

Utilizing an Accredited Facility Dog within the Child Witness Program

The Child Witness Program (CWP) has been preparing young victims and witnesses of crime for their court experience since 1987. Known for its innovative practices, the CWP at the London Family Court Clinic has continually strived, through research and advocacy efforts, to improve the experience for young victims and witnesses who face the challenging task of testifying in court. One of the most recent efforts of the CWP is the introduction of a professionally trained “facility dog” to the CWP team.

The CWP recognized that despite the passing of Bill C-2, a bill that included a variety of procedural reforms to the *Criminal Code* and the *Canada Evidence Act* intended to facilitate the participation of children and other vulnerable witnesses in the criminal justice system, children and youth continue to experience great stress and anxiety throughout their involvement in the justice process. In response, the CWP began to look at what other countries and jurisdictions were doing to address this challenge, and came across the concept of using a professionally trained facility dog in the courtroom and during the court preparation process, to assist young victims and witnesses.

Before moving forward, an initial literature search was conducted in an effort to identify best practices. This literature search was what influenced the CWP to apply for a facility dog from National Service Dogs, a service dog agency accredited by Assistance Dogs International. Although there was a long waiting list, meaning that CWP would not receive a dog for at least 18 months, the CWP choose to follow best practice standards set out by those who have over a decade of experience utilizing dogs in the courtroom setting.

Courthouse Dogs Foundation is the national leader in the United States in the training of criminal justice professionals in the use of dogs to provide emotional support to individuals involved in the criminal justice system. The Courthouse Dogs Foundation indicates a number of reasons as to why a dog utilized in court should be professionally trained, certified, and come from an accredited service dog agency, as opposed to a pet therapy dog. Some of the reasons noted are:

- (a) Lack of uniform training standards for pet therapy dogs
- (b) Pet therapy dogs have a maximum time limit they are allowed to assist
- (c) Pet therapy dogs must have their volunteer handler present at all times

Lack of uniform training standards

Programs within Canada and the United States that certify pet dogs as therapy dogs have varying standards. One program in Canada, St. John’s Ambulance, has over 3,000 therapy dog teams that provide support in various settings such as hospitals, senior residences and care facilities, schools, community centers and libraries. Therapeutic Paws of Canada is a similar program. While these programs and others

like them are invaluable and benefit many individuals, the standards for certification are much lower than that of a certified facility dog. These training standards meet the needs of facilities like schools, community centers and hospitals, but do not meet the needs of courthouses.

Judges who have spoken about the use of dogs in the courtroom have emphasized that the proper training and certification of facility dogs is very important as the dog should “be quiet and be respectful in the court proceedings....as people [in court] should be” (Dellinger, 2009). Dogs that come from an accredited service dog agency must meet standardized training benchmarks set out by Assistance Dogs International, so all dogs acting as facility dogs can be expected to behave in accordance with the training standards and can be counted on to remain silent and respectful throughout the formal court process. The training standards can be reviewed at www.assistedogsinternational.org.

Time restrictions

It is not unusual for a court proceeding to span 6-8 hours. Pet therapy dogs are generally limited to working no more than two hours in a day in order to avoid overstressing the dog. Ultimately, these dogs are pets, and have not received the training that would ensure that they could tolerate longer working periods. Due to the time limitation, it is unlikely that a pet therapy dog would be in a position to support the young witness for the entire duration for the proceeding. One of the greatest benefits of a facility dog for a young witness is consistency, and the departure of the dog mid way through the proceeding could lead to increased distress for the witness.

Presence of handler

Re-telling a story of victimization is a challenging task. Despite the best efforts of those in the field, children and youth who have been victimized often have to share their story several times, with multiple different professionals. When pet therapy dogs are utilized, their handler must be present and thus, the child/youth is put in the position to have to disclose their story in front of yet another individual that they are not familiar with. Not only is this potentially challenging for the victim, it also puts the pet therapy volunteer in a position to hear stories of severe victimization. While there may be screening tools in place to address this issue, a volunteer may not disclose if he or she has issues that could conflict with being present and involved in the criminal justice process. While all those working with victims are vulnerable to vicarious trauma, secondary traumatization, compassion fatigue and other psychological conditions, volunteers who have not received professional training will be less likely to have the skills or resources to address these concerns when and if they arise.

An additional challenge with using pet therapy dogs in the legal arena is the use of the word “therapy” in the title “therapy dog”. Using the word “therapy” in a legal

setting is problematic, and should be avoided (Sandoval, 2010). The use of the word therapy could result in a mistrial, raise an issue on appeal by implying to the jury that the witness is a victim, or be interpreted as a comment on the evidence (O'Neil-Stevens & Walsen). It would be a disservice to the victim if the prosecution of a matter were negatively impacted as a result of the use of a therapy dog during the proceeding.

It is for all the above-mentioned reasons that the CWP sought out an accredited service dog agency, National Service Dogs. The concept of a facility dog in the courtroom may be new to London, Ontario, but other countries and jurisdictions have been utilizing this practice successfully for a significant period of time and thus the CWP sees value in following the established best practices.

References:

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