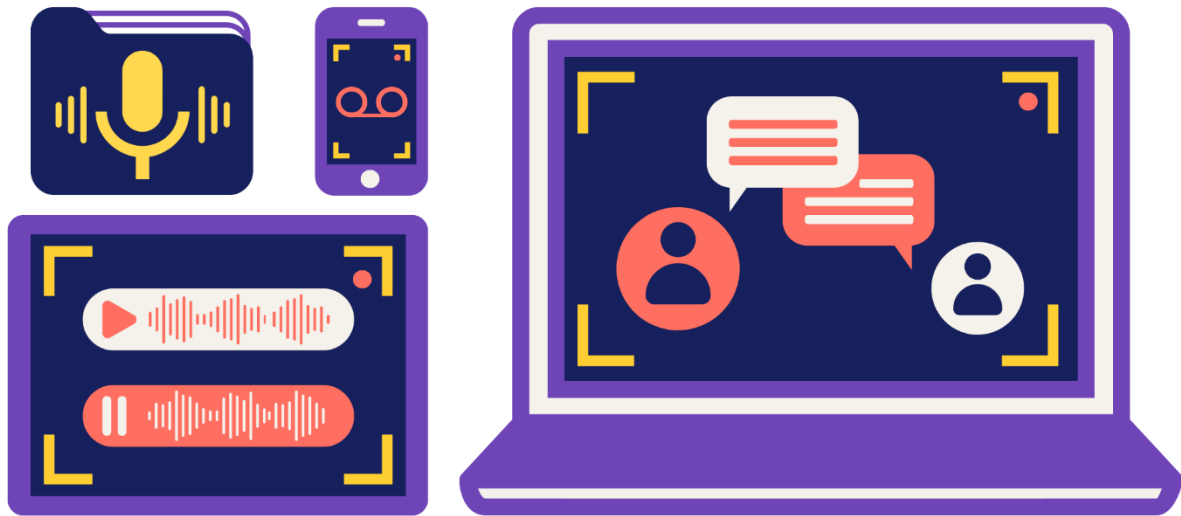


Preserving Audio Recordings as Digital Evidence

Compiled by Tech Safe BC



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Audio recordings, such as voicemails, voice notes, or recorded conversations, can help show patterns of abuse, threats, or intimidation. They can also capture tone, fear, escalation, and other dynamics that may not appear in writing.

This guide explains how to safely preserve audio recordings as evidence.

If something in this guide is no longer up to date, or you have any questions, please reach out to techsafe@bcsth.ca with your concerns.

Table of Contents:

03	<u>Why Audio Evidence Can Be Helpful</u> <u>Safety Check</u>
04	<u>Saving Voicemails and Voice Notes</u> <u>Making a Transcript</u>
05	<u>Documenting Your Audio Evidence</u> <u>Presenting Audio in Court</u>
07	<u>Protecting the Original Recording</u> <u>Proving Who Is Speaking</u>
09	<u>Safely Storing Audio Evidence</u>

1

Why Audio Evidence Can Be Helpful

Audio recordings may help you:

- Keep a record of threats or harassment.
- Show how your current/former partner speaks to you.
- Document changes or escalation in behaviour.
- Help courts understand the full pattern of violence.

Audio evidence can include:

- Voicemails.
- Voice notes.
- Recorded conversations you are part of.
- Audio messages sent through apps.

2

Safety Check

Before making or saving audio recordings, think about whether the current/former partner could detect what you are doing.

They may know you are recording or saving audio if:

- They have physical access to your phone or computer.
- You share passwords or cloud accounts.
- Your cloud storage (iCloud, Google Drive, Dropbox) syncs recordings.
- Spyware or stalkerware may be installed on your device.

Recording someone who is already angry or controlling can lead to immediate escalation. Use caution.

If you think your device may be monitored:

- Consider recording and storing evidence on another device.
- Review [Safely Preserving Digital Evidence of Technology-Facilitated Violence](#).
- Connect with an anti-violence worker for help with a safety plan.

3

Saving Voicemails and Voice Notes

You can preserve a voicemail or voice note by:

- Using your phone's [video screen recording](#) feature (this captures audio too).
- Using a built-in audio recorder or a recording app.
- Recording the voicemail using a second device, such as a USB recorder or another phone.
- Using an adapter and inexpensive audio recorder with a 3.5 mm jack to capture the audio directly.

4

Making a Transcript

A transcript is a written version of what was said in the audio.

A transcript can:

- Help the court follow along quickly.
- Be easier to read than listening to background noise.
- Be used if the court decides not to play the audio.

If it's safe and your device is not monitored, you may use:

- Google Docs Voice Typing.

- Descript.
- Other online transcription tools.

Always listen through and correct mistakes to make the transcript accurate.

5

Documenting Your Audio Evidence

You may want to save:

- Call logs or phone history showing the number, date, and time.
- Screenshots of call logs for your records.
- Any information shown by your voicemail provider (e.g., phone number, date received).

6

Presenting Audio in Court

To use the audio in court, you will need:

1. A copy of the audio in a format the court accepts.
2. A way to play the audio, either using court equipment or your own (if allowed, you may need to call ahead of time).
3. The ability to explain:
 - When you recorded it.
 - Who is speaking.
 - That it is the original recording and hasn't been edited.

Courts may not allow you to play audio directly from your phone unless you have permission.

7

Recording Conversations You Are Part Of (Legal Considerations)

Under Canadian law (Criminal Code s.184):

- You can legally record a private conversation if you are one of the people speaking.
 - This is called one-party consent.

You cannot:

- Record conversations you are not part of.
- Ask someone else to secretly record your conversation for you.
- Record the abusive person talking to someone else.

How this may affect your case

Even though one-party consent is legal, some judges may view secret recordings negatively.

You may need to explain:

- Why you needed to record for safety reasons.
- Why it was not safe to tell your current/former partner.

Avoid:

- Encouraging children to say negative things.
- Trying to “set up” the other person.
- Editing or altering the recording.

These actions may harm your credibility in court.

8

Protecting the Original Recording

Courts prefer:

- The original, unedited audio file.
- Metadata (time, date, device) left intact.
- Minimal file transfers.

To protect your recording:

- Do not edit or trim the file.
- Transfer it as few times as possible.
- Save a note of when, how, and where the recording was made.
- Keep a copy of the original file backed up in a safe place.

9

Proving Who Is Speaking

You may need to show who the other person is. You can do this by:

- Testifying you recognize their voice.
- Showing the call came from their phone number.
- Noting personal information they mention in the recording.
- Combining the recording with phone logs or screenshots.

10

Safely Storing Audio Evidence

Store audio recordings somewhere the abusive person cannot access.

Options include:

- A secure email account.
- A password-protected USB or USB-C Key.
- An external hard drive.
- A device they cannot access.

Always keep a backup copy in case one file is deleted.

If you are experiencing tech abuse, you are not alone. Find support in your community by connecting with a [BC Society of Transition Houses Member Program](#) or check out our other safety resources at techsafebc.bcsth.ca.

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