

FACTSHEET

TIPS FOR GETTING EVIDENCE

The problem starts. You call the police or other agency. When they arrive everything is calm. No one else has seen or heard the problem. Sound familiar? You are not alone. This can be very frustrating but agencies also need evidence to act. Here are some tips to getting it.

Courts are busy. Applicants need good quality evidence. Without good evidence, the judge will not act. Here are some suggestions to help you build up a case against the perpetrator(s). Please note that your initial report of the incident is still the foundation of the case.

Diary sheets

are a great way to record what is happening and how often over time. This is particularly effective in the case of issues with noisy neighbours. Don't just expect to remember it. **Write it down.**

We recommend a simple diary with the date, time and place the behaviour happened, what you were doing at that time, and also how you felt. This all helps to build up a picture for the agencies that get involved. Most Councils will have a template ASB monitoring form – if the issue is noise, call the Council and ask to speak to the ASB officer. They should be able to supply you with official forms (but in the meantime you can use your own diary or notebook. This will still be accepted in court). The agency investigating your complaint should collect these forms from you regularly.

Written proof of threats

Keep everything if you have received threatening emails, letters, text messages or anything on social media. Written evidence is so powerful and even if it is distressing to see, you should keep it. If you have voicemail or answerphone messages that prove the anti-social behaviour you should keep them indefinitely or, if this is not possible, we would recommend asking a Police or Council official to listen to it and give you a statement proving what was heard. If the message is something posted on a social media site which the person posting it could later remove, we would recommend you print it out and again ask an independent person (preferably in an official capacity) to sign it and confirm they saw it live on the Internet.

Petitions – evidence that you are not the only person suffering.

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Noise monitoring equipment (DAT machines) should be available from the Environmental Health officers at your Local Authority (or possibly at your Housing Association). These can be placed in your house to record the noise you are hearing. The agencies can then measure the decibels and times of the noise. This allows them to decide whether it is a statutory nuisance (affecting your health and/or normal lifestyle). This is necessary to get an abatement notice, which asks the offender to stop making the noise, or limit it to certain times of the day.

Noise monitoring equipment is brought in a small suitcase by someone not in uniform. It cannot be seen once it is installed inside. Therefore you should not need to be afraid that the anti-social neighbours will see it. Always worth stressing this though with the official bringing the equipment. The other 2 main ways of getting evidence if this is not enough are:

1. CCTV surveillance and other filming

CCTV surveillance equipment has been very effective in showing evidence for crime and anti-social behaviour. However, there are strict rules for how you install and use it which we would advise you consult these rules carefully first.

2. Professional witnesses

There is great news here, particularly for those suffering intimidation and living in fear – **you don't have to be the one giving evidence against those making your life a misery**. Someone else can testify to what they see or hear – this could be someone from your Local Council or there are **Professional Witnesses** who offer a service to come and witness the behaviour and give that evidence in court. Professional Witnesses charge a fee for this service.