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Furthermore, we must insist on seeing realistic, reliable evidence for such claims. Some research tends to exaggerate and magnify the risks for error without exhibiting much concern for the context of possibly endangered children. This caution reflects the traditional academic stance of scientific objectivity, which is necessary for testing hypotheses. But research findings not balanced or informed by real life considerations and the awareness of the use and misuse of data do not serve the ultimate goal of truth seeking. We must become critical readers of research evidence, able to articulate clearly our objections to research that does not take human factors sufficiently into account.

Finally, and perhaps most importantly, we cannot lose heart and abandon our efforts or become distracted from our purpose of helping children. After all, we are simply experiencing now what children have always endured: the accusation that our statements about abuse are lies or misinterpretations caused by incompetence or malice. The difference is that we can choose not to be involved: children can only choose to suffer in silence. We should be glad that it is us grownups who are taking the heat, who have become the targets. At least we can defend ourselves. We can use this experience as a potent and visceral reminder of how it feels to be discounted.

I don't mean to suggest that it isn't hard. To devote a professional career to

helping children only to be accused of manufacturing the problem is extremely disturbing. It can produce defensiveness, excessive caution, loss of commitment, depression, anxiety, and ultimately a decision to leave the field. Let us fight against this, not by trying to out-lawyer the lawyers, but rather by keeping our eyes on the prize: a society in which adults and social institutions stand up for children.

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PROFESSIONAL EXCHANGE

WORKING WITH SOCIAL WORKERS

—by Paul Stern

It was the first child abuse case I tried in Washington State. The defendant, a chief intelligence officer for a military service, had confessed but the confession had been suppressed. His two daughters had bravely testified about the ongoing sexual abuse they suffered. The allegations arose, however, amid a nasty divorce, and the mother was an unsympathetic witness. After nine hours of deliberations, the jury acquitted.

I had never given any thought to how I was going to tell these teenagers that a jury had elected not to believe them. It was nearly midnight, and the two girls had napped on my office floor off and on during the evening. Now wide awake, they smiled nervously and asked optimistically about the verdict.

And I had to tell them.

I went to law school to be a trial attorney. In my 20 years of schooling I never took a child psychology course, nor a child development class—not anything dealing with children. I have never been a parent, have no younger siblings, and see my only nephew only once every 3-4 years. When I started trying child abuse cases, I didn't know a thing about children.

As trial attorneys in a child sexual abuse case we have the responsibility to explain children's behavior to a jury. We must also translate into adult-ese what the victims are really saying in the language of children. Simultaneously, we should compassionately guide the children through a most painful part of their lives, and do so within a structured, public arena with their abuser looking on and a well-educated adult hired by their abuser trying to rattle and

confuse them.

In reality, much of my dedication to the cause of prosecuting child abusers is merely cowardice. I don't ever again want to have to tell a child that 12 people—people they had never met before, people whose names they never know—have said they could not believe enough of what the child had said to convict. And no matter how much we might sugar-coat and rationalize our disappointment over acquittals (“That defense-oriented judge made terrible rulings,” “It was a tough case, and I had such lousy witnesses”), it's as simple as this: It is my job to make sure the jury believes the child. If I succeed, they convict. If I fail, they acquit.

If not driven by cowardice, others might find the motivation in their ego: the simple unwillingness to lose. Others might simply enjoy The Game of the trial practice.

Through it all, however, we begin to feel the dedication of the cause. We try to “keep our eyes on the prize”; but we often find that the prize keeps changing. Perhaps for social workers “the prize” has been easy to identify. In the companion article, Lucy Berliner describes it as “a society in which adults and social institutions stand up for children.” For the trial attorney, it has traditionally been winning. Now, by being committed to our work, “the prize” for us as prosecutors of child abuse cases has become hazier.

A conviction can have a steep price for the child. To how much pain are you willing to subject the child in order to obtain a conviction? In time, success begins to involve the process, too. Allowing the victim to face his or her abuser. With a support system. With strength. With dignity. The look of pride on the child's face as she walks from the courtroom, feeling empowered to do what a few months ago seemed unthinkable, becomes part of “the prize” even to the prosecutor.

It is within this haze that the trial attorney handling child abuse cases can get lost. Many of us now understand the concerns of

the social worker. When before we might have placed winning above all other concerns, now we feel conflicting interests. We, too, want to protect the child and empower him or her. We can finally appreciate what social workers have been telling us for years. But we are trained to win. If we listen too much, will we lose the edge in court, the drive, the motivation to do what we must to obtain a conviction?

The social worker can help educate us. Sadly, many prosecutors do not recognize and understand the “unusual” behavior of an abused child. Too many prosecutors haven't learned to translate the child's words into words a judge or a jury, or even the attorney, can understand. We need to be taught, sensitized, enlightened, motivated.

“The prize” remains the conviction, for that is what we are paid to produce. Yet it is no longer enough to do our job and let the social worker pick up the pieces. On the other hand, the system is not served by the prosecutor and the social worker in the same role. We must educate each other, as the companion article makes clear. But we must also recognize that we have different but compatible jobs to do. We must work together toward two prizes. We need to respect that in each other and encourage that in each other.

Recently I was helping a younger colleague prepare a child sexual abuse case for trial. She became frustrated at one point and exclaimed, “This job would be so much easier if I could stop being a social worker and just be a lawyer.”

In child abuse cases you can't “just be a lawyer.” But by knowing that we need social workers and knowing what their role is, you can be a much better prosecutor.

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