Action to be taken as a Safe Police Personnel when CHILD SEXUAL ABUSE is reported in the Police Station/SJPU

POCSO 2012 ACT IS GENDER NEUTRAL. UNDER THIS ACT, THE ACCUSED IS CONSIDERED GUILTY UNLESS PROVEN OTHERWISE IN THE COURT OF LAW.

**FILE THE FIR**
- Record the complaint in writing in simple words that a child can understand
- Enter it in a register kept at the station. Assign an entry number to the complaint. Read it over to the complainant.
- Ideally, have a woman police officer record the complaint if the victim/complainant is a female
- Take the help of a translator if required
- Share the following with the complainant: your name, designation, contact phone number, the contact information of your immediate superior and attested copy of the FIR

**RECORD THE CHILD’S STATEMENT**
- At a place where the child is comfortable
- In a language the child is comfortable with, verbatim
- With the help of interpreters/spacial needs educators if required
- Wearing plain clothes, using friendly body language
- Using audio-visual electronic recorders if possible
- Ensuring the child is not exposed to the abusing public/media
- Ensuring the child does not stay beyond dusk

**ENSURE EVIDENCE IS NOT TAMPERED WITH**
- Ensure that the clothes the child was wearing at the time of incident/at the scene of crime, etc. are preserved for evidence. Critical forensic evidence could be lost or contaminated by such action. Ensure chain of custody is established for samples and materials being handed over to the Forensic Science Laboratory.

**KEEP THE CHILD AND CHILD’S REPRESENTATIVE INFORMED**
- Update them on the proceedings of the case, availability of free legal aid services, status of arrest and bail of the accused, availability of victim compensation, status of investigation, filing of charge sheet and schedule of the trial.

**INVESTIGATE THE CRIME**
- Investigate and file the charge sheet within 90 days.
- Ensure confidentiality of the child and the family is not compromised.
- Under section 252(1) of POCSO Act, after filing of the final report by the police, the Magistrate must direct the District Level Service Authority to provide free legal aid to the child/family.

**FOLLOW UP ACTION**
- Failure to record a complaint is punishable under POCSO Act and IPC with up to 6 months imprisonment or a fine.
- If child needs medical care, arrangements may include admitting the child in a hospital or a shelter home within 24 hours. Record reasons for doing this, like if child is without parental support or child is living with the alleged abuser or child is in need of care and protection.
- If required, produce the child before CWC. If the child needs emergency medical care take the child either to a government hospital. In case of penetrative/aggressive sexual assault, take the child for emergency medical examination to the nearest government hospital.
- Arrange medical examination of the child by a RMP of a Government hospital. In the presence of a trusted adult and with consent of the child if above 12 years. Below 12 years, consent to be given by parents. If trusted adult is not present, the medical superintendent can appoint a woman to act as one.
- Attend Metropolitan or preferably Judicial Magistrate to record the child’s statement under Section 164 of IPC in the presence of child’s parents/trusted adult. Submit FIR to the Special Court.
- Record in writing if there has been any delay in taking the above steps.
- If report of abuse is received from third party, inform the parents immediately but sensitively if they are not the accused.
- If perpetrator is a family member, provide protection for the child under the DV Act Sec 18

**WE KEEP THE BEST INTEREST OF THE CHILD IN MIND AT ALL TIMES**

**PRE-EMPT CHILD SEXUAL ABUSE IN THE COMMUNITY**
1. Arrange awareness and sensitization sessions for communities, schools and parents groups (in corporates/industry/services) on the role of the police in child safety and the POCSO Act
2. Visit and interact with children in schools/housing complexes/institutions. Build support with children and their care givers and inform them about Personal Safety Rules
3. Learn how to teach children in your family to recognize, resist and report perpetrators of abuse, including sexual abuse.

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