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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

Rep. Karl Rhoads, Chair

Rep. Joy A. San Buenaventura, Vice Chair

Thursday, February 12, 2016, 2:00 PM

State Capitol, Conference Room 325

Honorable Chair, Rhoads, Honorable Vice-Chair San Buenaventura, and members of the Committee on Judiciary, 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

House Committee on Judiciary
February 12, 2016, 2:00 p.m., Conference Room 325

Chair Rhodes, Vice Chair San Buenaventura, 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.

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

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LATE

KEITH M. KANESHIRO
PROSECUTING ATTORNEY

ARMINA A. CHING
FIRST DEPUTY PROSECUTING ATTORNEY



**THE HONORABLE KARL RHOADS, CHAIR
HOUSE COMMITTEE ON JUDICIARY AND LABOR
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawai'i**

February 12, 2016

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

Chair Rhoads, Vice-Chair San Buenaventura and members of the House Committee on Judiciary, 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 utilized trained assistance dogs (facility dogs) to support victims of crime during the criminal justice process. 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.

What is the critical point of this bill though 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 sentencings 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.

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.

HAWAII YOUTH SERVICES NETWORK

677 Ala Moana Boulevard, Suite 904 Honolulu, Hawaii 96813

Phone: (808) 489-9549

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

February 10, 2016

To: Representative Karl Rhoads, 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.

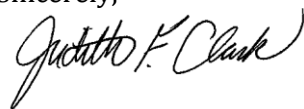
The presence of a well-trained dog aids witness testimony by providing the victim with emotional support and comfort both in the witness room and in the courtroom. Judges, lawyers, victim advocates, and court staff—all those who deal on a daily basis with the often-horrible consequences of crime—can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



Testimony in support of H.B. NO. 1668
A Bill for an Act Relating To the Use of Dog in
Judicial Proceedings

Committee on Judiciary
House of Representatives
February 12, 2016 at 2:00 PM

Ellen O'Neill-Stephens JD, Founder of Courthouse Dogs Foundation, a national non-profit organization, submits the following testimony in strong support of House Bill 1668.

Legislation brings about an immediate change in the law

The development of case law takes years and is subject to multiple interpretations by the courts. Legislation is implemented to address the need for an immediate change in the law which provides clear guidance to the courts as to how the law should be put into practice.

The benefits of this legislation is that H.B. NO. 1668:

- Acknowledges the need for trauma sensitive courts by providing this accommodation for vulnerable witnesses.
- It is fair because the legislation applies to vulnerable prosecution or defense witnesses (including the defendant) provided the moving party can provide a compelling need for this accommodation.
- **Recommendation-** Section (b) of this legislation should be modified to read:
A court may permit the use of a facility dog, **if available**, in a judicial proceeding...

The need for trauma sensitive courts

The need for trauma sensitive courts is now being recognized. For example in August 2013 the American Bar Association's Commission on Youth at Risk passed a resolution urging federal, state, local, tribal and territorial bar associations, working with judges, lawyers, and other professionals with subject matter expertise in trauma-informed systems of care, to develop and implement training programs for judges, child welfare attorneys, prosecutors, and defense counsel that will enable them to integrate trauma knowledge into daily legal practice and integrate and sustain trauma awareness, knowledge, and skills in practice and policies.
http://www.americanbar.org/groups/youth_at_risk/commission_policyresolutions/child_trauma.html

Trauma sensitive courts are equally appropriate for adult victims and witnesses that have suffered through harrowing events or other vulnerable witnesses such as the elderly, the mentally ill, or people with cognitive impairments who can be traumatized by the legal process itself.

Emotionally traumatized and vulnerable witnesses have difficulty testifying in court

Testifying in court can be a stressful event for emotionally traumatized and vulnerable witnesses of all ages.

When children or other vulnerable witnesses, such as adults who suffer from PTSD, the elderly, or the cognitively impaired, are exposed to potential stressors, their brains initiate a cascade of events known as the stress response system. The body releases numerous hormones such as cortisol and peptides throughout the body all directed at coping with the stressful situation (Joëls & Baram, 2009). When stress is traumatic the sensory systems of children or other vulnerable witnesses are overloaded by terrifying visual, auditory, kinetic, olfactory, and tactile stimuli that overwhelm their capacity to process or to understand what is happening to them (Lieberman & Van Horn, 2008, p.48).

When this happens witnesses may cry or dissociation can occur. Dissociation is a primitive coping mechanism that allows the mind to distance itself from experiences that are too terrifying or emotionally overwhelming to absorb at the time (Schore, 2009, p. 198).

One symptom of dissociation is a dramatic reduction in verbal output or verbal production suddenly becoming disconnected, incoherent, or unresponsive.

When witnesses are crying or are experiencing dissociation they have great difficulty speaking, which prevents them from telling a judge or jury what they saw or experienced. This psychobiological response, that witnesses have no control over, interferes with the fact finding process that is supposed to take place during court proceedings.

Scientific research shows that calm dogs reduce stress in humans

Dogs reduce stress in humans. The scientific evidence for the physical and mental calming effects of appropriately bred and trained dogs is now overwhelming, and includes both physical and psychological effects across short and long time frames. Wells, D. L. (2009). The effects of animals on human health and well-being. *Journal of Social Issues*, 65, 523-543.

For instance, there is strong evidence of short-term physical effects: petting an animal produces short-term decreases in blood pressure and /or heart rate (e.g., Eddy, 1996; Katcher, 1981; Katcher, Friedmann, Beck, & Lynch, 1983; Shiloh, Sorek, & Terkel, 2003; Vormbrock & Grossberg, 1988; Wilson, 1991). In fact, these effects may be seen even in individuals simply in the presence of a dog (Allen, Blascovich, & Mendes, 2002; Allen, Blascovich, Tomaka, & Kelsey, 1991).

The need for best practices for the use of dogs assisting in the courtroom

The practice of permitting a facility dog to provide emotional support to a witness in the courtroom began in 2004 in Seattle, Washington, and is spreading quickly throughout the United States. By the end of February 2016 there will be 98 courthouse facility dogs working in 31 states. This practice has also spread to Canada and Chile.

Unlike pet therapy dogs, a facility dog is an expertly trained working dog that is a graduate from an assistance dog organization that is accredited by Assistance Dogs International, a non-profit organization that sets the highest standards of training for the health, welfare, task work and oversight for assistance dogs and their handlers. These dogs have been professionally trained, are certified to be safe in public, provide unobtrusive emotional support to children and adults, are able to work off leash in high stress environments for extended periods of time and they have the ability to lie still and be almost be invisible to the jury, thus reducing potential prejudice to the defendant.

Appellate court decisions

Six appellate court decisions permit the practice of dogs assisting vulnerable witnesses during criminal proceedings provided certain conditions are met.

<http://courhousedogs.org/pdf/CourthouseDogs-AppellateLawOutline-SethFine.pdf>

Two states have implemented legislation allowing for facility dogs to assist witnesses

Arkansas Legislation

Courthouse Dogs Child Witness Support Act- Facility Dog - 2015

[Full text here](#)

Illinois Legislation

The Code of Criminal Procedure of 1963 is amended by adding Section 106B-10 as follows:

Facility Dog - 2015

[Full text here](#)

Respectively submitted,

Ellen O'Neill-Stephens

Founder

Courthouse Dogs Foundation

317 109th Ave SE

Bellevue, WA 98004

www.courthousedogs.org

206-316-6273

References

Allen, K. M., Blascovich, J., & Mendes, W. B. (2002). Cardiovascular reactivity and the presence of pets, friends and spouses: The truth about cats and dogs. *Psychosomatic Medicine*, 64, 727 – 739.

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PACIFIC PET ALLIANCE

Testimony in Support of HB 1668

The Pacific Pet Alliance is a non-profit organization that promotes responsible pet acquisition and ownership through education and advocacy. We are recognized as Hawai'i's state federation for the American Kennel Club. We also work closely with the Cat Fanciers' Association's Legislative Group, and we collaborate with several other companion animal advocacy organizations.

The Pacific Pet Alliance strongly supports HB 1668. Emotional support from a companion animal can be essential for some people who are required to testify in stressful circumstances. Emotional support dogs provide comfort and support in forms of affection and companionship for individuals with various mental and emotional conditions. An emotional support dog is not required to perform specific tasks for a disability such as required for service dogs; they are meant solely to help to provide emotional stability and unconditional love. They can assist their owners to cope with conditions such as anxiety, depression, bipolar disorder/mood disorder, panic attacks, fear/phobias, and other psychological and emotional conditions.

We suggest that HB 1668 should be amended to include companion cats as well as dogs as emotional support animals. Cats are the most prevalent companion animals in the United States, and many cat owners rely on their feline pets as much or more than owners of emotional support dogs rely upon their pets for emotional support.

But regardless of whether our suggested amendment is enacted, the Pacific Pet Alliance fully endorses HB 1668. It is an invaluable enhancement to the welfare of companion animal owners and to the civil justice system.

Respectfully submitted,

PACIFIC PET ALLIANCE

A handwritten signature in black ink that reads "Kenneth Allen Cribbs". The signature is written in a cursive, flowing style.

Kenneth Allen Cribbs

Co-Director

808-342-1461

pacificpetalliance@gmail.com



Hawaiian Humane Society
People for animals. Animals for people.

2700 Waiālae Avenue Honolulu, Hawaii 96826
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February 12, 2016

The Honorable Karl Rhoads, Chair
The Honorable Jay A. San Buenaventura, Vice Chair
House Committee on Judiciary
Hawaii State Capitol
415 South Beretania Street
Honolulu, HI 96813

LATE


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

Aloha Chair Rhoads, Vice Chair San Buenaventura 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 for 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

LATE

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 11, 2016 6:41 PM
To: JUDtestimony
Cc: igibson@hsus.org
Subject: *Submitted testimony for HB1668 on Feb 12, 2016 14:00PM*

HB1668

Submitted on: 2/11/2016

Testimony for JUD on Feb 12, 2016 14:00PM in Conference Room 325

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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LATE

DATE: February 11, 2016

TO: The Honorable Karl Rhoads, Chair
The Honorable Joy A. San Buenaventura, Vice-Chair
And Members of the House Committee on Judiciary

FROM: Lisa Dunn, Executive Vice-President and Director of Programs
The Children's Alliance of Hawaii

RE: HB 1668, RELATING TO THE USE OF A DOG IN JUDICIAL
PROCEEDINGS.

POSITION: Strong Support

Chair Rhoads, Vice-Chair San Buenaventura, and Members of the
Committee on Judiciary:

Thank you for providing this opportunity to testify in strong support of HB
1668.

The Children's Alliance of Hawaii believes that each child is resilient,
creative, courageous and strong and deserves every opportunity to thrive
to their fullest potential. Children who have been traumatized by sexual
abuse need special ongoing support to help them become healthy and
successful adults. The Children's Alliance of Hawaii is dedicated to
providing caring support for children who have been sexually abused,
offering hope for the future.

We offer art and recreational therapeutic groups on Saturday for children
who have been sexually abused. We have been extremely fortunate in
that Pono, Honolulu's Courthouse Dog, needed a bit of volunteer work
on Saturdays and so she comes in to our office. Pono was trained by
Assistance Dogs of Hawaii and her primary handler is Dennis Dunn with
Victim/Witness Kokua. Pono spends time cuddling the children, being a
listening ear, and always participating as an enthusiastic group member!
The children get to know Pono and Pono knows and recognizes each of
them. Some of the children we serve feel lost in the foster care system
and came in to group feeling as if they don't really matter to anyone; but
Pono's greetings and wagging tail can turn their day around quite
quickly.

Pono also reassures the children that everything is alright and "normal."

They often take their cues from her. She is calm, relaxed, content and generally happy. The children then model her same attitude. We have had several children who have gotten to know Pono through our services and then are later asked testify in court. These children invariably ask if they can have Pono come with them to court. They have told us outright that it won't be so scary if Pono is there, or that they know that they can trust Pono to be honest with them no matter what. Pono provides them with the comfort and security that they crave in a world that has turned their childhoods upside down.

I have also personally been present when Pono was with a child during the sentencing of her abuser. The abused child, her sibling and her family were all nervous wrecks in the waiting area. The family was emotionally divided as the abuser was also a family member. The waiting area was tense and no one was talking or looking at one another. But then Pono entered and the children's face's lit up. They were on the floor snuggling with Pono. Family members started asking questions about the dog and soon they were reminiscing about old family and childhood pets. For a brief time they were a united family again, enjoying each other's company.

They continued to pet and play with Pono as the case was called into court. They all rose and entered the courtroom. Pono joined them. The courtroom was quiet and respectful but some of the tension was gone. Only the courtroom staff, the child, her mother, and Pono's handler were really aware of Pono's presence. Pono quietly lay between the child and Pono's handler. The child would reach her hand down to pet Pono as she became more nervous to speak at the sentencing hearing. Pono remained with the girl, her true and quiet friend.

After the hearing ended and we left the courtroom Pono happily trotted along with the group. It was a somber time as the perpetrator was sentenced to serve many, many years. But all of the family took time to stop and thank Pono for coming. They all recognized that Pono had added that special animal quality that reminds us all of our own humanity.

I could tell you other stories – other child victims and witnesses of sexual abuse, abandoned children at court proceedings, and more. They all were helped through Pono's presence. We should strive to assure that vulnerable victims can readily access Pono or other trained facility dogs. We need to work towards making that access available without bureaucratic paperwork. All vulnerable witnesses should be able to have the benefit of a dog such as Pono during judicial proceedings.

Please pass HB 1668 out of your Committee.

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 09, 2016 7:03 PM
To: JUDtestimony
Cc: refrey2001@yahoo.com
Subject: *Submitted testimony for HB1668 on Feb 12, 2016 14:00PM*

HB1668

Submitted on: 2/9/2016

Testimony for JUD on Feb 12, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Richard Frey	Individual	Oppose	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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February 10, 2016

To: House Committee on Judiciary

Chair, Representative Karl Rhoads
Vice Chair, Joy A. San Buenaventura

From: Sonja Bigalke-Bannan, MSW, LSW

I would like to offer my strong support for HB 1668, relating to the use of a dog in judicial proceedings.

I am a licensed Social Worker who uses animals as part of my therapy practice. I have a therapy dog and 3 horses that are involved in Equine Assisted Psychotherapy. Animals can be of enormous assistance in the healing process and provide tremendous support.

Including support dogs in court for vulnerable clients will allow more people to participate in testifying. Dogs have been shown to have a calming effect, (Shiloh, 2003) including a reduction in blood pressure, (Allen 2002) positive effects on social communication, reduction of loneliness and isolation as well as improvements in depression and self esteem. (Wells 2009)

Thank you for your consideration.

A handwritten signature in cursive script that reads "Sonja" followed by a stylized surname, with "MSW, LSW" printed in a smaller font to the right.

Sonja Bigalke-Bannan, MSW, LSW
EAGALA certified Equine Assisted Psychotherapy Mental Health Specialist

References:

Allen, K. M., Blascovich, J., & Mendes, W. B. (2002). Cardiovascular reactivity and the presence of pets, friends and spouses: The truth about cats and dogs. *Psychosomatic Medicine*, 64, 727 – 739.

Shiloh, S., Sorek, G., & Terkel, J. (2003). Reduction of state-anxiety by petting animals in a controlled laboratory experiment. *Anxiety, Stress, and Coping*, 16, 387 – 395.

Wells, D. L. (2009). The effects of animals on human health and well-being. *Journal of Social Issues*, 65, 523-543.