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## Judges growl over dog in court

Tabitha is intended to comfort children testifying about abuse; decorum among main concerns

By LAURA McVICKER  
Columbian staff writer

Bred to be exceptionally calm, the 2-year-old Labrador-retriever mix at the Arthur D. Curtis Children's Justice Center offers abused children the comfort to share their stories.

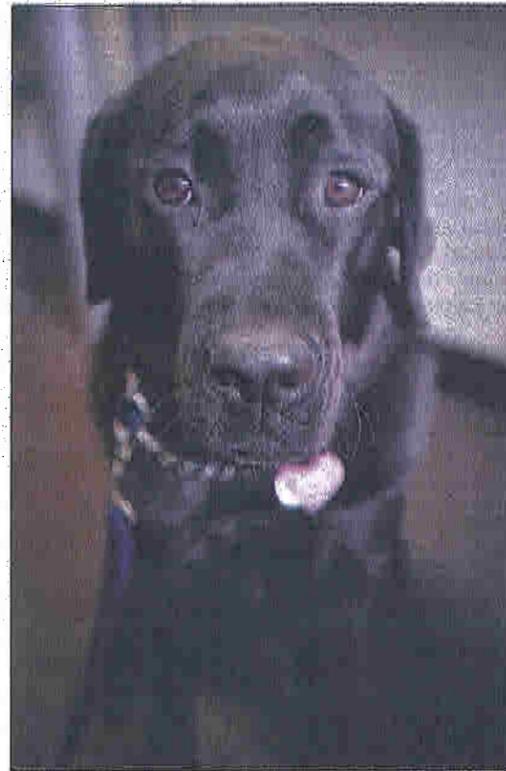
That's why Clark County prosecutors want to bring the new therapy dog, Tabitha, in courtrooms to give traumatized children the courage to take the stand to testify.

But would the dog be a needed companion — or an added nuisance?

The issue has a panel of Superior Court judges and the Clark County Prosecutor's Office at odds. Judges

say Tabitha could hamper courtroom decorum, while prosecutors say the dog is a necessary tool to alleviate children's fear in testifying.

"A courtroom is a scary place for an adult and a terrifying place for a child," said Deputy Prosecutor Dustin Richardson, who works out of the children's justice center. "We are doing everything we can to make it less traumatic and get at the



ZACHARY KAUFMAN/Columbian files

The Children's Justice Center's new therapy dog, Tabitha, is the subject of a dispute between prosecutors and judges.



Only in The Columbian print edition

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## Therapy dog:

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truth."

Tabitha arrived in March. She underwent a two-year process of screening and training with her human handler by Canine Companions for Independence in California.

The dog was paid for with donations from iQ Credit Union. She's trained to comfort children who are victims of physical and sexual abuse as they are being

questioned by detectives, as well as when they testify in court.

The problem, though, is that Tabitha has yet to appear in a courtroom.

The judges nixed that part of Tabitha's duties for fear that bringing a dog in court would degrade the judicial system's standards as a sterile and severe setting. The dog is currently only able to escort a child victim to the courtroom and wait with a handler in a nearby waiting room.

While court therapy dog programs have gathered steam in the Puget Sound area, only a few judges in King and Snohomish

counties allow the four-legged companions to be present for proceedings.

"I think having a dog in a courtroom is undignified," Clark County Superior Court Judge Roger Bennett said, speaking on behalf of Clark County Superior Court's judges. "It's a gimmick."

Bennett's sharp words came after meeting with prosecutors to express his concerns about using the dog in trials. There are several issues with the proposition, he argues: Is the dog necessary to draw a child's testimony? Will it show preferential treatment to the child witness? Will

certain things that dogs do — bark and jump up — interfere with proceedings?

The judge told Richardson that the bench will only allow Tabitha in the courtroom if it's proven that the dog is "reasonably necessary" in the child's testimony. That is, an expert in child psychology must testify that having the dog there would be the only way to ensure the victim's testimony.

It's a stiff burden, but one that Bennett believes is reasonable. He said in his 20 years presiding over criminal trials, he could recall only one case in which a

child victim froze on the stand and refused to testify.

"A good prosecutor can overcome that," the judge said.

But deputy prosecutor Richardson said Tabitha is a tool to ensure accurate and complete testimony. And she's not like other dogs. Incredibly obedient, she can lie down for up to five hours. He said the four-legged companion wouldn't disrupt proceedings at all. If anything, her role would only result in better testimony from the child.

"She would do nothing but improve the decorum of the courtroom," he said.

It's unclear how or when prosecutors will try to meet the burden to bring Tabitha to court. Richardson said that decision will be made on case-by-case basis. He hopes that after Tabitha's been before the bench once, she will persuade the judges.

"If (Bennett) sees Tabitha in action, he could see that a lot of those concerns aren't warranted," the deputy prosecutor said.

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