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USC law professor pioneers child interviewing techniques

Tom Lyon is again breaking new ground, aiming improve how attorneys, social workers and law enforcement interview children.

LOS ANGELES — A law professor who's long been at the forefront of research in the child abuse field is again breaking new ground, this time through an arrangement with Los Angeles County Superior Court that aims to improve how attorneys, social workers and law enforcement officers interview children.

Thomas D. Lyon of the University of Southern California's Gould School of Law secured a \$2.9 million grant that allows him to build on his career-defining research by providing a real-world platform for the techniques he's spent years refining.



Tom Lyon, of the USC Gould School of Law

It's the first project in the nation to test child-interviewing techniques in dependency court cases, according to the law school, and it's doubling as a research tool and a judicial assistance program.

It builds on years of research by Lyon, who since 2007 has held the law school's chair in law and psychology, named for former Los Angeles County Superior Court Judge Edward J. Guirado and his wife, Ruey L. Guirado.

"He's a brilliant guy, and the quality of his research and the information he's provided to the court has been exceptional," said Los Angeles County Superior Court Judge Victor H. Greenberg, who supervises juvenile dependency. "I don't think there's anyone I've ever spoken to who would disagree."

A March 2015 order from Juvenile Court Presiding Judge Michael I. Levanas allows Lyon and his three associates to review typically confidential files and select from them children whose cases make them good candidates for researching the most effective way to interview them.

They're building on Lyon's long-established relationship with the courts and his national reputation as a renowned researcher to try to figure out how to glean better information through open-ended, nonjudgmental questions that minimize suggestibility.

"What do you do with a child who doesn't want to talk to you? That's what's always troubled people," Lyon said in an interview at the law school. He said interviewers historically turn to leading questions to coax answers from children.

"The only way they knew how to overcome reluctance was to push harder," Lyon said. "Now we're looking at: What's a way we can push harder without actually pushing?"

Part of the research looks at children who retract allegations. While that can trip up even experienced interviewers, Lyon believes he's developed ways to detect false recantations, which he said are common in dependency proceedings in which an accused parent remains in contact with the child.

"If we get enough of these cases over the next year, we can publish research showing that our approach is going to guarantee that the recantation doesn't make the case go south," Lyon said. "That would be a really major finding."

Dependency court judges decide whether to allow the interviews, which are video recorded and reviewed by judges and attorneys as part of the formal case record.

"There's no checklist that the judge would go through. It's really taking a look at it and thinking this could help us better understand what's going on," Greenberg said. "Frankly, it could simply be a judge looking at the entire case and thinking, 'This could be a good case for Tom Lyon's research.'"

The purpose of Lyon's research is inherently helpful to the judicial process, Greenberg said, because the interviews provide an objective synopsis that can be used to measure the validity of an allegation.

"How useful it is depends on the particular case and what the child is able to say," Greenberg said. "It would be rare, if the child is talking at all, that it's not useful in some way."

In a recent example, a 9-year-old girl who accused her father of sexual abuse recanted during an interview with Lyon's associate Christina Dal Pozzo, a 2016 USC Gould graduate who analyzed the case with associate Josefina San Martin, also a 2016 graduate.

The recantation eliminates the possibility of criminal charges, but on the civil side, dependency court judges still can prohibit the father from being near the girl based on a preponderance of evidence.

While Lyon said many interviewers essentially give up once recantation occurs, Dal Pozzo's continued questioning elicited information that led the reviewing judge to believe that the recantation — not the allegation — was the lie. The girl said she dreamt the abuse after watching a pornographic movie, but she also said her father told her it was a dream.

A judge said that was key in deciding whether to issue a no contact order. Dal Pozzo elicited that statement while asking the girl about her dream and the circumstances surrounding it. "She was just letting her tell her story, but by letting her tell her story, it became clear, I think, that this little girl really had been abused," Lyon said.

Lyon's opinion, however, rarely factors into the equation. While he's asked frequently if he believes abuse occurred, "we try to back away from that because kind of the point is that the child can easily speak for themselves if you do a good job of interviewing."

The interview exemplified the approach Lyon has developed through years of research and lab work. He graduated from Harvard Law School before earning a doctorate in developmental psychology from Stanford University. He wanted to find a career where he could use both his

degrees, “and sadly the only way you can do that is if you do child abuse work,” he said.

“Which is sort of ironic,” Lyon said. “The only time we listen to kids is when we have to because they’re the only one in the room besides the perpetrator.”

Before he became a full-time researcher, he worked for the Los Angeles County Counsel, where he met Greenberg, who also was an attorney in the Children’s Services Division. Greenberg recalled his former colleague’s ascension to the top of his field.

Lyon’s early research tools were limited mostly to a cart of Lego toys he used to keep children at ease. He now has a van that serves as a mobile clinic and includes recording equipment, which allows more than students and involved parties to view his work. He’s distributed 5,000 training DVDs to social workers and law enforcement departments nationally.

He also offers training around the country, including a recent session with custody evaluators for family law cases in Los Angeles County Superior Court, as well as the U.S. attorney’s office in South Carolina.

He’s consulted for the Los Angeles County district attorney’s office, and his work is so well known among juvenile justice lawyers that Greenberg said anyone who’s been in the field “longer than a minute” knows of it.

“He’s usually presenting updates on his research because most of the people who work in the court system are already familiar,” Greenberg said.

The \$2.9 million Lyon secured in 2017 from the Eunice Kennedy Shriver National Institute of Child Health and Human Development builds upon \$3.7 million in previous federal grants. He’s taught a child interviewing seminar every semester for 10 years, which typically includes five to eight students interested in family law. They go to local schools for research experiments with children, and some students work as paid research assistants who help transcribe and review interviews.

Marie Griffith, a first-year student at USC Gould, did so while a research assistant as an undergraduate. When Lyon partnered with the Midwest Regional Child Advocacy Center to create a national training course for forensic interviewers, Griffith and other assistants role-played children during mock interviews with the trainees.

She said she followed a narrative that indicated the type of information to convey in accordance with the quality of questions. She said the work was rewarding beyond a typical job.

“Each of us truly felt like we were making a greater impact with our work,” she said.

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