



## Therapy Dogs in the Criminal Justice System

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

Therapy dogs are pet dogs 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. Some of the challenges of using therapy dogs include:

- **No national standard for safety around children** – There is currently no accepted behavior test for dogs to predict whether they will be safe around children. Each facility that uses 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. (This problem alone is enough to rule out the use of therapy dogs in most situations.)
- **Lack of uniform training standards** – The behavior of therapy dogs across the country varies from well behaved to 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** – Therapy dogs must be on leash with their owner/handler whenever they are working. This precludes their use in a number of situations where the presence on a nonprofessional volunteer would be disruptive to the functioning of the criminal justice system.
- **Time limitations** – Therapy dogs are generally limited to working no more than 2 hours a day in order to avoid overstressing the dogs. A therapy dog is a pet, and is not trained to the level of a professional working animal.
- **Extensive staff oversight needed** – The proper use of 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 therapy dog team creates a burden on the staff that can be overwhelming.

### Inappropriate settings for therapy dogs

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

### Forensic interviews

Best practices in forensic interviews dictates that the only person in the room with the child be the professional interviewer if this is possible. The presence of a dog handler could cause the child to be confused and to hesitate to disclose information about criminal behavior. 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 communicate with her dog. 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 should the situation arise where she needs to control her 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. All in all, the presence of a volunteer handler in the forensic interview room is a bad idea.

Therapy dogs 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 in 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 could cause a major problem with the flow of disclosure from a young child. Carolyn Webster, a forensic interviewer in King County, Washington, reports that one good thing about the professional Facility Dog that she uses 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. A dog in a forensic interview needs to be under precise control of the interviewer.

### **Defense interviews**

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 the child grows to know one specific dog, a bond forms between them so that the dog is of even more comfort to the child. Due to the nature of volunteer work, and also the two-hour limitation per day on a therapy dog’s work, a therapy dog team is unlikely to be available for defense interviews and competency hearings. 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.

### **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 chances of misbehavior in the courtroom is kept to an absolute minimum.

The presence of a handler at the end of a 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. 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.

As with defense interviews, a sense of continuity through the use of one professional dog will lend more emotional support to the child than the use of a rotating cast of therapy dogs with different handlers. The 2 hour time limit on the therapy dog’s work 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.

Courtroom work can be very stressful for a dog – there may be angry shouts, an upset defendant, weeping witnesses, and crowded benches. A therapy dog is a pet, unused to this environment. Even a pet therapy dog that occasionally comes to trials will never feel truly at home there. This is in contrast to a professional Facility Dog who is in the courthouse every day, knows all of the lawyers and other personnel, and has learned over time to take it all in stride. The professional working dog will be much less affected by the stress of a courtroom trial.

## **Appropriate settings for therapy dogs**

With excellent planning, a skilled staff, and enough time, a 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 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 therapy dogs to their existing programming.

While Courthouse Dogs does not provide consulting in the use of 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>.