

# USE OF FACILITY DOGS IN THE STATE OF NEVADA CRIMINAL JUSTICE SYSTEM

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Lieutenant Michael S. Browett

Reno Police Department Facility Dog  
Handler

# Introduction

- In April 2022, alongside the Reno Police Department and in collaboration with Canine Companions, a leader in the service dog industry, I spearheaded what is believed to be the inaugural Facility Dog program within Nevada's criminal justice system.
  - My partner, Winter VIII, born in 2022, is a purpose-bred Labrador Retriever/ Golden Retriever mix, meticulously trained for our specialized work.
  - Nevada State Coordinator - Justice Facility Dogs US
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# Introduction

- Since her arrival, Winter has:
  - ✓ Engaged with thousands of citizens of all ages and employees from numerous agencies
  - ✓ Provided crucial support to hundreds of crime victims at various stages in the criminal justice system
  - ✓ Significantly elevated the image of the Reno Police Department, fostering greater trust and understanding between officers and citizens through her compassionate presence and dedicated service
- Unfortunately, due to the absence of legislative guidance or specific laws, Winter and other dogs like her have been unable to fulfill a critical role in Nevada - providing support to vulnerable and child witnesses during courtroom testimony.



# What is a Criminal Justice Facility Dog

- Assistance Dogs International, Inc. (ADI) is a worldwide coalition of not-for-profit programs that train and place Assistance Dogs. Founded in 1986 from a group of seven small programs, ADI has become the leading authority in the Assistance Dog industry (ADI, 2024).
  - Organizations such as Canine Companions, who provided Winter, are accredited by ADI.
  - There are hundreds of such organizations, including a select few prominent providers like Canine Companions, Guide Dogs for the Blind, Assistance Dogs of the West, and Duo.
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# What is a Criminal Justice Facility Dog

- ADI Definition - Courthouse Facility Dog:
    - ✓ Trained by an ADI accredited member organization to do specific, skilled tasks in a variety of different situations with a variety of people in need of their services in such places as a courthouse or child advocacy center. Their handlers, professionals who are knowledgeable about the practices of the justice system, utilize the facility dog to provide a calming influence on vulnerable people during the investigation and prosecution of crimes, other stressful legal proceedings, and therapeutic responses to these experiences.
    - ✓ Given the nature of this work, prior to graduation from team training, the team must be able to demonstrate that they can work in community places, such as a courtroom, courthouse or police station **without creating a public nuisance that could have an adverse impact on the proceedings.**
    - ✓ Public access for the facility dog is only granted with permission from the institution or under provisions of state or federal/national laws (ADI, 2024).
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# What is a Criminal Justice Facility Dog

- More general definition widely used in laws, policy, government:
    - ✓ “Facility Dog” means a dog that is a graduate of an assistance dog organization that is a member of assistance dogs international or a similar internationally recognized organization whose main purpose is to grant accreditation to assistance dog organizations based on standards of excellence in all areas of assistance dog acquisition, training and placement (IC § 19-3023).
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# What a Criminal Justice Facility Dog is Not

- A facility dog is not a therapy dog or emotional support animal
    - ✓ These dogs and animals have their place in society and perhaps some aspects of the legal system, but not in police interviews or courtrooms.
    - ✓ They are often not properly vetted or trained to handle various stressful and emotionally charged situations with a diverse range of people.
    - ✓ Their work periods are short, requiring frequent breaks, and they must be removed if showing signs of stress.
    - ✓ Handlers must maintain control of the leash, and they may lack formal training or appropriate behavior in legal settings, with unknown backgrounds. (See Spruin, 2018, Mariani, 2020)
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# Support and Research

- Dogs in the criminal justice system: Consideration of facility and therapy dogs – Elizabeth Spruin and Katarina Mozova (2018)
  - American Bar Association Resolution 101A (2021)
    - ✓ RESOLVED, that the American Bar Association urges federal, state, local, territorial and tribal governments and foreign governments to enact laws authorizing courts to allow specially trained dogs (called facility dogs) to assist victims/vulnerable witnesses in their participation at any stage of the criminal justice system, including during their testimony in any judicial proceedings, and, to ensure the health and well-being of the facility dogs.
  - Courthouse Facility Dog Resolution of the Association of Prosecuting Attorneys (2018)
  - National District Attorneys Association – Resolution in support of the use of courthouse facility dogs (2018)
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# Support and Research

- 116th Congress s. 1029 – Courthouse Dog Act (2019) – Passed Senate but bill died in House
  - Facility Dogs at Children's Advocacy Centers and in Legal Proceedings – Courthouse Dogs Foundation (2015)
  - Courthouse Facility Dogs – A Witness's best Friend – Jill Mariani (2020)
  - Concerns Regarding the utilization of Pet Therapy dogs and their Owners for Witness Support During Courtroom Proceedings – Courthouse Dogs Foundation, Ellen O'Neill Stephens JD – Founder (2020)
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# Need and Timing

- Facility dogs and best practices have been in development since 2008.
  - The use of dogs to aid victims in the criminal justice system is growing.
  - There is a widespread lack of knowledge among criminal justice entities about existing best practices, resulting in many agencies incorporating pets and therapy dogs without sufficient guidance, particularly as it relates to existing best practices.
  - The long-term effectiveness of the use of dogs in the criminal justice system in Nevada depends on establishing and adopting laws and practices that align with recognized standards.
  - Despite numerous requests from victims, Winter has been unable to accompany them during testimony due to concerns about case law implications and legal implications to an individual case.
  - It is challenging to assess the need for a facility dog when their services cannot be reliably offered due to these constraints.
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# States with Facility Dogs and Laws Supporting Their Use

- 304 dogs working in 41 states (August, 2023 – Justice Facility Dogs US)
  - 9th Circuit States
    - ✓ Alaska - 0
    - ✓ Arizona – 9 – State v. Millis (2017) - trial and appellate court found facility dog would not unfairly prejudice Millis
    - ✓ California – 40 – People v. Chenault (2014) - support dog no more prejudicial than support person | People v. Spence (2012) - appellate court upheld use of facility dog and advocate on stand. CA Penal Code 868.4
    - ✓ Hawaii – 1 – House Bill 1668 SD1 CD1 – Use of a Dog in Judicial Proceedings
    - ✓ Idaho – 4 – State of Idaho v. Nuss (2019) - appellate court found use of facility dog not abuse of court discretion | Idaho Code § 19-3023
    - ✓ Montana - 2
    - ✓ Nevada - 1
    - ✓ Oregon - 9
    - ✓ Washington – 20 – State v. Dye (2013) - no showing that facility dog distracted jury or damaged presumption of innocence. | RCW 10.52.110
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# Necessary Components of a Nevada Law

- Define facility dog.
  - Define vulnerable witness / child witness for purposes of facility dog use.
  - Add authority and guidelines for the use of facility dogs in courtrooms to support vulnerable witness / child witness.
    - ✓ Presumption facility dog shall be allowed to stay in the courtroom at the witness stand with the vulnerable witness / child witness unless court finds defendant's constitutional right to a fair trial will be unduly prejudiced.
  - Add facility dogs to state definition of "service animal" when the facility dog is working in such a capacity to accommodate public access.
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# Questions, Concerns, and Supporting Documents

- Questions?
- More Information:

Lt. Michael S. Browett  
(775) 223-1457  
browettm@reno.gov

Articles, State Laws, and More



# References



[Link to References Document](#)

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