


2017

# Defense and Prosecuting Attorney Perceptions of Facility Dogs in the Courtroom

Kristy Melissa Donaldson  
*Walden University*

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# Walden University

College of Social and Behavioral Sciences

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Kristy Donaldson

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2017

Abstract

Defense and Prosecuting Attorney Perceptions of Facility Dogs in the Courtroom

by

Kristy Melissa Donaldson

MEd, Tarleton State University, 2007

BS, Baylor University, 2001

Dissertation Submitted in Partial Fulfillment

of the Requirements for the Degree of

Doctor of Philosophy

Forensic Psychology

Walden University

July 2017

## Abstract

Attorneys must obtain evidence for purporting their position on a court case. Many factors are considered when working with witness testimony such as age, development, narrative recall, and retraumatization. Research has detailed the hardship of obtaining evidence during witness testimony and the importance of support systems to help with the process. Existing research illustrates the stressors caused by the court processes, witness fear, and difficulty for attorneys to ascertain testimony. Therapeutic animals have been well researched and shown to have an important support role in many professions and situations. Additionally, much has been written regarding the use of varying types of court approved support systems. However, there is a gap in the literature regarding how attorneys perceive the use of facility dogs as support systems in the courtroom. The case study sought to understand how defense and prosecuting attorneys perceive the use of facility dogs in the courtroom, and how that experience has influenced their belief system. Data collection was completed through a 7 question phone interview process. The data collected via phone interviews were coded and analyzed through the use of NVivo software and Survey Monkey database. The analysis revealed the participants high level of acceptance on the use of facility dogs in the courtroom as support systems. Attorneys were open and receptive to learning more about dogs as a support system, even when hesitant about the outcome. The revelations from this study may be used to provide additional support to witnesses. Data collected within this study will propel future studies and education in many different animal advocate groups and legal entities.

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## Dedication

This dissertation is dedicated to my parents, Willy and Kathy Kyle, as they were my very first fan club, plus my sister Amber Forgey. My mom has spent her entire life reminding me I can do anything I set my mind to, while my dad has never allowed me to rest on my laurels. With their wonderful parenting, I have always had the confidence to think outside the box and believe in myself far beyond my true ability level.

My two oldest children, Kyle and Lizzie, are to thank for this dissertation. You have ignited a flame that has burned strongly and without wavering to be a positive role model for a younger generation. Each time I decided to take on a new degree or certification, you were always there to encourage and show undying love. To my two younger children, Maya and Magnolia, thank you for understanding each time mom had to write for many hours at a time. Maya I have more pictures of you sitting with me over the past 4 years while I was working on my doctorate and then dissertation, always giving the love that was needed to keep my eye on the prize. Magnolia you have only been with us for the last year, but have accepted this process as normal. You and Maya are overcomers and have made me a better person because of your brave journeys.

Lance, this dissertation has not only been a sacrifice on my part but hugely in part because of your sacrifice. Thank you for constantly encouraging me and loving me as only you can. Your love is and always has been the most pure and honest experience.

This dissertation is dedicated to all the facility dogs past and present, as well as their handlers. I hope this research offers insight in to the use of this support system for prosecuting and defense attorneys in the future.

## Acknowledgments

I would like to take time to acknowledge the individuals who have encouraged, supported, and pushed me throughout the dissertation process. I would like to say thank you to my dissertation chair, Dr. Andrea Goldstein, who was the ultimate cheerleader and always had the encouraging words to give me, at just the right time. I am grateful for positive attitude throughout the entire process.

Thank you to Dr. Tracy Mallet, who served as the content expert on my committee. I appreciate her knowledge and skill set about using dogs in a helping capacity. Dr. Mallet's experience was important to my success through the arduous process. My program director, Dr. Beyer, was crucial in keeping all the parts moving and a wonderful sounding board, for which I am ever so grateful.

Additionally, I would like to recognize my technology expert, Rachel Donaldson, who helped to format pages, tables, and the table of content. Rachel showed up at all hours of night when pages would not link correctly and would magically fix it all and put my mind at ease.

The person who pushed me consistently was my dear friend Dr. Heather Grammatico. During residency, I was lucky enough to cross paths with her. Heather's family has supported me so well, even providing this Texas girl with a big steak dinner while visiting California. Many late night talks and tons of caffeine have been imbibed upon in the creation of our sisterhood and dissertations. Additionally, I am grateful to my wonderful friends Liz Morgan, Rachel Sevier, Deitre Burns, Ericka Long, Christina



Welsh, and my life group ladies who continued to support me in numerous ways from beginning to end of my doctoral pursuit.

I am forever grateful for Dr. David Crenshaw who so graciously met with me during a play therapy conference. Dr. Crenshaw quickly put me in contact with Celeste and Ellen with the Courthouse Dog Foundation. It was an experience like meeting super heroes, being able to talk with people who were pioneers in the field of facility dogs. You are rock stars, this dissertation would not be in conception without your wonderful minds and sharing hearts.

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## Chapter 1: Introduction to the Study

In the courtroom, there are typically two sides of an argument represented through the prosecution and the defense. Each side is allowed to call witnesses to testify and support systems may be permitted depending on the circumstances (Holder, 2013). Individuals called to testify as witnesses need additional support during court proceedings to reduce undue emotional distress and potential revictimization (Herman, 2003). While researchers have indicated the positive use of therapy dogs in a variety of contexts, the court system does not widely accept this modality as a support modality. According to Thomas (2011), this is due to defense attorney fear regarding jury bias in support of the prosecution's witnesses. The opportunity for social change is the education of defense and prosecuting attorneys regarding the positive effects of utilizing facility dogs as a support system. The study focused on learning what types of experiences and feelings attorneys have had about the use of facility dogs as a support system in the courtroom.

### **Background of the Study**

Holder (2013) discussed the unique challenges for individuals on the witness stand and the need for special accommodations. Some of the types of support systems available to child witnesses are testimony via closed-circuit television, ad litem guardians, and allowance of adult attendants to render emotional support (Holder, 2013). In additional studies, researchers considered the emotional stress witnesses are subjected to during testimony and effects of facility dogs as a support system (Bowers, 2013; Crenshaw, 2011; Dellinger, 2009; Holder, 2013). Researchers found that the use of facility dogs improved witness narrative recall, lessened their feelings of revictimization,

and provided emotional support (Bowers, 2013; Crenshaw, 2011; Dellinger, 2009; Holder, 2013). Although there is significant amount of information about the importance of support systems for witnesses there is not an exceptional amount of literature about how defense and prosecuting attorneys feel about using this type of support (Dellinger, 2009). According to Grimm (2013), Holder (2013), and Bowers (2013), defense attorneys fear jurists will be emotionally drawn to facility dogs, creating a bias toward the witness.

The courtroom driven by legalistic and lawful procedures. Any opportunity for an attorney to consider a situation as impairment toward their client's right to a fair trial is grounds for concern (Grimm, 2013; Holder, 2013; Thomas, 2011). Hart-Cohen (2009) described the types of support persons that are available to children and adults as victim advocates, as well as, acknowledging the role of canines in the judicial system as companions.

Witness anxiety can have a negative effect on the testimony of individuals and researchers have found that interaction with a therapy dog can alleviate some of the stress (Barker, Knisely, McCain, Schubert, & Pandurangi, 2010; Yorke, 2008). Witness anxiety is recognized at the highest level, which is why trial judges have utmost discretion over the examination of each witness (Dellinger, 2009). Researchers have indicated that the use of facility dogs can minimize potentially harmful and lasting effects from stress resulting from testifying in court (Barker et al., 2010; Dellinger, 2009; Gibson, 2013; Yorke, 2008). Both witness anxiety and the right of both sides to a fair trial are important factors in the consideration of facility dogs in the courtroom (Grimm, 2013; Holder, 2013). For example, Grimm (2013) and Holder (2013) stated that when providing the



witness with necessary support, the opposing side is not given the same rights. It is important to the legal proceedings that while protecting witnesses, the jury is not falsely influenced (Grimm, 2013; Holder, 2013).

The use of a support system for children and adult witnesses is provided through closed-circuit television, emotional support individuals, and other court appointed options (Goodman et al., 1998). Jurors were shown in mock trials to create biases based upon witness confidence and consistency during testimony (Goodman et al., 1998). This is important to consider with regard to the defense attorney's beliefs about the use of facility dogs and jury bias. However closed-circuit television testimony may also lead to juror bias (Bowers, 2013; Goodman et al., 1998; Holder, 2013). Crenshaw (2012) discussed the benefits of animals as a support system in play therapy sessions. Crenshaw indicated children were motivated to engage in play more readily and had a more positive disposition with the presence of the therapy dog.

Researchers have also explored the use of dogs for therapeutic gain with humans. Animal-human relationships are well-documented in the literature. For example, Palika (2008) outlined therapeutic opportunities for joy and comfort from canine companions. Visitation therapy is the most common type of intervention provided by animals assisting in therapy (Palika, 2008). During visits the therapeutic animals are able to interact with individuals from staff to family members in different types of settings and facilities (Palika, 2008). This literature is relevant to the study as facility dogs need to be recognized for an unbiased representation of their therapeutic work and ability to support any individual (Sandoval, 2010).

The People v. Tohom (2013) and State v. Chenault (2014) are court cases where an assistance or facility dog was used to provide comfort during witness testimony. The impact of the facility dog in reducing anxiety can be an asset to the court proceeding and should not be exclusively viewed as advantageous for the prosecution (Sandoval, 2010). According to Sandoval (2010), in some states prosecutors and defense counsel recognize the benefits of easing the anxiety of witnesses while procuring good testimony.

The use of facility or service dogs as companions as support systems in the courts or therapeutically they are most importantly shown to produce positive animal-human relationships (Risley-Curtiss, Zilney, & Hornung, 2010; Risley-Curtiss, Rogge, & Kawam, 2013; Turner, 2007). Wells (2009) and Woodward and Bauer (2007) added to the significant role of animals in a therapeutic capacity from detecting illness to providing companionship during times of duress. Yorke (2010) reported animals are able to positively impact traumatized children whose brains are left impaired in self-regulating and organizing ability. However, many individuals in the legal system consider the use of facility dogs a liability, necessitating the need for research regarding the viability of this support system within the court.

### **Problem Statement**

Despite the varying attempts of the courts to provide emotional support for witnesses during testimony, facility dogs are continually overlooked as such a support system for witnesses. The use of service-type dogs is not a new, as animals have been shown to help humans in many different capacities (Dellinger, 2009; Turner, 2007; Walsh, 2009). Service dogs have been used as therapeutic tools and medical companions

for many years (Turner, 2007). Currently, the practical use of service dogs is common in therapeutic environments and is beginning to gain notoriety for their use within courtrooms. In spite of the implementation of facility dogs in some courtrooms, there continues to be dissention amongst the prosecution and defense about the use of this type of support system and jury biases (Bowers, 2013; Dellinger, 2009; Walsh, 2009).

Facility dogs have been shown to have a high tolerance for human interaction and connection, as well as an ability to be trained to provide the type of individual aid needed (Palika, 2008). However, more information is needed to show that the defense and prosecution witnesses are provided equal opportunity to use support services through the aid of facility dogs to be a calm influence during testimony (Dellinger, 2009; Sandoval, 2010). By studying the ideas defense and prosecuting attorneys have about the use of facility dogs, there is potential to promote further training opportunities for understanding the benefits of these support animals.

The distress a witness endures while on the stand is not only difficult for them but a hardship for the attorney who needs accurate information to be relayed to the jurors (Goodman, Levine, Melton, & Ogden, 1991; Holder, 2013). Many researchers have indicated that revictimization does occur when witnesses are called to testify during court proceedings (Goodman et al., 1991; Holder, 2013; Sandoval, 2010). Additionally, Holder (2013) discussed the hardship for attorneys trying to obtain testimony from children on the witness stand due to fear and emotion. A case study which explores the defense and prosecuting attorney's thoughts, beliefs, and feelings about the use of facility dogs in the

courtroom is needed for understanding the future role of the facility dog with witnesses (Sandoval, 2010).

### **Purpose of the Study**

The purpose of the study was to learn what types of experiences and feelings attorneys have had about the use of facility dogs as a support system in the courtroom. An additional purpose was to determine how these emotions affected their agreeableness to allow the use of this type of support system for witnesses. According to Bowers (2013) defense attorneys view the use of facility dogs as a support system for witnesses as a jury biasing tactic. In this study I sought to gain a better understanding of defense and prosecuting attorney's feelings and experiences about their perception on the use of facility dogs as a support in court. The literature available indicated support systems are an important aspect of procuring witness testimony (Dellinger, 2009; Goodman et al., 1998). If the feelings of attorneys can be determined, then false or preconceived information is more likely to be corrected. This may allow for the dissemination of more accurate information regarding the use of facility dogs, potentially making them more accepted as a support for witnesses. This study could provide the judicial system, facility dog trainers, and attorneys with insight into emotions experienced with the use of facility dogs and therefore affect their use as a viable support system, eventually encouraging further research.

### **Research Questions**

Research Question 1: What perceptions do defense and prosecuting attorneys have about the use of facility dogs as a witness support system?

Research Question 2: What emotions do the attorneys feel the facility dogs draw from the jurors?

Research Question 3: How do the attorney's perceptions attribute to their willingness to accept facility dogs as a viable witness support system option?

### **Conceptual Framework**

A conceptual framework is a description of how the world can be described (Schwandt, 2015). When considering a conceptual framework, it is important to keep in mind what is desired to be further understood (Giorgi, 2009). For this study, the experience of attorneys and the concept of using facility dogs in the courtroom is the point of curiosity. The knowledge of a phenomenon and ability to study, gather data, and focus on the area in question is the basis for a conceptual framework (Giorgi, 2009). Giorgi (2009) described how humans in the earlier stages of life were more focused on phenomena further from themselves and throughout the years, as psychology was recognized as a science there has been a shift towards the study of a closer typeset such as human nature.

Husserl found knowledge and the consciousness to be an important area of recognition (Giorgi, 2009). The areas of consciousness he determined were the act of consciousness to something and how that entity was viewed, the *act-object relationship*, *ego-act-object*, and *ego-cogito-cogitatum* processes of the conscious (Giorgi, 2009). The cognition is a powerful source and specifically in memory recall, multiple people can observe or witness one event and have multiple renditions of their perception. These perceptions can be contrived from past life experiences, fears, or beliefs. In the case of

this study, the area of interest is about what the attorneys believe are the jurors' perception on the use of facility dogs as a support system during testimony.

This study investigated the experiences, perceptions, and emotions by attorneys and how attorneys perceive the juror's emotions to be while listening to testimony given by a witness using the support of a facility dog. The conceptual framework for the proposed study asserts that attorneys experience many emotions during trial, which in return they may perceive to share with jurors, creating an unwillingness to provide an opportunity to the concept of facility dogs in the courtroom. Emotion and experience is the driving force behind the proposed study. Theories such as Glasser's Choice or Control Theory and Rational Choice Theory support the concept of emotions believed to be equally experienced by attorneys and jurors, may be incorrectly perceived (Hernstein, 1990; William Glasser Institute, 2010). The incongruity of the experiences attorneys believe about the use of support systems and the perception of juror bias from the use of dogs in the courtroom may increase a negative belief about facility dogs during testimony. Glasser (2006) indicated individuals are controlled by internal stimulus and not external events, our choices to respond or behave in a specific way are based on the desired outcome. The study addressed whether or not attorneys are guided by their own self interest in their perceived belief about juror response to a soft, fluffy dog used as a support system in court based off their own emotions and experiences (Herrnstein, 1990). The conceptual framework indicates that in the case of the attorney it is in his or her best interest to carefully apprise themselves of the entire picture, not recognizing their own emotions swaying their perception of logic. Thereby, creating a contradictory emotion in

the attorney, such as, I recognize the benefit of therapy dogs for witnesses testifying; however, this could negatively impact my case due to juror bias. Ultimately, he or she were able to choose to exhibit an emotion that is in accordance with what will benefit him or her on the job and not the wellbeing of all in the courtroom (Glasser, 2006).

### **Nature of the Study**

The study consisted of a qualitative overview with case study component, as there was no hypothesis proposed. The qualitative method was preferred to understand the perceptions of attorneys and the use of facility dogs in the courtroom. To better gain understanding of how the attorneys perceived the use of facility dogs as an influencing factor in jury decisions, the qualitative method was most desirable. The researcher addressed the conceptual framework and being aware of the theme as it presented itself within the data. Discussion of witness anxiety, support system, use of dogs for therapeutic gain, and different types of service dogs were all areas that have been researched within the scope and sequence of the facility dog topic. Therefore, these areas were the central guiding point for research about the experiences of attorneys and how the use of facility dogs begun.

### **Definitions**

*Witness*: Individual providing testimony in court (Dellinger, 2009).

*Support system*: The technique of allowing different methods to be used during witness testimony to provide emotional support to individuals (Bowers, 2013).

*Animal-human connection*: The relationship achieved between humans and animals (Yorke, 2008)

*Perceived beliefs*: Information believed to be truth as learned in the environment or a set of beliefs created during the formative years (Bowers, 2013).

### **Assumptions**

It was assumed that all participants in the study were honest and open in their responses. The participants were all believed to be attorneys who have practiced law or are currently practicing law. It is further assumed that the chosen methodology was the best possible way to solve the research problem. Additionally, it was assumed that all participants had previous knowledge about the use of support systems during testimony.

### **Scope and Delimitations**

The study focused on the experiences of attorneys. The researcher chose participants to represent both the defense and prosecution sides of the court. The attorneys were interviewed from different organizations. Each attorney participating had received education and training in different academic settings but have passed the licensing exam in the state of Texas. Not every race or geographic background may be included to represent the vast amount of attorneys in the state for this proposed study.

### **Limitations**

The area which presents the least control in the study is the choice of the attorneys to present information honestly. Precautionary measures will be taken to ensure confidentiality of the study and convey the safety of the information gathered. However, attorneys may feel the information could adversely affect their practice in the future. Another limitation addressed was the attorney's willingness to elaborate or fully disclose their personal experiences due to the intensity of their belief.



### **Significance of the Study**

Practical contributions of the study brought experience to the use of facility dogs for witnesses as a method of support and psychological well-being as they testified in court. Information was available that indicated whether the use of facility dogs in the courtroom were psychologically beneficial to the prosecution and defense witnesses, equally. The study is important for facility dog programs and court systems nationally. Animal-human relation organizations and animal therapy groups may also be interested in a study purporting the psychological well-being of an individual using a facility dog during their court testimony. The implications for social change through a study about facility dogs used with witnesses in court during testimony promotes the use of animals in therapeutic environments and potential impact the retraumatization and narrative recall capability of a witness.

### **Summary and Transition**

Attorneys have a unique job and require an ability to understand the big picture of a court system, while considering the fairest trial opportunity for their client (Bowers, 2013). Though the use of support systems in the court room have been well documented, the literature review conducted for the research, consistently indicated a lack of understanding by attorneys in the use of facility dogs as a viable support system. The use of animals in therapeutic modalities is well researched (Wells, 2009; Yorke, 2008). It is important for the future of support system options that the use of facility dogs is researched and understood. There is a preconceived idea that animals in court or legal proceedings could cause a mayhem situation. But a review of the research available,

regarding animal human research, showed this to be quite the contrary. However, information is lacking in the reason facility dogs are not widely accepted in the courtroom (Dellinger, 2009). The literature available for use in this study was even found to be limited as result of the lack of research. Therefore, the necessity for more work in this subject matter was important and relevant. Additionally, the literature review conducted for the proposed research indicates the perceived beliefs of attorneys are conflicting about the use of support systems in the courtroom. The study addressed the gaps in the literature about the perceptions of the defense and prosecuting attorneys when a facility dog was used as a support system in the courtroom.

The subsequent chapters addressed witness anxiety, support systems, use of dogs for therapeutic gain, types of service dogs, and the use of facility dogs. Further, the methodology and data entry plans of the study were discussed in a more thorough manner.

## Chapter 2: Literature Review

The legal system is an area of high stress and psychological risk for many victims of crime (Herman, 2003). While the potential gain can be great for victims who partake in legal proceedings, mental health risks are inherent in this process and necessitate victim support systems (Goodman et al., 1991; Herman, 2003). Researchers have found that the hardship on witnesses while providing necessary testimony increases the risk of retraumatization and narrative recall (Goodman et al., 1991). When a witness is called to testify, it is a difficult job for prosecuting and defense attorneys to deem the most valuable information to help their case, which is why support systems allowed by the court can be specifically controversial and necessary. Additionally, the literature indicated there are many different types of support systems utilized to render aid to witnesses and facility dogs, which are finding a unique role in the courtroom (Sandoval, 2010; Walsh, 2009).

The purpose of this qualitative study is to research attorneys' feelings, beliefs, and ideas about the use of facility dogs in the courtroom. In this chapter, a review of the available literature pertaining to witness anxiety, court support systems, animal therapy, types of service dogs, and purpose of facility dogs will be discussed. Through the research, a better understanding of the available literature on the use of facility dogs in the courtroom was provided.

### **Literature Search Strategy**

The following databases were used to obtain the literature purported in chapter two: PsycINFO, PubMed, ERIC, Sage Journals, PsycARTICLES, and Dissertation

Abstracts International. Key words used to search for relevant articles were facility dogs, witness anxiety, human-animal bond, therapy dogs, traumagenic dynamics, crime victims, service dogs, comfort for child witnesses, emotional support of crime victims, children in the court system, traumatization, and choice theory. A search for therapy dogs provided the most literature. The majority of research information was found using PsycINFO and ERIC. Specific literature was not found using the search words courthouse dogs. I relied upon the research topics of witness emotional support systems, therapy dogs, and trial support in much of the literature review. The conceptual framework is driven by Glasser's control/choice theory and were included in the search of key words and literature.

### **Witness Anxiety**

Witnesses are a diverse group of ages, ethnicity, cultural complexity, level of comprehension, trauma, and psychological well-being. Therefore, in my literature review I will attempt to explore how witness anxiety affects attorney's beliefs and views about the use of support systems in court proceedings. According to Herman (2003) even the most mentally stable person can experience emotional stress during legal proceedings, which means victims have an even higher chance of revictimization. The courts are unharmoniously matched to the mental health needs of witnesses, as they are called into question about crimes in which they feel anxiety and traumatic stress as a result of the event (Herman, 2003). Holder (2013) and Sandoval (2010) reported child victims in particular feel shame and guilt from their trauma, which is amplified when testifying in a court setting. Researchers also found that some victims fear retaliation from the accused

perpetrator as a result of their testimony (Herman, 2003). Additionally, researchers have shown the victims fear of the defendant can prevent them from having a quality testimony which may affect the defense and prosecuting attorneys (Goodman, Levine, Melton, & Ogden, 1991; Holder, 2013). At times during testimony a victim may experience anxiety so deeply that they are unable to speak, preventing them from their ability to testify factually (Herman, 2003; Holder, 2013).

A review of the literature available on facility dogs in the courtroom is necessary to understand the impact to members of the court and importance of their future use as a support system in the courtroom. The literature about victim anxiety helped to establish the relevance of accommodating witnesses with support measures and the detriment of revictimization to potential testimony and why information supporting this idea is relevant to agreeable outcomes with attorneys (Sandoval, 2010).

### **Support System**

The confrontation clause is considered to be a protective measure used in legal realms to protect witnesses from face to face confrontation, more specifically to lessen duress during the court proceedings (Goodman, 1991). Many types of support have been employed in legal proceedings to lessen the stress on a witness (Dellinger, 2009). The literature shows it is not uncommon for the court to allow the use of stuffed animals, varying types of technology, and adult support systems for children while testifying (Dellinger, 2009; Goodman, Levine, Melton, & Ogden, 1991; Goodman, Tobey, Batterman-Faunce, Orcutt, Thomas, Shapiro, & Sachsenmaier, 1998; Holder, 2010).

In the past, video conferencing, pictures, drawings, and demonstrations have been accepted in the courtroom to help provide explanation to the court or help a witness testify about specific details (Dellinger, 2009). The information that continued to be present in the literature is the importance of providing support for victims (Dellinger, 2009; Goodman, Levine, Melton, & Ogden, 1991; Herman, 2003; Holder, 2010). Holder (2010) reported on literature which discussed the use of support persons for child witnesses who are granted permission to sit with the victim during testimony.

Some of the literature indicated support measures are not always widely accepted by some members of the court because they feel it prejudices the jury in favor of the victim (Holder, 2010). This part of the literature was important for the study as it is based on the feelings and experiences of attorneys. Alternative methods of gaining testimony are encouraged through the 1990 Child Abuse Act which recognized that fear, additional trauma, and inability to testify plague young witnesses (Dellinger, 2009; Holder, 2010).

Holder (2010) discussed the types of alternative methods as closed-circuit television, where the victim is able to testify in a room next to the courtroom, which is immediately broadcasted into the courtroom. Literature again showed the use of comfort items as an additional support to assist victims in the witness stand (Holder, 2010). The use of facility dogs is considered a subsequent type of support system for witnesses and the literature about this program are essential to this study to encourage future use in the court system (Holder, 2010). The use of support systems in the court room are often a point of contention for attorneys, resulting in the concept not being well received as a

viable option for witnesses. Therefore, research in the area of support systems that are accepted in courtrooms was somewhat limited in number.

### **Use of Dogs for Therapeutic Gain**

Walsh (2009) indicated the benefits of human-animal bonds are on the rise and provide a valuable source of healing for individuals. The literature reviewed for this study continued to show evidence of the connection animals are able to create with humans and the long lasting effects of peace present as the result (Turner, 2007; Wells, 2009; Woodard & Bauer, 2007). Animals are used for therapeutic gain in multiple capacities. Chandler (2017) indicated the presence of an animal excites the senses and can allow the person to integrate information in a more efficient and profound level.

Some of the opportunities found in the literature highlighted the functions of therapeutic dogs as notifying owners of health concerns, assisting the blind, decreasing anxiety, increasing self-esteem, and bringing comfort as needed (Crenshaw, 2011; Turner, 2007, Wells, 2009). Some of the literature indicated the experiences of offenders in prison are increasing positive and desirable behaviors who are involved in a canine prison program (Turner, 2007). This article is important to the study as it provided evidence that supported the helpfulness of dogs for not only victims but offenders, too.

Some of the themes identified in the prison study were the pups calming effect on individuals, an increase in confidence, and better skills in parenting and other relationships (Turner, 2007). The literature from Wells (2009) found the use of companion animals to enhance the physiological and psychological well-being of individuals who previously had unsuccessful attempts at other types of therapy.

Additionally, the literature provided evidence to support this study that animals are able to contribute to better wellness and able to serve as a calming influence to people under all different types of duress (Dellinger, 2009; Turner, 2007; Wells, 2009). Wells studied the effects of human-animal companionship and discovered not only long term positive effects but short term benefits in autonomic responses and levels of stress just by being in the animal's presence.

Companion animals provide therapeutic resonance in long term health benefits (Wells, 2009). Animals who provide these services to humans have been shown to aid in reversing the adverse effects of severely ill, mentally ill, or injured individuals (Risley-Curtiss, Rogge, Kawam, 2013; Wells, 2009). Dellinger (2009) discussed the literature and benefits of canine support for adult witnesses, elderly, and children alike. The literature posited there are provisions in place to allow for the type of emotional support that canines are able to provide for people in need (Dellinger, 2009). Holder (2013) reported positive results and personal experiences of court room characters who feel uninhibited to be free in the presence of a facility dog. Thus, the research continued to show the positive effects of animal-human relationships and their use in court systems (Dellinger, 2009; Holder, 2013).

Several court cases have been cited about the use of facility dogs during testimony or due to opposition about the use of facility dogs. With an increase in the sexual abuse cases where children are being asked to testify, it raises concern about the best way to provide protection for the child (Goodman, Tobey, Batterman-Faunce, Orcutt, Thomas, Shapiro, & Sachsenmaier, 1998). Previously, closed-circuit testimony



was considered to be the least traumatic way to obtain testimony from a victimized individual (Goodman, et al.). While this type of testimony was not considered by the defense as biased, it was found not to have as empathic of an impact on jurors as open court testifying did (Goodman, et al.).

The Courthouse Dog Foundation led by Celeste Walsen and Ellen Stephens-O'Neil have provided necessary advocacy for the use of facility dogs in the King County Superior Court (Dellinger, 2009; Holder, 2013). In fact, through their leadership the literature highlighted the work that has been implemented in their own courtrooms in the state of Washington (Dellinger, 2009; Gipson, 2013). On the Courthouse Dog Foundation website additional literature is available about the court cases: *People v. Tohom*, *State v. Devon*, and *State v. Chenault* which discuss the use and opposition about the use of facility dogs in court.

### **Different types of Service Dogs**

The varying types of service dogs are important to understand as they each complete a different type of job and training. Therapy dogs are used for clinicians in private practice settings as a help tool for calming and emotional support (Risley-Curtiss, Zilney, & Hornung, 2010; Risley-Curtiss, Rogge, & Kawam, 2013). These types of dogs were able to help build rapport in sexually, physically, emotionally, and mentally abused individuals who struggle with trusting others (Crenshaw, 2010; Yorke, 2010).

According to Palika (2008) any type or breed of dog can provide therapeutic resource to an individual, as long as they are able to align to an obedience program. A therapy dog has to be accepting and willing to interact and connect with humans (Palika,

2008). Once the dogs are trained in basic obedience techniques, have the calm demeanor necessary, and upon being evaluated show the appropriate skills then they can be employed in therapeutic settings (Palika, 2008).

Some dogs are trained to aid in working with the blind or hearing impaired and other times they are used to alert diabetics about their glucose levels, detect cancer, or predict potential seizure activity (Wells, 2009). Animal-assisted therapies proved to be a positive and purposeful interaction for not only the person in receipt of the help but also for stray animals who were adopted and are trained instead of euthanized (Woodward & Bauer, 2007). According to the literature by Chandler (2017), Palika (2008), and Wells (2009) animals helped to facilitate social interactions amongst people, acting as a sort of catalyst for creating conversation and comfort. Dogs used in studies about depression have found a decrease in the number of depressive symptoms pet owners have after attaining and forging a relationship with a canine companion (Wells, 2009).

### **Facility Dogs**

As Crenshaw (2011) indicated, the ability to reduce stress on individuals testifying is a win for all parties of the court because it is also more likely to be accompanied with better narratives of the event. The concept of dogs potentially increasing narrative recall in individuals of trauma is a valuable support system for the court, which is what this research encompassed. Strong role animals are able to provide to humans through companionship, physiological, and psychological means (Steward & Strickland, 2013; Wells, 2009). In fact, there is evidence that animals are able to diminish the negative results of many traumatic experiences, such as death of loved ones and

familial disputes (Chandler, 2012; Thomas, 2011; Wells, 2009). Additionally, research indicated the companionship of canines can reduce feelings of isolation and disparity (Wells, 2009). Another area to note, is the indirect benefits of animals to human well-being such as the calming influence watching fish in a fish tank can provide is similar to the effects of facility dogs to witnesses while testifying (Thomas, 2011; Wells, 2009). As described by Grimm (2013) animal assisted therapy dogs are trained to help a person cope with a specific situation or reduce stress during uncomfortable encounters.

In a courtroom, the benefits of a facility dog are shown through their ability to be a support entity to victims (Chandler, 2012; Holder, 2013). Holder discussed information about varying programs across the country that are reaping the benefits of animal assisted therapy for victims to enhance a calm and safe environment. Dellinger (2009) discussed the benefits of facility dogs for more than victims, as the research showed the dogs helped to improve the work place for many court employees. According to Chandler (2017) just merely petting an animal creates a calming effect, which ultimately soothes the individual.

In 2011, Rosie the facility dog, was used to provide support to an abused child victim during open court with successful results for the child's ability to testify and recall important details of the crime against her (Crenshaw, 2011). Up until this point no canine had been allowed to attend court with a victim while they testified (Crenshaw). Crenshaw further indicated the child who was accompanied by Rosie was able to bravely point to her perpetrator in a courtroom with a gentle nuzzle of encouragement from her canine companion who was able to sense her anxiety. Albeit this act sounding trivial the deep,

resounding impression of the support allowed the child to identify and put her perpetrator behind bars (Crenshaw, 2011).

Opposition is shown to be apparent from the defendants as claims of prejudicial effects are prevalent concerns (Bowers, 2013; Holder, 2013). Dellinger (2009) discussed the importance of live testimony over closed circuit technology type testimony. In the literature Dellinger stated live testimony is preferred as the jury is able to witness the victims posturing, facial expressions, and human connection.

Since a trial court must carefully keep order and fairness for all parties of the court, this is an area which needs more research (Holder, 2013). Grimm (2013) posited the importance of a fair trial and potential for failure in this area when canines are allowed in the courtroom, indicating the need for clarification about the possibilities of dogs being used for all people testifying in court to reduce stress and allow for better testimonies.

According to Bowers (2013) the State v. Tohom case, in which the facility dog Rosie was used as support for the child witness, the defense is concerned the jurors were swayed against the defendant due to the dramatic presence of the canine in the courtroom. Defense attorneys argued throughout the literature researched that defendants were not given a fair trial because the use of dogs in the courtroom potentially send subliminal messages of witness vulnerability to the jurors (Bowers).

Table 1 provided a side by side comparison of method, sample, and findings of the studies presented.

Table 1

*Research Studies of Importance*

Authors/year	Method	Sample	Findings
Goodman, Tobey, Batterman-Faunce, Orcutt, Thomas, Shapiro, & Sachsenmaier (1998)	Questionnaire	186 children and 1201 community subjects served as mock jurors.	Testifying via the use of a support system, CCTV, may be advantageous to some witnesses. The overall findings indicated the actual guilt of the defendant is what determined the verdict as determined by the jury.
Risley-Curtiss, Rogge, Kawam (2013)	Survey	1,649 responders from 511 accredited schools of social work participated in regards to animal-human bond content in their courses.	Practitioners who had their own companion animal were more likely to apply and find relevancy in the animal-human relationship concept within their practice in regards to treating individuals who experienced animal loss.

*(Table continues)*

*Research Studies of Importance*

Authors/year	Method	Sample	Findings
Woodward (2007)	Survey	266 companion animal owners	Woodward found no significant main effects for the best pet based on the individual's interpersonal complementarity or previously considered as "cat and dog" people. The animal human relationship was still evident.

### Summary and Conclusions

There is a vast amount of literature available which indicated the use of animals in therapeutic modalities as a positive entity. The literature referred to, such as the Woodward and Bauer study indicates the type of animal is not as important to connect with an individual as it is just establishing the relationship (2007). Additional research, such as the areas reviewed by Dellinger (2009) and Holder (2013), illustrated that facility dogs are shown to impact the comfortability of witnesses while testifying. The perspective on the use of dogs in the courtroom by Bowers indicated while the idea is growing, many attorneys are concerned about the biasing factor of this type of support system. The Grimm (2013) research considered the importance of the appropriate type of trained facility dog when used in the courtroom. Other relevant articles to the research proposed, are the Goodman et al., and Sandoval, research. The authors both discuss the use of facility dogs in the courtroom and how their role is similar to the already allowable support systems, but perhaps even more helpful for witness' in their functioning for narrative recall and resiliency while testifying. The individual pieces of literature on

facility dogs continues to illustrate incongruency of attorney perceptions, how well received this entity is considered a viable support system option, and consistent allowance in the courtroom. There is more information in regard to how attorneys perceive the use of facility dogs in the courtroom and the experiences that have created the perception of biased juror verdicts upon use of this method of support.

Upon reviewing the literature for this study it was unclear as to whether the attorneys' beliefs are due to experience or perceived ideas of a soft animal biasing the jurors. The jurors' ability to define innocence or guilt when a facility dog is present, during testimony, remains an area of question. Further research was needed to address specific experiences of attorneys on the use of facility dogs in the courtroom. This author addressed these incongruences in the completed research.

The subsequent chapter will discuss the research design, methodology, and data collection procedures used to complete the study.

### Chapter 3: Research Method

The purpose of the study was to further understand the experiences of attorneys and their perceived beliefs about the use facility dogs in the courtroom. This was a particularly important area to ascertain further information to aid in supporting witnesses during testimony. The research questions addressed the perceptions of prosecuting and defense attorneys about the use of facility dogs in the courtroom. Additionally, the study addressed what emotions the attorneys believed were drawn from jurors when the use of facility dogs were employed in a courtroom. The research consisted of a qualitative case study with a seven item recorded question interview process designed for data collection. This study sought to gain a better understanding of attorney perceptions and how their experiences cultivated their receptiveness to agree on the use facility dogs as a support system in the courtroom.

The following chapter includes the research design and the actions taken to assure the research that had been proposed was ethical and appropriate. The researcher's role in the overall design and rationale for the study was addressed in this chapter. The instrumentation used in collection of data as well as the methods used in defining the participant selection were discussed. Potential ethical considerations and trustworthiness of the research were more fully developed throughout the methodological chapter.

#### **Research Design and Rationale**

This study utilized a qualitative case study approach. The individuals being studied were to further understand the attitudes and opinions of the prosecuting and defense attorneys in regards to the use of facility dogs in the court room. Since there was



no specific hypothesis to test, a qualitative approach was employed. The intended research posited to study the experiences of attorneys, their perception about emotional biases projected on the jury, and their own personal biases about the use of facility dogs in the courtroom.

*Research Question 1 (RQ1)* - Qualitative: What perceptions do defense and prosecuting attorneys have about the use of facility dogs as a witness support system?

*Research Question 2 (RQ2)* – Qualitative: What emotions do the attorneys feel the facility dogs draw from the jurors?

*Research Question 3 (RQ3)* - Qualitative: How do the attorney's perceptions attribute to their willingness to accept facility dogs as a viable witness support system option?

### **Role of the Researcher**

As the researcher in the study, I was sensitive to recognition of my own biases, values, and background that have could skewed my interpretations as the data collector (Creswell, 2014). There was a possibility I would have had direct contact with prosecuting and defense attorneys during collection of the data from face to face interview methods but not while transcribing and coding the data after the point of collection. The data collection processes were obtained through the use of an interview which was conducted amongst the attorneys from firms that participated. I did not have direct contact with the participants. I have not had any type of relationship or contact with the participants prior to their willingness to participate in the research. Even though I connected with each participant during the interview process, it was important to

encourage participants in furthering the understanding of their autonomy and anonymity throughout the data collection time. This was achieved through clear directives given to the participants prior to the start of the interview.

## **Methodology**

### **Participant Selection**

The research focused on a selection of the attorney population in the state of Texas. For the purpose of this study, attorney was defined as defense and prosecuting attorneys who had practiced or were currently practicing law. Specifically, the attorneys participating needed to have knowledge about trial law with years of experience versus limited years. To obtain a sample from a population of attorneys in current or prior practice, several organizations were contacted in the central Texas area. The District Attorney's office in Waco, Texas was utilized for prosecuting attorney participation. My intention was to interview six attorneys from law firms within 30 minutes of my current residence. The law firms represented the defense side and prosecution side of the law. The sample represented all ethnic, gender, age, and sides of the legal system included in the overall attorney population.

Participants who agreed to be in the study were provided all the information relevant to their role and the purpose of the study, with the intent to do no harm to anyone related to the research. The sample for this study was drawn from participating law firms in Central Texas. Distribution of the interview questions and information regarding the study were provided to all lawyers within each firm, prior to the interview. Individuals who were interested in participating were identified within the firm or organization.

Information regarding time frame and parameters of participation were disseminated amongst the attorneys in the organization. Participants received a packet of information including a consent form detailing the reason for the study, the confidentiality and anonymity of participation, and my contact information if the participant was interested in the study results (see Appendix A). The packet included the seven item Attorneys Beliefs About Facility Dogs interview questions (see Appendix B). After the participant agreed to partake in the study, he or she were interviewed via phone or face-to-face. All interviews were recorded and included in the study.

### **Instrumentation**

A seven-item question interview was the data collection technique I employed. I made my own interview questions because the published and available interview type questions were not specific to my study; therefore, to elicit data based on the proposed research questions, the interview questions were not published and were researcher produced. I gave the interview question document to additional attorneys that were not going to be a part of the study, with three representing the prosecution and three representing the defense, to make sure the questions were answerable and the data tool was pretested. The interview questions were shown to be ready for use. To avoid leading participants, the questions were open ended during the interview so as to better understand the study in an authentic capacity. The questions were created to allow the participants an opportunity to describe their experience and emotion which surrounded their opinion about the use of facility dogs in the courtroom. The questions were used to conduct a concise interview and ascertain how the attorney's experience with facility

dogs created a negative or positive perception as well as the emotions posited during their use.

The experiences, emotions, and perceptions proposed from the research questions were considered while creating the questions that were utilized during the interview for data collection in the study. The questions were derived from consideration of the participant's experience or perception of the use of facility dogs as a support system in the courtroom. As previously mentioned, no pilot study had been initiated to validate the questions posed on the questionnaire that were used during the interviews, beyond testing the device out on six attorneys prior used within the study. The individuals labeled as participants were comprised of defense and prosecuting attorneys, representative of a combination of ethnic background, gender, and age ranges in the study. To test every potential ethnicity and parameter within the participant pool with the questionnaire, prior to disseminating it, was not possible. However, testing the questions with some of the potential ethnicity, genders, and ages helped to ensure the validity of the data collection tool while allowing me to ensure the questions were logical and understandable to the participant.

For the study, data were collected through phone or face to face interviews. Interviews were handled in a professional manner by this researcher and each participant received the interview questionnaire prior to the interview. The data were collected and coded upon receipt of recorded interviews. If, for unforeseen reasons, the data collection resulted in an undesirable return, the interview subjects would have been extended to additional law firms and district courts with participants embodying the same criteria.

After completion of the interviews, no extended or future contact from this researcher took place. The participants were provided with the appropriate contact information to reach me for information regarding the results of the study.

### **Data Analysis Plan**

An open ended question, recorded interview was used to collect the data which additionally was designed to stimulate data regarding the experiences and perceptions of attorneys during the use of the proposed support system. The collected data was coded using inductive coding because this method best represented the open-ended structure of the questions being posited during the interview (Frankfort-Nachmias & Nachmias, 2008). An unbiased third party was used to aid in the coding process of the data collection. Additionally, I used the NVivo and SurveyMonkey computer programs to identify potential themes presented in the data collected through the qualitative inquiry process.

### **Issues of Trustworthiness**

#### **Credibility**

Credibility in qualitative research refers to the validity of the data collection instrument. In this study the data collection instrument was through a phone or face to face interview recorded process (Frankfort-Nachmias & Nachmias, 2008). In an attempt to ensure credibility, the interview questions aspired to encapsulate all aspects of the case study which were focused upon. The purpose of the study was thoroughly outlined and explained in understandable terms to the participants prior to their participation, in a desire to ensure the credibility of the proposed study. Since the interviews were

completed via phone conference, the extra effort was taken to make sure the directions for the interview were met and any confusion was defused prior to the meeting.

### **Transferability**

According to Schwandt (2015) trustworthiness is one area of criteria considered in qualitative research to judge quality of the study. Trustworthiness can be intersected with the concept of transferability which considers the extent that the results of the study can be applied to the overall population being researched (Frankfort-Nachmias & Nachmias, 2008). Randomly selecting from a pool of potential participants allowed for high transferability or trustworthiness of the sample. The participants were all attorneys with trial experience. To symbolize the overall population of attorneys, the sampling of participants were selected by approaching multiple law firms in the Waco area, allowing the interested parties to step forward without persuasion. The results section of this study included the reported findings of the overall transferability.

### **Dependability**

Dependability or reliability referred to the researcher's responsibility for procuring "logical, traceable, and documented" processes (Schwandt, 2015, pg. 309). Prior to the inception of the study, I tested the dependability of the data collection interview collection tool by having non participants examine the questions to confirm the questions were clear and plausible. Additionally, to best identify the data that did not fit into the coding themes, I used negative case analysis to address the dependability of the data collected (Creswell, 2013). Which indicated I identified data that may be contrary to the other data collected, which was then used to explain the overall research outcomes.

**Confirmability**

According to Schwandt (2015) reflexivity in qualitative research is a reference to mindfulness about one's biases, beliefs, and preferences. In order to assure for confirmability in this study, I used reflexivity to recognize and inspect any potential sources of bias or unrecognized desirable outcomes of this researcher for the study (Schwandt, 2015). Particularly, I addressed any biases and experiences that may have encouraged my desire to research this topic, which could develop within particular interpretations of the data.

**Ethical Procedures**

Prior to the start of data collection, consent from all interested participants, were obtained. In addition, I secured a letter of consent from the law firms that were willing to participate. Additional approvals besides the International Review Board (IRB) and participant consent were not necessary, as the population needed for this study was not considered a vulnerable population. A letter detailing the consent and participation guidelines, as well as, anonymity of the interview process were provided for all participants. A waiver which requested their consent to participate were provided to each individual participating in the study. As outlined by University protocol, the recorded information was collected, information coded and data organized, then kept in a secure location in a locked file cabinet for a period of five years. All documents and recordings will be shredded at the end of the five-year time frame.

### **Summary**

An overview of the methodological approach used in the study was contained within chapter three. All required information about the study that the participants received, such as the research questions, the consent form, and the interview question document were included. Additionally, explanations of the type of study to be conducted as well as the rationale and procedure for sample selection, instruments for data collection, and any potential ethical concerns have been addressed. Further, information about the credibility, transferability, dependability, and confirmability were identified.



## Chapter 4: Results

The purpose of this study was to investigate the perceptions of defense and prosecuting attorneys and their thoughts and feelings about the use of facility dogs in the courtroom. Additionally, an exploration of how attorneys process the information about the use of facility dogs to jurors was considered. A complete view of the attorney's considerations and knowledge of facility dogs in the courtroom were explored. The focus of the research relied upon the questions posed during interview. The research questions revolved around the attorney's feelings about support systems in general being used for witnesses during trial. An understanding of the attorneys specific or direct experiences with facility dogs in the courtroom were discussed, as well as their perception of how jurors understand dogs as a support system. Attorneys were asked to process their thoughts about what they believe jurors perceptions would be, if interaction between witnesses and facility dogs were exhibited. The sections to follow indicate the research setting, demographics of research participants, the procedures for data collection and analysis, the trustworthiness of the process, and results of the qualitative study.

### **Research Setting**

Each participant was given the opportunity to choose how their interview was conducted, either by phone or in person. All participants were given this choice to ensure their comfortability during the process to speak freely and confidently with complete and honest responses. The participants were independently practicing defense attorneys, who were able to choose their own time to schedule within their work day or thereafter and the district attorneys provided interviews after their workday, as to not interfere with job

responsibilities. The interviews were recorded through Ring Central application, to minimize recording issues off a second source. Ring Central allowed this researcher to conduct interviews through the same phone as the recording was captured simultaneously and uploaded directly to a Drop Box account. There were no personal or agency conditions that were influential in the responses of the participants or deterred the researcher to interpret the results after the participant responses were collected.

### **Obtaining Participants**

Walden University Institutional Review Board granted permission to begin collecting data for my research study on January 30, 2017 (IRB approval # 01-30-17-0411638). Upon receiving approval to begin data collection I contacted six attorneys from McLennan County with whom I met in the community, found through a google search, or was provided contact information from other attorneys. I sent the potential participants an email explaining the details of study that I was conducting, as well as an attachment for consent, and my contact information.

I initially stated in Chapter 3 a desire to find six interview participants. I spoke with 10 different attorneys; however, six of those individuals fit the criteria previously set for trial experience.

### **Demographics**

The study consisted of male and female participants who were attorneys with experience in trial law. Participation was voluntary with six individuals total, three from the prosecution and three from the defense side. All attorneys who participated were offered times that worked within their schedules, as well as the opportunity to chose a

phone or face to face interview process. Table 2 illustrates the demographics of the six individuals who agreed to participate.

Table 2

*Participant Gender and Interview Type*

Participant	Gender	Type of Interview
Prosecuting Attorney 1	Male	Phone
Prosecuting Attorney 2	Female	Phone
Defense Attorney 3	Male	Phone
Prosecuting Attorney 4	Female	Phone
Defense Attorney 5	Female	Phone
Defense Attorney 6	Male	Phone

### **Data Collection**

Data were collected from six individual participants. The interviews were conducted over a two-week span with two interviews occurring on the same day. One interview had to be rerecorded due to malfunction of the audio taping device the first time. A new recording system was used for the redo and all subsequent interviews to follow without problem. All participants were labeled as “Defense or Prosecuting Attorney 1, 2, 3” for sake of anonymity and the information presented in Chapter three was not changed in the way data was collected.

### **Data Analysis**

After interviews were completed and recordings were uploaded to Drop Box, the transcriber was able to retrieve them and transcribe. Each time a transcription was completed the transcriber was able to load the document back into Drop Box and I was able to print it out and read each one thoroughly. Each transcript was then sent to the

interview participant for approval. After receiving approval from each interviewee, then the transcribed information was coded. The program NVivo was downloaded and study guides were previewed as a refresher course in the use of the software. Additionally, a subscription to Survey Monkey was purchased to help enhance the coding and theming process. In NVivo software system, nodes were created from themes that emerged from within the interviews. Each research question was considered while coding was analyzed. Through Survey Monkey the ideas brought forth while using the NVivo software were further analyzed. The interviews were uploaded into the Survey Monkey software and then cut and pasted into survey form for my use only, not to send out as a true survey. The questions were kept open ended as the interview was conducted. After cutting and pasting the interviews into this form the codes were established per themes that emerged within the transcriptions. Each code was color coded and chunks of information were categorized according to the theme. A detailed interpretation of the data was able to be procured at this time with the help of both software programs. The Survey Monkey results became the main focus in my quest to analyze the data as I found it more clearly defined and easier to use. From that point forward Survey Monkey was the only software used. The six responses to each question were then grouped based on the phrases I had assigned. For example, in Question 1, I observed in many participant responses the word “support” was used. I then used the “categorize as” tab and entered the words “helps, benefits, and supports”. Upon entering these themes, a color code was assigned to this category with additional responses being added for any response regarding Question 1 that had this vernacular. This process was continued for all seven questions and six

participant responses. The categories created for each survey question were then applied in thematic units for each question with a responding bar graph and percentage of the coded data. These percentages provided information about how each of the participants responded and how their responses overlapped one another resulting in themes within each research question. The table below will help to explain each interview question posed, category, and themes that emerged from the data analysis process.

Table 3

*Question 1- How do you feel about the use of support systems for witnesses during trial?*

Category	Color	Phrasing Themes Present
1	Orange	Benefit violent crimes
2	Light blue	Calming effect
3	Dark blue	Fair to all
4	Light green	Greater memory recall
5	Red	Supportive, positive

Table 4

*Question 2- Do you have any knowledge about the use of facility dogs in the courtroom prior to this interview?*

Category	Color	Phrasing Themes Present
1	Light blue	Has knowledge
2	Dark blue	Limited knowledge
3	Green	No prior knowledge

Table 5

*Question 3- If you arrived in a courtroom where a facility dog was present, what would be your initial thought?*

Category	Color	Phrasing Themes Present
1	Green	Disability need
2	Purple	Positive thoughts
3	Dark blue	Relaxed, calm
4	Orange	Cutting edge, unique
5	Red	Surprised

Table 6

*Question 4- Have you ever had any specific or direct experience with a facility dog in the courtroom?*

Category	Color	Phrasing Themes Present
1	Light blue	Viewed in court, no direct experience
2	Dark blue	No direct experience
3	Red	Viewed court, not direct

Table 7

*Question 5- How do you feel jurors perceive the use of facility dogs in the courtroom and how would you explain the use of a facility dog to a jury panel?*

Category	Color	Phrasing Themes Present
1	Orange	Trial stressful for all
2	Periwinkle	Create positive coping
3	Dark blue	Applied to both sides
4	Purple	Animals are calming
5	Turquoise	Good support
6	Red	Necessary for disability
7	Green	Need, prescribed
8	Grey	Unsure

Table 8

*Question 6- Do you think it changes the perception of the jury if the facility dog is visible to them while a witness is on the stand?*

Category	Color	Phrasing Themes Present
1	Orange	Most likely
2	Red	Not likely
3	Dark blue	Unsure
4	Green	Possible

Table 9

*Question 7- Do you think it changes a juror's perception of the witness if they are privy to interaction between the witness and facility dog and could vulnerability be conveyed without the dog?*

Category	Color	Phrasing Themes Present
1	Orange	Will not strongly sway
2	Light blue	Calming effect
3	Dark blue	Potentially
4	Green	Absolute yes
5	Red	Positive towards witness
6	Purple	Shows bonding
7	Periwinkle	Matters how presented



## **Evidence of Trustworthiness**

### **Credibility**

Credibility was established by hiring a person who transcribes audio information as a profession. After the professional completed each interview transcription a copy was sent to the participant as a means to further credibility, through their approval on the accuracy of the final document. When the participant completed their review and approved the document, then the information was moved into the next process to be coded, themed, and analyzed.

### **Transferability**

Frankfort-Nachmias & Nachmias (2008) indicated transferability is a reference to the ability of the study results to be considered within the whole population being researched. The participants considered for this study were attorneys with trial experience in McLennan County, Texas. No parameters were limited in the categories of ethnicity, gender, or age. However, three attorneys from the prosecution and three from the defense were desired for this study. This was a qualitative case study which set out to determine patterns from the research questions asked during the interviews. The research instruments and interview process were all designed by me but an extension of this study is completely possible without this interview tool.

### **Dependability**

Dependability refers to the data collection device and the extent that the device measures what it purports to measure (Frankfort-Nachmias & Nachmias, 2008). The coding process consisted of a constant comparison procedure to ensure dependability.

The duration of the coding process involved coding all occurring themes without elimination of the said themes that appeared contrary to those previously identified. Therefore, a negative case analysis was used as previously stated in my methodology section. By including all responses in the analysis of the data this researcher intended to provide a reliable conceptualization of the interview participant responses.

### **Confirmability**

To ensure confirmability, this researcher stayed cognizant of reflexivity so that any prior knowledge or biases that could have occurred and shaped personal interpretations during the study, could be reduced. According to Creswell (2007) reflexivity means the researcher is reflective about their own personal biases and backgrounds, which can have an effect on how the data is interpreted. To address the area of confirmability, I followed a well-defined protocol for interviewing the participants. The participants were chosen at random and agreed to the study. The participants were able to choose a phone interview versus meeting in person and no identifying information, after the scheduled interview, was passed on to the transcriber or used during analysis. Even though McLennan County is small and I reside within the county and it is difficult to not “know of” people, the information from my study was not discussed with any defense or prosecuting attorneys; although they could have partaken in my study as long as they had trial experience.

### **Results**

The combined total of six attorneys in all participated in my research study. Three prosecuting attorneys and three defense attorneys completed the phone interviews which

included seven open-ended interview questions designed for this study, specifically. Upon reviewing the responses and using the NVivo software and Survey Monkey's analysis program for the data, themes began to become apparent. Themes is a reference to areas of commonality between the participant responses, which could be derived from words, phrases, or concepts that are consistently woven throughout. Seven questions were presented during the six phone interviews. Additionally, a detailed description of the data derived from these interactions, as well as, the themes that were produced from this data will be discussed throughout the remainder of this chapter.

### **Research Question 1**

RQ1, Qualitative: What perceptions do defense and prosecuting attorneys have about the use of facility dogs as a witness support system?

This research question was created to provide clearer understanding of the perceptions attorneys from both sides of the law have about the use of facility dogs. This is a broad question to allow for each attorney to offer their thoughts, feelings, and perceptions about support systems in general and then narrowing the scope into this type of support system in particular. The questions posed during the phone interview, which addressed research question one were:

Question 1: How do you feel about the use of support systems for witnesses during trial?

Question 2: Do you have any knowledge about the use of facility dogs in the courtroom prior to this interview?

Question 3: If you arrived in a courtroom where a facility dog was present, what would be your initial thought?

Question 4: Have you ever had any specific or direct experience with a facility dog in the courtroom?

Question 6: Do you think it changes the perception of the jury if the facility dog is visible to them while a witness is on the stand?

Each survey question was responded to by all six interview participants. Then, an analysis of each response, by each participant, was reviewed for specific themed phrases that became apparent within the data collected.

### **Question 1 Data Analysis**

**Question 1: How do you feel about the use of support systems for witnesses during trial?**

Question 1 addressed how the attorneys felt in general about the use of support systems in the trial setting. Each participant responded to this question with recorded and detailed information regarding their personalized feelings about the use of support systems. The responses were then categorized into five areas. The categories were “benefit violent crimes,” “calming effect,” “fair to all,” “greater memory recall,” and “supportive, positive.” All responses to number one were put into a coordinating category, which were determined by the professed feeling the participant provided during the interview. For example, when participant 1 stated “I have no objection to it...”, the category of “supportive, positive” was activated. A subsequent example of the same category is participant 3 stating “support systems are integral to the trial process and I

think it is very beneficial”. Participant 6 reported “the more support, the better”. Many of the participants used the word or phrasing “support” or “supportive of”. Participant 2 responded in a way that resulted in being categorized “fair to all” after statement “support systems, such as dogs, are not just for the victim, but the accused, and their family members as well”. Those individuals who fell into the category of “benefits violent crimes” made statements such as “helps with serious and traumatic crimes”. The “calming effect” category was shown in statements from participant two and four regarding “a calming effect”. Table 3 below shows a breakdown in form of percentages for all categories after each participant responded to the first interview question. An overwhelming response in the form of “supportive, positive” feelings regarding the use of support systems in the courtroom were recorded as 100%. All prosecuting and defense attorneys participating in this study were in agreement that support systems, such as the facility dogs, were considered positive and they supported the concept

Table 10

*Research Question 1: Survey Question 1*

Category	Number of Participants responding	Percentage of Participants responding
Benefit violent crimes	2	33.33%
Calming effect	2	33.33%
Fair to all	3	50%
Greater memory recall	3	50%
Supportive, positive	6	100%

## Question 2 Data Analysis

Question 2: Do you have any knowledge about the use of facility dogs in the courtroom prior to this interview?

The second question was designed to draw responses about the level of knowledge each attorney has about the use of facility dogs in the court room as a support system. Each participant responded to the question and their responses were able to be categorized into three areas “has knowledge”, “limited knowledge”, and “no prior knowledge”.

In the category of “has knowledge” Participant 3 responded:

I’ve had a couple of different victims that used support dogs throughout their process. A couple times actually in the trial we’ve had dogs in the courtroom with them. We got special permission to do that by the judges when we had that occur. And so I’ve seen that as well as when people that have been victims of crimes have used support animals in getting kind of to the point of trial or being able to talk about what happened to them.

Participant 5 responded:

I have been to conferences with other prosecutors who have used facility dogs and in fact brought their facility dogs to the conferences, and they have really positive things to say about them. But we haven’t had the opportunity in our office. My knowledge is basically from those people, but they say that they’ll go into the courtroom with the children and sit

next to them on the witness stand and just be there while they testify. And that it's helpful for the children.

Participant 6 stated:

I know that some jurisdictions and some offices have allowed it. I know that in the criminal justice system, that there are departments that have service dogs. And from everything I've ever seen, it's been very helpful, especially for child victims, but really for anybody. And we've wanted to have one in our office for a long time.

The next category used to code Question 2 was "limited knowledge". Participant 1 stated, "very little, but different because it is actually an attorney who uses one in court for them self due to anxiety." In another response, Participant 2 responded:

I don't have much knowledge. I have seen a few dogs in the (location) County Courthouse, and one time I saw a dog and someone described it as a therapy dog in the courthouse. And it was not a therapy dog of the person who had it, and I just remembered it because I love dogs and I was interested in it.

The final category used for Question 2 was "no prior knowledge". This category was necessary but unique as it was derived from only one individual's response.

Participant 4 stated:

No, I do not. I don't have any trials that I've had—I can't remember either civil or criminal cases, support dogs being involved for whatever reason or in any capacity. And actually this is the first I've heard of it, to be honest with you.

The category with the highest coding for Question 2 was “has knowledge.” This category held weight for 50% of the total responses for this question. A breakdown of responses are depicted below in the table.

Table 11

*Research Question 1: Survey Question 2*

Category	Number of Participants responding	Percentage of Participants responding
Has knowledge	3	50%
Limited knowledge	2	33.33%
No prior knowledge	1	16.67%

### **Question 3 Data Analysis**

If you arrived in a courtroom where a facility dog was present, what would be your initial thought?

Question 3 was elicited to have the participant recognize what thoughts they may experience upon encountering a facility dog in a supportive role within the courtroom. Five categories emerged upon analyzing the participant’s responses to this question. The categories for question three are “disability need”, “positive thoughts”, “cutting edge, unique”, “surprised”, and “relaxed, calm”. All six participants responded to question three.



Half of the responses fell into the category of “positive thoughts”. Participants gave rather finite responses to this question. Participant 2 responded:

I would think, ‘Great.’ I would think it’s positive. I would want to pet it, especially if it was something that would potentially be positive and a support to my client or witnesses or their family members, I would see it as a great thing.

Participant 3 stated, “my initial thought would probably be that I think that that’s a really cool thing. I think it’s a good thing”. Participant 5 explained “It would be positive”.

The next category used in question 3 is “cutting edge, unique”. Participant 3 stated:

I think that it’s kind of a cutting edge thing. I know that there’s other—I’ve worked with prosecutors in other counties that have facility dogs that are actually with that district attorney’s office, and so they’re there all the time. And I’ve seen and heard about a lot of really unique and pretty great things that come out of that. And so I would probably think it’s a good thing and kind of on the cutting edge of where you need to be moving towards for victim services.

Participant 5 responded “it is just so rare for us”.

The third category for question three is “relaxed, calm”. Participant 4 stated “I assume they’re going to let in calm dogs, so I am okay with it, I wouldn’t be frightened”

Participant 6 indicated:

I would expect to see a more relaxed courtroom. There's something about the presence of an animal, especially a well-behaved service animal, that I think would just be a very calming effect in a tense court situation.

Other responses included feelings of “surprised” at seeing a dog in the courtroom and anticipation of “disability need” for mental or physical conditions. The category with most responses was “positive thoughts” with 50% of the responses fitting in this category. The table below illustrates a breakdown of percentages per responses to question three.

**Table 12**

*Research Question 1: Survey Question 3*

Category	Number of Participants responding	Percentage of Participants responding
Cutting edge, unique	2	33.33%
Disability need	1	16.67%
Positive thoughts	3	50%
Relaxed, calm	2	33.33%
Surprised	2	33.33%

#### **Question 4 Data Analysis**

Have you ever had any specific or direct experience with a facility dog in the courtroom?

Question 4 was designed to give participants a chance to describe their specific or direct experience with a facility dog during trial. After all six participants responded, three categories emerged from the data as “direct experience”, “no direct experience”,

and “viewed in court, not direct”. This question rendered concise responses from all but one participant, who was more verbose about their experience than the others.

The first category coded as “viewed court, not direct” had one participant. Participant 2 had the direct experience with the beagle in court, while watching the trial but not as an attorney litigating the case. Participant 2 shared a response that fit well into two categories. This is the only participant who had a response as such for question 4. While participant 4 stated they had not directly experienced the use of facility dog as the attorney on the case, they had been privy to a court case that a facility dog was used for witness support.

For the category of “direct experience”, participant three had the most to say about their experience. Participant 2 reported “Yes, from that dog that I saw in the courthouse. I think I’ve seen at least one. It may have been twice that I saw it. One was a Beagle. I just remember the Beagle one.” Participant 3 responded:

I mean I’ve been involved in a trial where a child used—used her dog during her testimony. She was a child victim of a sexual assault. So yes, I’ve seen that firsthand in court. It was actually pretty great. The dog wasn’t a huge dog, and so he actually sat with her in the witness stand. And you never would have even known that he was there, because the way the witness stand was, it was blocked in. I mean obviously when she walked in with it, you could see him. But then when her anxiety kind of heightened, when she wasn’t talking to us anymore and then the defense attorney started asking her some questions, and you could tell she was

getting a little anxious, her puppy dog, you know, peered his head over to kind of see what was going on and what had caused her anxiety to raise.

And then she was able to pet him and kind of calm back down. But it was a really neat experience.

The last and largest area “no direct experience” was shown in replies from Participant 1, 4, 5, and 6. Participant 4 stated “I don’t have any specific experience with it at all, either firsthand or secondhand”. Participant 1 responded with “I don’t think I’ve seen one directly in the courtroom”. Other participants just replied “No, I haven’t”. The highest response category for question 4 was “no direct experience” with 66.67% of the participants indicating this as their experience. The table below helps to explain the results for question 4.

**Table 13**

*Research Question 1: Survey Question 4*

Category	Number of Participants responding	Percentage of Participants responding
Direct experience	2	33.33%
No direct experience	4	66.67%
Viewed court, not direct	1	16.67%

### **Question 6 Data Analysis**

Do you think it changes the perception of the jury if the facility dog is visible to them while a witness is on the stand? Please explain.

Question 6 was created to elicit responses from the interview participants about their feelings regarding how the jury perceives the visibility of the facility dog while providing support to the witness. This question evoked elongated responses from the interview participants; however, the underlying responses fit into two main themes “not likely” or “possible”.

Participants sharing in the “not likely” response were numbers three and six.

Participant 3 qualified their thoughts about this question by the statement:

I don't. I think that juries understand that people use many different ways of coping, many different types of support in their life, whether that be humans or animals. And I don't think it would be a problem for jurors at all. I think that if they know someone is attending therapy versus actually hearing from their therapist that they're attending therapy. Either way, I think that the juror is smart enough to understand that dog is being used or that therapist is being used. And so the visibility of having them in the courtroom I think is kind of a moot point for the jury. I think that, you know, maybe they can see that bond a little bit easier. Maybe they can understand what that support dog helps people with a little bit more by seeing it. But I don't think that it's, you know, either a positive or a negative.

Participant 6 felt similarly with response:

To answer that, I think you have to know how the courtroom I'm in is set up. In other words, for a service dog to be visible to them while a witness

is testifying, that dog has to be in the room but not really next to the witness. If it was—I guess my understanding of a service dog is that they would be kind of near the witness stand or something, depending on the size of the service dog. Maybe even so that they can be petted or be nearby the witness. And if that's the case, in our courtroom there's a little half wall there on the witness box. And so it would be strange for the dog to be visible. But in general, I don't think there'd be an issue either way. I mean I think that most good service dogs I've ever seen sit and relax and they're still and they're calm and they're calming. And after the initial minute or two, they're just not distracting. I don't think it'd be a big deal. And so they wouldn't—they may never see the animal. On the other hand, most of the time the jury is in the box and we call the next witness and they come in, and they may come in with the animal. And so then sure, they would see the animal. But the animal would, I would assume, come up next to the witness in the witness stand and not be visible at that point. So maybe coming and going, but not while testifying.

The bulk of the responses were categorized as “possible”. Participants 1, 2, 4, and 5 felt similarly. Participant 1 responded by statement:

I just think it depends on the variable—the first variable is what is the dog for. And second of all, I think it does influence a jury to the extent of if the dog—it could make somebody feel like they're more sympathetic to the witness. If that witness—for example, let's say that witness has been

raped. And they're a victim to a brutal rape. If that person's been raped and they've got that dog there and I've explained to the jury, 'This person is—has a service dog here or this facilitative dog here to help this witness not have fear and anxiety,' I think they'd probably have sympathy for the person. Same thing, you know, if you're sight-impaired or whatever. But I think if you've got someone who is the perpetrator and they're trying to say, 'Well, you know, I need this dog because I need to be calm here on the stand,' it may sound like they may be lying or may have something to hide and using the dog or animal—I keep making dog as an assumption, and maybe that's a bad assumption, but that's what I'm going to keep saying until you tell me otherwise.

Participant 2 indicated:

I would say I think it could change the perception and that kind of goes to my answer before, in that I think that depending on the witness, they may be more sympathetic if they see a cute dog next to a person who's claiming to have been victimized. If, on the flip side, they may also have more sympathy for an accused person who's telling about their sad, traumatic life if they have an animal next to them. I can see that that could be good and it could also be bad, if it's not evenly applied.

Participant 4 shared:

I mean it could—I'm sure it would, you know. And like I said before, it's going to be different from juror to juror whether, you know, they perceive

the witness being vulnerable or not and whether it's needed—whether it's truly needed, whether it's giving unfair advantage to one side or the other. And, you know, that's something also you would explain to the jury during the jury selection, during voir dire.

The final participant to weigh in on this category was number 5 with response:

That's something I'd probably have to think about. I would probably explain that it would be something that would aid the victim in feeling safe and secure, because this could be the first time in a long time that they have been in the same room with their accuser and let alone had to retell their trauma narrative to strangers and their accuser. Most of my victims are very young, and so the dog would be there to help them feel safe.

The response of “possible” was depicted more times, with 66.67% of responses fitting into that category. The table below expresses the percentage of responses coded in each category.

Table 14

*Research Question 1: Survey Question 6*

Category	Number of Participants responding	Percentage of Participants responding
Not likely	2	33.33%
Possible	4	66.67%



### **Research Question 1 (Questions 1-4, 6) Analysis**

Five interview questions, numbers 1 through 4 and number 6 were created to relate with my first research question. After analysis of each of these aforementioned questions was completed individually, I then considered the categories as a collective whole to better ascertain what phrasing and themes had presented in most of the responses. Most of the responses included phrasing about “in support of” or themes regarding not having direct exposure, but considering the concept of facility dogs as a viable option to offer as a support system. Some other expressions within research question 1 were shown as “calm effect”, “greater memory recall”, “good for trauma”, and “application for all sides”.

### **Research Question 2**

RQ2, Qualitative: What emotions do the attorneys feel the facility dogs draw from the jurors?

Research question 2 was designed to foster responses about the perceived emotions attorneys feel are residing within the jurors, regarding the use of facility dogs. The questions created to provide ground work in ultimately answering research question two were derived from questions 5, 6, and 7. These questions allow the attorneys to elaborate on what their beliefs are about the juror’s feelings regarding facility dogs being used as a support system. The 3 interview questions relating to Research Question 2 are:

5. How do you feel jurors perceive the use of facility dogs in the courtroom, How would you explain the use of a facility dog to a jury panel?

6. Do you think it changes the perception of the jury if the facility dog is visible to them while a witness is on the stand? Please explain.

7. Do you think it changes a juror's perception of the witness if they are privy to interaction between the witness and facility dog? Could these perceptions be conveyed without the dog?

### **Question 5 Data Analysis**

How do you feel jurors perceive the use of facility dogs in the courtroom, how would you explain the use of a facility dog to a jury panel?

The fifth question was formatted to create a better understanding of how attorneys feel about jury perception of facility dogs. Additionally, the question explores how the attorney would explain the use of a facility dog during voir dire. Voir dire is the process at the preliminary level, allowing the counsel to examine a potential witness or juror. The open ended style of the question allows for depth and breadth for each participant in how they choose to respond. Coding this question created 8 categories, due to the verbosity of the participant responses. The categories were “animals calm”, “applied to both sides”, “create a positive coping”, “good support”, “necessary for disability”, “need, prescribed”, “trial stressful for all”, and “unsure”. Participant 1 described use of the dog to juror as “to help with anxiety” which corresponds to the category of “animals calm”. Participant 2 and 6 also made statements indicating facility dogs could help with “anxious witnesses” as well as “I think that environment is so stressful and often very foreign to people. And so animals—I can understand this, because I feel this way—often bring happiness and peace and calmness and can just, I think, release endorphins for people that help them

deal with stressful situations”. These responses meet the category of “animals calm” for purposes of this study.

Participant number 2 provided statements within the category of “applied to both sides”. This participant stated:

Make sure that that was applied on both sides, as a defense attorney, trials are really stressful for people. They’re extremely stressful for witnesses who are not the accused or a complainant or a victim. They’re really stressful, of course, for someone who has actually been victimized. They’re stressful for family members of victims. And they’re stressful for the accused and their family members. And the family members of the accused often didn’t do anything either.

The category of “create positive coping” is discussed by one participant. A statement such as “I think that it’s just something that they understand that people use to help them cope. I would explain it probably during voir dire, which is when we pick the jury, the very first part of the trial, that there might be the use of the support dog, and kind of flesh out any of their questions or issues”, indicates positive coping per the participant.

The category of “good support” was one of the largest categories responded to for this study. Participant 3 stated “it’s my feeling that jurors understand that a support, a therapy dog, can be a very good support system for people”. Participant 4 reported “This

facility dog is here to support this person. You know, it's a support, just like any family member that's coming in. You know, it's man's best friend. You know, they're there in support and it just happens to be not a human". The final individual within this response to the interview question was participant 6 with "we found that some of these service animals are able to relax witnesses and ease them, give them comfort, and make them feel safer" which indicated "good support" for purpose of this research.

The next category was "necessary for disability", which one participant answered. Participant 1 stated:

Well if we're talking about a facility dog for someone who is sight-impaired, I think it's different than if someone is mentally-impaired. Okay. I think that everybody knows if you can't see, you can't see, and you need a dog to get you around. If you have anxiety, they may wonder, 'Hmm, I wonder if this person has psychological issues that might make them not be an accurate witness,' as to—you know, based on their own bias of people who may have a mental issue, if that's what the facility dog is for. That's why I said it's important to know what the facility dog is for. I would go straightforward and say—I would say just, 'Notice there's a dog here—awfully cute,' or however the dog looks, and explain that it's a whatever kind of dog and what it's for and that it's—that it's a dog that's been prescribed—I guess 'prescribed' would be the right word, or

however that person got that facility dog—and explain to it why that—  
why that animal is there.

Regarding the category of “need, prescribed” one participant responded with information that fit into this area. Participant 1 indicated an explanation to the jury “that it’s a dog that’s been prescribed”. There seemed to be an overarching theme of some of this category considered within the other participants but the actual statement of “being prescribed” was made from participant 1, therefore, it is the only categorized in this area.

The final area categorized was “trial stressful for all”, which was perceived by two attorneys participating in this study. Participant 2 indicated “trials are really stressful for people. They’re extremely stressful for witnesses who are not the accused or a complainant or a victim. They’re really stressful, of course, for someone who has actually been victimized. They’re stressful for family members of victims. And they’re stressful for the accused and their family members. And the family members of the accused often didn’t do anything either. And so I think that environment is so stressful and often very foreign to people”. Participant 6 further weighed in on this category with this response “That in some trials, in some cases, depending on the people involved and the nature of the charges, that some victims are anxious or some witnesses are anxious to testify. You’re on the hot seat, who here would want—you know, who here wants to answer questions in front of strangers? Nobody does. And that we found that some of these service animals are able to relax witnesses and ease them, give them comfort, and make

them feel safer”. The following table illustrates how many responses fell into each category discussed above.

**Table 15**

*Research Question 2: Survey Question 5*

Category	Number of Participants responding	Percentage of Participants responding
Animals calm	3	50%
Applied to both sides	1	16.67%
Create positive coping	1	16.67%
Good support	3	50%
Necessary for disability	1	16.67%
Need, prescribed	1	16.67%
Trial stressful for all	2	33.33%

### **Question 6 Data Analysis**

Do you think it changes the perception of the jury if the facility dog is visible to them while a witness is on the stand? Please explain.

Question 6 was designed to further understand the attorney’s belief about how jurors feel when the facility dog is visible while on the witness stand. The question asks the participant poignantly if they believe it changes the juror’s perception if the dog is able to be seen. Again the question allows for the participant to answer in an open-ended

capacity and allowing for explanation. This question was easily coded within two categories of “not likely” or “possible”. Individuals with 66.67% of “possible”, that visibility has a possibility of changing the perception of the jury. Participant 1 explained, “I just think it depends.” Participant 2 stated “I would say I think it could change the perception and that kind of goes to my answer before, in that I think that depends on the witness. It could be good or bad if not evenly applied”. Participant 4 answered “I mean it could—I’m sure it would, you know. And like I said before, it’s going to be different from juror to juror whether, you know, how they perceive the witness being”. “The following table depicts how each response was categorized.

Table 16

*Research Question 2: Survey Question 6*

Category	Number of Participants responding	Percentage of Participants responding
Not likely	2	33.33%
Possible	4	66.67%

**Question 7 Data Analysis**

Do you think it changes a juror’s perception of the witness if they are privy to interaction between the witness and facility dog and could this perception be conveyed without the dog?

This question was designed to allow the participants a platform to consider the perception of jurors if they observe interaction between a facility dog and witness and whether this perception could be conveyed without the dog. Question 7 coded into 7

categories, “absolute yes”, “benefits outweigh risk”, “matters how presented”, “positive towards witness”, “potentially”, “shows boding”, and “will not strongly sway”. This question generated a divided amount of responses out of the questions per this section. Majority of responses were depicted as “potentially”. Participant 2 stated, “Potentially. I think, you know, when jurors see witnesses, they see them in the context—in a very confined context of what happened”. Participant 3 indicated, “I think that it potentially could make them understand that, you know, that person living with the trauma a little bit more, without having to use as many words to describe the trauma that they’re living with. They could potentially understand that there’s obviously more that that person is, you know, dealing with or that they need help dealing with. And it might, you know, take a little bit of having to explain to what degree that victim or that witness has been traumatized by this event. I think that that might be about the only thing. But I don’t think that it’s going to strongly sway their decision one way or the other as far as, you know, for that witness or against that witness. I just really think that it can be a very beneficial tool”. Participant 4 stated, “yes and no. I mean this goes back to the individuality of each juror”. Participant 5 responded:

Potentially. Yeah. Um it could be something that helps the jury realize that this was—is still traumatic for the child, instead of something that just was traumatic for the child at that time that the offense occurred. But that now, even just talking about it is scary and so they need some sort of an aid.

Which I think a lot of times jurors don’t necessarily process that the trauma is happening to them again in the courtroom.



The final participant to respond in this category stated:

The more the witness needed the service animal or appeared to need to be comforted, there would be a concern that the jury would perceive extra-vulnerability or super-vulnerability and attribute that to maybe some of the defendant's conduct. Which may be totally warranted, but also probably isn't a fair, legal conclusion for a jury to reach to go, Oh, that guy must have done it, because this witness needs a service animal. And so there would be a concern there, or could be a concern there.

The table below represents the percentage breakdown of the participant's responses.

Table 17

*Research Question 2: Survey Question 7*

Category	Number of Participants responding	Percentage of Participants responding
Absolute yes	1	16.67
Benefits outweigh risk	1	16.67%
Matters how presented	3	50%
Positive towards witness	2	33.33%
Potentially	5	83.33%
Shows bonding	2	33.33%
Will not strongly sway	1	16.67%

## **Research Question 2 (Questions 5-7) Analysis**

What emotions do the attorneys feel the facility dogs draw from the jurors?

Questions 5 through seven were created to elicit the underlying question of what emotions participants feel facility dogs draw from the jurors. Each question was posed in reference to expressing the perceived emotion. Themes began to emerge after coding and analyzing the data had been completed. Each question in 5-7 are in reference to the perceived emotion jurors have regarding to the use of facility dogs in the courtroom and whether visibility and interaction observed between canine and witness changes their perception through the opinion of the attorney. In Question 5, 50% felt the jurors would perceive the dog as supportive. In Questions 6, the question was posed if the participant felt it could change the perception of the juror if the dog was visible on the witness stand. 33.33% felt it was not likely, while 66.67% felt it was possible but easily explained. Question 7 delved into a deeper understanding of how the attorneys felt the jurors perceived the interaction between witness and facility dog. Additionally, many indicated a vulnerability may be perceived, which provoked a secondary question about whether the participant felt the perceived vulnerability could be conveyed without the dog. Each participant felt vulnerability was not contingent upon jurors seeing an interaction between the dog and witness.

While 83.33% believed it was possible the jurors being privy to the interaction between a dog and witness it was also shown that 50% of the participants felt the way the concept of the facility dog was important to the perception. Thirty-Three percent felt positive about the use of facility dog and their presence being considered positive as

opposed to negative. Only one participant felt an absolute yes towards the jurors' impression being altered after viewing the interaction between dog and witness, while one participant felt the benefits greatly outweigh the risk of juror perception and one felt it would not negatively sway the juror in any way. The participants routinely expressed that while the interaction between juror and witness, the greater good of narrative recall, calm witnesses, and the ability to explain the situation in voir dire would be positive overall. In addition, words like opportunity and beneficial tool were used to describe the feelings of attorneys about juror perception regarding interaction between the dog and witnesses. While most of the indications were that regardless of the perceived interaction, as a whole any issues could be remedied in voir dire through a proper explanation.

### **Research Question 3**

How do the attorney's perceptions attribute to their willingness to accept facility dogs as a viable witness support system option?

Research question 3 was created to address the attorneys' perceptions and how those preconceived notions attribute to their acceptance of facility dogs being considered an option as a witness support system. To further understand the attorneys' perceptions of the following 4 survey questions were designed to pontificate the overall question being asked in Research Question 3. The 4 survey questions used to draw forth this data from participants were:

1. If you arrived in a courtroom where a facility dog was present, what would be your initial thought?

2. Have you ever had any specific or direct experience with a facility dog in the courtroom?
3. Do you think it changes the perception of the jury if the facility dog is visible to them while a witness is on the stand? Please explain.
4. Do you think it changes a juror's perception of the witness if they are privy to interaction between the witness and facility dog? Could this be conveyed without the dog?

### **Question 3 Data Analysis**

If you arrived in a courtroom where a facility dog was present, what would be your initial thought?

I designed this question to further my understanding of the participant's initial thought upon seeing a facility dog in the courtroom. The question was posed to better discern an honest, unassuming, clear first impression of a facility dog prior to any other additions, such as witness perceptions. Coding and analyzing the data for this question allowed for themes to emerge. Within question 3, five categories became present from the data. These categories were "cutting edge, unique", "disability need", "positive thought", "relaxed, calm", and "surprised".

Most responses resounded in the "positive thoughts" and "cutting edge, unique" category. Participant 2 explained:

I would think, great. I would think it's positive. I would want to pet it.

And especially if it was something that would potentially be positive and a

support to my client or witnesses or their family members, I would see it as a great thing.

Participant three stated:

My initial thought would probably be that I think that that's a really cool thing. I think it's a good thing. I think that it's kind of a cutting edge thing. I know that there's others—I've worked with prosecutors in other counties that have facility dogs that are actually with that district attorney's office, and so they're there all the time. And I've seen and heard about a lot of really unique and pretty great things that come out of that. And so I would probably think it's a good thing and kind of on the cutting edge of where you need to be moving towards for victim services.

Participant 5 responded, "I'd probably be interested like, 'Oh that's really interesting,' because it's just so rare for us. Just that it would be positive".

In the categories of "relaxed, calm" and "surprised" 33.33% responded in each category, Participant 4 stated:

Um surprise first, just because it's not something normal that I see in my practice, whether it's in state or federal court. And but I wouldn't say I'd be frightened because I doubt anybody would bring a dog in there that would be harmful or be—and all courthouses have security managers, so they're not going to let in a dog that's yipping about or anything like that.

So I assume they're going to let in calm dogs. But you know, I'm okay with it.

Participant six responded:

If it was present and I didn't know it was going to be there, I'd be pretty surprised. I'd be wondering why—why we're doing that. As the prosecutor, I feel like that would be something that would be in my purview, that I would probably be kind of instigating that in my office through our victim services people. So I'd be surprised if I showed up in court and there wasn't one. But I also would expect to see a more relaxed courtroom. There's something about the presence of an animal, especially a well-behaved service animal, that I think would just be a very calming effect in a tense court situation.

The final category for this question was “disability need” with only 1 respondent.

Participant 1, reported:

Uh it just depends. I mean if you've got someone who is—I would want to know why. That'd be my first impression: why? Uh whether the person had a sight problem—had a sight disability—or whether or not they had a psychological disability that required um something for anxiety and the like for the person.

Table 19 illustrates the categories assigned to question three and the corresponding percentages of the responses in each category.

Table 18

*Research Question 3: Survey Question 3*

Category	Number of Participants responding	Percentage of Participants responding
Cutting edge, unique	2	33.33%
Disability need	1	16.67%
Positive thoughts	3	50%
Relaxed, calm	2	33.33%
Surprised	2	33.33%

**Question 4 Data Analysis**

Have you ever had any specific or direct experience with a facility dog in the courtroom?

The fourth question posited whether the participants have had any prior experience with a facility dog in the courtroom. This question is asked to deepen the understanding of each attorneys' perceptions, whether they are based on theory or direct contact. This question was coded into three categories. The responses were "direct experience", "no direct experience", or "viewed court, not direct". All participants gave an explanation for this question, albeit the most brief explanations by far in comparison to the other questions in this study.

The most resounding answer was "no direct experience" with 66.67% residing in this category. Participant 1 answered, "I don't think I've seen one directly in the

courtroom”. Participant 4, 5, and 6 explained, “No, I haven’t”. Participant 3 however had some direct experience and explained, “I’ve been involved in a trial where a child used—used her dog during her testimony. She was a child victim of a sexual assault. So yes, I’ve seen that firsthand in court. It was actually pretty—pretty great. The dog wasn’t a huge dog, and so he actually sat with her in the witness stand”.

Table 19

*Research Question 3: Survey Question 4*

Category	Number of Participants responding	Percentage of Participants responding
Direct experience	2	33.33%
No direct experience	4	66.67%
Viewed court, not direct	1	16.67%

**Question 6 Data Analysis**

Do you think it changes the perception of the jury if the facility dog is visible to them while a witness is on the stand? Please explain.

Question 6 asks the respondents to discuss if they think it changes the perception of the jury if the facility dog is visible while a witness is testifying. Two categories were used for this question. All responses were either “not likely” or “possible”.

Majority of respondents weighed in as “possible” at 66.67%. Participant 1 answered:



I just think it depends on what the—again, I think the variable—the first variable is what is the dog for. And second of all, I think it does influence a jury to the extent of if the dog—it could make somebody feel like they're more sympathetic to the witness. If that witness—for example, let's say that witness has been raped. And they're a victim to a brutal rape. If that person's been raped and they've got that dog there and I've explained to the jury, 'This person is—has a service dog here or this facilitative dog here to help this witness not have fear and anxiety,' I think they'd probably have sympathy for the person. Same thing, you know, if you're sight-impaired or whatever. But I think if you've got someone who is the perpetrator and they're trying to say, 'Well, you know, I need this dog because I need to be calm here on the stand,' it may sound like they may be lying or may have something to hide and using the dog or animal—I keep making dog as an assumption, and maybe that's a bad assumption, but that's what I'm going to keep saying until you tell me otherwise.

Participant 2 explained:

I would say I think it could change the perception and that kind of goes to my answer before, in that I think that depending on the witness, they may be more sympathetic if they see a cute dog next to a person who's claiming to have been victimized. If, on the flip side, they may also have

more sympathy for an accused person who's telling about their sad, traumatic life if they have an animal next to them. I can see that that could be good and it could also be bad, if it's not evenly applied.

Participant 5 said:

I mean it could—I'm sure it would, you know. And like I said before, it's going to be different from juror to juror whether, you know, they perceive the witness being vulnerable or not and whether it's needed—whether it's truly needed, whether it's giving unfair advantage to one side or the other. And, you know, that's something also you would explain to the jury in your—during the jury selection— Yeah, during voir dire, about that.

Participant 5 indicated:

That's something I'd probably have to think about. I would probably explain that it would be something that would aid the victim in feeling safe and secure, because this could be the first time in a long time that they have been in the same room with their accuser and let alone had to retell their trauma narrative to strangers and their accuser. Um and most of my victims are very young, and so the dog would be there to help them feel safe.

Participants 3 and 6 responded as “not likely” to change the perception of the jury due to visibility of the facility dog. Participant 3 explained:

I don't. I think that—you know, like I said, I think that juries understand that people use many different ways of coping, many different types of support in their life, whether that be humans or animals. And I don't think that—I don't think it would be a problem for jurors at all. I don't. I think that—I think that if they, you know, know someone is—it's kind of the same as if they know someone is attending therapy versus actually hearing from their therapist that they're attending therapy. Either way, I think that the juror is smart enough to understand that there—you know, that dog is being used or that therapist is being used. And so the visibility of having them in the courtroom I think is kind of a moot point for the jury. I think that, you know, maybe they can see that bond a little bit easier. Maybe they can understand what that support dog helps people with a little bit more by seeing it. But I don't think that it's, you know, either a positive or a negative.

Participant 6 said:

To answer that, I think you have to know how the courtroom I'm in is set up. In other words, for a service dog to be visible to them while a witness is testifying, that dog has to be in the room but not really next to the witness. If it was—I guess my understanding of a service dog is that they would be kind of near the witness stand or something, depending on the size of the service dog. Maybe even so that they can petted or be nearby

the witness. And if that's the case, in our courtroom there's a little half wall there on the witness box. And so it would be strange for the dog to be visible. But in general, I don't think there'd be an issue either way. I mean I think that most good service dogs I've ever seen sit and relax and they're still and they're calm and they're calming. And after the initial minute or two, they're just not distracting. I don't think it'd be a big deal. And so they wouldn't—they may never see the animal. On the other hand, most of the time the jury is in the box and we call the next witness and they come in, and they may come in with the animal. And so then sure, they would see the animal. But the animal would, I would assume, come up next to the witness in the witness stand and not be visible at that point. So maybe coming and going, but not while testifying.

Table 20

*Research Question 3: Survey Question 6*

Category	Number of Participants responding	Percentage of Participants responding
Not likely	2	33.33%
Possible	4	66.67%

### **Question 7 Data Analysis**

Do you think it changes a juror's perception of the witness if they are privy to interaction between the witness and facility dog? Could that perception be conveyed without the dog?

This is the last open ended question posed to participants during the interview. It corresponds to Research Question 3, and it inquires about the participants' thoughts and beliefs about if a juror's perception changes if they are privy to interaction between the dog and witness. This final question produced 7 categories after coding and analysis was complete. The 7 categories are "absolute", "benefits outweigh risk", "matters how presented", "positive toward witness", "potentially", "shows bonding", and "will not strongly sway". The percentage of responses assigned to each category were scattered. Five participants or 83.33% responded the visibility of the facility dogs could "potentially" change the jurors' perception. Additionally, 3 participants or 50% indicated "matters how presented" and furthered their statements with it would be discussed in voir dire.

Participant 6 responded within the category "matters how presented" and stated, "this is one of things you would raise during jury selection". Participant 4 said, "it matters on the personality of the juror and equating it to them as similar to an anxiety pill".

In regards to category "positive towards witness" Participant 6 said, "if they see someone that is bonded with a dog and the dog is bonded with them, I think that will help that witness". Participant 2 responded:

Because my client sits in the courtroom with me and so they are being watched the entire trial. And another witness often only comes in for their testimony and then they leave. So that gives potentially the jury an opportunity to see that witness interact in some human/animal form, where I think they're kind of seeing them outside the context of just the witness box, if that makes sense. They're getting to kind of see a picture of them interact with another living thing. I would see it as a positive. Again, if that opportunity and that support is provided to both sides who are interested in it or want it.

Participant three stated:

I think that it potentially could make them understand that, you know, that person living with the trauma a little bit more, without having to use as many words to describe the trauma that they're living with. They could potentially understand that there's obviously more that that person is, you know, dealing with or that they need help dealing with. And it might, you know, take a little bit of having to explain to what degree that victim or that witness has been traumatized by this event. I think that that might be about the only thing. But I don't think that it's going to strongly sway their decision one way or the other as far as, you know, for that witness or against that witness. I just really think that it can be a very beneficial tool. And it's not a tool for either the prosecution or the defense; I think it's really a tool for these people that have gone through these traumas and

these crimes, to be able to have that kind of—it's almost like a blanket when you're little, you know, that comfort of knowing that you're not alone in there, facing the person that hurt you. That's really it.

The table below depicts the percentage of responses in each of the seven categories coded for Question 7.

Table 21

*Research Question 3: Survey Question 7*

Category	Number of Participants responding	Percentage of Participants responding
Absolute yes	1	16.67%
Benefits outweigh risk	1	16.67%
Matters how presented	3	50%
Positive towards witness	2	33.33%
Potentially	5	83.33%
Shows bonding	2	33.33%
Will not strongly sway	1	16.67%

### **Research Question 3 (Questions 3-4, 6-7) Data Analysis**

Do you think it changes a jurors' perception of the witness if they are privy to interaction between the witness and facility dog? Could that perception be conveyed without the dog?

Research Question 3 was designed to determine if the visibility of the facility dog on the witness stand and interactions of the dog with witnesses changed the perception of the witness in the jurors eyes. Four open ended questions within the interview were designed to address Research Question 3. These questions allowed the respondents the opportunity to discuss their thoughts on how the jurors perceive interaction between the witness and facility dog and whether or not that same perception could be felt without the dog as a support system.

The responses to questions 3, 4, 6, and 7 were coded and analyzed, after the interviews were completed. Questions 3 and 4 discussed whether the participant had prior experience with facility dogs and what their initial thought would be upon entering court where a dog was present. Approximately half of the participants had "positive thoughts", while 33.33% reported they would feel or have thoughts of "relaxed, calm", "cutting edge, unique", or "surprised".

Question 4 elicited responses of "no direct experience" for 66.67% and "direct experience" for 33.33% of participants. Another participant making up 16.67% indicated they had "viewed court, not direct".



Question 6 began the understanding of how the visibility of the dog with a witness on the stand may be perceived. Question 7 continued with this concept and sought to deepen the understanding by asking how the juror observing an interaction between the dog and witness may be perceived. The majority of the participant's responses (66.67%) on question six and (83.33%) on question seven, could be coded into the category of "possible" or "potentially". Many respondents explained that even though there is a possibility that jurors' perception could be changed after observing interaction between the facility dog and juror, there is plenty of time to adequately explain the concept during voir dire and help create varying analogies to tie in the appropriateness of the support.

### **Summary**

The seven question interview, conducted with 6 participants, was created to expound on a case study about the perceptions attorneys have about the use of facility dogs in the courtroom. The case study was created to further understand what the attorneys believed the perceptions of the jurors was on the facility dogs as a support system for witnesses. Overall, the questions yielded results that show an overall inquisitiveness on the part of the attorneys and positive belief system about this concept being provided in the courtroom. This support system was not something many of the participants had directly been involved with, thereby creating some mixed ideas about the logistics of having dogs in the courtroom. Additionally, the participants in this study posited they are interested for this type of support be offered to all entities of the courtroom. The findings, implications, reconditions, and limitations of the study will be discussed in a detailed format within Chapter five.

## Chapter 5: Discussion, Conclusions, and Recommendations

### **Introduction**

The motivation for this study was to create further understanding about the perceptions defense and prosecuting attorneys have in regards to the use of facility dogs in the courtroom. To fully understand the complexities of legal proceedings and court expectations, attorneys were interviewed about their perceptions. Particularly an emphasis on how those perceptions created thoughts, feelings, and emotions in regard to their initial thinking about how jurors would perceive the use of facility dogs as a support system.

Additionally, this study unveiled that attorneys do find the use of facility dogs as a valuable support entity in the court room. Attorneys from both sides of the law found an importance for witnesses to have accurate statements while on the stand and were able to find support systems in general as a way to promote this concept. The attorneys believed there is a relationship between facility dogs as a support and calm witnesses with better recall. All the attorneys felt the benefits of support outweighed any potential perceptions the jurors may have initially. According to the attorneys interviewed for this study, they purported the process of voir dire to be an appropriate place to dispel any preconceived ideas about the use of support systems and provide a more accurate view of the positivity within this use.

The attorney's ideas and opinions were in line with one another on how the concept is presented to the potential jurors and other members of the courtroom is crucial. The defense felt it of grave importance to offer a fair opportunity to both sides of the law to partake in the use of the support system if so desired, as opposed to the prosecuting witness only. The prosecution, indicated a need to posit the concept of the facility dog as a support system and not because of mental duress or a reason to be believed the witness was inaccurate.

### **Interpretation of Findings**

The interpretation of findings indicated the attorneys from both sides of the law, found relevancy in the use of support systems in general. This finding is in accordance to other studies conducted thus far on the use of support systems during trial. Dellinger (2008) found the facility dogs to be a viable and positive support system for witnesses while testifying. Goodman et al. (1998) reported a witness who is essentially too fearful to testify in open court and has to partake in closed-circuit televised testimony may lose the opportunity to convey credible presence in a face to face capacity.

Grimm (2013) described ways prosecutors attempt to make child-victims feel more at ease while testifying and that by using dogs in the courtroom defense attorneys could argue this creates a bias, appearing to make the witness seem to be more credible than actuality. However, defense attorney participants indicated that while dogs as support systems could be considered a sympathy instigator for the jury, a well presented case for the dog in voir dire should help dispel disconcerting perceptions. Dellinger (2008) reported while prosecutorial offices are finding the presence of a dog calming for

witnesses, the opposing side fears the potential to create a prejudiced jury. The results of my recent study showed a majority of the participants on both sides of the law considered the use of facility dogs as a support system to be cutting edge and positive. Thus, creating an overarching theme of encouragement for the use of dogs in a support capacity within the court system.

Similar to the findings in the 2013 Grimm study, Dellinger (2008) and Holder (2013) expounded on the perceived conflict surrounding the perception of biases created via use of the support dog for witnesses. The findings in my study indicated a similar conjecture from the attorneys who felt juror perception could consist of sympathy towards the witness, a perceived weakness or victimization of the witness, or mental instability of the witness. However, each participant followed those concerns by statements which consisted of support for the use of facility dogs, with acknowledgement the use would be provided as equal opportunity for both sides of the law.

The research discussed by Holder (2013) touched on the impact of witness testimony and special circumstances which call for the use of closed circuit television, comfort items, and support persons while testifying. The support systems are not devised tactics to create an unfair trial for one party of the other but instead viewed as a resource to create strong narratives, better recall, and the ability to testify when young or fragile (Holder, 2013). The participants in my study consistently referred to juror perception and a concern for a fair trial. The participants, additionally, held the need for strong testimony in high regard and acknowledged the use of facility dogs as a positive source of comfort for all parties of the court. Chandler (2012) researched an animal's capability to discern

human emotions. There is consideration about an animal's ability to discern these emotions through their sense of smell as internal chemical reactions instigate particular odors in humans (Chandler, 2012). As animal smell senses are heightened for their protection, they are also considered to be beneficial to human beings.

Goodman et al. (1998) indicated children asked to testify in open court were found to have a high refusal rate to provide their testimony. Essentially, the Goodman study provided results showing the younger the witness, the more anxiety and less ability to convey their thoughts verbally were among the difficulties. While the support system of closed-circuit television is an option it was shown to have contraindications in mock trials from juror viewpoints. For this reason, my study findings about the perception of attorneys and jurors surrounding the use of facility dogs as a support system holds relevancy, as it promotes testimony in person.

Grimm (2013) previously purported substitution of a live dog for the support of a doll or teddy bear could cause biases from the jurors if they observed the interaction between the witness and dog. In my study, interviews conducted of three defense and three prosecuting attorneys provided responses indicative of an understanding that support systems were necessary in aiding witness testimony. However, these same participants further addressed this form of support positively as opposed to negatively as it allows the witness to stay in a face to face venue and the dog could be obstructed from vision of the jury. Thereby, providing a support system that depending on visibility may reduce the perceived biased nature of the jury. Dellinger (2008) also expressed the importance of live testimony for the witness.

Holder (2013) discussed courts being given the discretion to allow support items from stuffed animals to blankets or other cuddly type items to provide comfort during stress while on the stand. Credibility of the witness is a routine concern on behalf of the defense and yet support items are perceived to be negative (Bowers, 2013; Holder, 2013). In the study I have conducted about viewing facility dogs as a support entity some similar statements were indicated. Just a few participants brought up concerns about how the judge would consider the dogs in court and about fear of animals from the jurors; however, more than half of the participants believed that the ability to maintain witness composure during testimony outweighed the risk of juror prejudice. The participants also continued to refer back to the original statement that they could explain the need for a facility dog just like taking medication for anxiety prior to a feared event. Stewart and Strickland (2013) indicated positive effects of psychological and physiological features are found within the animal-human relationship.

Dellinger (2009) and Holder (2013) referred to the witness' anxiety and emotion experienced, while testifying, with the defendant present in the courtroom. The risk of retraumatization through retelling of the criminal act while testifying, is discussed frequently in many articles. This is another area of concern and facility dogs are shown to minimize the retraumatization by their presence on the witness stand (Dellinger, 2009). In my study, participants expressed perceptions that facility dogs would be helpful during testimony to provide comfort, which in turn could lessen the opportunity for retraumatization.

## **Theoretical Framework**

Emotion and experience were the impetus behind my recent study. Theories such as Glasser's choice or control theory and rational choice theory were used to frame this study. These theories help to explain the incongruence of the experiences attorneys believe about the use of support systems and the perception of juror bias from the use of dogs in the courtroom which may increase a negative belief about facility dogs during testimony.

Participants discussed their perception of what emotion a juror would feel upon observing a facility dog in the courtroom. For example, one participant indicated a juror may feel fear if they have had a poor experience with a dog in their past history. However, another participant explained they would be excited and want to pet the dog because they experience the emotion of love for dogs but may worry about how the dog would be perceived by jurors. Most participants felt themselves and jurors would find a dog calming and create an emotion or feeling of peacefulness but could also create unwarranted empathy toward the witness. This is an example of how Glasser's choice or control theory and rational choice theory work. The individual experiences an emotion, but have choice in the expression. The participant who expressed excitement about the facility dog and then concern that the juror may be unable to remain unbiased is a prime example of how Glasser's choice or control theory and rational choice theory are framed within this study.

The attorneys continued to indicate while they were in favor of the dog as a support system their fear of creating a disadvantage for the witnesses was concerning. Upon indicating these concerns, the participants would follow with statements about

dispelling any misinformed fears or concerns in voir dire to minimize them. In Glasser's theory, a persona of control is desired, which meant an expression of the internal emotion would not produce the desired outcome, ultimately creating the participant to perceive and express themselves falsely or out of past experiences.

### **Limitations of the Study**

This was a case study conducted in the State of Texas using participants working independently as attorneys in McLennan County. Though there are many similarities between counties and states regarding allowed support systems in court, there may be differences as well. Different counties and states could potentially have different outcomes in opinion considering what support systems are considered reasonable, as some courts are beginning to already permit facility dogs, where others have no frame of reference regarding this resource.

As a case study, I was watching for the themes to emerge consistent with how perceptions of each participant controlled how they accepted the facility dog as a viable support system, as considered within an attorney group. Creswell (2012) encouraged a qualitative study of this nature with individual interviews to remain in a smaller range. Therefore, six participants were interviewed. The participants were chosen at random and once they agreed to the study an interview was conducted using the exact same interview tool for each participant.

### **Recommendations**

The results of this study indicated while most of the attorneys had not experienced facility dogs in the courtroom as a support system for witnesses, they were not opposed to



the concept. Additionally, each participant expressed an overall positive feeling about the consideration of dogs as support systems for witnesses in the future. Several of the attorney participants reported a feeling facility dog use was cutting edge for the legal system. Expansion of the participant pool within this topic of research to include other counties' prosecuting and defense attorneys would help to determine if these perceptions were consistent with the findings within the case study performed in McLennan County. Further, a look into the perception of jurors as opposed to how the attorneys perceive the perception of the jurors to be, would be beneficial for future areas of research. More research designed to conceptualize and address the many themes that emerged within the overall research that was conducted could be beneficial in a better understanding of specific areas to cover in voir dire to lessen a confusion in felt emotions versus expressed or inaccurate perceptions. For example, research specific to juror interpretation would allow for more in depth analysis and could result in clear and detailed data for attorneys to use in their explanation about the use of facility dogs in court.

### **Implications**

Research regarding the use of facility dogs in the courtroom is definitely a newer concept over the last decade. While this study is small, it allowed for attorneys to express their considerations for the use of facility dogs as supportive measures in the future. The potential for changes in legal realms and court systems are increased positively each time light is shed on the subject, since it is a newer concept. The study results should serve as a catalyst for judges, lawyers, court systems, animal groups, and individuals to recognize greater types of support systems are available to witnesses and all characters of the

courtroom. It is conceivable that recognizable shifts towards the positive in areas of witness retraumatization and recall capability could be minimized through the use of facility dogs.

Results of this study indicated that participants felt the use of support systems in general were necessary for witness control. However, the defense side of the participants voiced concern over the need to decrease the biased nature of the types of support systems used. More trainings and education on how animal-human relationships are positive for both sides of the law, could open up new opportunities for use of facility dogs in more courtrooms nationally.

### **Conclusions**

Animal-human relationships have been shown to have therapeutic benefits in the medical world in the form of service entities. These animals are well trained to alert individuals about glucose levels, seizure activity, and even have been able to detect cancers. More recently, animals have been seen as a relevant consideration in the psychological realm as helping to lessen anxiety and increase coping skills in those with traumatic stress disorders. Animals and humans are widely known to have positive implications when put together for reasons of service. These animals are effectively trained to carry out specific job needs and the concept of a dog used in court is similar as they are trained to do a specific task. This study identified and addressed the perceptions of attorneys about the use of facility dogs as support systems and how they felt about juror perception regarding visibility of the dog in court during witness testimony. The

participants of this study provided insight into how a courtroom and jurors are managed as well as feelings they have in reference to the biases involved in support systems in general.

The study results produced data indicative of positive consideration of the use of facility dogs in the courtroom, while also some conflicting statements in regards to juror biases and perceptions. It is apparent from this study that attorneys believe in the use of support systems and are intrigued about the use of dogs in this capacity. The results of this study do indicate some concerns with potential witness biases and the need for appropriate explanation to jurors prior to a case being heard. The concerns verbalized in this study were considered to be minimally invasive to the overall outcome, while the positive consideration emerged strongly in most categories. Facility dogs were widely accepted and considered to be a wave of the future in witness support and helpful to the attorneys who are working with clients and victims to project the truth and preserve the innocent through thorough narratives, truthful testimony, and memory recall.

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## Appendix B- Interview Questions

### **Attorney's Perceptions about Facility Dogs**

#### **Seven Item Question Interview**

*The following interview questionnaire consists of questions regarding the perceptions attorneys have about the use of facility dogs being allowed during a trial. This document will be used by the researcher for purposes of conducting the interview face to face or via phone conference.*

1. How do you feel about the use of support systems for witnesses during trial?
2. Do you have any knowledge about the use of facility dogs in the courtroom prior to this interview?
3. If you arrived in a courtroom where a facility dog was present, what would be your initial thought?
4. Have you ever had any specific or direct experience with a facility dog in the courtroom?
5. How do you feel jurors perceive the use of facility dogs in the courtroom? How would you explain the use of facility dogs to a jury panel?
6. Do you think it changes the perception of the jury if the facility dog is visible to them while a witness is on the stand? Please explain.
7. Do you think it changes a juror's perception of the witness if they are privy to interaction between the witness and facility dog? Could this perception be conveyed without the dog?