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FEATURED

## COURT SUPPORT

### Bristol canine, attorney in the spotlight as courthouse facility dog legislation proceeds

ROBERT SORRELL | BRISTOL HERALD COURIER Feb 10, 2018 Updated Feb 20, 2018





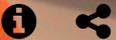
## Editor's Note

This is one in a series of occasional stories about the many ways dogs help humans, from comforting the sick and working with police to saving lives in the military.



## Nomad- Bristol VA Children's Advocacy Center

Bristol Herald Courier



**Autoplay: On | Off**

BRISTOL, Va. — Nomad, a 5-year-old courthouse facility dog and the face of a piece of Virginia legislation this session, sat quietly next to the young girl as she spoke about heinous crimes committed against her in Bristol by a family member.



A series of occasional stories about the many ways dogs and their heightened senses help humans, from comforting the sick to detecting and saving lives in law enforcement and the military.

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**On the Record, Ep. 15: "Meet Nomad, the court's support dog"**

The Labrador retriever and golden retriever mix from the Children's Advocacy Center of Highlands Community Services hunkered down beside the 8-year-old girl's feet, said Bristol Virginia Assistant Commonwealth's Attorney Sarah Nokes.

After the girl, who was scared to testify during the preliminary hearing in 2015, answered the prosecutor's questions, the defendant pleaded guilty during another hearing to multiple counts of sexual abuse. Nokes described the victim as brave.

That was the first time Nomad comforted a child during a criminal proceeding in Bristol. Nokes said Nomad was quiet and unobtrusive. When the girl became nervous, she could just reach down and pet the dog.

Nokes recently drafted legislation in Virginia based on Nomad's work that would allow facility dogs in the courtroom to comfort victims and witnesses as they testify.

**BRISTOL HERALD COURIER**

# ON THE RECORD

"We're asking children to talk about the most difficult times of their lives," said Nokes, who has met with legislators in Richmond as House and Senate bills pass through the General Assembly. "It's horrendously difficult for the kids."

Nomad, who regularly sits in during forensic interviews and pretrial meetings, has comforted children a handful of times in courtrooms in Virginia's 28th Judicial District, which includes Bristol, Washington and Smyth counties.

The dog has been on hand outside juvenile and domestic relations and circuit courtrooms in Marion, Smyth County Commonwealth's Attorney Roy Evans said. The dog has also been prepared for trial, but Evans said the cases were settled at the last minute.

"Even the pretrial hearings and preparation for trial are nightmares for children," Evans said. "You can see the anxiety melt away as soon as Nomad appears and their attention turns to him."

Washington County Commonwealth's Attorney Josh Cumbow said Nomad has been used in the witness room and courtroom.

"Court dogs are definitely helpful to child witnesses because the dogs allow them to overcome courtroom anxiety," Cumbow said. "Being in court is stressful and can cause anxiety in many adult witnesses. In the case of children, they are usually there because they have been the victim of a crime and undergone sometimes severe trauma at the hands of people they are being asked to testify against."

## **Legislative process**

Because no statute currently exists in Virginia regarding the use of courthouse dogs, Nokes said local prosecutors in recent years have filed motions with local judges to allow Nomad at the witness box. Judges have been receptive to the motions and have allowed



Sen. Ryan McDougle (center), R-Hanover, looks down at Nomad, a courthouse facility dog from Bristol, Virginia, as Del. Rob B. Bell (left), R-Albemarle, addresses a press conference inside the Pocahontas Building in Richmond on Jan. 22. They both have similar bills that would allow for the use of a certified facility dog to aid a testifying witness and provide emotional support in the courtroom.

BOB BROWN/Richmond Times

Nomad in their courtrooms during criminal proceedings in the 28th Judicial District.

Last year, Nokes attended a conference where she spoke about Nomad and his work. Interest began to build and a number of people urged her to draft legislation.

The Bristol prosecutor has never before worked on a bill or dealt with the legislative process, she said. With assistance from the Children's Advocacy Center, Nokes has worked with the Courthouse Dogs Foundation, the National Association to Protect Children

and legislators to develop Virginia House Bill 482 and Virginia Senate Bill 420.

The national association took on the bill, selected General Assembly sponsors — Del. Rob Bell, R-Albemarle, and state Sen. Ryan McDougle, R-Hanover — and promoted the legislation.

As of last week, Bell, the bill's chief patron in the House of Delegates, said separate versions passed the House and Senate. Once the two versions are reconciled, he said it will be sent to Gov. Ralph Northam's desk for his consideration.

"As a former prosecutor, I know how hard it can be for crime victims to testify, especially when they are children," Bell told the Bristol Herald Courier. "Criminal cases require victims to talk about terrifying and embarrassing events in front of strangers. A certified facility dog can help a witness work up the courage to talk about what happened."

Bell said he hopes the two houses reconcile the bills and the governor signs the legislation into law by the end of the current legislative session.

The entire Southwest Virginia delegation, except Sen. Ben Chafin, R-Lebanon, approved the legislation, according to voting records. Chafin was one of 10 senators, out of 30, to vote no on the bill. Chafin could not be reached for comment.

The House bill passed unanimously.

Currently, about 10 other states have similar statutes.

The mother of the 8-year-old, who appeared during the 2015 hearing, wrote a letter to Nokes in support of the legislation. She gave the prosecutor permission to give the letter to legislators as they considered the bills.

The child was very nervous before appearing at the hearing, the mother wrote, according to Nokes. When they found out Nomad would attend the hearing, the girl became more comfortable, she said.

The girl was able to pet Nomad and continue answering questions when she became nervous, she said.

Nokes said the mother wrote that she and her daughter later talked about the hearing. They discussed the thought that Nomad gave the girl the “strength and courage” to testify.

### **Preparing Nomad**

Nomad has been working at the Children’s Advocacy Center, which is adjacent to Sugar Hollow Park in Bristol, since May 2014, according to the dog’s handler, Donna Callis. The organization obtained and trained the dog at Canine Companions for Independence in Orlando, Florida.

Courthouse facility dogs receive all of the training a normal service dog would. Because he works at the Children’s Advocacy Center, he works with multiple people rather than one.

Nomad hasn’t worked during any criminal trials, but he has assisted during preliminary hearings and other proceedings, Callis said.

“Usually after preliminary hearings, then they do take a plea before it goes to trial,” the center’s director, Kathi Roark, said.

Before going to a hearing, Callis said she and Nomad go into the courtroom to practice, when he learns everything from going through security to where he’s supposed to lie at the witness box.

In Washington County, Callis said the jurisdiction's juvenile and domestic relations court doesn't have a witness box.

"They are in a rolling chair out in front of the judge," Callis said. "So, Nomad has to lay on the floor in plain view."

Callis recalled a hearing during which a young girl held onto Nomad's leash.

"This little girl, in particular, tangled up the leash in her hand," Callis said. "She was so nervous."

At one point during the hearing, the girl was asked a question.

"She just kind of stopped and she said, 'Wait a minute, I have to pet Nomad and get my thoughts together,'" Callis said. "She jumped down off the chair and pet Nomad and she got back in the chair and was able to go on with her testimony."

When they began going into the courtroom, Callis said she worried about whether Nomad would do his job properly. He's supposed to pay attention, stay in one spot next to the child and not make noise.

"He did very, very well," Callis said.

She remains in the courtroom and sits in Nomad's sight.

When he's not in the courthouse, the dog spends his time at the Children's Advocacy Center, where staff helps child victims and witnesses with the court process.

"Nomad greets and meets a lot of the children that come in," said Callis, adding that the canine also meets with caregivers. "He will sit patiently with them while they tell their stories to the investigators."

Courthouse dogs

**Organizations with courthouse dogs in Tennessee and Virginia:**

**Tennessee:**

### **Appeal denied**

Eight courthouse dogs — including those working in CAC and commonwealth's attorney's offices — currently work in Virginia. Kahn, a black

» 19th District Judicial District Attorney, Clarksville

» 23rd District Child Advocacy Center, Charlotte

» Children's Center of the Cumberlands

» Jackson Police Department

» Sumner Children's Advocacy Center, Gallatin

» Upper Cumberland Child Advocacy Center, Cookeville

» Williamson County CASA

**Virginia:**

» Child Abuse Program, Children's Hospital of the King's Daughters, Norfolk

» Children's Advocacy Center of Bristol/Washington County

» Children's Trust of Roanoke Valley

» Stafford County commonwealth's attorney

» Fauquier County commonwealth's attorney

» Albemarle County commonwealth's attorney

Labrador mix facility dog at the Stafford County commonwealth's attorney's office, has been working since 2012. Like Nomad, Kahn and his handlers have also been involved with current legislation. The commonwealth's attorney visited Richmond during the legislative process.

"The goal of having a courthouse dog is two-fold," Stafford County Commonwealth's Attorney Eric Olsen said on the county's website. "We want the dog's presence to make children and adults more comfortable so they can better tell their story. Plus, we hope it will help make a tough experience a little easier on those who've already had a hard time."

Seven courthouse dogs now work in Tennessee, although none in the eastern part of the state. No statutes are currently on the books on courthouse dogs. Amy Darnall, Sen. Jon Lundberg's legislative assistant, said it doesn't appear any related bills are pending in Nashville.

» Staunton County commonwealth's attorney

» SafeSpot Children's Advocacy Center of Fairfax County

*Source: Courthouse Dogs Foundation*

A 2016 opinion from the Tennessee Court of Criminal Appeals, however, set a precedent in the state that allows authorities to permit facility dogs in courthouses.

Jose Reyes, who was convicted of one count of rape of a child in DeKalb County, Tennessee,

and sentenced to 32 years in prison, appealed partially on the grounds that the trial court denied his motion to prevent the Children's Advocacy Center facility dog from being present with the victim as he was testifying.

The man's motion asserted that the presence of the dog, Murch, would be "overly prejudicial to the defendant." Following a hearing, the trial judge permitted Murch in court.

The state appeals court's opinion cited a number of opinions from other states where courthouse dogs are permitted during criminal proceedings, as long as the dog stays in place, remains quiet, is available for other witnesses and is barely seen by the jury.

"In the present appeal, the trial court also determined that the presence of Murch during the young victim's testimony would ease his being able to testify and that Murch would be handled in such a way as to make his presence as unobtrusive as possible and, further, the trial court instructed the jury that no inferences should be made, nor sympathy result from the presence of the facility dog," the justices wrote. "Accordingly, we cannot conclude that the trial court abused its discretion in permitting the use of the facility dog, Murch, during the trial."

The justices denied the DeKalb County man's appeal.

No courthouse facility dogs have been used in Sullivan County, Tennessee, according to Barry Staubus, the county's district attorney general.

The Sullivan County Children's Advocacy Center has a facility dog.

“Harley just hangs around the office and greets the kids,” said Executive Director Gena Frye. “She has gone on a couple of occasions and set with the kids before they testified, but she has never gone into the courtroom.”

Harley is a basset hound mix.

### **Trending nationally**

Ellen O’Neill-Stephens, founder of the Courthouse Dogs Foundation, said there are currently 154 courthouse facility dogs working in 35 states.

O’Neill-Stephens said she began the program in 2003 while working as a deputy prosecutor in Seattle, Washington. In 2008, O’Neill-Stephens and Celeste Walsen began working together when there had been about a dozen courthouse dogs across the country.

“We have either been directly or indirectly involved in all of these placements because once we created our website and wrote our manual, we were able to educate many more legal professionals about this,” she said.

Callis contacted Courthouse Dogs for assistance with a facility dog and the organization came to Bristol to provide training for her and the staff when Nomad began working in 2014.

The organization also featured Nomad, Callis and the Children’s Advocacy Center in the Courthouse Dogs manual, which was funded through the U.S. Department of Justice.

“Our organization has provided advice to legal professionals during the drafting of almost all of the facility dog legislation,” O’Neill-Stephens said. “Several people contacted me about the Virginia legislation.”

Nokes said she’s looking forward to the legislation’s passing in the General Assembly and eventual signing by the governor. When asked, Nokes said she hopes officials host a signing ceremony, so local representatives and Nomad can attend.

The legislation opens up new possibilities, she said, adding that it’s just another tool to help children and adults who are scared or uncomfortable in the courtroom.

“Nomad makes them feel safer,” said Nokes, explaining that defendants, who are typically parents or other family members, sit just feet away from the witness stand.

“Everyone benefits when we can get the truth from the victims or the witnesses,” Nokes said.

With the legislation’s passing, prosecutors and defense attorneys can request a courthouse dog’s assistance during criminal proceedings, Nokes said. And although Nomad only assists children currently, Callis said he’s available for anyone who needs assistance.

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MORE INFORMATION



Paws to Help

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