



AFP National Guideline on Managing Child Exploitation Material

1. Disclosure and compliance

This document is classified: **UNCLASSIFIED** and is intended for internal AFP use.

Disclosing any content must comply with Commonwealth law and the [AFP National Guideline on the disclosure of information](#).

Compliance

This instrument is part of the AFP's professional standards framework. The [AFP Commissioner's Order on Professional Standards \(CO2\)](#) outlines the expectations for appointees to adhere to the requirements of the framework. Inappropriate departures from the provisions of this instrument may constitute a breach of AFP professional standards and be dealt with under Part V of the [Australian Federal Police Act 1979](#) (Cth).

2. Acronyms

AFP	Australian Federal Police
CEM	Child Exploitation Material
CFT	Computer Forensic Team
CPO	Child Protection Operations
PROMIS	Police Real-time Online Management Information System
SACAT	Sexual Assault and Child Abuse Team

3. Definitions

Access – is defined in section 473.1 of the [Criminal Code Act 1995](#) (Cth).

AFPNET – is defined in the [AFP National Guideline on managing ICT system access](#).

Child abuse material – is defined in section 473.1 of the [Criminal Code Act 1995](#) (Cth).

Child exploitation material – for the purpose of this guideline includes child abuse material, child pornography material and sexually explicit material.

Child pornography material – is defined in section 473.1 of the [Criminal Code Act 1995](#)

(Cth).

Sexually explicit material – is defined in the [AFP National Guideline on property and exhibits](#).

4. Guideline authority

This guideline was issued by National Manager High Tech Crime Operations using power under s. 37(1) of the [Australian Federal Police Act 1979](#) (Cth) as delegated by the Commissioner under s. 69C of the Act.

5. Introduction

This guideline outlines how appointees may access, possess, copy, disseminate, store and destroy child exploitation material (CEM). All references to CEM in this guideline includes sexually explicit material.

It should be read with the:

- [AFP National Guideline on property and exhibits](#)
- [AFP National Guideline on forfeiture of child exploitation material](#).

6. Handling material

Where sexually explicit material comes into the possession of the AFP it should be handled as if it were child exploitation material (CEM).

All child exploitation and sexually explicit materials must be recorded and stored per the [AFP National Guideline on property and exhibits](#).

Electronic CEM:

- can be stored in computer systems that have been approved by National Manager High Tech Crime Operations
- must not be permanently stored on AFP approved encrypted USB devices and must be securely deleted as soon as practicable.

6.1 Accessing stored CEM

Stored CEM must only be accessed and viewed by members involved in:

- investigating and prosecuting related offences
- forensic examination
- intelligence gathering and dissemination
- destruction
- administration for:
 - forfeiture proceedings per Part 1E of the [Crimes Act 1914](#) (Cth) (see [AFP National Guideline on forfeiture of child exploitation material](#))
 - the Child Exploitation Tracking System
 - the Australian National Victim Image Library.

6.2 Investigating CEM offences

Unless part of the following teams, members who become involved in CEM investigations should contact, Child Protection Operations (CPO), Internet Policing Team, or Sexual Assault and Child Abuse Team (SACAT) for advice in the first instance.

Members who have not undergone psychological testing and obtained clearance for dealing with CEM and do not wish to continue with the investigation, may arrange to have the investigation transferred to CPO or SACAT, after consultation with the relevant supervisors in those areas.

6.3 Viewing CEM

All appropriate steps should be taken to ensure viewing CEM is kept to the minimum necessary to achieve the requirements of the investigation and in accordance with the [AFP Practical Guide on Wellbeing Support for Members Dealing with Explicit Material](#).

Examining CEM should be conducted in an appropriate and secure environment that minimises the possibility of inadvertent viewing by third parties.

Before conducting examinations of CEM in external locations the following must be considered:

- availability and practicality of alternate locations
- the suitability of the proposed location via consultation with the supervisor
- the likelihood of accidental viewing by others and the steps taken/necessary to minimise the risk.

Managers must ensure that AFP members who are required to view CEM have appropriate and secure equipment and facilities.

7. Accessing CEM

Computer Forensic Team (CFT)

For CEM contained on an electronic device, members should provide the device to the CFT, accompanied by an Operations Support Request which outlines what is required from the CFT.

CFT are likely to view some CEM to establish technical information for producing a computer forensic report, however, the CFT need not view CEM to classify it.

Commonwealth Director of Public Prosecutions (CDPP)

Any access to CEM by the CDPP must be in accordance with the [Child protection Operations: On-line child exploitation conduct of matters guidelines](#).

If a CDPP officer is unable to view CEM at the appropriate AFP office, they may examine it at CDPP premises or another location; however members must consider s. 6.3 above.

When CEM is viewed by CDPP, the AFP member must:

- always remain present
- retain possession of the CEM

- record the viewing details (i.e. time, date, personnel involved) in a PROMIS case note entry, as soon as practicable.

Once the CDPP has established what CEM is required by the courts in consultation with the AFP case officer, the evidentiary CEM and the necessary technology to view it should be provided by the AFP.

The AFP case officer must record details of any CEM provided to a court in a PROMIS case note entry.

CEM must not be physically provided to defence counsel, however, may be made available for inspection upon request and only if the CDPP case officer confirms there are no objections.

When CEM is viewed by the defence counsel, the AFP member must:

- consider s. 6.3 above
- always remain present
- retain possession of the CEM
- record the viewing details, (i.e. time, date, personnel involved) in a PROMIS case note entry as soon as practicable.

AFP members must not negotiate or enter into binding discussions with the defence counsel regarding the CEM or aspects of its classification/categorisation and should instead direct them to CDPP to discuss such issues.

8. Copying and disseminating CEM

CEM must only be copied and disseminated by AFP members for law enforcement purposes, including for:

- inclusion in a victim identification register
- intelligence purposes
- dissemination to other law enforcement agencies for intelligence or investigation purposes
- forensic examination
- criminal investigation
- administration of the Child Exploitation Tracking System or Australian National Victim Image Library.

8.1 Copying

Unless part of the following teams, members should consult with Child Protection Operations (CPO), Internet Policing Team or Sexual Assault and Child Abuse Team (SACAT) prior to copying CEM to confirm if duplication is necessary and to consider possible alternatives.

Members responsible for copying CEM must ensure that each copy is accounted for, recorded and stored appropriately, including recording in a PROMIS case note entry, the number of copies and their purpose.

The Computer Forensics Team may create a 'working' copy of seized CEM to protect the integrity of the original evidence for use by investigators.

CEM should only be copied using official AFP equipment.

Electronic CEM must never be copied to:

- non-encrypted portable data storage devices
- wireless communication devices (i.e. mobile phones, PDAs or iPods)
- non-password protected CDs or DVDs
- AFPNET.

8.2 Disseminating

Before dissemination, members should contact CPO or SACAT for advice and must be mindful that security during transit is the primary consideration.

Disseminating CEM to Australian law enforcement agencies or internationally must use 1 of the following methods:

- transmission via an approved electronic medium
 - domestically, using an encrypted virtual private network or the Child Exploitation Tracking System
 - internationally, using 'groove' or secure File Transfer Protocol site.
- copied to portable media which is encrypted and password protected.

Portable media must then be transported via secure means, either by safe hand or courier/diplomatic bag and receipts obtained. Passwords must be forwarded by different means.

Members who need to disseminate internationally must obtain an export permit from Australian Classification Board. Formal advice on this process should be obtained from CPO.

The sender must record all dissemination in a PROMIS case note entry, including:

- the sender's name
- the addressee's name
- the recipient organisation
- a description of the disseminated material
- the purpose of the dissemination
- the means of the dissemination
- a copy of the permit (where applicable)
- the receipt acknowledging possession of the CEM.

9. Destroying CEM

CEM must be destroyed when no longer required for lawful purposes and in accordance with the [AFP National Guideline on property and exhibits](#).

The case officer must contact the Child Protection Operations Victim identification Team before CEM items are destroyed.

After the prosecution and appeals period, the case officer must ensure:

- all appropriate court orders are uploaded to the relevant PROMIS case

the appropriate disposal form is completed and a task sent to their local exhibit registry for disposal, per the AFP National Guideline on property and exhibits.

Forfeited CEM must be managed per the [AFP National Guideline on forfeiture of child exploitation material](#).

10. Further advice

Queries about the content of this guideline should be referred to HTCO Governance via HTCO-Governance@afp.gov.au.

11. References

Legislation

- [Australian Federal Police Act 1979](#) (Cth)
- [Crimes Act 1914](#) (Cth)
- [Criminal Code Act 1995](#) (Cth)

AFP governance

- [AFP National Guideline on forfeiture of child exploitation material](#)
- [AFP National Guideline on property and exhibits](#)
- [AFP Practical Guide on Wellbeing Support for Members Dealing with Explicit Material](#)
- [Child protection Operations: On-line child exploitation conduct of matters guidelines](#).