



## ***Courthouse Dogs Foundation Fact Sheet***

*October 2022*

### **Criminal justice proceedings can be emotionally traumatizing to everyone involved in the process**

Over the past fifteen years research has addressed the need to mitigate the vicarious trauma judges, court staff, attorneys, and jurors suffer when, during courtroom proceedings, they are exposed to the acute emotional suffering of crime victims and witnesses, their grieving family members, and photographic/video graphic evidence of child sexual assault pornography, and violent offenses.

- Chamberlain, J., & Miller, M. K. (2009). Evidence of Secondary Traumatic Stress, Safety Concerns, and Burnout Among a Homogeneous Group of Judges in a Single Jurisdiction. *Journal of the American Academy of Psychiatry and the Law*, 37(2), 214–224.
- Robertson, N., Davies, G., & Nettleingham, A. (2009). Vicarious Traumatization as a Consequence of Jury Service. *The Howard Journal of Criminal Justice*, 48(1), 1–12.

### **The potential for greater emotional harm exists for vulnerable people involved in stressful legal proceedings**

Testifying in court can be especially stressful for vulnerable victims, witnesses, and defendants when they must testify in court.

“This is because of the scientifically unexamined assumption in the judicial system, that by creating an adversarial system in the criminal court process, and thereby increasing stress and tension in witnesses, the court is more likely to arrive at the truth. However, what the criminal justice system has failed to consider is that for some vulnerable witnesses, who must describe to a jury a frightening and overwhelming traumatic incident that has occurred in their lives, their ability to do so can be compromised by the brain’s defense circuitry that is automatically activated which causes a cascade of stress chemicals to be released. These reflexive reactions include the well-known fight, flight, or freeze responses which can make it difficult to carefully listen to questions and respond to counsel.”

“In these instances, dissociation may occur with the brain protecting itself from the overwhelming stimulus by splitting some aspect of the experience away from consciousness. This may include memory loss of certain time periods, events, people, and personal physical responses (both physical and emotional). Dissociated people report a sense of being detached from themselves and their emotions. They often have the perception of things as unreal and report being unable to make sense of what is going on. Dissociation can be automatic for people who were traumatized earlier in life.”

- Crenshaw, D. A., Stella, L., O'Neill-Stephens, E., & Walsen, C. (2016). Developmentally and Trauma-Sensitive Courtrooms. *Journal of Humanistic Psychology*, 59(6), 779–795.
- Haskell, L., & Randall, M. (2019). Impact of Trauma on Adult Sexual Assault Victims: What the Criminal Justice System Needs to Know. *SSRN Electronic Journal*.

## **RESEARCH**

### **Effects of contact with a dog on prefrontal brain activity: A controlled trial** Published 10/5/2022

Interaction with a dog stimulated more brain activity compared to the control condition, suggesting that interactions with a dog can activate stronger attentional processes and elicit more emotional arousal than interacting with a nonliving stimulus. Note: These dogs were lying beside people on a couch when the research was conducted. This is justification for a facility dog being in close proximity to a testifying witness or victim.

<https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0274833>

### **The presence of a calm dog can reduce stress in humans.**

When a dog is relaxed and quiet, we get a subconscious message that there is nothing menacing in the environment. This aspect of how we feel around calm dogs is something that people intuitively know and now the scientific evidence for the physical and mental calming benefits of human interaction with appropriately bred and trained dogs is overwhelming and includes both physical and psychological effects across short and long-time frames.

- Wells, D. L. (2009). The Effects of Animals on Human Health and Well-Being. *Journal of Social Issues*, 65(3), 523–543.

### **Research focused specifically on the use of facility dogs in the context of forensic interviews, which take place in a child advocacy center, found that the children had lower cortisol levels when the facility dog was present.**

Disclosure of child sexual abuse can be a stressful experience for a child who is interviewed to determine if a crime has occurred. In this study it was established that there were significant decreases in stress biomarkers after the interview as compared to those in the control condition. Specifically, the children in the experimental condition showed significantly lower heart rate, blood pressure and salivary cortisol than did the children who were interviewed without a facility dog present.

- Krause-Parello, C. A., Thames, M., Ray, C. M., & Kolassa, J. (2018). Examining the Effects of a Service-Trained Facility Dog on Stress in Children Undergoing Forensic Interview for Allegations of Child Sexual Abuse, *Journal of Child Sexual Abuse*, 27(3), 305–320.

<https://pubmed.ncbi.nlm.nih.gov/29533149/> [Full text here.](#)

- This article from the National Children’s Alliance, describes the above research article in a more comprehensible way for some of us legal professionals - [“Facility Dogs, Can They Help?”](#)

### **The damaging impact of testifying in court can be severe for children**

In 2017 the American Academy of Pediatrics issued a policy statement that declared that testifying in court can result in life long emotional trauma and qualifies as an Adverse Childhood Experience. This article, **“The Child Witness in the Courtroom”** referenced [Courthouse Dogs Foundation](#) for information about how the presence of facility dogs can mitigate that trauma.

“The support of children after they have provided testimony, although critically important, has received insufficient attention. Assessing the consequences of children testifying in court has many methodologic challenges; however, long-term studies have documented several issues, which are summarized here.”

“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.”

“Recently, specially trained facility dogs have been allowed to offer comfort for witnesses.  
[www.courthousedogs.org](http://www.courthousedogs.org) ”

“These studies indicate the need for ongoing psychosocial support and counseling, not only for any victimization that may have occurred but also for children’s experiences of testifying at trial.”

- Pantell, R. H. (2017). The Child Witness in the Courtroom. Pediatrics, 139(3), e20164008. [Full text here.](#)

In 2019 the Center of Disease Control released a new report titled: **“Childhood Trauma is a Public Health Issue, and We Can Do More to Prevent It.”** Based on 2017 estimates, the CDC said preventing such childhood trauma could have avoided up to 1.9 million cases of heart disease in U.S. adults and reduced the number of adults who were overweight or obese by up to 2.5 million. It could also have reduced the number of adults with depression by as much as 44% (up to 21 million avoided cases). “We now know that adverse childhood experiences have a significant impact on an individual’s future health,” CDC director Dr. Robert Redfield said in an agency news release. Renfield added, “Preventing traumatic experiences in childhood and initiating key interventions when they do occur will lessen long-term health consequences and benefit the physical and emotional well-being of individuals into adulthood.” One suggested strategy to accomplish this goal is to: Intervene to lessen immediate and long-term harms “For children and adult survivors of violence, victim-centered services can be both lifesaving and helpful in reducing the harms of violence.”

- Chatterjee, Rhiju (November 5, 2019). CDC: Childhood Trauma is a Public Health Issue, and We Can Do More to Prevent It, Shots, Health News from NPR. [Full text here.](#)

Read this very helpful information from well-known child therapist David A. Crenshaw, Ph.D., ABPP, Clinical Director, Children’s Home of Poughkeepsie aimed at helping children in the courtroom:

- [Guidelines for Attorneys and Judges to Recognize and Respond to Trauma Stress Reactions of Child Witnesses/Victims when Giving Testimony](#)

To be most effective in its mission, the legal system must also understand the role of trauma in the lives of survivors and engage in resources and interventions that address traumatic stress in a trauma-informed, sensitive way. Creating a greater awareness regarding the prevalence and impact of trauma in children has the potential to result in more effective, less re-traumatizing forensic and court proceedings.

- Courtney Evans & Kelly Graves | Georgios Antonopoulos (Reviewing editor) (2018) **Trauma among children and legal implications**, Cogent Social Sciences, 4:1, DOI: 10.1080/23311886.2018.1546791 [Full text here.](#)

### **Best Practice in the Legal System is the Inclusion of Certified Facility Dogs**

Facility dogs are expertly trained by assistance dog organizations that are members of [Assistance Dogs International](#). Their handlers are working professionals providing services in the legal system.

A “certified facility dog” means a dog that has graduated from an assistance dog organization (that is a member of **Assistance Dogs International**) and that is partnered with a working professional handler and skilled at maintaining a calm manner and good social behavior in a variety of environments. The dogs are accustomed to interacting with different types of people including those with physical and/or developmental disabilities and have been trained to behave in public. These are some of the tasks that they perform.

- no aggression (including biting/snapping/growling and predatory aggression)
- no inappropriate barking or whining
- no inappropriate soliciting of attention, sniffing or jumping on strangers
- no begging for human food
- quiet, steady behavior with the dog maintaining focus on the handler
- ready response to task commands
- performance of tasks as directed
- ready return of concentration to the handler when distracted by stimulants such as an animal or food
- appropriate behavior around dogs and other animals

- unobtrusive behavior in all public situations, including restaurants and public transportation
- acceptance of handling during things such as routine grooming, veterinary examinations, and when greeted by a stranger in public
- clean toileting habits, ability to relieve on command

This degree of training assures legal professionals that the facility dog can be included in the investigation and prosecution of crimes without disrupting the proceedings.

Three US national legal organizations have passed resolutions endorsing the facility dog model as a “best practice” or model practice.”

- **National District Attorneys Association** – [2018 NDAA Resolution](#)
- **Association of Prosecuting Attorneys** – [2018 APA Resolution](#)
- **America Bar Association** - In February 2021, the ABA issued a resolution urging federal, state, local, territorial, and tribal governments, and foreign governments to enact laws authorizing courts to allow facility dogs to assist victims/vulnerable witnesses in their participation at any stage of the criminal justice system, including during their testimony in any judicial proceedings, and, to ensure the health and well-being of the facility dogs. [ABA 2021 Resolution](#)

## **Legislation**

Nine states have enacted legislation that restricts dogs that accompany witnesses to certified facility dogs:

- Arizona
- Arkansas
- Colorado
- Hawaii
- Idaho
- Illinois
- Louisiana
- Virginia
- Washington

[See a list of links to full text of each state statute on the Courthouse Dogs website.](#)

## **Appellate Court Decisions**

The sixteen Appellate Court cases that reviewed the practice of utilizing a trained dog to assist a testifying witness, have approved of it if certain conditions are met.

The backbone of these decisions is Evidence Rule 611 (a).

## **Section 611 (a) - Mode and Order of Examining Witnesses and Presenting Evidence**

The court should exercise reasonable control over the mode and order of examining witnesses and presenting evidence to **(1)** make those procedures effective for determining the truth, **(2)** avoid wasting time, and **(3)** protect witnesses from harassment or undue embarrassment

Nevertheless, since 2012, the objection that defense attorneys raise is that the presence of the dog is prejudicial to the defendant.

Typical defense objections

- The presence of a dog will distract the jurors from their job, which is to determine the truthfulness of the testimony.
- Jurors will assume the testifying witness is a victim in need of an assistance dog.
- The dog will engender sympathy for the witness and that is prejudicial to the defendant.

In two 2020 cases, appellate courts in Georgia and Pennsylvania noted that the standard defense objection to the presence of the dog that assists a testifying witness is “the unsubstantiated assumption that the dog generated sympathy without any evidence in support thereof while ignoring the fact that some people are afraid of or dislike animals, especially dogs”. Both courts found this claim had no merit especially since the court took measures to conceal the dog’s presence from the jury.

The evolving case law on this issue has resulted in decisions finding that trial courts can address these types of risks and have broad judicial discretion to do so per Evidence Rule 611(a)

[See a complete list of appellate opinions on the Courthouse Dogs website.](#)

### **Facility Dogs in Action**

These are two videos that demonstrate the training and behavior of certified facility dogs in the court system.

[Watch Canine Companions Facility Dog Pella Assist Children in Court on CBS News](#)

[Watch Assistance Dogs of the West Courthouse Facility Dogs on PBS News Hour](#)

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