



Nomad Editions

# Good Dog

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**CANINES  
BRING ORDER  
TO THE COURT**

Feature

# Court Tails



BILL FRENCH

**Gathering testimony gets easier with four legs**

By Melanie D.G. Kaplan

When Douglas Lare testified in court last November, he was petrified. The 57-year-old, who suffers from mild mental retardation and cerebral palsy, has the mental competence of a six- to 12-year-old. Over a period of several years, he had been burglarized and scammed out of nearly \$100,000. By the time Lare reached the witness stand to face the man charged with burglary, he felt “betrayed by all people.”

Fortunately, he had someone he could trust: Ellie, an eight-year-old yellow Labrador-Golden Retriever mix, who sat

*Often, a juvenile who has trouble talking to police or prosecutors is able to tell their story with a furry friend at their side.*



**Douglas Lare with facility dog Ellie. COURTHOUSE DOGS, LLC.**

at his feet during the entire testimony.

“I was there with the judge and the person doing the crime,” Lare recounted from the King County courthouse in Seattle, Washington this spring. “It was scary.” But, he said, Ellie calmed him and even accompanied him out of the courtroom when he had to use the restroom.

According to Ellen O’Neill-Stephens, founder of Seattle-based Courthouse Dogs and a King County prosecutor, there are still fewer than two dozen canines working on trials across the country. As word spreads of their ability to help vulnerable victims, for whom the

*“What these dogs do is an incredible help to victims, witnesses and everybody in the criminal justice system.”*



Facility dog Simon with one of his fans.



**Kerris and her handler, Senior Deputy Prosecuting Attorney Kevin Kelly. ATSUKO OTSUKA**



**A Canine Companions for Independence puppy in the courtroom.** CRITES PHOTOGRAPHY / NEW ALBANY, OHIO

judicial process can be just as traumatic as the initial crime, progressive jurisdictions are expressing more interest.

The most common use for dogs is during forensic interviews, in which witnesses or victims as young as three describe what happened to them or what they saw. The interviewer, O'Neill-Stephens explains, cannot suggest words to the child or nod to encourage them, but a pup sitting alongside and taking commands from a young victim provides

*“It’s empowering to the child to be able to take the dog’s leash, and it’s not quite as intimidating to walk up in front of the perpetrator.”*



**Molly B takes a break from working with Courthouse Dogs founder and King County prosecutor Ellen O'Neill-Stephens.** SEAN JORDAN / SEATTLE POLICE DEPARTMENT

comfort and self-assurance. Often, a juvenile who has trouble talking to police or prosecutors is able to tell their story to a dog, or to authorities if there is a furry friend at their side. Allergies or a fear of dogs rarely prevent the four-legged aides from accompanying children into a

courtroom, canine handlers say.

O'Neill-Stephens and Dr. Celeste Walsen, a veterinarian and executive director of Courthouse Dogs, speak internationally about facility service dogs, the term used for canines that work at places like hospitals, schools, and now courthouses. Jurisdictions that want help setting up similar programs contact them daily. Texas, Pennsylvania, and New Mexico have started services like Seattle's within the last 18 months, and O'Neill-Stephens and Walsen recently trained law enforcement officers in Chile to launch their own. This month, they will teach forensic interviewers at the American Professional Society on the Abuse of Children, and in the next couple months, courthouse staff in Hawaii, Louisiana and Massachusetts.

## **A bombproof emotional core**

Courthouse mutts are selected for their temperament — low energy, high social IQ, independence, and solid emotional strength. They train through Assistance Dogs International-accredited groups, of which there are roughly 76 around the U.S., and while their work is similar to that performed by therapy pups placed with the physically and mentally disabled, facility service dogs go through a training process that teaches them to be with a variety of handlers.

"Therapy dogs are not tested for safety around children," O'Neill-Stephens says. "We work with a very vulnerable group and can't take any risks. The last thing I want to see happen is their misuse causing legal issues that would lead to a mistrial or an appeal. What these dogs do is an incredible help to victims, witnesses and everybody in the criminal justice system."

Working with child victims can be difficult and emotionally draining for humans. It can be equally so for dogs. In one video of an interview with a sexually abused 12-year-old from Washington state, the girl displaced her anxiety by petting her four-legged support system for 90 minutes on the same ear. At the end, both sigh loudly. But not only are these canines bred, trained and selected to handle the stress, they make the choice to work, according to Carolyn Clark Beedle, executive director of Assistance Dogs of the West, which placed four courthouse dogs in New Mexico in the last year.

"We don't put dogs to work unless they want to," she says. Their desire becomes clear, she says, when they respond to an individual handler and demonstrate a sincere interest in performing the tasks required.

Courthouse dogs must have a solid



emotional core and be more independent and self-restrained than other service dogs. They have to be able to sit or lie down for several hours at a time, not distract from the proceedings and not respond to loud noises and outbursts. According to Tana Gasparek, a victim advocate in New Mexico's 8th judicial district in Taos and the handler for courthouse Golden-Lab mix Sally, "People could walk over the top of them and they don't react. You want them to be there for the victims, but you don't want them to draw attention. They have to be unobtrusive." That is, until the end of the day, when – just like humans – the vest-wearing dogs take off their work clothes and play.

## Leashing trauma

Although studies have shown canines' ability to lower blood pressure and stress in humans, there is scant research

demonstrating the positive effect of dogs in the courtroom. James Ha, a research associate professor at the University of Washington, is working on the first such inquiry. He has completed a pilot study by examining videos of forensic interviews, looking at anxiety behaviors such as toe tapping and pacing, and hypothesizes that these behaviors could be lowered if the child had a dog. But Ha said the benefits might go far beyond a short-term calming effect.

Ha says mutts may help provide what he calls a distraction effect in interviews – distracting kids from the fact that they are being asked to recount painful events, which can be traumatic in itself. As a result it becomes easier for them to be able to enter the event in their long-term memory. Ha is seeking funding for a more comprehensive study to look at possible longer-term effects.

Even without formal studies, there is plenty of anecdotal evidence that pups in the courtroom are doing important work. In rural southeastern Missouri, three-year-old black Lab Simon supports the seven-county region of the Ozark Family Resource Agency, a social services center. Executive Director Diane Silman says the benefits of his work with their child advocacy center are clear. "We often have issues, particularly with real young children, of them not wanting to separate from their caregivers, who aren't allowed into the interview room," says Silman. "So if a child wants, Simon will accompany them in the forensic interview or court. It's empowering to the child to be able to take the dog's leash, and it's not quite as intimidating to walk up in front of the perpetrator."

Since Simon joined the staff nearly two years ago, he has participated in close to 400 interviews. When kids leave, they get

a little stuffed black Lab with a Simon nametag. The pup also helps out at the organization's crisis center for women and children. "When someone is upset, he can sense it and will put his head in the person's lap," says Silman, who is a therapist. "It's very calming and reassuring. I've had people dissociate in my office when they talk about trauma, but using Simon helps them stay grounded."

## Passing the legal test

Not everyone is thrilled with the idea of canines in the courthouse. O'Neill-Stephens found judges on the East Coast to be more reluctant when it comes to admitting dogs and perhaps more concerned with decorum in the courtroom than their peers in the West. Jurisdictions with dogs also often face defense attorneys who feel the animal will prejudice the jury toward the child.

O'Neill-Stephens counters that testifying in court can be stressful for many people, including defendants, and as a result often makes the dogs available to them as well.

While the majority of comments about courthouse dog Kerris have been positive, Kevin Kelly, the Kitsap County Washington, senior deputy prosecuting attorney and the dog's handler, has filed several briefs with the court in support of his pup – partly in anticipation of argument and partly to help educate the court and defense attorneys about the role of dogs in court.

Thomas Weaver, a criminal defense lawyer in Kelly's county, believes canines can be a distraction. "To a certain extent we are expecting children to behave and react to adult circumstances, most particularly by taking an oath and telling the complete truth about an issue, when we put them in a courtroom," Weaver

argues, even when children are as young as four. But, he says dogs "diminish the solemnity" of the courtroom environment for the child.

Until an official set of guidelines for four-legged colleagues is put into place, their fate is decided on a case-by-case basis, and Weaver says he will continue to argue against them. In a trial last year, in which his client was charged with 12 counts of physical abuse of four children, the prosecutor proposed allowing a dog to accompany the young victims onto the witness stand when they testified; Weaver argued against it. The judge compromised by allowing the dog to sit under the prosecutor's table, in line-of-sight of the children, about 12 feet away, but the victims could not touch the dog. Weaver was happy with the decision.

Before Douglas Lare's trial against the man who robbed him, the defense

attorney objected to Ellie's presence, saying her client was allergic to dogs. The judge offered to accommodate him by providing a barrier or mask to reduce his exposure to the dog and asked that he bring a note from his doctor verifying the condition. The prosecutor in the case says the man neither brought a note nor requested a mask, and when Lare and Ellie walked into the courtroom, the defense didn't say a word.

The jury convicted the defendant on one count of residential burglary, for which he is serving 19 months in prison followed by 19 months of probation; his girlfriend – who had pretended to be Lare's girlfriend – is serving 10 months for theft in the first degree.

As for Lare, he doesn't know if he will ever trust people again, "they took a lot from me that I'll never get back." But he still has lots of love for Ellie, and he'll never forget her. "I owe Ellie," he said, "a

big hamburger, without onions." ■

# About Us

## **Sonia Zjawinski**

Good Dog editor Sonia Zjawinski ("Ahead of the Pack," "One for the Road") is the co-founder of **Pawesome** and a regular contributor to the *New York Times*. She has also written for *Wired*, *ReadyMade*, and *New York* magazines. She lives in Santa Cruz, California with her husband, three cats, and newly adopted dog Milo.

## **Jen Karetnick**

Poet and writer **Jen Karetnick** ("The Dog

Behind... Lee Brian Schrager") is the author/co-author of six books, and is currently working on *Romancing the Mango: Recipes for the Obsessed*, for University Press of Florida. Her work regularly appears in magazines including *MIAMI*, *Florida Travel Life*, *Southern Living* and *Vegas Player*. She lives on the remaining acre of a historic mango plantation with her husband, two kids, three dogs, four cats and fourteen mango trees.

## **Melanie D.G. Kaplan**

**Melanie D.G Kaplan** ("Court Tails") is a Washington-based freelance writer, contributing editor at SmartPlanet/CBS Interactive and travel writer for The Washington Post. She accompanied her beagle Darwin on several cross-country and coastal adventures, logging more than 20,000 miles through 42 states.

## **Martin Usborne**

**Martin Usborne** ("One for

the Road") lives and works in London with his miniature schnauzer, Moose. His current work consists of portraits, both human and animal, and he is particularly interested in capturing the relationship between the two whether directly (when both appear in the frame) or indirectly (as in the case of "MUTE: The silence of dogs in cars", where the human's role is implied). He has published two photography books, *I've Lived in Hoxton for 81.5 years* and *My Name is Moose*.

## **Stuart Luman**

**Stuart Luman** ("Teasing Out the Brain Teasers") is an in-recovery journalist who lives in Chicago with his beautiful wife Tina and their two-year-old terrier/beagle mix Henry. When not drafted for mysterious editorial projects or writing articles to pass the time, he enjoys trying to find ways to occupy his pup with Scandanavian puzzle toys, trips to the dog park, and impassioned pleading.