

ANNEXURE G**CHILD PORNOGRAPHY INVESTIGATION CHECKLIST**

(This checklist is a simplified summary of the core procedures to be followed)

(1) Dealing with evidence

Evidence must be dealt with in accordance with the following:

- (a) Only *SAPS forensic investigators* must deal with digital evidence;
- (b) evidence must be stored in a designated, access-controlled *SAPS* exhibit storage facility (secure storage);
- (c) a clear record of the chain of custody must be kept;
- (d) copies must not be made of the evidence; and
- (e) evidence must only be destroyed once a court has given permission.

(2) Search and seizure

Searches for and the seizure of *child pornography* must be dealt with as follows:

- (a) Obtain a search warrant before searching or seizing evidence, in as far as possible;
- (b) search and seizure may be effected without a warrant if —
 - (i) the person concerned consents thereto; or
 - (ii) the police official reasonably believes that a warrant would be issued if he or she applied for it and that the delay in obtaining the warrant would defeat the purpose of the search;
- (c) *SECI* must be contacted for assistance where there is a need for cyber-related searches; and
- (d) provide the suspect or occupant at the premises with a copy of the search warrant.

(Only the *Cybercrimes Act* makes provision for oral applications for warrants, the Criminal Procedure Act does not contain such authorisation).

(3) Victim support

Members dealing with *victims* of offences relating to *child pornography* must:

- (a) Adhere to official instructions on how to support *victims* as contained in National Instruction 2 of 2012;
- (b) offer *victims* access to counselling services;
- (c) protect the identity, privacy and dignity of *victims*; and
- (d) use the *INTERPOL* Child Sexual Exploitation database to help identify *victims*, if needed.

(4) Possession and destruction rules

The following principles are applicable to the *possession* and destruction of *child pornography*:

- (a) *Child pornography* may only be stored for the investigation and subsequent legal processes;
- (b) unauthorised *possession* of *child pornography* is a criminal offence;
- (c) regularly inspect that no one is misusing the material;
- (d) *child pornography* must only be destroyed once a court has approved it and under proper supervision; and
- (e) destruction must be carried out as set out in paragraph 31 of National Instruction 3 of 2008 and *SAPS* directives.

(5) Training and support

All investigating officers dealing with matters involving *child pornography* must:

- (a) be trained in relevant legislation and regulatory frameworks, *victim* care and appropriate investigation methods;
- (b) keep up to date with changes in the law and new technology; and
- (c) use tools such as the *INTERPOL* Child Sexual Exploitation database, with support from *SECI*, to help identify *victims*.