



Pet Therapy Dogs in the Criminal Justice System

Courthouse Dogs LLC recommends that only professionally trained dogs that are graduates from a program accredited by Assistance Dogs International (ADI) and handled by criminal justice professionals be used for assisting people within the criminal justice system. The needs of crime victims, witnesses, and other individuals who have been physically or emotionally affected by criminal conduct are of paramount importance especially during the investigation and prosecution of crime. The job of a courthouse dog is to assist people involved in the criminal justice system.

Courthouse Dogs LLC does not recommend the use of pet therapy dogs in criminal justice facilities, with the few exceptions noted at the end of this document.

Pet therapy dogs are personal pets that have undergone training with their owner, and then have been evaluated and registered by a local or national therapy dog organization. These dogs are traditionally used to visit patients in hospitals and residents in senior housing. According to a 2009 publication from the American Humane Association, the use of pet therapy dogs in the criminal justice system requires that the animals be treated as participants in a mutually beneficial relationship and that the needs of the animals must always be considered, accommodated and balanced with the needs of the clients.

The limited training of therapy dogs and this philosophy can adversely impact crime victims, disrupt court proceedings and create legal issues that could result in a mistrial or raise an issue on appeal.

Some of the challenges of using pet therapy dogs in the criminal justice system include:

- **No national standard for safety around children** – For liability reasons pet therapy organizations do not test dogs for safety around children before registering them to work in public settings. Currently there is no accepted behavior test for pet therapy dogs to predict whether they will be safe around children. Each facility that uses pet therapy dogs (and is serious about limiting the risk of mishap) must develop their own screening process to find dogs that are likely to be safe around children.
- **Lack of uniform training standards** – The behavior of pet therapy dogs across the country varies from those that are well behaved to those barely controlled by the owner. There is little oversight by the national registering organizations to insure compliance with their written standards.
- **Necessary presence of volunteer “civilian” handler** – Pet therapy dogs must be on leash with their owner/handler whenever they are working. This should preclude their use in a number of situations where the presence on a nonprofessional volunteer would be problematic during the investigation and prosecution of a crime.
- **Time limitations** – Pet therapy dogs are generally limited to working no more than 2 hours a day in order to avoid overstressing the dogs. As a child progresses through the criminal justice system, it is of most help if the same dog can accompany him at every step along the way. As children grow to know one specific dog, a bond forms between them so that the dog is of even more comfort to them during these stages. Due to the nature of volunteer work, as well as the two- hour limitation per day on a pet therapy dog’s work, a therapy dog team is unlikely to be available for all stages of proceedings or be able to participate in long court proceedings that last for several hours.

- **Extensive staff oversight needed** – The proper use of pet therapy dogs will involve an extensive investment of time on the part of the professional staff of the facility. The development of a canine screening process, recruitment of volunteers, screening of the volunteers themselves, education about the mission of the facility and comprehensive training in interacting with clients, and continuing oversight of each pet therapy dog team creates a burden on the staff that can be overwhelming.

Inappropriate settings for pet therapy dogs

The following settings are inappropriate for the use of pet therapy dog teams, no matter how well-prepared and expertly planned for.

Forensic interviews

Best practices in forensic interviews dictate that the only person in the room with the child should be the professional interviewer. This is because the presence of a second person in the room could distract the child or cause the child to hesitate to disclose information about criminal behavior.

Volunteer handlers must accompany the therapy dog into the room. Their role is to look after the interests of the animal during the interview. If the dog becomes anxious, whines or responds negatively to the child, the handler is required to leave the room with the dog immediately.

If the volunteer handler becomes emotionally upset listening to the child describe sexual abuse, the handler must leave the room with the dog.

Volunteer dog handlers have also occasionally been subpoenaed, at inconvenience to the volunteer, to testify about what they heard or saw in the interview room.

Efforts have been made in some jurisdictions to limit what the handler hears by having the dog handler wear earphones. This is not only a source of potential distraction for the child (Why doesn't she want to hear what I am saying?); it also limits the handler's ability to hear her dog's whining or low growls. A long leash, allowing the handler to move out of range of the conversation in the interview, makes it impossible for the handler to intervene quickly and effectively if she needs to control her dog.

Pet therapy dogs can distract the child. They are often selected on the basis that they actively seek interaction with people. While this makes them very effective in some settings, this is the opposite of what is desired from a dog during an interview. A dog in an interview room should lie quietly, and not interact at all with the child unless asked to do so. An interruption by a dog that wants to be petted or play could cause a major problem with the flow of disclosure from a young child. One forensic interviewer in King County, Washington, reports that one good thing about the professional courthouse dog that she used on dozens of occasions is that the dog will not "join in the fun" with a child who wants to avoid the interview process by running around the room.

Sexual assault forensic medical exams

The use of a pet therapy dog and handler during a forensic medical exam can create an awkward situation because the handler must hide out of view of the procedure while still holding on to the dog's leash. In addition the presence of the dog during a medical exam can contaminate evidence gathered during the procedure.

Example: A recent incident in Texas demonstrates why this approach should not be used. During a forensic medical exam at a child advocacy center, one pet therapy dog jumped on a girl when she began to cry during the exam and his hair contaminated the samples the doctor had collected. Although this had already been a traumatic event for the child, it was necessary for the doctor to extend the exam in order to collect a new set of evidence samples from the child after the dog was removed from the room. In this case, the use of a pet therapy dog actually prolonged a difficult experience for a young crime victim.

Defense interviews

A defense interview is rarely video or audio recorded. If a volunteer handler and dog were present doing the interview, defense counsel could subpoena the volunteer handler on behalf of the defense to corroborate information that the child told the defense attorney. The presence of the handler can also create unprofessional situations and can cause defense counsel to challenge the presence of a dog during the defense interview.

Example: In a recent Florida Bar News article a pet therapy dog handler told the reporter that during a defense interview he had curled up under the table, holding his dog Rikki's leash and fed the dog carrots while the dog rested her head in the girl's lap. The handler added that he had grown so angry listening to the defense attorney question the child that he later remarked, "I wanted to bite the defense attorney's ankles myself, and blame it on Rikki."

Competency hearings and courtroom trials

A pet therapy dog is unlikely to have the training necessary for courtroom work. A reliable dog for the courtroom will be able to lie quietly for hours, undistracted by emotional outbursts around him. The judge who has to decide whether a dog can accompany the child to the witness stand is going to want a dog with an outstanding training history so that the chance of misbehavior in the courtroom is kept to an absolute minimum.

The presence of a handler at the end of a pet therapy dog's leash has two significant drawbacks. First of all, the handler is possibly a distraction for jury members, who may spend time studying the handler rather than paying close attention to the testimony. Even worse, the handler's behavior could result in a mistrial if the handler unconsciously rolls her eyes at defense counsel, affirmatively nods her head while the child is testifying, or becomes emotional while listening to the child describe what happened. Secondly, since the dog is clearly under control of the volunteer handler, the child does not have the sense of empowerment that comes with holding a dog's leash and walking up to the stand alone with a dog under his own control.

The 2 hour time limit on the pet therapy dog's workday is a serious problem when it comes to a courtroom trial. With recesses and a number of witnesses, a trial may go on all day, with the child needing to stay in the witness room (or hall) for hours. A pet therapy dog may have to leave just as the child is about to take the stand.

Courtroom work can be very stressful for a dog – there may be angry shouts, an upset defendant, weeping witnesses, and crowded benches. A pet therapy dog is a personal companion dog, unused to this environment. If the dog reacts adversely to this stress then the handler is required to remove the dog from the courtroom thus disrupting court proceedings.

Appropriate settings for pet therapy dogs

With excellent planning, a skilled staff, and enough time, a pet therapy dog program can be successful in a limited number of settings in the criminal justice system. Some examples are counseling sessions and public areas such as lobbies. Even in these areas, the safe use of pet therapy dogs and their volunteer owners will require careful consideration and a weighing of the benefits and the costs.

A major problem limiting the use of pet therapy dogs is the extensive staff time required for the program. All of the successful programs that we are aware of have been developed and maintained by experienced individuals with a true passion for adding pet therapy dogs to their existing programming.

While Courthouse Dogs LLC does not provide consulting in the use of pet therapy dogs, we urge you to explore best practices in the use of these animals before commencing a program. Some resources that we can recommend are:

Prescription Pet Program at Denver's Children's Hospital will generously send you a copy of their protocol - <http://www.thechildrenshospital.org/give/volunteer/pet.aspx>.

Cincinnati Children's Hospital has a Dog Visitation Program that does an excellent job of screening the dogs and training the volunteers - <http://www.cincinnatichildrens.org/give/volunteer/dog/default.htm>.