

SECOND JUDICIAL CIRCUIT COURTROOM PROTOCOL FOR ANIMAL THERAPY TEAMS

(Revised March 27, 2017)

I. Animal Therapy Team

A. Request for Team by Victim Advocate – The state attorney victim advocate will request an animal therapy 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. The first time an animal therapy team arrives to meet with a witness a confidentiality oath will be signed.

B. Motion for Use of Animal Therapy Team – In a case involving a jury trial, 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 and any time the animal therapy team is utilized in criminal court, 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 prosecutor and/or victim advocate will also notify the defense attorney 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 the witness testimony, the judge will take a sidebar with counsel to state on the record that an animal therapy team will be used for the victim/witness. The record will also reflect where the animal therapy team will be located in 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.

F. Entering Courtroom – Just prior to the witness's testimony there is a break; the jury is excused, and any necessary clearing of courtroom will take place. When the witness is called to testify, the animal therapy team, consisting of a handler and dog, will enter the

courtroom with the witness and the victim advocate. The witness 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. 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 having any communication with the witness while the witness is on the witness stand or 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.

I. Exiting Courtroom – If the court takes a break during the witness's testimony and once the witness'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, preferably as the witness is stepping down from the witness stand. The victim advocate will meet the witness at the bar/railing and escort the witness outside the courtroom after the animal therapy team. The advocate will take the witness and animal therapy team to a private area to avoid interaction in the presence of the jury. The witness 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. In this circumstance, 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.