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## Cold-nosed comfort

He may slobber, but Kelly represents the cutting edge in getting children to talk about abuse

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**T**he Baltimore Child Abuse Center's newest staffer may soon be padding into a city courtroom, ready to help a child through one of the toughest experiences of her life.

The center has just acquired Kelly, a specially trained service dog, to comfort children as they talk about sexual abuse. For now, Kelly is working only in the waiting room

of the center, visiting the kids before their forensic interviews, but executive director Adam Rosenberg hopes to bring him into actual interviews soon, and, eventually, into the courtroom with victims.

In time, Kelly also will work in the **Baltimore City State's Attorney's Office**, circulating among crime victims and witnesses.

He is one of just a dozen "court-house dogs" throughout the country, a nascent movement that makes some defense lawyers wary.

"My main concern is that trials can be a dog-and-pony show already to begin with, and ... the lingering question: Is the dog evoking undue sympathy for this child or for this victim?" said Towson criminal defense lawyer John Grason Turnbull III.

The movement's advocates, though, say the presence of a dog in stressful legal situations is nothing

short of transformative.

"We had a child who just didn't want to go back to talk to the interviewer," recalled Rosenberg. "These are hard situations. You're asking a kid to talk about the most traumatic thing that's ever happened to them to a complete set of strangers."

"With words they may not have," added Elida Murray, Kelly's handler and the center's operations director. "They may not know how to say what's going on."

"Happens all the time," Rosenberg said. "Then Elida came in and said, 'You want to walk with Kelly into the interview room?' 'Oh, OK.'"

### Born to be mild

Kelly, a yellow Labrador/golden retriever mix who wears a blue vest when he is working, is built like a linebacker but has the temperament of a good kindergarten teacher, unflappable and endlessly patient.

He was bred by Canine

Companions for Independence, an assistance-dog group based in Santa Rosa, Calif. He underwent close to two years of training before coming to the center and knows 46 commands. He does not jump on visitors or eat food dropped on the floor, and he barks only on command. He is brushed for 20 minutes every morning and showered frequently to keep him as hypoallergenic as possible. (For more on Kelly's breeding and training, see page 9B.)

At night and on weekends, he goes home with Murray. The vest comes off and he becomes "a big, floppy mutt," Murray said, going on runs and hikes with her and watching Tom and Jerry cartoons with her grandchildren.

"I mean, he's a big workin' dog ...," Murray said. "I think he needs his mental break just like everybody else does at the end of the day."

In the next few weeks, Kelly will move from working exclusively at the center to also coming into the court-





MAXIMILIAN FRANZ

**Clockwise from top left: (1) Elida Murray's 5-year-old grandson, Taylor Johnson, exchanges nuzzles with Kelly at Murray's home; (2) Kelly investigates a camera in the BCAC waiting room, to the amusement of Child Care Assistant Kelly Mack; (3) a caregiver who brought a child into the center pets Kelly in the waiting room; and (4) Kelly curls up in Murray's back seat for the commute into the city. Murray says she willingly traded in her sports car for an SUV when she got the chance to be Kelly's keeper.**

house, said Robin Haskins, deputy chief of victim/witness and community services in the State's Attorney's Office. There, victim and witness advocates will offer clients the option of meeting Kelly. Everyone, not just child sex abuse victims, will be included.

"It could be for a 30-year-old male who is a member of a gang and he has no family support," Haskins said.

The dog will also be available for the support group the office runs for the families of homicide victims.

For now, though, Kelly's first priority is the children at the center, which conducts all the medical examinations and forensic interviews in Baltimore child sex abuse cases.

In the month since Kelly has been at the center, Murray has noticed that he's started interacting differently with children of different ages, probably responding to the way Murray herself treats the kids.

For example, he is more solicitous of the younger children, offering his paw for a shake and returning their nuzzling. He also makes himself physically smaller with young kids by lying down, while with older, bigger children, he is more likely to sit up.

### Better than a toy

Rosenberg decided he wanted a dog in the office after watching a presentation at the **Baltimore City Circuit Courthouse** two years ago by Ellen O'Neill-Stephens, a Seattle prosecutor and co-founder of an organization called Courthouse Dogs.

"It was just one of those things," he said. "You have that 'aha' moment when you instantly see it."

Canine Companions for Independence provides its dogs free of charge, with the support of donors. "Kelly V" is named for the family who sponsored him — Kelly for their surname, and V because he was their

fifth CCI dog, Murray says.

The center went through a rigorous application process for Kelly. Local veterinarian Kim Hammond has volunteered to provide Kelly's medical care and solicit donations for his food.

O'Neill-Stephens and her veterinarian co-founder, Celeste Walsen, travel the country spreading the gospel of including dogs in the legal system.

About seven years ago, O'Neill-Stephens, mother of a son with cerebral palsy, started bringing his service dog to work with her on days when her son was with a caregiver and did not need the dog. She worked in juvenile drug court and quickly found that Jeeter was a calming influence on the troubled defendants.

Soon, her colleagues began asking to use him in interviews with sexually abused children, and a mini-movement was born.

In Seattle and the handful of other cities that have gotten courthouse dogs, forensic interviewers have found that the dogs are comforting and less distracting to the children than some might assume, Walsen said.

For years, investigators have used toys or coloring books during interviews to calm antsy children, but those tools can keep the kids' minds from the questions at hand, she said.

The dogs, however, do not demand attention during the interview; they just offer themselves for petting, occasionally nudging a child who is visibly upset, Walsen said.

Some children who are reluctant to tell a strange adult about their alleged abuse can be coaxed to talk directly to the dog instead.

Once, a Seattle service dog threw up during an interview — "they are

living beings" — but they have mostly proven unobtrusive, Walsen said.

"Our main problem is, occasionally the dogs snore," Walsen said. "The child snuggles up next to the dog, puts their arm around their neck and just talks."

### Visual impact

The same training that keeps the dogs inconspicuous during interviews also works in the courtroom, Walsen said. In Seattle, a child who meets a courthouse dog when she was interviewed about her alleged abuse will be reunited with the dog when she testifies, and it can help her get through the experience. Holding the leash of a 70-pound dog can also make a child feel stronger, Walsen said.

Rosenberg said he hopes Kelly someday will act as an ally for a child facing an alleged abuser and a roomful of strangers.

"I have my prosecutor hat on, but sometimes the deck's really stacked against the kid when you go into court because the defendant will be there with all his attorneys and his whole family will show up and it's just one lone child, or one lone child and her mother," said Rosenberg, who used to prosecute cases in the Baltimore City State's Attorney's Office Sex Offense Unit. "From a visual standpoint for the child, she just feels more empowered by having the dog there."

**University of Maryland School of Law** professor Jerome Deise said he is concerned about the visual impact of the dog on the jury.

The danger is that defendants might be convicted "not because of the evidence but because of the emotion ... that the jury sees in the interplay between a cute child and



MAXIMILIAN FRANZ

**From left, Operations Manager Elida Murray, Executive Director Adam C. Rosenberg and Child Care Assistant Kelly Mack pose with Kelly. Even Mack, who was bitten as a child and was afraid of dogs, likes the effect Kelly has on children at the center.**



adorable little dog,” said Deise, who teaches evidence and directs the school’s criminal defense clinic.

“The image is, the dog is there to protect the child; the child needs protection; the child needs protection from this particular defendant.”

Turnbull, the Towson defense lawyer, said he wonders whether the dog will distract the jury.

“Is the jury even going to look at the child or listen to me on cross-examination when Sparky is sitting there looking cute as a button?” he asked.

If a prosecutor moved to let a child witness testify with a dog at her side, Turnbull said, he would oppose the motion.

In Seattle, O’Neill-Stephens said, the defense typically loses such challenges.

No appellate court in Washington state or elsewhere has addressed dogs in the courtroom. However, Walsen drew an analogy between a child using a service dog for psychological support on the witness stand and the child using a “comfort item,” such as a blanket or teddy bear.

Defense attorneys have argued against letting child witnesses clutch comfort items, saying they make the children look vulnerable and appealing to a jury, but some appellate courts have upheld the practice.

Compared to teddy bears, “a service dog in a vest sitting by the child is less likely to be prejudicial,” Walsen said. “Service dogs are used by everybody. [In one case], jury members say they didn’t think anything of it.”

The dog can even be positioned out of the jury’s sight, before the jury files in, she said. “The dogs are so quiet they can be put on a down-stay and just lie there for an hour.”

Some defense attorneys in Seattle have even begun using the dogs to their advantage, she said. They have started their cross-examinations of alleged child sex abuse victims by pulling a chair up to the child. While asking the child questions, the defense lawyer will pet the dog. The technique makes the cross-examination less adversarial and softens defense counsel’s image for the jury, Walsen said.

“We don’t think it’s an unfair advantage,” Walsen said. “The dog is in the courtroom and can be used by



MAXIMILIAN FRANZ

Elida Murray (right) introduces a girl to Kelly at the Baltimore Child Abuse Center, which conducts medical examinations and forensic interviews in cases of suspected sex abuse. Kelly is specially trained to help children and witnesses feel more at ease.

anybody.”

### Case by case

While Rosenberg plans to have his dog in court someday, he expects some resistance from judges.

“I think it’s going to be a case-by-case basis,” Rosenberg said. “I’m sure there are going to be some judges who have the reaction, ‘I’m not bringing a dog in my courtroom,’ but we’ve got the motions necessary to help out.”

Deise said he worries that courts will be too quick to accede to the dogs’ presence, not pausing to consider whether they will do what Courthouse Dogs say they will.

“First of all, I have some concerns whether the mere presence of these dogs will have the intended effect,” Deise said. “I doubt that there’s any empirical data to support what I consider to be an extreme step, especially when we’re talking about having the dog in the courtroom when the child is testifying.”

Deise is right: As yet, there are no

studies on the use of dogs to calm children during forensic interviews or courtroom proceedings. O’Neill-Stephens said that’s coming up; a researcher at the University of Washington is about to study the interaction between children and dogs during the interviews.

For now, O’Neill-Stephens said, there is abundant research showing that interacting with animals in general can calm people.

Walsen said the idea that dogs can help children through hard times is not new. Look at Lassie, she said.

“It’s sort of part of the American psyche that children lean on dogs for emotional support,” Walsen said.

While that may not be true of all children, or all dogs, Kelly is already winning converts.

When Rosenberg discussed bringing a dog to the BCAC, the reaction was mixed. Some were nervous; one employee, Kelly Mack, had been bitten by a dog as a child and was scared of having one in the office.

On the other hand, “About half the

staff was like, ‘Great, love dogs. Can I bring my own dog in? Can we use my dog?’” Rosenberg said.

But he knew from the Courthouse Dogs team that not just any dog would do.

“This dog has the temperament to be able to handle any sort of child, and we’ve seen it,” Rosenberg said. “We’ve seen kids who are pulling on his tail, patting his nose ...”

“... lifting his lips, looking at his teeth,” Murray added.

“What would kill the program,” Rosenberg said, “is if we just brought in a lovable dog and the dog growled, it bit somebody.”

### A neat trick

Mack, who is in charge of keeping the children company and occupying them in the waiting room, now likes Kelly. The dog is too calm for her to be afraid, and she appreciates his effect on children.

Once Kelly comes to visit, the kids’ body language becomes more relaxed, Murray said.

On a recent morning at the center, a preteen girl in a hooded sweatshirt sat on a sofa in the waiting room, half-watching television and clutching a plastic bottle of red fruit punch between her knees.

Murray asked the girl if Kelly could visit her. The girl nodded.

“He’ll come right up next to you,” Murray told her. “Look, he’s wagging his tail at you. That means he likes you. He doesn’t wag his tail at everybody. Kelly, shake. Good boy. Good job, Kel Kel.”

“He also will help you by getting you things,” Murray said. “Can I borrow your drink? He’s so useful. Kelly, get. Get, my boy. And the thing is, he won’t poke it with his teeth. He’s got a very sensitive mouth.”

Kelly bent his head, opened his mouth and tried to pick up the bottle. After struggling to get a grip, slobbering in the process, he brought it back to the child.

“I’ll wash it off for you,” Rosenberg offered.

The girl laughed.



MAXIMILIAN FRANZ

Elida Murray and Kelly both went through extensive training to be in the program. Here, she praises Kelly for his performance on the ‘visiting’ command, which they practice in the morning before he meets with children. Told to ‘visit,’ the dog will walk over and put his head on a child’s lap and wait to be petted.