

April 2018

# Assessing the Perceptions of the Use of a Courthouse Facility Dog Program with Child and Youth Witnesses

Melissa Glazer

*The University of Western Ontario*

Supervisor

Leschied, Alan

*The University of Western Ontario*

Graduate Program in Psychology

A thesis submitted in partial fulfillment of the requirements for the degree in Master of Arts

© Melissa Glazer 2018

Follow this and additional works at: <https://ir.lib.uwo.ca/etd>



Part of the [Counseling Psychology Commons](#), [Courts Commons](#), and the [Law and Psychology Commons](#)

---

## Recommended Citation

Glazer, Melissa, "Assessing the Perceptions of the Use of a Courthouse Facility Dog Program with Child and Youth Witnesses" (2018). *Electronic Thesis and Dissertation Repository*. 5265.

<https://ir.lib.uwo.ca/etd/5265>

This Dissertation/Thesis is brought to you for free and open access by Scholarship@Western. It has been accepted for inclusion in Electronic Thesis and Dissertation Repository by an authorized administrator of Scholarship@Western. For more information, please contact [tadam@uwo.ca](mailto:tadam@uwo.ca).

Abstract

This study evaluates the use of a courthouse facility dog program as a testimonial aid for children and youth testifying in court to help reduce secondary trauma. Court officials' perceptions of the use of a courthouse facility dog program were assessed through a structured interview and a short self-report measure. A total of seven court officials participated in the study. Results indicate that court officials perceive the use of a courthouse facility dog to be beneficial for children and youth who are experiencing challenges testifying in court. In addition, results show that some respondents perceived a degree of bias against the accused related to the use of testimonial aids. Courthouse facility dogs were also perceived to be potentially as beneficial as other testimonial aids provided to children and youth participating in the criminal justice system. Implications and suggested future research are discussed.

*Keywords:* courthouse facility dog, witnesses, secondary trauma, youth, testimonial aid

## USE OF A COURTHOUSE FACILITY DOG PROGRAM

### **Acknowledgment**

While conducting this study and preparing this manuscript I have had the great privilege to be mentored by Dr. Alan Leschied. His passion and energy towards research examining areas within the criminal justice system is inspiring. His commitment to his students is unmatched. I am indebted to him for providing me with the opportunity to work within this field of research about which I too am so passionate. I sincerely thank him for his boundless support, guidance, intelligence and enthusiasm. No words can adequately express my gratitude.

I would also wish to thank my thesis committee member, Dr. Susan Rodger for her exceptional knowledge, input and feedback. In addition, I sincerely thank Dr. Jason Brown, Dr. Linda Weber and Dr. Nicole Neil for graciously giving their time and sharing their unique perspectives within this area of ongoing research.

I extend my gratitude and appreciation to all the court officials who participated in this study by offering their time and energy. This research would not be possible without their willingness to provide their experiences and perceptions regarding the use of a courthouse facility dog program. Their work is extremely challenging and their eagerness to provide additional support to help benefit children undergoing extreme emotional distress while testifying in court is very much appreciated not only for research, but more importantly by these children. I extend my gratitude and the highest admiration to all the children and youth who have found the strength and courage to speak out about their injustice. I also thank them for the opportunity they provided me to try to help others in need, in a way that I could never have possibly imagined.

In addition, I would like to thank my family for their unconditional love and support during this important journey. I appreciate all the values you have instilled in me. Thank you.

# USE OF A COURTHOUSE FACILITY DOG PROGRAM

## Table of Content

Abstract.....	ii
Acknowledgement.....	iii
Table of Content.....	iv
List of Tables.....	vii
List of Figures.....	viii
List of Appendices.....	ix
<b>Chapter 1: Introduction.....</b>	<b>1</b>
<b>Chapter 2: Literature Review.....</b>	<b>2</b>
Theoretical Framework.....	3
Impact of Victimization on Children and Youth.....	4
Animal-Assisted Therapy.....	6
Importance of Accountability of Witnesses.....	8
Ways to Lessen Trauma Symptoms in Children and Youth.....	8
Courthouse Facility Dogs.....	10
Child Witness Project (CWP).....	13
Limitations.....	14
Current Study.....	15
<b>Chapter 3: Method.....</b>	<b>15</b>
Participants.....	15
Integrity of the Researcher.....	16
Research Design.....	17
Measure.....	17

# USE OF A COURTHOUSE FACILITY DOG PROGRAM

Data Analysis.....	18
Procedure.....	18
Inter-Rater Reliability.....	19
<b>Chapter 4: Results.....</b>	<b>19</b>
Themes.....	20
Theme 1: Courthouse Facility Dog Program.....	22
Theme 2: Benefits of Using the Courthouse Facility Dog .....	25
Theme 3: Defense Council's Reservations to the Courthouse Facility Dog Program .....	30
Theme 4: Judicial System Legislation .....	32
Theme 5: Working with Child and Youth Witnesses .....	36
Theme 6: Exclusions from the Courthouse Facility Dog Program.....	37
Theme 7: Important Factors when Testifying .....	39
Summary of Qualitative Analysis .....	41
Rank Order Self-Report Questionnaire Frequencies.....	41
<b>Chapter 5: Discussion.....</b>	<b>44</b>
Interpretation of Findings.....	44
Clinical Relevance.....	47
Policy Relevance.....	48
Future Research.....	50
Research Limitations.....	50
Strengths of the Current Study and Future Research.....	51

# USE OF A COURTHOUSE FACILITY DOG PROGRAM

Summary.....	53
<b>References.....</b>	<b>54</b>
<b>Curriculum Vitae.....</b>	<b>65</b>

USE OF A COURTHOUSE FACILITY DOG PROGRAM

**List of Tables**

Table 1: Interview Themes.....21

# USE OF A COURTHOUSE FACILITY DOG PROGRAM

## List of Figures

Figure 1: Importance of Using a Courthouse Facility Dog.....	43
Figure 2: Potential Concern of Using a Courthouse Facility Dog.....	43



USE OF A COURTHOUSE FACILITY DOG PROGRAM

**List of Appendices**

Appendix A: Ethics Approval.....58

Appendix B: Email Script for Recruitment.....59

Appendix C: Letter of Information.....60

Appendix D: Consent Form.....62

Appendix E: Structured Interview.....63

Appendix F: Ranking Order Measure.....64

Assessing the Perceptions of the Use of a Courthouse Facility Dog Program with Child and  
Youth Witnesses

**Chapter 1: Introduction**

Cotter & Beaupre (2014) indicated, based on police reports, that 14,000 children and youth in Canada were victims of sexual abuse in 2012. Over 300,000 children in the United States attended at Children's Advocacy Centers in 2015 because of being sexually abused (National Statistics on Child Abuse, 2014). Children and youth who report their abuse frequently testify as part of the court process. While adults who testify in court are challenged through the experience, it is even more difficult for children and youth to tolerate their court experiences. When examining past studies, the number of children providing court testimony has been reported as low. Lipovsky (1994) stated that, in places "that require children to testify in nontrial proceedings, such as preliminary hearings or grand juries, a larger percentage of children may be required to give testimony in a courtroom" (p. 240). Attrition rates are also extremely high in cases of sexual abuse, which leads to the necessity of further research in determining the "factors associated with attrition cases, as well as those related to resolution through a plea" (Lipovsky, 1994, p. 240).

Research has identified the extent to which children and youth experience extreme fear and anxiety related to testifying in court, and the degree to which this produces an excessive number of cancellations of hearings. Preparation for court can result in the child or youth experiencing psychological effects that may hamper their testimony. These effects may include traumatic symptoms such as anxiety and fear (McDonald & Rooney, 2016).

Courthouse facility dogs are service dogs that are trained to accompany individuals who are taking part in court hearings to help comfort vulnerable witnesses before, during and after

their trial (McDonald & Rooney, 2016). In an effort to minimize these negative reactions, courthouse facility dogs have been added to the choice of services in Canada that can enable children and youth to share their stories of victimization to the court while minimizing the secondary trauma associated with the experience (McDonald & Rooney, 2016).

The purpose of the current study was to understand the role of a courthouse facility dog and the perceptions of court officials regarding the program. In addition, the role of a courthouse facility dog was evaluated as a different avenue for a therapeutic approach in reducing secondary trauma for these individuals.

## **Chapter 2: Literature Review**

Canadian evidentiary rules focusing on supporting victims' court testimony began to change between the years of 1988 to 1993. This resulted in alterations in the ways in which children and youth can testify (Stewart & Bala, 1988). In 1988, Bill C-15 provided modifications to the *Canadian Criminal Code* pertaining to children who were victims of sexual offences. Bill C-15 added provisions to facilitate the testimony of children in court using strategies such as videotaping evidence, closed-circuit television (CCTV) and screens that protected child victims from having to view their alleged perpetrator (Stewart & Bala, 1988).

Following the introduction of Bill C-15, an educational process was implemented to inform court related personnel regarding new child sexual abuse legislation in Ontario in working more effectively in the justice system with respect to investigation, prosecution, prevention, and treatment in cases with minors (Stewart & Bala, 1988). These changes to Canada's evidentiary procedures were an attempt to minimize the negative psychological effects and secondary trauma that child and youth witnesses experienced without influencing their testimony.

However, despite these attempts in minimizing trauma while testifying against their alleged perpetrator, child and youth witnesses continue to suffer additional trauma during their exposure in court (Holder, 2012). Attempts to minimize these effects have included the use of privacy screens between the child and the alleged perpetrator, and videotaped testimony (Holder, 2012). The benefits of using videotaped testimony are that police officers can record the child or youth telling their story without the negative consequences of having to physically confront or be exposed to their alleged perpetrator. There are also the potential options where a child or youth may not have to physically appear in the courtroom during their testimony, but rather in a separate room or location (Stewart & Bala, 1988).

Service dogs have been recently introduced into courthouses for child and youth victims who are testifying in court. In the past, service dogs have been trained to perform work and complete tasks for an individual experiencing a disability, for emotional support, comfort and to strengthen feelings of independence for the child or youth witnesses (McDonald & Rooney, 2016).

### **Theoretical Framework**

Currently there is only modest support for the use of courthouse facility dogs in reducing trauma symptoms in children and youth who are called upon to provide testimony. The current research utilized the methodological approach of phenomenology, which studies individuals' subjective experiences with respect to particular events (Englander, 2012). By using qualitative measures to collect data, the goal of the phenomenological researcher is to collect descriptions from their participants by demonstrating subject-subject relations. Gathering descriptions from participants is an "attempt at a discovery of a human scientific meaning of a particular

phenomenon” (Englander, 2012, p. 15). The current study’s primary purpose is to understand the perceptions of court related personnel in use of a courthouse facility dog in the court process.

### **Impact of Victimization on Children and Youth**

The impact of victimization on children and youth who testify in court has been controversial, as studies have identified trauma symptoms as a consequence of testifying, while others have found a lack of wounding effects on child victims (Quas & Goodman, 2012). Factors such as the child’s age, the numbers of exposures testifying in court, court delays, and poor understanding of the court process have led to psychological distress in children who are participating in the criminal justice system (Quas & Goodman, 2012). Contrary to popular belief, “older children and adolescents may actually be more adversely affected by some features of legal involvement” (Quas & Goodman, 2012, p. 392). Quas, Goodman, et al. (2005) conducted a longitudinal study of children who had been sexually abused and were involved in criminal prosecutions. They found that participants ages four to six years reported feeling slightly positive about being in court while waiting to testify, whereas older children, ages 7-17 conveyed experiencing negative emotions regarding being at the courthouse (Quas et al., 2005). Quas et al. (2005) obtained differing results since, as the children grew older, they had a better understanding of what occurred in the criminal justice system. This increased knowledge regarding the stressful situations may have been the primary factor that led to an increase in their anxiety during their testimony. It was also reported that older children were questioned for a longer period of time, and prosecutors were less supportive when questioning the younger children (Quas et al., 2005). It was also found that “older children were more anxious about having to testify and were more emotional in court than younger children, a pattern that stands in

contrast to the developmental literature revealing age-related decreases in children's distress responses to salient personal experiences" (Quas et al., 2005, p. 95).

Research has found that the more the child testified, the greater the risk of secondary traumatic symptoms (Quas & Goodman, 2012). Quas and Goodman's (2012) research "compared behavior problems between children who testified in their cases and children who did not testify but were matched to the testifiers on key demographic (e.g., age) and abuse (e.g., type of sexual acts) characteristics, and on behavioral adjustment" (p. 399). They found that those children or youth who did testify repeatedly had increased sexual difficulties, defensive avoidance issues and demonstrated internalized symptoms (Quas and Goodman, 2012). The child or youth's anticipation for the start of the trial may also result in additional distress with reactions such as crying, negative mood and attitudes. This may justify the need for interventions to be implemented immediately in order to minimize future psychological symptoms (Quas & Goodman, 2012). Nevertheless, research still appears to be inconclusive with respect to the number of times children or youth testify and the degree to which distress is experienced.

In circumstances where there is a delay in the court proceedings, the child or youth may experience emotional exhaustion. Emotional exhaustion is defined as a lack of psychological and physical energy where it becomes difficult to recuperate. This state increases symptoms of anxiety and depression, which may result from reactions of stressful life events (Smith, 2016). Preparation in the form of educating the child or youth prior to entering the courthouse is necessary and may help in decreasing their levels of emotional depletion during this stressful experience (Quas & Goodman, 2012). The child must try to understand that the criminal justice system is a place that is designed for adults rather than children (Lipovsky, 1994). The witness and their family need to appreciate how a trial proceeds before it begins. Lipovsky (1994) found

that both children and parents feel that “having information about what to expect throughout their involvement with the criminal justice system” is very helpful” (p. 245). Planning for the child to potentially see their alleged perpetrator should also be discussed. Actions such as bringing the child into the courtroom earlier than the set time may limit the child from having to physically confront and be exposed to non-supportive people. It is inevitable that there may be times where this plan is unsuccessful. Approaches should be implemented in order to help the child cope with these traumatizing experiences (Quas et al., 2005).

### **Animal-Assisted Therapy**

In recent years, animal-assisted therapy [AST] has been shown as a resource to significantly decrease traumatic symptoms for children who have been victims of sexual abuse. Working with children who had been sexually abused, Dietz, Davis, and Pennings (2012) utilized a mixed methods design in evaluating animal-assisted therapy in a group treatment format and assigned children to one of three groups. Each group had a standard therapy protocol. The first group had no dog present; the second group had a dog present and a story attached to connect the dog's visit; and the third group had a dog present and no story attached to the dog's visit. These researchers reported that children in both of the therapy dog groups demonstrated significant decreases in trauma symptoms such as anxiety, depression and posttraumatic stress disorder (Dietz et al., 2012). However, children in the group where the therapist presented a relevant story with the dog present showed greater decreases in trauma symptoms than children in the dog group without an accompanied story (Dietz et al., 2012).

It has also been demonstrated that many children who have been subjected to sexual abuse may experience difficulties in expressing their emotions because of being traumatized (Dietz et al., 2012). This produces a barrier and challenge for these children and youth to provide

testimony related to their experience of abuse. Dietz et al. (2012) stated that animal-assisted therapy "has been promoted as a way to create a safe environment of trust and acceptance, which is particularly important in the treatment of child sexual assault and posttraumatic stress disorder" (p. 666). As well, the children who participated in dog therapy in addition to the standard treatment exhibited greater attentiveness, alertness and openness when therapy dogs were present (Dietz et al., 2012). From these observations, these findings would be generalizable to children who are sexually or physically abused who are testifying in court. AST could help these overly anxious and traumatized victims during a trial procedure, influencing their ability to testify effectively in court. It has been shown by Beck (1985) that using animal-assisted therapy has therapeutic results that "are often immediate, even in difficult-to-treat patients who were previously withdrawn, uncooperative, and uncommunicative" (McDonald & Rooney, 2016, para. 9). These immediate results may be beneficial when supporting child and youth witnesses within the criminal justice system.

Crossman, Kazdin, and Knudson (2015) evaluated whether a dog's presence could be therapeutic. Participants were randomly assigned to one of three groups. The first group had no interaction with a dog; the second group viewed the dog but did not interact with it; and the final group interacted with the dog. The researchers analyzed the participants' past experiences with dogs and their attitudes towards dog therapy. It was found that when the participants interacted with the dog, there were significant decreases in State/Trait Anxiety Inventory scores, greater increases in Positive Affect scores, and greater reductions on the Negative Affect scale compared with those in either of the two control groups (Crossman et al., 2015). The participants' attitudes before exposure to dog therapy had no significant effect on individuals' positions towards the



intervention. This study demonstrated that interactions with dogs created positive feelings, and are a cost effective way of providing comfort to individuals in need.

### **Importance of Accountability of Witnesses**

When children and youth testify in court, it is extremely important to ensure that they are able to communicate their evidence clearly and accurately. It has been shown that “live testimony is arguably better for both the prosecution, who will be able to benefit from the jury observing the actual victim, and the victim, who may additionally prove to be an ‘attractive witness’” (Dellinger, 2009, p. 178). The concept of an “attractive witness” is linked to the court’s idea of having a trial that is fair for both sides and minimizes prejudice as much as possible (Dellinger, 2009). Live testimony is also preferred because the defendant’s rights are less likely to be hindered if the witness is present in court (Dellinger, 2009). Swim and colleagues (1993) examined the differences between a child testifying live in court, compared to videotaped depositions. The participants who acted as mock jurors viewed a child abuse trial that was recorded, and were asked to complete pre-test and post-test questionnaires. The pre-test questionnaire acquired about the participants demographics and whether they had been involved in a court case themselves and / or as a jury member. The final questionnaire inquired about their verdict and perceptions towards the key trial partakers (e.g. defense lawyer, prosecuting attorney, the child victim, the accused, etc.) (Swim et al., 1993). The study found that the more serious the criminal offense, the more the mock jurors preferred hearing the child testify in open court before rendering a guilty verdict (Marsil, Montoya, Ross & Graham, 2002).

### **Ways to Lessen Trauma Symptoms in Children and Youth**

As stated above, children and youth who are testifying in court may experience difficulties and anxieties. There are several approaches that are implemented for these children

and youth to maintain their psychological well-being and to decrease their level of distress during the trial process. The approaches that are commonly implemented include the use of a barrier screen and closed-circuit television. The screen contains a one-way glass mirror where the audience can see and hear the witness testify, but the witness cannot see or hear anyone in the courtroom aside from the judge (Bala, Paetsch, Bertrand & Thomas, 2011). A closed-circuit television is also utilized for a vulnerable witness who testifies in a separate smaller room that has a screen showing the judge. There are televisions in the courtroom where one can see and hear the witness testifying (Bala et al., 2011). These testimonial support provisions are both under section 482.6 of the Canadian Criminal Code (CCC), which states that the young witness may testify outside of the courtroom or behind a screen for children who do not want to view the accused perpetrator while on the stand (Burd, 2013).

Children and youth also utilize comfort objects while testifying, which “often are allowed when there is a compelling or particular need for the use of such an item” (Burd, 2013, p. 8). Examples of comfort objects include stuffed animals, dolls or childhood blankets. Having a support person with a child or youth while testifying is on occasion permitted within the courtroom. Support persons are individuals that the child or youth feels that they can trust (e.g. guardians, other family members, mental health professionals, etc.). It has been shown that having a support person present when a child or youth is testifying can reduce additional trauma. Unfortunately, it can also be viewed as unfair for the alleged perpetrator because bias may exist (Burd, 2013). McAuliff, Nicholson, Amarilio and Ravanshenas (2012) found that support persons can reduce a child's levels of stress and increase their credibility as well as their accuracy when testifying in court. McAuliff et al. also reported that “with respect to accuracy, support person use was believed to increase accuracy more in child sexual abuse, child physical

abuse, and divorce/custody cases compared with child neglect cases” (McAuliff et al., 2012, p. 106). In a case where an eight-year-old child was raped by her stepfather, the victim sat on her aunt’s lap while testifying in court. This was thought to be extremely beneficial in obtaining accurate testimony (State v. Johnson, 1986). The support person portion of the law falls under CCC S. 486.1 where the witness may choose a support person to be present while they testify, unless the judge or jury finds it to be interfering with the administration of justice (Government of Canada, 2016). Most importantly for this study, the use of a courthouse facility dog has begun to be accepted in some courthouses in Canada (Bala et al., 2011). This is a novel approach that is compared primarily with comfort objects and support persons for children or youth who are experiencing secondary trauma symptoms during their criminal justice experience.

### **Courthouse Facility Dogs**

Children testifying in court require as much support as possible during this anxiety provoking experience. Courthouse facility dogs are “specially trained dogs that are present in court to assist witnesses or victims who may be frightened or nervous about testifying” (Sandoval, 2010, p. 17). The rationale for the utilization of facility dogs is to create an empowered feeling for the fearful child or youth testifying. Courthouse facility dogs are beginning to be implemented worldwide because they make hearings more productive with accurate face-to-face testimonies, and may help decrease secondary trauma (Dellinger, 2009).

The use of a courthouse facility dog is “most effective if the witness has had an opportunity to bond and interact with the dog during pre-trial interviews” (Sandoval, 2010, p. 21). An example of a case where a courthouse facility dog had a significant impact for a child during their testimony includes eight-year-old twin girls. They were testifying against their father who had been charged with sexual abuse. The children were reportedly terrified in the

courtroom, and the mother as well as the court officials were running out of options to calm the girls down in order to testify. Court officials brought in a dog named Jeeter to comfort the girls during their testimonies. Subsequently, the girl's mother reported, "Without Jeeter, they never would have testified" (Dellinger, 2009, p. 175-176). The mother described how "It's hard to explain but he just had a tenderness about him that helped them find the strength they needed to tell the story they couldn't" (Clarridge, 2005, para. 10). The presence of these types of dogs has shown to have a positive influence on "physiological symptoms of stress and anxiety such as high heart rate, high blood pressure, rapid breathing, and dissociation" (McDonald & Rooney, 2016, para. 7). Repeated testimonials of children or youth witnesses who feel increased comfort and less trauma when using a courthouse facility dog will strengthen the validity of their use.

*What does a courthouse facility dog do?* The role of a courthouse facility dog is to provoke a sense of support and comfort during a potentially psychologically distressing event. The dog is able to sit or lie down next to the witness for an extended period of time (Courthouse Dogs Foundation, 2018). They must be emotionally available to the witness whenever the need arises, whether that be placing their head on the individual's lap or being pet for long periods of time. The witness may "hold the dog's leash while testifying or use the dog as an opportunity to look or speak to the dog instead of to the examiner, who may be extremely intimidating" (Sandoval, 2010, p. 17). The dog's calming presence is meant to help ground the witness during their court hearings.

*Training standards.* Courthouse facility dogs must come from and belong to an accredited service dog agency that meets standardized training placed by Assistance Dogs International (ADI). All dogs operating as a facility dog can be expected to behave according to the training standards (Assistance Dog International, 2018). The facility dog is taken care of by

one primary handler who works within the area of its service. The facility dog must be able to respond to commands at least 90% of the time on the first request in both public places and in the home environment. They must also display obedience by responding to voice and/or hand gestures for commands such as sitting, staying in place and lying down. They must also walk near the handler in a controlled fashion and come to them when requested (Assistance Dogs International, 2018). Overall, the dog must remain calm and demonstrate respectable social behaviour when interacting with a variety of different types of people. ADI mandated assistance dog programs record monthly follow-ups with the courthouse facility dog handler during the first 6 months subsequent to their placement and yearly after the 12 month graduation of their training (Assistance Dogs International, 2018).

*What about the defense's rights?* Defendants' rights to a fair trial and an alleged violation of their Charter of Rights and Freedoms is a position that becomes a major concern when using a courthouse facility dog or any alternative method for children or youth witnesses who are testifying in court. It may be construed that such attempts to mitigate the trauma for the child creates prejudice against the defendant by highlighting the vulnerabilities of the child or youth. Defendants and defense lawyers become concerned that the jury or judge may become biased against the defendant as these alternative approaches display a sense of weakness, innocence and construct themes around victimization (Dellinger, 2009). The presence of a courthouse facility dog during a trial may create a prejudicial influence, as a visual signal that can evoke emotions such as purity and sympathy (Dellinger, 2009). Conversely, when dogs are "kept out of the jury's sight, they probably have less impact than if a young witness is clutching a stuffed animal or has a person nearby for support" (Johansson, 2012, para. 23). In order to decrease bias towards the perpetrator, the dogs should not be a visual distraction or reminder for the jury or judge. Judges

also have the duty to instruct jurors not to exhibit bias when there is the knowledge of a facility dog providing support to the witness.

Research has shown that “allowing a dog to assist a testifying child is less prejudicial and has a lesser effect on a jury than an adult accompanying the child to the stand” (Dellinger, 2009, p. 186). Dogs have been displayed as demonstrating “neutrality” because they do not “understand any of the legal and factual arguments” (Dellinger, 2009, p. 186). Despite the fact that court officials and the public eye have their own opinions on the use of a courthouse facility dog, it is important to consider that without utilizing this modality, several children and youth would be unable to testify against their perpetrator, and their right for justice would be abandoned.

### **Child Witness Project (CWP)**

Family court clinics are committed to supporting children as well as their families who are experiencing challenges when involved within the criminal justice system. Family court clinics are responsible for providing programs aimed at addressing the challenges and struggles that these individuals are facing. They undertake research to inform the public about their services in relation to their clinical work.

The Child Witness Project (CWP) is a program that helps children and youth who are testifying in court for cases that involve primarily sexual or physical abuse (“Child Witnesses in Canada,” 2002). The mental health professionals who are part of the CWP provide services for these individuals in order to prevent or lessen the effects of secondary trauma. They also help prepare children and youth in providing accurate testimonies during their court hearings. The CWP receives referrals and aid in court preparation, capacity assessments, victim impact statements, criminal injuries compensation reports, expert testimonies and Crown consultation

("Child Witnesses in Canada," 2002). The preparation process for court ranges from three to eight sessions, and entails education, stress reduction, coping strategies and emotional support for the families ("Child Witnesses in Canada," 2002). Recently, some clinics in Canada have used a courthouse facility dog with many of their clients. In determining whether a dog should be present during a child or youth's testimony, a mental health professional working with the CWP will make the Crown aware that the child or youth would benefit from the facility dog. The Crown then makes a formal request to the judge asking to allow a courthouse facility dog to be present during the trial. The decision is often based on the level of anxiety a child or youth is experiencing and the severity of the offence. Unfortunately, because this approach for using a courthouse facility dog is relatively novel, there is no formal process at this point in time.

### **Limitations**

Due to the fact that courthouse facility dogs are new in their support of children and youth in the court processes (especially in Canada), there is a lack of evidence-based research. Despite this main limitation, the studies that have been assessed pertaining to animal-assisted therapy can help support the need for courthouse facility dogs in Canada's criminal justice system. Many of the studies that were reviewed throughout this introduction contained self-report measures to assess variables of interest. Response bias may arise due to the fact that participants may respond to the questionnaires in a way that is inconsistent with their true beliefs (for example, if the respondents believe that the results of the study may be used to implement new policies and they believe those policies would be helpful). There is a lack of qualitative studies, which would be beneficial as the current study contains a mixed-methods exploratory research design. This current study will advance the literature in both the areas of courthouse

facility dogs and court officials' attitudes towards alternative methods within the criminal justice system.

### **Current Study**

This study examined court officials' views and attitudes regarding the use of courthouse facility dogs with vulnerable children or youth who are witnesses and / or victims, and who require further assistance during the criminal process. Additional research is required to determine if the presence of a courthouse facility dog results in a bias in jurors and judges against the accused from the perception of court related personnel. In addition, a more thorough understanding regarding the utilization of a courthouse facility dog compared with other approaches (e.g. screens, video recordings, adjoining rooms, comfort objects, support persons) was evaluated. If this approach provides a benefit for these witnesses with minimal bias, more accurate and cooperative testimonies in court can be achieved. A courthouse facility dog was utilized in a number of court cases within a large southwestern Ontario city, with a cohort of approximately 150 children and youth who are experiencing anxiety and concerns about testifying in court. Observations from this study were evaluated regarding the impact on vulnerable witnesses of the courthouse facility dog that was being used and on the experiences of lawyers and court officials that occurred in a large family court clinic.

## **Chapter 3: Method**

### **Participants**

Seven participants were involved in completing the study. These participants reflected a range of disciplines involved in the court process such as crown attorneys (3), defense counsels (3), and employees from the Child Witness Project (1). Crown attorneys provide services in the prosecution of criminal allegations whereas defense counsels represent clients who have been



charged with criminal misconduct. Child witness workers provide support and court preparation for child and youth witnesses who are testifying in court (“Child Witnesses in Canada,” 2002). All but one of the participants experienced the direct use of the courthouse facility dog in a court trial.

A senior manager from an urban-based family court clinic in southwestern Ontario provided a list of potential participants for the study. The potential participants were contacted through email with a letter of invitation to provide an understanding of the study (see Appendices A & B). The letter of invitation provided a brief outline regarding the use of the courthouse facility dog program within the criminal justice system to assist child and youth witnesses with pre-trial preparation as well as during their testimony. Interested participants were asked to contact the researcher, and interviews were held at the convenience of the participants. Crown attorney’s interviews took place at the Court House where interviews with various defense counsels and the child witness worker took place in their own offices. Participant recruitment was guided through convenience sampling of court officials who were knowledgeable and willing to participate in the study. Furthermore, the participation was voluntary and the inclusion criterion was comprised of individuals who worked within court related professions.

### **Integrity of the Researcher**

The researcher’s motivation in conducting this study was to understand court officials’ reactions and perceptions in the use of the courthouse facility dog program. It was important to the researcher to understand these views as it allowed feedback based on a novel testimonial aid being used for children and youth witnesses testifying in court who may experience emotional or psychological difficulties. This study provided an investigation of the degree to which this

testimonial approach was beneficial relative to other aids being used without comprising the court process. It asked court officials their opinions regarding whether children and youth witnesses experienced a degree of safety during their participation in the criminal justice system in helping to produce candid testimony. Objectivity was maintained throughout the study following Creswell's research approach for facilitating and implementing qualitative analysis (Creswell, Hanson, Plano Clark & Morales, 2007).

### **Research Design**

This study was a mixed-methods exploratory research design. The qualitative component consisted of a structured interview that elicited the perceptions and attitudes in the use of a courthouse facility dog with children and youth who testify in court. The quantitative component included participant's rank ordering the use of a facility dog with other witness supports in a questionnaire. The questionnaire evaluated the participant's perceptions of the degree to which the use of a courthouse facility dog was perceived as effective relative to other approaches already in use to decrease secondary trauma with child and youth witnesses.

### **Measure**

**Structured Interview.** Participants were provided with five prompt questions regarding the impact of utilizing a facility dog within the criminal justice system. Responses also elicited comments pertaining to issues of supporting the child or youth in the court process as well as understanding the concerns regarding the use of a courthouse facility dog on the overall court process (see Appendix E). A sample question included: "In the context of supporting a child or youth witness, where do you foresee the potential use of a courthouse facility dog in supporting children or youth witnesses?" Another item that the participants were invited to respond to was

“Could you describe your experience of the kind of child or youth witness who you think would benefit from the use of the courthouse facility dog program?”

### **Data Analysis**

Participant’s structured-interviews were audio recorded and later transcribed into transcripts or field texts. The transcripts were read to grasp the overall representation of the data. “Meaning codes” were assigned to the transcripts in which labels that were developed from the participant’s narratives were assigned to data fragments that contained common meaning descriptions of the data (Carpenter & Suto, 2008). These descriptions were then organized into general themes to support the thematic analysis. Narrative research is implemented by “gathering data through collecting their stories, reporting individual experiences, and chronologically ordering the meaning of those experiences” (Creswell et al., 2007, p. 240). Thematic analysis derives from the ideas that are reflected in the data in relation to the research question that characterizes a pattern of responses from the participants being studied (Braun & Clarke, 2006).

**Ranking Questionnaire.** To assess the degree to which participants viewed the effective use of a courthouse facility dog relative to alternative approaches already implemented within the criminal justice system for child and youth witnesses, a self-report measure was administered. This questionnaire required the participants to rank from (1) ‘*greatest*’ to (6) ‘*least*’ based on how important certain strategies were viewed in lessening trauma for children and youth who were testifying in court (see Appendix F). Participants were also requested to rank order from (1) ‘*greatest*’ to (6) ‘*least*’ the strategies that would elicit potential concerns during the court process when working with child or youth witnesses. Data analysis consisted of statistical frequencies through SPSS statistics software.

### **Procedure**

Upon commencement of the study, participants were requested to complete the consent form where they acknowledged that they understood their role of participating in the study. (see Appendix D). Following completion of the consent form, participants took part in an approximately 20 minute structured interview. Following the formal interview, a short self-report questionnaire was completed, which took approximately 8 minutes.

### **Inter-Rater Reliability.**

Upon the completion of the analysis, an impartial second coder assisted in inter-rater reliability to review the narrative thematic analysis. This coding ensured that consistency was being maintained during the thematic coding of the transcripts. Ten randomly selected direct quotes from the participants were analyzed and coded by the impartial coder where they assigned different themes to the data. Inter-rater reliability was an estimated value of 70%. This provided support and dependability regarding the data analysis that was conducted.

## **Chapter 4: Results**

The courthouse facility dog program has been used as an additional testimonial aid for vulnerable children and youth who are testifying in court as part of criminal proceedings against their alleged perpetrator. Two hypotheses were generated regarding court officials' perceptions of the program. First, it was hypothesized that the court officials would perceive this approach as having beneficial therapeutic implications depending on the child's degree of emotional difficulty. This information was acquired through the structured interview. The second hypothesis evaluated the additional benefit of implementing courthouse facility dogs for vulnerable children and youth compared with approaches that were currently being used (e.g. screen, closed-circuit television, recorded statements, adjoining room, comfort objects or a support person). This was analyzed by the use of a two-item rank order self-report measure.

**Themes**

Seven overall themes were constructed after transcribing the structured interviews of the seven participants. Interviews were used as the basis of allocation of the court official's perceptions of the courthouse facility dog program. The benefits and concerns regarding the implementation of the program were assessed through the use of the interview. In order to report on the nature and degree to which the professional disciplines within the justice system considered the approach of using a courthouse facility dog of value as well as potentially biasing, narrative thematic analysis was completed (Cresswell, 2013). Although certain portions of the narratives may have contained more than one theme, a single thematic rating was assigned to the present the data. Summaries of participant's thematic evaluations are summarized in Table 1.

Table 1: Interview Themes

Participant	Theme 1		Theme 2		Theme 3		Theme 4		Theme 5		Theme 6		Theme 7		Total Rating
	N	%	N	%	N	%	N	%	N	%	N	%	N	%	
P1	10	32.26	9	29.03	3	9.68	7	22.58	0	0	2	6.45	0	0	31
P2	8	36.36	6	27.27	4	18.18	1	4.55	2	9.09	1	4.55	0	0	22
P3	10	23.26	18	41.86	5	11.63	5	11.63	4	9.30	0	0	1	2.33	43
P4	25	47.17	13	24.53	3	5.66	7	13.21	0	0	3	5.66	2	3.77	53
P5	9	33.33	5	18.52	2	7.41	1	3.70	3	11.11	4	14.81	3	11.11	27
P6	12	41.38	6	20.69	5	17.24	1	3.45	2	6.89	3	10.34	0	0	29
P7	19	38.78	9	18.37	11	22.45	4	8.16	0	0	1	2.04	5	10.20	49
Total N for Theme	93		66		33		26		11		14		11		254
Mean	13.29		9.43		4.71		3.71		1.57		2		1.57		36.29
Standard Deviation	5.85		4.30		2.76		2.65		1.50		1.31		1.76		11.07

- Theme 1:** Courthouse Facility Dog Program
- Theme 2:** Benefits of the Courthouse Facility Dog Program
- Theme 3:** Defense Council’s Reservations to the Courthouse Facility Dog Program
- Theme 4:** Judicial System’s Legislation
- Theme 5:** Working with Child and Youth Witnesses
- Theme 6:** Exclusions for the Courthouse Facility Dog Program
- Theme 7:** Important Factors When Testifying

**Theme 1: Courthouse Facility Dog Program**

The courthouse facility dog program is an accredited component of the Child Witness Project and serves as a testimonial aid to help assist child or youth witnesses who face the challenging task of testifying in court. The facility dog is used in the preparation of the court trial process and during the individual's testimony. The overall theme of the courthouse facility dog was comprised of five components within the data. The first concept includes information regarding the use of the courthouse facility dog program. There are numerous ways that the facility dog has been used within the criminal justice system to either prepare the young witnesses or support them during their testimony. The second theme reflects the court official's relationship to the courthouse facility dog program. This may include how they personally felt about the program or how they have been directly involved in the program. It also incorporates the court official's position in the criminal justice system in relating it to the role of the courthouse facility dog program. The third theme focuses on the creation of the courthouse facility dog program within the court clinic. This involves the steps that were taken in order to introduce this program within the criminal justice system and the understanding of how it was formulated. Additionally, it encompasses the rationale as to why the courthouse facility dog program was created for youth witnesses. The fourth theme is based on the use of combining the courthouse facility dog program with other testimonial aids that are already implemented for child and youth witnesses. The fifth theme reflects the prior knowledge regarding the courthouse facility dog program; this meaning code also includes how the court officials were initially notified about it.

**Meaning code 1: Use of the Courthouse Facility Dog Program**

“My understanding is that the courthouse facility dog comes to court with the child

witness worker. The dog is available to meet with witnesses you know during meetings before court that she can go into court and that she can even you know attend the stand with the child although I haven't seen it, it's my understanding that's one of the roles. And that it's not just for victims or witnesses because I believe as well the dog has been used in the youth therapeutic court to assist even accused people who are traumatized and need the you know to be stabilized and she serves that role there."

"So it's not just for children but I've had experiences where the courthouse facility dog here is brought into meetings with adults as well, not just children but adults who might be feeling reluctant to participate in the process because a courthouse is such a sort of sterile unnatural environment."

"So I know that they're available for the witnesses and complainants slash victims for the crown but I also know that because I'm a defense lawyer, I know that the dog and its services are available for my clients as well. Especially clients I have in the youth therapeutic court that have special needs, so I know that the courthouse dog is available for that purpose."

### **Meaning code 2: Court Professionals Relation to the Courthouse Facility Dog Program**

"No, I don't [have concerns about the facility dog] because I mean I've used instances of the dog for one of my clients who is a special needs therapeutic client."

"So I've seen her handler in the courthouse as well but I don't know much more than that frankly."

"I love the courthouse facility dog."

"Ya I mean I don't think you would get very far as a defense lawyer to object to it



[courthouse facility dog]. I think judges are from what I'm hearing are thinking this is a pretty positive thing and you're certainly going to come off as a meany."

### **Meaning code 3: Creating the Courthouse Facility Dog Program for Court Clinics**

"I was able to join her on conference calls with people across Canada who also have facility dogs so it was people who wanted them and people who had them. They kind of just got together and were just like a community of practice exchanging information that kind of thing so that was *SIC* I never heard of a facility dog before then but I thought it was a fantastic idea."

"We and by we, I think it was CWP or whatever programs that they work with decided to refer to the dog as a facility dog just to keep it very neutral."

"Just the idea was just to make it a little bit easier for kids in the courthouse."

### **Meaning code 4: Combination of the Courthouse Facility Dog and Other**

#### **Testimonial Aids**

"So they still have CCTV, which they use a lot with the courthouse facility dog."

"Having a support person there like the child witness worker, so familiar face and then I think the dog just adds to the increasing comfort level with the child."

"Whether it's the dog in the CCTV room, or the dog in the courtroom, or the dog just outside of the room want *SIC* to take in between breaks if the dog for some reason the dog can't come in the courtroom at least have the dog outside."

### **Meaning code 5: Prior Knowledge of the Courthouse Facility Dog Program**

"We knew in advance that this program was happening in the southwestern Ontario city and that we would be the first one in Ontario and that the dog was going to be our facility dog."

"We were given a lot of information beforehand and we also did a talk during one of our staff meetings with all of our legal staff."

"So my understanding so there was a child witness worker organized *SIC* a meeting and also not only a meeting but I think there was also a seminar. We had people from a different province, actually I think they were from the states by tele videoconference and they spoke. It was an open seminar available to defense, crown, judges, anyone in the courthouse who wanted to attend to educate everyone about the purpose of the courthouses facility dog and so that was how I learned about."

"So I think I was probably made aware of it initially by way of an email that was disseminated to crown and defense council."

"Just everyone needs to be well educated about the purpose and the use of the dog."

## **Theme 2: Benefits of Using the Courthouse Facility Dog**

This theme focuses on the psychological and physiological benefits of using a courthouse facility dog for specific child and youth witnesses before, during and after testifying in court.

The first concept addresses the idea that the facility dog helps create a sense of familiarity for the young witnesses during a time where there may not be a high degree of consistency. The second factor reflects the support that the dog provides during the time when the witnesses are in court.

The dog may be lying next to the child or youth in the courtroom or in the CCTV suite. The third relates to obtaining candid and accurate testimony by situating the facility dog near or next to the child or youth. The fourth factor is the facility dog's presence providing a sense of safety for the youth witness during a time when they may be feeling frightened and unsettled. The fifth concept addresses the idea regarding how the facility dog benefits the court officials in building rapport during their time spent preparing for testimony or being in the courthouse. The sixth is the

physical benefit of the courthouse facility dog. This could entail the physiological response of being near the dog or the result of the child and youth being able to touch the dog. The seventh factor is the degree to which the facility dog helps the child or youth witnesses initiate their testimony. This may include the child or youth feeling in control during a time when they may not experience a high degree of power or autonomy. The last meaning code reflects the idea that the facility dog is a teammate or companion during their time in the criminal justice system. The court process can be extremely alienating and lonely; having a facility dog close by may provide the child or youth to feel as though they have a partner on their side.

### **Meaning code 1: Familiarity**

"I think it just generally puts them at ease and it's also important with child witnesses specially to have some consistency and so if every time they come you know from the very first meeting with CWP to the day that they're testifying at trial if every time they're coming they get to interact with the courthouse facility dog it becomes a comfort thing to them. They get more and more comfortable and also it's sort of reliable and even if something *SIC* they'll go well I'll have the courthouse facility dog there."

"You know they're obviously in an environment that is foreign to them, dealing with perfect strangers you know and adults who are perfect strangers so you know where they're having to recount difficult allegations of assault or sexual assault."

### **Meaning code 2: Support During Sentencing**

"I think the courthouse facility dog has the potential to help any kid from any *SIC* who's it doesn't matter the type of victimization, it doesn't matter which level of court or how they *SIC* if are testifying in courtroom or CCTV. I think courthouse facility dog could help all children as long as they want the facility dog there."

"Most children I know love animals, love dogs and most children I know are very apprehensive about testifying and just even having someone there with them you know. For years now children have been allowed on application to have a support person with them but the instructions are always you know the support person you know they can't say anything, can't signal, their very presence their very silent presence *SIC*. The courthouse facility dog too would be *SIC* very silent presence but I know that personally I would probably derive more comfort from a dog being than a person standing behind me."

"She was quite difficult as a witness in answering my questions but she became obviously emotional and she began to cry and so the judge said hold on stop the proceeding do you want a break and she said no I just want to get this over with and then the judge said "well hold on get the dog up here he said where's the dog, get the dog up here."

### **Meaning code 3: Acquiring Candid Testimony**

"Anything that a dog such as a facility dog can do to calm and sooth and have the courthouse facility dog put them in a better place and less fearful about being involved in the process has tremendous benefit not only to the child's emotional well being but also in terms of getting a fuller more candid account of what happened to them."

"If the introduction of the courthouse facility dog meant that the child was able to give better more efficient evidence than I think generally that's a good thing."

"Ya so I mean much like we've just been talking about you know it's another layer of comfort perhaps for the child witness with a view to securing better evidence from that child witness."

### **Meaning code 4: Safety**

"I think it's [facility dog] just really helping reduce their stress level, their fear, helping them feel more comfortable as their undergoing this extremely stressful, traumatic thing that is testifying in court."

"Children react so well to the courthouse facility dog and so if the dog is there I think that it helps them feel safe. It reminds them that it's not so cold and industrial like a courthouse."

"So some people just love dogs so much but the dog just puts everyone at ease in a such a sterile environment."

"Well it could make their experience better as witnesses. If they're especially youthful it can make the process less scary for them because let's face it they're coming to tell stories that are not very nice."

#### **Meaning code 5: Rapport Building**

"I go into a meeting where I'm meeting with a child witness or victim and you know they're on the ground with the courthouse facility dog. I sit down with them too and the two of us are just petting her and it makes things more human."

"Ya so and she I find she is really good for rapport building too, cause in the waiting room you *SIC*, the child witness worker typically starts off by asking if the kid like if *SIC* child likes dogs and then if almost always do and then you get into a really good conversation with them and then there's the facility dog waiting for them when they get into the room. I've just seen a lot of benefit with the courthouse facility dog in a short time."

"I think that the dog serves as a great icebreaker to get that going."

#### **Meaning code 6: Physical Benefit**

"They're sitting on a bench with the courthouse facility dog on their lap right and when I've had the facility dog in the CCTV suite on a couple occasions with children testifying and you know the whole time the child is testifying they're petting her. There's studies that are done that show that actually that petting of an animal helps sooth you and brings down your anxiety and things like that so I think that's a benefit to any kid who has to testify."

"So provides a sense of I can only imagine at least for even for myself it's sort of a sense of you know *SIC* we're talking about something traumatic but let's not get too lost because just reach your hand over there and touch the dog and that can ground you again so it's a sense of comfort."

"It's typically the courthouse facility dog laying on their feet in the CCTV room."

#### **Meaning code 7: Sense of Initiative**

"Again it just sets them more at ease and watching you know when I have been in meetings with child witnesses and the facility dogs there and having them show some initiative with the dog like oh *SIC* you go out here take the leash and walk down there or you know the dog is really not sure about this officer or will you go introduce the dog to this officer and like getting the kids to sort of interact with the facility dog and gives them a sense of oh *SIC* I get to hold the leash or I get to sit with the dog. It kind of makes them feel like they're a little bit in control of something and when they're testifying they're not really in control of anything. I think again it helps them feel like they're part of it, that they're helping."

#### **Meaning code 8: Teammate/Companionship**

"I mean sort of related to what I was saying earlier about for them to have someone that

feels like the dogs on their team *SIC* is there to support them and it's almost like something that grounds them a little bit and reminds them that like this isn't the end of the world, this is just a thing that you have to go through and you have this dog who's so comfortable with them."

"It's sort of like a team more *SIC* of a team environment instead of you know there's such an odd commodity like these children coming in and you're forcing them into these very uncomfortable situations."

"The courthouse facility dog is sort of on their team so I think in both being there for all the prep meetings and then being there when they're actually testifying in court are sort of the two areas."

"Any kid who's shy is going to benefit from having the facility dog there because it's like a buddy."

### **Theme 3: Defense Council's Reservations to the Courthouse Facility Dog Program**

The overall theme regarding the defense council's reservations towards the courthouse facility dog program highlights ways in which legal counsel may experience concerns regarding its use. The first concept focuses on the issues regarding jury trials when using the courthouse facility dog. Defense counsel reflected concern regarding jury trials and the use of the facility dog as potentially prejudicial. The second factor reflects the idea of victimization, which is described as singling an individual out for cruel treatment by another. The last concept focused on bias, defined as demonstrating prejudice in favour or against something or someone. This meaning code reflects the view that facility dogs can potentially create prejudice towards the alleged perpetrator and may result in an unfair trial.

#### **Meaning code 1: Jury Trials**

"I have had the courthouse facility dog involved in a couple of my cases and defense have never taken an issue with the dog yet but they also haven't been jury trials. So I could see that being an argument."

"I think the only real issue would be in a jury trial where the dog or a courthouse facility dog would be visible."

"There may be some question similar and arguments are made with other testimonial aids that it would be prejudicial to the accused because it would make it look like the child was so traumatized that they needed this support dog, which automatically makes the jury think ok well they're probably guilty."

"So if we're going to use these tools I think it needs to be properly explained to either the judges or the trier of fact and not like a jury not to influence in any way their credibility."

### **Meaning code 2: Victimization**

"That's part of the reason why the dog is referred as a facility dog and not a support dog or a therapy dog or you know a trauma dog or anything that insinuates that there's some guilt and some degree of victimization."

"But I guess as a defense lawyer that would be the legal issue. The concern is this going to enhance somebody's creditability."

### **Meaning code 3: Bias**

"Sometimes they [defense counsel] are resistant because a facility dog like that could bring out unconscious bias whether it's judge or jury of this child need the dog to tell their story. I think it's about the perception in terms of implying guilt but we have our language choice."



"From my perspective I can't even think of why there would be an objection. I think it would be very hard for defense council say to argue that the child has some kind of unfair advantage because you know the dog is there. I think it would be hard pressed to make a valid argument, so nothing jumps out at me as being an argument that would meet with success."

"And again I don't see the dog being an influence regarding their evidence."

"I mean the only reason that we could ever you know in good conscience object to the use of the dog is if somehow it prejudiced our ability to defend you know our client. I like dogs and I like kids so you know the circumstances would have to be you know pretty obvious or pretty significant before I took a position I think that saw me objecting to the use of the dog to assist the child witness. I mean I would have an obligation to object if I thought that somehow it prejudiced my client's rights to a fair trial but on a personal level I mean I think I don't see that I would be quick to make that argument. There would have to be pretty clear reasons for me to think that way you know. "

"I guess the concern, as a defense lawyer though is always perception. So is this witness going to be more believable, more creditable if they've got a testimonial aid. So I suppose that would be *SIC* if I put on my defense lawyer hat on that would be our worry is that is a judge or jury more likely to be persuaded by this witnesses because of the use of the dog. I don't know the answer to that right you know. I guess we always look at is somebody sympathetic and certainly a cute lab in the courtroom makes somebody likeable."

#### **Theme 4: Judicial System Legislation**

This theme focuses on the legislation that has been implemented within the criminal justice system in support of child and youth witnesses. Witnesses under the age of 18 years who are experiencing emotional difficulties can request to testify with the support of testimonial aids (Government of Canada, 2015). Furthermore, any witness who has mental or physical disabilities may receive testimonial aids if requested. The court must allow the youth witnesses to use aids unless it results in an unfair trial. Aspects for consideration of this request can include the age of the witness, the nature of the offense and other societal interests (Government of Canada, 2015).

The first meaning code within this theme is based on aids that are not legislated for children and youth witnesses but are implemented during court preparation or during the trial. These may be utilized to distract the youth witness from experiencing distress but importantly their use is not made explicit within the legislation. The second factor reflects the rules that are in place for individuals who are compelled to testify in court. These rules may include appropriate behaviours when having to testify or implementing the witness's rights before, during and after court. The third concept reflects the use of testimonial aids that are implemented for child and youth witnesses who are testifying in court. These are mandated under *The Canadian Victim's Bill of Rights*. The last meaning code is the use of the Child Witness Project, where the child witness workers are employed and assigned to cases. They are responsible to help children and youth witnesses who are experiencing emotional difficulties when participating in the court process.

### **Meaning code 1: Non-Legislative Aids**

"I think the most effective approach is in well out of the courtroom is meeting with the child as often as possible to develop a rapport because most often times they're going to be disclosing events that are perceived by them likely as embarrassing and or shameful

even though they shouldn't be but they shouldn't have to feel that way *SIC* but they're talking to strangers disclosing and using vocabulary with complete strangers so developing a rapport in advance."

"The most effective way to support them, I think for me as a human to explicitly talk about what they are concerned about. Because if even *SIC* if we can't fix it if we leave it unaddressed than it is going to consume the kid even more and beyond *SIC* and that is beyond the trauma part of it that's *SIC* in cross examination can be really hard so like explicitly talking about it and then having like something soothing like even when I was with one client when the courthouse facility dog wasn't there and we coloured."

### **Meaning code 2: Rules**

"So I understand that the courthouse facility dog is able to sit with them during their testimony through the support person part of the law but the defense and the crown both have to consent."

"It's very careful because of that and they do have to consent so it's mainly access for the kids although I feel they all have a legal right to the support person part of legislation."

"They have to testify whether or not what they're talking about is true or not they still have to go through the process of testifying."

### **Meaning code 3: Testimonial Aids**

"Well the things that have been in place for a number of years now things like closed circuit TV, the child testifying outside of the courtroom, the use of a screen so that the child is not able to see the offender while testifying, the use of filing a video tape statement that the child witness has given on a prior occasion so that once they adopt it

they're then just subject to cross examiner instead of doing the whole story all over again."

"So the only processes that are currently in place and have been in place at least to my knowledge as long as I've been in practice would be what is specifically said about the criminal code, which would be a support person for witnesses under the age of 18 or who have a certain disabilities or challenges and then there's sort of a presumptive order under the age of 18 and then it's permissible *SIC* you'd have to apply to the court. But for a support person to be in court if the person is over 18 but has certain some challenges and then also there's the availability of CC closed circuit testimony for certain victims and witnesses. So apart from those provisions in the criminal code that's all I'm aware of."

"Ya so I mean you might be referring to obviously the individual workers who accompany the children or child witness during the course of their evidence. I mean I also know that they're given teddy bears or you know like stuffy's or something like that that they sometimes either have with them physically or nearby you know if they need or might be comforted by something like that but I think that's really probably the extent to which I'm aware of accommodations that get made for those children witnesses."

"Definitely the CCTV room I think is a really positive step. I can't imagine how hard it is for an adult to be in the same room let alone a child, so I think that's a really big positive. I mean there's some logistical problems with it but the benefits far outweigh having them in a courtroom."

#### **Meaning code 4: Child Witness Project**

"Well with CWP child witness worker and there are some other staff as well *SIC* will be assigned to a case and the CWP worker also acts as a support to the child."

"We also have Victim Witness Assistance Program so with domestic violence cases you'll have a VWAP worker so similar to that [CWP] but when they're under 18 that's all done under CWP."

### **Theme 5: Working with Child and Youth Witnesses**

The theme of working with child and youth witnesses holds two significant concepts within the data. The first relates to the preparation that is integral in helping the young witnesses prepare to testify in court. Lawyers and child witness workers use different strategies when preparing these witnesses to participate in court so that the individual can provide accurate testimonies in trial. The second factor includes aspects that court officials must pay attention to when working with children and youth witnesses. This can include emotional, physical or psychological aspects that provide evidence to how the young witness may be feeling.

#### **Meaning code 1: Preparation for Court**

"I think certainly familiarity ahead of time so that the child is not meeting people such as the crown who's asking them questions the first day. So you know having an agency such as the CWP go through the process with them in advance too so that you know they've met the participants like the crown before, they understand the process because they've met with someone like a child witness worker, they've come to the courthouse potentially to be familiarized with the CCTV room you know and the courtroom potentially. So letting them know in advance *SIC* having that comfort level."

"Again I think really consistency helps these children because they're going to a very unfamiliar place and so if possible to have the crown attorney assigned to the file early so that each time they come to their meetings it's the same face and they start to feel comfortable. Taking the children on a tour of this is what a courtroom looks like, this is

what the CCTV suite looks like, here VWAP, here's where you'll come the morning of, here's what you can expect, all that kind of stuff, just anything that makes them more comfortable and at ease and I think for a lot of children walking into an unfamiliar setting with unfamiliar people automatically is going to make it harder. So the more you can take away the unfamiliarity of it, the easier it's going to be for them to give them a full and candid account of their evidence."

### **Meaning code 2: Things to Pay Attention to**

"The first thing that comes to my mind is you have to be sensitive. I guess my role is different because I'm there to test evidence to the fullest on behalf of the client which is not the witness *SIC* so but even in doing that task you really have to be sensitive with these witnesses."

"Whether it's the crown council or a judge or defense council you know I think we all share a responsibility in the *SIC* our approach in the manner in which we treat that child witness. Understanding that they are different from many other witnesses that we deal with in a much rougher and tumble fashion you know on a day-to-day basis. But you know I think the most effective tool in sort of addressing that is that we tailor our approach you know understanding the nature of that witness and deal with them appropriately."

### **Theme 6: Exclusions from the Courthouse Facility Dog Program**

The overall theme of exclusions from the courthouse facility dog program contains three concepts within the data. The first meaning code is focused on the facility dog being a distraction for the child or youth witnesses during their live testimony. The second concept reflects youth witnesses being allergic to animals, which would create a barrier in its use. Lastly, the factor of

the child or youth not being interested in the use of the courthouse facility dog is a significant indicator when making the decision whether or not to involve the young witnesses in the program. The child or youth may not be interested because they are nervous being around animals or potentially because they feel as though they do not need additional support.

**Meaning code 1: Distraction**

"No reason that I would and I'm just trying to think as if I were defense council if I would and I can't see. I mean I don't think there's any reason. The only reason I could envision is if council were worried about the dog being some kind of interaction or distraction."

"Well I'm going to say less than actually victim witness support people because dogs can't talk so there's always an issue as to whether the witness or complainant or victim has discussed their evidence with a support person but I don't see that issue with the dog because they can't. Perhaps distraction or focus if they're young, very young witnesses I could see that having that being an issue. So far I don't see any negatives, any real negatives."

"I mean I'm pausing here to think about that because there's no obvious legal issues that. I mean I guess the only issue is whether or not the child you know or the dog might be such a distraction that it really takes away from the trial fairness process. I suspect that the dog is you know incredibly well trained and that wouldn't be an issue from the dog's end. It's just a question of whether or not the child you know might have troubles focusing because of the dog. I mean I appreciate that the plan and the intention that the child would be better focused perhaps and certainly the hope would be that the child is in the position to give better evidence in a more comfortable setting for that child witness

because of the presence of the dog. The only issue that I can contemplate right now is that there is the potential perhaps that the dog might distract a certain child witness but I appreciate that the plan that the goal is quite the opposite so I'm not sure how real that potential issue may be."

### **Meaning code 2: Allergies to Animals**

"If the child was allergic or didn't like dogs we wouldn't use the dog."

"I think it would be easier to describe who wouldn't which is the kids who are allergic or don't like dogs or if they don't see a benefit."

### **Meaning code 3: Not Interested**

"I think just about any child providing they aren't fearful of animals."

"Well so far I haven't heard of or seen any kind of an issue with the use of the dog because the dog is just so lovable that who would ever think to object to the presence of such a lovable dog, unless you're not a dog person."

"I mean if the witness doesn't want assistance of the dog they're not going to ask for it."

"Maybe if it was like an animal cruelty case or something like that where you know the presence of the dog could actually be a real tipping point but I mean those cases are so and far between."

## **Theme 7: Important Factors when Testifying**

The theme that focuses on important factors revolving around the child or youth testifying in court includes two concepts. The first focuses on the age of the witness involved in the court process. Age will be a factor when considering the use of the courthouse facility dog program. The second meaning code deals with traumatization, defined as psychological damage after experiencing a distressing event or challenge. Traumatization impacts the way in which the



court officials may interact with witnesses during the court process or the approach on how the lawyer conducts cross-examinations.

**Meaning code 1: Age**

" I think the idea was to see how it *SIC* have the dog in and let's see how it goes and I suppose there could be a scenario where the child is so young that the child is focused on the dog more than answering the questions. I mean maybe that would be, but how can you tell that unless you try it?"

"But again wasn't just *SIC* it's not in my experience just the children it's also adults too, young adults in their early 20's. Ya and in some we had one witness who didn't want to come to the courthouse unless the dog was there and she was in her 30's I think."

"You have to be mindful of the age and circumstances, why they're there."

"I think younger kids probably more than I mean somebodies who's 17 or 18 I don't know if there's as much benefit."

**Meaning code 2: Traumatization**

"We know that it is part of the reason why they have the court dogs because they've been through something that traumatic."

"They're usually there because something traumatic has occurred or the allegation is something traumatic has occurred so it's tough to answer."

"Ya first thing that comes to mind is a young person that has therapeutic issues diagnosed, trauma, so that they have pre-existing therapeutic concerns."

"A child with anxious *SIC*, a child with mental health issues, a child that's really traumatized already. I've certainly done cases where especially when the offense involves like a family member where the crown will come and say this kid will not testify like we

just aren't going to get them to be able to testify. They're so traumatized or they're so afraid, they're so anxious."

"I think its scary for anyone to testify especially kids and usually the stuff they're testifying about is pretty tough stuff to be testifying about because you don't tend to testify in small run of the mill cases. I think there's a real benefit [courthouse facility dog program]."

### **Summary of Qualitative Analysis**

Seven thematic areas were classified throughout the interview content. These themes focused on both benefits and concerns in the use of a courthouse facility dog program for youth witnesses. Certain themes focused on the overall components of working with children and youth within the court process. Additional themes integrated both the ways in which youth react to stressful situations, while still understanding the court official's perception of the facility dog program. The common factor in each participant's report revealed that they identified positive aspects of using the facility dog for children and youth who were struggling with emotional distress when having to testifying in court. Nevertheless, defense counsels were more vocal regarding the concerns involving the use of the courthouse facility dog program.

### **Rank Order Self-Report Questionnaire Frequencies**

The two-question rank order measure was analyzed through frequency statistics within SPSS statistics software. The first question asked the court officials' how important numerous testimonial aids were to them on a six-point ranking order measure. Participants scored equally as high for the use of screens as a 5<sup>th</sup> choice (29%) or 6<sup>th</sup> choice (29%) of importance. The most common ranking for the use of videotaped testimonies was 5<sup>th</sup> choice (43%). Five participants ranked the testimonial aid of a child being in an adjoining room as greatest importance. Four

participants ranked the use of a comfort object as least important. Three participants ranked the use of a support person as 3rd choice. Lastly, the use of a courthouse facility dog was ranked 2<sup>nd</sup> choice by four of the participants in the study.

The second question on the rank order measure asked the court officials how concerned they were with the use of testimonial aids during the trial process on a six-item scale. Three participants found the screen to be the greatest potential concern when used in a trial process. The use of a videotaped testimony was ranked as highest potential concern from three participants. An equal rating of 3<sup>rd</sup> choice (29%), 4<sup>th</sup> choice (29%), and 6<sup>th</sup> choice (29%) was made for the use of an adjoining room for a child or youth when testifying in court. Three participants rated the use of a comfort object to be the least potential concern for a young witness in court. A tie of two participants ranked the use of a support person as 2<sup>nd</sup> choice (29%) and 4<sup>th</sup> choice (29%) of concern. Lastly, four participants ranked the concern of using a courthouse facility dog as 5<sup>th</sup> choice. A summary of participant's courthouse facility dog program evaluations is summarized in Figure 1 and Figure 2.

Figure 1. Frequencies of court officials' perceptions of the importance of the courthouse facility dog program for child and youth witnesses testifying in court are valued in this bar graph. The second highest rating of importance of a testimonial aid for court officials' is the courthouse facility dog program.

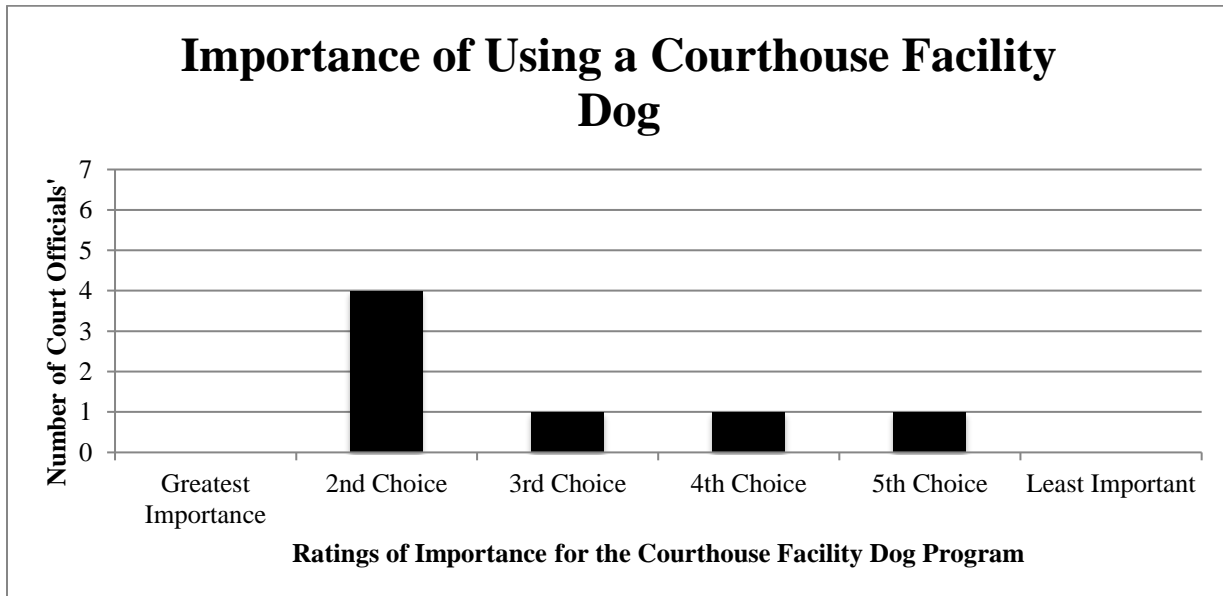
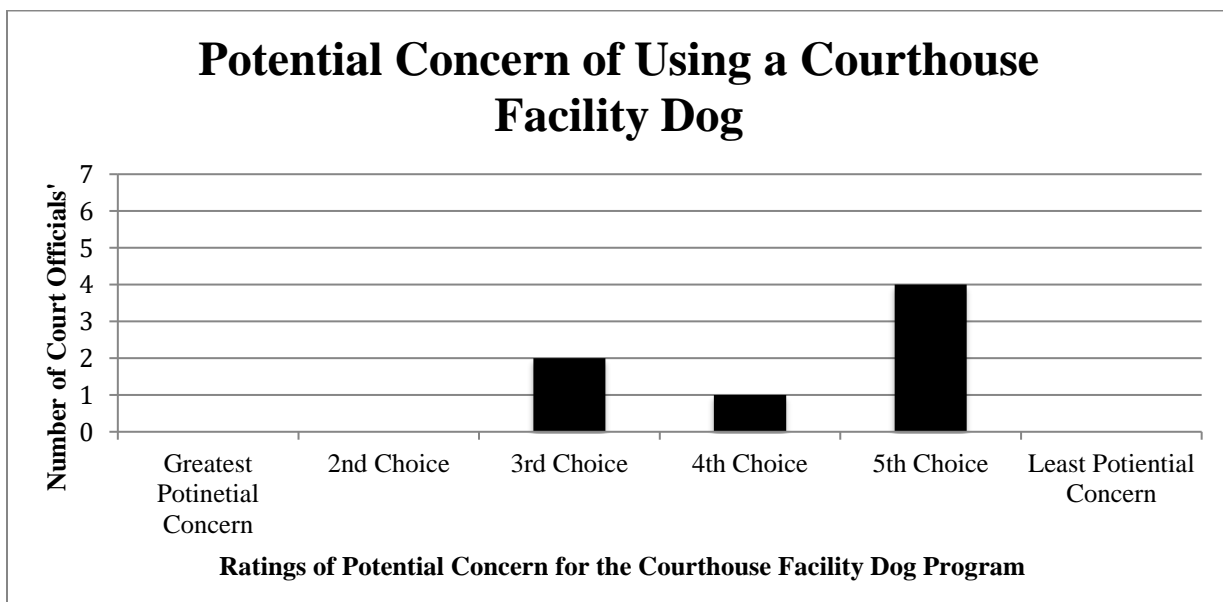


Figure 2. Frequencies of court officials' perceptions of the amount of potential concern that the courthouse facility dog program is for child and youth witnesses testifying in court are valued in this bar graph. The courthouse facility dog program was rated at the second lowest level of potential concern out of various testimonial aids.



## **Chapter 5: Discussion**

The purpose of this study was to obtain court officials' perceptions of the utility of a courthouse facility dog program in the context of perceived risks and benefits that accompany this novel testimonial supportive aid. The focus of this study was on witnesses under the age of 18 years. Children and youth constitute a population considered to be vulnerable to the influences of stress from their participation within the criminal justice system. The challenge of testifying in court creates an extremely isolating feeling and potential stress. The criminal justice system was not initially designed for the participation of children and youth. As a result, additional assistance is needed for these young people who find themselves serving as witnesses and victims before an accused who has been charged with a serious criminal code violation. The courthouse facility dog program has been developed and implemented as an additional tool to aid children and youth to address the potential stress that supports their ability to speak about their experiences mindful of not influencing the process and fairness of the justice process.

### **Interpretation of Findings**

Court officials' perceptions of the use of the courthouse facility dog program were analyzed through structured interviews. As predicted by the first hypothesis, court related professionals identified that the presence of the courthouse facility dog could elicit a degree of bias in jurors and judges against the accused. Although bias may have been present, it was not as prominent as predicted by the defense council. However, the defense councils' reservations' pertaining to the program of a young witness using a courthouse facility dog was higher than the crown and child witness workers. The most significant concern pertaining to the young witnesses using a facility dog was the potential distraction within the court process due to the dog's presence. Quas and Goodman (2012) reported that older children experience more adverse

reactions when testifying in court, as they have a greater understanding of the court process and that they are questioned for longer periods of time. In the present study, some participants reported that they believed that if the child were younger in age, a dog could be more distracting. Participant's reports align with Quas and Goodman's (2012) understanding of how different age groups react to the court process. This conclusion supports the idea that older children may benefit more from the use of a courthouse facility dog during their time in the criminal justice system to help with the resulting emotional difficulties.

Although the potential for bias in the use of the program was identified, the thematic analysis also revealed that the benefits of the courthouse facility dog program for child and youth witnesses who experience emotional challenges and difficulties far outweighed these concerns. This finding was reflected in the subthemes where the strongest endorsements highlighted the 'benefits of the courthouse facility dog program' as an overall theme. A significant component of many of the subthemes were the emotional support derived from the presence of the facility dog for child and youth witnesses. Emotional support provided from animals has been focused on in a study conducted by Diet et al. (2012), which found that when using animal-assisted therapy for children who had experienced sexual assault it helped create feelings of safety, trust and acceptance while undergoing treatment.

Lawyers who work with children and youth witnesses use certain strategies both in court preparation as well as throughout the trial process in addressing the stress placed on child and youth witnesses. Court officials expressed that they were aware of the emotional cues that demonstrate that a child or youth witness may not be able to provide candid and accurate testimonies during certain times (e.g. excessive yawning, hunger, looking at the door, etc.). Throughout the interviews, court officials described specific approaches when working with

children and youth witnesses that included being sensitive to, and developing rapport with each child and youth in creative ways. Having the dog be a part of the trial process can allow for higher rates of attendance as young witnesses have something to look forward to in an institution that is a continuous reminder of their traumatic experience and pain. Some participants noted their awareness for the potential of secondary trauma where they expressed how some witnesses might experience a degree of traumatization prior to the point of testifying. Quas and Goodman (2012) reported that the greater the number of times children testify, the more they may experience secondary trauma. The primary issue that this finding speaks to is the degree to which some young witnesses have already been traumatized through prior experience(s) of being in court. Another apprehension that was expressed was acquiring candid testimony, especially if the young witness had been previously traumatized. These circumstances allow for the beneficial use of the courthouse facility dog to mitigate distressing experiences by helping to create a safer space to allow the child or youth to present their evidence to the judge or jury. Trauma-informed perspectives must be maintained by court officials in order to understand the role that trauma plays in a child or youth's life (Ko et al., 2008).

Through the analysis on the rank order questionnaire the use of the courthouse facility dog was perceived as potentially equally beneficial relative to other testimonial aids commonly used in trial processes by youth witnesses. Burd (2013), provided feedback on a study that concentrated on different types of witnesses and innovation types (comfort objects vs. courthouse facility dog vs. none) and found that comfort objects have been viewed as eliciting bias from decision making jurors in some ways. Nevertheless, court officials disagreed with this finding as they reported that they felt that a comfort object (e.g. stuffed animals, dolls, childhood blankets, etc.) was least likely to jeopardize the fairness of the trial process and the facility dog

program was rated runner up as a testimonial aid that was unlikely to alter the result of the trial outcome. Participants also reported that children or youth being in an adjoining room was the most important testimonial aid available to the criminal justice system, followed by the courthouse facility dog program. One explanation for this finding relates to the courthouse facility dogs which, “may prove to be the previously missing link that would enable some children and other emotionally frail witnesses to be present and testify in open court while protecting them from the emotional trauma the law seeks to avoid” (Dellinger, 2009, p. 178). Having the dog by the side of the witness may result in feelings of power and comfort for the children to express themselves.

The closed-circuit television suite is also helpful in protecting children and youth witnesses from viewing their alleged perpetrator before, during and after the trial process (Bala et al., 2011). Dellinger (2009) reported that the use of live testimony is perceived to be the most accurate way to attain candid results. A child or youth testifying live in court would be less likely to impact the accused’s rights, resulting in less bias and prejudice. It has been previously noted that “allowing a dog to assist a testifying child is less prejudicial and has a lesser effect on a jury than an adult accompanying the child to the stand” (Dellinger, 2009, 186). Similarly, remaining in the CCTV suite, the child or youth can provide live testimony while maintaining a sense of safety away from view by the accused. Overall, the courthouse facility dog program was viewed as a strong aid in supporting children and youth witnesses who are participating within the criminal justice system.

### **Clinical Relevance**

The findings from the current study highlight the importance of the use of the courthouse facility dog for children and youth witnesses in clinical practice. Although this program may be



helpful for any individual who is taking part in the criminal justice system, special consideration is necessary for those who are considered vulnerable by virtue of their age or emotional reaction to their victimization. It is important to emphasize that although the courthouse facility dog program was designed for children and youth witnesses, many court officials' indicated that young accused individuals as well as adults would also benefit in the use of this testimonial aid if they experienced emotional distress while participating in the court process. Individuals who struggle with mental health issues are another population that require further assistance and are considered to be a vulnerable population (Legislative Services Branch, 2015). It has also been noted in the literature that canine assisted interventions have led to clients being more receptive to services as a result of the presence of a facility dog (McDonald & Rooney, 2016). Similar results were established in this study's data as rapport building was focused on during the participant's interviews. Many found that their relationships were strengthened by the presence of the facility dog during court preparation with the child or youth clients.

An additional strategy that has been accentuated in this study is the combination of the use of the courthouse facility dog program with other testimonial aids. In the structured interviews, several participants expressed that the facility dog was used in court preparation as well as including the dog in the CCTV suite during the trial process. Dellinger, (2009) indicates that dogs elicit a special power called the "sixth sense" where they have the capacity to sense peoples' emotions and they are able to dissipate the tension or anxiety which may be experienced. Court officials working with child and youth witnesses must take all these factors into consideration when deciding whether a courthouse facility dog may be appropriate and necessary for their client.

### **Policy Relevance**

The need to support youth witnesses during their exposure to the criminal justice system has gained appreciation in Canada over the last several decades. Within Canada's Criminal Code, a child under the age of 18 years who is experiencing difficulty with testifying has the right to request testimonial aids to help support their appearance during their trial process (Government of Canada, 2015). Testimonial aids legally relate to use of the screen, the closed-circuit television, presence of a support person exclusive of certain individuals from the public from the courtroom, and appointing a specialized trained lawyer in their cross-examination. Use of a courthouse facility dog has not been formally recognized (Government of Canada, 2015).

The use of courthouse facility dogs in the United States is on a far more frequent basis relative to its use in Canada. However, again like Canada, there "are no specific provisions in state or federal legislation that articulate the acceptance of assistance animals in the courtroom" (McDonald & Rooney, 2016, p. 6). When applications to use a courthouse facility dog are made and granted, there are "more general provisions for support during testimony, and often just for children" (McDonald & Rooney, 2016, p. 6). Further legislation needs to be considered if there is to be an ongoing legitimization of the use of the courthouse facility dog program for witnesses within the criminal justice system. This study has identified the use of a courthouse facility dog program to be at least as beneficial as other testimonial aids currently utilized with children and youth witnesses who experience emotional and psychological distress through their participation in the court process.

As a result of a component of bias present in some court officials' perceptions of the courthouse facility dog program, policies must be implemented in maintaining fairness. Strategies may include having the facility dog enter the courtroom prior to the judge or jury being present. An additional approach that has also been supported in this research study is the

issue of the dog remaining out of the site of the jury or judges during the trial process, a point that has also been made previously in the work by Dellinger (2009).

### **Future Research**

This study's findings have addressed specific questions regarding the use of the courthouse facility dog program. However, research in this area remains in its infancy. Similar research questions to the present study should be undertaken when the program is less novel to the criminal justice system. This would be helpful as with time the court officials will have more experience as well as interactions with the courthouse facility dog program for their young clients. Additional self-report measures should also be used to understand the benefits of the program for the types of clients with whom they work. As well, observational analysis may be useful to evaluate the ongoing behaviour of the youth witnesses with the presence of the facility dog throughout their trial process.

Another area to focus upon would address the degree to which the use of the courthouse facility dog could compromise the judicial rules. Lastly, further research on this topic requires answers to why people, especially individuals who are considered to be vulnerable, relate so well to animals. The physical touch of a dog is extremely calming and helpful to humans (McDonald & Rooney, 2015) but a further understanding of the dog's benefit to the person testifying is significant.

### **Research Limitations**

Due to the courthouse facility dog program being an innovative approach in the criminal justice system, it remains challenging to address the extent to which the use of this testimonial aid can be optimized without compromising the fairness of the judicial process. The defense council participants in the current study were more aware that the presence of the dog might lead

to further distractions for the young witnesses when testifying or may create excessive bias if a jury trial was occurring. However, it needs also to be acknowledged that all testimonial aids result to some degree in potentially biasing the court process (Dellinger, 2009).

Furthermore, the sample size in this study was smaller than anticipated which may have impacted the representation of the variety of input from court officials. One missing group from participation was the judiciary. It was noted in the course of carrying out this study that judges were not allowed to participate due to certain restrictions placed on their involvement in such research. This resulted in an absence of understanding judge's perceptions and feelings regarding the courthouse facility dog program. An additional restriction to this study was the lack of past peer reviewed studies and articles that focused on facility dogs in the criminal justice system. Nevertheless, this is the first study, to the author's knowledge, that assessed the perceptions of a diversity of court professional's to the courthouse facility dog program in Canada and its comparison to other testimonial aids.

### **Strengths of the Current Study and Future Research**

Although research studies have not focused on the area of courthouse facility dogs, as a result, this study is among the first to address how this testimonial aid may be beneficial in helping children and youth witnesses who are experiencing emotional difficulties while testifying in court. This research adds to the understanding of the perceptions of individuals who are involved in the criminal justice system and who have the potential to interact with courthouse facility dogs. By exploring testimonial aids that are used for emotionally distressed young witnesses there is the opportunity to increase knowledge regarding which supports may be more or differentially effective in comparison to those already available.

By using a mixed-methods research design it pulled on the strengths of quantitative and qualitative studies while minimizing the weaknesses of both these methods. As a result, it also helped provide a broader and clearer understanding of how courthouse facility dogs could be studied by different research designs in future research. In allowing a structured interview it was possible to gather data to consider the perceptions of courthouse facility dogs by court officials. The use of the self-report measure allowed further understanding of which testimonial aids were more beneficial than others for children and youth included in the criminal justice system.

Use of the self-report questionnaire reflected that the courthouse facility dog could be an extremely important testimonial aid for children and youth witnesses. Being aware of the types of testimonial aids that court officials find helpful for their clients is essential in providing the necessary supports during an emotionally challenging experience. Further research should acquire additional information on the reasons why some aids are more useful than others. Not only was the courthouse facility dog program perceived as being as beneficial as other testimonial approaches, it also was a stronger aid than many of the other commonly used methods of support for youth witnesses.

Unlike previous studies, both defense counsel and crown attorneys were interviewed in appreciating their unique observations and opinions regarding this program for youth witnesses. This study provided a diverse analysis on the concerns and benefits to testimonial aids as a whole, as well specifically to the courthouse facility dog program. Further research should evaluate judges' perceptions on the use of the courthouse facility dog program for youth witnesses. Dellinger (2009) has reported that there are both positive and negative opinions from judges regarding the use of dogs in the courtroom. Continuing research should look at developing a mixed-method longitudinal study that tracks the impact of the courthouse facility

dog program in supporting children and youth at different points during the court process. This type of study would be beneficial in assessing the impact of the multiple experiences of children and youth witnesses. The courthouse facility dog program is beginning to become more commonly used within the criminal justice system in Canada to support children and youth during their involvement. Further research is required in order to enhance evidence-based practice in the use of this program.

### **Summary**

The findings of this study advance research regarding court officials' perceptions of the use of courthouse facility dogs. Through the thematic analysis and rank order questionnaire it appears that this approach continues to provide benefit for youth victims and witnesses without biasing the court process to the point that it leads to an unjust trial. Although themes such as bias and victimization were reflected in the data, further research should focus on ways to reduce the potential bias while still implementing the program. This could include keeping the dog out of the judge or jury's sight or providing additional instructions to address prejudicial concerns of the accused to jury members (Dellinger, 2009). Thus far, the courthouse facility dog program has been perceived as allowing for more accurate testimonies with less emotional stress and trauma before and during the court proceedings. Continued research in this area will help protect children and youth witnesses from secondary trauma and psychological distress while maintaining the integrity of the criminal justice process.

### References

- Assistance Dogs International. (2018). *Training Standards*. Retrieved from <https://www.assistedogsinternational.org/standards/assistance-dogs/standards-for-dogs/training-standards-for-facility-dogs/>
- Bala, N., Paetsch, J. J., Bertrand, L. D., & Thomas, M. (2011). *Testimonial support provisions for children and vulnerable adults (Bill C-2): Case law review and perceptions of the judiciary*. Canada Department of Justice.
- Beck, A. (1985). The therapeutic uses of animals, veterinary clinics of North America. *Small Animal Practice* 15(2). 365-375.
- Braun, V. & Clarke, V. (2006). Using thematic analysis in psychology. *Qualitative Research in Psychology*, 3, 77-101.
- Burd, K. (2013). *The Effects of Facility Animals in the Courtroom on Juror Decision-Making* (Doctoral dissertation, Arizona State University).
- Carpenter, C. & Suto, M. (2008). *Qualitative research for occupational and physical therapist: A practical guide*. Oxford: Blackwell.
- Child Witnesses in Canada: Where We've Been, Where We're Going. (2002). Retrieved from [http://www.lfcc.on.ca/Cwp\\_2002.pdf](http://www.lfcc.on.ca/Cwp_2002.pdf)
- Clarridge, C. (2005). Dogs lend comfort to kids in court. Retrieved from <http://community.seattletimes.nwsourc.com/archive/?date=20050514&slug=courtdogs14m>
- Cotter, A., Beaupre, P. (2014). Police-reported sexual offences against children and youth in Canada, 2012. Retrieved from <http://www.statcan.gc.ca/pub/85-002-x/2014001/article/14008-eng.htm>
- Courthouse Dogs Foundation. (2018). *Courtroom*. Retrieved from

<https://courhousedogs.org/dogs/dogs-at-work/courtroom/>

- Creswell, J. W. (2013). *Qualitative inquiry and research design: Choosing among five approaches*. Sage. 189-193.
- Creswell, J. W., Hanson, W. E., Clark Plano, V. L., & Morales, A. (2007). Qualitative research designs: Selection and implementation. *The Counseling Psychologist*, 35, 236-264. doi: 10.1177/0011000006287390
- Crossman, M. K., Kazdin, A. E., & Knudson, K. (2015). Brief unstructured interaction with a dog reduces distress. *Anthrozoös*, 28(4), 649-659.
- Dellinger, M. (2009). Using dogs for emotional support of testifying victims of crime. *Animal Law Review*, 15(2), 171-192.
- Dietz, T. J., Davis, D., & Pennings, J. (2012). Evaluating animal-assisted therapy in group treatment for child sexual abuse. *Journal of child sexual abuse*, 21(6), 665-683.
- Englander, M. (2012). The interview: Data collection in descriptive phenomenological human scientific research. *Journal of Phenomenological Psychology*, 43(1), 13-35.
- Government of Canada, Department of Justice, Electronic Communications. (2015). Testimonial Aids. Retrieved from <http://www.justice.gc.ca/eng/cj-jp/victims-victimes/factsheets-fiches/aids-aides.html>
- Government of Canada, Department of Justice, Research and Statistics Division. (2015). Fact Sheet #4: Testimonial Aids for Victims. Retrieved from <http://www.justice.gc.ca/eng/rp-pr/cj-jp/tp/hcjpotp-gtpupjp/fs-fi/fs4-fi4.html>
- Government of Canada, Department of Justice, Research and Statistics Division. (2016). Vulnerable Adult Witnesses: The perceptions and experiences of Crown Prosecutors and



- Victim Services Providers in the use of testimonial support provisions. Retrieved from [http://www.justice.gc.ca/eng/rp-pr/cj-jp/victim/rr13\\_15b/seca.html](http://www.justice.gc.ca/eng/rp-pr/cj-jp/victim/rr13_15b/seca.html)
- Holder, C. (2012). All Dogs Go to Court: The Impact of Court Facility Dogs as Comfort for Child Witnesses on a Defendants Right to a Fair Trial. *Hous. L. Rev.*, 50, 1155.
- Johansson, B. (2012, May 4). Wagging Trials. Retrieved from <http://www.aurorasentinel.com/uncategorized/wagging-trials/>
- Ko, S. J., Ford, J. D., Kassam-Adams, N., Berkowitz, S. J., Wilson, C., Wong, M., ... & Layne, C. M. (2008). Creating trauma-informed systems: child welfare, education, first responders, health care, juvenile justice. *Professional Psychology: Research and Practice*, 39(4), 396.
- Legislative Services Branch. (2015). Consolidated federal laws of Canada, Canadian Victims Bill of Rights. Retrieved from <http://laws-lois.justice.gc.ca/eng/acts/C-23.7/page-1.html>
- Lipovsky, J. A. (1994). The impact of court on children: Research findings and practical recommendations. *Journal of Interpersonal Violence*, 9(2), 238-257.
- Marsil, D. F., Montoya, J., Ross, D., & Graham, L. (2002). Child witness policy: Law interfacing with social science. *Law and Contemporary Problems*, 65(1), 209-241.
- McAuliff, B. D., Nicholson, E., Amarilio, D., & Ravanshenas, D. (2012). Supporting children in U.S. legal proceedings: Descriptive and attitudinal data from a national survey of victim/witness assistants. *Psychology, Public Policy, and Law*, 19(1), 98-113.
- McDonald, S., & Rooney, L. (2016). Let's "Paws" to Consider the Possibility: Using Support Dogs with Victims of Crime. *Department of Justice*. 1-12. Retrieved from <http://www.justice.gc.ca/eng/rp-pr/cj-jp/victim/rd7-rr7/p4.html>

National Statistics on Child Abuse. (2014). Retrieved from

<http://www.nationalchildrensalliance.org/media-room/media-kit/national-statistics-child-abuse>

Quas, J. A., & Goodman, G. S. (2012). Consequences of criminal court involvement for child victims. *Psychology, Public Policy, and Law*, 18(3), 392-414.

Quas, J. A., Goodman, G. S., Ghetti, S., Alexander, K. W., Edelstein, R., Redlich, Cordon, I. M., & Jones, D. P. (2005). Childhood sexual assault victims: Long-term outcomes after testifying in criminal court. *Monographs of the Society for Research in Child Development*, 1-128.

Sandoval, G. N. (2010). Court Facility Dogs-Easing the Apprehensive Witness. *Colo. Law.*, 39, 17-23.

Smith, K. (2016). What Is Emotional Fatigue? Retrieved from

<https://exploringyourmind.com/what-is-emotional-fatigue/>

State v. Johnson, 528 N.E.2d 567 (Ohio 1986).

Stewart, C., & Bala, N. C. (1988). *Understanding Criminal Prosecutions for Child Sexual Abuse: Bill C-15 and the Criminal Code: a Guide for Community Groups and Professionals*. Institute for the Prevention of Child Abuse.

Swim, J. K., Borgida, E., & McCoy, K. (1993). Videotaped Versus In- Court Witness Testimony: Does Protecting the Child Witness Jeopardize Due Process? *Journal of Applied Social Psychology*, 23(8), 603-631.

**Appendix A: Ethics Approval**

Research Ethics

**Western University Non-Medical Research Ethics Board  
NMREB Delegated Initial Approval Notice**

**Principal Investigator:** Dr. Alan Leschied

**Department & Institution:** Education\Faculty of Education, Western University

**NMREB File Number:** 108690

**Study Title:** Assessing the Perceptions of the Use of a Courthouse Facility Dog Program with Child /Youth Witnesses

**NMREB Initial Approval Date:** January 30, 2017

**NMREB Expiry Date:** January 30, 2018

**Documents Approved and/or Received for Information:**

Document Name	Comments	Version Date
Western University Protocol		2017/01/30
Recruitment Items	Email Script for Recruitment	2017/01/13
Letter of Information & Consent		2017/01/12
Instruments	Structured Interview Questions	2017/01/13

The Western University Non-Medical Research Ethics Board (NMREB) has reviewed and approved the above named study, as of the NMREB Initial Approval Date noted above.

NMREB approval for this study remains valid until the NMREB Expiry Date noted above, conditional to timely submission and acceptance of NMREB Continuing Ethics Review.

The Western University NMREB operates in compliance with the Tri-Council Policy Statement Ethical Conduct for Research Involving Humans (TCPS2), the Ontario Personal Health Information Protection Act (PHIPA, 2004), and the applicable laws and regulations of Ontario.

Members of the NMREB who are named as Investigators in research studies do not participate in discussions related to, nor vote on such studies when they are presented to the REB.

**Appendix B: Email Script for Recruitment****Invitation to Participate in Research**

Hello,

You are being invited to participate in a study that we, Melissa Glazer and Dr. Alan Leschied, are conducting. Briefly, the purpose of this study is to assess the perceptions of a courthouse facility dog within the Child Witness Project (CWP) at the Family Court Clinic. The researcher will meet you at your office during a specified time that is convenient. The researcher will go through the consent provisions for participation at which time you will be asked to sign the consent form. A set of questions pertaining to the use of courthouse facility dogs with young witnesses will be provided. The interview will take approximately 30-40 minutes to complete. There will also be a self-report measure that will take approximately 10 minutes. Your participation will be voluntary and confidential.

Please contact the researcher (Melissa Glazer) if you are interested in participating in this study or would like to be provided with further information!

Thank you,

Melissa Glazer  
Counselling Psychology Master's Program

**Appendix C: Letter of Information****Letter of Information****Use of a Courthouse Facility Dog Program with Child and Youth Witnesses: Assessing the Perceptions of Court Related Professionals**

Principal Investigator: Dr. Alan Leschied

**Introduction**

I am Melissa Glazer, a master's student attending the Graduate Counselling Psychology Program at The University of Western Ontario. The purpose of this study is to assess the perceptions of a courthouse facility dog within the Child Witness Project (CWP) at the Family Court Clinic. I will be providing information about the study and I invite you to be a part of this research.

**Purpose of this Research**

Jurisdictions throughout Canada and the United States have been utilizing facility dogs in an effort to support young witnesses who are faced with the challenging task of testifying in court. Young witnesses are involuntarily forced into an adversarial system that is frightening to them, and the potential for re-traumatization is high. Changes in Canada's evidentiary procedures have introduced a number of testimonial aids that have helped to put young witnesses in a better position to provide a full and candid account of their evidence to the court. The introduction of facility dogs is the most recent attempt to lessen the potential for re-traumatization and facilitate feelings of safety that allows young witnesses to provide a complete account of their evidence to the court. The purpose of the research is to get the justice partners perspective on the facility dog program.

**Type of Research Intervention**

A structured interview process and questionnaire will be undertaken that seeks to gain the perceptions of court officials. Audio recording is mandatory within the interview as it allows the researcher to review the comments as they are provided. By consenting to this study, this means that you are consenting to being audio recorded.

**Participation Selection**

I am inviting court officials such as judges, crown attorneys and defense counsel as well as child witness project workers to participate in this research study.

**Voluntary Participation**

Your participation in this research is entirely voluntary. If you choose not to participate in this research project, you will still be offered the findings following the completion of the study. You may stop participating at any point during the interview.

**Description of the Procedure**

I will meet at the court official's office during a specified time that is convenient for each participant. I will go through the consent provisions for participation at which time you will be

asked to sign the consent form. A set of questions pertaining to the use of courthouse facility dogs with child / youth witnesses will be provided. The interview will take approximately 30-40 minutes to complete. The self-report measure will take 10 minutes to complete.

**Risks**

There are no risks involved within this research study.

**Benefits**

Participation in this research study will assist the understanding regarding the perceptions of the use of a courthouse facility dog program with child / youth witnesses and understand the perceptions of the court officials.

**Confidentiality**

The information that is collected from this research project will be maintained with the utmost confidentiality. The audio recordings for the interviews will be maintained in a locked filing cabinet in the offices of the principal investigator Dr. Alan Leschied of The University of Western Ontario. The use of your role in the dissemination of findings may allow someone to link the data and identify participants. Participant's full names will be labeled by a unique study ID, which is going to be securely stored separately from the study data for 5 years and will be destroyed after this time. Participants should not discuss the details of any particular witness or case that could lead to identifying the child witness that is involved.

Representatives of The University of Western Ontario Non-Medical Research Ethics Board may require access to your study-related records to monitor the conduct of the research. Upon consented approval direct quotes in the dissemination of my results will be included. Confidentiality will be limited in the case that there is harm being done to others or yourself as there will be a duty to report.

**Sharing of the Results**

A summary of the findings from this study will be made available through the London Family Court Clinic no later than June 2018. Research findings will also be shared more broadly at conferences and within potential publications. No identifying information of the participants will be included in any of the dissemination protocols of the study.

**Right to Refuse or Withdraw**

It is essential that you are aware of the voluntary nature of your participation in this study. You may also withdraw your participation at any time. If you decide to withdraw from the study at any time, you have the right to request to withdraw any data that has been collected to that point. You do not waive any legal right by consenting to this study.

**Appendix D: Consent Form**



**Consent Form**

**Use of a Courthouse Facility Dog Program with Child and Youth Witnesses: Assessing the Perceptions of Court Related Professionals**

Principal Investigator: Melissa Glazer

Thank you for your interest in participating in the Courthouse Facility Dog Study. Melissa Glazer, a master’s student in the Graduate Counselling Psychology Program at The University of Western Ontario, will be conducting this study under the supervision of Dr. Alan Leschied.

**I have read the foregoing information. I have had the opportunity to ask questions about it and any questions that I have asked have been answered to my satisfaction. I consent voluntarily to participate as a participant in this research.**

**I am allowing the researcher to use my direct quotes in the dissemination of the results. Please circle yes or no.**

Yes          No

Print Name of Participant \_\_\_\_\_

Signature of Participant \_\_\_\_\_

Date \_\_\_\_\_  
Day/month/year

**I have witnessed the accurate reading of the consent form to the potential participant, and the individual has had the opportunity to ask questions. I confirm that the individual has given consent freely.**

Print name of witness \_\_\_\_\_

Signature of witness \_\_\_\_\_

Date \_\_\_\_\_  
Day/month/year

**Appendix E: Structured Interview**Questions pertaining to the impact of having a dog within the criminal justice system:

1. Are you aware of the Child Witness Projects decision to add the resource of a courthouse facility dog to support children and youth during their involvement with the CWP program and throughout the trial process?
2. Are you aware of the Courthouse Facility Dog program?  
  
If yes, what or who was the source of your information and what is your understanding regarding how the facility dog will be employed to support child/youth witnesses?
3. Are you aware of other approaches that are already in place for helping children/youth during the trial process? If so which ones?
4. In the context of supporting child/youth witness, where do you foresee the potential use of a courthouse facility dog in supporting children/youth witnesses?
5. In your opinion, what (if any) legal issues present themselves with the use of a facility dog?

Questions addressing issues of supporting the child in the court process and understanding the biases:

1. In appearing in court where a child is present what do you perceive to be the most effective approach in supporting child/ youth witnesses during the court process?
2. Are there any reasons why you would object to the use of the courthouse facility dog?
3. Do you have any concerns of using a courthouse facility dog with child/youth witnesses who are experiencing difficulties about testifying in court?
4. What do you perceive as the potential benefits of using a courthouse facility dog with child/youth witnesses who are providing testimony?
5. Could you describe from your experience the kind of child/youth witness who you think would benefit from the use of the courthouse facility dog program?



**Appendix F: Ranking Order Measure**



From the following list we would ask you, in ascending order, to rank, based on your experience, the importance of certain strategies to lessen the potential of re- traumatization on child/ youth witnesses during testimony [i.e. 1= most important strategy; 6=least important strategy]:

- a. Use of the screen \_\_\_\_\_
- b. Use of videotape \_\_\_\_\_
- c. Child in adjoining room \_\_\_\_\_
- d. Use of another comfort object \_\_\_\_\_
- e. Use of support person \_\_\_\_\_
- f. Use of a facility dog \_\_\_\_\_

2. From the following list we would ask you, in ascending order to rank, based on your experience, the strategies that you are concerned with in regards to potential concerns about the court process in child and youth witnesses [i.e. 1= greatest potential concern; 6=least potential concern]:

- a. Use of the screen \_\_\_\_\_
- b. Use of videotape \_\_\_\_\_
- c. Child in adjoining room \_\_\_\_\_
- d. Use of another comfort object \_\_\_\_\_
- e. Use of support person \_\_\_\_\_
- f. Use of a facility dog \_\_\_\_\_

**Curriculum Vitae**

**NAME**                      Melissa Glazer

**EDUCATION**

2016-2018                      Master's of Arts in Counselling Psychology, Western University,  
London, ON

2012-2016                      Bachelor of Arts: Honours Psychology, Research Specialist, Minor in  
Women and Gender Studies, Wilfrid Laurier University, Waterloo, ON

**AWARDS AND SCHOLARSHIPS**

2017-2018                      Social Sciences and Humanities Research Council of Canada (SSHRC)

2016-2017                      Admissions Scholarship  
Western University

**PROFESSIONAL AND RESEARCH EXPERIENCE**

2017-2018                      Intern-SickKids Team Obesity Management Program (STOMP)  
The Hospital for Sick Children  
Toronto, ON

2017-2018                      Intern-Psychological Services  
Dufferin-Peel Catholic District School Board  
Mississauga & Brampton, ON

2014-2016                      Research Assistant  
Wilfrid Laurier University  
Waterloo, ON