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## **Using specially trained dogs in the Criminal Justice System**

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In the realm of the criminal justice system, investigating and prosecuting crimes often depends on the testimony of witnesses and victims, and at times defendants, in ensuring that perpetrators cannot continue to victimize members of the public (Dellinger, 2009; Hart-Cohen, 2009; Holder, 2013; Holton, 2015; Parish-Plass, 2008; Sandoval, 2010). However, giving evidence in police interviews, reliving a dramatic event, and testifying in court can be an unsettling and even terrifying ordeal, especially if legal professionals (e.g., the judge, clerks and barristers), dressed with authority, and the accused, are only a few feet away (Hershkowitz et al., 2009). The anticipation of this can lead witnesses and victims to cooperate with the police or refuse to testify, which can have real effects on the outcome of trials (Dellinger, 2009; Holder, 2013; Holton, 2015; Parish-Plass, 2008). For this reason, a variety of special measures and other arrangements have been made to make such experiences of the criminal justice system for victims and witnesses more positive. However, negative experiences are still reported by victims and witnesses in England and Wales (e.g. Warrington & Beckett, 2015) and so there is a need to look for new avenues of support, especially as notions of secondary victimisation through statement taking and testifying have been observed (Jordan, 2013). This short piece will outline the need for the use of specially trained dogs within the Criminal Justice System.

The practice of using specially trained dogs (known as ‘courthouse dogs’ in North America) in supporting witnesses throughout the process of a criminal case has been increasingly adopted across North America, to ensure that legal procedures have the least impact possible on victims. Since the early 1990s, courthouse dogs have joined witnesses, and even vulnerable defendants, throughout the legal process, from the initial forensic interviews, through medical examinations, to offering support within the actual court settings (Courthouse Dogs Foundation, 2015). These dogs have been used across a number of populations, including children of different ages (e.g., Ullman, 2007) and vulnerable adults

(e.g., Parish-Plass, 2008). These dogs are specially trained to a high standard and are allowed in actual police interviews or courtrooms. Further, therapy dogs (which do not require specific training; e.g. NDAA, 2010), have also started to be utilised. However, their role, in the view of the authors, should not go beyond providing comfort in waiting rooms before or after an interview/trial. Due to their lack of training and unpredictability, they are not suitable to be present during a police interview or during court proceedings.

Although to date there has been limited research into the value of using dogs in the criminal justice system, the research that has been carried out shows many positive effects. In particular, they have been shown to provide comfort for victims (Holder, 2013), reduce victim stress (Herzog, 2010), along with increasing relaxation and happiness (Dellinger, 2009; Holton, 2015). Further research (e.g., Justice, 2007; Sandoval, 2010) has illustrated that animate touch (e.g., holding a dogs leash or petting a dog) whilst testifying can lead to an increased sense of wellbeing, decreased anxiety, lower heart rate, increased speech and memory functions, and heightened mental clarity. Supporters of dogs in the courtroom have also contended that dogs can help make the court experience less stressful not only for victims, but also the judge, jury, clerks, prosecutors and defense counsel, witnesses and observers (O'Neill-Stephens, 2011). Involving dogs to support individuals can be a type of therapeutic jurisprudence that helps to calm them which can negate the possibility of secondary victimization (Jordan, 2013).

Although there is growing interest and success in using specially trained dogs in North America, academic research investigating the effects of these dogs on witnesses and victims has been anecdotal. To date, there has been no empirical research to support the reliability of the evidence that has been produced (Spruin et al., 2016). Furthermore, despite the vast potential benefits of these practices, the use of such dogs is yet to be explored or even appropriately considered in the UK. This is notable as calls to improve individuals'

journeys through the UK's Criminal Justice system are continuous. For example, the Getting it Right for Victims and Witnesses proposal published by the Ministry of Justice (January, 2012), focused on the need to ensure that victims of crime get the support required to deal with the stresses of giving evidence and going to court. More recently, the implementation of the new Code of Practice for Victims (October, 2015) further emphasised the importance of providing services and support for victims that are tailored to individual need. Similarly, Ceeny (2015), the Chief Executive of HM Courts and Tribunal Services, recently argued that there is a real desire and requirement to radically improve our justice system, and make it truly better for all users.

The authors therefore contend that empirical research investigating the impact and benefits of specially trained dogs in the criminal justice system is needed, as it is an important step to furthering the use of these types of innovative practices across a number of legal systems, including the UK. Most recently, psychologists from Canterbury Christ Church University, have been working with local magistrates and witness support organisations to explore the benefits of specially trained dogs in supporting witnesses and victims within the court service. The pilot study involved the researchers providing the services of a trained therapy dog to victims, witnesses, defendants, and other court users, as they were awaiting to go into court, and after. Short qualitative interviews were conducted with 104 court users to better understand the potential perceived impact a therapy dog can have on their experiences. The preliminary results of this study have been overwhelmingly positive. Out of all the interviewed individuals, only four stated that they did not feel the therapy dog had any real impact. For all the rest of the interviewed court users, the therapy dog had at least some impact. This varied from statements such as: "*I'm smiling now, it's so nice just stroking her...*" (p 83), to more serious positive impact as: "*My stomach was in knots for the last hour and since stroking her, the knots have gone!*" (p 27). It seemed that the presence of a therapy

dog was beneficial for all different types of court users and none reported any negative impact caused by the presence of the therapy dog. These preliminary findings are very encouraging and show that further work needs to be conducted within this area.

Further research observing the court staff perspective (e.g., lawyers, volunteers, legal advisors, judges, etc) showed similarly overwhelming support in utilizing therapy dogs as a method of emotional support for court users, with particular reference being made to the potential benefits it can have for children and young people, and especially vulnerable individuals. Whilst much further research needs to be undertaken, the results of the pilot provide the only empirical evidence globally on the benefits specially trained dogs can have on supporting court users. Furthermore, the impact of these findings has the potential to be far-reaching, both nationally and internationally. In particular, it will aid in advancing practical knowledge and support for victims and witnesses. These advancements support the radical improvements called for by the Ministry of Justice and the Home Office, but also inform the aforementioned long term implications for legal practice and policies within the UK. Further exploration of providing such service can have meaningful impact on not only victims and witnesses, but also defendants and other court staff.

As was stated previously, the applicability of using specially trained dogs within the Criminal Justice system is vast. The court process is only one of many steps that defendants, victims, witnesses, or their families and friends have to go through. In the next stages of this research, a therapy dog will be utilised in the waiting area prior and post police interviews with children. Further, it is key to acknowledge and appreciate the logistical issues of introducing this service, as well as understand that specific dogs are required for specific jobs within the Criminal Justice System. In the long term, the researchers are keen to acquire a specially trained facility courthouse dog and explore the benefits of having such dog present during police interviews and whilst providing evidence can have.

Whilst there is still a lot that has not been empirically tested, as evidenced in the US and in the preliminary findings in the UK, specially trained dogs can be useful in supporting victims, witnesses, and also defendants, securing witness testimony and providing overall comfort throughout the different stages of the Criminal Justice process, which are important objectives of any justice system. The authors therefore contend that the potential effects of using dogs in this settings could be far reaching, and has the potential to help radically improve support and welfare across different justice systems, including the UK. This is something that the courts in North America have already recognised and it is time the UK follows, whilst building an evidence base and creating best practice guidelines.

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