Facility Dogs at Children's Advocacy Centers and in Legal Proceedings

Best Practices

Courthouse Dogs Foundation
in collaboration with
Western Regional Children's Advocacy Center

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Contents

About Courthouse Dogs Foundation

The mission of Courthouse Dogs Foundation is to promote justice with compassion through the use of professionally trained facility dogs to provide emotional support to everyone in the justice system. Courthouse Dogs Foundation is a 501 (c)(3) nonprofit organization that educates members of the legal profession and the public about the use of facility dogs, supports assistance dog organizations, and promotes scientific research in this field. The Foundation provides guidance in the development of Courthouse Dogs™ programs at children's advocacy centers, prosecutors' offices, and other agencies.

In May, 2014, Courthouse Dogs Foundation received the 2014 Victims' Rights Partnership Award from the National Crime Victim Law Institute for collaborative work in advancing the rights of crime victims.

Ellen O'Neill-Stephens, JD, Founder of Courthouse Dogs Foundation, retired in 2011 as a senior deputy prosecuting attorney from the King County Prosecutor's Office in Seattle, Washington after 26 years of service. In 2003 she pioneered the use of facility dogs that are graduates of assistance dog organizations to provide emotional support to everyone in the legal justice system.

Ellen's son Sean and his service dog Jeeter were the inspiration for her efforts to make the criminal justice system more humane.

Celeste Walsen, DVM, Executive Director of Courthouse Dogs Foundation, graduated from UC Berkeley with a BA in Psychology and obtained her degree in veterinary medicine from Louisiana State University in Baton Rouge. Celeste facilitates the scientific research in this field between the assistance dog organizations, the academic community, the courthouse facility dog handlers and the Courthouse Dogs Foundation.

Celeste Walsen, Ellen O'Neill-Stephens, and Molly B. Photo courtesy of Chris Mobley and the Seattle Police Department.

Celeste provides expert advice on best practices for the successful incorporation of a facility dog into office, children's advocacy center, and courthouse settings.

Molly B is a graduate from Canine Companions for Independence; she loves to travel, volunteer at local children's advocacy centers, play with her best friend Chloe the Corgi and is the most popular member of the team.

More information about Courthouse Dogs Foundation can be found online at www.courthousedogs.org.

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1. Introduction: Facility Dogs Can Provide Special Comfort to Child Victims and Witnesses during the Investigation and Prosecution of Crimes

This manual provides the framework for implementing a facility dog program. In this model, a professional working dog is available at your CAC every working day, handled by a professional staff member. Included here are firsthand accounts from victim advocates, forensic interviewers, investigators, therapists, medical professionals, and children's advocacy center executive directors who describe how these dogs have improved their work with the people they serve. Their stories are inspiring and will hopefully motivate you to consider adding one of these amazing dogs to enhance your efforts to make your children's advocacy center a refuge from the chaotic, clinical, and adversarial procedures inherent in the legal system.

The Bad Old Days

While chatting about how the treatment of children involved in the legal system has evolved over the years, Ron Clark, a Distinguished Professor at the Seattle University School of Law, described what now would be seen as an archaic and traumatizing procedure that took place while he was working as a deputy prosecuting attorney during the early 1980s. At that time little or no thought was given to how intimidating the courtroom would be - that a child, seated just a few feet away from the defendant, might struggle to describe what had happened and that this experience could be retraumatizing to the child.

The long hallway and hard benches outside district court.
Photo courtesy of Christopher Mobley of the Seattle Police Department.

Ron's story was about what happened to sexually abused children during District Court preliminary hearings. The purpose of these hearings was to determine if probable cause had been established and if the witnesses seemed credible before the case could be referred to Superior Court for filing of charges. It was like a mini-trial. Children waited outside the courtroom seated on benches that lined the long hallway waiting for their names to be called. It was a congested area where friends and family members of the defendant waited, and jailed guards escorted handcuffed inmates in and out of the area. When the defendant's case was called the child was beckoned into the courtroom. Ron said he rarely had time to interview the children beforehand and if he did, he didn't do a good job because he had no real experience questioning

young people about this type of crime. If children were slow to respond to his questions while on the stand, the judge often barked at them to tell him what had happened. Needless to say, many times probable cause wasn't established because the children were too frightened to speak and the defendant was released. Ron would then call the next case and the guardian and child would leave the courtroom bewildered by what had just happened.

Putting the Needs of the Child First

In 1985 the first children's advocacy center (CAC) was established to improve how children who had been sexually abused were treated once an investigation was initiated. The National Children's Alliance (NCA) is the national membership association and accrediting body for CACs. The NCA's policy is that a CAC's core model should be *"about **teamwork** – bringing the agency professionals involved in a case together on the front end – and about putting the needs of the child victim **first**."* (National Children's Alliance, 2014).

Since the inception of CACs, major efforts have been made to provide child-friendly surroundings for children and their families, as they participate in the investigation and prosecution of crimes. As a result, children are often more comfortable and willing to share their stories than in the past and suffer less emotional trauma during the process. Now we see children's advocacy centers offering a much more inviting environment. Brightly painted walls, caring staff, stuffed animals, and toys are all commonplace in these settings.

While this is a huge improvement over what took place in the past, there is still more that can be done to support the child victim/witness. Professionals who are involved in the collection of evidence must perform their jobs in a legally neutral way, which does not necessarily meet the emotional needs of traumatized children. So how do we provide even greater comfort to a child?

Facility Dogs – An Innovation in Victim/Witness Support

This manual is designed to help those who wish to incorporate a facility dog into their children's advocacy center do so in a manner that is safe, effective, and meets the needs of the child, family, professionals and the dog. Recommendations in this manual are what Courthouse Dogs Foundation considers best practice, based on its extensive experience with the use of facility dogs in CACs and other settings, the observations of individuals training and working with dogs, and literature that supports the use of expertly-trained dogs in this context.

Jeeter, trained by Canine Companions for Independence (CCI)
Photo courtesy of Tapani Romppainen

Facility dogs that work in the legal system can provide a sense of calm, security, and non-judgmental support during investigative and legal proceedings when the professionals have to respond to children in an impartial

and reserved manner. For example, in 2004 an assistance dog named Jeeter offered comfort to two child victims. Kelly, whose 7-year-old daughters Erin and Jordan were sexually molested by their father, describes how Jeeter made such a difference.

"Jeeter provided an extra layer of support on the level that the girls welcomed. The victim advocate was warm and loving and a mother herself and the girls picked up on that and I liked her instantly, but the girls were still reserved in that situation because she was still "one of them" so they were only willing to give so much. But with Jeeter it was unconditional love from moment one, he had nothing to gain, they didn't fear him or his position at all, it was just trust and love from the first moment… Jeeter helped Erin and Jordan find their words."

2. Overview of Best Practices

As we begin to discuss best practices, we need to be clear on the terminology that we are using.

What is a Facility Dog?

A facility dog is a professionally trained assistance dog. There are many types of assistance dogs - a guide dog assists a blind person, a hearing dog alerts his deaf handler to important sounds in the environment, a service dog provides assistance to a person with limited mobility. A facility dog is one type of an assistance dog - a facility dog works alongside a professional in a service capacity to assist other people. Typical situations in which a facility dog works include special education classrooms, physical therapy clinics, and VA hospitals.

Kitsap County Senior Deputy Prosecuting Attorney Kevin Kelly with CCI facility dog Kerris. Photo courtesy of Atsuko Otsuka.

A facility dog should be a graduate from a nonprofit assistance dog school which is accredited by Assistance Dogs International (ADI). This is important because ADI (http://www.assistancedogsinternational.org/) has set the highest standards of training for the health, welfare, and task work for assistance dogs (Assistance Dogs International, 2015). Each dog receives approximately two years of training before he comes to work in your office.

Although facility dogs do not have public access under the 2010 Americans with Disabilities Act (U.S. Department of Justice, 2011) because they don't assist a person with a disability, they must also pass the same public access test that service, hearing, and guide dogs do which certifies that the dogs are stable, well-behaved, and unobtrusive to the public, that the handler has control over the dog and that the team will not create a public hazard (Assistance Dogs International, 2014).

About 80% of the dog's temperament is due to her genetic makeup, so the breeding of assistance dogs is an art and science in itself. Each of these assistance dogs has been treated in a very careful controlled manner since the very first day of life in order to result in a dog that has resiliency to stress. Socialization is very important in dogs. Only during certain sensitive periods of his development can a puppy become relaxed around things such as loud noises, children running and screaming, and other animals. A dog that has not been exposed to these experiences early in her life may always be afraid of some things.

Most assistance dogs are "puppy raised" during the first 18 months of their life by either a family or a prison inmate participating in an accredited training program. All through their early months of life the dog is guided carefully to learn to be obedient and to look on everyone in the world as a friendly warm person. These dogs are not protective and do not exhibit a strong prey drive that would cause them to be distracted by squirrels or cats or other fast moving items.

CCI puppy-in-training being introduced to wheelchair, child, and chicken all at once. Photo courtesy of Courthouse Dogs Foundation.

For about six months before a facility dog is placed in your office, they are trained by service dog trainers at an assistance dog school. It is during these six months of training that the dog matures into his final temperament, allowing the professional trainers to tell what the dog will be good at and what he will enjoy doing. A facility dog that is going to be quiet and calm in the courtroom, for instance, might not make a good hearing dog where it would be important for that dog to be alert to every single sound in his environment. A facility dog working in the legal environment needs to be very relaxed and calm, and not pay much attention to strange sounds and happenings in the environment.

At around 24 months of age, a facility dog is mature and trained and ready to go to work in your office.

A Special Kind of Facility Dog Needed

Additional screening of the dog takes place when the assistance dog organizations place facility dogs to work in the legal system. For this job, they select dogs that are confident and affectionate, and are comfortable having close physical contact with children. It won't distress the dog if a child sticks her finger down the dog's ear or unexpectedly pulls the dog's tail. These dogs also have the temperament to be able to interact with people from many walks of life in high stress environments for extended periods of time. Most importantly these dogs can work with multiple handlers and off leash if necessary which provides the flexibility needed when present in forensic interviews, medical exams, and courtroom hearings.

A facility dog working in a children's advocacy center is a true working dog, similar to an explosives detection dog, a narcotics dog, or a tracking dog. The dog's needs, of course, are met on a daily basis – when not at work, each facility dog is a beloved companion, with time off for playing and relaxing. But they have been bred, selected, and trained to go to work every day in a challenging environment.

Pet Therapy Dog Considerations

Many CACs have had pet therapy dogs visit with children in the waiting rooms of their centers for years with great success. However not all of these interactions have been beneficial for the children and their families, and there are reasons for this.

In light of NCA's strong emphasis on putting the needs of the child victim first, it is important to consider whether incorporating a pet therapy dog in the services that a CAC provides would conflict with this "child victim first" philosophy.

Pet therapy dogs are personal pets that have typically undergone basic obedience training with their owner and then have been evaluated and registered/certified by a local or national therapy dog organization as a therapy dog team.

Historically pet therapy dogs and their owners visited people in hospitals and retirement homes to provide them with affection and comfort during short visits. Their role expanded in 2009 when the American Humane Association published the TASK manual which encouraged pet therapy animal teams to assist children in the investigation and prosecution of crimes (Phillips & McQuarrie, 2009).

If you are thinking about including pet therapy dog teams to assist children during this process, consider these practices when determining if this choice would be the best for your center:

- For liability reasons even the national pet therapy organizations do not test dogs for safe physical contact with children or even permit a child to touch a dog during their testing for suitability to become a therapy animal. This puts children at risk for dog bites.

- Pet therapy dog organizations require that the dog's handler always be attached to the dog by a leash. This means that the dog's owner must hold the dog's leash and be in sight of the dog during private or legally sensitive matters such as forensic interviews, medical exams, therapy sessions, defense interviews, and when a child testifies from the witness box or via closed circuit TV.

- The dog's handler may be subpoenaed as a witness if present during investigative or pre-trial matters.

- Someone working for the children's advocacy center would have to screen, do a criminal background check, and provide oversight over the volunteer handlers and monitor the dog's behavior.

- Pet therapy dog handlers are cautioned to limit the time that the dog is visiting to two hours a day to avoid stressing the dog.

- The liability insurance coverage provided by some pet therapy dog organizations only provides coverage if the handler is working in a volunteer capacity and the handler is attached to the dog by a leash. This means that a CAC staff member who wants to bring

her registered pet therapy dog to assist her at work will have to find an alternative liability insurance coverage.

- Finally the TASK Manual and therapy dog organizations stress that animal assisted therapy "can pose a risk to animals when the **client's needs are allowed to supersede the needs of the animal"** (emphasis added) and that the use of pet therapy animals in the criminal justice system requires that "the animals be treated as participants in a mutually beneficial relationship and that the needs of the animals must always be considered, accommodated and balanced with the needs of the clients" (Phillips & McQuarrie, 2009, p. 10).

This means that if the dog is showing signs of stress, the dog must be immediately removed from the environment by the handler. This could happen during the middle of a forensic interview or while the dog is in the witness box with a child during a trial. This obligation to remove a stressed dog during critical moments is unlikely to be in the best interests of the child and could adversely impact the investigation and prosecution of a case or damage the reputation of a CAC.

Nanook, trained by CCI, with forensic interviewer handler Cynthia Gevedon and Michael's House Child Advocacy Center staff. Photo courtesy of Michael's House Child Advocacy Center, Fairborn, OH.

Another important consideration for a CAC is legal liability should a therapy dog harm someone. Jeannette M. Adkins, the Director of Michael's House Children's Advocacy Center in Fairborn, Ohio, explained one of their board members raised this very concern when they discussed having a facility dog join their center.

> *"One board member was concerned that if we had only one incident with a dog and a child it would ruin the CAC's reputation. He had witnessed a very bad experience with a therapy dog at the nursing home where his elderly mother resided and although he loves dogs, he was reluctant to take the risk at Michael's*

House. However we provided all of the information Canine Companion for Independence had on their breeding, raising, training, and screening program and the Board was convinced it would be a good thing for our CAC.

Our advice to any program considering a facility dog is to do your research first so that you can answer all the questions and provide facts for the naysayers. Having a facility dog visit your group during a meeting would likely go a long way in helping them to understand how special these dogs are. I am convinced that a certified facility dog is the route to go when you see the people out there who say their dogs are "therapy dogs," but they may not be trained properly or vetted to withstand all the things adults, kids or situations throw their way. I think the research and knowledge are necessary to deciding what is best for a jurisdiction." (Jeanette Adkins)

Recommendations from Courthouse Dogs Foundation

Based on years of study in this field, observations at dozens of agencies using dogs, and extensive consultation with CAC directors, forensic interviewers, and other multidisciplinary team (MDT) members, Courthouse Dogs Foundation encourages the following best practice standards:

- **A professional staff member handles the dog**
  The dog's handler should be a professional member of the CAC staff who will incorporate the dog into their work every day assisting clients at the CAC. The dog's handler needs to be someone with expertise about how to investigate and prosecute crimes, and provide support to child victims and witnesses in a manner that does not undermine this process. The use of a staff member (instead of a volunteer) will ensure that there are no problems with confidentiality around cases, and that the dog is reliably available during all working hours at the center.

- **Use of an expertly trained dog - ideally a certified facility dog from an accredited assistance dog school**
  Because the dog will likely have close physical contact with children, every effort should be made to ensure that a dog has the correct temperament and sufficient training to be completely at ease with children of all ages, even when they act in unexpected ways. Dog bites are a serious problem in the United States (Centers for Disease Control, 2003); many dog bites happen with young children, who are apt to get up in a dog's face, hug them tightly, or accidentally step on them. A dog that is used at a children's advocacy center must be extremely well socialized with people of all ages during the early sensitive periods of canine development; he should then be carefully evaluated as a mature adult (around the age of 24 months) for behavior when in close physical contact with children.

- **Incorporation of the dog in such a manner as to maximize emotional support for the child while not jeopardizing the investigation and prosecution of crimes**
  A certified facility dog will be able to adapt her behavior to different environments within the CAC – gently playful in the lobby, quiet and non-distracting in the interview room, and flexible during therapy sessions. In order to provide comfort to a child without distracting the child during a forensic interview, the dog should lie quietly without inviting the child to play. The dog should require little attention once settled on the sofa or on the floor next to the child. A well-trained dog can be expected to maintain a relaxed position while being petted (or not) by the child throughout a long interview.

Handler

A facility dog is partnered with a working professional, and this professional who works with the dog is called the dog's handler. Each handler receives extensive training from the assistance dog school that provides the dog.

The primary handler of the facility dog will work with the dog most of each day, and will also provide a loving home for the dog his entire life. Most primary handlers at children's advocacy centers are victim advocates, detectives, therapists, or forensic interviewers.

A secondary handler handles the dog some of the time during the working day. For instance if the primary handler is a victim advocate, a forensic interviewer will need to be trained to be a secondary handler if she is going to employ the dog during the interview process.

Why Dogs are Uniquely Qualified to Provide This Comfort

The role of dogs at a children's advocacy center is to help the children feel safe and help them be calm enough to engage with the various members of the multidisciplinary team. Why do we suggest dogs for this role? Why not cats?

Dogs play a special role in human life. For thousands of years humans and canines have lived together. We count on dogs to alert us if there is any danger nearby. If a dog barks and leaps to his feet, we instinctively look to see what has caught his attention. Conversely, when a dog is near us in a relaxed posture, we trust that there is nothing to worry about. The image of a peaceful sleeping dog is synonymous with home for many people in our culture. When the dog is relaxed and quiet we get a very strong subconscious message that there is nothing menacing in the environment. A dog at a children's advocacy center lends a homelike atmosphere to the center. A child encountering a calm friendly dog at the CAC feels that they are visiting someone's home and that the facility dog lives there. The presence of an engaging, professionally trained facility dog can be an important part of creating a sense of safety and security for children and their families.

So why not cats? Cats are wonderful animals, but their behavior is not predictable in the same way that a trained dog's behavior is. Sometimes cats are safe and gentle, and sometimes they are not. Also, studies have shown that children have a distinct preference for interacting with dogs rather than cats (Coren, 2014).

For more on the scientific research on how dogs can assist our victims and witnesses, please see Attachment A - Scientific Research Confirms that the Presence of Dogs Reduces Stress in Humans, by James Ha, PhD.

The Use of Facility Dogs Has Grown

Since 2004 prosecuting attorneys, CACs, law enforcement departments, Court Appointed Special Advocate (CASA) programs, and family courts have established facility dog programs which include over 70 facility dogs working in 25 states and in Chile and Canada (Courthouse Dogs Foundation, 2015). Although finding a staff member who would like to volunteer to be the dog's primary handler can be challenging and going through the application process and being trained to be the dog's handler can be arduous, based on our observations and discussions with CACs that use dogs, we have found that the vast majority of people are very satisfied with having a facility dog join their staff.

2014 International Courthouse Dogs Conference, Seattle
Photos courtesy of Tapani Romppainen

Before

After

3. Incorporating a Facility Dog into Services at a Children's Advocacy Center

Documenting the Use of the Facility Dog at your Center

This is an innovative program, and once you have made the commitment to add a facility dog to your staff, it is important in each case to note in your file that your dog interacted with the child and how the child responded to the dog. This is because as these cases flow through the system other professionals engaging with the child should be made aware of the effectiveness of the interaction so that they will be encouraged to also make the dog available to the child. In addition, this information may be needed to justify a prosecutor's motion to permit the dog to accompany the child to the witness stand.

Getting Started

Although facility dogs are fully trained when placed with their handlers, they still need to know what is expected of them in different situations at the children's advocacy center. Dogs are situational learners so they can quickly understand that they can playfully interact with the children in the lobby, for instance, but that in the interview room, they should quietly lie down and not distract the child. The rooms and the handler's behavior in these settings will provide the cues to the dogs as to how they should behave.

> *I've been working as a child interview specialist for over 6 years and my best estimate is that I've worked with Ellie in over three hundred child interviews. My advice would be to have a good working relationship with the dog before incorporating her into interviews. You have to have complete trust in the dog during the interview process that they are going to "behave" as you need them to because you don't want anything to happen in the interview that's going to take your focus off of the child and your goal of finding out what the child has to tell you.* (C. Webster, Child Interview Specialist, King County Prosecutor's Office, Seattle, WA)

The Initial Greeting

When greeting the family, the CAC staff member should tell them that a highly-trained facility dog is available to comfort the child and determine if the dog would be a welcomed companion. Both the child and the parents should be consulted about whether the dog will be present during the various services offered by your children's advocacy center. One way to do this is to show the caregiver and the child a photo of your dog, and ask whether they would like to meet him in the waiting area.

Facility dog Lincoln, trained by Saint Francis Service Dogs, with handler victim advocate Lori Jones, can make the child advocacy center feel more like home. Photo courtesy of Fauquier County Commonwealth Attorney's Office.

Most parents or guardians of a child victim/witness are very anxious about the prospect of their child undergoing a forensic interview. They may think that the child will be interrogated by the police and the child will feel very distressed by the experience. When parents are calm, kids follow suit. Many children are pleasantly surprised when they hear that a dog can be with them during their interview or therapy session. They become more focused on meeting the dog rather than on the apprehension that they may feel about the process. In addition, most parents are impressed with this extra measure taken to comfort the child.

Pecos and I have done approximately two hundred forensic interviews together. Because we work in a child advocacy center setting, he also sits in therapy appointments, non-acute medical exams, accompanies children to court and attends multidisciplinary team meetings. When the children see Pecos they immediately begin to smile and walk towards him. They pet him, walk him and snuggle with him and their caregivers appear relieved that a calm dog is available for their child. In many instances, children do not know what to expect when they have an appointment at our program. Pecos changes how children perceive the process. (Michele Thames, Forensic Interview Coordinator, Children's Hospital of The King's Daughters , Child Abuse Program, Norfolk, VA)

The emotional response of the children when they hear about the dog certainly differs for each child but I will say probably 95% of the children who have been told that there is a dog who can be present for their interview, have chosen to meet Ellie and have her present in the interview. What's most memorable though are the times when I initially meet a child and they appear completely withdrawn (slumping down in their chair, avoiding all eye contact with me, barely responding to my questions) but they become much more engaged and animated when they hear that there is a dog available to sit with them during the interview. In those cases it seems that rather than dreading the beginning of the interview, the child seems to look forward to it as they know that they're going to have a dog present to sit with them. (Carolyn Webster)

Before the Forensic Interview

While in the lobby area, allow the child and dog a few minutes to interact with one another.

Children feel empowered when a dog performs the tricks they ask them to do. This is Peseta, trained by Bocalan Confiar, an assistance dog organization in Santiago, Chile. Peseta lies next to children in hearings at Family and Criminal Courts. Photo courtesy of Bocalan Confiar.

Show the child some of the "tricks" the dog can do such as shake or roll over. It is possible to teach the child how to give the dog these commands in a very short period of time. If the children see their caregivers smiling while they interact with the dog, this can be an unspoken message that things are okay. If the child would like to have the dog present during the interview, offer the leash to the child to escort the dog into the interview room. Teaching the children to have the dog do tricks and walking the dog often make the children feel more in control.

During the Forensic Interview

The presence of the dog can decrease the amount of time it takes to interview the children because they are calmer. There are ways to increase the likelihood that the dog will be able to provide this calming effect by creating an environment that facilitates their visual and physical contact with one another. The dogs are more effective at calming the children if there is some physical contact between them and the child can see the dog. The best way to do this is to have a couch in the room opposite the interviewer where the child and dog can sit together at the same level. The couch should be long enough so that the child has the ability to move closer or farther away from the dog depending upon their comfort level. Some children prefer to look at the dog rather than the interviewer when describing a stressful event. Other children derive more comfort by touching the dog during this time. Children have also been observed holding on to the dog's leash and rubbing their fingers across the surface or playing with it to reduce stress rather than looking at or touching the dog. It is important to know that a child can unexpectedly touch a dog in an intrusive manner or engage in startling behavior during the interview; a facility dog's training greatly decreases the likelihood that there will be adverse consequences because of this.

> *I have been a forensic interviewer for 10 years and I have had Simon assist me for the past 3 years. I estimate we have done 150 interviews together. Simon makes me, the interviewer, feel more at ease, as well. There are a lot of things to think about and remember when you are conducting a forensic interview. I do not feel as anxious or tense when Simon is in the room. (Diane Silman, Executive Director (retired), Ozark Foothills CAC, Doniphan, MO)*

They are able to get the comfort they seem to need from Pecos instead of seeking that in other ways such as by looking for reassurance from me or engaging in behaviors like rocking or requesting frequent breaks to see their parents. (Michele Thames)

Although Nanook does not talk, he is a conversation starter. Chatting about him allows me to gradually ease into the forensic interview process when discussing the "rules" part of the interview. In addition to talking to children about the importance of telling the truth and correcting me if I make a mistake, I also ask them to let me know if Nanook invades their personal space too much or if his snoring bothers them. I also see that Nanook gives the children an excuse to take a break. Sometimes, in the middle of a disclosure a child will stop and comment on Nanook twitching in his sleep or give him a kiss. It's like giving them a moment to take a deep breath and go on without drawing attention to them. (Cynthia Gevedon, Forensic Interviewer, Michael's House CAC, Fairborn, OH)

Harper, trained by CCI, works with her handler forensic interviewer Gina Coslett at the Dawson Place Child Advocacy Center in Everett, WA. Gina has had three other facility dogs –Stilson, Astro, and Molly B assist her during interviews. Photo courtesy of Shelle Singer.

I have worked with three facility dogs in forensic interviews and the dogs' dispositions and training makes me feel confident that they will not inappropriately respond to unexpected or intrusive behavior from the children or the developmentally delayed adults I interview. For example, in one interview with Stilson I was questioning a 30-year-old woman who was developmentally fifteen years of age. She became so frustrated with my questions that she began hitting the couch on both sides, I thought "Oh no, Stilson is gonna freak," she was yelling and hitting so hard, and sweet Stilson lifted his head, looked at her and then she looked at him. She began crying and telling him how sorry she was and just held him with her head buried in his neck until she was able to calm down, then believe it or not, we continued on…. (Gina Coslett, Child Interview Specialist, Dawson Place CAC, Everett, WA)

Victim advocate Lori Banks with Hayward, trained by CCI, works at Child Advocacy Services in Hammond, Louisiana.
Photo courtesy of Johnny Chauvin Photography.

Joelle (Henderson, Forensic Interviewer) often asks active children to pet Hayward during the interview to keep them focused on her questions. However instead of doing this, one young boy sitting next to Hayward ran his cars and trucks on him as if Hayward were the road. Hayward looked up at Joelle and then went back to sleep. On another occasion, when a rambunctious 3-year-old was told that the session was over he unexpectedly put his hands on either side of Hayward's face and kissed him on his mouth. Hayward did not react to this intrusive contact. (Lori Banks, Advocate Coordinator, Child Advocacy Services, Hammond, LA)

My most memorable experience would have to be the first interview. The young girl was drawing initially while building rapport and not really paying any attention to Pavlov, the minute she began to disclose the tough details of her abuse she reached for Pavlov, stroked him throughout her disclosure and when she was finished talking details, she went back to drawing…. Again… amazing…. (Kimberly Stringfield-Davis, Executive Director, CAC for the 23rd Judicial District, Charlotte, TN)

Interviews with Older Children and Teenagers

Although teenagers may seem reserved about having the dog with them in the interview room, they do appreciate the presence of the dog.

A 15-year-old girl petted Molly B throughout a two hour interview. For some reason, Molly thought the interview was over and hopped off the couch and went over to me expecting to be led outside. I asked the girl if she would like to have Molly lie beside her again. The girl declined but when the questioning resumed, the girl stopped speaking and started scratching her arm to the point that it looked like she would damage her skin. The girl explained that she scratched when she was nervous. When the brisk scratching continued, I asked Molly to get back on the couch and to lie down by the girl again. The girl stopped scratching, resumed petting Molly and was able to finish the interview. On another occasion a teenage boy reluctantly agreed to have Molly B accompany him into the interview room. I asked him if he wanted Molly up on the couch next to him and he declined so she curled up on the floor. However, when the interview began to cover details of his abuse, the boy interrupted me and told me that he thought

Molly would be more comfortable on the couch with him. Molly jumped up next to him and he was able to resume answering my questions. (Gina Coslett)

An Investigator's Perspective on Dogs in the Interview Room

Many detectives have initially been skeptical about having a dog present during a forensic interview. The main objection has been that an active dog would be very distracting for the child. Once again, seeing the dogs lying still or sleeping during the interview has made believers out of them.

Tommy Beeson, Chief Investigator at the Terrebonne Parish District Attorney's Office, with his CCI facility dog Duvall. This team works primarily at their child advocacy center.
Photo courtesy of the Terrebonne Parish DA's Office.

This was the case with Thomas Beeson, a Captain with the Terrebonne Sheriff's Office and the Chief Investigator for the Terrebonne Parish (Louisiana) District Attorney's Office, who has over 40 years of law enforcement experience and at one point in his career was a K9 handler for tracking and narcotics dogs.

When Beeson was in training with his narcotics dog he was so afraid that the dog would bite him that he locked him into the bedroom's closet so he could safely fall asleep. Imagine his surprise when he went to team training to receive facility dog Duvall, and he decided he would sleep better with Duvall in bed with him! Beeson and Duvall work primarily at the Terrebonne Children's Advocacy Center with forensic interviewer Dawn Boquet.

Captain Beeson recalls one interview where a 6-year-old boy that had been sexually abused by a family member had difficulty explaining what had happened to him. Things changed when Duvall entered the interview room. The boy looked over at Duvall and then pointed to Duvall's body parts to graphically describe what his relative had done to him. Although Duvall's body wasn't anatomically correct, the video recording unmistakably conveyed that a crime had occurred and the relative was arrested.

After the Interview

Most children and their families leave the center on a positive note talking about the dog instead of the reason for the interview. They often ask if they can see the dog on their next visits and arrange their schedule to make this possible.

Many children and parents who haven't wanted to come in for an interview have had such positive experiences with Ellie that they've taken pictures of themselves with her on their phones before they've left the building. I think that speaks volumes about what Ellie brings to the interview process. (Carolyn Webster)

I had a late night interview with Calhoun when I had to question a young boy about seeing his father murder his mother. Although there was little interaction between the boy and Calhoun during the interview, afterwards the boy asked if he could spend some time with Calhoun in the darkened playroom while he waited for a relative to pick him up. I watched them lie in a silent embrace on the floor for about 40 minutes until the family member arrived. That was an unforgettable experience. (Joy Lucero, Forensic Interviewer, Phillipsburg, MT)

Ronny, trained by Support Dogs, Inc., works with Director Cara Gerdiman at Kids' Harbor Children's Advocacy Center in Osage Beach, MO. Photo courtesy Cara Gerdiman.

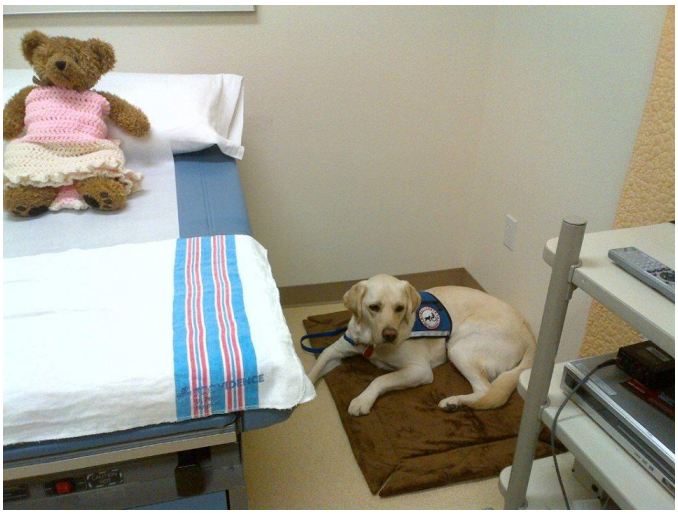
"Having Ronny at Kids' Harbor has been an incredible experience for the children we serve, our staff and team members. I have seen Ronny's kind, friendly demeanor and unconditional love provide the support and comfort needed by a child as the child speaks about their abuse. Ronny simply knows when the child needs his love and comfort the most and during those times he moves closer to them and/or places his head on their lap. When children come back to Kids' Harbor for counseling, they seek Ronny out for a hug, to pet him or just to spend a few minutes talking to him!"(Cara Gerdiman, Executive Director at Kid's Harbor, Inc., Osage Beach MO)

Defense Objections to the Dog's Presence in the Interview

It is difficult for defense attorneys to successfully object to the dog's presence in the interview because the dog is a neutral participant. However, an objection could be successful if:

- there is evidence that the interviewer used the dog as a bribe to get the child to speak about the abuse, or
- fantasy was introduced in the interview by giving the dog human characteristics. Don't say something such as, "Isabel would like to hear what you have to say about Uncle John," because a dog is not actually interested in what the child is saying.

Medical Exams



Facility dog Astro, trained by Assistance Dogs of Hawaii, in the exam room at Monarch Children's Justice and Advocacy Center in Lacey, WA. Photo courtesy of Courthouse Dogs Foundation.

A number of children's advocacy centers have found that allowing a dog to accompany a child during a medical exam has resulted in a better experience for the child, as well as a reduced time for each exam. However, some physicians and some Sexual Assault Nurse Examiners have expressed concerns about the contamination of collected evidence by dog hair. It will be up to the medical staff of each CAC to determine whether the facility dog should be present during forensic medical exams. The dogs that are utilized in medical exams are often given extra-long leashes, so that the child can hold onto the leash while on the exam table.

> *Our process is fairly simply because the doctors, pediatric forensic nurse examiner and medical case manager all believe in the work that Pecos does. As you know, having staff that believes in the program is a HUGE part of success. When there is a child in a non-acute exam that is nervous, hesitant or anxious, they invite the child to utilize Pecos during the exam. The child is able to hold his leash while the exam takes place. Pecos has a traveling bed that goes with him so he knows where his spot is. While the child is on the exam table, Pecos is on the floor right next to the exam table. Prior to him accompanying children to their exam, he and I did some of our work in there so that he was comfortable with his environment. Now, an exam that would take 45 minutes to over an hour is taking 20-25 minutes! (Michele Thames)*

How a Facility Dog Can Accelerate a Child's Emotional Healing in Therapy Sessions

Many CACs include therapy programs to help the children emotionally recover from the disturbing events that happened to them. Detectives, forensic interviewers, and prosecutors are focused on "just the facts." In contrast, therapy sessions allow a facility dog to engage in more playful and emotional interaction with a child. There are no worries about a dog distracting the

child from getting the job done, the dog and child have extended periods of time to bond with one another and there is much more physical contact and playful activities between them.

Dr. David Crenshaw, a child psychologist, has worked at the Poughkeepsie Children's Home for 7 years and in residential treatment of children for nearly 40 years and has always been looking for new ways to help children recover from the emotional trauma they experienced in their lives. In 2011 he learned about facility dogs assisting children in the courtroom and arranged for a retired service dog to accompany a young teenage girl, who suffered from PTSD, when she testified against her father. Since then he has worked with three facility dogs - Rosie, Ivy and now Ace - with results that have delighted him.

Dr. Crenshaw reports that in the past it used to take months for a child with significant attachment problems to trust adults but they frequently trust Ace instantly. The sense of security they feel when Ace participates in a session also hastens building trust with the adult in the room. It seems that if Ace thinks the person is okay, that counts for something in the eyes of the child. The research shows unequivocally that in order for children to heal from trauma the first step is to make them feel safe.

The children who live at Poughkeepsie Children's Home in New York love to have facility dog Ace involved in all of their activities. Ace was trained by Educated Canines Assisting with Disabilities. Photo courtesy of Poughkeepsie Children's Home.

Neurobiological research also demonstrates that when children attempt to verbalize and cognitively process the trauma events typically there physiological systems are activated in one of two lines of defense: mobilization for fight/flight (alarm mode) or at the other extreme in a shutdown or dissociated state. In order to socially engage and communicate with adults the internal physiological state has to be reset to calm which can only happen when the child feels safe. (Porges, 2011) Facility dogs are unusually calm as a consequence of their temperament and extensive training which helps children to regulate their own physiology and reset to a calm state. Studies have indicated that the presence of a dog accomplishes this more effectively than the presence of a support person. (Beetz et al, 2012) This not only applies to therapy but to courtroom testimony.

Neglected Kids Get the Opportunity to Nurture

Even though many children at the Poughkeepsie Children's Home were neglected by their parents they get to practice attending to Ace's physical needs. They enjoy grooming him, cleaning his ears, helping trim his nails and brushing his coat. They also accept that Ace needs breaks during busy days and even though they miss him, they understand that sometimes he needs a day off to just be a dog. Although in many cases they missed out on love in their lives, they find it healing to give love to Ace and that shows in their faces as they brush him, snuggle with him, or simply pet him. (Dr. David Crenshaw, personal observation)

Children Think Twice About Hurting Themselves

Crenshaw describes one adolescent girl who bonded with Ace in a way that was moving to watch. Eventually the girl told him that Ace had saved her life because the night before she met him she wanted to die and was determined to do so. During a subsequent session the girl brought a letter for Ace and gave it to Dr. Crenshaw to read to him. The girl wrote that when she thinks of wanting to give up, she focuses on what Ace would want her to do at such a time and it enables her to get through such dark times.

In another case, a five year old boy made a worrisome statement to the staff in their emergency foster care program. Dr. Crenshaw brought Ace into the session with the little boy because the boy already had a relationship with the dog. In assessing for the risk of self-harm, Dr. Crenshaw asked the child to convince not only him, but Ace as well, that he had no such intent or plan. The child was even more convincing when talking with Ace and telling Ace not to worry. Then Ace and Dr. Crenshaw conferred and decided that the little boy had convinced them both that he was going to be safe.

4. Starting a Facility Dog Program

The initial steps in facility dog program development can take anywhere from a few months to a year or more. Taking time and care to develop a sound program from the very beginning will save you time and effort in the long run.

Step by Step Suggestions for Developing a Facility Dog Program

These steps in the program development cycle will be considered individually in this section; although they are listed individually, they are not necessarily sequential - you may be working on more than one step at a time.

- Conducting research
- Choosing the handler
- Choosing the assistance dog organization which will supply your dog
- Creating a budget
- Writing a job description for the dog
- Obtaining buy-in from stakeholders
- Applying for a facility dog
- Writing a protocol for your dog, if needed
- Training the staff before the dog arrives

Conducting Research

Taking the time to research this process thoroughly will save you much time and aggravation in the long run. The first thing to consider is what a dog could add to the services you provide in your children's advocacy center. A dog is helpful in forensic interviews, medical exams, therapy sessions, defense interviews, and can often accompany a child in courtroom proceedings.

Early in the process of program development, you may find it helpful to have a loose leaf binder where you can gather information about facility dog programs. A good first step would be to print out some of the articles available on the website of Courthouse Dogs Foundation (www.courthousedogs.org). Add to this binder as you go through the process and have it ready when you were discussing this potential program with your director, prosecutors, city council members, and other people whose buy-in you will need in order to create a successful program.

Are there nearby facility dog programs that you can visit to observe? If you're not sure, contact Courthouse Dogs Foundation. We will be happy to put you in touch with any other programs in your area. Visiting a working program in person is a wonderful way to find out what a dog could possibly add to your center, as well as discover some of the challenges that you may have.

Possible Challenges

As you think about developing a facility dog program, you will need to confront several common challenges. It will be good to consider these early in the process and consider how you will deal with them. As you put together your loose-leaf binder, be sure to think through how you will handle each of the following challenges.

- **People who are allergic to dogs.**
  This is often the first thought that many people have when you say you would like to bring a dog into a professional environment. There are people who are truly allergic to dogs and need to avoid close physical contact with them, but this will not be a problem in general with a facility dog working in public areas. Dog allergens are everywhere in public spaces because they are carried on the clothes of pet owners. (Gallagher and Roberts, 2011) Please see the section on Integrating a Dog Into Your Office for suggestions on minimizing problems.

- **Fear of dogs.**
  You may occasionally encounter a fear of dogs among both your child clients and staff members. This is something serious to consider as you begin your program. While facility dogs are quiet and calm, some people are afraid of any dog in any circumstances. If a staff member is afraid of dogs you will need to arrange to have the dog avoid the staff person during the working day, or at least encounter them as seldom as possible. As far as your clients are considered, a good protocol will be that no child ever encounters the dog unexpectedly. The dog will be in an office out of sight until you have spoken with both the parent or guardian and the child to ascertain whether they would like to meet the dog.

- **Cultural issues.**
  In some cultures, notably some Islamic groups, dogs are considered unclean animals and children should not have contact with them. It will be important for you to think about the demographic makeup of your client population, and consider whether this is a serious issue in your children's advocacy center. In any case, the fact that you'll always get permission from both the child and the parent or guardian before introducing the dog should alleviate fears of unexpectedly encountering a dog if it is not considered culturally appropriate.

Choosing the Handler

Who should be the handler for your facility dog? There are several factors to consider when you are making this decision. The ideal primary handler will be the person who has the most use for the dog during the day. For instance, at a busy children's advocacy center the logical handler may be the forensic interviewer. However, at some centers a victim advocate is a better choice since she is able to accompany the child more of the time, and the forensic interviewer can be a secondary handler.

Outside of the work day, the primary handler will need to provide a home for the dog. This means that she has to have room in her life to provide a true loving environment for the dog's entire life. The handler does not need to have any previous experience living with or training a dog, as the accredited assistance dog school will teach them everything they need to know to take care of the dog. However, the handler cannot have dog-aggressive pets in the home or a family member who does not want to have a dog living in the household.

Ellie, trained by CCI, was the first facility dog to ever be placed by an assistance dog organization to assist people involved in the legal system. Ellie and her handler Senior Deputy Prosecuting Attorney Page Ulrey work at the King County Courthouse in Seattle, WA. Photo courtesy of the Courthouse Dogs Foundation

Another factor is job longevity for the primary handler. It would be best if the primary handler plans to stay in their current position (or at least at the CAC) for the next five years or so. A person who is likely to leave the center will at the very least disrupt the facility dog program, and in some cases may take the dog with them when they leave. (Some assistance dog organizations place the dog with the primary handler as an individual; some others place a dog with the agency and are willing to train a new handler if the first primary handler leaves.)

The primary handler will need to always be an advocate for the dog. As such, a more senior staff member may be a better choice. The handler will need to caution clients and staff members about not feeding the dog, not giving the dog unnecessary commands, and so on. The welfare of the working dog will need to remain uppermost in the handler's mind and the dog should be provided with adequate rest and exercise throughout the day.

A problem occasionally arises in program development when the proposed primary handler is a union member. Some law enforcement officers are members of a union, which specifies that canine handlers receive extra pay, comp time, and perhaps even a special vehicle. Even though a facility dog working to provide emotional support to children does not impose the same restrictions on an officer as does a police dog, the union will be unlikely to make an exception for this. If the handler is a law enforcement officer who is a union member, it will be important to have a written agreement that addresses this issue before the program begins.

Choosing an Accredited Assistance Dog Organization to Provide Your Dog

Where will you get your dog? The factors to consider include cost of the dog, geographical proximity to your agency, and the availability of dogs. Some organizations will come to your

agency with a dog, and train you on site, while other organizations require the handler to be on campus at the assistance dog school for two weeks.

You can see a complete list of accredited assistance dog organizations on the website of Assistance Dogs International - http://www.assistancedogsinternational.org/members/programs-search/.

Please contact Courthouse Dogs Foundation if you would like to know which assistance dog organizations have placed facility dogs to work successfully in the legal system.

Creating a Budget

How will you fund your facility dog program? This is an important consideration early in the process. It will be much easier to get buy-in from your stakeholders if you have thought carefully about this question.

Your budget needs to be prepared in two stages. Startup costs can be significant, as they include the cost of acquiring the dog, travel and expenses for the handler to be trained by the assistance dog organization, and buying supplies for a new dog such as a crate. Ongoing costs will be much lower in the following years.

The cost to acquire a certified facility dog from an accredited assistance dog organization varies from zero to about $10,000, which includes training the dog and the handler. Each organization has their own fee structure, and it is important to take this into consideration early in your process and plan for these costs. Typically, the handler needs to travel to the assistance dog campus several times during early program development. There may be an in-person interview lasting a day or so on the campus, there will be team training for the handler to learn to handle the dog, and there may be a follow-up certification exam required a few months following graduation. There is also staff training to consider as you begin your program. It is often cost effective to bring in consultants from Courthouse Dogs Foundation to train your judges, prosecutors, law enforcement officers, victim advocates, and other staff members in how to use the dog so as not to raise legal issues during the process.

Typical start-up costs for facility dog program development range from $5000 to $20,000.

Following placement, the cost for a facility dog is the same as that for any well-cared-for pet dog. There will be costs for the veterinary care, food, and supplies. In addition, once a year the handler will need to be re-certified by the assistance dog school in order to continue working. This ensures public safety and the welfare of the dog.

Another potential cost to consider is that of liability insurance covering the dog. Some assistance dog organizations offer an insurance policy for the dog as part of placement, and some do not. There are various ways to provide this insurance coverage, from adding a rider to the general county liability policy to include the dog to using the handler's homeowner's policy to cover the dog.

Please see the budget worksheet at the end of this chapter which will help you develop your estimate.

Where will you get this money? Children's advocacy centers have funded their facility dog programs in many different ways. Some of the funding sources include:

- Asset forfeiture funds from drug dealers donated by law enforcement agencies or prosecutor's offices
- Children's Justice Act monies
- Contributions from individuals and from civic clubs
- Corporate sponsorship for the facility dog
- In-kind donations from veterinarians and from pet stores

Writing a Job Description for the Dog

How do you envision the dog being used in the work of the children's advocacy center? It is important to make a priority list and make decisions about how the dog will be used, before you start working with a new dog. The facility dog will garner a lot of attention, and many people will want the dog to be utilized widely. For instance, will the dog also be working at the prosecutor's office and in the courthouse? That will mean you have more people to get permission from as you begin the application process.

Executive Director Jennifer Wilkerson and Murch, trained by CCI.
Photo courtesy of the Upper Cumberland CAC.

Here is a sample job description from the Upper Cumberland CAC in Cookeville, Tennessee.

Purpose of courthouse facility dog

The purpose of our courthouse facility dog is promote the mission of the Upper Cumberland Child Advocacy Center –

"It is our mission to serve children who are victims of drug endangerment, physical, and sexual abuse through prevention, education, and intervention. Our goal is to help these victims become children again."

Our courthouse facility dog will promote this mission by providing quiet companionship to children during forensic interviews and courtroom

proceedings, which will comfort the children and allow them to participate more fully in these activities.

<u>Priorities for our courthouse facility dog</u>

Our dog will work with the children of the 13th Judicial District who are being served by the staff at the Upper Cumberland Child Advocacy Center. While most of the dog's work will be done at the child advocacy center, he may accompany child victims/witnesses at any of the courthouses in the district, when needed. The presence of our dog in any courtroom will be at the discretion of the presiding judge.

Jennifer Wilkerson, handler of our courthouse facility dog, and Executive Director of the Upper Cumberland Child Advocacy Center, per her contract agreement with Canine Companions for Independence, will have complete discretion over the use of the dog in all circumstances, taking into account the need of the child and the availability of the dog. Our dog is available for any child who can demonstrate the need, whether the child is a witness for the state or the defense in a given proceeding.

It will be easier to obtain permission to use the dog on behalf of child victims in the courtroom if you also allow the dog to be used by child defense witnesses or if you take time to work with juvenile offenders. Judges want to be neutral in the use of the dog to support witnesses, and they do not want to offer this tool only to the state's witnesses. In your job description you might make it clear that the dog, for instance, is to be used on behalf of any child who is suffering emotional distress during legal proceedings.

Obtaining Buy-in From Stakeholders

Involving all stakeholders from the beginning of the process of program development is a very good idea. People feel more involved if they are brought in early in the process, and feel that they have had a chance to let their views be known. Here are some suggestions for how you can get enthusiastic support from all parts of your legal community.

- If you have not already done so, please order the introductory DVD from Courthouse Dogs Foundation. This video, produced by the Seattle Police Department, contains clips of dogs working in forensic interviews and in the courtroom, and also has interviews with victims who were able to use the dogs in court. After watching this video yourself, you can share clips from it with other people in your agency to illustrate how facility dogs provide emotional support in an unobtrusive way during legal proceedings and victims' remarks about how the facility dog helped them through the process.

- Talk to everyone in your agency or department about this program from the very beginning of your research process. The earlier you gather ideas and suggestions from all

of your colleagues, the more likely it is that you will have the support you need. This is the best time to uncover any serious challenges - for example a staff member may be allergic to dogs or may have a dog phobia.

- Give short presentations to all stakeholders to build support for your idea. Some of the groups that you might want to include are your colleagues and supervisors, victim witness advocates, judges, the board of directors of your nonprofit organization, the elected prosecutor, deputy prosecutors, courthouse security, courthouse administration, city and county executives, and so on. One possibility is to hold lunch meetings to show the introductory DVD to small groups of people and lead a discussion.

- Be sure to share news stories about facility dogs working in the legal system.

- E-mail your colleagues about the possibility of having a dog in the office, explaining what the dog would offer to your child clients. Save their positive response comments to use in the application process.

Obtaining Approval From Needed Agencies

In order to successfully apply for a facility dog, you will need to have support not only from your direct supervisor but from allied agencies. A facility dog is not a service dog and does not have public access rights. A facility dog can only work in a building when he has been invited in. For this reason it is very important to get letters of support from anyone who is in charge of the physical buildings where you will be working with the dog. Sometimes that is the presiding judge, the county council, the sheriff's department, or even a landlord. It will be essential to have these letters giving permission for the dog to enter the building, so be sure to get this permission in writing.

Applying for a Facility Dog from an Accredited Assistance Dog Organization

Take your time in gathering all of the documentation about your program development efforts. Your loose leaf binder will prove invaluable as you begin the somewhat lengthy application process for a facility dog.

Depending on which organization you apply to, the application process may involve videos or photos of your office and home, phone calls, and a great deal of writing. These dogs are extremely valuable and the nonprofit organization is responsible for seeing that each dog works to his full potential.

The application is a multi step process. It often involves obtaining an application, submitting a detailed written application, a phone interview, and an in-person interview at the campus of the assistance dog organization. A typical time frame for completing the application process is 2 to 6 months. Once you are successfully accepted by the assistance dog organization, you will be placed on a waiting list and you will be notified when they have a dog available for you. This waiting list time can seem very long. It usually lasts from 6 to 18 months, depending on the supply of dogs and the demand for them.

Remember that you can apply to more than one assistance dog organization at the same time. Please be sure to let them know that you have done this, but it will not be held against you in the application process by most of the organizations.

Writing a Protocol for Your Dog, If Needed

The written protocol for the use of your dog should be as simple as possible. Sometimes you will need a lengthy document that spells out things in great detail, if that is required by your director. Many CACs have no written protocol at all, and this has worked well for them.

If you feel you need a written protocol, typical topics to cover include:

- Who will handle the dog? Who has final say in when the dog works?
- Where will the dog stay at the office when she is not with the handler?
- How will clients and visitors be informed about the presence of the dog?
- How will cleanliness be assured? Who is responsible?
- Insurance coverage for the dog.
- How will others in the office request the dog's assistance with clients?
- Priorities for the use of the dog.
- What happens when the dog retires?

Please see Attachment B for the excellent protocol in use at Michael's House CAC in Fairborn, Ohio.

Training the Staff Before Your Dog Arrives

It is vital to educate the CAC staff and also the prosecutor's office and judges, about the use of the dog. Your program will get off to the best start if everyone is on the same page before your dog arrives. The two areas in which professional staff will need training include:

- How to utilize the dog to provide emotional support to children while not raising any legal issues.
- How to incorporate the dog into daily office life while maintaining the dog's function at a very high level. Dogs are much easier to untrain than to train. It is vital that the dog not be treated as an office pet inappropriately because her behavior will rapidly deteriorate.

You have two options for training the staff. You can educate yourself as completely as possible, and provide this training yourself. Or you can hire consultants from Courthouse Dogs Foundation to come in for one or two days to give presentations and lectures to the CAC staff, judges, prosecutors, and involved law enforcement officers, and answer all of their questions.

Budget Worksheet for Starting a Facility Dog Program

This worksheet reflects one-time costs incurred during program development. Remember that your dog will be a working staff member for 8 – 10 years.

Budget item	Cost estimate
Application fee, if any	
Cost of dog and handler training	
Travel to assistance dog campus for interview	
Travel to assistance dog campus for team training	
Initial supplies for dog	
Travel to assistance dog campus for recertification (about 3 months after graduation)	
Staff training	
Total estimated cost for program development	

5. From Investigation to Prosecution- Facility Dogs Assisting in the Courtroom

Getting Off to a Good Start

Compared to receiving services at a children's advocacy center, participating in the prosecution of a case can seem like running a gauntlet for the children and their families. Think how much easier it would be if a facility dog were there to welcome them when they arrived for the meet and greet with the victim advocate, the interview with the prosecutor, then the interview with the defense attorney, pre-trial motions, testifying in court and sentencing. When a dog is involved, kids often ask when they can come back and see the dog instead of dreading a return visit.

Staff of Fauquier County Commonwealth Attorney's Office with facility dog Lincoln. Photo courtesy of their office.

Ideal primary handlers at a prosecutor's office can be a victim advocate, an investigator, or a senior attorney assigned to a unit that prosecutes sexual assault or domestic violence cases.

If this is the first time the child has met the dog, it is important that the child and the dog have an opportunity to play and bond with one another right from the beginning. At this point the dog's handler should start creating a record about the child's demeanor while interacting with the dog. Note every occasion when the presence of the dog seemed to calm the child or if the child seemed more talkative when the dog is present. Also talk to family members to learn if they have noticed any positive change in demeanor when the child is with the dog. This is important because the trial attorney should provide this type of information to a judge when making the argument that the dog should accompany the child to the witness stand because a calm, relaxed child will have an easier time testifying. Keep in mind that the dog's handler may be called as a witness to describe this positive interaction between the dog and child, and the handler will be more credible if the handler can refer to specific instances when this happened.

The Defense Interview

Defense interviews can be stressful events because some defense attorneys aggressively question the child to test for weaknesses or inconsistencies before making a decision about whether or not to take a case to trial. So it is best to prepare the child for this event. These meetings usually take place in a conference room and it is helpful to place the facility dog under the table at the feet of the child, and to give the child the leash to hold during questioning. Fingering the leash during the process can be a stress reducer.

However there is more than one way to do this. In one situation in Snohomish County, Washington, facility dog Stilson was present with a child and his family when they met with the prosecutor to discuss the child's testimony. The child was not interested in Stilson and spent most of his time under the table seemingly ignoring the dog. Although the child did not derive much benefit from Stilson's presence, the child's parents enjoyed having Stilson there. Since they were relaxed the child became less agitated.

In the defense interview the prosecutor and the victim advocate decided to place Stilson on top of the table during the interview. It was such a surprise to the child (and the defense attorney) to see Stilson snoozing on the table that the child came out from under the table and everyone petted Stilson during the interview. Under these circumstances the child did a much better job describing what had occurred and it was a fairly pleasant experience for everyone.

It is also less likely that a defense attorney would engage in aggressive questioning when a dog is seated or lying in between the attorney and the witness. It seems to be a part of human nature that people don't want to upset the dog.

Why Testifying in Court is Difficult for a Child

The need for a facility dog to assist a child during courtroom proceedings is often even greater than the need for the dog during forensic interviews and medical exams.

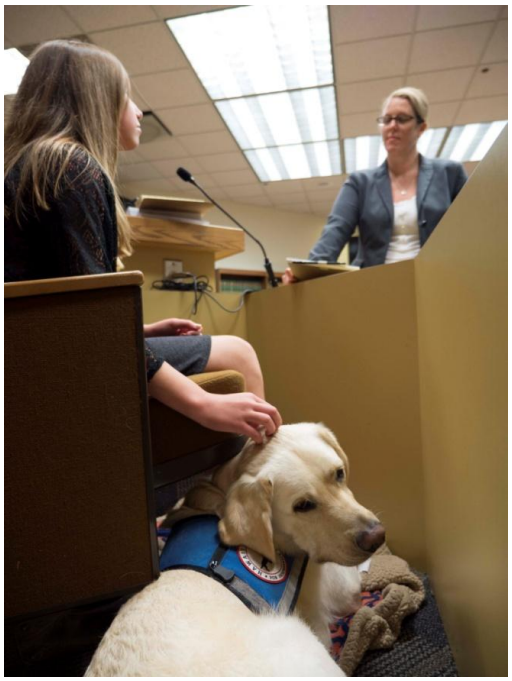
Emma, trained by Assistance Dogs of the West, comforts kids in court in Roswell, New Mexico. Photo courtesy of Chaves County CASA.

Child psychologist Dr. David Crenshaw, a pioneer in the efforts to reduce emotional trauma for child victims of crimes during court proceedings, explains,

> *"In courtroom testimony, safety and sensitivity to timing and pacing are not what drives the questioning process. In fact the court process embraces aggressive argument, strategic and selective presentation of facts, and in the case of child witnesses the use of developmentally inappropriate, complex language, and repeated questions with subtle variations for the purpose of demonstrating inconsistencies in the verbalizations of young*

children. The assumption is that this hostile, tense, adversarial context aids the truth-seeking process. This assumption does not seem credible in the face of current knowledge of child trauma. Judith Herman a child trauma authority stated, "Indeed, if one set out intentionally to design a system for provoking symptoms of posttraumatic disorder, it might look very much like a court of law" (Herman, 2003) *The use of facility dogs to provide calm and comfort to vulnerable child witnesses when testifying is one welcome step in the direction of making the court system more trauma sensitive."* (Crenshaw, 2014)

Preparing the Dog and Child for Testifying in Court



Astro and child practice with Thurston County, WA, Deputy District Attorney Megan Winder. Photo courtesy of Courthouse Dogs Foundation.

It is important to prepare the dog for what it is like to remain quiet during courtroom proceedings. Ask a judge if the dog and handler can sit quietly in the back of the courtroom during other hearings or unrelated trials so the dog can become accustomed to what happens in a courtroom.

Be sure the dog is familiar with being there by allowing the dog to inspect the room and the witness box when the courtroom is empty. During this time practice having the dog lie down in the witness box for an extended period of time with the handler out of view. This is a new skill to teach the dog and it will take the dog some practice sessions to understand that she is supposed to lie quietly in the witness box at the feet of the child and not peek out to check to see where the handler is.

Children's advocacy centers and prosecutors' offices help prepare a child for testifying in court by taking them into the courtroom, explaining the process and telling them where the parties will be seated. Just having a facility dog accompany the child during this visit can make the room seem less intimidating.

It can be even more helpful if the deputy prosecutor on the case conducts a question and answer session with the child to practice speaking loudly and clearly, looking up while answering questions, and pausing when an attorney objects to a question.

Case Study

On one occasion we were asked if we could bring our facility dog Molly to Joint Base Lewis McChord to help "Amy", an 11-year-old girl, testify against her father who had sexually assaulted her on multiple occasions. Unfortunately we were going to be out of town on the trial date but we offered to assist the Army Judge Advocate General's Corps Attorney with her trial preparation. The attorney explained that any help would be appreciated because when her father was prohibited from seeing his daughter he would not allow her to see her beloved dog Sarge. The attorney thought having Molly with Amy in the courtroom would be something of a substitute for Sarge. When we walked into the courtroom with Molly, we saw Amy looking distressed in the witness box; she immediately brightened up when she glimpsed Molly. She ran towards Molly, started roughhousing with her on the floor for several minutes, and then was able to resume the questioning with Molly by her side. When they were finished, the attorney took an unexpected break and left us with Amy for about twenty minutes. What to do? We found an empty plastic water bottle, put some paper clips in it, screwed on the cap and threw it in the jury box for Molly to find. Amy and Molly spent the entire break playing fetch around the courtroom. Both were out of breath by the time the attorney said we were all free to go and Amy escorted Molly to our car and gave her a hug goodbye.

A week later we checked in with the attorney to find out how Amy had fared during the trial. He said she did a great job and that her father would serve a long prison sentence. Although Molly wasn't there to help Amy through the trial, it occurred to us that having the memory of playing with Molly in the courtroom provided her with happy memories of the courtroom as she situated herself in the witness box.

~ Ellen O'Neill-Stephens, Courthouse Dogs Foundation

Convincing the Judge to Allow the Facility Dog to Assist the Child

A facility dog assisting a child during a trial is controversial because defense attorneys have legitimate concerns that the presence of the dog may have a prejudicial impact on criminal defendants. Defense attorneys argue that prejudice could arise if a dog elicits sympathy from a jury, or makes a witness seem more credible. What follows is a road map for successfully arguing that the calming presence of the dog will enhance the child's ability to participate in the proceedings with minimal or no prejudice to the defendant.

When persuading the judge, the most compelling argument for permitting a facility dog to assist a child witness is that the presence of the dog will enhance the fact finding process. Many times children who have been victims of crimes or witnessed crimes of violence are emotionally traumatized by those events. They are often re-traumatized when they have to describe the event during a trial in front of the person accused of the crime in a room full of strangers. During this

process children in particular experience physiologic responses that they have no control over. Their brain's stress response system releases numerous transmitters, hormones such as cortisol and peptides flood the body, all directed at coping with the stressful situation (Joëls & Barum, 2009). When stress is traumatic the sensory systems of children are overloaded by terrifying visual, auditory, kinetic, olfactory, and tactile stimuli that overwhelm their capacity to process or to understand what is happening to them (Lieberman & Van Horn, 2008). This reaction can impair their ability to speak. And if the child cannot describe what happened, then the jury is deprived of information that could be critical to the evaluation of the defendant's guilt or innocence.

What to Include in Your Motion

1. How the presence of the dog with the child made a difference

Provide evidence from professionals (social workers, therapists, victim advocates, and forensic interviewers) who dealt with the child both before and after the facility dog was introduced. This evidence can demonstrate that the child seemed more relaxed and was able to better communicate what happened when in the presence of the dog. This could be done by way of affidavit or live testimony.

2. Convincing evidence that the facility dog is a trained professional

Keep in mind that judges decide what happens in their courtrooms, are reluctant to consider implementing new procedures, and don't want to be reversed on appeal. Many judges don't want to even consider this motion because the idea of a dog running amok in the courtroom during a trial seems at best inconsistent with the decorum of the courtroom and at worst a little frightening, thinking about the appellate consequences of granting such a motion.

Astro demonstrating perfect courtroom decorum.
Photo courtesy of Courthouse Dogs Foundation.

If the judge has never met the dog or seen the dog in inaction, ask the judge if the facility dog may be present in the courtroom during this hearing and assure the judge that the dog will lie quietly under counsel table. Seeing is believing.

If that request is not granted, offer to show the judge and defense counsel the Courthouse Dogs Foundation introductory DVD, which contains interviews with judges who enthusiastically describe how well the dogs behave in the courtroom, with one judge adding that he wished the attorneys behaved as well as the dog.

Your dog is a professional, and just as tracking and narcotics dogs and their handlers establish their credentials, you should do the same to reassure the judge that the facility dog can be relied upon to behave appropriately.

This is a sample of the dog's credentials that you should include in your motion..

> The State requests that the court allow Dog Name to be present in the courtroom with Witness Name when he/she testifies. Dog's Name presence will neither prejudice the defendant nor give extra credence to Witness Name's testimony.

- Insert Experience and Training of Dog's Name
- Example- Harper was trained as a service dog by Canine Companions for Independence (CCI), a service dog organization that is accredited by Assistance Dogs International (ADI). CCI is a nonprofit organization that trains four types of dogs- service dogs (primarily mobility assistance), skilled companion dogs for the physically or emotionally disabled, hearing dogs for the hearing impaired, and dogs for facility teams. Facility teams are made up of a dog and a trained handler. Facility dogs have most of the skills of service dogs as well as the specialized skills for whatever type of facility the dog will be working in. Dogs that graduate from Canine Companions for Independence have a one million dollar liability insurance policy. This organization has placed facility dogs in courthouse settings since 2004. Harper has been in training for two years and knows approximately forty commands. CCI determined that Harper's temperament was best suited to work in a public setting and placed her at the Dawson Place Child Advocacy Center to work as a facility dog. Harper's greatest strength is her ability to calm and comfort others in stressful situations. Harper can provide emotional support to everyone she encounters in the criminal justice system.
- Describe the handler's training with Dog's Name by the assistance dog organization and that the team passed a public access test which certifies that the team will not create a public hazard.
- List number of times that Dog's Name has assisted a witness in the courtroom if Dog's Name has prior experience or if the dog had a test run sitting through an unrelated trial.

3. The Court's authority to grant the motion

- **Federal ER 611 (a)** and similar court rules or case law give a court wide discretion over how best to conduct a trial. ER 611 (a)states: "The court shall exercise reasonable control over the mode and order of interrogating witnesses and presenting evidence so as to (1) make the interrogation and presentation effective for the

ascertainment of the truth, (2) avoid needless consumption of time, and (3) protect witnesses from harassment or undue embarrassment." The standard of review for alleged violations of ER 611 is manifest abuse of discretion.

- **Applicable Statutory Provisions Regarding Victim/Witness Accommodations**
- **Applicable Case Law Regarding the Presence of a Dog to Assist a Vulnerable Witness**

Several appellate court decisions have addressed the practice of permitting a dog to assist a vulnerable witness. Seth Fine, Assistant Chief Criminal Deputy in Snohomish County, Washington, has analyzed and summarized the case law on this issue and has provided the document for public use. Please see Attachment C for Seth Fine's outline on the appellate cases.

How to Minimize Potential Prejudice Against the Defendant

1. **A Dog in the Witness Box**

To reduce the chance that the sight of the dog could influence the jury against the defendant, it is recommended that the witness and the dog get situated in the witness stand before the jury enters the jury box to listen to testimony. Since facility dogs have the training to lie quietly for extended periods of times and in many cases the construction of the witness box can almost make the dog invisible to the jury, the dog can be out of sight of the jury while providing emotional support to the witness. Any jingling tags on the dog's collar should be silenced so they won't distract the jury. Even though the dog may be unseen by the jury, it is important that they know that a dog is present in the witness stand. Some dogs have also been known to snore during court proceedings or a dog's tail may suddenly become visible to the jury. Both of those occurrences could be especially distracting to the jury if they are not aware of the dog's presence.

Kerris in a Kitsap County courtroom witness box. Photo courtesy of Tapani Romppainen.

2. **A Dog in Sight of the Witness**

Not all vulnerable witnesses require the dog be in close physical proximity with them when testifying; merely looking at the dog lying down in the courtroom can have a calming effect for many. In this circumstance, the dog could be lying in view of the witness under counsel table or in the front spectator's bench with a handler. Because

there is not a close physical connection to the witness, the dog's presence in court could have far less impact on the jury.

Make a Record of the Court's Decision

If your motion is granted, make sure that the court conducts a balancing test that weighs the defendant's right to a fair trial versus the need to present testimony from a critical witness to the case.

Some trial court judges will decide that permitting the presence of the dog to assist a witness is inherent in a trial judge's discretion to control the courtroom.

Other trial court judges believe that it is the prosecutor's burden to prove that a special dispensation for a vulnerable witness is necessary. This can mean that, depending on applicable case law, the prosecutor has to show a "compelling need", a "substantial need" or a "particular need" for the court to make this accommodation for the witness.

Make a Record of the Dog's Behavior While Present in the Courtroom

Camry, trained by CCI, taking a nap in Marion County Ohio Family Court. His handler is court administrator Kathy Clark.
Photo courtesy of Bill Sinden/The Marion Star.

A few of the appellate courts have commented on the behavior of the dog during the trial when analyzing whether the presence of the dog was prejudicial to the defendant. Other courts have lamented the fact that there is no record of the dog's behavior. Make an oral or written appellate court record of the dog's behavior during the trial so that the appellate court has this information to consider.

Here are a few examples:

- The dog's placement in the courtroom
- The dog's visibility to the jury
- Whether the dog had any physical interaction with the witness and if so, what type of interaction
- Whether the dog vocalized or engaged in any distracting behavior

At the Conclusion of Testimony

After the child has finished testifying it is advisable to have the jury leave the courtroom so the child and dog can exit the courtroom out of sight of the jury thereby minimizing any prejudice to the defendant. This is also a good practice because during a recent trial in Terrebonne Parish, Louisiana, the Assistant District Attorney forgot that facility dog Duvall was still lying in the witness box after the child left the courtroom and called the next witness. A colleague whispered to the ADA that Duvall was still there as the witness approached the box and the attorney quickly asked for a ten minute recess to remove Duvall from the courtroom.

Sample Jury Instructions

There is no stock jury instruction for this witness accommodation. The first instruction below is a compilation of jury instructions provided by trial judges that have heard these motions. The following two are instructions that the trial judges in the appellate cases gave to the jury regarding the presence of the dog.

> *The presence of the dog is a reasonable accommodation for the witness to allow him/her to fulfill the obligation of testifying in a court of law. The dog is a highly trained professional who is properly referred to as a "facility dog". This dog is not a pet, does not belong to the witness and is equally available to both the prosecution and defense under certain circumstances. You must not draw any inference either favorably or negatively for either side because of the dog's presence. You must not permit sympathy for any party to enter into your considerations as you listen to the testimony. The presence of the facility dog is in no way to be interpreted as reflecting on the truthfulness of the testimony offered by the witness. Each witness's testimony must be evaluated upon the instructions I give you during my charge and on nothing more.*

"*Testifying in open court before a crowd of strangers is an unfamiliar and stressful event for most people. In order to reduce that anxiety, I have allowed the presence of a service dog* in the courtroom during the testimony of one of the witnesses I anticipate we'll soon hear.*

You are to disregard the presence of the service dog. You are not to credit the witness' testimony, in any way, simply because of the presence of the dog. You are to draw no inference for or against any witness using a service dog. Sympathy and emotion play absolutely no part of your consideration and eventual deliberation. You are to attach no significance whatsoever to the presence of the dog. Her being with the witness is merely a tool that I decided to use to promote a more calming supportive setting for this witness.

The witness is anxious about testifying in front of a group of people. The dog is

not present due to any concern the witness has with the defendant's presence. The service dog met the witness this past Friday in preparation for the trial. Think of the dog like an interpreter, an aid to get the witness' testimony across to you more clearly."

- by the Honorable John L. Carbonneau, Jr., State of Connecticut v Devon D., AC35400

* Note that this dog is not a service dog because the dog was not assisting a person with a disability.

"During the testimony of J, she was accompanied by a companion dog. The decision to allow this was one I made, and you may not speculate as to why. You must not draw any inference either favorably or negatively for either side because of the dog's presence. You must not permit sympathy for any party to enter into your considerations as you listen to the testimony, and this is especially so with an outside factor such as a companion dog is permitted to be present in the courtroom. Each witness' testimony must be evaluated upon the instructions I give you during my charge and on nothing more."

- by the Honorable Stephen L. Greller, Dutchess County Court Judge, People v Victor Tohom, 2011-07111 Supreme Court of the State of New York: Appellate Division 2nd Judicial Dept

6. Integrating a Dog into Your Office

Inform Clients About Your Dog

People coming into a children's advocacy center do not expect to see a dog there. Some clients may have had negative experiences in the past with aggressive pet dogs, or may have negative associations with police dogs or drug dogs. It is essential to avoid unexpected encounters with your dog for those individuals. Of course, your facility dog will be on leash unless specifically asked to work off lead with a child or family, but even on leash the dog may startle some people if they are not forewarned of his presence.

One opportunity to let your clients know about the dog is a sign on the outside of your building, if possible. Here is an example from Michael's House Children's Advocacy Center in Fairborn, Ohio. This type of vinyl cling decal for your center can be purchased from a local printer or:

Terry Miller
Vinyl Graphics
403 E. Xenia Drive
Fairborn, OH 45324
937-754-1039
vgraphics403@sbcglobal.net

Courtesy Michael's House Children's Advocacy Center

Included photo courtesy of Michelle Thames

A sign posted at the front desk of your Center will serve the purpose of introducing your dog to your clients. In your custom sign, there should be a clear photo of your dog, with his name, and also a clear indication that this dog is very friendly and is present specifically to be a companion to the children and their families.

The best practice is to keep your dog in an office out of sight of clients until you have had a chance to chat with them about the dog. One way to talk with the caretaker and child about the dog is to have on hand trading cards that have a clear photo of your dog and a little information about his training and purpose.

We recommend that you not have a protocol that includes written permission to interact with your

facility dog. In some cases, a family may encounter you and your dog outside the building, or when you are with a different client in the waiting area. A verbal OK for the dog to interact with the child should suffice for permission for the child to pet the dog.

Trading card for facility dog Duvall, who works with Chief Investigator Tommy Beeson for the Terrebonne Parish, Louisiana, District Attorney's Office.

When you have your dog with clients, she should always be in her vest so as to identify her as a working dog. (When in the "back office" interacting casually with staff members, it is a good idea to take the vest off so that the dog can come to understand when she is working and when it is play time.)

Make Your Dog Comfortable at the Office

Your facility dog will need a home at the office. The best way to provide this for your dog is to have a crate in his primary handler's office, with soft bedding, a water dish, and toys available. Dogs love the safe feeling of being in a den, where they can feel protected but can observe the world outside their door. A soft fabric crate will be the quietest for your office, and your dog will be well trained enough not to chew on the fabric walls. Time in the crate when the handler is busy elsewhere will give the dog a chance to feel completely relaxed and "off duty". Left to their own devices, dogs sleep large parts of every day, but can adjust their sleep patterns to the activity around them. Your dog will need some times during the day when she is left completely alone in her crate or similar quiet area for a nap. Some handlers find that they need to put a sign on their door indicating that the dog is resting in order to prevent constant interruptions from staff members.

During the working day, it is a good idea to offer your dog water at least every two hours. If you are going to be out and about - for instance in the courthouse accompanying a child witness - you will need to carry a collapsible water bowl with you.

Dogs relieve stress by chewing and some dogs love to carry or sleep with a soft toy. Both types of toys should be available for your dog in their office home.

If your dog works in more than one facility, he will need a home base in each building, or in his secondary handler's office. A soft fabric crate that he can stay in when not working will allow him to get the rest he needs between clients and will result in a happier working dog.

Another factor to consider is how to provide adequate exercise for your dog. Most Labradors and Golden Retrievers will be better able to settle down to work if they have had a brisk walk or an off-lead playtime early in the day. Facility dogs are not good candidates for traditional off-lead dog parks, where there may be aggressive dogs. Dogs chosen to work in children's advocacy centers will be quiet and submissive by nature, and can be easily unnerved by the rambunctious play at an off-lead park. (Of course, they love to play with their dog friends, just in a more controlled environment.) If you are able to let your dog play with one or two well-chosen dog companions, that will be wonderful for him. However, lacking that, a long walk with you will help him feel relaxed during his work hours.

Facility dogs Astro and Molly play at the Monarch Children's Justice and Advocacy Center.
Photo courtesy Courthouse Dogs Foundation.

You want your dog to develop a positive association with your CAC. One good way to cultivate this attitude is by including playtime in his working day. If you keep soft throw toys in the office, a game of fetch in the hall will be fun. Encourage staff members to play with the dog (when he does not have his vest on!) and let them know how important this is for the dog.

When you travel away from your center (to the courthouse or to another location for interviews), you will need a "go bag" packed with dog supplies so that your dog will have everything he needs on the road. Experienced handlers have shared that these items make their lives on the road much easier:

- Portable bed - this will give your dog a feeling of security on long down stays in a new location.
- Hand sanitizer – people will appreciate that you have this available after they pet your dog.

- Lint brush or roller – you will need this every day!
- Collapsible water bowl – some handlers clip this to the outside of their backpack or purse, to remind them frequently to offer the dog water.
- Food for dog – a meal in the bag will mean that your dog can stay on his regular schedule even when days stretch out longer than you thought they would.
- Toys for child/dog interaction – soft throw toys that can be tossed short distances in hallways or offices will delight children and teenagers.
- Poop bags – enough said.
- Baby wipes – for your hands and for wiping the dog down should he need it.

Make Sure Staff Members are Comfortable With the Dog Program

You may have one or more staff members who are either allergic to dogs or uncomfortable around them. One way to deal with these challenges is to establish dog-free zones at your center from the very beginning. If a staff member does not want the dog to enter her office, that should certainly be respected, and it will be easy to teach the dog to never enter that space. Dogs are very much situational learners, and will fairly easily adapt to limitations put on their space. (You can see this in action at many homes where the dog has been taught not to enter the kitchen, despite the deliciously tempting smells emanating from that room.) It will be important for the dog to be on leash if there are concerns about encountering the dog among the staff, especially for the first few months of the program. It may be that after seeing how very quiet the dog is that some staff members become more relaxed over time.

Daily grooming of the working dog is of paramount importance. No one wants to interact with a dirty, smelly dog in a professional environment (or, indeed, ever). Some pointers:

- Bathing – your facility dog should be bathed on a regular basis. There is no substitute to bathing for thoroughly cleaning your dog from the skin out. Experiment to find a shampoo and conditioner that keeps your dog's coat and skin in the best condition.
- Brushing – this will need to be done every day that your dog is working. It is always surprising to see how much a dog can shed! Keeping the hair to a minimum in your center will go a long way towards acceptance of your dog program.
- Teeth – brushing your dog's teeth is something that you will learn about during team training. If you can take time to brush your dog's teeth before coming into work, it will definitely reduce the "doggy breath" problem, as well as insure long term dental health.
- Nails – weekly nail grooming is a must. Clipping the nails short, and then filing them smooth, or using a Dremel tool to grind the nails will work.

- Wipes always available in the office for clean up – wiping your dog down with deodorizing wipes will help freshen him up midday.

- Keep lint rollers handy. This cannot be overstated. You will need them for other people's clothes as well as for your own, and for furniture that your dog is allowed on.

Cleaning the dog's area in your office at least once a week is necessary to assure that there is no odor and as little dog hair as possible. Vacuuming the floor in the dog's office, and washing all of his bedding in hot water will keep things in good shape. Remember to include any soft dog toys in the washing, to keep them as clean as possible and odor free.

A "dog happy hour" will provide a place and time where staff members can build their relationships with the facility dog. One good suggestion from experienced handlers is to collect a basket of soft throw toys and encourage the staff members to play with the dog at a regular time of day and in the same place, such as in a large conference room or long hallway. The dog's vest should be off when he is allowed to play with staff members. Playtime will give the dog something to look forward to every day and your staff members will come to see the dog as part of their lives.

There are a few rules for staff members who are not the dog's handlers. Seeing that everyone follows these rules will keep your dog working instead of becoming an office pet.

- **No food during working hours for the facility dog**. This is the hardest rule for staff members to follow, but it is essential to keep the dog on task. Dogs love to eat, and will spend a lot of their focus looking for food in the environment if it is sometimes available. The dog will obey all of her handler's commands without any food rewards during the work day. Some centers have had problems in the past with facility dogs gaining weight or becoming ill due to inappropriate food. In one case, Ellie, a very experienced facility dog in King County, Washington, began to whine during some forensic interviews but not during others. The forensic interviewer was surprised to find out that Ellie was whining when a certain detective was behind the one-way mirror. The detective confessed to feeding Ellie behind the handler's back. Ellie was unable to concentrate on her command to lie quietly when there was a chance that that detective might give her a yummy bit of food.

- **Leave the dog alone when he is resting.** As discussed earlier, dogs sleep many hours during the day if left to themselves. Your working dog will need rest times and naps in her crate or in her home office. Staff members should leave the dog alone and let her enjoy some down time so that the dog can concentrate her energies on supporting your clients.

- **Ignore the dog when she is working.** When your facility dog has his vest on, he should be essentially invisible to all staff members except the handler. This means that other

staff members should not say the dog's name, should not make eye contact with it, and should not pet it. The reason for this is that the dog needs to have a way to distinguish working time from playing time. The dog will learn quickly that "vest on" means he's there to work with children and families. "Vest off" means it might be time to play with staff members. So the staff members can help the dog learn his job by not interacting with the dog at all when he has his vest on.

- **No one but the handler gives commands.** It is important that the dog obey commands or cues as they are sometimes called, the first time she is asked to perform an activity. Because of this the handler will have spent a lot of time learning to give the commands with consistency and in a way that the dog expects. If other people give the dogs commands casually, the dog will rapidly become less responsive to those words. So the 30 to 50 words that are used as commands for the dog will only be used by the dog's trained handler.

7. Facility Dog Nomad: Assisting the Mission of the Children's Advocacy Center of Bristol/Washington County, VA

~ By Kathi Roark, Melissa Gent, and Donna Callis

At the end of the rainbow is the Children's Advocacy Center of Bristol/Washington County, VA. Photo courtesy of Briana Morris.

The Children's Advocacy Center of Bristol/Washington County, Virginia, was the first children's advocacy center to be developed in that state. The Center is located in a historic home called Preston's Grove that was built in the 1850's and is situated on the border of Sugar Hollow Park. Even entering this setting provides a feeling of home and safety.

In May 2014 the Center welcomed facility dog Nomad, trained by Canine Companions for Independence, as the newest member of their staff. Within a few months of his arrival there Nomad has enhanced the services the Center provides. Executive Director, Kathi Roark, forensic interviewer Melissa Gent, and Nomad's handler, play therapist Donna Callis, graciously agreed to share their experiences of their efforts to obtain a facility dog and how Nomad has not only provided comfort to the children but also for them.

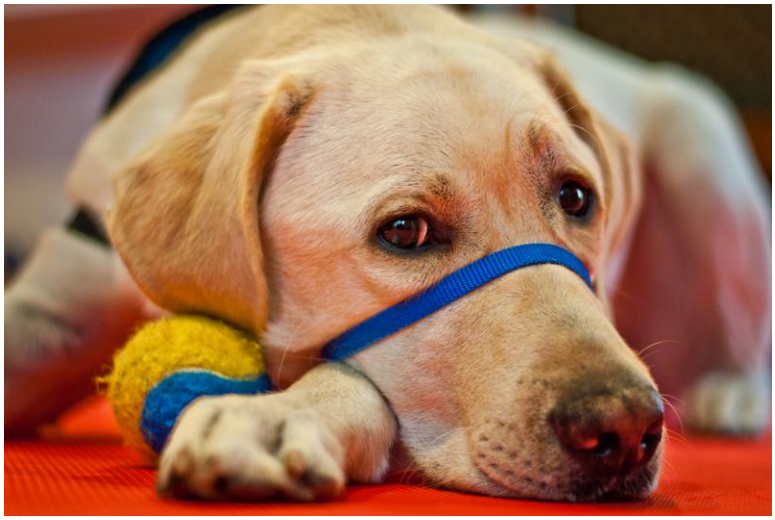
Kathi Roark, Executive Director

I am the Executive Director of the Children's Advocacy Center of Bristol/Washington County, VA, Inc, located in far Southwest Virginia. We have recently expanded our services to include neighboring Smyth County, Virginia as well, bringing our total service area to approximately 1,000 square miles with a child population of about 20,000.

What it took to start a facility dog program

It took a tremendous amount of research and sometimes, "wild goose chasing" as we sought to figure out how to even begin implementing a facility dog program! Almost 5 years elapsed from the time we first learned of the program until our wonderful dog, Nomad, joined our staff in May 2014. It was clear, however, after just a few days that the lengthy wait and the front-end work was well worth the effort, as Nomad has already assisted many children directly and has also helped educate many people in our community to understand the work we do.

Our agency first learned about the use of facility dogs in CAC settings when several members of staff and our MDT attended the Dallas Children's Advocacy Center's Crimes Against Children Conference in 2009. We attended the Courthouse Dogs presentation which revolved mainly around the use of the dogs in forensic interviews. We were impressed by the anecdotal evidence discussed in the sessions, as well as the obvious high level of training displayed by the Canine Companions for Independence (CCI) facility dogs that were present during the conference. We shared the information with our fellow staff members on our return, and this project became high on our wish list. We were familiar with a forensic interviewer in Norfolk, VA, Michele Thames and her CCI dog Pecos, and knew that we were not striking totally new ground in Virginia, and that we would be able to draw on the Norfolk CAC's experience if needed. Our agency has considerable experience, however, in "building the plane as we fly it"….as we were the first CAC to develop in Virginia. We also have never shied away from trying new things that had the potential to be beneficial to child victims.



Nomad was trained by CCI and is a member of the staff at the Children's Advocacy Center of Bristol/Washington County, VA. Photo courtesy of Briana Morris.

In 2012, during some strategic planning sessions, a CAC Board member asked me to talk to the board about things that were on the staff's "program wish list." I related the information about the facility dog program we had learned about in Dallas 2 years prior. That particular Board member is the spouse of an Assistant US Attorney, and both are huge dog lovers, and ardent supporters of the CAC process. That Board member was the person who reached out to the Courthouse Dogs Foundation on our CAC's behalf and obtained their informational video. She also garnered ground level support from our Board, some donors, and community members (including a local veterinarian) in anticipation of future program needs. At our winter 2012 staff retreat, we watched the video together. I asked each staff person to consider the pros and cons and to let me know their feelings about moving forward with the program. I requested that they give me their "vote" individually, in private, so there would be no feelings of group pressure. Once we reached a consensus, we would move to the next decision point.

How we selected the handler for the dog

Our staff reached consensus to go forward quickly. We read the research, asked our MSW interns to look for additional existing literature, and discussed our ideas with our MDTs. The

sticking point we encountered was in figuring out who was going to be available and be the most appropriate to be the handler.

Our forensic interviewer, family advocate, and I were all interested and willing to be the dog's handler, but none of us were truly "available" due to other time commitments, weekend coverage, number of pets already in the home, etc. Donna Callis, our play therapist, offered to be the handler, as she did not currently have a dog at home, and she believed very strongly in the mission of the program. It was a very appropriate fit - Donna was a trained forensic interviewer, and while she was not currently conducting interviews, she knew exactly what the interview protocol and environment was like. She also had a network of contacts through the Association of Play Therapy with other therapists who utilized the services of facility dogs with their young clients. As an LCSW and a Registered Play Therapist, Donna had earned the respect of the courts in our judicial district, and had experience testifying at both the juvenile and circuit court levels, and had qualified as an expert witness.

Support for our facility dog program from other stakeholders

I cannot say that we have had any major challenges in obtaining support for the program. We serve a three jurisdiction circuit. The lead juvenile court judge, Judge Florence Powell, had attended a Courthouse Dogs presentation at the National Family Law Conference in Fall of 2013 and came back to our community with enthusiasm about this idea. At the same time, the CAC was making its initial application to CCI to be considered for placement of a dog. Since Nomad has begun working at the CAC, he has had very warm reception from the courts in Bristol, Washington, and Smyth Counties. Nomad has attended court in session in Bristol and Washington County as an observer, and as a support for a child victim and family during the reading of their victim impact statements. We anticipate the first motion to include him for support to a child witness in January of 2015.

Our Board of Directors remain huge supporters of the facility dog program, both financially and publicly.

How we fund our facility dog program

All funding for the program has come from private donors. We have a veterinarian who gives a reduced fee to service animals, and a donor who then pays the remainder of the bill each time Nomad has an office visit. His handler has received some donations for the cost of food. Training costs for the handler, travel to training and recertification, etc., were covered by donations. Our initial Courthouse Dogs Foundation training costs were also covered by private donations.

At our fundraising gala this December, Nomad was available to greet guests all evening. He was dressed in his vest, of course, but had a "tuxedo" with a plaid bowtie attached to the front of his collar for the festivities. He carried a basket of small lint rollers around to distribute, since most everyone was dressed in black cocktail attire and he is yellow. Each lint roller had a Christmas tag on it, so he could then put the basket down on the floor, remove a lint roller by the tag, and give it to the guest. He then picked up his basket and continued through the crowd. During the live auction portion of the evening, when it was time to "Fund the Mission"- Nomad came up on the stage and carried in his mouth a letter he wrote to Santa asking for financial support for his work at the center that the auctioneer read to the crowd. We then opened the bidding for a donor to fund the facility dog program for the coming year, in exchange for a Virginia tax credit (and the typical federal tax deduction for charitable contribution). When the bidding started to slow down, Nomad walked to the crowd and got in the "up" position at the table of the bidder who was wavering, and looked her in the eyes. A definite crowd pleaser! This year we raised $13,300.

Nomad sold a lot of tickets for the fundraising gala. Photo courtesy of the CAC of Bristol/Washington County.

Nomad has brought community attention to the work we do

We have definitely seen an increase in awareness regarding the work of the CAC- Nomad is a great ambassador for the needs of child victims. Everyone gets the dog-child connection. Not everyone wants to talk about abused children, but almost everyone gets a smile on their face when we talk about what Nomad does with kids who are scared, hurt, angry, and sad. I think it makes the difficult information more palatable. Most people can relate to a connection to a pet and many will talk about that special bond.

The pictures we post of Nomad on our Facebook page are the posts that get a huge number of views and shares. The United Way of Bristol TN & VA used him in their campaign brochure and video this year. We have gotten an increasing number of requests to do community presentations about the work he is doing.

Challenges of having Nomad at our CAC

I have not seen any negatives. There are logistical obstacles to overcome and work through, and some are not easily anticipated. A surprise to us was really the very high number of requests for public appearances for things like parades, fundraisers, festivals, etc. We have had to put limits on what Nomad (and Donna) can be expected to do- and most everyone respects that his duty to work with children comes first. Donna is pulled in many different directions, and as her supervisor it is my job to minimize that as much as possible.

Some things have taken a lot longer to implement than I thought they would. We still do not have a fenced yard for Nomad at the CAC (it is a volunteer project with donated material). We are not satisfied with the outcome data collection method that we are currently using to determine impact measures of the program, and are hoping to get some guidance in that area. It is relatively new territory, and in that, we have to trust our professional judgment, continually seek honest feedback from our staff and MDT partners, and be open to change.

Melissa Gent, Forensic Interviewer

Nomad has provided comfort to child victims and their families in several interviews at this point in his service history since arriving at the CAC. All of the people involved in the interview process where Nomad was available have benefited from his presence in some way. He has aided in comfort through the interviews for the child victims.

His presence of comfort and support during the disclosure is indisputable. I've seen children lay their heads on his neck or back after disclosing or during the disclosure process and crying into his fur or resting their heads on his chest while tearfully telling what had happened to them.

For one little girl the process of telling her painful memories was so distressful that Nomad began to whine as she cried. She threw herself around his neck to comfort him and in the process completed the difficult task of telling her victimizations. There was not a dry eye or untouched heart from any of the seasoned investigators and CPS worker watching in the control room.

After the interview Nomad's job doesn't stop. He accompanies children to the playroom or they can help take him for a walk. He also helps to comfort the investigators. Nomad is often present in the control room after the interview while we process the information that the child had shared during the interview. It is during this time that safety plans, search warrants, charges and other life altering decisions are being determined by the investigators. They will have one hand on the phone and the other hand stroking the dog as they recount the events the child had disclosed to their superiors and review the plan of action established for the child's safety. Or they will be playing with the dog while waiting for a phone call from a supervisor or other authority.

This holds true in the team meetings that are held monthly to review all the cases of child abuse and neglect. It is amazing to watch him lay his head on the lap of a team member and then hear them say; "Thanks, Nomad it's been a bad day." I have also watched as team members stroke him gently as they discuss cases and tell of the heartbreaking decisions that they have had to make in order to help the child or keep the child safe.

As an interviewer Nomad has provided times of comfort and support for me. The vicarious suffering in this job as a forensic interviewer can be overwhelming. There are times that I actually need to "walk off" the feelings of anger, pain and frustration after hearing the tragic life stories of the child abuse victims. He is a great walking partner! He senses my need to start out fast and then gradually slow as my adrenalin and anger decrease. The benefits have been

priceless. In a system where there is so much suffering it's nice to see his wagging tail and nuzzle his wet nose when I need a hug.

Donna Callis, Play Therapist

While receiving my trainings on play therapy I found several great role models and mentors such as Dr. Bruce Perry, Dr. Bessel van der Kolk, Dr. Eliana Gill, Dr. David Crenshaw and Rosie the facility dog. Little did I know that in 2014, I too, would be the proud handler of a facility dog named Nomad. In May of 2014 the CAC and I were accepted at Canine Companions for Independence, Orlando, Florida, campus to receive a facility dog.

What is play therapy?

Play therapist Donna Callis is Nomad's handler. Photo courtesy of Bristol Herald Courier-Earl Neikirk.

Just as adults use words to communicate and express emotions, children use play. Through play they are able to express thoughts and feelings that might otherwise remain hidden, that the child does not have the words to communicate. Through play children are able to confront troubling problems or feelings, discover resolutions for the problems, and practice those resolutions so they can become lifelong habits. When working with traumatized children I use a variety of therapy services, ranging from TF-CBT (Trauma Focused Cognitive Behavioral Therapy) to Child Centered Play Therapy.

Working at a children's advocacy center, the majority of the children I see have been referred by Child Protective Services, Law Enforcement, or the Court, so more than likely there has been a traumatic event or abuse in the child's life. The child may have completed a forensic interview with one of my co-workers and may have also included Nomad in their interview. If therapy is requested, the child may be referred for counseling here at the CAC. Usually if the child is between ages 3 to 11 they may be referred for play therapy.

How does Nomad fit in with play therapy?

Each client is taken under consideration before meeting with Nomad. Little children may be afraid of Nomad's size, while some may be too loud or aggressive for Nomad's comfort. Some children may have been intimidated by dogs by their offenders. I am constantly watching for and aware of stress levels of discomfort in both the child and the dog. Nomad knows he can retreat to his bed when he feels uncomfortable or he may visit a coworker during that time. Nomad works well with play therapy in helping to build trust, regulate emotions, reduce anxieties, promote creative thinking, problem solving, encourage communication between therapist and client, and build self-esteem.

Generally, Nomad will be greeted by the child upon entering the playroom with hugs, pats and a little conversation. Then the child starts working on a sand world, feeling charts, or some other activity while Nomad quietly retreats to his bed off to the side. When given a 10 minute warning that our time in the play room is about to end and we will need to transition back to the waiting room, the child may go over to talk to Nomad some more or show him the work they have done in their session. Once again giving Nomad hugs and telling him they love him.

I have found that letting the child hold a second leash so they can help walk Nomad to the waiting room has greatly reduced the problem of transitioning from the play room after sessions as well as boosting the child's confidence and self-esteem upon presenting Nomad to the caregiver(s) in the waiting room.

Challenges in having Nomad assist in Play Therapy

As with any therapist working with children, there are hazards to watch for such as toes getting stepped on, getting tripped over, clients pushing the limits on boundaries and safety. With Nomad in the play room it is important that limits are set and kept to insure the safety of everyone (and thing) in the play room. Fortunately I have had to set very few limits in regards to Nomad and find most children to be very respectful of him.

There has been one unexpected problem that has come up - we are seeing sibling groups and everyone wants Nomad in their session. To avoid this we may have him greet the family at the beginning of the session and have Nomad visit a coworker, or we may have to take turns, going with one child this session and another next session.

The Gentle Leader

Nomad wears what is called a Gentle Leader rather than a regular collar. It is similar to what a horse wears so the rider can gently guide the direction they want the horse to go. Made of a soft cloth material it fits over his muzzle and fastens high on the back of his head behind his ears. With a gentle tug on the leash I can redirect his attention to the command given without a harsh pull or choke on his neck.

Most children, when they meet Nomad, see his deep dark caring eyes and do not seem to even notice the Gentle Leader around his muzzle. Some will ask, "Does he bite?" I assure them he does not and the Gentle Leader helps him to behave better. Some children seem to "get it" when I explain it's like Nomad has ADD (attention-deficit disorder) and the Gentle Leader helps him pay attention. To which one child exclaimed, "He's just like me!"

I have found when children first meet Nomad it is better if I have him in the down position lying on the floor. Not only does he seem less intimidating to children, but the child is calmer and slower at approaching him, getting down on the floor to pet his head. This also helps to prevent the adults from dominating and overpowering Nomad during the initial first introductions.

Here are some examples of how Nomad has assisted me during therapy sessions

Domestic Violence

After being placed in foster care, a 3-year-old child came to play therapy to help her understand the neglect and domestic violence witnessed in her short life. Finding the dolls, she demonstrated the fighting and abuse between the Prince and Princesses. Suddenly, the daughter princess (the child) drinks the poison given to her by the mother princess and the 3-year-old collapses across my lap. I knew enough about princesses to know the only thing to waken a princess is the kiss from the prince. Looking around the playroom I notice Prince Nomad, across the room, resting on his bed. "Prince Nomad, I need you. Come give the sleeping princess a kiss and awaken her from this sleep." Nomad came over to us and stuck his cold wet nose in the child's ear, which brought forth giggles from the now revived princess.

Feelings

In the play therapy room Nomad has a bed to rest on when not working. Sometimes he spends most of a child's session lying on the bed. I was surprised to learn that even when Nomad is not physically interacting with a child, they still feel and acknowledge his presence in the session.

A 9-year-old boy came to play therapy to help him prepare for court. Today he was concerned because his relatives are fighting and arguing, some believing him, some believing the alleged offender. Sitting on the floor of the therapy room next to Nomad, he was unable to describe his feelings about what was happening. I suggested we make a sand world using the small box of kinetic sand and items in the room. He put in the big dinosaurs facing each other, "They are fighting", he said. He then added trees and boulders to the scene, a school bus, a car. Lastly he added a small boy figure who was watching what was happening. We talked about the dinosaurs, yelling at each other and fighting. "What can we do to make the boy feel safer?" I ask. He then placed a small figure of a dog next to the boy and positioned the boy's arm around the dog. "Nomad", he says with a smile on his face.

Nomad makes the boy feel safer. Photo courtesy of the Children's Advocacy Center of Bristol/Washington County.

Building Rapport

I received a call in my office asking if Nomad could come downstairs to assist with a child who came for a forensic interview. Upon entering the family waiting room, I noticed the child-sized play house was barricaded up with pillows, stuffed animals, and any other object that could be stuffed in the windows and doorways of the play house. Inside was a young girl, afraid to come out and refusing to talk to anyone near her. Outside of the play house were three investigators, the forensic interviewer, the child's caregiver, and several of the CAC staff.

Assessing the situation, Nomad and I sat down on the floor in front of the house and began a conversation with each other. "Hmmm, I wonder what happened to the house, Nomad, is someone inside?" No sound came from the house. "Maybe, someone is hiding inside and doesn't want to come out. Maybe, Nomad, they are afraid. What would they be afraid of?" From inside the house a small voice replied, "Everybody!" With that, everyone began to spread out and move away from the house. Then I said, "Nomad, let's sit here and guard the door and we won't let anyone come in the house." As I sat and talked to Nomad about the situation, the pillows slowly began to come down and a little face peeked out at us. After a few minutes the child came out of

the play house and proudly held Nomad's leash as they walked to the forensic interview room together.

Understanding Their World - The Lockdown

I have been counseling children who have experienced many forms of trauma and abuse in their lives. Tonight I met with a 1st grader I have been seeing for several months. Together we have worked on domestic violence issues, sexual aggression issues, and drugs. One way to help this child feel in control is to let them be "the teacher" and me the student. During this time we could talk about what their school day was like, what was the worst thing that happened that day, what was the best thing that happened? But in today's session our "class" had a lock down. This was my first experience with a "lock down". We had to hide in the curtains, keep very low to the floor, and stay very, very quiet. "Don't make any noise" the child said, "or they will find us and kill us." The child scooted as far over as they could to make themselves small, almost into a fetal position so I (a much larger student) would not stick out from under our hiding place. There was definitely no room for Nomad, so our brave facility dog lay out side of our hiding place guarding the door to protect us.

As we quietly sat in our hiding place, listening to the sounds of the house, we could hear my co-workers talking in other offices and the child's sibling crying in the waiting room downstairs. Someone's coming up the staircase, footsteps walking past our door. We sat in silence. I found myself holding my breath, the child's wide round eyes on mine one finger on their lips as if making a shushing sound. Waiting, listening to the gentle rhythmic snoring of our noble guard dog beside us.

Upon checking in with the caregiver I learned that the schools now have lockdown drills and did indeed have one that day. I thought how sad it is for this child, all of our children, to be exposed to trauma in our efforts to protect them.

8. Sharing Two Facility Dogs - an Ideal Collaboration between the Pima County Attorney's Office and the Southern Arizona Children's Advocacy Center

~ By Ellen O'Neill-Stephens

Pima County Attorney Barbara LaWall has always had a strong commitment to providing special services to child victims and was instrumental in the establishment of a children's advocacy center in Pima County. After hearing a presentation about the Courthouse Dogs program at a National District Attorney Association Board Meeting she was inspired to start one for the benefit of the children at the Southern Arizona Children's Advocacy Center (SACAC).

Russell, trained by Assistance Dogs of the West (ADW), has great enthusiasm for the work he does. Photo courtesy of the Pima County Attorney's Office.

In 2012, facility dog Russell, a two-year old golden retriever trained by Assistance Dogs of the West (ADW) joined the staff at the Center and the County Attorney's office.

SACAC's Executive Director Kathy Rau, who is also a forensic interviewer and a retired police lieutenant, is Russell's primary handler. It was decided that Russell would assist children at the Center four days a week and Colleen Phelan, one of the County Attorney's victim advocates, would handle Russell at her office one day a week. Phelan says it soon became clear that there wasn't enough Russell to go around and that her office needed a second dog to provide assistance to victims, witnesses and others affected by crime that were not served by the children's advocacy center.

Luckily Russell had a buddy named Blake who had also graduated from ADW who was ready for placement a year later. Barbara LaWall was fortunate to have Blake join the team. It was decided that Blake would work four days a week at Superior and Justice Courts and one day a week at the Children's Advocacy Center. Russell and Blake would then switch offices on Fridays and be cross-trained to work at both organizations.

Not only were Russell and Blake friends, now they are a team known to the children and staff at both locations. Phelan says that the dogs have distinct personalities. Russell is more engaging, high energy, and wants to please, while Blake is more reserved and calmer.

Blake takes his job seriously. He was also trained by ADW. Photo courtesy of the Pima County Attorney's Office.

Building Self Confidence

When some parents are reluctant to interact with Russell, the children enjoy suddenly taking charge by reassuring and coaxing them to pet him. This is great because it gives the child a sense of empowerment.

Tag Teaming in Forensic Interviews

Their different personalities were a blessing when they had to assist in a very tragic case involving three sisters who were imprisoned in deplorable conditions by their parents in their home for two years. The girls were malnourished and emotionally disturbed by the time they were rescued. Russell and Blake tag teamed one another during the forensic interviews. At one point the youngest sister was rocking back and forth so vigorously during the interview that it became too much for Russell to deal with. Russell swapped out with Blake for some rest while Blake provided the child with comfort with his usually aplomb.

Medical Exam - No Translation Needed

Russell not only assists in forensic interviews, he once worked some magic to make it easier for a child to undergo a forensic medical exam. Kathy Rau recalls a memorable experience with Russ when she received an emergency call to the Center in the middle of the night to assist with a doctor's physical examination of three-year-old "Tina", who was a very young sexual assault victim. Her older siblings had already been placed in foster care in Arizona, but Tina was still across the border in Mexico. Rau learned that Child Protective Services staff had finally convinced Tina's aunt to bring her across the border and they were on their way to their Center. She also discovered that Tina spoke a dialect that no one could understand and there was no way to verbally communicate with her.

Tina was terrified when the male doctor introduced himself to her but seemed delighted to see Russ walking up to her. To relax her, Rau gave Russ' leash to her so she could walk him around the Center.

Meanwhile she grabbed Russ's "medical kit" that contained the same instruments the doctor would be using to examine Tina and they all entered the exam room. First the doctor used the instruments to perform a medical exam on Russ. The doctor looked in his ears and listened to his chest. Then he offered the instruments to Tina and she performed a check up on Russ.

Rau anticipated that Tina would become fearful again when she would have to remove her very soiled clothes for the forensic exam. She motioned to Tina that she needed to take a shower and she undressed and washed her while Russ looked on. Tina was calm enough for the doctor to

examine her and afterwards Russ carried a colorful set of pajamas in his mouth over to her and stood by while Tina was dressed in them.

Afterwards Tina and Russ played with one another at the Center while they waited for the CPS worker to arrive and reunite Tina with her siblings in the foster care home. Russ and the CPS worker escorted all of the children back to her car. Many children they deal with at the Center are reluctant to put on their seatbelts or be secured in a car seat. To ensure that everyone was safely seated, they had Russ jump into the car and check the children's seat belts to make sure everyone was safely buckled up.

Russell enjoys a head scratch.
Photo © 2012 Arizona Daily Star-Kelly Presnell.

Initially Rau had been very concerned how they were going to be able to communicate with Tina but Russ saved the day in this emergency situation.

Creating a Positive Association with the Center

When Russell saw a little boy drop a notebook as he was he leaving the center with his family, Russell picked it up. Kathy opened the front door and yelled that Russell had found something. When the boy saw Russell coming toward him with the notebook, he started laughing so hard he dropped to the ground. The whole family was laughing and giggling—it was a great end to what CPS said had been a difficult visit.

Team Building

Blake and Russell on duty in the courtroom.
Photo courtesy of the Pima County Attorney's Office.

Kathy Rau says she anticipated that the dogs would be a huge benefit to the children but what has really surprised her is that their presence has bonded the members of the multidisciplinary team as well as the staff at both organizations. "The dogs provide a common bond. The staff members are drawn to the dogs. In the past one team member used to just walk by the office of another branch of the team. Now if Russell or Blake is lying on the floor of the office, there is an excuse to walk in, sit on the floor and pet the dog. The next thing you know they are chatting with one another and then discussing their cases. Things run more smoothly now and there is more of a team spirit." Colleen Phelan agrees. "Now the children's advocacy center staff alert me to cases where Blake needs to get on board to help a child through the prosecution phase of a case and I can begin preparing for that."

9. Case Study: Ellie Helps A Young Child Testify in Court

~ Ellen O'Neill-Stephens, Courthouse Dogs Foundation

Sophia suffered for years at the hands of her step-father Robert. First he raped her repeatedly when she was a young teenager and after he impregnated her, he divorced her mother and married her. Then he brutalized Sophia when she was his wife. Their son Joey spent the first years of his life in a home shattered by domestic violence.

On October 2, 2008, when Joey was 5 years old, his father accused his mother of being unfaithful. Robert grabbed Sophia, threw her against the wall and choked her. Sophia struggled free and tried to call 911 for help, but Robert grabbed the phone, threw it to the ground and destroyed it. Then he shoved Sophia out the door, pulled her to the ground by her hair, and said he would kill her. Sophia managed to run from the house. Robert brought sobbing Joey inside and locked Sophia out. Concerned for Joey's safety, Sophia ran to the car and used a cell phone she had left there to call 911.

When the police arrived and entered the house they found Joey on the bed with a blanket pulled tightly to his chest. The officer who found him described him as having tears in his eyes and shaking visibly. When questioned, Joey described the assault in detail and it was clear he had witnessed the whole thing. *

Trial Preparation

Several months later and just weeks before trial, deputy prosecuting attorney Tomas Gahan met with Sophia in her apartment. While reluctant to testify, Sophia indicated she would respond to her subpoena. When Gahan asked Joey if he would also take the stand and tell the jury what his father did, Joey just shook his head and looked at the floor. Sophia said that her son was too scared to talk. Then Gahan remembered Ellie, the facility dog that works in the prosecutor's office to comfort crime victims. "Do you like dogs?" asked the prosecutor. "Yes, I like puppies a lot," replied Joey. The promise of seeing Ellie insured Joey's presence at the defense interview.

By this time Gahan had learned that this case was more than one incident of domestic violence and decided to add additional charges of rape of a child and incest. Gahan was determined to do his best to convict Robert because his incarceration would mean that Sophia and Joey would be safe for a number of years. However, Gahan knew that Sophia, like so many victims of domestic violence, was going to minimize the attack. During a pre-trial interview she would only say that she felt "a little frustrated" that she couldn't breathe when the defendant strangled her. This made Joey's testimony crucial—whereas Sophia had had years to become accustomed to the violence, the impact of the assaults witnessed by Joey still had an emotional impact. Gahan needed him to convey to the jury what Sophia had really gone through.

The Defense Interview

On the day of the defense interview, Gahan's heart ached when he saw Joey because he looked so vulnerable and scared in the conference room. He quickly introduced Joey to Ellie and the two of them played together for about 90 minutes. Joey's active play with Ellie seemed to have discharged the anxiety he displayed when he first entered the room and Joey was able to tell the prosecutor and defense attorney what had happened.

Ellie is always ready to play
Photo courtesy of the Courthouse Dogs Foundation.

The Competency Hearing

The next stage of the proceedings was the competency hearing. Judge Craighead had to determine if Joey knew the difference between right and wrong and if he could provide truthful testimony. The judge, Joey, and Ellie sat in the jury box and the judge asked Joey questions about Ellie. How old are you? Who is your friend, there? What is her name? Would it be a truth or a lie if I said Ellie was a cat? It would be a lie, exclaimed Joey. After several more questions the judge determined that the case could proceed to trial with Joey as a witness.

The Trial

On the day of the trial Joey immediately asked for Ellie and held her leash as he walked up to the witness chair with her by his side. Assuming that Joey would be able to recount the incident again, Gahan asked Joey his name. Joey looked up at the rear of the courtroom and saw his aunt, his father's older sister, glaring at him. She frightened him and Joey could only sit in his chair and stare at the floor. Gahan felt terrible about Joey's situation but continued to ask him questions hoping to get some sort of response from him. Finally he approached the stand and in a whisper asked him if he was afraid. Joey nodded his head yes and Gahan asked for a recess. "Let's take Ellie and show the judge the tricks she can do," Gahan said as they walked off the stand. Gahan felt a little guilty that he was using Ellie to bribe Joey to get off the stand and into the judge's chambers but he was desperate to salvage his case.

Inside the judge's chambers Joey played with Ellie and after a few minutes he began to relax. The judge showed Joey pictures of her dog and they talked about how friendly Ellie was. Then the judge asked Joey why he was afraid and he told her that his aunt would be angry with him for telling what happened. The judge excused the aunt from the courtroom. Joey resumed his seat in

the witness stand and Ellie lay down beside him. “Let’s start again. What’s your name?” Gahan asked. “My name is Joey, spelled J-O-E-Y,” and his description of the strangling and assault of his mother was described from a terrified five-year-old’s perspective. During cross-examination, Ellie flipped onto her back for a tummy rub and Joey reached down and stroked her belly for several minutes. Gahan noted that Joey now seemed so relaxed that he could absentmindedly pet Ellie while answering the defense attorney’s questions. At last it was over and Joey led Ellie off the stand and out of the courtroom.

The Sentencing and Aftermath

At the defendant’s sentencing a few weeks later, the judge based her decision that the defendant should spend seven years in prison in large part on Joey’s compelling testimony.

In an interview a short time later Gahan related, “I first met Ellie when she and I were working in juvenile court. I’m not a dog lover, I thought Ellie was okay but the only thing we had in common was going into other people’s offices to look for food at lunch time. I’m still not a dog lover but I have to give Ellie credit for not only helping Joey testify but making him feel more relaxed and safe during the experience. Using Ellie for trial didn’t just help me win the case, it also provided a calming effect on Joey, who was certainly a primary victim in this case, and assisted him in his rehabilitation as a victim and witness to a horrific event. I got a call from Sophia just before the sentencing. She told me that she and Joey were living together in an apartment and that they were alone now because everyone in their family hated them. But she also said for the first time in their lives they felt free.”

*This is a true story. The names of the individuals involved in the incident have been changed to protect their identities.

This is a condensed version of a story first published in the American Bar Association Animal Law Committee Newsletter (O’Neill-Stephens, 2009).

10. Conclusion

In the past, due to a lack of awareness or legal restraints, criminal justice professionals have struggled unsuccessfully to ease the emotional pain that crime victims suffer. With facility dogs, we now have an excellent way to help ease the suffering of victims, and to reduce any possible trauma in their experiences with the justice system.

Hopefully, it has been helpful to hear your colleagues' stories about how their CAC facility dogs have benefited the children that enter their doors and enhanced the services they provide. What is even more compelling though is to have their perspectives confirmed by children who were comforted by one of these special dogs when they were going through this process.

Remember our introduction where Kelly Dempsey spoke of how Jeeter helped her daughters Erin and Jordan testify against their father? In 2012, eight years after that event, we contacted Kelly and asked her to meet with us because Tapani Romppainen, a Finnish photojournalist who wanted to implement this practice in his country, wanted to film an interview with her about how a dog helped her girls through that process.

Erin and Jordan with their mother Kelly and Molly B. Photo courtesy of Tapani Romppainen.

When Kelly told her then 16-year-old daughters about the interview, they said they also wanted to participate in it if it would help convince the people of Finland to provide this service for their children. With Molly cuddled up with them on a couch, Jordan was overcome by emotion when describing her frustration about how she had such a difficult time telling the jury what happened. It was touching to see Erin quickly jump into the conversation and provide her viewpoint while Jordan composed herself by petting Molly and playing with her ears. The interview ended with them laughing about some of the funny things Jeeter had done in the weeks leading up to the trial. This was such an empowering event for them that with their mother's permission they

agreed to speak with two reporters about their experience. Although their last names were not used (it is different from their mother's) there were photos of them in both stories. Jordan said they were not ashamed of what had happened because they hadn't done anything wrong.

In the Seattle Times article, reporter Christine Clarridge (2012) wrote, "Ask 16-year-old twin sisters Jordan and Erin what they remember most about being molested, and about the resulting legal ordeal that saw their father sentenced to jail, and what they remember is Jeeter." Jordan said, "*What we want people to know is that they can have a dog to help them too."*

Erin's comments can be found in the Associated Press article written by Sue Manning (2013). *"Because of Jeeter and having him there, I don't ever think about 'Oh, it was scary walking in and seeing our dad after a while…I don't remember the bad, I only remember Jeeter.* ***I think we escaped so much more normal than really we should have from such a bad situation because of Jeeter****."* (emphasis added).

Implementing this innovative program is worth the effort. To quote their mother Kelly again *"This is such a hard process to go through and providing a dog like Jeeter is such a small price to pay to make sure that a child comes out of this on the upside."*

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Attachment A

Scientific Research Confirms that the Presence of Dogs Reduces Stress in Humans

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The use of dogs in the courtroom has expanded rapidly in the United States and is now spreading worldwide, as a mechanism for calming and supporting individuals involved in courtroom proceedings. The scientific evidence for the physical and mental calming effects of appropriately bred and trained dogs is now overwhelming, and includes both physical and psychological effects across short and long time frames. Wells (2009) provides an excellent review.

For instance, there is strong evidence of short-term physical effects: petting an animal produces short-term decreases in blood pressure and /or heart rate (e.g., Eddy, 1996; Katcher, 1981; Katcher, Friedmann, Beck, & Lynch, 1983; Shiloh, Sorek, & Terkel, 2003; Vormbrock & Grossberg, 1988; Wilson, 1991). In fact, these effects may be seen even in individuals simply in the presence of a dog (Allen, Blascovich, & Mendes, 2002; Allen, Blascovich, Tomaka, & Kelsey, 1991). Of less relevance to this discussion are the many studies illustrating pronounced long-term positive effects on physical health as well.

There are also well-documented short-term (and long-term) effects on psychological health, including positive effects on social communication and ability to make social contacts, reduction in feelings of loneliness and isolation, and improvements in depression and self-esteem (reviewed in Wells, 2009).

Participating in courtroom or other legal proceedings (e.g., depositions, forensic interviews) is arguably one of the most stressful events that most people experience. It is clear that the presence of an appropriately bred and trained dog can significantly reduce the anxiety associated with these experiences, thereby improving the efficiency and quality of the legal process.

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Attachment B

Facility Dog Protocol
Michael's House Child Advocacy Center
Fairborn, Ohio

SUBJECT: Facility Dog at Michael's House Child Advocacy Center

POLICY: Use of the Facility Dog at Michael's House CAC will follow guidelines developed to provide maximum client benefit while providing for infection control and client safety.

PURPOSE: To establish guidelines for the canine companion support program including dog/handler requirements and program administration.

RATIONALE: The canine companions support program provides opportunities for motivational, educational, recreational, and/or therapeutic benefits to enhance quality of life.

DEFINITIONS: *DOG:* The facility dog must meet all program requirements as set forth by Assistance Dogs International and Canine Companions for Independence.

HANDLER: Staff member that has successfully completed screening, training, certification, and who is assigned to work with the facility dog while providing services to clients/families.

Pictures and information in the vestibule/entryway of Michael's House will introduce visitors to the facility dog and handler, and will acknowledge the dog's presence, training and certifications.

1. Animal/Handler Requirements, Selection and Training
   a) The facility dog must be a highly trained dog certified as a Facility Dog by Canine Companions for Independence (CCI).
   b) The handler must successfully complete telephone and personal interviews, an extensive application, and 10 days of training on-site at a CCI facility, working with the identified dog.

2. Program Administration
   a) Canine Companions for Independence (CCI) requires yearly visits as well as recertification through Assistance Dogs International (ADI) to ensure standards of a facility dog.
   b) The Michael's House dog handler/staff member is responsible for initiating and facilitating CCI and ADI visits. The procedures are found in Appendix A.

c) Michael's House staff will identify clients who are eligible and interested in a Facility Dog visit/Forensic Interview and who have a signed legal guardian consent form for participation.
d) The facility dog handler will maintain a copy of all veterinarian records, temperament testing results, certifications and applications.
e) Forensic Interviewer, Children Services caseworker, Law Enforcement officer and therapist input will determine client eligibility for program participation.
f) Client exclusion criteria include, but are not limited to, the following:

~allergies to dog hair/dander
~asthmatics with allergies to dogs
~open wounds
~fever of unknown origin
~behavioral or psychiatric issues related to maltreatment of or fear of animals

3. Dog Handler and Michael's House CAC General Responsibilities

a) The handler will be responsible for the Facility Dog at all times. At no time will the facility dog be left alone with a client or family member.
b) The rights of clients, visitors and staff not wishing to have contact with the dog will be respected.
c) The handler will evaluate the dog's health prior to each visit and will not bring an animal whose general well-being is compromised, has any signs or symptoms of illness, or who has external parasites.
d) The facility dog will be dry, clean, and groomed prior to each visit. Nails should be trimmed and/or filed.
e) The facility dog will be effectively controlled by a leash and will wear identifying badges and program uniform.
f) Should an accident occur, it is the handler's responsibility to clean it up and properly dispose of the waste. The area will then be cleaned and disinfected immediately.
g) In the rare event an incident should occur (scratch, bite, allergic response, etc.), the handler will immediately notify the Director, and document the incident.
h) When the handler is not able to be with the facility dog, the dog will be put into a dog crate or left with a qualified staff member for supervision. When the handler is not present, the facility dog should not be disturbed.

4. Prevention, Vaccine and General Health Requirements

a) Annual health requirements: To prevent the possible transmission of diseases to clients and personnel, the following health screening requirements must be fulfilled in addition to passing any behavioral testing. Failure to complete the outlined health requirements may result in suspension from the program. Documentation must be provided showing that the animal has had annual health evaluations and meets the following requirements.

~ Rabies vaccine, as required by applicable law
~ Any other vaccines determined to be necessary by the Infection Prevention and Control program
~ The dog will be free of oral and skin lesions
~ The dog will be free of internal and external parasites
~ The dog will be maintained on year round flea and tick prevention

~ The dog will be maintained on year round worm preventative and heartworm free

~ The dog will be free of acute illnesses. If the animal develops any signs of illness or behavior changes, the dog may not participate in the program until at least one week beyond the resolution of illness.

b) The animal may not have:

~ Episodes of vomiting or diarrhea
~ Urinary or fecal incontinence
~ Episodes of sneezing or coughing of unknown or suspected infectious origin
~ Treatment with nontopical antimicrobials or with any immunosuppressive doses of medications
~ Open wounds
~ Ear infections
~ Skin infections or "hot spots"
~ Orthopedic or other conditions that may result in the dog having pain or distress

APPENDIX A

The handler of the facility dog is responsible for facilitation of the Canine Companion Support Program.

- Forensic interviewer, Children Services caseworker, Law Enforcement officer, therapist, or Michael's House staff member will obtain consent (Appendix B) from the legal guardian upon entry and file as a permanent part of the forensic interview documents, or with the therapist's documents.

- If the guardian does not consent, then the child will not visit with the facility dog, or accompany child during forensic interview.

- Forensic interviewer or Michael's House staff members will be able to provide proof of training/certification to client and/or guardian, if requested.

- Forensic interviewer or Michael's House staff members will be able to provide information about the benefits of a canine companion when working with children and families.

APPENDIX B

The Michael's House Child Advocacy Center Canine Companion Support Program

Facility Dog

Michael's House Child Advocacy Center Canine Companion Support Program provides an on-site facility dog. A facility dog is an expertly trained dog who partners with a facilitator working in a child advocacy center, or out in the field responding to crisis calls or requests for other types of support. Canine Companions for Independence (CCI) facility dogs are trustworthy in professional environments and can perform over 40 commands designated to motivate and inspire clients with special needs, and offer a sense of control to those who have experienced abuse/trauma, or who have witnessed violence.

Nanook is a facility dog that was selected by Canine Companions for Independence (CCI) to work with children who visit our agency, or to accompany the handler out in the work field. When available, Nanook can visit with your child and you during your visit to our center.

Please check one of the following:

_____ Yes, I would like a visit from the facility dog for my child, if available

_____ No, I would not like a visit from the facility dog for my child

_____ _____

Child's name Signature of Guardian

_____

Date

Attachment C

Using Dogs During Jury Trials
Appellate Decisions

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Updated August, 2014.

CASES

1. People v. Spence, 212 Cal. App. 4th 478, 151 Cal. Rptr. 374 (2012)**.**

California Court of Appeal, December 27, 2012.

Court's opinion by Justice Richard Huffman.

Review denied by California Supreme Court, April 10, 2013.

Dog and handler:

Dory, a facility dog trained by Paws'itive Teams. Dory's handler was San Diego Police Officer Lynne Chavez.

Note: A facility dog is a graduate from an assistance dog organization that is a member of Assistance Dogs International. A facility dog has the same training as a service dog.

Trial Judge:

Hon. Kerry Wells, San Diego County Superior Court.

Nature of case:

James Spence was charged with six counts of sexual offenses, arising out of two separate incidents. The victim was his 10-year-old stepdaughter. The jury convicted Spence on four counts.

Procedure in trial court:

The victim asked to have Dory accompany her to the witness stand. The judge ruled that allowing a dog in the courtroom was comparable to letting the victim hold a teddy bear. Based on the judge's previous experience with Dory, she believed that Dory would be almost unnoticeable once everyone was in place. The judge said that Dory would be removed from the courtroom if any issues or improper behavior occurred.

The victim was also accompanied to the witness stand by a victim advocate from the San Diego District Attorney's Office.

Jury Instructions:

The jury was given a standard instruction to decide the case based on the evidence, not on any extrinsic factors such as sympathy, passion, or prejudice.

Appellate decision:

The defendant argued that the procedure at trial violated a California statute, Evidence Code § 868.5. That statute allows a witness to be accompanied to the witness stand by only one support person. The Court of Appeal held that Dory was not a "person," so the statute was not violated.

The presence of the victim advocate and the support dog did not create any disruption or distraction, so as to violate confrontation clause protections. The court viewed the trial judge's remarks as containing an implied finding of necessity. These findings were supported by the victim's youth, her emotional response when interviewed by a doctor and nurse, and the prosecutor's concerns that she would have an "emotional meltdown" on the witness stand. Assuming that more specific findings of necessity would have been proper, any error in this respect was harmless.

2. **People v. Tohom,** 109 A.D.3d 253, 969 N.Y.S.2d 123 (2013).

New York Supreme Court, Appellate Division, July 10, 2013.

(This is New York's intermediate appellate court.)

Court's opinion by Judge Sandra Sgroi.

Leave to appeal denied by New York Court of Appeals, April 10, 2014.

Dog and handler:

Rosie, a facility dog trained by East Coast Assistance Dogs. Her handler was Sherry Cookingham.

Trial Judge:

Hon. Stephen L. Greller, Dutchess County Court

Nature of case:

Victor Tohom was charged with two counts of sexual offenses. This was based on multiple acts of sexual conduct with his daughter over a four-year period (2006 to 2010). The daughter was born in 1995.

Procedure in trial court:

At a pre-trial hearing, the court heard testimony from a social worker who had been providing therapy to the victim. She testified that the victim had been diagnosed with PTSD resulting from the sexual abuse. During therapy sessions, the victim did not want to discuss the abuse and showed anxiety. When Rosie was present, the victim showed less anxiety and was more verbal. Rosie was trained to put her head on a person's lap when the person showed anxiety.

The court ruled the victim's trial testimony was likely to cause severe stress, which necessitated procedures to protect her well-being. The court therefore allowed Rosie to sit with the victim while she testified. During the testimony, the victim initially petted Rosie. After that, Rosie was no longer visible.

Jury Instructions:

"During the testimony of [J.] she will be accompanied by a companion dog. The decision to allow this was one the court made and you may not speculate in any way as to why that decision was made. You must not draw any inference either favorably or negatively from either side because of the dog's presence. Your must not permit sympathy for any party to enter into your considerations as you listen to the testimony, and this is especially so with an outside factor such as a companion dog permitted to be present in the courtroom. Each witness's testimony must be evaluated based upon the instructions I gave you during my charge and on nothing more."

Appellate decision:

A New York statute requires judges to "be sensitive to the psychological and emotional stress a child witness may undergo when testifying." New York Executive Law § 642-a. Although the victim in this case was 15 years old at the time of trial, she was still a "child witness." Consequently, this statute provided authority for the use of a "comfort dog" at trial. The statute did not require any finding of "necessity" or "compelling need."

Even apart from the statute, a trial judge is "empowered to control the proceedings in whatever manner may be consistent with the demands of decorum and due process." Rosie may have engendered some sympathy for the victim. There was, however, no proof that this sympathy was significantly greater than the normal response to a child's testimony about sexual abuse. The trial judge specifically instructed the jury not to permit sympathy to enter into its considerations.

Nor did the presence of Rosie interfere with the defendant's right of confrontation. The defendant claimed that Rosie conveyed an impression that the victim was being truthful. Contrary to this claim, a dog does not have the ability to discern truth from falsehood.

3. <u>State v. Dye</u>, 178 Wash. 2d 541, 309 P.3d 1192 (2013).

Washington Supreme Court, September 26, 2013.

Court's opinion by Justice Charles Wiggins.

Concurring opinion by Justice Sheryl Gordon McCloud

Dog and handler:

The facility dog involved was Ellie, who was trained by Canine Companions for Independence. Her handler was Deputy Prosecutor Page Ulrey of the King County Prosecutor's Office. (Ms. Ulrey was the trial prosecutor in this case.)

Trial Judge:

Hon. Joan Dubuque, King County Superior Court

Nature of case:

Timothy Dye was charged with residential burglary. The victim was a 56-year-old man with significant developmental disabilities. The victim's girlfriend had also been dating Dye. When she left the victim, she took his apartment key with her. On January 24, 2008, the victim woke up to find Dye rummaging through his apartment. The following day, the victim came home from work to find his front door propped open and several items missing. Dye later admitted to police that he had pawned one of these items, but he claimed that the victim had voluntarily offered it to him.

Procedure in trial court:

The victim requested Ellie's presence during his testimony at trial. The prosecutor argued that the victim needed Ellie's assistance because he was anxious about his upcoming testimony, functioned at the level of a child, and was f earful of the defendant. The prosecutor also said that Ellie had provided tremendous comfort during an interview.

The trial judge found that the victim was a developmentally disabled individual who had significant emotional trauma. The judge ruled that Ellie was an appropriate accommodation to the victim's disability.

Ellie sat with the victim during his testimony. The victim also fed her treats and used her as a table while reading an exhibit. At the beginning of his testimony, the victim said that Ellie was there "to help me and to make it easier for me."

Jury Instructions:

"One of the witnesses in this trial may be accompanied by a service dog. Do not make any assumptions or draw any conclusions based on the presence of this service dog."

(Note that Ellie was incorrectly identified as a service dog.)

Appellate decision:

The Washington Supreme Court held that the use of a support person or comfort item for a witness has a potential impact on the defendant's right of confrontation. Consequently, this is proper only on a showing of necessity. The trial judge must determine that the procedure is

necessary to facilitate the witness's testimony. The trial judge implicitly found necessity, and the record supported that finding.

There was no showing that Ellie's presence distracted the jury or damaged the presumption of innocence. The record did not indicate that Ellie did anything to impact the trial. Any subconscious bias that might have befallen the jury was cured by the court's limiting instruction.

In a concurring opinion, Judge Gordon McCloud agreed that the State had showed the need for using Ellie to assist the defendant in testifying. Ellie was, however, a "powerful symbol" who sent a "silent message about [the victim's] status as a sympathetic and truthful victim." The trial judge should have used "additional measures" for neutralizing this symbolism. Nonetheless, given the strength of the State's evidence, any error involving Ellie was harmless.

4. State v. Devon D., 150 Conn. App. 314, 90 A.3d 383 (2014).

Appellate Court of Connecticut.

Court's opinion by Judge Stuart Bear.

Request for review by Connecticut Supreme Court filed June 30, 2014.

Dog and handler:

Summer, a pet therapy dog* owned and trained by her handler David Meyers, a child therapist in private practice.

Trial Judge:

Hon. John Carbonneau, Jr., Hartford Judicial District Superior Court.

Nature of case:

Devon D. was convicted of 11 counts of sexual offenses. The alleged victims were one of his daughters and two of his sons.

Procedure in trial court:

The State asked permission to have a "therapy dog" sit near the daughter while she testified. As authority, the State cited a statute authorizing special procedures for child witnesses in abuse cases, Connecticut General Statutes § 54-86g. The prosecutor explained that the victim did not have any concerns about testifying in front of the defendant, but she was concerned about the presence of other people. In support of this request, the prosecutor offered testimony from a child therapist who had met the victim the previous day. The victim had told him that she would feel more comfortable if Summer was with her when she testified.

Jury Instructions:

"Testifying in open court before a crowd of strangers is an unfamiliar and stressful event for most people. In order to reduce that anxiety, I have allowed the presence of a service dog in the courtroom during the testimony of one of the witnesses I anticipate we'll soon hear. You are to disregard the presence of the service dog. You are not to credit the witness's testimony, in any way, simply because of the presence of the dog. You are to draw no inference for or against any witness using a service dog. Sympathy and emotion play absolutely no part of your consideration and eventual deliberation. You are to attach no significance whatsoever to the presence of the dog. Her being with the witness is merely a tool that I decided to use to promote a more calming supportive setting for this witness.

The witness is anxious about testifying in front of a group of people. The dog is not present due to any concern that the witness has with the defendant's presence. The service dog met the witness this past Friday in preparation for the trial. Think of the dog like an interpreter, like an aid to get the witness's testimony across to you more clearly."

(Note that Summer was incorrectly identified as a service dog.)

Appellate decision:

The appellate court reversed the convictions because of improper joinder of charges. Because the issue was likely to arise on re-trial, the court went on to discuss the standards governing the use of a dog during a witness's testimony.

The use of a dog is not one of the procedures authorized by § 54-86g. A trial judge nonetheless has inherent discretionary authority to allow that procedure. However because there "was no finding, nor was there a showing that this special procedure was needed" and the judge did not find that the use of this procedure would not deny the defendant a fair trial, the trial judge abused his discretion in allowing the use of the dog.

5. People v. Chenault, 2014 WL 3568562 (Cal. App. 2014).

California Court of Appeal, July 11, 2014.

Court's opinion by Justice Alex McDonald.

Dog and handler:

Asta, a pet therapy dog handled by her owner Celeste Kennedy.

Trial Judge:

Hon. Allan Preckel, San Diego County Superior Court.

Nature of case:

Darrell Chenault was convicted of 15 counts of sexual offenses, committed against two of his daughters and two of his nieces. At the time of trial, the nieces were 11 and 13 years old.

Procedure in trial court:

The prosecutor asked the judge to allow the presence of a support dog during the testimony of the two nieces (who where then 11 and 13 years old). The prosecutor relied on a California statute, Evidence Code § 765(b):

With a witness under the age of 14 or a dependent person with a substantial cognitive impairment, the court shall take special care to protect him or her from undue harassment or embarrassment, and to restrict the unnecessary repetition of questions. The court shall also take special care to ensure that questions are stated in a form which is appropriate to the age or cognitive level of the witness. The court may, in the interests of justice, on objection by a party, forbid the asking of a question which is in a form that is not reasonably likely to be understood by a person of the age or cognitive level of the witness.

The court took measures to reduce any possible prejudice to Chenault by setting forth logistics for the entry, positioning, and departure of Asta and the children during jury recesses so the dog was as unobtrusive and least disruptive as reasonably possible. Asta's handler was also directed to sit in a chair near the back door while Asta remained in the witness box with the child.

Jury Instructions:

"[F.] and her sister [C.] in turn, will be accompanied by a service animal, companion dog, whose name happens to be Asta. The law permits the Court to make reasonable accommodations for child witnesses, and accordingly, I've granted the request for Asta to be present during the testimony of [F.] and [C.] And Asta will otherwise be a nonparticipant."

(Note that Asta was incorrectly identified as a service dog.)

Appellate decision:

The presence of a support dog does not violate the defendant's constitutional right to a fair trial or to confront witnesses. A support dog is no more prejudicial than a support person. The California court rejected the standards set out by the Washington Supreme Court in Dye.

In deciding whether a support dog should be allowed, the judge should "focus on whether the presence of the specific support dog would likely assist or enable the individual witness to give complete and truthful testimony by reducing the stress or trauma the witness may experience while testifying in court or otherwise minimizing undue harassment or embarrassment." Although express findings are preferred, implicit findings may be adequate.

If a dog is allowed, the court should make the presence of the dog as unobtrusive and undisruptive as reasonably possible. If the dog's presence becomes known to the jury, the court should give an appropriate admonition to the jury.

In this case, the trial judge implicitly found that the dog's presence was necessary. The judge took adequate measures to protect the defendant from possible prejudice. The instruction given

by the judge effectively told the jury not to consider the presence of the dog in weighing the evidence and deciding the merits of the case. Although a more complete admonition would be preferable, this instruction was adequate. The judge therefore properly exercised his discretion under Evidence Code § 765(b).

SUMMARY

● The use of a dog in the courtroom is within the trial judge's discretion.

● The standards governing this discretion are not always the same. In Washington, the trial judge must find that the dog is necessary to facilitate the witness's testimony. In Connecticut, there must be findings that the dog is needed and that use of the dog will not deny the defendant a fair trial. In New York and California, no finding of necessity is required. In other states, cases dealing with the use of "comfort items" may set out the applicable standard.

● The dog must be unobtrusive and not interfere with cross-examination.

● A jury instruction is helpful for neutralizing any prejudice that might result from the dog's presence.

●Victims' rights statutes may have a significant bearing. Such statutes may underscore the need for accommodating victims during judicial proceedings. On the other hand, they may contain restrictions that must be observed.

*** Pet Therapy Dogs**

There are special considerations regarding the use of pet therapy dogs and their volunteer owner handlers assisting witnesses in the courtroom.

● The vast majority of pet therapy dog organizations require that the volunteer dog handler be attached to the dog by a leash at all times. This means that the dog's handler would be required to sit by the witness holding the dog's leash during testimony. Defense attorneys would likely object to the dog's owner also sitting beside the witness as another prejudicial factor to be considered by the judge.

● Pet therapy dog organizations usually limit the amount of time a pet therapy dog "visits" with people to two hours a day to prevent the dog from becoming stressed. This means that the pet therapy dog's participation during a trial is limited. The handler is also required to immediately remove the dog from the courtroom should the dog show signs of stress. Note that this requirement could disrupt the trial proceedings.

● If the dog's owner handler does not comply with the rules of the pet therapy dog organization, then the liability insurance coverage offered by the organization would not be in effect.

● If the pet therapy dog organization does not offer insurance coverage then ensure that the agency sponsoring the use of the pet therapy dog and handler provide insurance coverage.

● It is critical that the dog's training be adequate to ensure unobtrusive behavior. Unexpected events often occur during trials. If a dog overreacts to such events even once, future judges will be far more reluctant to allow *any* dogs to be present during trials.

TRIAL TIPS

● Do not refer to the dog as a service dog. Under federal law a service dog only assists one person who has a physical disability. If the term therapy dog is used, it could be construed as a comment on the evidence informing the jury that the witness is in fact a victim in need of therapy. This could be deemed to be prejudicial to the defendant.

● Explain on the record why the witness needs the assistance of the dog. Expert opinions on this subject are helpful.

● Document the dog's behavior in the courtroom so the appellate court has a record to refer to on this issue.

● Propose a limiting instruction. An appropriate instruction could be similar to the following: "X will be accompanied by a dog while he/she testifies. You should not speculate about the reasons for this. Do not draw any conclusions based on the presence of the dog. Remember that sympathy cannot be a factor in your deliberations."

It is possible that the opposing party might object to the third sentence (telling the jury not to draw conclusions based on the dog's presence). If so, DO NOT insist on this portion of the instruction. If the opposing lawyer wants to argue that the witness is less credible because of the dog, the lawyer should be free to do so.

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All children in photographs in this manual are volunteer models, with the exception of Jordan and Erin on page 66.