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CITY AND COUNTY OF HONOLULU

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THE HONORABLE GILBERT S.C. KEITH-AGARAN, CHAIR
SENATE COMMITTEE ON JUDICIARY AND LABOR
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawai'i

March 18, 2016

RE: H.B. 1668; RELATING TO THE USE OF A DOG IN JUDICIAL PROCEEDINGS

Chair Keith-Agaran, Vice-Chair Shimabukuro and members of the Senate Committee on Judiciary and Labor, the Department of the Prosecuting Attorney of the City and County of Honolulu (“Department”) submits the following testimony in strong support of H.B. 1668. This bill is part of the Department’s 2016 legislative package.

The purpose of this bill is to provide statutory support to the practice of utilizing trained assistance dogs (facility dogs), to support vulnerable victims of crime during the criminal justice process. The language of H.B. 1668 is consistent with Hawaii’s existing standard of “compelling necessity” (*State v. Palabay*, 9 Haw.App. 414, 844 P.2d 1 (1992)), and would provide a clear process for courts to assess a party’s motion in this regard. To date, at least two other states (Arkansas and Illinois) have enacted legislation regarding the use of facility dogs during trial, and appellate courts in numerous other states—including Washington, California, New York and Connecticut—have have established caselaw allowing their use.

Our Department’s facility Dog, Pono, has been assisting children and other traumatized crime victims during interviews, in witness waiting rooms and occasionally in courtrooms during official proceeding in our Circuit, District, and Family Courts in the First Circuit since 2011. While research provides us more than adequate support for the value of utilizing animals (particularly dogs) in reducing various symptoms of stress and trauma, actually witnessing and experiencing the benefits that victims accrue from having Pono accompany them is nothing short of amazing. When interviewing children while Pono is present you see a visible reduction in stress levels and more focused listening skills. Parents are far more relaxed knowing that Pono is with their child during interviews under what are otherwise extremely trying circumstances.

The critical point of this bill, however, is to insure that Pono and other “Courthouse Dogs” like her are able to carry over the important benefits that they provide into our state’s courtrooms.

Although Pono has been allowed, usually upon the filing and granting of a motion, to be present and accompany children during actual court proceedings, there are currently no clear and specific criteria for permitting the use of “Courthouse dogs” in Hawaii’s courtrooms. Thanks to several enlightened judges Pono has successfully accompanied two young sexual assault victims in two different juvenile court trials in the Family Court at Kapolei. Pono has also been permitted to assist victims in court proceedings involving sentencing in several cases in Circuit, District, and Family Courts of the First Circuit with equally positive results. The passage of this measure would permit our Department to utilize Pono more widely within our court system by clearly establishing the Legislative intent that this is an appropriate tool for easing the rigors of the judicial process on our most vulnerable participants. Similarly, our other Judicial Circuits, (two of which have also used “Courthouse Dogs”, and one, Kauai, that is about to receive their dog) will all be operating under the same set of criteria.

With regards to the specific language of the bill, we understand this Committee previously expressed a desire to better define the type of agency that can qualify facility dogs for use in judicial proceedings, beyond listing a single accrediting organization. The Department is currently in the process of developing suitable language with other stakeholders, and will provide this to the Committee as soon as possible.

Pono has brought peace and joy to victims and witnesses from ages five to sixty five and these benefits and must be shared with many victims moving forward into a future that more fully takes advantage of the power of the human-animal bond. With your support for this measure we can make “Courthouse Dogs” a standard part of our efforts to “humanize” our judicial system.

For the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu strongly supports the passage of H.B. 1668. Thank you for the opportunity to testify on this matter.

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OFFICE OF THE PROSECUTING ATTORNEY

TESTIMONY IN SUPPORT OF HOUSE BILL 1668

A BILL FOR AN ACT RELATING TO THE USE OF A DOG IN
JUDICIAL PROCEEDINGS

COMMITTEE ON JUDICIARY AND LABOR

Sen. Gilbert S.C. Keith-Agaran, Chair

Sen. Maile S.L. Shimabukuro, Vice Chair

Friday, March 18, 2016, 10:00 AM

State Capitol, Conference Room 016

Honorable Chair Keith-Agaran, Honorable Vice-Chair Shimabukuro, and members of the Committee on Judiciary and Labor, the Office of the Prosecuting Attorney, County of Hawai'i submits the following testimony in strong support of House Bill No. 1668.

This measure authorizes any state court to permit the use of a facility dog in a judicial proceeding involving the testimony of a vulnerable witness if the court determines that there is a compelling necessity for the use of a trained and credential facility dog to facilitate the testimony of a vulnerable witness.

Testifying in court can be an unsettling and even terrifying ordeal – especially when the accused is just yards away. When a person is reliving a traumatic event, they experience physiological reactions similar to what they had when the event was taking place. Victims or witnesses who are struggling with the pressure of reliving a frightening attack may find that just speaking about the incident too distressing to cope with.

On Hawaii Island, there is a trusting companion to help alleviate those feelings – Faith, our Courthouse Dog. On a daily basis, Faith is available to any vulnerable victim or witness that has difficulty talking about distressing experiences. Our handler has been told by victims that just being in the presence of a relaxed dog made them feel as if they were in a safe place. Faith is the true face of the motto “Promoting Justice with Compassion.”

Courthouse dogs and their handlers are highly trained and go through rigorous certification processes. These dogs have the temperament to be able to interact with all people from many walks of life in a high stress environment for extended periods of time. The comfort and support that Faith has provided to victims and witnesses is indisputable.

Make no bones about it - we are honored to have Faith as a part of our office and feel that if courthouse dogs were permitted state-wide in judicial proceedings, these remarkable dogs will help make Hawai'i's legal system more humane.

For the foregoing reasons, the Office of the Prosecuting Attorney, County of Hawai'i strongly supports the passage of House Bill No. 1668. Thank you for the opportunity to testify on this matter.

Justin F. Kollar
Prosecuting Attorney

Jennifer S. Winn
First Deputy



Rebecca A. Vogt
Second Deputy

Diana Gausepohl-White
Victim/Witness Program Director

OFFICE OF THE PROSECUTING ATTORNEY

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TESTIMONY IN SUPPORT
HB 1668 – RELATING TO THE USE OF A DOG IN JUDICIAL PROCEEDINGS

Justin F. Kollar, Prosecuting Attorney
County of Kaua'i

Senate Committee on Judiciary & Labor
March 18, 2016, 10:00 a.m., Conference Room 016

Chair Keith-Agaran, Vice Chair Shimabukuro, and Members of the Committee:

The County of Kaua'i, Office of the Prosecuting Attorney, SUPPORTS HB 1668 – Relating to the Use of a Dog in Judicial Proceedings.

This measure authorizes any state court to permit the use of a facility dog in a judicial proceeding involving the testimony of a vulnerable witness if the court determines that there is a compelling necessity for the use of a trained and credentialed facility dog to facilitate the testimony of that witness.

Participating in an adversarial criminal proceeding can be an unsettling and terrifying ordeal; victims are forced to have face-to-face encounters with those who are alleged to have committed heinous acts of abuse and thereby relive their trauma publicly.

Courthouse dogs and their handlers are highly trained and go through rigorous certification processes. These dogs have the temperament to interact with individuals from many walks of life in a high stress environment. Above all, they help crime victims achieve justice by calming them to the point where they are able to testify accurately and truthfully.

Accordingly, we SUPPORT HB 1668. We request that your Committee PASS the Bill.

Thank you very much for the opportunity to provide testimony on this Bill.

HAWAII YOUTH SERVICES NETWORK

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Web site: <http://www.hysn.org> E-mail: info@hysn.org

Rick Collins, President

Judith F. Clark, Executive
Director

Big Brothers Big Sisters of

Hawaii

Bobby Benson Center

Central Oahu Youth Services

Association

Child and Family Service

Coalition for a Drug Free Hawaii

Domestic Violence Action Center

EPIC, Inc.

Family Programs Hawaii

Family Support Hawaii

Hale Kipa, Inc.

Hale 'Opio Kauai, Inc.

Hawaii Student Television

Hui Malama Learning Center

Kokua Kalihi Valley

Life Foundation

Marimed Foundation

Maui Youth and Family Services

P.A.R.E.N.T.S., Inc.

Parents and Children Together

(PACT)

Planned Parenthood of the

Great Northwest and

Hawaiian Islands

Salvation Army Family

Intervention Services

Sex Abuse Treatment Center

Susannah Wesley Community

Center

The Catalyst Group

Uhane Pohaku Na Moku

O Hawai'i

Waikiki Health

March 15, 2016

To: Senator Gilbert Keith-Agaran, Chair
And members of the Committee on Judiciary

TESTIMONY IN SUPPORT OF HB 1668 RELATING TO THE USE OF A DOG IN JUDICIAL PROCEEDINGS

Hawaii Youth Services Network (HYSN), a statewide coalition of youth-serving organizations, supports HB 1668 Relating to the Use of a Dog in Judicial Proceedings.

A therapy dog is specially trained to offer comfort, companionship, and affection to those in need of a friendly presence. The use of animals as therapeutic companions helps people relax, reduce their level of stress, and feel more comfortable in their environment, whether it be a hospital or a courtroom. Benefits include reduced blood pressure, lowered heart rate, a decrease in depression, increased speech and memory functions, and heightened mental clarity.

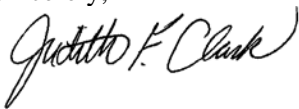
The presence of a well-trained dog aids witness testimony by providing the victim with emotional support and comfort both in the witness room and in the courtroom. Judges, lawyers, victim advocates, and court staff—all those who deal on a daily basis with the often-horrible consequences of crime—can find their morale boosted through the presence of dogs in court.

Milo, a therapy dog in training, spends time at my office about twice a week (We share our office with his human – Sonja Bigalke-Bannan from National Association of Social Workers.). When I need a break from too much computer work or wrestling with my agency's budget, he is always ready to be petted or to go for a short walk. He helps me stay relaxed, focused and energized.

Please ensure that therapy dogs like Milo can help vulnerable witnesses in our courts.

Thank you for this opportunity to testify.

Sincerely,



Judith F. Clark, MPH
Executive Director



Hawaiian Humane Society
People for animals. Animals for people.

2700 Waiālae Avenue Honolulu, Hawaii 96826
808.356.2200 • HawaiianHumane.org

March 18, 2016

The Honorable Gilbert S.C. Keith-Agaran, Chair
The Honorable Maile S.L. Shimabukuro, Vice Chair
Senate Committee on Judiciary and Labor
Hawaii State Capitol
415 South Beretania Street
Conference Room 016
Honolulu, HI 96813


RE: Testimony in Support of H.B. 1668 Relating to the Use of a Dog in Judicial Proceedings

Aloha Chair Keith-Agaran, Vice Chair Shimabukuro and Committee Members:

House Bill 1668 allows a “facility dog” to be present when a vulnerable witness is giving testimony in court. The bill proposes that the animal must have credentials as a “facility dog”, is adequately insured and that there is an established relationship between the dog and the witness.

Dogs provide comfort to people. They can help people to be less anxious and feel safer. The presence of a “facility dog” in court could allow an anxious witness to be more relaxed and thereby provide clearer testimony.

The Hawaiian Humane Society supports this bill and hopes the committee will pass it.



Mary Steiner
Policy Advocate

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 15, 2016 12:32 PM
To: JDLTestimony
Cc:
Subject: *Submitted testimony for HB1668 on Mar 18, 2016 10:00AM*

HB1668

Submitted on: 3/15/2016

Testimony for JDL on Mar 18, 2016 10:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Inga Gibson	Humane Society of the US-Hawaii	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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