

00:00:06.600 Hi, my name is Lori Conroy. I'm an assistant  
00:00:08.760 United States Attorney. I work for the Department of Justice.  
00:00:12.160 Today, I'm here to offer some suggestions and what I think are  
00:00:15.800 best practices for the prosecution of cases involving child abuse.  
00:00:20.440 When you have a child who is a potential witness, the best advice I can give based on  
my experience  
00:00:28.160 is that early and often meetings with them is best. If you have a child who was  
interviewed in a  
00:00:36.280 Children's Advocacy Center setting, this provides a good opportunity to staff nearly  
immediately.  
00:00:43.320 How you may introduce the prosecution team to that child and begin the process of  
preparation,  
00:00:51.960 start in a place where the child is comfortable and with people they're comfortable  
with.  
00:00:57.840 Again, if you have had a child who has been forensically interviewed and they are  
00:01:02.960 receiving wraparound mental health services following that forensic interview  
through a  
00:01:07.360 Children's Advocacy Center, that's a great place to start. Staff it with the team and  
00:01:13.360 ensure that you have the right releases and the right setting to be able to talk to that  
child.  
00:01:20.000 The first meeting with a child should be nothing more than a brief introduction.  
Usually,  
00:01:26.440 you want that just to be with the prosecutor and perhaps one other person with  
whom they're  
00:01:31.120 comfortable. In that first meeting, I simply tell the child who I am and what  
00:01:37.280 I do. I tell them I don't need anything from them that day. I just wanted to meet  
00:01:42.520 them. And I tell them that I don't know them, but I'm very proud of them and that  
00:01:48.000 I am thankful that they were very brave and told someone what happened to them.  
00:01:54.360 And if it's okay with them, I may want to meet them again and introduce them to  
some other people  
00:02:00.240 that I work with. In a later meeting, you may also want to think about taking the  
burden from the

00:02:06.520 child. Sometimes, even young children can feel pressure from caregivers and from others, like

00:02:13.120 "we're in this mess." The mess being a criminal investigation or prosecution because of the child.

00:02:19.200 I usually like to explain that my role as a prosecutor is to take the information that they

00:02:24.560 gave and that everyone else gave in the case and to decide what's next. And that if they feel like

00:02:30.680 anyone is making them feel like it is on them, it's not. It's on me. And I usually give them

00:02:36.040 my business card and say, "If they want to know who did all of this, they can give me my card."

00:02:42.320 I had an experience with a child who had unfortunately lost a young

00:02:47.040 sister and had been severely abused and neglected himself. And we knew,

00:02:52.000 because of his experiences and because of his age and his development, that getting

00:02:57.360 him to the point of being a witness at trial was going to be a challenge.

00:03:03.120 I spent a number of very brief meetings with him in the context of his therapy sessions with the

00:03:10.360 permission of his guardians and his therapists. Just simply saying hello, building paper airplanes

00:03:16.520 and flying them down the hallway. All of this was just to ensure that if we got to the point where

00:03:23.600 this young man had to come into a courtroom and talk about what was undoubtedly the worst

00:03:30.080 experience of his young life to date, that he was comfortable with me asking him those questions.

00:03:37.880 Meet the child where they are, figuratively and literally. And give the child as many

00:03:44.480 choices as you're able to give them. It could be something as small as waiting for

00:03:49.560 the child to enter the room, asking them where they would like everyone to sit,

00:03:54.760 asking them what they would like for you to call them.

00:03:58.040 If it gets to the point where labels are being identified, which usually would not be in the

00:04:03.920 trial preparation stage, ask them how they want to be known. Do they identify as a victim? Do they

00:04:10.160 identify as a survivor? Find out if they identify as a particular cultural group or male or female.

00:04:18.720 As you're exploring what the child wants at the appropriate time, you may also want to explore

00:04:25.280 with them and with their caregivers with whom they're most comfortable,

00:04:30.440 who best answers these questions. I recently had an experience with a survivor who told me

00:04:37.520 that he felt much more comfortable talking about sexual abuse perpetrated against him

00:04:43.720 by a male perpetrator, talking with a male attorney and a male investigator than a female.

00:04:50.880 These are things that you want to be thinking about so that you can build

00:04:54.400 your trial team around what that child is going to feel most comfortable with.

00:05:00.080 Recognizing that there's going to be so many things that are beyond their control in the

00:05:04.280 courtroom, including being there themselves, give them some choice and some power back.

00:05:11.240 Keep it simple in time and in language. No lawyer speak. I struggle with this myself, and I find it

00:05:19.560 very helpful at the point where you've introduced someone else, perhaps a victim specialist, maybe

00:05:24.720 there's an advocate, maybe there's a guardian who knows the child, and have them watch the child.

00:05:30.600 And if there's something that you as the attorney are explaining

00:05:34.000 and it seems that the child is having trouble understanding it,

00:05:37.480 encourage that person to interrupt you and ask you to explain it in a different way,

00:05:42.920 or perhaps let them explain it in a way that they know the child would understand it.

00:05:49.120 Take some time with these meetings. Pause, adjust your pace, listen to the child,

00:05:55.600 take some notes so that the next time you meet with the child you remember

00:06:00.000 the things that they enjoy doing, the school subjects that are their favorites,

00:06:05.280 the sports teams or characters on television that they enjoy.

00:06:11.200 Take a genuine interest in this child and make these experiences more about  
00:06:17.240 them and the things that they like than what you need from them. Build on these  
00:06:23.360 meetings until the comfort level is high. And then at that point,  
00:06:28.200 you start beginning to explore some of the more substantive information that you  
need in a case.  
00:06:35.280 When you get to the point that you are talking about the case,  
00:06:39.440 there's a line from the musical Hamilton that I always think of. It says, "Talk less,  
00:06:43.920 smile more." Think about this: the child or the adolescent or the young adult that  
00:06:50.720 you are interacting with has never been in your position, and you've never been in  
their position.  
00:06:56.640 This is likely one of the most serious, humiliating, embarrassing,  
00:07:03.200 emotional things that they have ever dealt with. Do not compare yourself to them.  
00:07:08.240 Do not compare your experiences to them. Simply listen and ask the "why"  
questions.  
00:07:15.080 Recently, in preparing for a different training, a survivor told us that he  
00:07:20.440 was expressing his concern about moving forward with charges related to sexual  
00:07:26.360 abuse he experienced as a child. And he felt that the prosecutor, when the  
prosecutor says,  
00:07:32.240 "Well, it's my job to charge," didn't properly understand the fear he felt about the  
perpetrator.  
00:07:41.320 And that it wasn't that he was reluctant to move forward with prosecution. That  
00:07:45.920 he just wanted someone to hear him and express that they understood his fear  
00:07:52.680 and validate that. You cannot put yourself in their situation. You should not  
compare,  
00:07:59.760 in front of that child, to other cases, other prosecutions that you've experienced.  
00:08:05.880 Remember that this is very likely the most significant thing that this child  
00:08:11.240 has ever experienced. Just because a victim doesn't act like we think that they  
should,  
00:08:17.800 does not mean that they are any less a victim and a survivor of child abuse or child  
sexual abuse.  
00:08:25.200 One of the purposes of meeting with a child in more than one setting,

00:08:30.120 in more than one experience, is to see how they react to particular situations. Recently,

00:08:36.120 in reviewing some sex assault nurse examination paperwork,

00:08:41.039 I had an observation that this particular patient was noted by the nurse to be giggly.

00:08:47.680 Now, at first blush, you may think that that's a counterintuitive response to being the victim

00:08:54.240 of a sexual assault. However, the more you get to know a child and those who are their

00:09:00.800 caregivers around them, the more you will learn that that's likely a response to being nervous.

00:09:07.360 And if you know that that's something you can explore with them in front of

00:09:12.360 the jury or with another witness in front of the jury, so the jury understands why

00:09:17.280 the child is acting the way they do when they're on the witness stand.

00:09:22.240 Understand that a child's feelings about abuse are complicated. Statistically, we know that

00:09:29.640 most sexual abuse is perpetrated on children by someone they know. It may

00:09:34.720 even be someone they love. And so their feelings about that are complicated. They

00:09:40.560 may feel embarrassed. They may feel as if they have done something wrong. They may

00:09:46.360 love the perpetrator. Their family members may love the perpetrator.

00:09:50.520 So understand that as they are meeting with you and as they're dealing with all of this

00:09:56.200 and processing with it, their reactions may be different. They may be flat in affect. They may be

00:10:03.640 giggly. They may be closed off with body language that indicates they don't want to speak to you.

00:10:10.400 Listen to them. Ask them questions about how they're feeling. Gather information from those

00:10:15.160 around them so that you can best address those things as you continue to meet with the child.

00:10:23.360 When you get to the point that you believe a child may have to testify in the courtroom,

00:10:29.360 be very deliberate in how you introduce a new setting. Ideally, your past meetings with the

00:10:35.360 child have been in an environment where they are most comfortable. But at a certain point in

00:10:40.920 trial preparation, you do need to transition into your workspace and eventually into the courtroom.

00:10:47.840 Be sure that the first time that the child sees the courtroom is not the day that they come to

00:10:52.520 testify. There are great materials out there by different groups that will give you a diagram,

00:11:00.520 even some books about what who is who in a courtroom. Use those materials. Bring

00:11:06.600 the child into the courtroom. Show them where you will be sitting. Show them where they will

00:11:11.800 be sitting. If there's a microphone, have them speak into the microphone.

00:11:17.240 Often times, a witness box is raised and it is the focus of the attention in the courtroom.

00:11:24.560 Be sure that that child is as comfortable as they possibly can be in that setting.

00:11:30.960 Identify where the person who had harmed them may be sitting. In different jurisdictions,

00:11:36.920 there may be opportunities for a child to testify remotely. That may not always be

00:11:42.400 the case. And so you'll want to put careful consideration into how best to make sure that

00:11:48.480 if the child has to be in the courtroom with the perpetrator, how they can be most comfortable.

00:11:54.120 You may want to tell them they don't have to look anywhere but at you. They can look at

00:11:58.360 the jury. They can look at the judge and talk to them. Ask them where do they think they may

00:12:03.040 want to look. Explore all of these things perhaps in a number of different meetings

00:12:08.080 so that they are comfortable in the courtroom. Think about the supports that the child might want

00:12:13.600 to have going into the courtroom setting. Ideally, a child has been engaged in mental health services

00:12:21.840 and they have supportive people around them. Even think about their physical well-being going into

00:12:28.120 this and make sure that they have resources that are available to address these things.

00:12:34.840 Know that when you are in the courtroom setting and the child or the adolescent, young adult

00:12:41.920 takes the stand, that it's not going to be like it was in preparation. In my experience,

00:12:48.480 their demeanor and their descriptions are more subdued, more flat in the courtroom.

00:12:55.080 I will often tell a child that it's okay to have big feelings about coming into the courtroom to

00:13:00.520 testify. And when you're on the stand, you don't have to be strong. But if you feel like that's how

00:13:06.000 you need to be, that's okay too. But just know that it's not going to be like it was in prep.

00:13:13.440 When you are preparing for their testimony, think about things that you can do that will

00:13:18.600 help them be grounded. Make sure you tell them that they should ask if they need a break. Be sure

00:13:25.080 you tell them that if they're feeling a little lost, that there should be some water in front

00:13:30.520 of them. Take a drink. Feel how cold the water is. Take a moment and just concentrate on that.

00:13:38.680 Often times, there may be some objects that a prosecutor's office has that a child could

00:13:44.040 choose from to just have something in their hand that is not a distraction, but something

00:13:51.960 that they can ground themselves with. I've heard of small stones, perhaps stress balls. I like to

00:13:59.200 start to work with a child with those objects to see how much of a distraction they may be

00:14:04.360 leading up to their courtroom experience. Touch base throughout the prosecution and

00:14:10.080 empower the child in this process. Because there will be many things that they do not have a choice

00:14:16.720 over. And the more that we can meet with them, the more we can do to decrease their anxiety

00:14:23.720 and any pressure that they may feel. The better the outcome will be, no matter what the outcome

00:14:29.560 is in front of the judge or the jury. These are difficult cases, the most

00:14:35.080 difficult that a prosecutor can handle. And when we are putting a case in the hands of a

00:14:40.760 judge and a jury, the outcome is not a sure thing. But you want to ensure that no matter

00:14:47.440 what the outcome in the courtroom is, that this child's experience are not defined solely by the

00:14:59.160 fact that they walked into a courtroom and they were able to tell a judge and

00:15:03.400 jury and others what happened to them. And remember that as one victim said,

00:15:10.240 and I recently heard this at a training, this is not just a case to them. This is their life.