

October 9, 2023

RE: SB 248

Good morning committee members;

I wanted to first thank you for the opportunity last week to address the committee on this very important bill. As I testified, it's critical this bill be modified for the safety of the children. I took this opportunity to consult with a friend who operates one of the best animal therapy programs in the country. They also have a court program utilizing therapy dogs. She indicated I could share the protocols with the committee members. They are attached for your review.

As far as the language in the bill, I would recommend the following.

If a canine support dog is not available, the court may utilize the services of a therapy dog team (TDT).

This team must be accredited by a national therapy dog program and provide documentation that the dog has not shown any aggressive tendencies.

The TDT teams training must include training by a victim advocate from a prosecuting attorneys office

The TDT teams are not permitted in the witness box with the victim/witness but may be present in the courtroom.

When in the presence of the victim/witness, the TDT must be supervised by a victim advocate or other court staff.

Rationale: As I indicated in my testimony and supported by the Tallahassee Memorial Healthcare Animal Therapy Program, protection from a mistrial and the further re-victimization of the child is the first priority. An emotional outburst from the handler or a dog not trained to be in a "down,stay" position for a minimum of an hour can result in such a legal issue. As indicated in the attachment, the TDT does accompany the child pre and post testimony and the legal ramification are not an issue.

As far as meeting with the child pre testimony, training for the handler is very important. If not done properly, legal challenges can arise making inquiries about conversations between the handler and child. Having a victim advocate present will protect this interaction.

In closing, I hope this report sheds some light on the issues. Protecting the child from physical injury of an untrained dog and emotional trauma of having to return to court testify are real. These issues were addressed in the drafting of the original bill. I believe the modifications above will open up the opportunity for children who have been victimized to have a dog and still provide protections.

I am available to assist as well as Cortney Carl from the Victim Advocates Program. Additionally, Stephanie Perkins from the animal therapy program at Tallahassee has also volunteered her assistance.

Thank you . Dan

**SECOND JUDICIAL CIRCUIT
COURTROOM PROTOCOL
FOR ANIMAL THERAPY TEAMS**
(Draft Revisions August 12, 2015)

I. Animal Therapy Team

A. Request for Team by Victim Advocate – The state attorney victim advocate will request a pet team via email to the Tallahassee Memorial Healthcare (TMH) Animal Therapy program. The victim advocate will provide the tentative date and time the team is needed and will timely advise TMH Animal Therapy Program of any changes in the schedule. The TMH Animal Therapy Program coordinator will confirm by email that a team is available and will provide the name of the handler and animal. TMH Animal Therapy Program will timely advise the requesting party of any changes in the availability of the pet team, including substitutions.

B. Motion for Use of Animal Therapy Team – Prior to the trial date the prosecutor will make a motion requesting the use of an animal therapy team under the provisions of Section 92.55, Florida Statutes.

C. In-court Personnel to Notify – After jury selection the victim advocate will notify the Bailiffs' Unit to let them know that an animal therapy team may be used so that the team will be granted access into the courthouse. The victim advocate will copy the clerk of the court, chief official court reporter, and defense attorney so that they will know that an animal therapy team may be present in court.

D. Arrival of Animal Therapy Team – Animal therapy teams will be required to enter the courthouse through the Monroe Street public entrance. Animal therapy teams will be escorted by the state attorney victim advocate to the state attorney's office and courtroom using the employee elevators. Attempts will be made by the victim assistance personnel and animal therapy handler to minimize contact with the public and other courthouse employees.

E. Introduction of Use of Animal Therapy Team – Just prior to or after the break/clearing of courtroom for child testimony, the judge will take a sidebar with counsel to state on the record that an animal therapy team will be used for the child victim/witness. The record will also reflect where the animal therapy team will be located in the public gallery of the courtroom, and that the objective of the animal team location is to facilitate keeping the dog out of view and sound of the jury have the dog visible to the witness, however, the presence of the team will not be mentioned to the jury. The animal team, both handler and dog, will not wear or have any items identifying them as an animal therapy team.

F. Entering Courtroom – Just prior to the child's testimony there is a break; the jury is excused, and any necessary clearing of courtroom will take place. The animal therapy team, consisting of a handler and dog, will enter the courtroom with the child and the victim advocate. The child will take a seat in the witness box, the victim advocate will sit in the audience section behind the prosecutor and the animal therapy team will go to its designated location. (See item I.G. below.) At this point the jury will enter the courtroom.

G. Position/location in Courtroom – An ideal location for the animal therapy team is the last bench in the back corner on the jury box side of the courtroom. In order to facilitate keeping the dog out of view of the jury large size dogs should be positioned on the floor and small size dogs may be placed on the bench in the public gallery of the courtroom in close proximity to the victim advocate with the dog visible to the witness.

Appropriate locations may vary by courtroom and other circumstances. Other appropriate locations may be identified in the future.

H. Handler Demeanor in the Courtroom – Handlers will receive special instruction from the victim advocate and training from the TMH Animal Therapy Program on courtroom decorum. Handlers will be advised to refrain from making eye contact with the witness and any overt displays of emotion. Additionally, handlers should take measures to ensure that the dog is ~~out of view of the jury and not making noises that would indicate the dog's presence~~ in view of the witness and is not identifiable as a therapy animal.

I. Exiting Courtroom – If the court takes a break during the child's testimony and once the child's testimony concludes, the jury will be escorted out of the courtroom. After the jury has exited the courtroom the animal therapy team will exit the courtroom. The victim advocate will meet the child witness at the bar/railing and escort the child outside the courtroom after the animal therapy team. The advocate will take the child and animal therapy team to a private area to avoid interaction in the presence of the jury. The child will then be able to interact with the team outside the courtroom.

II. Miscellaneous

A. Procedures if Testimony is via Closed Circuit – In the event that an animal therapy team is used during testimony via closed circuit, all of the above procedures will be followed, except that the animal therapy team will be in the closed-circuit video room instead of the courtroom. Additionally, handlers should take measures to ensure that the dog is out of camera view and not making noises that would indicate the dog's presence.

B. Presence of Service Dogs – If there is a service dog present in the courtroom for any court participant, the procedures to be used for animal therapy teams will be determined on a case-by-case basis.