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## The Use of Therapy Dogs to Support Court Users in the Waiting Room

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## **Abstract**

The use of animals to support individuals' wellbeing has been documented across a variety of disciplines. It has been over a decade since dogs have also started to be used within the criminal justice setting in America to support vulnerable people, but this practice is not common in the United Kingdom. Globally, empirical evidence to support the benefits of utilising dogs within the criminal justice system is lacking. The present interdisciplinary study aimed to explore one aspect of the criminal justice journey, the impact a therapy dog can have on UK court users waiting to give evidence at a magistrate's court. 117 court users and 8 court staff were interviewed to explore their perceptions of a therapy dog service offered at a local magistrates' court. Using thematic analysis, three main themes were discovered: (1) Context of the court environment, (2) Effect of the therapy dog on well-being, and (3) Issues relating to therapy dogs in court waiting areas. Results suggests that therapy dogs have a number of benefits to court users. Long-term, the human-canine interaction positively translates into the court waiting room environment and so it should be further explored, evaluated and then appropriately implemented in the UK's legal system.

*Keywords: therapy dog, criminal justice, court*

## **The Use of Therapy Dogs to Support Court Users in the Waiting Room**

In England and Wales, the information provided by witnesses is crucial to almost any type of criminal investigation and the court proceedings that may follow (Milne & Bull 2006; Dando, Wilcock, & Milne, 2009). Without witnesses, the majority of cases would fall at the first hurdle. However, it is important to note that on average 54 percent of witnesses in criminal cases could be classified under the Victims' Code (2015) as 'vulnerable' (Burton, Evans & Sanders, 2006). In circumstances where witnesses are deemed as vulnerable, they are eligible for a range of measures, collectively known as 'special measures', as they may require additional support in order to provide their best evidence. This was formally recognised in the 1998 Home Office report *Speaking up for Justice*, which recommended the introduction of a number of special measures designed to assist vulnerable and intimidated witnesses in giving evidence (Home Office, 1998). Special measures were incorporated into the Youth Justice and Criminal Evidence Act 1999 and include options such as the use of a pre-recorded interview as evidence in chief, giving evidence from behind screens, the use of video linking a witness from another location to the court room, and the use of intermediaries (Smith & Tilney, 2007). Overall, it has been shown that vulnerable witnesses are able to communicate evidence far more effectively if measures are put in place to protect their emotional wellbeing and to support any communication needs they may have (O'Mahony, Creaton, Smith & Milne 2016).

That being said, special measures are not accessible to everyone – only those who fulfil the Victims Code criteria for a 'vulnerable' person, are eligible. As such, although the criminal justice system in the UK has made improvements to help minimise the stress of going to court, such as introducing special measures for vulnerable people, many witnesses who do not fit the criteria for 'vulnerable', still describe the experience of going to court and giving evidence as an intimidating and traumatic event (Lawrence, Neyroud & Starmer,

2015; Beckett & Warrington, 2015). Research further supports these types of negative reactions, showing that the hardship suffered by witnesses in providing testimony increases the risk of retraumatization and negative recall (Goodman, Levine, Melton, & Ogden, 1991). It could therefore be argued that minimising stress and trauma during criminal proceedings is important for all those going through the criminal justice system, not just those deemed most vulnerable.

Recent Government initiatives have also emphasised the need to improve the support offered to all witnesses. For example, the *Getting it Right for Victims and Witnesses* proposal published by the Ministry of Justice (MoJ; January, 2012), focused on the need to ensure that witnesses receive the support required to deal with the stresses of going to court and giving evidence. The report also welcomed initiatives to further assist witnesses, emphasising their complex needs. Similar views were further supported by Callanan and Colleges (2012), who carried out a review commissioned by the MoJ exploring the support for victims and witnesses. The research emphasised the importance of client-led approaches to identifying and meeting the specific needs of this population. It is thus apparent that supplementary support methods may hold value within the criminal justice system in the UK.

One such approach that has been successfully introduced in a number of legal settings across North America, is the use of specially trained facility dogs (also known as ‘justice facility dogs’ or ‘court facility dogs’ ) to calm victims and witnesses during stressful legal proceedings (Spruin, Holt, Fernandez & Franz, 2016). First introduced in 2003, these dogs are able to accompany witnesses through the whole criminal justice system process, from initial forensic interviews, through medical examinations, to court proceedings, in order to assist those who may be frightened or anxious about giving evidence (Sandoval, 2010; Bowers, 2013; Spruin, et al., 2016). Anecdotal support from court evidence has indicated that these dogs can be valuable resources of support for witnesses. Dellinger (2009) notes

how court cases have shown these dogs to have a calming effect on witnesses who otherwise might be too distraught to give evidence. Weems (2013) and Spruin et al., (2016) further theorized, based on case evidence, how these dogs can be particularly useful for witnesses who are stressed or anxious about going to court. Similarly, Bowers (2013) contended that lawyers across North America have been encouraging the introduction of specially trained canines into the system, as they seem to help individuals communicate with more ease. With that, as many victims describe the process of giving evidence as being akin to the experience of the offence itself in terms of traumatization (Beckett & Warrington, 2015), using specially trained dogs as a method of reducing the trauma associated with giving evidence is something that has been continuously promoted throughout the North American legal systems (Dellinger, 2009; Weems, 2013; Spruin, et al., 2016). Despite the clear anecdotal evidence supporting the value of these dogs in the criminal justice system, there has yet to be any empirical research carried out within this area.

The case for the use of dogs for those who are vulnerable is, however, not a novel one. Research on the canine-human interaction has shown that there are a multitude of benefits to vulnerable individuals through the interaction with dogs. For example, it was found that dog-assisted therapy is useful for children and adults with cognitive impairments, as the dog provides non-judgmental affection (Damon & May, 1986) and is perceived as soothing when individuals are under stressful conditions (Barker, Baker, McCain & Schubert, 2016). Similarly, Shuck, Emmerson, Fine and Lakes (2013) utilised dog-assisted therapy for better management of ADHD symptoms; Stapleton (2016) noted positive impact of dogs on those with depressive symptoms or brain injuries; and O’Haire (2013) noted that those on the autism spectrum are able to develop bonds with dogs easier than humans which then allows them to better communicate. These brief examples of dog-assisted therapy on individuals

who would be considered vulnerable throughout criminal justice proceedings give an indication of the usefulness of such service in legal proceedings.

Furthermore, there are currently no justice facility dogs in England and Wales (or Europe) and it is unknown how receptive this criminal justice system might be of introducing dogs, generally, as well as how court users would perceive such a service. As Wedlock and Tapley (2016) suggest, it is key that court users' welfare is enhanced throughout the whole process, and so there is a place to explore this practice further. With that, the use of dogs within the criminal justice system is largely unheard of in England and Wales, despite the sound rationale based on case evidence in North America. As witnesses in England and Wales continue to describe the experience of giving evidence as intimidating and traumatic (Lawrence, et al., 2015; Becket & Warrington, 2015), it follows that more supportive facilities may hold merit. There is also a need to develop an empirical evidence base to substantiate the anecdotal evidence that is used to support such service and to develop relevant policy and legislation.

Therefore, the current research not only provides the first global evaluation into the impact that specially trained dogs can have within the criminal justice system as a whole, but it also provides the first exploration into the suitability of these practices within the criminal justice system in the UK. Using a qualitative approach, the research aimed to conduct a wider exploration of the perceptions and experiences pertaining to a therapy dog being present in a court waiting area, focusing particularly on the potential impact on the wellbeing of court users whilst waiting to give evidence in court. The research was guided by two research questions: What is the immediate experience of defendant and prosecution witnesses regarding their interaction with a therapy dog in respect to their court experience? And what are the perceptions and experiences of court staff who were involved with clients who interacted with the therapy dog? Considering the lack of empirical research in this area, a



qualitative approach using thematic analysis offers the greatest potential to identify the different aspects of this experience, triangulating short interviews with a range of people waiting in the waiting areas just before going into court with retrospective in depth interviews with various professionals working in court reflecting on their experiences of the therapy dog's impact on court users in waiting areas, to gain a thorough understanding of this particular phenomenon (Denzin, 2012).

## **Methods**

### **Design**

The lack of empirical research within the area and the desire to explore the lived experiences of participants (Frost, 2011; Smith, 2015), prompted the use of an exploratory qualitative approach within the present study. A 2-stage qualitative design was used employing an inductive thematic analysis approach (Braun & Clarke, 2006) at both stages. The first stage contained interviews with court users to explore the essence of participants' experiences (Jacobs & Furgerson, 2012). The second stage contained retrospective interviews with professionals working in court to explore their reflections on the experience. Both data sets were triangulated to increase validity and gain a comprehensive insight into the phenomenon in question. (Denzin, 2012).

### **Participants**

All participants were recruited from a local magistrates' court. In the first stage, a convenience sample of court users were recruited from the magistrates' court waiting rooms where the therapy dog was present. In total, 145 court users (66 defence witnesses and 79 prosecution witnesses) occupied the waiting rooms and therefore had access to the service, of which, 51 defence witnesses (77%) and 74 prosecution witnesses (93%) actively engaged

with the therapy dog service. Of those participants that did not engage with the service, only three actively refused due to not liking dogs. In total, 117 court users participated in the study (48 males and 69 females): 46 defence witnesses (including defence witnesses and their support) and 71 prosecution witnesses (including prosecution witnesses and their support), ages ranging from 17 to 76 ( $M = 39$ ,  $SD = 14.60$ ). And so five defence witnesses and three prosecution witnesses still received the service but did not wish to participate in the research.

In the second stage, professionals who worked at the magistrates' court (3 males and 5 females) were interviewed retrospectively using a more in-depth interview schedule. The occupation of staff participants included; two prosecutors, two defence counsels, one court clerk and three witness service staff, with ages ranging from 32 to 53 ( $M = 45$ ,  $SD = 6.70$ ). Purposive sampling was used to recruit staff participants who had witnessed and been involved with a court user who utilised the therapy dog service and was willing to communicate their experiences and opinions (Bernard, 2002). This method of sampling was chosen to ensure that staff participants were recruited from a variety of judicial roles, allowing for a greater representation of unique views of court staff which are especially informative (Neuman, 2009).

## **Materials**

Data from court users were collected through semi-structured interviews facilitated by an interview schedule that was aimed at exploring their experiences and subjective perceptions (i.e., *thoughts on therapy dogs in court, benefits and drawbacks, and the impact the therapy dog had on their experience whilst waiting to give evidence*) while they were interacting with the therapy dog. The interviews were mostly interviewee-led, with some prompts as necessary. These prompts related to the participants' thoughts and feeling surrounding: A) their perceptions /feelings surrounding the court process (e.g. *How are you feeling about being at court today?*), B) their perceptions of the impact of the therapy dog on

their experience of the court process (e.g. *Do you think the service of the therapy dog impacted on you in any way?*), C) reflections on the positives and negatives of utilising this service (e.g. *Do you see any challenges about the utility of this service?*). Therefore, interviews varied in length depending on the depth that each participant went into about their experiences and the number of interruptions that were encountered during the interview relating to their court case (e.g., being called to court). All interviews were carried out in the witness waiting room and varied in length from 10 to 20 minutes ( $M = 14.05$ ,  $SD = 5.32$ ). Whilst longer interviews could have provided more depth, it was key that the researchers did not cause a disruption to the participants and the court processes while still being able to tap into the immediate experience of participants regarding the interaction with the therapy dog.

In the second stage, the eight members of court staff engaged in retrospective semi-structured, in-depth interviews, devised to allow them to reflect on their general perceptions and experiences of the perceived impact of the therapy dog service. Staff were asked questions surrounding the whole process of the utility of a therapy dog. This started by gaining an understanding of staff expectations and knowledge of the service (e.g. *Can you tell us what your understanding of a therapy dog is?*). Then, staff were asked about their experiences of therapy dogs in the magistrates' court as they all experienced the therapy dog at work (e.g. *perceived outcomes, feelings surrounding these outcomes; What are your experiences of seeing the therapy dog in the court waiting room?*). This was followed by a discussion as to the effectiveness of therapy dogs with court users (e.g., *behavioral change, psychological changes, any issues or challenges; Can you tell us about any specific examples of impact that you have observed?*). Lastly, staff were asked to reflect on existing legislation or guidelines from their work environment in relation to utilizing specially trained dogs in the criminal justice system (e.g., *prosecution and defence challenges, guidelines; What challenges do you feel there are in relation to establishing this service?*). Interviews focused

on open-ended questions, and prompts were used if necessary. All interviews were carried out in a private room that was convenient for the participants and ranged in length from 20 to 35 minutes ( $M = 23.09$ ,  $SD = 10$ ).

## **Procedure**

Following ethical approval, a certified Pets As Therapy (PAT) dog, which is an official therapy dogs certification, and two researchers, one of whom was also the certified handler of the therapy dog, visited the waiting rooms of a local magistrates' court for 3 hours a week for a period of 24 weeks. This specific therapy dog has been trained since puppyhood via attending certified classes relating to her temperament, behaviours and predictability. This dog was, at the time, seven years old and is a shih tzu breed. Therefore, she is a small-sized dog. She had worked as a therapy dog for three years in various settings (e.g. schools, nursing homes, secure hospitals). Hence, the current findings need to be interpreted in this context.

The first stage of data collection pertained to the court users. All occupants of the magistrates' court were made aware of the therapy dog through signs situated around the courthouse and through court staff who informed court users of the therapy dog's presence. Researchers attended the court house once a week in the morning, arriving at the court house at approximately 9.30 am. Then, researchers entered the waiting areas. Court users were not directly approached by the researchers or the therapy dog, rather, any interaction was initiated by the court users. At the point of initial contact with the therapy dog, potential court user participants were verbally informed of the research. They were told that we will have a conversation with them whilst they are interacting with the dog about their experiences and will then ask them for any further thoughts after they are done interacting with the therapy dog. Participants willing to engage in the research were then presented with an information sheet and a consent form to sign, at which point they were also allocated a participant number

to ensure anonymity. Participants not willing to participate in the study were still provided with the service, however no information pertaining to their experience was collected. Upon signing the consent form, court user participants were asked a series of questions about their experiences of the criminal justice system. Court users were also asked about their experiences of interacting with the therapy dog and the effect, if any, these interactions had on their emotional state. All answers to questions were written down verbatim by the researcher. All interactions with the therapy dog were participant-led, once participants were done interacting with the dog, all participants were provided with a debriefing form and thanked for their assistance.

Upon completion of data collection from court users, the second phase of the research commenced. This involved interviewing eight legal professionals. This stage took place after the completion of the first one in order for staff to be able to reflect on the therapy dog service. All potential participants were provided with an information sheet outlining the aims of the study and their rights. All staff participants invited to participate agreed to do so and a quiet room in the courthouse was utilized to conduct the interview at a time convenient to the legal professions. During this time, they were again informed about the study and given a consent form to sign. Then, the interview took place. Staff interviews were recorded and transcribed verbatim by two researchers who were trained specifically in conducting qualitative interviews. Once the interview was complete, each participant was debriefed and thanked for their time.

### **Data Analysis**

Data from both court user and court staff participants were analysed using inductive thematic analysis, with the primary aim of identifying patterns within the qualitative data relevant to the research questions (Braun & Clarke, 2006). Using the thematic analysis

guidelines of Braun and Clarke (2006), both data sets were analysed separately and blindly by two independent researchers.

The data collected at stage one was analysed first, with one researcher familiarising themselves with the data ( $n = 117$ ) and then generating codes and merging these into main themes in relation to participant's experiences and perceptions of the therapy dog and the impact it could elicit in court users. This type of approach involved identifying patterns which are strongly linked to the data (Patton 1990), rather than specific questions asked to the participants. Following this, a second researcher coded a sub-section to ensure themes were transparent and replicable. Kappa scores to test for inter-rater reliability were calculated to ensure the reliability of the coding. In line with Landis and Koch's (1977) guide, the current kappa score was substantial (0.64).

The stage two data ( $n = 8$ ) collected from court staff was analysed separately, ensuring data was analysed inductively (Hosmer, 2008). Subsequent to the independent analysis, commonalities in themes were identified as pertaining to the research questions guiding the study (see Miles & Huberman, 1994). Following this, a second researcher coded a sub-section of codes, again there was a substantial level of agreement between the two researchers for classifying the themes across court staff participants (0.71).

## **Results**

In total, three master themes were identified: (1) Context of the court environment, (2) Effect of the therapy dog on well-being, and (3) Issues relating to therapy dogs in court waiting areas.

### **Context of the court environment**

This theme referred to the perceptions and opinions of the court environment, a factor that was prevalent across court user interviews and further supported by court staff participants. This theme was further broken down into two sub-themes; (1) *stressful environment* (2) *long waiting times*.

*Stressful environment.* The experience of being at court had a strong impact on the emotional state of court user participants. The majority of court user participants described court as a negative place that was highly stressful: *'I'm very stressed, it's a horrible situation to be in'* (prosecution witness; #68); *'well it's impossible to not be stressed you know'* (defence witness; #75). Participants here refer to the stress as being unavoidable, something out of their control. The situation causes them to feel this way by its very nature. This was particularly compelling if participants attended court for the first time, as described by the following defence witness (#3): *'it's very scary, been here for two hours already, it's scary, it's my first time in court'*. And a prosecution witness explains (#5): *'very stressed, have to give a statement, now it's coming up I can really feel it in my stomach, my hands have been shaking, I've never done this before I don't know what to expect so it worries me'*. The language used by both participants further highlights the varying level of stress they are under. It even includes the prosecution witness describing physical symptoms of anxiety at least partly due to the lack of knowledge of what to expect.

Staff participants provided further support for the worrying context that court can have on those unfamiliar with the environment. For instance, when court staff were asked about the possible benefits of a therapy dog within a courthouse setting, all participants used phrases such as *'it can be a terrifying place'*, *'the process is stressful'* and *'people are distressed'*. As one court staff participant explained further (#8):

I think court can be, well... scary, it can be a very scary place for people. It is often a place people come to and have to relive very painful experiences... Testifying in an

unfamiliar place like court, in front of strangers, that can be traumatic for most people.

Similarly, another staff participant (#6) explained about the unpleasant feelings that many court users have when going to court: *'they worry about going to court and re-live traumatic things that they need to talk about'*. Whilst another staff participant (#4) made reference to the physiological changes that the court environment can have on court users: *'the court process in general gets people worked up, their adrenaline starts pumping, body starts shaking, half the battle is trying to calm them down'*.

Common patterns emerged when court users discussed what instigates their negative experiences further within the environmental context. Some court users explained their increase in fear in terms of being afraid of seeing the defendant: *'I'm very nervous and scared, I don't really want to see [the defendant]'* (prosecution witness; #104). Other participants mentioned the need to appear in court or speaking in front of others, as described by a prosecution witness (#47): *'I'm so so stressed, not comfortable speaking in front of people, really'*. Similar responses were also noted by others; for example, a defence witness (#49) notes that: *'it's nerving, I'm quite fidgety to be honest'* and another prosecution witness (#95) explains: *'it's nerving and I have my son here, too, it's so many things to think about'*. This participant has to not only deal with their own feelings about court, but also has to deal with their son's experience, adding another dimension to the experience.

*Long waiting times.* Some individuals perceived little negative impact from the court environment, but rather were uneasy due to the long waiting times. As one prosecution witness explains (#61): *'I'm OK, I'm not happy but I'm not stressed'*. Another defence witness (#65) noted how bored they were waiting to be called for court: *'it's a bit annoying really, I am bored of waiting but there is nothing I can do'*. These participants still perceive court in a negative light and can see how stressed people can become: *'we haven't been waiting too*



*long this time. But it's always uncomfortable, and a lot of people around us look very stressed'* (defence witness; #7). Other participants mentioned the feelings of rumination when waiting a long time for court: *'it's not good to be here for this long. It's boring and you just keep thinking about the case, I medicated myself this time!'* (prosecution witness; #37). These types of feelings, coupled with the lack of distraction during long waiting times appear to exaggerate the uncomfortable context of the court experience.

Court staff participants also acknowledged the issue that court users face in regards to waiting for their turn in the court room. One staff participant (#7) explained how *'...being in court can often involve a lot of waiting around and watching the clock'*. The participant further said that *'the waiting creates...it creates pressure from the feelings of being in court'*. Another staff participant noted that:

...in the waiting room, for us, from the prosecution witness point of view. As witnesses wait, they are relieving the tension. Imagine, they are waiting, and sometimes they have long waiting times... lots of emotions running high and they are just focusing on one thing (#5).

These concerns were further echoed by another staff participant who said:

...when people are waiting they get nervous, the longer they wait, the more nervous they become, because they are focusing on going to court to give evidence and "oh my God". You can see how it can be a very uneasy wait (#1).

In summary, the experience of being at court was perceived negatively by all participants, this ranged from feelings of boredom to stress and rumination. These unpleasant feelings can be exaggerated or mediated by contextual factors, such as fear of the defendant or the unknown. As will be illustrated below, while the current therapy dog service appears to have the greatest benefit for those who are the most vulnerable and experience the greatest level of anxiety, it is important to be aware that it can have a real impact on the overall

atmosphere of the court environment, and also on the well-being of people who do not experience a strong negative effect from being at court.

### **Effect of the therapy dog on well-being**

This master theme explores the thoughts and feelings experienced by court users when in contact with the therapy dog, along with the perceptions of staff in relation to their observed and lived experiences. This theme was further broken down into five sub-themes; (1) *therapy dog perceived positively* (2) *relaxing effect of therapy dog* (3) *impact of therapy dog on happiness* (4) *reasons supporting the impact of therapy dog* and (5) *suitability for diverse groups*.

*Therapy dog perceived positively.* This theme related to both court user and staff participants, perceiving the therapy dog as very positive in the waiting room environment. Overall, the great majority of court user participants felt that the therapy dog in a court waiting area was both positive and beneficial. For example, a prosecution witness (#40) said:

It's amazing I know they do it in the US, I was there and I know about it. It's great I love it. It would be great to get her on twitter to tell people how good this is, because people should know.

And another defence witness (#57) said: *'I don't see any negatives, at all. I think it's a really good thing, I was gonna go for a cigarette but I stayed for her'*. This quote clearly illustrates the effect that the dog can have on the participant's ability to relax, something cigarettes are often used for. Another defence witness (#58) simply said: *'it's amazing, she wasn't here last time but it would have been so helpful every time'*, noting some regret about not being able to utilise the service throughout their legal journey.

Many of the participants expressed such strong sentiments, using expressive words (e.g. brilliant) to demonstrate how much they liked the presence of the dog. In fact, only four of the 117 court user participants reported that they did not feel any effect of the therapy dog,

and none reported negative impact. The strength of this is certainly noteworthy considering that many of the interactions between participants and therapy dog were brief and a singular occurrence, though further research is needed to establish how lasting such effects are.

Similar responses were echoed across court staff participants. For instance, when staff were asked about their overall thoughts on the therapy dog being in the waiting area, many made comments such as: *'it's fantastic'*, *'it's a very positive thing'* and *'I can see a place for it'*. One staff participant (#7) described the benefits of the therapy dog in terms of a treat:

Well, I think, well everybody loves dogs don't they generally? And it's sort of bringing a lovely thing into a horrible situation almost. So it's almost, you know, like bringing a bowl of sweets in for them. That's how I see it really. That is something to play with and, you know, she's so gentle and calming you can't not smile when she's there.

Another staff participant (#8) commented further about the need to introduce this type of service nationally: *'oh it's just wonderful and amazing, it needs to be introduced, not just here but everywhere. It's amazing for the witnesses and staff, really, yeah I love it'*.

*Relaxing effect of therapy dog.* This was one of the strongest sub-themes that arose surrounding the therapy dog's impact on overall well-being. Many court user participants reported that the therapy dog had some very strong effects on their mental states, ranging from decreasing anxiety to increasing relaxation and even eliciting happiness and joy. This was something that emerged across demographics: both men and women as well as defence and prosecution witnesses reported this. One defence witness (#2) said that having a therapy dog:

*Makes you more relaxed, someone to cuddle up to, especially if you're feeling a bit uneasy, there's a lot on your mind, it's a brilliant idea because it can really help you relax and not think about why you're here.*

This participant identifies some concrete consequences of the therapy dog's impact. This is important to note as this area of providing physical comfort is unique to the use of animals and cannot be substituted through other measures often utilised in the justice system. This ability of the therapy dog to help participants relax is reported throughout, with some participants even reporting a reduction of physical symptoms of stress and anxiety due to the dog. For example, a prosecution witness (#40) reports: *'it's great to have her here, it's good to keep people calm and all that, it's made me calm. My stomach was in knots for the last hour and since stroking her, the knots have gone!'*

The palpable reduction in anxiety symptoms is something that is reported frequently by participants, illustrating how strong the effect of a therapy dog can be for people in an environment such as a court waiting area. Another participant (prosecution witness, #5) explains about the therapy dog: *'it relaxed me I think I'm calm and not so shaky now'* and another prosecution witness (#104) explains that the dog helped to reduce her fear: *'I'm very nervous and scared, I don't really want to see [the defendant]. I came to her [therapy dog] immediately, I feel calmer already, it's amazing what an animal can do.'* These experiences are reported across different demographic groups as illustrated by the following quote of a defence witness (#99): *'yeah it's helping me! It's just so calming, petting her and really just interacting with her and she doesn't ask questions you know!'*

Staff participants also made comment in relation to the relaxing effects they had witnessed, making particular reference to the physical changes in some of the court users they had seen with the dog. For instance, when asked if she had noticed any benefits from the presence of a therapy dog around court, a staff participant (#1) said:

I think...I've observed myself how people react to animals but in particular I've seen [therapy dog] with magistrates when you've come in to introduce

her and I think there is definitely a... an immediate physical response.

Where you see people kind of go [sighs] and relax.

And this was something similarly noted by another staff participant (#5), when asked if there had been any occasions where she thought having a therapy dog at the court had been useful:

...we had two really upset sort of late teenagers. They were really, really, upset and the minute [therapy dog] walked in they just sat on the floor with her and you could see visibly the anxieties kind of just lift off them. I left the room because it was a bit overcrowded, but the feedback from the volunteers then is the change in them, from them being really anxious, teary, very, very, upset teenagers, suddenly feeling really relaxed. So they were then much more relaxed about going into court to give evidence. So that one really stands out a lot for me because I saw it in person.

*Impact of therapy dog on happiness.* The therapy dog did not simply reduce negative affect, but also brought actual joy to many of the participants. For example, a defence witness (#81) explains: *'it's just making me smile it's exciting having a cute dog here for you it's great'*. These types of positive feelings were frequently reported throughout the interviews, with a defence witness (#44) saying: *'it just brightens your day and makes you smile'* and a prosecution witness (#60) explaining: *'she's great, she's gorgeous, beautiful, made me so happy just to stroke her, made me smile, made me laugh, I just wanna stroke her all the time'*. Similarly, another prosecution witness (#84) said: *'It certainly made me smile! I love it so much honestly it's so amazing I could stroke her all day long. I absolutely love it, it made me quite excited and happy.'* The obvious happiness that the therapy dog can bring people is in stark contrast to the negative connotations associated with the court environment.

This positive effect on participants was so pronounced that it could be observed by others. As a prosecution witness (#98) said: *'you can see it's helping [the victim] already you*

*can see her just calm down and be happier, that makes me happier!'. Again, this illustrates that the effects are strong enough to lead to clear physical and behavioural changes that can even be observed by bystanders. This is also borne out by a defence witness (#79) who had her small child with her: 'Definitely [had impact on my day], my kid who's 3 is here not in a nice environment and it's good for him and then good for me to give me a distraction.'*

Court staff participants made further reference to the impact the therapy dog had on providing a sense of happiness to people in such circumstances. One participant (#8) explained about a case involving an older lady and the immediate reaction she had to the therapy dog: *'she saw [therapy dog] and immediately begin to smile. I hadn't see her smile all morning'*. Likewise, another staff participant (#5) recalled a case where the therapy dog helped comfort a 12 year old victim:

... she said she couldn't wait to go to court to see [therapy dog]. Her mum told me how happy she was to see [therapy dog]. Her face just light up, smiling from ear to ear. If there's somebody who's 12 years old having to give evidence on something that was really horrific couldn't wait to get to court to see [therapy dog] and that, that says it all for me that sort of statement. It still sends chills down my body thinking of it.

*Reasons supporting the impact of therapy dog.* Looking more closely at the specific reasons for the effect of the therapy dog on well-being, a lot of court participants expressed excitement and happiness about the dog's presence. The reported reasons for these effects were quite varied. For some people, the simple distraction that a therapy dog, a living creature which has nothing to do with the court proceedings, brings is a welcome relief from waiting for their turn to give evidence. As a prosecution witness reports (#66): *'she's making me smile just looking at her. It's nice definitely, I'm quite stressed and I didn't really stroke*

*her much but it was very nice to see her just to look at something calm because everyone is stressed'.*

Many court participants reported that while they did not touch the therapy dog for a variety of reasons, such as not liking dogs enough to touch or being too stressed, simply seeing the dog helped them to feel happier and to distract themselves. This shows benefits beyond the physical interaction in terms of distracting witnesses from the unpleasant event coming up, and helping them to feel calmer.

For many others, the therapy dog offered emotional support even more strongly, by offering companionship while waiting: *'...good idea to have in courthouses because it just takes your mind off things, it just means you don't have to wait alone for it to start'* (defence witness; #3); *'it's a great idea I don't have that many friends and just having a dog around is so amazing for extra support it's so amazing'* (defence witness; #82). Both of the participants here were lacking social support during a difficult time and the therapy dog was able to offer some comfort and help. In addition, therapy dogs can offer familiar comfort, and even mirror coping strategies for participants with mental health issues as this prosecution witness (#39) explains: *'I suffer from a lot of mental health stuff and the dog I have keeps me grounded and in this environment it's great because it's the same comfort as at home'*.

Something a lot of court user participants highlighted in their interactions with the therapy dog was the importance of touch. Participants reported that touching and stroking the dog was central in providing the above positive effects, for example: *'I'd totally say she de-stressed me! I love petting her, you know it's the contact isn't it which just makes it so great, the warmth and all of it, it's definitely distracted me.'* (prosecution witness; #80). These participants explicitly refer to the physical contact and to the therapy dog's natural warmth when explaining this effect. A prosecution witness (#85) further supported such sentiments:

*'it's lovely to focus on something else and just stroke her, definitely, just so calming, just looking at her, stroking her, it's making me quite happy to release all that tension and stress'.*

Responses from staff participants further highlighted the varied reasons supporting such positive impact. For example, one participant (#4) explained that: *'...if you've got [therapy dog] with you, it gives them something to you know, concentrate on rather than giving evidence, you know'*. Staff further commented on how the presence of the therapy dog not only provides a good distraction to court users, but could also be an attraction to getting otherwise reluctant court users to turn up, as staff participant #7 explains:

... it's really good when I do home visits that say "oh, you know, we could get the therapy dog to come along", and they are like "Oh my God" and they are just so excited, it distracts them, even momentarily, and it's like "oh I don't mind going to court now". So it's a really good ... to get people there in the first place.

*Suitability for a diverse group.* The notion that a therapy dog can be impactful across a variety of diverse groups is central to this sub-theme. Many participants commented on the context and the types of people for which therapy dogs might have the strongest effects. Overall, participants were highly positive of the suitability of therapy dogs for all people and across settings, particularly highlighting benefits to young people. A prosecution witness (#28) explains that it is: *'[a] good idea to have, it would be great for people of all ages, the whole family, especially for kids, I think it would be great'*. This is something that is regularly mentioned by participants: *'Yeah, it would be good for younger people. Last time he came to court it would have been great to distract my brother and sister'* (prosecution witness; #102); and: *'It would be amazing for children who have to give evidence. My little cousin had to do it and a doggy could have made such a difference'* (defence witness; #39).



In addition to children, some participants noted the area of vulnerability in their responses, including children but also beyond, who would particularly benefit from the presence of a therapy dog: *'for vulnerable people, really that would be the best for them, but it can never hurt no one'* (prosecution witness; #68).

Many participants felt that therapy dogs would only benefit those who liked dogs. In contrast however, some participants explained that they did not really like dogs but that the therapy dog still had a positive effect on their well-being: *'I think it's a great idea, I mean it's not for everyone, but I can clearly see how it would help.... I am not a massive dog person but for me it's a massive distraction.'* (prosecution witness; #101). The fact that this service utilises a dog, rather than an object, is unique and highlighted by a variety of participants, as they appreciated being able to interact with the dog, feel its warmth, and similar.

Staff participants further agreed that the benefits of the therapy dog can reach across a number of diverse groups. There was a clear pattern in their responses, suggesting that the more scared, stressed, and vulnerable a court user was, the more positive the effect of the dog on the court user:

...witnesses, and this includes defendants as well and victims, who have to give certain evidence, so we're talking about, say, children who, say, have experienced, uhh, sexual abuse and who need to give traumatic evidence and usually nine times out of ten it's usually sexual abuse against the perpetrator who they know which obviously will heighten their anxiety and that's a statistically well-known fact as well, usually parents, step-father, or whatever. And, umm, obviously I'm saying you know we can't take that horrible experience away from them, but if we can alleviate anything that they would be it be experiencing physically in court, the heightened emotion that they might be feeling about giving evidence in court and I

think someone like [therapy dog], uhh, would be just perfect (staff participant; #6).

This was also echoed by a staff participant (#2) discussing how they would like to be able to pre-book the dog for particularly vulnerable court users:

The thought of giving evidence in court is a stressful event for most people. Imagine what that must be like for a vulnerable person, you know. I think if you were pre-advised that you've got a particularly sensitive witness and a therapy dog could help, that's probably better, because then the dog could be used specifically for one very vulnerable person.

In summary, this theme illustrates the effect that a therapy dog can have on participants in a court waiting area, with participants describing strong effects in reducing anxiety, and eliciting feelings of happiness and joy. These effects were caused by different levels of interaction, with some people enjoying just the distraction of looking at the dog, while others described their experience of touching and stroking the dog. The benefit of a therapy dog, while potentially most useful for vulnerable people, can have a positive impact on everybody.

### **Issues relating to therapy dogs in court waiting areas**

The final theme which emerged from the interviews pertained to the issues that might arise from having a therapy dog situated in the court waiting area. Based on the experiences and knowledge of both court users and staff, this theme was further divided into three sub-themes which became evident through participant responses; (1) *no perceived issues* (2) *support during testifying* and (3) *the importance of dog characteristics*

*No perceived issues.* The majority of court participants felt that there were no negatives to bringing a therapy dog to the court waiting areas, with many participants commenting that they '*don't see any negatives*'. This general consensus can be illustrated

further by one defence witness (#6) who explained, *'I don't think there are any problems with it, really, you don't have to engage if you don't want to'*. The voluntary engagement with the therapy dog was used as an argument to mitigate the recognition that not everybody who is in a court waiting area likes dogs.

As staff participants were all working in the legal setting, they had the knowledge to provide further insight into issues pertaining to legal proceedings. Interestingly, many staff participants could not see any legal concerns with having a therapy dog in the court waiting area, as one staff participant (#1) explained:

...the main concern from a legal perspective would be if there's any disruption to the court proceedings... But there isn't! I suppose there could be an argument that there, well that there would be a distraction, instead of focusing on testifying, but that is not a strong argument, even for the best lawyer.

*Support during testifying.* Another interesting theme which emerged from some court participants was the capacity in which dogs could extend their support to inside the court room. In particular, some court users liked the presence of a therapy dog in the waiting area; however, for others, more ongoing support was perceived as necessary. For example, a prosecution witness (#33) felt that: *'I would like this type of distraction when giving evidence in court, I can see the benefit in that'*. This participant would like continued support but does raise the issue of the dog being a distraction whilst giving evidence – and so, this shows that the use of facility dogs (explained in the introduction) is more suitable within the criminal justice system. Another prosecution witness (#84) commented further about how helpful a dog could be when testifying, stating that they would *'...totally have a dog in court, when the adrenalin kicks in, you can just touch the dog and become calmer'*. Once more, this is a role which facility dogs could fulfil, as their training is based on not distracting the legal proceedings. The notion of support which is more long-term is important to note, as this is

something a therapy dog (not a working dog) cannot always provide. Such need long-term support was highlighted by another prosecution witness (#13): *'I don't think it's too effective short-term, she's not a miracle worker!'*. This same participant then further reflected: *'if she was here leading up to the trial... it would be then also good to have her in [courtroom], as well, the whole journey'*.

As a result of the many court users who supported the use of dogs within the court room, staff participants were asked about their thoughts on the matter. While a number of these participants raised the issue of a dog possibly being a negative *'distraction'*, they still advocated the idea, as one staff participant (#1) explained:

I suppose there could be a distraction in court, you know, instead of focusing on the evidence and listening. Magistrates might be going, now if you've got a particular dog lover and a lady kind of going "aww, isn't she lovely?" instead of listening to the actual evidence. But that is just a minor issue I think when compared to the benefits.

Interestingly to note, staff participants were more concerned with the dog distracting the legal professionals and jury rather than those giving evidence, as one staff participant (#7) highlights further:

I think that it would be really good, as long I would say wouldn't want the jury to be able to see the dog as that could obviously be a massive distraction. They would just be concentrating on the dog rather than what the person is saying. But I think it's such a horrible job - interview, giving evidence - and people are, you know, upset, they can be sick, all sorts of things. I think anything that could relax them and almost bring them back to the room almost, it's quite a surreal experience, you can't even remember what you've said when you come out. So I think having that one to one

contact [with the dog] and just relaxation would make it a much easier experience.

*The importance of dog characteristics.* This sub-theme uncovered some important information relating to the type of dog that would work in the court. Court participants discussed how they felt it was important that the dog be calm and well-trained, as explained by a defence witness (#7):

*It's good I think as long as the dog is trained properly so you're not gonna get hurt and you need to make sure that she is protected as well. But I don't think there's any downside really for me as I like dogs.*

This is an important point as there are no standards surrounding therapy dog training which can have detrimental effects on legal proceedings, should an incident occur due to lack of training, predictability, or inappropriate personality. Similarly, a prosecution witness (#22) commented on the importance of the dog's temperament: *'she's really calm so these dogs are amazing, this is the good kind'*. The dog's behaviour was perceived as more important than other characteristics, such as size, which was noted by a prosecution witness (#98): *'it needs to be a dog with this temperament, it would be good to have different size dogs, this size, you can't be scared'*.

The importance of a calm temperament was also strongly identified by staff participants. For instance, when asked what they thought were the main characteristics, one staff participant (#5) explained how the service has been so well received because of the temperament of the therapy dog:

See I love dogs. So any dog for me, umm, would be fine. But I think this whole therapy dog service has been so amazing because, well, because [the therapy dog] is very special and everyone knows she's a really special dog. And I think, it's the temperament that makes her special, well, and how

adorable she is, but she has such a soft and gentle temperament. I think that is really important.

This assertion that temperament was the crucial factor was also something expressed by other staff participants: *'...because of her temperament you hardly, err, notice that she's there and I think that's very important. So she's very, umm, very much present, but she's not overpoweringly'* (staff participant; #1). Staff participants also felt that although small dogs might be less intimidating, the larger breeds of dogs are more associated with helping people, as a staff participant (#4) explained:

Well smaller dogs like [this therapy dog] are very sweet-looking aren't they? She's small I mean [this therapy dog] is cute and cuddly but...everyone likes Labradors do they not? You see them as guide dogs and what not, I think they are more likely to work in these types of settings.

In sum, although preference for a small dogs was commonly brought up initially as an important factor in the type of dog suitable for a court setting, the majority of participants then qualified that if the dog was associated with helping people or had a suitable temperament and behaviour then they thought that the presence of a dog in general, and not just the specific dog used in the study, would be beneficial for court users, as long as they were appropriate in terms of their characteristics and behaviours.

Some other codes were noted through a minority of the responses, such as the importance of dog wellbeing, suitability of dog handlers, or need for appropriate training. Their analysis was beyond the scope of this study, as the current aims were not to evaluate the service but to evaluate the impact a therapy dog can elicit on individuals; however, they should be further studied and incorporated into best practice guidelines.

Overall, while people were aware of and discussed a range of issues regarding the use of therapy dogs in court settings, they usually described possible solutions and felt that the

potential problems could easily be overcome. However, some important information was also provided which strongly relates to possible best practice. The dog's demeanour, training, suitability across only some parts of the justice system, and handler training (in terms of recognising dog's well-being) are all noteworthy and these can possibly have further implications to criminal justice proceedings (e.g. if a dog scares an individual or similar). And so, development of clear guidelines and consideration of facility dogs arises throughout this master theme.

## **Discussion**

This study set out to explore the impact and suitability regarding the use of therapy dogs in court waiting areas. Overall, the results demonstrate that the therapy dog was beneficial and helped to reduce the stress and anxiety associated with going to court. Participants consistently reported how the therapy dog increased wellbeing and reduced symptoms of anxiety and stress. While some participants associated this reduction with physical contact with the dog, others talked about how simply looking at the dog was also beneficial. Some participants reported that the therapy dog could help with fear reduction in a highly stressful environment, and that the therapy dog was seen as a good distraction from the court environment, particularly for those who were experiencing higher levels of stress. Even people who did not experience a strong negative effect from being at court, still saw the benefits of the therapy dog. Overall, the benefits of the therapy dog were highlighted (to different degrees) by witnesses, defendants and professionals working in the court environment. These findings therefore lend support to the growing body of case evidence that highlights the benefits that dogs can have within the criminal justice system. The findings further support to the more general body of evidence showing that dogs can alleviate stress in a variety of public settings, such as schools, hospitals and nursing homes (e.g., Barker, et al.,

2016; Majic, Guuzmann, Heinz, Lang & Rapp, 2013; Zimmer, 2014). Whilst the notion that dogs provide emotional support, amongst other positive emotions, is not new (see Hart-Cohen, 2009), this is the first global evaluation of impact dogs can have within a court environment.

The authors contend that the benefits found from court user interactions with the therapy dog arise from the multiple pathways in which the human-canine interaction can benefit individuals (Friedmann & Tsai, 2006). In particular, dogs have been shown to be a source of attachment security for people (Beck and Madresh 2008), providing a non-judgmental entity for emotional support. In fact, research has found that dogs surpass humans and other types of animals in their ability to provide unconditional companionship (Saunders, 2003).

Accordingly, attachment theory states that humans have a need for loving social interaction that goes beyond basic physical care (van der Horst, LeRoy, & van der Veer, 2008). The human need for caring touch and close physical proximity is a need that can also be met by animals, as they have been shown to aid in the avoidance of loneliness and fulfil, to some extent, humans' social-emotional needs (Triebenbacher, 1998). The concept of attachment benefits may be more useful in the context of pet ownership, which allows for the formation of a strong attachment. However, it can be contended that similar to the transitional type of relationships that develop in animal assisted therapies (Fine, 2006), in the context of the court environment, a specially trained dog may act as a transitional object that provides psychological comfort during the court process. The purpose of a transitional object is that it gives a person psychological strength, helping them feel safe and emotionally supported during transitional periods (Litt, 1986). The purpose of these objects could therefore be used to help provide witnesses with the provisions they feel are currently lacking in the court process. More specifically, research carried out by the MoJ (2012) showed that what



witnesses want is to feel safe and supported at court. Likewise, as Payne (2009), the Victims' Champion, reported in her *Redefining Justice* report, they want a process that is more personal and does not make them feel like accessories to the criminal justice system. And so, through the aforementioned theories of attachment and transitional object, the consideration of specially trained dogs enables due process, the cornerstone of the Criminal Justice System (Davies, 2015). At the core of both of these theories lies the dog's ability to provide consistent companionship which is due to their demeanour and training which is unique to dogs, rather than other animals. This is why dogs, and not other animals, tend to be utilised in sensitive settings as they are the most controllable, trainable and predicable (Hart, 1995). The current findings have thus provided the first step towards developing an initiative that could offer a type of support that has the potential to radically progress and modernise the services of support currently available for court users.

That being said, there are various issues that need to be considered before developing such services. In particular, there is limited literature on what makes an appropriate dog to be used within the criminal justice system in the UK. The findings in this study suggest that a dog was perceived to be a suitable support; however, the present study's aim was not to evaluate the service itself. Through responses, the need for the dog to be calm and well trained was consistently highlighted, yet the size and breed of the dog did not seem to be a prominent factor in this study. Some of the participants in this study also identified the need to have a dog appropriately trained for different court situations. Individuals also noted the importance of longer-term support, or support throughout the different stages of the criminal justice process. However, it was also mentioned that a therapy dog might distract an individual whilst giving evidence.

Whilst the therapy dog utilised in this study was chosen due to her calm demeanour and was trained to fulfil its role, it is important to control how canines are introduced to the

criminal justice system. In particular, the justice facility dogs used in North America undergo a rigorous training programme with an organisation accredited by Assistance Dogs International (ADI) and are trained to the same standards as other assistance dogs, hence they are highly predictable and specifically trained to offer quiet companionship (Himot, Gordon, Harrison, & de Chesnay, 2017). Therapy dogs however are personal pets which are not trained to the afore-mentioned standards. Their training also varies as it is not a requirement for therapy dogs to undergo any training, which makes their predictability questionable and their place in the criminal justice system less straight-forward (Courthouse Dog Foundation, 2017). And so, it is our recommendation that the minimum standards of certification for therapy dogs' are not suited for a legal environment. Rather, the professional trained facility dogs (accredited and continuously trained; Himot, et al., 2017) should be introduced into the UK criminal justice system. That being said, if therapy dogs are utilised, strong guidelines need to be developed so that they do not impact on court users negatively, provide appropriate support, do not impede legal proceedings, and their services are limited to providing short-term support. Wedlock and Tapley (2016) highlight the importance of supporting court users' welfare throughout the whole process and facility dogs are trained to be completely calm, not reacting to any stimuli, which minimises the possibility of them being a distraction. Similarly, handler responsibilities were noted at the periphery of participant responses, another key issue which needs to become part of best practice guidelines, as the handler has to manage the dog's wellbeing and not impact on any legal proceedings.

Most of the participants who engaged with this study did not see any issues with bringing a therapy dog into the court waiting areas. This was due to the fact that engagement with the dog would be the individual's choice. However, some of the participants did discuss the notion that not everybody likes dogs, it is thus important that proper standards be upheld

whenever a dog is placed into a certain environment and as long as individuals have the choice to interact with the dog, this issue is non-problematic (Morris, 2010).

### **Limitations and future research**

Although this research provides a strong argument for the introduction of canines into waiting rooms, there are limitations to consider. In this study, a therapy dog, not a facility dog (there are none working in a legal setting in Europe), was used. Whilst the dog used for this study has worked in similar settings before and was specially trained by her handler to fulfil its role as a quiet companion, this is not a requirement for certification. As noted throughout, therapy dogs are trained differently to facility dogs, and their behaviour is less predictable due to them simply having to pass a temperament test. Also, therapy dogs are not working dogs and so only work for short periods of time. Support provided can therefore not be sufficient for a witness and withdrawal of such support might negatively impact on an individual. Therefore, further research should seek to establish more clearly the remit within which a therapy dog can be beneficial in a legal environment.

The use of a therapy dog relates to a further limitation of this study. As per appropriate guidelines, a therapy dog always has to be attached to the handler by leash. Therefore, as noted in the Method section, one of the researchers was also the dog's handler. It is recognised that this might cause a favourable impression of the impact of the therapy dog by this researcher. However, in order to negate for such bias, the second researcher had no prior relationship with the therapy dog and was the one interviewing the participants. Further, the data were then analysed by two independent researchers who were not involved in data collection.

Considering the environment where this study was conducted, flexibility was key. For this reason, not all court participants had the opportunity to interact with the dog for as long as they would like and could not sufficiently express their feelings about the interaction (e.g.

because of being called to court, being briefed by their lawyer, etc.). Whilst this qualitative study provided the first empirical evaluation of the impact a therapy dog can have on court users, it relied entirely on the participants' own views and so there is a need for a more objective evaluation of such impact in the future. It is also unclear how long any effect of the therapy dog lasted for and whether it helped participants give evidence. Future research seeking to establish benefits to participants' wellbeing should employ a quantitative approach in order to measure emotional changes in participants associated with the dog's presence. It should also explore the effects of particular types of interaction (e.g., touch as opposed to mere exposure), evaluate how waiting room interaction impacts on the rest of the proceedings, and establish further evidence for best practice.

## **Conclusion**

This study highlights the benefits of using a therapy dog in court waiting rooms and the potential that this can have on providing a radically new avenue of support that helps witnesses deal with the stresses of going to court. Although issues relating to this service were noted (e.g. need for continuity of support, specific dog characteristics), such concerns only highlighted the need for a coordinated approach to the introduction of canines into the legal system. Furthermore, whilst these initial findings are encouraging, further research is needed to explore the use of appropriately trained dogs in court settings, including utilising different research methods and focusing on both facility and therapy dogs. With that, this research explored only one area of the criminal justice journey; more research is needed to gain a more holistic understanding of the utility of canines within the whole of the criminal justice journey. It is therefore our strong view that, while further research is needed, and appropriate guidelines and training programmes need to be established, the introduction of canines would be highly beneficial to courtroom users in the UK.

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