

CSAM Protocol

Mohave County Courts utilize a digital evidence portal for presentation and preservation of evidence. However, child sexual abuse material (CSAM) is prohibited from being uploaded into the portal.

The CSAM digital evidence that is prohibited from being uploaded into the digital evidence portal should be maintained by the offering party or law enforcement (LE) until the court admits it.

Marking the Evidence

- 1) CSAM digital materials shall be maintained by offering party on an external drive (ie, hard drive, thumb drive, etc.) until time of trial,
- 2) The digital evidence shall not be encrypted OR any password needed to access the data shall be included with the evidence and provided to the court,
- 3) The offering party shall ensure the drive is write protected and in a “read only” mode, so the evidence is no longer manipulable,
- 4) The offering party shall add a physical placeholder document to the digital evidence portal for each item of physical CSAM evidence,
- 5) At time of trial, the external drive shall be brought to the courtroom clerk to mark and take into clerk custody as evidence.
- 6) The Judge shall order the evidence be sealed and the clerk must seal it in a secure envelope or use a secure method, in accordance with internal policies.

Courtroom Presentation

During hearings or trials, CSAM evidence can be presented as follows:

- 1) TV on rolling cart shall be requested from Court IT by offering party for dates needed,
- 2) TV shall face the toward the jury, away from gallery,
- 3) Offering party shall connect an appropriate electronic device¹ to the TV via HDMI,
- 4) Offering party shall present the materials to the jury on the TV from the external drive.

¹ Device shall not be connected to any network or internet connection.

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Jury Deliberations

During jury deliberations, if the jury requests to view the evidence,

- 1) The bailiff will alert Court IT that the CSAM evidence is requested by the jury for viewing,
- 2) The Court will provide a device that can present from the external drive,
- 3) The device will not have any network or internet connectivity,
- 4) The device will not have any other evidence or documents,
- 5) The jury will be instructed that the device is available only for the limited time needed to view the CSAM evidence and will be collected when they have completed their viewing, and it will not remain throughout deliberations.
- 6) The evidence shall not be downloaded to the device and shall remain on the external device.
- 7) Court IT will ensure the evidence is not stored on the device and the device is wiped clean if any prohibited materials are found on the device.

Retention

- 1) The external drive retention shall be managed by the Clerk's Office policies.
- 2) The Judge shall order the exhibit sealed pursuant to A.R.S. § 13-3553(B).
- 3) The exhibit shall be transmitted to the appellate court only upon specific request for such item.

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JURY INSTRUCTION RE: MANAGEMENT OF CSAM

IF YOU WISH TO VIEW THE EVIDENCE IN THIS MATTER, PLEASE ALERT THE BAILIFF.

The bailiff in this matter is authorized to assist you obtaining access to any evidence that you wish to review as you deliberate in this matter.

For evidence within the digital evidence portal, this will be available for your viewing via a device connected to the digital evidence portal.

If you wish to view the materials that are on the external hard drive, and not included within the digital evidence portal, you will be provided with a device that cannot access the internet to view such items. Do not download the items to the device. This device will be made available only during the time needed to review such evidence and shall be returned to the bailiff once you have conducted your review. If further review is needed, the evidence may be requested again.