and put the plaintiff in the same position they had been prior to the wrongful act. Here, the offender is held accountable, not to the state for breaking the law, but to the victim who suffered the direct impact of the wrongful act.

#### **What Should I Expect During the Legal Process?**

Both the civil and criminal systems can feel incredibly difficult to navigate and can take a long time to get through. To help you better understand how courts generally operate and what to expect if you are starting a civil case please visit the [www.WomensLaw.org](https://www.WomensLaw.org) resource on [Preparing for Court](#). This will assist you in filing for a protection order or starting any other type of civil action on your own. If you are pursuing criminal charges, the district attorney (sometimes called the state's attorney or the prosecutor) will be the person moving the case forward.

The district attorney does not represent you but may consider what you would like to see happen with the case. It is important to remember that as a victim of a crime you, too, have certain rights. For more information about the criminal or civil systems or to view resources on crime victim compensation and crime victim rights, please visit the [National Crime Victim's Bar Association](#).

## **Preparing for Court:**

### **How Can I Document Abuse?**

There are many ways that you can document the abuse you are experiencing. What's most important is that you find a way that feels safe and is in line with the recommendations for how evidence is accepted in your jurisdiction. If you prefer to use a paper log to write down what is happening, you could use our [Documentation Log](#). We have also created the DocuSAFE Documentation and Evidence Collection App that can be downloaded on a phone or tablet to help collect, organize, and share certain types of evidence. Images, screenshots of abusive content or messages, and videos can be uploaded and stored in the app and then shared securely, if you chose to do so. For more information and documentation tips, please visit [TechSafety.org](#) and our [Documenting Tips](#) page.

### **What Do Courts Look for when Accepting Evidence?**

Courts primarily look for two things – Authenticity (that the item is what you say it is) and the Form of Evidence (print out of text message, email, social media post). Some courts have specific ways they will accept evidence. Some may look at your device, for example, while others may require printed versions. To learn more about what is suggested and needed in your jurisdiction, please check with law enforcement, the court, an attorney, or an advocate. To learn more about what courts look for and types of evidence, see the Preparing for Court section of the DocuSAFE app or visit [Court System Basics](#) on the [WomensLaw.org](#) website.

## **How Does Evidence of Technology-Related Abuse Differ?**

If you're collecting evidence of technology-related abuse, such as online harassment, social media posts, emails, or other types of messages, it's important to keep and document the original message/post. A forward of an email, for example, will no longer be traceable to the original sender. For some tech-related evidence, specific information will be needed. On social media, for example, the URL of the person's profile will be necessary to identify the poster. For more information on what details to collect for different platforms (social media, text messages, etc), see the Documenting Abuse section of the DocuSAFE app or visit the online article on [How to Gather Technology Abuse Evidence for Court](#). To learn more about digital evidence, visit WomensLaw.org's [Abuse Using Technology](#) page.

## **What Happens to the Evidence I Give the Court?**

Generally, the evidence you have entered will stay with the court file for record purposes. It is unlikely you will get information returned to you. If you are presenting your device to the court and not a print out, be prepared that the court could take your device until they make a ruling on the case. It is recommended that printouts be provided rather than the actual physical device.

For more information on state statutes, understanding the law, and more legal based questions around abuse, visit WomensLaw.org.

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