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Facility dogs in UK courtrooms: Public perspective

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Abstract

This study aimed to investigate how members of the UK public would feel about introducing facility dogs to UK courts as a form of special measure. The results from an online survey showed that participants ($n = 270$) thought they would be significantly less likely to feel anxious, intimidated, distressed, frightened, and traumatised, and significantly more likely to feel safe if accompanied by a facility dog. Both dog owners and non-dog owners were overwhelmingly supportive of the incorporation of facility dogs into the justice system, and thematic analysis of their qualitative responses revealed four main themes: *calming*, *comforting*, *testimony improvement*, and *the dog as a distraction*. The only concern participants showed was whether the dogs would influence jurors' perceptions of the witness and, therefore, potentially the defendant. Overall, the study demonstrates overwhelming support for this innovative service in UK courtrooms, although further research on the effect on jurors is recommended.

Key Words: facility dogs; UK courts; survivor-orientated justice; special measures; witness testimony.

Introduction

The UK has a population of just over 67 million (Office for National Statistics, 2021), and yet in England and Wales alone more than 1.1 million cases were received by Crown and Magistrates courts in 2020, and their civil and family courts received more than 1.4 million (Sturge, 2021). Outside of the pandemic the number of cases is larger, with the 5 years prior averaging more than 4 million per year (Sturge, 2021). It is, therefore, not surprising that Citizens Advice estimate that nearly half the UK will interact with the justice system at some point in their lifetime (Vaughan et al., 2015). Worryingly, however, their 2015 survey discovered that nearly two thirds of people (61%) did not think the justice system worked well for ordinary citizens (Vaughan et al., 2015). Less than half of those surveyed (48%) thought they would be treated fairly if they had to go to court, and a fifth of those with experience of court said their views were poorer since their dealings with the courts. Worryingly, nearly three quarters of those surveyed felt that going to court was not always worth the stress, and those with experience of court were even more likely to agree.

Indeed, the experience of giving evidence in court is a stressful one (Ahern et al., 2018), and even witnesses not classified as vulnerable can find it traumatic and frightening (Bowers, 2013). For those who are testifying about something especially negative and/or traumatic (e.g., sexual assault) the stress is likely to be even greater, and it is not unusual for survivors to report anxiety, fear, and further trauma (Kelly, 2020). For instance, the Victims' Commissioner discovered that more than half (60%) of the rape survivors they surveyed who had not reported their rape had not done so because of what they anticipated going through in court (Molina & Poppleton, 2020). Of those who had reported their rape and had testified in court, only a very low percentage felt that they had been treated fairly and with respect in the courtroom, and more than three-quarters reported being re-traumatised by the cross-examination (Molina & Poppleton, 2020). This is particularly concerning because how

victim-survivors feel about their experience within the criminal justice system (CJS) impacts their recovery from the crime itself (Wemmers, 2013).

Although researchers investigating factors affecting the quality of witnesses' testimonies tend to focus on the negative impact on children (Chong & Connolly, 2015), attending court can also have a negative effect on adult witnesses too. In their qualitative studies on UK court users, Spruin et al. (2019a, 2019b) found that a main theme in court users' discussions of their court experiences was how unpleasant they found the court environment. In-fact, of the 117 court users surveyed in Spruin et al.'s (2019b) study, the majority described attending court as highly stressful, and all viewed it as a negative experience. This is worrying because the stress experienced when testifying can impact both the quality, and the amount, of information witnesses provide (Crown Prosecution Service, 2020). Thus, the more comfortable a witness feels in court, the better able they are to testify, and the better quality their testimony is likely to be (Sandoval, 2010). Because of this, courts in the UK allow special measures for vulnerable and/or intimidated witnesses to try and decrease their stress when giving evidence in court, and to thus increase the quality of their testimony (Crown Prosecution Service, 2020). These special measures include: screens to shield the witness when they give evidence, testifying via a live link rather than in the courtroom, clearing the public gallery, having judges and barristers remove their gowns and wigs, pre-recording a visual interview/examination, communication aids, and being cross-examined through an intermediary (Crown Prosecution Service, 2020). However, the recent study on behalf of the Victims' Commissioner (Molina & Poppleton, 2020) indicates that the current special measures are not enough. The majority of the survivors in their study were offered some form of special measure, and yet the majority still said they had been re-traumatised by their experiences in the courtroom. Arguably, then, the range of special

measures available in the UK are currently too sterile, and a more emotional way of providing support needs to be found whilst still maintaining due process.

In the US, specially trained facility dogs (also known as justice facility dogs or courthouse facility dogs) are available to vulnerable witnesses and other criminal justice system users. With 266 dogs used in 41 states in the US and 7 Canadian provinces also utilising these specially trained dogs (Courthouse Dogs Foundation, 2022), facility dogs were once only used in North America (Spruin & Mozova, 2018), but are now becoming increasingly common around the world (Wood et al., 2018), e.g., Australia and Europe (Courthouse Dogs Foundation, 2022).

Facility Dogs are a way of providing emotional support for witnesses frightened of testifying in court (Gerkey, 2016). Their calming presence helps witnesses to articulate what they want to say and to remember information (Mariani, 2020). They provide comfort and companionship for vulnerable witnesses (Burd & McQuiston, 2019), and can sense when a witness is stressed, helping to calm them and make them feel safe (Mariani, 2020; Spruin et al., 2020). By increasing witnesses' feelings of safety and comfort, and lowering their feelings of anxiety and stress (Spruin et al., 2019a), facility dogs enable witnesses to answer questions more effectively (Caprioli & Crenshaw, 2017); and by making witnesses feel more comfortable, the dogs can increase witnesses' willingness to recall and discuss traumatic memories and upsetting details (Hunt & Chizkov, 2014), lower the chances of secondary traumatisation (Holder, 2013), and enable witnesses who would normally be unable to testify to have the confidence to do so (Dellinger, 2009).

Despite their increasing popularity, facility dogs are not without their critics, and those such as Grimm (2013) argue that they should not be allowed in courtrooms at all. As well as the practical considerations highlighted by Foreman et al. (2017), such as needing to be mindful of the dog's welfare and the fact that some people are, for example, allergic to, or

scared of, dogs, arguments have also been made about the impact of their presence on the outcome of the court cases. For example, it has been argued that the dog's presence may cause a 'disruption' (Bowers, 2013), distracting the jurors and making it harder for them to concentrate on the evidence being presented (Holder, 2013), particularly if they are dog-lovers (Bowers, 2013; Grimm, 2013). It has also been argued that the presence of a dog may make the witness appear fragile (Dellinger, 2009), or suggest to a jury that a witness is vulnerable (Mariani, 2020; Roby, 2015), and, therefore, in need of protection (Dellinger, 2009; MacNamara, 2013), which could in turn make the defendant seem more guilty or threatening (Mariani, 2020). Others have pointed out that the act of lying during testimony can be stressful, and that having a facility dog, whose job it is to relieve stress, next to a witness when they are lying will make it easier for them to do so (Glaberson, 2011; Grimm, 2013). Additionally, there are concerns that the appeal dogs often have to people may cause the witness to appear more likeable to a jury (Burd & McQuiston, 2019), or result in their testimony being better remembered than any other evidence presented (Bowers, 2013). In other words, that facility dogs violate a defendant's right to a fair trial (Roby, 2015).

However, there is currently no evidence that facility dogs are a distraction (Justice, 2007), and appeals made on the basis of facility dogs impeding defendants' right to a fair trial have been largely overturned by US courts (see Gerkey, 2016, for examples). Further, Dellinger (2009) points out that there are simple (practical and legal) steps which can be put in place to address the arguments against facility dogs, e.g., ensuring jurors are not picked if they have dog allergies, and incorporating juror instructions which address the dog's presence. People who have been the victim of a crime have the legal right to be supported and to have their fear alleviated (Justice, 2007), and a balance is needed between the defendant's right to a fair trial and the need for witnesses to feel safe in the courtroom and not traumatised by the process of giving evidence (Dellinger, 2009).

It is currently unclear how the UK public would react to the introduction of facility dogs to UK courtrooms. Initial studies by Spruin et al. (2019a; 2019b) were positive. However, their studies utilised a small therapy dog in court waiting rooms rather than a trained facility dog in the courtroom. The aim of this study, then, is to survey a sample of the British public to find out how they would feel about the introduction of specially trained facility dogs to UK courtrooms. Based on the research on court users by Spruin et al. (2019a, 2019b), it was predicted that participants would have a positive response to the idea of facility dogs being introduced to UK courtrooms, and that they would feel better about the idea of giving evidence in court with a facility dog than they would feel about giving evidence without one. Additionally, because it has been argued that facility dogs may have a stronger impact on dog owners (e.g., Bowers, 2013; Dellinger, 2009; Grimm, 2013), it was also predicted that dog owners would be more likely to endorse facility dogs than non-dog owners.

Materials and Methods

Design

This was a mixed methods study which utilised an online survey to ask respondents both qualitative (i.e., open-ended) and quantitative questions relating to their perceptions of UK courts, and their views about the introduction of facility dogs to those courts. A mixed methods approach was used to triangulate the data in order to provide a more comprehensive understanding and richer insight into the findings (Lobe, 2008), with the quantitative data corroborating and enhancing the credibility of the qualitative data (Patton, 1990).

Participants

A total of 287 participants took part in the study. However, 17 of those participants either only partially completed the survey or left it blank so they were removed from the

analyses, leaving 270 participants ($n = 218$ female, $n = 49$ male; $n = 1$ 'other'; and $n = 2$ 'prefer not to say') whose ages ranged from 18 to 66. When asked how they would describe their ethnicity, participants reported a total of 29 different ethnicities. The most common responses were: White British ($n = 120$); White ($n = 56$); British ($n = 40$); English ($n = 8$); Black ($n = 4$); Black-African ($n = 4$); 'Mixed' ($n = 4$); Polish ($n = 4$); and Black British ($n = 3$). The remaining 20 ethnicities reported were all $n \leq 2$.

Of the 270 participants, only 31 reported having court experience (i.e., had been part of a trial/court case). Of those, $n = 18$ gave evidence, $n = 8$ were jurors, $n = 2$ were there to support a friend/family member, and $n = 3$ were there in a more official capacity ($n = 1$ guest of the judge, $n = 1$ CPS case work assistant, and $n = 1$ Independent Sexual Violence Advisor).

Materials and Procedure

The study was advertised via social media and around the authors' university. The advertisement stated that the study would be asking participants about their experience with, and opinions about, UK courts, and included a link to the survey for those interested in taking part. No mention of facility dogs was made in the information sheet nor in the advertisements so as to avoid potentially biasing participants' responses when answering some of the questions.

When participants clicked on the link to the online survey they were presented with an information sheet followed by the consent form. They were then asked some general demographics and whether or not they had any experience of court. Those who had experience of court were also asked (non-identifying) questions about their court experience (i.e., the type of case and their role in it).

The literature surrounding victim and witness perceptions and experiences of going to court has highlighted a number of likely emotional responses, i.e., feeling: anxious (e.g., Hunter et al., 2013; Lawrence et al., 2015), intimidated (e.g., Franklyn, 2012; Lawrence et al., 2015), distressed (e.g., Ministry of Justice, 2014; Wood et al., 2015), frightened (e.g., Easton & Zendle, 2019), and traumatised (e.g., HM Government, 2018; Wedlock & Tapley, 2016). Participants were, therefore, asked how anxious, intimidated, distressed, frightened, and traumatised they thought they would feel if they had to give evidence in court, on 5-point scales from 1 = *not at all* to 5 = *completely*. Thus, higher scores reflected greater anticipated levels of that emotion. Because facility dogs help people to feel safe (Mariani, 2020; Spruin et al., 2020), participants were also asked, on the same 5-point scale, how safe they thought they would feel giving evidence in court. They were then presented with an open-ended question asking them if there were any specific support measures they would like available to them if they had to give evidence in court.

Next, participants were given a short paragraph explaining what facility dogs are and how they are used. Specifically, that ‘a number of countries have specially trained facility dogs which witnesses/victims/defendants/courthouse users/etc. can access throughout their time in court. These dogs have been used to provide support to a number of courthouse users. This support can be accessed at any point before, during, or after court users’ time in court’. Using the same 5-point scale, participants were then asked how anxious/distressed/safe/frightened/intimidated/traumatised they thought they would feel giving evidence in court if they had a facility dog by their side when they did so.

Following this, participants were asked to rate, on a 9-point scale from 1 = *completely disagree* to 9 = *completely agree*, whether or not they thought facility dogs were a good idea, with a follow-up open-ended question asking them to explain why they did/did not think the dogs were a good idea. Finally, participants were asked what effect they thought a facility

dog would have on witnesses' ability to give evidence in court, on the quality of the evidence witnesses gave in court, and the effect they thought the presence of a facility dog would have on a jury. In each case, participants were given 3 answer options: a positive effect (e.g., *helping their ability to give evidence*), a negative effect (e.g., *hindering their ability to give evidence*), or no effect (e.g., *no effect on their ability to give evidence*).

At the end of the survey they were also asked whether or not they liked dogs and whether or not they owned a dog.

Ethics

The study adhered to the Declaration of Helsinki and was approved by the Ethics Chair of the Faculty of Social and Applied Sciences at Canterbury Christ Church University (ethics approval code: 16/SAS/332C).

The data collected was anonymous and confidential. Further, participants were asked not to include any information which could be used to identify either themselves, or the court case they were involved in. The information sheet at the start of the survey contained the researchers' names and contact details should they have any questions or want to withdraw their data, and they were also reminded of these on the debrief page at the end of the survey. After completing the consent form, and before being presented with the survey questions, participants were also given instructions on how to create a unique participant code which could then be used later if they wanted to withdraw their data from the study.

Data Analysis

The quantitative data was analysed using SPSS version 26 and focused on five areas: participants' feelings about giving evidence in court, both with and without the presence of a facility dog; the effect they thought a facility dog would have on the court case; the type of

support they would like to have if they had to give evidence in court; and whether or not dog owners' opinions about facility dogs differed to non-dog owners'.

The qualitative data came from participants' answers to the open-ended question asking participants why they did/did not think facility dogs were a good idea. Because there was no specific research question or theoretical underpinning which generated the exploration of specific themes, a thematic analysis was used to identify the themes within participants' answers to this question (see Braun & Clarke, 2006). To ensure the quantitative results did not unintentionally bias the themes generated from the qualitative data, a trained research assistant, who was unfamiliar with the study or outcomes of the quantitative data, performed the analyses. The second author was also the second coder, and their analyses were compared to that of the first coder to ensure that the themes identified by each coder corresponded. Any themes/sub-themes not identified by both coders were not included, although it is worth noting that the themes which have been reported here were separately identified by each coder as the four main themes present in participants' responses.

Results

Perceptions of Giving Evidence in Court

Quantitative analysis

Participants were initially asked how they would feel if they had to give evidence in court. Later in the survey they were asked how they would feel giving evidence if they had a facility dog with them. As can be seen from *Table 1*, paired samples *t* tests revealed that participants were significantly more likely to think they would feel safe giving evidence with a facility dog than they would without. They were also significantly less likely to think they'd feel intimidated, frightened, anxious, distressed, and traumatised if they had a facility dog beside them. In each instance the effect size was large (all $d \geq .8$), indicating that the

differences between how participants thought they would feel giving evidence with and without a facility dog were not negligible.

-----Table 1 about here-----

The positive impact participants thought a facility dog would have on the emotional aspects of giving evidence in court was further supported by the responses they provided when asked what they thought about introducing facility dogs to UK courts. The vast majority of participants ($n = 243$; 90%) agreed that facility dogs were a good idea. Only 11 participants (4%) did not think they were a good idea, with a further 16 participants (6%) saying they neither agreed nor disagreed with the dogs' presence in court.

Qualitative analyses

When analysing participants' responses as to why they did/did not think the introduction of facility dogs to UK courts was a good idea, the responses were divided into three groups depending on whether the participants had agreed, disagreed, or had neutral feelings about facility dogs. Three thematic analyses were, therefore, performed; one per group.

For the 11 participants who disagreed, while the thematic analysis found no clear themes emerging from their qualitative data, the most common reasons listed were concerns that the presence of a dog would be a negative distraction, and that there may be people in the courtroom with a fear of dogs (see *Figure 1*).

-----Figure 1 about here-----

Likewise, while no clear themes emerged from the qualitative responses provided by the 16 participants who had neutral feelings, the most common reason for their neutrality were that the dogs' effectiveness would vary depending on the person (see *Figure 2*).

-----Figure 2 about here-----

Exploring the qualitative responses for those participants who thought facility dogs were a good idea ($n = 243$), four themes emerged from the data: *calming*, *comforting*, *testimony improvement*, and *distraction* (with two sub-themes: *positive distraction* and *negative distraction*). Each theme and corresponding sub-theme are presented below with example quotes from the qualitative responses (see *Table 2*).

-----Table 2 about here-----

Theme 1: Calming

The most common theme present in the data, referred to by two thirds of the agreeing participants ($n = 136$), was the idea that the presence of a facility dog would have a calming effect on the witness they were assigned to. The idea of having a companion who they could physically interact with, a dog they could stroke and cuddle, was something participants thought would provide them with a sense of calm and a lift to their mood:

“Giving evidence seems as though it could be very stressful and dogs can be very calming and tend to always make me feel happy.”

Close physical contact is not something which a court-appointed support person or legal professional would be allowed to give a witness, yet it is something which many of the participants thought they would need if they were giving evidence in court. Even if support people were able and allowed to provide physical contact, witnesses such as those who are survivors of sexual assault may not be able to tolerate human contact, but would be more likely to be receptive to close contact with a dog. As one participant said:

“Regarding cases where the victim would only benefit from the comfort of a dog, I think this would be a brilliant idea. Especially for children, rape cases, and/or domestic abuse cases. The presence of the dog could relieve anxiety and be a positive distraction from negative emotions.”

Thus, for participants who would feel calmer with that physical comfort, a dog would be able to provide that for them.

Many of the participants also referred to the dogs as being a good form of stress relief, helping them to reduce their anxiety and alleviate some of their fears:

“They have the potential to help bring a calming environment to the person giving the evidence to the court and could provide a more welcoming and less frightening environment.”

Therefore, dog owners, non-dog-owners, those with experience in court, and those without, often referred to dogs’ ability to produce a calming, relaxing, effect on people, reducing their stress, anxiety, and fears. This implication that dogs are able to provide comfort and reassurance during times of stress, enough that they can help calm people down during times of intense stress, is one which is discussed in more detail in the next theme.

Theme 2: Comforting

The notion of facility dogs providing a valuable source of comfort to witnesses was the second most common theme amongst the participants. For some, the comfort was derived simply from the dog’s presence. For others, it was the idea of having someone by their side to help them feel less alone. Many participants thought that having a dog by their side would give them a feeling of safety and security:

“...I also think that they would make one feel more safe as they wouldn’t feel like they’re alone and may even give the courage to someone that they need to be able to speak and open up on the stand and not feel intimidated.”

In-fact, one participant with experience of attending court even described them as acting as a form of comfort blanket:

“Making people feel more safe and less anxious in courtroom. Dogs act as a comfort blanket.”

For others, the comfort they felt a facility dog would give them was derived from the idea that it would feel like they had someone there “just for them”, as one participant put it, a friend by their side throughout the ordeal:

“...it almost feels like there is a friend next to you that doesn’t judge you.”

As this quote highlights, another appeal of having a facility dog was the idea of having a living creature who could not only provide comfort, but who would do so without judgement. As several of the participants pointed out, a dog is particularly useful because they are neutral and can provide a form of comfort and support without the danger that they may say or do something to negatively alter the witnesses’ testimony. In actual fact, many of the participants felt that a dog would do the opposite. That their calming, comforting presence would in-fact improve the quality of witnesses’ testimony, as discussed in the theme below.

Theme 3: Testimony Improvement

Another theme apparent in the participants’ answers was the idea that facility dogs might actually help participants to give a better testimony:

“I worked in the courthouse for 30 years...I have also seen many traumatized and upset victims. I totally believe having a specially trained dog in a number of cases would have been very helpful in calming the victims and as a result could well have improved the quality of the evidence given.”

Participants felt that the dog’s presence would reduce witnesses’ anxiety, and help to keep them calm, thus improving not only their willingness to give evidence, but also the quality of their evidence. Some participants thought that this was because having a dog by their side would help to boost their confidence, whilst others explained that they thought the dog’s calming influence would help them to arrange their thoughts more clearly and improve their ability to articulate themselves.

“I think it would a brilliant idea. Having access to a dog would help me feel calmer and much less likely to get flustered, or stammer or hesitate while speaking. This would make everything I say more clear.”

Similarly, some participants felt that the anxiety-reducing effects of a canine companion would aid witnesses’ recall, helping them to focus on the key details they needed to convey to the court.

Thus, the overall feeling was that the calm, comforting effects of having a facility dog by their side would help witnesses concentrate on the important details, and sort through and convey those details more clearly, thereby improving the quality of their evidence.

“I feel with a trained courthouse dog, it will allow the person to feel safe and less on edge and if the dog calms the person giving evidence, you are more likely to get better image of what happened and their statement will be more clear as they’re less upset meaning they are concentrating more on what to say.”

Theme 4: Distraction

The final theme present in the participants’ answers was that facility dogs would act as a distraction for witnesses. However, whilst some participants thought the distraction the dog could provide would be of benefit, there were just as many who were concerned that the presence of a dog in the courtroom had the potential to cause problems. It was apparent, then, that there were two sub-themes within this theme: the presence of a dog as a positive distraction, and the dogs’ presence as a negative distraction. Each of these will, therefore, be discussed in turn.

Sub-theme 4.1: Positive Distraction. Many of those viewed the distraction the dogs might provide as beneficial, believing that a facility dog would take the witnesses’ mind off of their anxieties, refocusing their attention on to the dog, and allowing them to clear their minds:

“They would calm the nerves of anxious people and give them something else to focus on rather than worrying about the case”

Further, many of the participants felt that having a facility dog as a form of support would enable witnesses to have something positive to concentrate on, potentially even allowing them to positively reframe their experience in court and give them something pleasant to remember after they have left the court.

“Waiting to give evidence can be a long and intimidating process, having a dog there would be an invited distraction and would help ease many nerves. It would also make the experience a bit more pleasant”

Sub-theme 4.2: Negative Distraction. There were participants, however, that were concerned that the dog’s presence may have a detrimental effect on the case by taking people’s attention away from the case and on to the dog:

“Before going in I believe that it would calm a participant as long as they like dogs. However in the court room I think it could be more off putting as you would pay more attention to the dog than what is going on.”

For some, the concern was that the witness may be too busy focusing on the dog to answer questions properly. For others, their concern was that the dog would also distract others involved in the case:

“Overall I think dogs have a positive effect on humans but they may be a distraction to some of the jury/observers and the person giving evidence.”

As well as jurors’ attention being drawn to the dog and reducing their concentration on the testimony itself, some participants were worried that the jury may be affected by a facility dog in other ways. Specifically, that the way the jurors view a witness may be altered by the presence of a dog:

“Give support but may create a distraction and make the jury more sympathetic towards the defendant which may influence the jury outcome.”

Summary of Themes

In summary, there were four themes that emerged from the qualitative responses provided by the participants who agreed with incorporating facility dogs into the justice system. The most common theme was the belief that the presence of a facility dog would have a calming effect on witnesses, reducing their stress and anxiety, and helping to alleviate their fears. Participants believed that the dogs would be a useful form of support, acting as a neutral, non-judgemental companion who would provide witnesses with a feeling of comfort and security in an otherwise fear-inducing environment. Participants also frequently referred to the idea of the dogs as a distraction. However, whereas some felt that this was a positive thing, distracting witnesses from their feelings of stress and enabling them to remain calm, giving them something else to focus on and helping to clear their mind, others were concerned that the dog may distract people from the details of the case. Even these participants, however, still thought that facility dogs were a good idea.

Perceptions About the Effect of Facility Dogs on the Court Case

When asked what effect participants thought the presence of a facility dog would have on witnesses' ability to give evidence, just over half (51%; $n = 137$) thought that it would improve their ability. Only 13% ($n = 34$) thought it would hinder their ability, whilst the remaining participants (36%; $n = 96$) did not think it would make any difference.

In terms of the quality of their evidence, more than a third of the participants (36%; $n = 98$) thought a facility dog would help to improve the quality, and just under half (49%; $n = 133$) thought they would make no difference. Only 13% ($n = 35$) thought the presence of the dogs would reduce the quality of that evidence.

These results support the qualitative data, where only a small proportion of the participants voiced concerns about the dogs acting as a negative distraction to the witnesses (see sub-theme 4.2: *negative distraction*), and one of the main themes was the belief that the dogs would in-fact aid witnesses' testimonies (see theme 3: *testimony improvement*).

Finally, when participants were asked whether or not they thought facility dogs might bias a jury, half (50%; $n = 134$) did not believe they would. Two-fifths of the participants (40%; $n = 108$), however, thought that the presence of a facility dog would make the jury more sympathetic towards a witness, and 9% ($n = 24$) thought that their presence would result in the jury being less sympathetic towards the witness. Again, these findings support the qualitative data, where several participants raised the issue of potential jury bias (e.g., "*it could unconsciously affect the jury*"; "*could be seen as weak or trying to portray an innocent image*").

Preferred Types of Support

When respondents were asked what kind of support they would like to be offered when giving evidence in court, of the 136 (50%) respondents that responded to this question, the most common response ($n = 46$; 34%) made reference to some form of companionship (e.g., "*Something to offer emotional support*"; "*Having something comforting near me*"; "*Supportive other next to me*"). Specifically, many respondents expressed that the companionship they were referring to was not just about having someone accompany them to the court and wait with them, they also felt that they needed someone who could accompany them on the stand to be by their side whilst they gave evidence (e.g., "*Someone or something there supporting me when I gave evidence, so I am not alone*"). With that, although at this point in the survey no mention had been made of facility dogs, a third ($n = 16$; 33%) of those suggesting some form of companion as a means of support listed dogs as something they thought should be available to people (e.g., "dogs", "support dog", "therapy dog"). More

interestingly, however, of those who listed dogs as something they would like to see included as a form of support in court, only half were actually dog owners. There were just as many non-dog owners who listed dogs as a form of support they thought should be available when giving evidence in court.

Dog Ownership and the Perception of Facility Dogs

At the end of the survey participants were asked whether or not they liked dogs and whether or not they owned any dogs. Only 3% of the participants stated that they did not like dogs, and because this was considered far too small a sample size to draw any useful conclusions from, no analyses were performed comparing those who did and did not like dogs. The proportion of dog owners versus non-dog owners was more even, however, with 46% ($n = 125$) of the sample stating they currently owned a dog compared to 54% ($n = 145$) who said they did not.

Whilst the independent samples t tests did not reveal any significant difference between dog owners and non-dog owners for any of the items measuring participants' perceptions (e.g., frightened, intimidated, anxious, etc.) of giving evidence in court normally, dog owners were found to be significantly less likely than non-dog owners to think that they would be frightened about giving evidence in court if they had a facility dog with them, $t(252) = 3.1, p = .002, d = 0.4$. No significant differences were found between dog owners and non-dog owners on any of the other measures, however (see *Table 3*).

-----Table 3 about here-----

When asked about whether or not they thought the presence of a facility dog would have a potentially biasing effect, there were a similar proportion of dog owners (47%) to non-dog owners (50%) who thought a facility dog could result in juror bias. The proportion of non-dog owners who thought the presence of a facility dog might hinder witnesses' ability to give

evidence (16% compared to 9% of dog owners), or reduce the quality of that evidence (17% compared to 8% of dog owners), was slightly larger, however. Similarly, a larger proportion of dog owners thought that the presence of a facility dog would improve witnesses' ability to give evidence in court (60% compared to 43% of non-dog owners) and would improve the quality of that evidence (42% compared to 32% of non-dog owners). Despite that, however, the vast majority of both non-dog owners (84%, $n = 122$) and dog owners (93%, $n = 116$) nonetheless felt that facility dogs were a good idea (see *Figure 3*).

-----Figure 3 about here-----

Discussion

It is thought that nearly half the UK public will interact with the justice system during their lifetime (Vaughan et al., 2015) so it is important that they feel comfortable in doing so, and that their interactions with the criminal justice system, and its associated services, are not hindered (e.g., by anxiety or fear). The main aim of this study, then, was to survey a sample of the UK public to see how they felt about the proposed introduction of facility dogs to the UK. Based on the small amount of research which exists on including facility dogs as a form of support in UK courts (e.g., Spruin et al., 2019a; 2019b), it was hypothesised that the participants in this survey would be in favour of facility dogs, and this was indeed found to be the case. The overwhelming majority of the participants in this survey said they thought that facility dogs were a good idea. In fact, when participants were given an open-ended question asking what type of support they would like to have available to them if they ever had to give evidence in court, the most common answer was some form of companion to sit with them throughout the process. Interestingly, dogs were the most frequent type of companion participants suggested despite facility dogs not yet having been mentioned anywhere in the survey, or in its accompanying study advertisements.

It was further hypothesised that participants would feel better about the idea of giving evidence in court with a facility dog beside them than they would about the idea of giving evidence without one, and this hypothesis was also supported. Participants' anticipated feelings of anxiety, distress, intimidation, fear, and trauma were all significantly lower when they imagined having a facility dog with them whilst they were giving evidence compared to when they had imagined giving evidence "normally" (i.e., without one). They also anticipated feeling significantly safer giving evidence in the presence of a facility dog than without one.

These are important findings because some witnesses are so afraid of attending court that it negatively impacts their ability to give evidence, or prevents them from attending court at all (Victims' Commissioner, 2021). In-fact, the Victims' Taskforce has previously stated that victims are often reluctant to report crimes made against them, and that more needs to be done to encourage victims to come forward (Lawrence et al., 2015). Even direct experience with the CJS does not seem to alleviate court users' concerns. For example, a Citizens Advice survey (Vaughan et al., 2015) found that people with direct experience of court were in-fact more likely to think attending court was not worth the stress. Further, the Victims' Commissioner discovered that only a low percentage of the rape survivors they surveyed had felt supported by the Crown Prosecution Service and the courts (Molina & Poppleton, 2020), and more than three-quarters of those who gave evidence in court felt that their cross-examination had traumatised them, with some even referring to their interactions with the Criminal Justice System (CJS) as devastating (Molina & Poppleton, 2020).

These anticipated and experienced levels of stress and distress are problematic for multiple reasons. How survivors feel about their experiences with the CJS can impact their recovery (Wemmers, 2013), and how willing survivors and witnesses are to engage with the CJS is affected by how they feel they are treated in their interactions with them (Hunter et al.,

2013). Even if witnesses are willing to testify in court, the amount of stress they experience when doing so can have a negative impact on both the amount and the quality of the evidence that they provide (Crown Prosecution Service, 2020). Although there are special measures UK courts can put into place to help reduce the stress of testifying for vulnerable and/or intimidated witnesses (Crown Prosecution Service, 2020), these are not enough (Molina & Poppleton, 2020).

The purpose of special measures is to reduce the stress and anxiety of giving evidence (Victims' Commissioner, 2021) which in turn can help increase the quality of witness testimony (Crown Prosecution Service, 2020). The way participants in the current study anticipated facility dogs affecting them, then, supports the introduction of these dogs to UK courts as a special measure.

When participants were asked why they thought facility dogs were a good idea, their responses fell into four main themes: *calming*, *comforting*, *testimony improvement*, and *distraction* (with two sub-themes: *positive distraction* and *negative distraction*). The most commonly occurring of these themes was *calming*, with nearly two thirds of the participants stating that they thought the presence of a facility dog would have a calming effect on witnesses. Specifically, being able to stroke and cuddle a dog was described as calming and relaxing, a way of reducing stress and anxiety, lifting witnesses' mood and helping to alleviate their fears. This kind of physical interaction is unique as a form of support, but is something which the participants felt would be particularly helpful. Not all witnesses have family and friends who support them in court (Ahern et al., 2018), and although court-appointed support people are available to witnesses they are not allowed to provide physical contact. Further, for some witnesses (e.g., survivors of sexual assault) human contact may not be something they could tolerate even if it was available to them (Spruin et al., 2019a), in

which case the presence of a dog to cuddle and draw comfort from would be particularly valuable.

The limited research there is on introducing facility dogs to UK courts supports the views of the participants in the current study that they would help reduce witnesses' stress and anxiety. In their study on the effect of providing survivors of rape and sexual assault with access to specially trained dogs in court waiting rooms, Spruin et al.'s (2019a) participants were visibly calmer and less anxious in the presence of a therapy dog. This echoed the findings of Spruin et al.'s (2019b) larger sample of 117 court users which also showed that having access to a therapy dog in the waiting room of a UK Magistrates Court lowered court users' self-reported stress and anxiety. Although the dog used in their studies was a therapy dog, studies investigating the effect of utilising a facility dog in forensic/A.B.E. interviews have shown similar results. Spruin et al. (2020) found a significant decrease in survivors' anxiety once they had engaged with a facility dog, and Krause-Parello et al. (2018) found that the children who had their forensic interviews in the presence of a facility dog showed a significant decrease in stress biomarkers compared to the children who did not have a dog with them during their forensic interviews.

As well as being a valuable way of reducing anxiety and calming down, the participants in the current study also felt that a facility dog would act as a source of comfort, enabling witnesses to feel that they had an ally at their side, helping them feel safe and secure without judgement. The Ministry of Justice have previously emphasised the importance of witnesses feeling safe when they attend court. However, their 2009-2010 survey revealed that they do not always feel this way (Franklyn, 2012). This is despite the fact that the Witness Charter states that a safe environment is one of the key standards witnesses should expect when attending court (Ministry of Justice, 2013). The current study found that participants thought they would feel significantly safer if they were accompanied by a facility

dog than they would without, and the suggestion that facility dogs can provide witnesses with a feeling of safety is one which has been noted previously (e.g., Mariani, 2020). When a dog sits/lays by people in a relaxed manner it sends a subconscious message that everything is okay (Howell et al., 2021), and not only is that feeling of safety beneficial for the witnesses, it has also been suggested as being beneficial for their testimonies too (Caprioli & Crenshaw, 2017; Justice, 2007).

The participants' qualitative responses echoed this, with many believing that reducing witnesses' anxiety would help them to think more clearly and thus focus on more relevancies and remember more details, improving both their concentration and their mental and verbal clarity. Further, when asked directly whether or not they thought the presence of a facility dog would affect witnesses' ability to give evidence, just over half thought that a facility dog would improve witnesses' ability to give evidence, and more than a third thought that a facility dog would improve the quality of that evidence.

It has also been suggested that the presence of a facility dog allows witnesses to make positive associations with the court environment (Crenshaw et al., 2019), giving them something positive to focus on and talk about rather than focusing on the reason they are there (Courthouse Dogs Foundation, 2015). Spruin et al.'s (2020) study of sexual offence survivors undergoing A.B.E. police interviews supported this, and also found that the presence of a facility dog acted as a positive distraction for the survivors. The participants in the current study echoed these findings, referring to the presence of a facility dog as a way of reframing the day by giving witnesses something positive to focus on, enabling them to clear their minds by taking their focus off of their anxieties and onto the dog.

As well as these anticipated benefits, some participants did also raise concerns about the dogs' potential to act as a negative distraction. Whilst some were concerned that a dog might act as a negative distraction for the witness in the courtroom, preventing them from

focusing on the questions they were meant to be answering, others were worried that it would prevent the jurors from paying attention to the evidence they were presented with. It was even suggested that seeing the dog with the witness could bias the jurors against the defendant by making the jurors more sympathetic towards the witness. These latter concerns were also mirrored in the quantitative data, too. When asked directly whether or not they thought the presence of a facility dog would influence a jury, nearly half were worried that a dog would bias the jury in some way. This is a common concern in discussions about the presence of facility dogs in courtrooms (e.g., Glazer, 2018).

It has been argued that facility dogs may cause jurors to perceive witnesses as innocent and in need of protection (Dellinger, 2009), or that the dog may make the witness look more believable or more vulnerable, potentially confirming a witness's status as a traumatised victim who has been victimised by the defendant (Burd, 2013), and thus make the defendant seem more guilty or threatening (Mariani, 2020). The concern is that every time they see the dog comforting the witness, jurors may assume it is due to the trauma of the crime or to the presence of the defendant rather than the stress of the courtroom in general, and witnesses' credibility will, therefore, be enhanced (Burd & McQuiston, 2019). However, those such as Dellinger (2009) have countered that there needs to be a balance between the defendant's right to a fair trial and the need for witnesses to feel safe in the courtroom and not traumatised by the process of giving evidence. They argue that the advantages of facility dogs outweigh any disadvantages (Dellinger, 2009), and that there are in fact easy steps which can be put in place to address these issues (Courthouse Dogs Foundation, 2015; Dellinger, 2009).

On a related point, it has been theorised that jurors who are dog owners might be particularly likely to be biased by the presence of a facility dog in the courtroom (Bowers, 2013; Grimm, 2013) and, conversely, that witnesses who are keen on dogs might be

particularly likely to benefit from them (Dellinger, 2009). The current study, therefore, hypothesised that dog owners would be more likely to support facility dogs than non-dog owners. However, although dog owners were significantly more likely to think that a facility dog would help them to feel less frightened when giving evidence, they did not show any significant differences in relation to the presence of a facility dog on their anticipated levels of distress, trauma, anxiety, intimidation, or safety. That said, there were a larger proportion of dog owners, compared to non-dog owners, who thought that facility dogs would improve witnesses' ability to give evidence and improve the quality of that evidence. The dog owners were also less likely to think that facility dogs would hinder witnesses when giving evidence. However, there was no difference in the proportion of dog owners and non-dog owners who were concerned about the effect of the dogs on juror bias.

Interestingly, the majority of dog owners and non-dog owners alike supported the introduction of facility dogs to UK courts, although the proportion of dog owners agreeing with facility dogs being included as a method of support was larger. This supports Spruin et al.'s (2019b) findings, where even court users who had said they were not "dog people" said they felt the presence of a dog in the waiting room had a positive effect on them.

Of course, there are limitations to the conclusions which can be drawn from the current study. Firstly, only a small proportion of the participants had any experience of court and were instead asked to imagine how they would feel if they had to give evidence. This means that the results do not allow any conclusions to be drawn about how the participants would *actually* feel testifying in court. Nonetheless, the results support previous research which indicates the negative perceptions people have about having to go to court (e.g., Vaughan et al., 2015), and show support for the idea of introducing facility dogs to UK courts. Previous research has also shown support from both UK court users (Spruin et al., 2019a; 2019b) and UK court workers (Spruin et al., 2019b) for the introduction of facility

dogs to UK courts. However, research in this area is still limited and more is ideally needed utilising these populations.

Secondly, with more than four times as many females as males who responded to the survey, there were a disproportionate number of female participants. Additionally, the majority of the participants who took part in the study described their ethnicity as either White British or White. The survey, then, cannot be said to represent all cross sections of the British public, and more research is, therefore, needed, especially considering the differences in how some cultures view dogs (Courthouse Dogs Foundation, 2015; Foreman et al., 2017).

Despite its limitations, the current study nonetheless provides support for introducing facility dogs to UK courts. Nearly all of the participants, both dog owners and non-dog owners, supported the idea of facility dogs being made available for people giving evidence in court. Participants felt that these dogs would have a calming effect on witnesses, reducing their anxiety and distress, and potentially helping them to provide a better testimony. Their answers did, however, suggest that more research is advisable in relation to the effect of facility dogs on juror bias. That said, despite their concerns it was clear that, overall, participants felt that facility dogs do have the potential to be of benefit to UK court users, and would be a worthwhile addition to the special measures currently available to victims and witnesses who are asked to give evidence in court.

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The authors report there are no competing interests to declare.

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A copy of the raw data can be obtained by contacting the authors.

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Tables

Table 1. Participants' mean responses when asked how they would feel if they had to give evidence in court.

Item: "I would feel..."	Without a facility dog		With a facility dog		Paired samples <i>t</i> test		
	Mean	SD	Mean	SD	<i>t</i> (df)	<i>p</i> *	<i>d</i>
Safe*	3.1	1.0	4.3	1.8	<i>t</i> (254) = 13.8	<i>p</i> < .001**	<i>d</i> = .8
Intimidated*	3.3	1.1	2.0	1.7	<i>t</i> (255) = 15.3	<i>p</i> < .001**	<i>d</i> = .9
Frightened*	3.1	1.1	1.7	1.7	<i>t</i> (253) = 17.4	<i>p</i> < .001**	<i>d</i> = 1.0
Anxious*	3.8	1.0	2.3	1.8	<i>t</i> (255) = 17.1	<i>p</i> < .001**	<i>d</i> = 1.1
Distressed*	3.0	1.1	1.5	1.7	<i>t</i> (254) = 18.6	<i>p</i> < .001**	<i>d</i> = 1.1
Traumatized*	2.2	1.2	1.0	1.8	<i>t</i> (255) = 14.9	<i>p</i> < .001**	<i>d</i> = .8

* The adjustment made for use of multiple comparisons means that $p < .008$ is the cut-off for significance ($0.5/6 = .008$)

** Significant, even when adjustments are made for the use of multiple comparisons

Table 2. Overview of the themes when participants explained why they agreed with the introduction of facility dogs to UK courts.

<i>n</i>	Theme	Sub-theme	Example quote
136	Calming		“It would be very calming, therefore would become easier to gather your thoughts and concentrate”
48	Comforting		“Animals are far more comforting than other humans, it doesn’t feel like the animal is judging you and can put many people at ease for those reasons”
44	Testimony improvement		“It will help people giving evidence within court to feel more at ease and slightly less anxious, hopefully enabling them to give better evidence.”
45	The dog as a distraction	A positive distraction	“A dog would be a welcome distraction, would give people something to focus on whilst they gather their thoughts...”
		A negative distraction	“Overall I think dogs have a positive effect on humans but they may be a distraction to some of the jury/observers and the person giving evidence”

Table 3. Participants' mean ratings when asked how they would feel giving evidence with a facility dog.

	Owns a dog(s)	Does not own a dog	Independent samples <i>t</i> test		
			<i>t</i> (df)	<i>p</i> *	<i>d</i>
Safe	4.5 (<i>SD</i> = 1.7)	4.1 (<i>SD</i> = 1.9)	<i>t</i> (253) = 2.0	<i>p</i> = .042 (<i>ns</i>)	<i>d</i> = 0.2
Anxious	2.1 (<i>SD</i> = 1.7)	2.4 (<i>SD</i> = 1.8)	<i>t</i> (254) = -1.5	<i>p</i> = .136 (<i>ns</i>)	<i>d</i> = 0.2
Distressed	1.2 (<i>SD</i> = 1.7)	1.7 (<i>SD</i> = 1.7)	<i>t</i> (253) = 2.6	<i>p</i> = .009 (<i>ns</i>)	<i>d</i> = 0.3
Frightened	1.3 (<i>SD</i> = 1.6)	2.0 (<i>SD</i> = 1.8)	<i>t</i> (252) = 3.1	<i>p</i> = .002**	<i>d</i> = 0.4
Intimidated	1.8 (<i>SD</i> = 1.6)	2.2 (<i>SD</i> = 1.8)	<i>t</i> (254) = -1.9	<i>p</i> = .059 (<i>ns</i>)	<i>d</i> = 0.2
Traumatized	0.7 (<i>SD</i> = 1.8)	1.2 (<i>SD</i> = 1.7)	<i>t</i> (254) = 2.4	<i>p</i> = .015 (<i>ns</i>)	<i>d</i> = 0.3

ns = non-significant

* The adjustment made for use of multiple comparisons means that *p* < .008 is the cut-off for significance (0.5/6 = .008)

** Significant (*p* = .002) even when adjustments are made for the use of multiple comparisons

Figures

Figure 1. Overview of the reasons why participants disagreed with introducing facility dogs to UK courts.

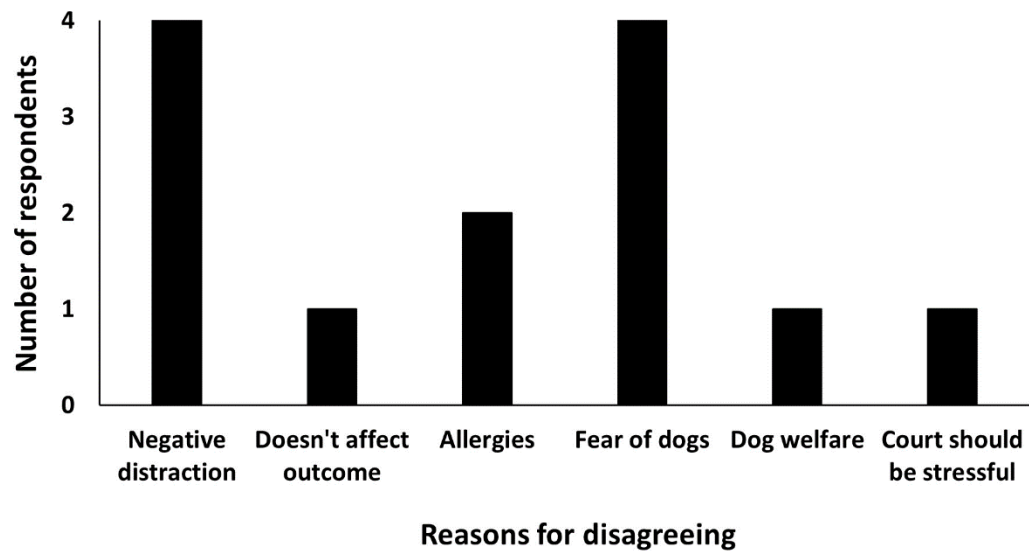


Figure 2. The reasons participants gave for their neutral answers when asked whether they agreed with introducing facility dogs to UK courts.

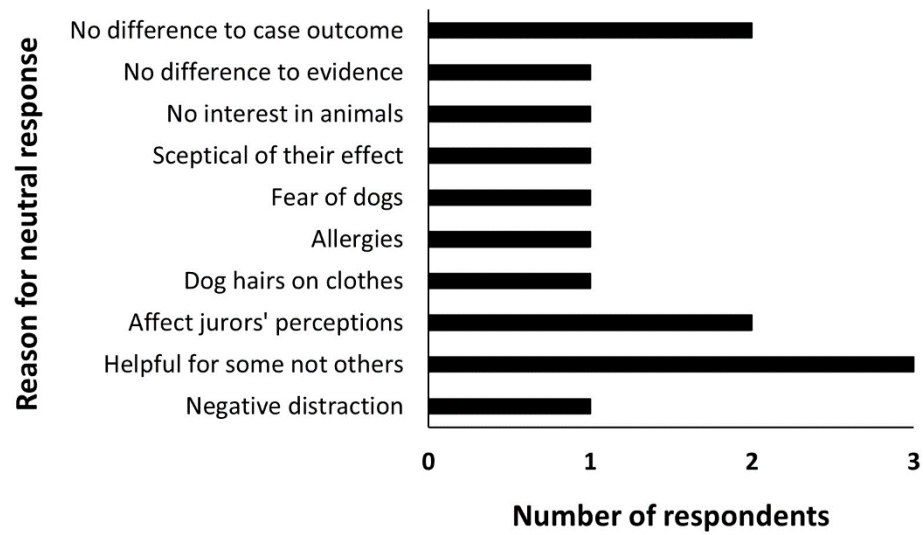


Figure 3. Dog owners' versus non-dog owners' views towards introducing facility dogs to UK courts.

