



# Victims of Crime Research Digest, Issue No. 7

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## Let's "Paws" to Consider the Possibility: Using Support Dogs with Victims of Crime

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Today, a service dog helping an individual with sight limitations is accepted and relatively common. There are other trained dogs including those who serve individuals who are deaf or hard of hearing and those who serve individuals with mobility limitations. Provincial, territorial, and federal human rights legislation ensures that these service dogs are able to accompany those they serve just about anywhere including public transportation, the workplace, stores, and restaurants. Dogs and other animals have also been part of treatment for a wide range of people, including children who have been abused and adults with mental illness.

There is evidence that animals, and in particular dogs, are breaking down more barriers to provide support for victims, witnesses, and offenders by entering the criminal justice domain. As awareness about the role dogs can play in supporting victims of crime grows in Canada, this article provides a timely review of the social science research on the efficacy of therapy/victim services/assistance/support dogs and how they are being used in the United States and Canada to make a difference for victims of crime.

## A Note About Names

Considering the number of different names given to therapy/victim services/intervention/assistance/support dogs, it is no wonder that there is some confusion about their status and their role. There are also psychiatric service dogs (PSDs, a term from the United States) that a psychiatrist may recommend to lend support to persons with mental health issues. For the purpose of this article, the term "support dog" shall be used in keeping with the purpose of the *Criminal Code* testimonial support provisions. The key distinction is between service dogs and other support dogs that provide comfort and a calming presence to vulnerable persons or groups.

The Canadian Service Dog Foundation defines a service dog as "a dog individually trained to do work or perform tasks for a person with a disability." <sup>1</sup> Each province and territory has legislation that establishes the legal status of service dogs: in some jurisdictions, there is a general provision in human rights legislation; in others, the legislation is very specific, such as Alberta's *Service Dogs Act* (S.A.2007, c.S-7.5) where service dogs are defined as "a dog trained as a guide for a disabled person and having the qualifications prescribed by the regulations." The regulations name a training and accreditation organization for service dogs. <sup>2</sup> Service dogs are considered work dogs, not pets.

Support dogs do not have the legal status that service dogs do. Most organizations, as well as legislation and research, make a clear distinction between support dogs and service dogs. While service dogs belong to an individual, support dogs tend to belong to an organization and will work with many different persons or groups.

## Social Science Research

Is there empirical evidence demonstrating the benefits of support dogs for victims of crime? Because this is a relatively new role for support dogs, there have been no specific studies on support dogs working with victim services inside or out of the courtroom. Related evidence suggests that this type of support may prove beneficial for victims of crime. For example, there have been studies on the role of dogs in therapy for victims of child sexual and physical abuse (see Dietz et al. 2012) and on

patients with post-traumatic stress disorder (Lefkowitz et al. 2005). It is therefore necessary to draw conclusions from the more general research on the benefits of support animals and from research where animals have been used with specific groups.

## **Benefits of Animals in General**

Studies have shown the psychological benefits of support dogs in areas such as depression (Francis et al. 1985; Siegal 1990), aggression (Kanamori et al. 2001), and stress and anxiety (Barker and Dawson 1998; Beck et al. 1986; Davis 1988; Siegal 1990). Social science research provides evidence that animal companions have positive impacts on physiological symptoms of stress and anxiety such as high heart rate, high blood pressure, rapid, shallow breathing, and dissociation. (see Johnson 2010). Put simply, animals may be able to calm people down and can have a positive impact on their emotions. The presence of such an animal can divert attention away from what is causing the stress and/or anxiety (Leaser 2005, 955).

## **Animals in Therapy**

Dr. Boris Levinson, a psychologist, began to incorporate animals into his therapy sessions in the 1960s. He found that his patients were often able to trust the animals, and this helped them open up and trust him (Levinson 1969).

Animals that are involved in Animal Assisted Therapy (AAT) serve different roles, such as a companion, a social facilitator, or as a substitute to develop a relationship of trust. Sockalingham et al. (2008) note that animals can also provide emotional support, reinforce feelings of independence, and stimulate awareness. Beck (1985) noted that one advantage of using AAT (Animal Assisted Therapy) is that therapeutic results are often immediate, even in difficult-to-treat patients who were previously withdrawn, uncooperative, and uncommunicative. This is especially important in the context of supporting victims of crime during the forensic interview or at other key stages in the criminal justice system, such as testifying.

Why AAT is beneficial is not clear. Sockalingham et al. (2008, 75) note that:

Although attachment to another human also may aid in well-being (Sable, 1995), the attachment with an animal can be regarded as less complicated (Rynearson, 1978). In one preliminary study, measurements of neurochemicals linked to affiliation behavior indicated a mutualistic fulfillment of attention needs during AAT (Odendaal, 2000). This would suggest a physiological basis for the effectiveness of AAT.

In a more recent article, Chur-Hansen et al. (2010) note that while there have been numerous studies on the health impacts of animals on human beings, some of the results are inconclusive and, as noted above, the why and how on the benefits are not clear. These authors focus on two research gaps:

"(i) a preponderance of anecdotal reports and cross-sectional research designs; and (ii) failure to control for a host of other known influences on human health including health habits, level of attachment to the companion animal and human social supports" (2010, 140).

Another area where there exists very little evidence-based research is in the field of communication disorders. This is important in the context of support dogs and victims of crime given the value of the victim being able to communicate his or her experience fully and clearly to criminal justice professionals (e.g., police, the judge, or jury). One study explores the effects of a therapy dog on the communication skills of a patient with aphasia receiving intensive speech and language therapy within a rehabilitation setting. The researchers conclude that the presence of the dog has the potential to stimulate both overt social-verbal and social-nonverbal communication (LaFrance et al. 2007).

Furthermore, a recent study by Dietz et al. (2012) compared three different therapy groups for children who had experienced sexual abuse. The study was facilitated through a Children's Advocacy Centre in the southern United States and involved 153 children between the ages of 7 and 17. Children in the groups that included therapy dogs showed statistically significant decreases in trauma symptoms including anxiety, depression, anger, post-traumatic stress disorder, and sexual concerns.

While this article focuses on support dogs, there is also a body of research on the benefits of introducing horses to support work with vulnerable individuals. <sup>3</sup> Data also indicate that both patients and staff from varied hospital units report greater happiness, decreased sadness, and a greater sense of being loved when AAT is administered (Cole and Gawlinski 2000).

## In Canada

Over the past several decades in Canada, there has been a growing recognition of the need to support victims of crime as they engage with the criminal justice system. This includes crisis response at the time of an incident or shortly thereafter, during the forensic interview for example, as well as prior to and during a criminal trial, and during the period in which an offender is incarcerated. These programs, generally referred to as victim services, are largely funded by the provinces and territories and are organized in a variety of ways including police-based, system-based, and community-based services. The programs vary widely between and within jurisdictions. It has only been in the past decade that Statistics Canada has attempted to document these programs and the services provided to Canadians (see Kong 2004). And it has only been in the past couple of years that victim services programs have started to incorporate support dogs into their work with victims of crime.

In the *Criminal Code*, there are specific provisions to support those who testify in a criminal trial. Parliament enacted the first support person provision in 1993 to allow a support person to be close to a child witness while he or she tenders evidence in court. The original legislation applied only to charges related to sexual or violent offences. In 2005, Bill C-2 introduced a presumptive provision (s.486.1(1)) on application by a prosecutor or witness under age 18 or of a witness who has a mental or physical disability in any criminal proceeding, unless the judge concludes that the order would interfere with the proper administration of justice. Section 486.1(2) introduced a discretionary provision where the judge may order a support person of the witness's choice if the judge is of the opinion that the order is necessary to obtain a full and candid account from the witness. In making such an order, the judge may consider factors such as age, a mental or physical disability, the nature of the offence, and the nature of the relationship as well as any other factors the judge deems relevant.

As Bala et al. (2011, ix) note in their report on testimonial aids,

The courts have accepted that in enacting ss. 486.1, 486.2, and 486.3, Parliament intended to increase the use of accommodations for child witnesses, by increasing the use of support persons, closed-circuit television and screens, and counsel appointed to cross-examine child witnesses where accused persons are self-represented. There are very few reported cases in which use of an accommodation was requested and the accused satisfied the court that use of the accommodation would "interfere with the administration of justice."

A support person might be a social worker or a victim witness worker. In some cases, a parent may also be an appropriate support person, although a judge may decide that this interferes with the proper administration of justice if the allegation involves abuse by the other parent or a relative or if the parent is also testifying. There has yet to be a case in Canada where a support dog has accompanied a vulnerable person during testimony, nor has an application for a support dog ever been made. There are, however, numerous such cases in the United States.

## **Support Dogs in the United States**

Dogs in victim services and dogs in courtrooms are more common in the United States than in Canada. In at least 21 states, dogs are able to, upon application by the prosecutor, accompany sexually abused children into the courtroom when they take the stand, offering support and comfort while the children testify (Courthouse Dog Foundation).

Dellinger (2008-09) provides a history and arguments for a legal foundation to allow assistance animals (specifically support dogs) into courtrooms. As part of her research, Dellinger undertook interviews with judges involved in a pilot program in King County, Washington, which involved the use of dogs in the courtroom. She suggests that the support from "canine attendants" should be codified like the support from human attendants to provide more direction on instances in which the use of a dog in the courtroom should be allowed (Dellinger 2008-09, 186-187). Dellinger notes further that, "...awareness of victims' rights appears to be increasing in legal circles; with this comes an interest in modern solutions that help victims yet still respect the bounds of the traditional legal system. Canine emotional support programs are such a solution" (ibid.).

While there are no specific provisions in state or federal legislation that articulate the acceptance of assistance animals in the courtroom, most states have similar provisions to those in the *Criminal Code* as described above, at least for child victims. Most applications for assistance animals during testimony are granted on more general provisions for support during testimony, and often just for children, as in the Arkansas Annotated Code (16-43-1202) below:

*Safeguards for child victims testifying in judicial and administrative proceedings.*

(6) If it is in the child's best interests, the prosecuting attorney, attorney ad item, or Office of Chief Counsel attorney may file a motion for the child to have a support person present when the child testifies in a judicial proceeding or an administrative proceeding;

The Federal Rules of Evidence 611 (FRE 611) also provide:

The court shall exercise reasonable control over the model and order of interrogating witnesses and presenting evidence so as to (1) make the interrogation and presentation effective for the ascertainment of the truth, (2) avoid needless consumption of time, and (3) protect witnesses from harassment or undue embarrassment.

There are also similar rules at the state level. <sup>4</sup> The flexibility in FRE 611 is very important and gives the presiding judge a fair amount of discretion to adapt circumstances to the unique characteristics of a given case. In interpreting the legislation on "safeguards" or "testimonial supports" for child witnesses, there are a number of court decisions at the trial and appellate levels which examine the issue of dogs in the courtroom (Dellinger 2008-2009, 181-188). In the US, one of the concerns is the "confrontation issue" (Dellinger 2008-2009, 182). This refers to the Sixth Amendment of the US Constitution <sup>5</sup> which guarantees an accused, among other things, the right to confront witnesses. In Canadian criminal law, there is no such guarantee.

The website <http://www.courthousedogs.com> provides numerous legal tools to assist organizations and the State to make persuasive arguments regarding the use of dogs in the courtroom. For example, one section describes techniques for "minimizing prejudice" <sup>6</sup>; in several cases, the support dog entered the courtroom before the jury and stayed behind the witness box so that the jurors were not aware of its presence. In another section on appellate cases, it is possible to access the facts used by defence counsel and the State in the cases. <sup>7</sup>

## **Canada's First Victim Services Dogs**

Canada's very first victim services dog is a Yellow Labrador Retriever named Caber. <sup>8</sup> Caber joined the Delta Police Victim Services, serving Delta, British Columbia, in July 2010 for the K9 Trauma Project, funded in part by the Victims Fund of the Department of Justice Canada. Caber was bred and trained by the Pacific Assistance Dogs Society (PADS). <sup>9</sup>

Caber is a Canine Assisted Intervention trained intervention dog and will support the work of the victim services personnel as required. For example, Caber may attend at the scene of the crime, in the hospital, or at the police station to help calm a victim so he or she can provide a statement or just talk about what has happened. PADS (Pacific Assistance Dogs Society) retains ownership of all the dogs they place in therapy and service capacities until the dog retires. Retaining ownership of the dog is important as the dog can be taken back if he or she is ever misused or abused and this also keeps the dog handlers, who are employees of the organization, and PADS staff well connected with each other for support and assistance. When a dog officially retires as a working dog, the handler gets the first option to adopt him or her.

The K9 Trauma Project Summary Report noted the following in terms of intangible benefits of Caber:



Intangibly speaking, our K9 services have reached and connected with clients in an incredibly meaningful and positive way. It is difficult to summarize the impact that the K9 and this service has had on clients he has had contact with. Clients report the following: being incredibly comforted by the K9, finding immense cathartic benefit to petting the K9, being more receptive to services as a result of the K9, and a different and more positive opinion/outlook on police and police services because of the K9. Victim Services K9 handlers report: the K9 calms clients down who are excessively agitated, clients begin to talk more easily when the K9 is present, the cathartic benefit to petting an animal is obvious and overt in many situations, and clients approach Victim Services in a more positive and receptive manner.

In early 2013, Caber moved into the courthouse and, as a pilot project, attends Crown Counsel pre-trial interviews to provide comfort to victims when they are discussing their testimony. It is hoped that eventually Caber will be able to act as a support dog when vulnerable witnesses are testifying in court.

Lucy, a black Labrador, joined the Camrose Police at the end of April 2013 and is Canada's second victim services dog and the first in Alberta. <sup>10</sup> Lucy was trained by Dogs with Wings, which is the only accredited assistance dog training centre in Alberta. In addition, in the fall of 2013, a support dog joined the Calgary Police Services Victim Assistance Support Team.

In July, Fossey and Wren, mother and daughter golden Labradors arrived at the Zebra Child Protection Centre in Edmonton. <sup>11</sup> The dogs play different roles depending on the needs of the child or youth and his or her family. This may include greeting the family, staying in the forensic interview room during the interview, or just being present in the waiting area for the child to pat.

It is important to add that the handlers of the support dogs always ask permission of the vulnerable individual before introducing the support dog. If someone has allergies or is afraid, or expresses any kind of discomfort, the support dog would not be introduced.

## **So What Happens Next?**

Research clearly shows the benefits of animals to vulnerable individuals in general and in supportive or therapeutic-like contexts, although some results are inconclusive. These inconclusive results may be attributed to weaknesses or limitations in the research design. Research specific to victim services or support dogs would provide evidence as to whether greater involvement of support dogs with victims of crime would be beneficial or not. Such research needs to be designed carefully to ensure it is as rigorous as possible given the particular context.

Support animals can make a difference physiologically, emotionally and mentally. Given the impact victimization can have on children and adults, such interventions appear to be worth considering. So let's "paws" and consider this possibility.

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## Footnotes

- 1 Canadian Service Dog Foundation, *Frequently Asked Questions* (accessed September 30, 2013).
- 2 "A dog that has qualifications resulting from the successful completion of a training program delivered by a school or institution accredited by Assistance Dogs International, Inc. has the qualifications of a service dog for the purposes of the Act."(AR 197/2008 s1;1/2010)
- 3 See [www.petpartners.org](http://www.petpartners.org) for up-to-date annotated bibliographies on research related to service and support animals. In the late 1960s, the Delta Foundation was established; it was later renamed the Delta Society, then in the last couple years, Pet Partners. The organization was founded to ensure robust research on the impact of animals in treating individuals. The website states that: "Pet Partners, formerly Delta Society, is a 501(c)(3) non-profit organization that helps people live healthier and happier lives by incorporating therapy, service and companion animals into their lives. The organization is funded through individuals, foundations and corporations."
- 4 For example, Washington Rules of Evidence 611(a) is identical to the FRE 611.
- 5 "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense." (Emphasis added). For more context see the [Legal Information Institute at Cornell University Law School](#).

- 6      [http://www.courthousedogs.com/legal\\_minimizing\\_prejudice.html](http://www.courthousedogs.com/legal_minimizing_prejudice.html).
- 7      [http://www.courthousedogs.com/legal\\_appellate\\_cases.html](http://www.courthousedogs.com/legal_appellate_cases.html).
- 8      *Carter v Canada* (Attorney General), 2012 BCSC 886 [*Carter* 2012]; 2013 BCCA 435; *Carter*, *supra* note 1; see also Annex E: Bibliography on Medical Assistance in Dying.
- 9      See <http://deltapolice.ca/services/victimservices/trauma-k9/>.
- 10     See <http://www.camrosebooster.com/node/2546>.
- 11     For media coverage of the arrival of Fossey and Wren, see <http://globalnews.ca/news/824426/dogs-help-child-victims-open-up-about-their-experiences/>. For more information about the Zebra Child Protection Centre, see <http://www.zebracentre.ca/awareness/>.
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