

“The dog helped them find their words.”



Report by Julie Morrison, Churchill Fellow

2018 Churchill Fellowship to study the use of dogs in court
supporting vulnerable victims and witnesses as they give
evidence.

Awarded by the Winston Churchill Memorial Trust



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REPORT BY JULIE MORRISON, CHURCHILL FELLOW 2018

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I was touched by the spirit of everyone I met in my travels. People were so generous with their time, hospitality, friendship, knowledge and passion.

In particular, my heartfelt thanks are extended to Ellen O'Neill-Stephens (Founder Courthouse Dogs Foundation) and Celeste Walsen (Executive Director Courthouse Dogs Foundation). Celeste and Ellen helped me put together my itinerary and introduced me to the most inspiring people and dogs across America and Canada. They also hosted me for a week in Seattle and arranged for me to see snow (lots of snow)!



*Celeste Walsen and Ellen O'Neill Stephens
at Edmonds Harbour, Washington. Snow at
sea level!!*

This journey would not have possible without the support of my husband. Thank you Les for your support and confidence in me right from the beginning. Thank you also for staying at home and looking after everything whilst I was away and mostly for continuing to spoil our dogs.

2. CONTACT DETAILS

For any questions on this report or to discuss further any matters raised, my contact details are as follows;

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With Cambria and Roo at the Royal Canadian Mounted Police. And with my Mountie of course!

3. KEYWORDS

Court /Justice Facility Dog	A dog that is trained to work and support multiple people in the legal setting or the broader justice section and can work independently of their handler. The term “court dog” will be used in this report but will be taken to include “justice dog”.
Assistance Dog	A dog trained to provide assistance to one person with a disability.
Therapy Dog	A dog that provides comfort to multiple people in clearly defined settings for short periods of time and is always with their handler.
Victim / Witness	A person who has been affected by a crime and is generally required to give evidence. The term “victim” will be used in this report but will be taken to include “witness”.
Handler	The person who is trained to manage the dog in the legal setting.
Agency	The particular department that manages a court facility dog program eg. Police Department, District Court, Children Services, Prosecution Services.
Pre-Trial Motion	The application to the court /judge requesting approval for the dog to accompany the victim on to the witness stand.
Forensic Interview	The interview between a trained child advocate and a child to determine the facts behind a reported case of abuse to the child.
Crisis Response	The response of agencies to support victims and the community after a natural disaster or man-made tragedy that involves loss of lives.
Grand Jury	A group of citizens empowered by the court to determine whether criminal charges should be brought against the accused.

4. PROGRAM – Places, People and Dogs Visited

Dates	Location	Venues	People	Dogs
Feb 11th-15 th	Bellevue, Washington*	Courthouse Dogs Foundation	Celeste Walsen, Ellen O'Neill-Stephens	Molly
		Snohomish Court	Gina Coslete	Harper
		Dawson Place Child Advocacy Centre	Heidi Scott	Razzle
		Thurston County Court & Prosecutor's Office	Kim Carroll Wendy Ireland	Marshall
		Monarch Justice Centre	Tambra Donohue PhD Lisa Wahl	Astro
		King County Court and State Prosecutor's Office	Dan Sadleberg Page Ulrey	Errol
Feb 18 th -22 nd	Vancouver, British Columbia	Vancouver Police Dept. Provincial Court of British Columbia	Sue Baker Jessica Johnson Alan Ip QC	Lucca
		Pacific Assistance Dogs	Laura Watamanuck	Many!!
		Delta Police Dept.	Kim Gramlich	Caber
		Royal Canadian Mounted Police	Marnie Neal	Cambria
		Sophie's Place Children's Centre	Christine Simmonds	Roo
		British Columbia Prosecution Services	Winston Sayson QC	
Feb 25 th	Las Vegas, Nevada	Las Vegas Metropolitan Police Department	Undersherriff Kevin McMahon, Elynne Greene, Annette Mullin	
Feb 27 th -Mar 1 st	New Mexico, Santa Fe	Pojoaque Tribal Court,	Dawn DeSmet	Kiki
		Assistance Dogs of the West	Jill Felice, Linda Milanesi	Many
		Roswell Courthouse and	Gina Yeagar	Beaumont

		District Attorney's Office		
		Chaves County Court Appointed Special Advocates (CASA) Program	Carrie-Leigh Cloutier, Megan Cederberg, Teresa Nicholson	Henry Zia Max Hamlet Emma Ben
Mar 4 th - 6th	Montgomery, Alabama	Office of Prosecution Services, Montgomery	Trisha Melberg Barry Matson	
		Child Protect Montgomery	Tamara Martin	Willow
		Shelby County Court Morgan County Court	Tamara Martin Scott Anderson District Attorney	Willow

**Unfortunately numerous court visits were cancelled due to the snow storm and hazardous road conditions.*

As most of this report describes the work of the dog, the dog's names will appear frequently. The reader can refer to the Program above to reference the place of work of the dog and handler.



*Road conditions in Snohomish, Washington.
No court today!*



With Alan Ip QC, Sue Baker, Jessica Johnson and Lucca outside the Provincial Court of British Columbia.

5. INTRODUCTION

Going to court is one of the most stressful experiences that someone can go through. In telling their story over and over again, people can re-traumatise and suffer terrible emotional and physical stress while others can disengage totally. In my work as Victims Engagement Coordinator at the Office of Public Prosecutions (OPP), I see this trauma every day. The justice system is continually working to make the court experience more trauma sensitive.

Studies have long shown the physiological and psychological benefits of interacting with dogs. I am a dog lover and trainer and I have worked with my own dogs in hospital and school programs. In 2017 I began researching the use of dogs to provide support to people in legal settings.

I found no programs in Australia using dogs in a legal setting but my research led me to the great work of Courthouse Dogs Foundation in the United States of America. From this, I developed and ran a twelve week pilot program at the OPP. Due to the overwhelming feedback we were receiving from victims, witnesses, solicitors and social workers, the program was extended in 2018 to two days per week.



Coop, the first court dog in Australia working at the Office of Public Prosecutions, Victoria.

To take our program to the next level of having a full time program and also to be able to assist other agencies keen to consider adopting a program, I needed to know more about how dogs could help to facilitate the justice process.

And so my Churchill Fellowship journey began.

There are two unplanned factors to note about my trip. I had been hoping to see snow but was assured by the locals that “it doesn’t snow in Seattle in February”. Then I landed in Seattle on the day their worst snowstorm in seventy years! Whilst it was a unique experience (and I saw lots of snow), it was so extreme that it meant cancelling some visits as roads and courthouses were closed. This was disappointing but unavoidable. I also had travel challenges with a connecting flight later in the trip. This meant an unplanned stopover in Phoenix and missing another day of meetings. My thanks to everyone though for helping enact a Plan B!

6. EXECUTIVE SUMMARY

2018 Churchill Fellowship

Julie Morrison

“To study the use of dogs in court supporting vulnerable victims and witnesses as they give evidence.”

“The dog helped them find their words.”

This was said by the mother of two young girls who were victims of a sexual assault. The girls were two of the first victims in the USA to have a court dog accompany them on the witness stand as they gave evidence. The abuse and trauma suffered by the girls had given the Prosecutor little hope that they would be able to describe what happened to them but with the dog by their side, they told their story.

The findings presented in this report tell the story of how these dogs can make a difference to the justice system and help people *“find their words”*.

I had six learning objectives that formed my research.

Objective 1	Investigate why and how dogs are used to support victims.
Objective 2	Investigate how dogs are used in a courtroom to ensure integrity in the criminal justice process.
Objective 3	Explore other avenues of support by court dogs.
Objective 4	Manage a full time program balancing the needs of the victims and the welfare of the dog.
Objective 5	Investigate data gathering and program evaluation models.
Objective 6	Research other victim engagement and support strategies, processes and resources.

The best practice model that has been developed by the Courthouse Dogs Foundation is a result of years of program management and improvement and is based on the following framework.

- The dog enhances the fact finding process and is not a distraction.
- The dog is handled by a legal professional.
- The dog is professionally trained and is a graduate of a not for profit accredited assistance school.

This framework helps to ensure that the dog’s presence and behaviour will not result in an objection from defence, removal by the judge or an appeal if the accused is convicted.

I was fascinated to observe dogs at work (and hear about their exploits) in ways I had not imagined. I have learned of twenty four different ways in which

court dogs are working in the legal and justice system at the present moment. The exciting thing here is that potentially the use of the dogs in the justice setting is not yet tapped. Agencies can continue to look for new opportunities where the dogs can provide support.

With such a workload though it is very important the dog has a clearly defined job description that is shared amongst the different agencies that may be using the dog. Requests for the dog must be prioritized. This can be a challenging task as the tendency is to want to be able to help everyone. There is a consensus of agreement that a request to support a child will take priority over an adult. A job description for the dog will also help to ensure that the dog has down time and that its welfare needs are well catered for.

Where managing multiple requests becomes too demanding, agencies will frequently add another dog to their team. There is also scope for dogs to work for more than one agency in accordance with their job description.

The key role for most of these dogs is to accompanying the victim in court as they give evidence in a trial. Obtaining approval to do this from the judge is fundamental. It is up to the judge to ensure that the rights of the accused to a fair trial will not be prejudiced by the presence of the dog and that jurors will not sympathise with the victim simply because they have a dog. Agencies and handlers need to work closely with the courts and defence counsel to educate them to the role of the dog and explain that the dog is there to help facilitate justice, not just to help the prosecution. The agency needs to establish a template for a pre-trial motion. This outlines the reasons why the dog will be able to assist the victim and also establishes the relationship that has developed between the dog and victim.

The effect of the dog on staff cannot be underestimated. The potential for vicarious trauma in justice agencies is high. Staff also need to be able to access the dog and benefit from its' presence. This needs to be managed by the handler with clear guidelines as to when and how staff can engage with the dog.

Social media is a very valuable tool in a court dog program. Importantly it engages the community and helps to educate them about the program. The power of social media is such that the dogs can continue to provide support to people just through their handler regularly posting photos and stories.

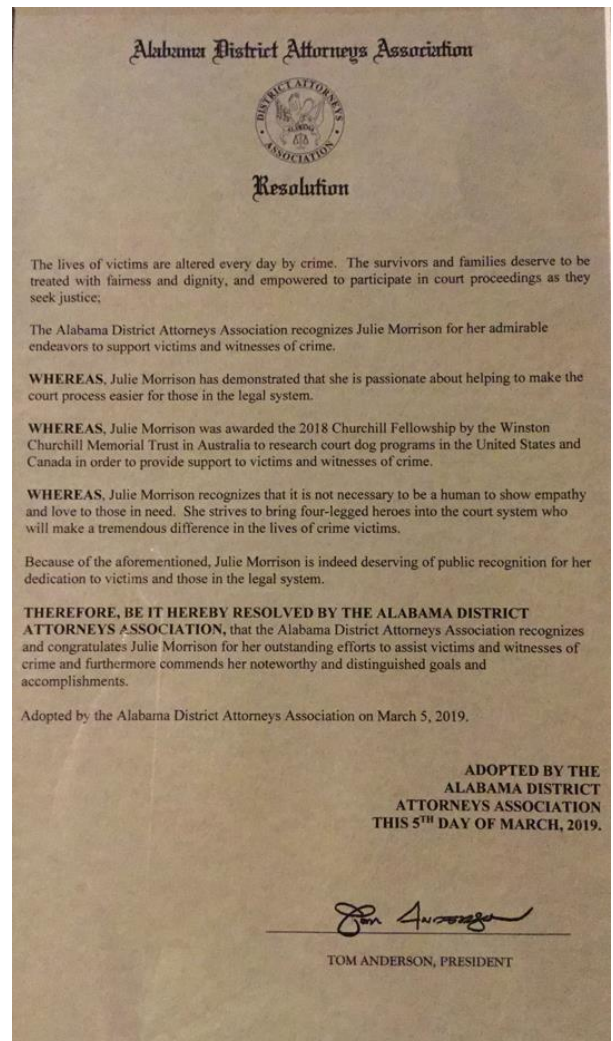
Funding for the program comes from agencies establishing a Trust or Foundation that raises funds for the dog's expenses. Vary rarely is tax payer money used for these programs.

Community involvement and engagement is one of the keys to the success of programs in the USA and Canada. For example, community groups raise funds to buy and donate toy dogs to victims who have gone through the process. Dogs will also visit local schools that have experienced a tragedy such as the death of student. This involvement continues to establish the dog as part of the community and validate the use of the dog in the legal setting.

My journey culminated in the most unexpected way. On my last day, I was working with Willow and her handler Tamara at Morgan County Court (Alabama). Willow was there to support two young girls who were to give evidence in front of a grand jury. At the end of the morning, I was presented with a Resolution from the Alabama District Attorneys Association recognizing my Churchill fellowship and my work to support victims of crime. It was indeed a most humbling and emotional moment.



With Scott Anderson, District Attorney, Morgan County and Willow in Morgan County Court.



The Resolution from the Alabama District Attorney's Association presented to me in Morgan County Court.

7. MY EXPERIENCE

7.1 Investigate why and how dogs are used to support victims of crime.

Background

When people experience stress or trauma, they have an increased level of the hormone cortisol in their system. Cortisol can increase heart rate and blood pressure, two common physiological responses to stress. Cortisol can also result in a reduced ability to function effectively (poor memory, inability to concentrate, focus and communicate well).

In the presence of a dog (particularly a calm, relaxed dog), people will often experience an increase in another hormone called oxytocin. Oxytocin helps to combat the effects of cortisol and make people feel more relaxed. This in turn can help them to function more effectively. Interestingly, people don't even have to be interacting or patting the dog. Just looking at a dog can result in an increase in oxytocin in their system. Patting or even just watching the dog also helps to ground people and keep them focused in the present moment. This reduces the amount of time they spend recalling past traumatic events.

Unfortunately the legal process puts people under pressure and there is no doubt that court rooms are stressful environments. According to The American Academy of Paediatrics, *“Studies have established clearly that children experience anxiety surrounding court appearances and that the main fear is facing the defendant. Other fears include being hurt by the defendant, embarrassment about crying or not being able to answer questions, and going to jail. The more frightened a child is, the less he or she is able to answer questions.”* (Policy Statement 2017 – *The Child Witness in the Courtroom.*)

Findings

The Courthouse Dogs foundation defines a court dog as follows;

A court facility dog is a professionally trained assistance dog, suitable for providing quiet companionship to vulnerable individuals in legal settings without causing any disruption of the proceedings. Facility dogs are dogs that are specially chosen because of their calm demeanor and ability to work in a high stress environment thereby decreasing the risk of creating legal issues.

Providing support to a victim starts long before the courtroom. When people first meet a court dog, the handler will often say “go visit”. On this command the dog walks forward and engages with the person who will pat and even cuddle the dog. If the dog is working with children and they are spending time in a waiting room, the handler may show some of the dog's ‘tricks’ which help to distract the child and give a sense of normalcy and fun to a traumatic situation. For example Errol will fetch a box of tissues when his handler pretends to sneeze. Willow can ‘play cards’ by picking a playing card up off the ground and handing it to someone. She can also help to ‘read a book’ by

turning the pages of the book. Astro can play 'find it' games. Other dogs will open doors, deliver mail, turn on a light, fetch items on command and even smile on command.

Even when the dog is just lying and resting in a waiting room, children in particular can get additional distraction and joy.



Willow showing how she can turn the pages of a book for her handler Tamara Martin.



Two young girls interacting with Willow as they wait to give evidence to a Grand Jury in Morgan County Court.

In forensic interviews, the handler often uses a couch where the dog can sit at the feet of the child or lie beside them on the couch. On command from the child, the dog can place their head on the child's lap. If the handler thinks the child is too distracted by the dog, they will remove the dog from the interview as this would be counterproductive to the process.

When a victim is on the witness stand, the dog will be lying by their feet and may be touching their feet or legs. The victim will usually hold the lead. They may occasionally pat the dog but they must not be distracted by the dog. The dog will lie here until it given a command to move. This ability to lie still for an extended period of time, sometimes up to ninety minutes, is fundamental to the work of a court dog. The dog must help facilitate the legal process and not be a distraction. This will be further explained in the next section.

Other Examples of How the Dogs Can Provide Support.

- The dogs can be used as a demonstration tool. A prosecutor had a matter where the girl, who was a victim of sexual assault, struggled to describe what happened to her (she could not use the correct anatomical terms). The Prosecutor asked if Jeeter (the dog) had

private parts and the girl pointed to the appropriate parts when questioned about what happened to her.

- A Defence Attorney was having trouble with the child witness answering questions. He came over and started patting the dog. With this connection through the dog and now a more positive image in the mind of the child to this person, the child started answering questions.
- In interviewing victims who were supported by the dog eight years ago, the victims spoke of happy memories of the dog. When the dog is used in a setting such as a courtroom it becomes a positive part of the narrative of the trauma. When a positive memory (interacting with a dog) is associated with a traumatic event (giving evidence in court), it can help reframe that traumatic event in the mind of the person. There is evidence to suggest that the dog may also be able to help in recovery after the event in this way.
- Upon entering a room with a number of people, dogs will often go straight to the person experiencing a high level of anxiety and sit or lie beside them. A lot of dogs have an intuitive sense that handlers learn to trust. It is important though that the dog does not break position when lying on the witness stand as this could distract the jury. For this reason dogs are not trained to intervene when someone shows overt signs of stress e.g. crying or rocking.
- Often the handler will give the victim the lead to hold. Having 'control' over the dog can give a sense of empowerment to someone who feels they have lost all control.
- A lot of dogs are trained at providing deep body pressure. Cambria will place her body so that she is always touching the person at some point on their body. This pressure can have a calming effect on the person.
- In the Tribal Court in Santa Fe, the children are teaching Kiki basic commands e.g. sit, stay, drop, in both their native language and sign language. Again this helps to empower the children and focus their attention on something positive.

Breeding and Training

Historically, the primary focus for assistance dog training schools has been to train and produce assistance (or service) dogs. An assistance dog provides support to one person who has a disability. A facility dog provides support to multiple people in a particular environment.

There are approximately twenty four assistance dog schools in the USA and Canada that train and produce facility dogs and assistance dogs. I visited two accredited assistance dog training schools – Pacific Assistance Dogs School

(PADS) in British Columbia and Assistance Dogs of the West (ADW) in New Mexico.

James Ha PhD, a renowned veterinarian and canine behaviourist, has stated that 50% of a dog's temperament comes from genetics. With the growing demand for court dogs, ADW has based their breeding program around the temperament required for a court facility dog.

The schools all have breeding programs and will often share the gene pool through the Assistance Dogs International American Breeding Cooperative. The dogs are predominantly pure bred Labradors and sometimes there is a Golden Retriever line introduced. The dogs most suited to this work are those with very low energy, low reactivity, highly biddable and extremely resilient. The breeding and training program is all about producing dogs whose temperaments and behaviours are highly reliable and predictable. This is so important in the legal setting as one mistake from the dog could be grounds for removal of the dog or appeal on conviction of the accused.



Razzle demonstrating why low energy is important when providing support in a forensic interview in Snohomish.

The dogs need to be able to not take on the stress of the people they are working with and self-manage their own stress levels. One of the trainers said they need to be “a bit self centred” and be able to “shake off the stress”. The welfare of the dog is paramount and a dog that is too sensitive will soon shows sign of anxiety when placed in stressful environments. This will be explored further in Section 7.4.

Before working in a courtroom, the dog needs to have training opportunities in an empty courtroom to ensure it is familiar with the environment. This is particularly important when training the dog for working on the witness stand.

There are many times when the handler cannot be physically beside the dog or even in the same room e.g. forensic interview, so the dog is trained to work independently of the handler.

It is also important that the handler continues short but frequent training sessions in the work environment to maintain the dog's skill levels e.g. working away from the handler, retrieving objects etc.

7.2 Investigate how dogs are used in a courtroom to ensure integrity in the criminal justice process.

Background

The program that we run at the Office of Public Prosecutions (OPP) in Victoria has had limitations. We have not been able to take our dog into a courtroom to support victims as they give their evidence on the witness stand. The issue here is the concern from the court that the presence of a dog could potentially prejudice a juror to feel sympathy for that person and so deny the accused their right to a fair trial and natural justice.

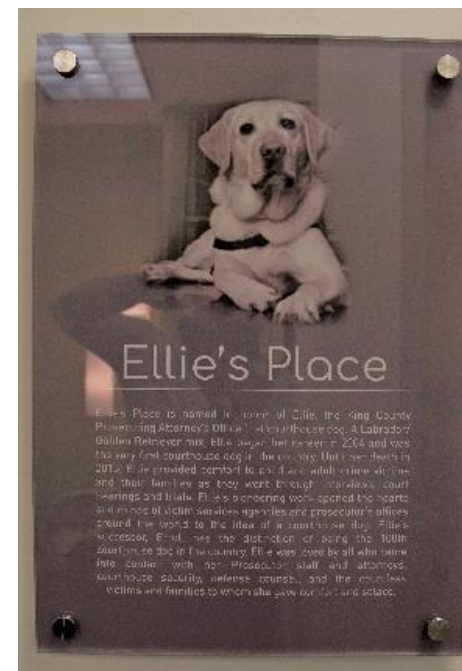
In Australia, victims (and witnesses) can elect to give their evidence in a court matter via a video link from a 'remote witness room'. They will often do this when the thought of going to court and facing the accused is just too stressful. These rooms are available at the OPP, many city and regional courts and at Child Witness Services. It is in these rooms where our dog Coop has been providing support. However there are a limited number of these remote rooms in Melbourne and they are always heavily booked. This means that a lot of people have to attend court to give their evidence despite the added levels of stress encountered. Many people also prefer to go to court. In both of these stressful situations, these people currently do not have access to the support of the dog.

I was keen to learn how our program could gain acceptance in courtrooms to ensure that the dog was available to help as many people as possible both in the remote witness rooms and in the court room.

Findings

The Courthouse Dogs program in the USA had its beginnings in 2004 in King County Washington with Ellie. Ellie was the first courthouse dog in the USA and worked with children, adult victims and their families in interviews, court settings and importantly in trials.

The commemorative plaque at King County Washington honoring Ellie, the first court dog in the USA.



In the USA, dogs are now allowed inside the courtroom in 39 states and in Canada and in 7 provinces. Additionally, legislative change has been made in 9 states in the USA giving people the right to have a dog in court. In the USA and Canada, remote witness rooms are not used in a legal setting so this is

not an option for victims and witnesses. Sadly even children as young as five must give their evidence from the witness stand in a courtroom.

The program developed by the Courthouse Dogs Foundation is built on the following model of best practice;

- The dog enhances the fact finding process and is not a distraction.
- The dog is handled by a legal professional e.g. victims advocate, solicitor, police officer.
- The dog is professionally trained and is a graduate of a not for profit accredited assistance school.

This model has been endorsed in the USA by the 2018 Resolution of the National District Attorneys Association.

Departures from the model increase the risk of something going wrong. The implications of something going wrong in this area are considerable;

- A conviction in a matter where the dog was used could be appealed (on the grounds of the presence of the dog). Victims may end up giving evidence again and so the trauma, which the dog is meant to be reducing, continues.
- The dog could bite someone out of fear / stress.
- The welfare of the dog could be seriously compromised.

It is worth noting that there has been a strong move by some dog therapy organisations to use therapy dogs instead of accredited assistance / facility dogs. There are some potentially some significant problems with these dogs in a legal setting:

- Whilst they are tested for temperament, they are not usually trained to do anything in particular or even have experience in the stressful courtroom environment.
- They are not allowed to work independently of their handler and can only work for two hours per day.
- The handlers are often volunteers and may have received no training in working in this stressful environment.
- There are some examples of handlers saying inappropriate and non-factual things to children. A handler told a child that the “dog understands your problem because he was abused as a puppy”. Another handler told a child that she could tell the dog things because “the deaf dog will not share your secrets”. In an environment where truth is fundamental to the process, it is simply wrong to tell children things that are not true.

It is accepted that there are some wonderful therapy dogs and handlers. However the methods for producing these dogs and handlers for the court environment cannot give a degree of certainty about the dog’s behaviour. Therapy dogs can provide wonderful support in a waiting area but the best practice framework developed by the Courthouse Dogs Foundation is

recommended for agencies intending to use dogs in the court and legal settings.

While I was in Washington, a Bill was being presented to the State Legislature that states that only dogs from accredited assistance schools are allowed into a courtroom. It is expected that this Bill will be passed soon.

Challenges to Using a Dog in Court

There has been a mixed response to the use of dogs in the legal setting. Some programs and some states have received little if any objection whilst others have encountered challenges.

Some judges just do not believe it is appropriate for a dog to be in a courtroom. A judge in Vancouver stated at a presentation about the program “this courthouse will not become a zoo”.

In jury trials or in grand juries, defence counsel will often mount the argument that the presence of a dog could prejudice a juror to feel sympathy for that person. This could lead to the accused being denied their right to natural justice and a fair trial. A judge at Snohomish County (Washington) will not allow dogs in his courtroom as a result of a dog’s handler giving out the dog’s ‘card’ to jurors. This was an innocent act on the part of the handler who did not realise the implications at the time. This was an unfortunate but isolated incident.

Interestingly there have been very few challenges from defence in Washington and British Columbia. In Vancouver, Prosecutors told me the issue of juror sympathy has not risen. They think the reasons are that judges believe they can give adequate instructions to the jury (see below) and there is an acceptance that the predictable and reliable nature of the dog allays any concerns that the dog may distract the jury from a fair assessment of the evidence.

Approval of the dog – The Pre-Trial Motion

Prior to a dog being used on the witness stand, approval is sought from the judge. This is done through the submission of a pre-trial motion. The pre-trial motion is an important document. It outlines the reasons why it is important for the victim to be supported by a dog and also serves to assure the court that the dog will not be a distraction to the proceedings and the jury.

There was an exception to the use of pre-trial motions in Roswell, New Mexico. The courthouse dog program is so well established in this town and respected by the six district judges that pre-trial motions are often not submitted. Despite this, it is a practice that is strongly recommended.

Whilst the agencies I visited vary in the information contained in the pre-trial motion, there are a number of recommended components.

i) Relationship between the dog and the victim.

In order to strengthen the argument for the use of the dog, the prosecution should provide evidence as to the effect the dog has on the person and how the fact finding process will be facilitated by the dog accompanying that person in court. Best practice states that the dog and person should have met on at least one occasion before going to court. The handler should keep a diary and make note of any information / observations from these meetings that could be relevant e.g.;

- How the dog and person interacted e.g. 'bonded quickly', 'the child said things to the dog about what happened' (which was recorded on camera).
- Positive comments about the dog e.g. "Willow makes me happy"
- Photos of the dog and person looking relaxed
- Letters or drawings from children about the dog.
- Additional supporting documentation from doctor or counsellor supporting the use of the dog



Letter to Astro from a child in the Monarch Justice Centre, Olympia.

It is worth noting that one handler in Vancouver believes the relationship between the dog and victim is so important that she will not permit the dog to be used at trial if the dog and victim have not met prior to the trial. This is an example of best practice being applied.

ii) The dog's resume.

The purpose of the resume is to give the court as much assurance as possible that;

- the dog will not be a distraction to the victim, the court or the jury
- the safety and wellbeing of people in the courtroom will not be compromised
- the mental and physical wellbeing of the dog will not be compromised

Whilst states and agencies varied slightly in what the dog's resume contained, the following details should be included:

- Dog's name, age, breed,
- Handler (name, role, agency, experience)
- Dog's training and accreditation status
- Public liability details

- Dog's role in court
- Registration and vaccination
- Information about the dogs experience e.g. number of trials etc.
- Comments from judges or defence from previous matters that are on record (a judge in Vancouver asked the prosecutor on day three of a trial "is the dog still here?" as it was so unobtrusive he had forgotten it was there. This is strong validation that the dog is not a distraction and this statement is now used by the handler in many pre-trial motions).

Most agencies have a very high rate of success in being granted approval from the judge to have the dog in the courtroom. Roswell (which at the time of writing had seven court facility dogs for a population of 50000) has only had one refusal and one objection from defence. Delta in British Columbia has never had a refusal or objection. The process allows for defence to object to the dog but ultimately the decision resides with the judge. Many agencies recommended to me that it is good practice to obtain support from defence first and then this can also be noted on the pre-trial motion.

It is interesting to note that occasionally handlers are required to testify in court about their background and role of the dog. This is another reason why the best practice framework recommends that handlers are legal professionals.

The Witness Stand

When the dog is allowed to accompany the victim into the courtroom and on to the witness stand, there are standard protocols that are used to ensure the jury does not see the dog. These protocols reduce the chance that the dog could prejudice a juror.

- The jury will be escorted out of the courtroom.
- The dog and handler will enter the room and walk with the victim to the witness stand.
- The victim sits down and the handler places the mat on the floor and commands the dog to enter the witness stand and lie at the feet of the victim. The lead is handed to the victim.
- The handler takes up a position, usually on a chair behind the witness stand.
- The jury is led back into the jury box.
- The judge will usually instruct the jury as to the presence of the dog (see Jury Instructions below).
- The dog remains in position lying at the feet of the victim, throughout proceedings.
- When a break is called or when the victim has finished giving their evidence, the jury is escorted out of the courtroom and then the handler takes the dog out of the courtroom.



Lucca positioned on the witness stand in Vancouver Provincial Court.

Set Up

As every court room set up is slightly different, there are some slight variations as the best way to set up the dog and handler.

Most witness stands are closed in on three sides with the open side out of view of the jury. When this is not the case and there is a potential the jury could see the dog, the practice is to put a screen on the floor blocking the view of the dog. Typically this is a fire screen with a black fabric covering.

With children, the handler will often have two leads on the dog so that the victim can 'lead' the dog to the witness stand. This simple action can be quite empowering to someone in this vulnerable situation. If the dog is wearing any identification tags, these should be removed to reduce the sound of tags which could be a possible distraction.

In Roswell, the judge does not always remove the jury before the dog comes in. In these cases, the victim, not the handler, must lead the dog to the witness stand and place the dog on the stand.

Where possible, the handler will sit behind the dog on the open side of the witness stand, sometimes to the side. This is in case the dog does do anything, the handler can intervene. All the handlers reported that they have never had an issue with a dog getting up or being restless on the witness stand. A glass of water was once spilt on dog on the witness stand in Washington and it did not even move! So whilst line of sight to the dog is best, it is not essential.

These dogs are trained to lie down for long periods of time without moving and away from sight of their handlers.



Sub Baker (handler) and Alan Ip QC demonstrating the ideal position for the handler to be seated in a court room in Vancouver Provincial Court

One issue that does arise is snoring (from the dog!!). Court dogs are extremely relaxed and have a low level of reactivity. This means they can fall asleep easily and often snore and quite loudly which can be distracting.

Options to manage this include;

- The handler will advise the victim to jiggle the lead or just nudge the dog (some handlers do not like to do this as they don't want to give the victim this responsibility);
- Handlers who are able to sit close behind the dog may lean in and nudge the dog.
- The handler will ask the victim to place their foot lightly on the dog as this pressure may prevent them falling into a deep sleep and snoring.

Jury Instructions

It is preferable that the jury be informed about the presence and role of the dog. The judge will generally tell the jury that the dog is an accredited facility dog and is trained to lie quietly by the victim for support. Additionally they are not to draw any inference from the presence of the dog and not to use this in their assessment of the evidence. Some agencies will include sample jury instructions in the pre-trial motion. Ultimately though it is at the discretion of the judge as to whether or not they wish to instruct the jury.

In some courts, the judge will even re-iterate these instructions before the jury retires to deliberate.

Footnote; In British Columbia, they have not yet developed sample jury instructions. I shared with them the fact that here in Victoria we have had sample jury instructions accepted into the Judges Criminal Charge Book and they asked if they could have a copy of this. It was nice to be able to give something back to my hosts.

Judge's Comments

If the judge or even defence counsel makes a positive comment about the dog or its behavior and it is on record, it is important to get the transcript afterwards and make note of the comment. These comments can form part of the dog's resume (see above) and also may be important if there is an appeal to a conviction.

It was suggested that perhaps the prosecutor could make a comment about the dog if the judge did not offer a comment. This would only be of value though if the judge responded positively to the prosecutor. A comment on its own by the prosecutor would hold little value.

Appeals

As has been noted, the model that has been adopted in the USA and Canada works to ensure that the dog enhances the process and does not distract legal proceedings which could give the defence grounds for an appeal.

This does not stop defence from appealing a conviction on the grounds that a facility dog was involved even when the dog's behavior has not been in question. To date, there have been eleven appeals. All of these appeals have been overturned, with the following exception.

In a recent case (Michigan v Shorter) where an adult witness was accompanied by a dog, the appeal was upheld by the Michigan Court of Appeals. The Judges for the appeal stated;

“On appeal, defendant argues that the trial court erred by granting the prosecution's motion to allow the complaining witness to testify while accompanied by a support dog and its handler. We agree, and so reverse and remand for a new trial.”

It is interesting to note that this opinion was not shared by the three appellant judges.

The prosecution appealed this decision and took the matter to Supreme Court of Michigan where it was unfortunately overturned. This makes this the first matter in over 14 years where an appeal against the presence of the dog was successful. The State is considering appealing this decision.

Legislative Changes

One of the issues that has faced us here in Victoria is the issue of requesting approval to use the dog. Judges and magistrates can deny the request (we have had two refusals and obtaining approval can be a time consuming process).

In the USA, nine states have been successful in incorporating legislative change to allow dogs to be used in courtrooms. It is important to note however;

- In some states this refers only to children or vulnerable witnesses.
- Pre-trial motions or approval requests are STILL submitted

I initially believed that legislative change was an important part of the change needed to introduce court dog programs in Australia. On its own though, it does not necessarily guarantee use of the dog. It is important that a solid foundation to the program is established first and that the courts and all stakeholders are educated about the role of the dog. Once this is done, it is hoped that this foundation will help us move towards legislative change.

7.3. Explore other avenues of support by court dogs.

Background

In Victoria, our court dog has worked in four different ways;

1. In the remote witness room as people give evidence
2. In a courtroom for a plea/sentence hearing (where there is no jury)
3. In conferences (meetings) between solicitors and witnesses
4. Staff support

A Fact Sheet from the Courthouse Dogs Foundation states “Facility dogs are neutral and are not restricted to providing services to the prosecution”.

I was keen to learn about the other areas in the legal and justice system where court dogs were providing support.

Findings

It was interesting to learn of twenty-four different ways in the justice and community settings that court dogs are being used. I have no doubt there are

even more ways. Some dogs work in only three or four ways while some are used in up to twelve different ways. For example, there is a dog in Manitoba that works exclusively in courtrooms whereas Caber in Vancouver has yet to work in the court room on a jury trial but works in twelve other areas.

Some agencies refer to their program as a “Justice Facility Dog Program” (e.g. Lucca” in Vancouver) rather than a “Court facility Dog Program. Justice Dogs work in many areas across the justice system and not just the legal system. This term is often used for dogs that are assigned to Victim Services Units that are part of a Police Department.

It is important to note that even though these dogs are bred and trained so that their temperament is predictable and reliable, there will always be subtle variations between dogs. Not all dogs are suited to all work environments. Dogs that are a little more sensitive and do well in a familiar environments such as a courthouse, may not cope well in an intense environment such as the scene of a crime.

One of the challenges for the handler is being able to manage multiple requests for the dog. For this reason, it is very important that the agency develop a job description for the dog which clearly states the ways and areas in which the dog will work (see Section 7.4).

Areas of Work

1. Courthouse

It was interesting to learn that most dogs spend approximately 20% of their time in a courtroom on the witness stand. In the courthouse, dogs are used in many other ways;

- Accompanying the witness in court proceedings;
 - Grand jury
 - Trial
 - Sentence hearing
- Courtroom support;
 - If for some reason permission has not been granted or requested, the dog and handler can sit at the back of the court in view of the witness on the stand. Handlers receive feedback from victims saying that the sight alone of the dog is calming to them.
 - The dog and handler sit in the courtroom with the family of a victim/witness.
 - The dog lies between the defence and prosecution table visible to everyone in the courtroom. This is happening with Kiki when she works at the Pueblo of Pojoaque Tribal Court in Santa Fe at



Kim Carroll and Marshall showing how they can still provide support when sitting at the back of the courtroom in Thurston County Court.

a “Path to Wellness Hearing’. Kiki and her handler start by meeting and greeting people as they enter the courtroom. Her handler will then position her between the defence and prosecution tables. There is a very positive response from the indigenous community about the calming effect she has in court. Sometimes Kiki will move herself to sit beside someone who is becoming agitated. Judge McGinnis (who is one of Kiki’s handlers) has said “we want to have a dog in every courtroom to calm everyone down so we can move forward”.”

- Court orientation visits - accompanying an anxious witness to visit the courthouse before the trial.
- Jury support – This was not a common occurrence and there were two reasons given for this. Firstly, the handler cannot be present with the jury when they are deliberating and secondly, the handlers are not comfortable sending the dog unaccompanied to support twelve people. However in Montgomery Alabama, Willow and her handler have spent time with a jury at breaks in the lunch room where her presence was very much appreciated.

2. Other legal / justice settings

- Crisis Response – In Vancouver, Caber is with the Delta Police Victims Services Unit, and Lucca is with the Vancouver Police Department. When it is deemed safe and appropriate for the dog, they will often attend the scene of a crime to support family, victims and witnesses. If it is not suitable at the time of incident, they will often visit the next day.
- Pre- trial meetings between a victim and the prosecutor.
- Children’s Advocacy Centre (CAC). These are not for profit agencies that facilitate a multi-disciplinary team approach to child abuse interventions. In the past, if it was suspected that a child was a victim of sexual abuse, they would have to visit many agencies (police, medical, legal, child protection). Each time they would have to tell their story and each time they would experience system induced trauma. This changed with the concept of the CAC. The CAC is a ‘one stop’ shop where all the agencies are co-located in a child friendly and supportive environment.

It is in these CACs that the dogs do some of their best work. By quietly lying at the child’s feet, beside the examination table or beside them on a couch, the dogs support children as they go through the following stages;

- Forensic interview (the fact finding process conducted by the Forensic Interviewer who is usually one of the dog’s handlers, which is recorded and observed by a detective)
- Medical examination (Note; there is no risk of contamination of evidence as dogs have different DNA to humans)

- Therapy session
- Counselling session
- Meetings with Prosecutor



Astro in position on his mat as the nurse prepares the equipment for a medical examination on a child at Monarch Justice Centre, Olympia.

It is important to note that the dog's role is to help calm the child so they can tell their story. If the handler feels that the child is too distracted by the dog and is not responding to questions (or could even cause harm to the dog), the handler will remove the dog.

- In Delta, British Columbia, when a court matter involving a child witness is completed, they have a "Courage Celebration". It is held in the Crown Prosecutor's office and is attended by the child, family members, the Crown Prosecutor, the handler and the dog. The child is presented with a 'certificate of courage' for their role in going to court and telling their story. They find this also helps to give the process closure.

3. Community

- Schools – The court dog program run from Chaves County CASA (Court Appointed Special Advocates), Roswell New Mexico runs some very innovative programs using their dogs. They believe it is important to have a strong community presence. In return the community are extremely generous in their financial support of the support of the program. Dogs and handlers will;
 - Attend school events e.g. assemblies, presentation ceremonies, sporting events.
 - Attend school programs – I attended a session with Zia and one of her handlers, Megan, where the dog was part of the "Leadership Program for Boys" and the "Girls Circle". The dog is used in the activities, serves as an ice breaker and helps to focus the students.
 - Provide student support following the death of a student or teacher. Caber visited the local school the day after one of the student's parents (an off-duty police man) was murdered.
- Public Events – local community festivals, presentation ceremonies, sporting events.

4. Mass Crisis

A number of the dogs and handlers I met have been deployed to the scene of mass crisis (either natural crisis or gun/terrorist related).

- In the wildfire in Fort McMurray in 2016 (one of the worst in Alberta's history), Caber and his handler was sent in to give support to people who were evacuated or had lost their homes. Handlers report that dogs are the "ultimate conversation starter" and people open up and talk. Sometimes they just sit and hug the dog. Importantly the dogs also provided support to first responders. It is often difficult to give support to first responders as they tend not to show emotions (they feel they need to be strong for others). Caber was invaluable here as many took time to sit and pat or cuddle him.
- In the Las Vegas shooting in 2017, seven dog and handler teams from around America and Canada were flown in to provide support to victims, witnesses and first responders three days after the shooting. They were brought in again at three months and then at twelve months. The person that behind this was a neighbor to the Sandy Hook school where the tragic school shooting occurred in 2012. His mission now is to provide support to people following such crises. He approached the casinos in Las Vegas to raise money which funded the three trips, including, flights, accommodation food and toys for the dogs.



Zia next to one of the floral tributes to the victims of the Las Vegas shooting. Photo provided by handler Carrie-Leigh Cloutier.

- Dogs and handlers from around the state attended Aztec High School in New Mexico after the school shooting in 2017 where two students tragically lost their lives.

As someone said to me, "mass shootings in the USA are not a matter of *if* but *when*", an alarming and disturbing comment.

5. Staff

Every agency I visited and every handler I talked to, spoke about the important impact of the dog on staff and staff morale. The subject matter encountered in legal / justice workplaces and the inherent pressures, make for

stressful workplace environments and vicarious trauma is a very real side effect. The dogs play an important role in helping to diffuse some of the pressure. Errol's handler told me "staff are their best self when Errol is present."

This will be explored more in the Section 7.4.

6. Defence

I was interested to explore the idea of a dog being used by defence counsel for the accused. To the best of my knowledge, this has not yet happened but everyone is open to the idea. One of the roles of a court dog is to enhance the fact finding process and this is equally true for the accused as it is for witnesses. The handler would need to be satisfied that the dog would be safe (and not subject to violent displays of emotion) and defence counsel would need to go through the same pre-trial approval process as the prosecution.

In Seattle, dogs and handler often visit the public defendants office. This is seen as being a good public relations exercise and also to provide support to this group of people.

7. Other work areas

- FBI – Dogs work in the Victim Services Division of the FBI.
- Teen Court – this is a restorative justice program in Santa Fe New Mexico. Offending teenagers attend a court staffed by their peers with the jury members being previous offenders. Witnesses and defendants are supported by court dogs in training.

7.4 Run a full time court facility dog program balancing the needs of the victims and the welfare of the dog.

Background

Any animal-human support program must treat the needs of the animal with the same importance as the needs of the human. We have a duty of care to ensure that the dog's physical and emotional needs are met and that in turn the dog finds this work to be rewarding. With constant requests for the dog, I was interested to see how the dog's workload and welfare was managed.

Findings

Job Description

As was discussed in Section 7.3, I learnt of twenty four different ways in which the dogs were being worked (and still more are no doubt evolving).

In order to avoid overworking the dog, it is essential that the agency write a job description for the dog which clearly outlines the areas in which the dog will be available to work. It is up to the agency to determine this and this job description will reflect the mandate of the agency. For example dogs such as Lucca and Caber that work within Victims Services Unit in the Police Force may be deployed to the scene of a crime. Dogs such as Beaumont who work at the District Attorney's office are not used in this way.

It is also important to note that the temperament of the dog must be taken into account when determining the dog's duties. Despite the high degree of predictability of their nature, some dogs are just not suited to all work environments. For example, in order to be suitable to work at the scene of a mass casualty such as the Las Vegas shooting, a dog requires an exceptionally high level of resilience. They must be able to cope with the intensity of the environment, a high volume of people as well as different work environments across the country.

Once having determined the dog's work responsibilities, these need to be prioritized. This gives the handler the ability to determine where and how the dog is used when there are multiple requests for the dog for the same day. It should be noted that all agencies I spoke were in agreement that a request to support a child takes priority over a request for an adult.

A fairly common order of prioritization is as follows;

1. Court room support for a trial
2. Forensic interviews
3. Grand jury or other court room work
4. Counselling session
5. Other sessions with the witness
6. Staff

If the dog has time when none of the above are scheduled, other activities can be undertaken. For example. Lucca can work with agencies other than the Vancouver Police Department (VPD) as long as the case is with the VPD. Willow has provided juror support in the lunch room during breaks in court proceedings.

The dog's job description needs to be circulated to staff and any other agencies the dog works with so that all parties clearly understand the priority areas of work for the dog. This makes it easier for the handler if they are unable to facilitate a request.

Alabama has taken a unique approach to managing dogs and requests. Rather than agencies across the State running their programs independently of one another, they are moving to a State-wide model where they will have ten dogs. The dogs and their handlers will be placed throughout the state to make it easy to handle requests from across the State. It will also mean that the dogs and handlers will spend less time travelling. The program will be managed by a State Coordinator who will process all requests and then

deploy the dogs. It will be interesting to see how this model develops as I believe a similar model could work well for us here in Victoria (and other States).

Staff

Getting the balance between support victims and supporting staff is handled differently by the agencies. The prime purpose of a court dog is to provide support to victims and witnesses of crimes so this needs to be their focus. Some handlers feel that too much unstructured time with staff can weaken the responsiveness of the dog to certain behaviours (referred to as behavioural drift) which may in the long term affect the dog's behaviour when working with a victim in a legal setting. For this reason, many agencies will have rules about staff interaction.

Some of these rules are:

- A set time of the day or week dedicated to staff where staff can come and interact with the dog in a relaxed way. The FBI has Friday afternoon 'Puptails' for this purpose.
- Staff are not to feed the dog (this teaches the dog to look for or expect for food which will distract them when working with a victim).
- Vest on, vest off rule. Vest on means the dog is working, vest off means it is not and so can be patted by staff. Staff working in Beaumont's place of work know that he is "invisible" when he is wearing his vest.
- When the dog is in the crate, only the handler may approach the dog.

The Royal Canadian Mounted Police takes a different approach. For their mental wellbeing, staff, are allowed to interact at any time with the dog (except when Cambria is asleep in her crate).

A Police Officer at the Royal Canadian Mounted Police takes a moment in his day to stop and spend some time with Cambria.



The Welfare of the Dog

A lot of the handlers commented on how they probably overworked the dogs when their programs first started. There is always a reluctance to say 'no' to requests as handlers are naturally aiming to help as many people as possible with the dog. These dogs are very stoic and don't often show signs of fatigue

or stress. It is essential that the handlers carefully monitor the dog's workload, schedule in down time and learn to say 'no'.

Managing requests is not such a problem for the handlers in Roswell. With nine dogs working in the District Attorney's office and CASA, it gives a great deal of flexibility to being able to provide support.

One of the requirements from the schools that provide the dogs is that they work for a minimum of 20 hours a week. This is not difficult for any of the dogs to achieve. Again I found a lot of variation in a typical working week or day for the dog. The key is management of the workload. Willow was used in a trial for three days. Her handler rostered her off work for the next day.

If Razzle has done two forensic interviews in a day, she will be given the rest of the day off. Time off may be a day at home or just resting time in the handler's office / workspace. The handlers are trained and empowered to make the decisions about balancing the workload of the dog.

All the handlers that I met with talked about the importance of the dogs having a scheduled down time during the day. What this looks like depends on the dog. For some, it is a short walk or a short game of ball. As discussed previously, these dogs generally have a low level of energy and so do not require a lot of physical activity. For most of them, sleep is the chosen down time.

Many handlers use a crate for the dog, some will just have a bed under or next to their desk.

Beaumont's down time is well established. His handler puts him in his crate, turns out the light, closes the door and lets him have a sleep for an hour.

Cambria's crate has a cover allowing her to be able to rest completely with no distractions.



Cambria's crate complete with a purpose made cover allowing for total rest.

Other Working arrangements

- Dogs generally work four or five days a week. This could vary depending on the work load of the dog in any given week.
- The retirement age of the dog is dependent on the welfare and work load of the dog and can be anywhere between 8 to 12 years of age.

Dogs receive veterinary check-ups twice a year and are re-assessed annually by the Assistance School that provided the dog. Assuming the dog is still healthy, passing their assessment and enjoying work, many dogs will continue working after the age of ten with a reduction in their workload. When dogs retire, the handler (or family member) can adopt the dog or the dog is returned to the school from where they came (the latter rarely happening).

- When the handler takes holiday or sick leave, the dog is 'on leave' as well. All dogs will usually have at least one secondary handler. In some instances, if the dog was booked on a matter of high importance, the secondary handler may bring the dog to work.

The Dog's Expenses

Assistance Dog schools that are accredited by Assistance Dogs International are registered as non for profit. They are funded through donations and in some cases, state grants. Most Assistance Schools therefore will place the dog at no charge to the agency. In some cases, there may be an application fee.

Even when the agency does not have to pay for a dog, all agencies contribute to the ongoing annual expenses of the dog e.g. food, insurance, vet bills etc. This is estimated at approximately \$2500 per year per dog. The money is often raised through fundraising and donations. Some agencies pay for all these costs e.g. Thurston County pays for all of Astro's costs whereas King County does not pay for Errol's food.

There were some issues in the early days about government agencies fundraising. There is always a potential for conflict of interest from donors. For this reason, many agencies have now established a charity or Foundation which raises funds for the dog and the dog's expenses e.g. Vancouver Police Foundation raises money for Caber's expenses. The DA Court Facility Dog Foundation in Roswell raises money for future dogs and provides for the ongoing expenses of Beaumont and Max. As these charities and Foundations are not for profit, donations are tax deductible.

One of my unexpected findings on this trip was to witness the incredible community support behind these programs. The dogs have an important presence in the community and are greatly appreciated, particularly with their efforts to support children who are victims of abuse. The generosity of the community is amazing. For example, the local vets in Roswell donate veterinary services to the dogs and local shops donate food. There are a range of events throughout the year such as Galas, raffles, silent auctions, painting parties and even kissing booths (for the dogs, not the handlers). Most agencies will also sell items to staff and the public.



Victim Services Niagara sells and sometimes gives away paw print stress toys.



The District Attorney's office in Roswell sells adhesive paw prints. People write messages of support or thanks and stick them on a wall.

Social Media

It was interesting to see how agencies were using social media to keep the community engaged and interested in what the dogs were doing. Most of the dogs I met have their own Facebook page (K9Caber, K9Lucca, Emma and the Courthouse CASA Dogs) and or twitter account with many owners posting frequently. One of the handlers in Roswell now has 'social media coordination' as part of her job description.

Having a strong social media presence helps to promote the program and the dogs. Examples of posts include:

- Images of the dogs outside of work just being dogs e.g. running in the snow. This is good public relations as it shows the dogs having a normal life and not just a working life.
- Promoting a fundraiser or an upcoming event with or for the dogs e.g. the "Kissing Booth".
- Program news e.g. "Appeals Court Upholds Use of Facility Dog".
- Showing the dog in a work situation (naturally appropriate consideration is given to privacy issues if there are people in the photos).
- Promoting a social justice issue in the community e.g. news of a government grant to help victims of sexual abuse



Photo of Caber on Facebook comforting a young boy who had just been informed of the death of his father. Photo taken by handler Kim Gramlich.

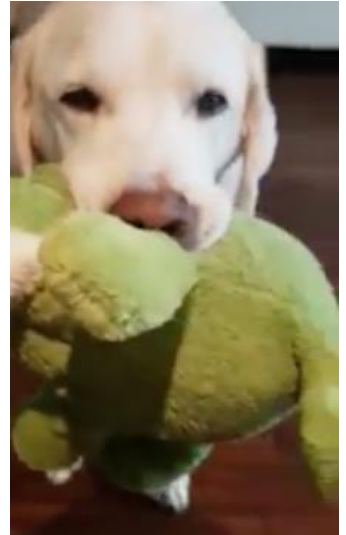
Perhaps the most moving example I have seen with social media was the one that showed me the power of these dogs even when they are not working with someone. This one was posted on Caber's Facebook page (it is written 'by Caber' in the first person and was accompanied by a video of him carrying a stuffed toy.)

'Recently a follower on social media sent me [Caber] this message:

"Been laying here for hours trying to fight through an awful panic attack, crying and nauseous. Then your little dog emoji popped up on my phone. Now I'm breathing and watching Caber videos. It's helping. "

I am glad I can help people, even from afar. Don't forget you can always call a crisis line for help too (Canada-wide 1-833-456-4566) and when all else fails just know that I'm thinking of you...and bringing you stuffies to hug!"

Screen shot of the video of Caber "bringing stuffies to hug".



7.5 Investigate data gathering and program evaluation

Background

It has been quite straightforward for me in my pilot program to document comments from people who interact with the dog. Comments reflect the impact or effect of the dog on the person. I also collect statistics on the types of matters where the dog works, what stage in the legal process, number of children and adults, the gender of people supported.

Anecdotal data so far supports our two program objectives;

- People feel better and are less stressed when the dog accompanies them as they give evidence.
- People frequently give their evidence in less time when the dog is present.

However I have been struggling with how to collect measureable data to support these two findings. I was very interested to learn if the programs that have been running in the USA and Canada for over ten years had found a solution to this.

Findings

Challenges

- It turns out I am not alone in my struggles. The benefits of interacting with dogs in a controlled laboratory setting has been tested and proven

(Vormbrock, J.K., & Grossberg, J.M. 1988 Cardiovascular effects of human-pet dog interactions, *Journal of Behavioural Medicine* 11). Data gathering and measuring the impact of a dog working in a legal setting is an area that many agencies have been struggling with. The main issue is that when people interact with the dog in stressful and often traumatic settings, it is just not appropriate to then sit and talk to them (or send them a questionnaire or survey) about their experience with the dog). A comment from one handler was “it so hard to get quantitative data that we are almost totally reliant on qualitative data”.

- In order to make a meaningful comparison, you would need data from occasions when the dog was not used, which is difficult to obtain as there are too many variables to control.
- The costs and logistics of formal studies is sometimes hard to justify.

Despite the difficulties collecting quantitative data, there is a lot of value in anecdotal data. It is important to continue to keep a log of the number and types of interactions, how people respond, comments and feedback from people who interact with the dog.

In a case which was noted earlier in this report, victims spoke about the support of the dog in an interview eight years after the event. These girls focused on the positive memories of the dog instead of focusing on the negative memories of the assault and going to court. The role of the dog in recovery after an event is an important area and the Courthouse Dogs Foundation hopes to undertake research in this area.

One area of research that has not been investigated is the impact of the dog on jurors. This is interesting as the ‘potential prejudice to a juror’ is the reason often put forward by defence in objection to the presence of the dog. If it could be shown that the dog had a neutral effect on the jurors, this would help the argument for the use of the dog by the prosecution.

Assistance Dogs of the West has received a grant to undertake a study to measure the effect of the dog on staff. Gaining access to staff is much easier than victims. It is hoped that some of the findings may be able to be extrapolated to victims.

There were some simple ideas I saw for data gathering:

- Monarch Justice Centre has a survey card in the waiting area about their services. There is a question where people can rate the support of the dog, which is consistently given high ratings.
- Chaves County CASA has a stamped self addressed postcard where children can write a message and ‘send’ to the dog.

However, neither of these have been subject of research or formal evaluation.

The Courthouse Dogs Foundation and a number of agencies I talked to are keen to pursue formal studies and program evaluations over the next 12-18 months.

7.6 Research other victim engagement and support strategies, processes and resources.

Background

With multiple requests for victim and/or agency support at any one time and in most instances, only one dog, not everyone can be supported by the dog on every occasion. I was interested to see what other support was being provided by agencies to victims.

Findings

All handlers carry the dog's introduction card (the size of a baseball card) with information about the dog, what it does and even social media details. These cards are handed out to everyone who interacts with the dog. Cards are often carried in a pocket in the dog's vest. Not only do these cards promote the program and the dogs but they give the victim something by which to remember the dog and a connection through social media. This can be a positive part of the healing process.

Many agencies will give the victim an item to help them through the process such as a paw shaped stress ball (Victim Services Niagara), a dog shaped stress toy (Victims Services Unit, Royal Canadian Mounted Police) coloured wrist band with dog's name (Monarch Children's Justice and Advocacy Centre) or even small stuffed dogs.

Care needs to be exercised when items are given away. If given to a victim by a police or prosecution agency, there is a potential for a perceived conflict of interest. For this reason, many of the agencies have an associated foundation that raises funds for items (see Section 7.4) and it is this foundation that donates the item to the victim, not the agency. The agency also needs to have some control over what items are given out and at what point in the process they are given out. The Vancouver Police Foundation raises funds for mini Lucca beanie dogs and these are given to the children that go to court. At the Royal Canadian Mounted Police (RCMP), items are donated by the RCMP Trust. Everyone gets a "Cambria card". Children are given a Cambria stress toy after their forensic interview. If the child has to go to court to give evidence, they are given a Cambria beanie toy after court. It is advised that before giving any item to a victim to check first with the Prosecutor to ensure there is no potential for conflict of interest.



Some of Cambria's support items – beanie dog, dog shaped stress toy and her cards.

I saw a lot of wonderful examples of how the community connects with children and families who are victims of crime. In Thurston County Washington, quilts are made and donated by community groups. Every child who has to have a medical examination gets to choose and keep a quilt. In Montgomery Alabama, the local schools will donate a painting each year to Child Protect. The painting consists of one handprint from a school child for every child that came to the centre as a victim of abuse in the previous year.



Painting from school children from Blount Elementary School in Montgomery. This photo has 568 hand prints representing the number of children who were a victim of abuse in 2016-2017 and were supported by Child Protect Montgomery.

A number of agencies have printed outlines of dogs for the children to colour when they are in the waiting room. As mentioned previously sometimes the children write a message to the dog and give it to the dog. These can also be included in the pre-trial motion requesting the use of the dog.

The use (and importance of social media) has already been discussed. In addition to this, the agencies website is an importance source of information about the program (and other victim support strategies). Having a video of the dog on the website is a great way to engage the victim even before they come for their first meeting as it often generates a sense of excitement about meeting the dog.

8. RECOMMENDATIONS

My key recommendations are as follows;

1. Agencies in Australia looking to implement a Court Dog or Justice Dog Program should follow the best practice model which states that:
 - The dog enhances the fact finding process and is not a distraction. The dog must provide support in such a way that it is able to reduce the stress levels of the person it is with and so help them with a better recall of the facts.
 - The dog is handled by someone in the legal profession e.g. a prosecutor, victims advocate, counselor or police officer. This ensures that the person understands the legal process and also the potential risk of vicarious trauma.
 - The dog is professionally trained and is a graduate of a not for profit accredited assistance dog school. The breeding and training programs of these schools will produce a dog whose behaviours are highly reliable and predictable in the courtroom environment.
2. Agencies working with a court dog should spend time with related agencies e.g. the courts, defence, police etc. discussing the role of the dog and the process for using the dog. The dog should be viewed as helping to facilitate the process and not just supporting the victim.
3. A template for formal pre-trial motion (or request for approval to use the dog) needs to be developed by the dog's agency. This will include the dog's resume and how relationship between the victim and the dog will help facilitate the process.
4. The agency should develop a resume for the dog which is used in pre-trial motions, on the agency's website and in any promotional materials about the program.
5. When the dog is used in a court room in a jury trial, the agency must discuss with the court the best and most practical ways to ensure the jury will not see or be distracted by the dog. This may include removing the jury when the dog is brought in and taken out.
6. The handler should keep a diary of any comments made by the court about the behaviour, impact or presence of the dog. This can be important in the event of an appeal by defence based on the presence of the dog.
7. A job description should be developed for the dog that lists all the possible working areas for the dog and prioritises these. Handlers need to communicate this and all stakeholders must understand that the dog may not be able to meet all requests.

8. The handler must balance requests for the dogs with the welfare of the dog. Down time should be given every day and when the handler believes it is required by the dog.
9. Where requests for the dog are extensive, agencies need to consider the option of adding another dog and handler team.
10. There is scope for a dog to be shared between agencies as long as the job description is clearly defined and agreed. Agencies must also ensure that if there are multiple handlers for a dog, the management of the dog is consistent in all settings.
11. As the program grows, consideration should be given to the possibility of a state-wide model to manage multiple dogs across multiple agencies.
12. Social Media is an important tool and should be used to promote the program and the dog.
13. Community involvement and connections to the community should be developed.
14. Anecdotal data and qualitative data are important sources of information and should be recorded by the handler. The development of a formal program evaluation needs to be considered by agencies running a court dog program.
15. The agency should consider establishing a trust or foundation for fund raising for the dog.
16. If agencies are going to provide giveaway items to victims, it is recommended that these are donated by a charity group associated with the agency to avoid a potential conflict of interest.

One area that did surprise me was regarding legislative change allowing people the right to have a dog with them in court. In the seven states where this has happened in the United States, the prosecution still needs to submit a pre-trial motion to the court each time they want to use the dog. The legislation may make it easier for them to grant approval but as most handlers told me, generally getting approval (with a well documented pre-trial motion) is not difficult. So whilst this is something that I will continue to work on, the recommendations listed above are more important to develop in the short term.

One of the challenges to agencies in Australia wanting to develop a court dog program (and follow the best practice model established in the USA and Canada) is the lack of accredited assistance dog schools with knowledge of the legal process and experience in training court facility specific tasks and

behaviours for the dog. Through dissemination of this report I hope to be able to work with schools and trainers and give them an understanding of what is required from a legal perspective.

As the USA is currently experiencing, I can see the possibility that there may be a move from therapy dog organisations to try to place their dogs in the legal setting. Whilst there can be a role for these dogs in public waiting room areas, these dogs do not belong in a formal legal setting. This is an area that could be addressed by legislative change sooner rather than later.

9. COMMUNICATION PLAN

The OPP is about to commence our full time court dog program. The information I have learnt will be invaluable in helping me improve on our pilot program and establish our program as a benchmark court dog program in Australia. I have already established connections with justice departments in other States that are interested in running a court dog program and I look forward to sharing this information and my learnings with them.

There are a number of important stakeholders with whom I will connect and share my findings in the short to mid term timeframe.

- The Winston Churchill Memorial Trust
- Solicitors, prosecutors and social workers at the Office of Public Prosecutions (Presentation given April 29th 2019).
- Judges, Magistrates and court staff. I have been invited to give a presentation to the judges at the Supreme Court of Victoria. I will also arrange for similar sessions with the judges from the County Court and the Melbourne Magistrates Court.
- Child Witness Services Victoria. I have had preliminary discussions with this group and they are keen for more involvement in this program.
- Department of Justice and Community Safety Victoria. There are a number of agencies within the Department that are keen to look at a similar dog program.
- Melbourne Children's Court
- Victims of Crime Commission Victoria
- The Victorian Bar
- Witness Assistance Services National Conference (August 12th 2019). The audience at this conference is the social workers who work for each of the state prosecution authorities.
- Judicial College of Victoria
- Prosecutorial Authorities in other Australian states

Other associations that need further investigation include;

- Assistance school and dog trainers
- Animal assisted interventions, veterinary associations.
- Victoria Police

10. Conclusion

My Churchill experience has been one of the greatest journeys of my life. I thank everyone both here and in the USA and Canada that was a part of it with me.

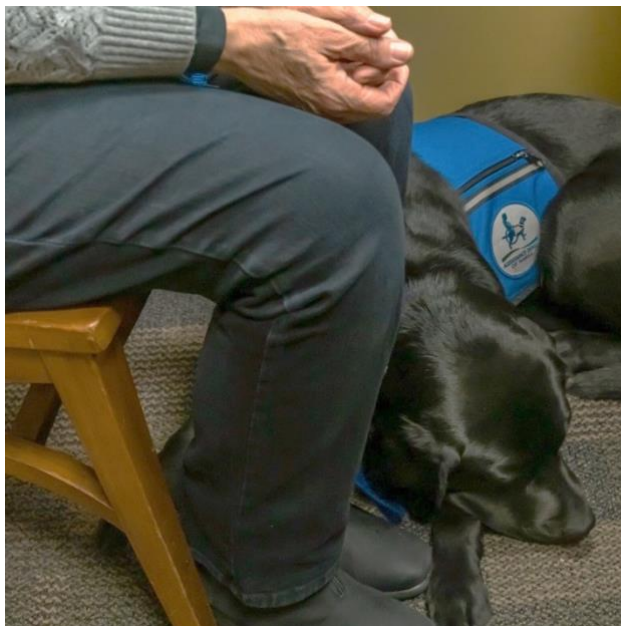
It has exposed me to a range of learning opportunities that would have been impossible for me to have experienced by on line research alone.

As well as seeing the dogs in the court room setting, I was given opportunities to work with the dogs in a number of other interventions so saw firsthand the power of the support provided e.g. a dog in a meditation session with youth at risk, a dog supporting two young girls at a grand jury, a dog supporting a victim in a forensic interview and a school intervention program.

It has introduced me to many wonderful, generous, passionate and committed people who went out of their way to welcome and help me. They have continued to be a source of knowledge upon my return with my follow up questions.

My goal moving forwards with this program is to live up to the beautiful words in the Resolution presented to me by the Alabama District Attorney's Association;

"Julie Morrison recognizes that it is not necessary to be human to show empathy and love to those in need. She strives to bring four legged heroes into the court system who will make a tremendous difference in the lives of victims of crime."



Marshall doing what he does best in Thurston County with someone who needed support.