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Prisoners, Dogs, Training, and Rehabilitation

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Abstract

Federal and state programs that use convicted offenders to train homeless dogs bring together two groups of creatures whom society has often thrown away and about whom society does not want to concern itself. Yet those creatures seem to be able to help, support, and rehabilitate each other. We should not fail to take advantage of the reformative potential of prisoners and dogs just because we cannot prove that by working together, they will necessarily improve the prospects for each other in every case. No program run by people should be expected to work 100 percent of the time. That is asking for perfection. The available evidence, however, does justify further consideration of these programs.

To err is human.
To forgive, canine.
—Unknown

It is an article of faith that dogs are man's best friends. Resolutely loyal, unstintingly caring, unconditionally loving—dogs have etched those and numerous other character virtues in human hearts ever since those first canine proto-house pets built a symbiotic relationship with our ancestors somewhere between 9,000 and 150,000 years ago.¹ By now, the ability to form such a relationship might even be hardwired into our DNA. Psychologists have learned that humans can form an emotional bond with dogs that helps each one overcome the physical and emotional damage that life can bring.² For that reason, dogs are often used to bring emotional support to medical patients, post-traumatic stress disorder

KEY POINTS

- Numerous correctional facilities across America, as well as in other countries, have small-scale "prisoner-dog training programs."
- Under those programs, prisoners raise dogs for a year or less to train them to perform service work for people who suffer from some disability or to be companion animals.
- Today, federal and state prison systems serve principally to isolate and incapacitate hundreds of thousands of offenders, at a considerable cost, rather than to reform them. The recidivism rate is also far higher than anyone would hope to see, particularly given the dollars expended on the criminal justice system.
- If prisoner-dog training programs can materially contribute to the rehabilitation of offenders in a cost-effective manner, they would be a valuable addition to the type of offerings currently available.
- The federal government should investigate whether such programs are worthwhile investments in the reformation of those who have gone astray.

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(PTSD) sufferers, physically or psychologically injured children, and others traumatized by horrible misfortunes.³

What is less well known is that dogs also have a role to play in rehabilitating offenders who are imprisoned for their crimes. As Odean Cusack explains in his book *Pets and Mental Health*, “pets seem to bring out the best in us. If there is a capacity for affection, compassion, for empathy or tenderness overlooked by our human fellows, a pet has an uncanny ability to ferret it out.”⁴ The evidence indicates that dogs can have that effect even when “our human fellows” have done something illegal and dangerous enough to warrant imprisonment.

Numerous correctional facilities across this nation, as well as in Australia, Canada, England, Italy, New Zealand, Scotland, and South Africa, have small-scale “prisoner-dog training programs.”⁵ Under those programs, prisoners raise dogs for a year or less to train them to perform service work for people who suffer from some disability (e.g., blindness) or to be companion animals.⁶ Yet only a small body of literature, most of which appears in media stories or in professional correctional or psychological journals, discusses the effectiveness of those programs. For a variety of reasons, these programs have not been subjected to the type of scrutiny normally afforded to other types of social science research, but the available reports indicate that both correctional officials and outside observers have found that such programs are quite effective at rehabilitating offenders (and are not half bad for the dogs either).⁷

That possibility merits further investigation. Today, federal and state prison systems are largely “correctional” facilities in name only. They serve principally to isolate and incapacitate hundreds of thousands of offenders, at a considerable cost, rather than to reform them. The recidivism rate is also far higher than anyone would hope to see, particularly given the dollars expended on the criminal justice system.⁸ If programs like the ones discussed above can materially contribute to the rehabilitation of offenders in a cost-effective manner, they would be a valuable addition to the type of offerings currently available. The federal government should investigate whether such programs are worthwhile investments in the reformation of those who have gone astray.

The Relationship Between Rehabilitation and Incapacitation as Justifications for Punishment

Criminal punishment has been justified on several grounds such as vengeance, retribution, deterrence (general or specific), education of the public, incapacitation or rehabilitation of the offender, and respect for the victims of crime. The principal rationale offered throughout most of the 20th century was rehabilitation: that is, the belief that society could correct the moral failings of wayward individuals. Punishment should serve not to wreak vengeance upon an offender or to deter him or others from committing crimes, but to reform parties who had gone astray because of a disease of the soul, not the body. The theory of rehabilitation stemmed from the religious belief that anyone can be brought back into the fold after doing penance. That justification gave birth to the creation of the so-called correctional facilities in America in the first half of the 19th century.⁹

Around the turn of the 20th century, a new, secular correctional theory came into being. The criminal justice system used a variant of the medical model as the guide for dealing with offenders. Judges and correctional officials became physicians for the guilty. Judges worked at the front end of the process. Two new tools, probation and indeterminate sentences of confinement, allowed judges to decide whether and how much treatment was necessary for a particular offender. Correctional officials operated at the back end. They were responsible for deciding precisely when the offender had been cured, when reformation was complete, so that he could be released on parole to rejoin society as a new man. The unshakeable belief that rehabilitation was possible undergirded the entire criminal justice apparatus of the last century.¹⁰

In the last quarter of the 20th century, however, that belief crumpled under the combined weight of repeated criticisms from the Left and the Right.

- For the Left, the argument was that the discretion inherent in indeterminate sentencing and necessary for release decisions fostered arbitrariness, caprice, and racial discrimination without any corresponding assurance that judges and wardens could actually reform prisoners. That discretion also left offenders with the risk of serving a far longer term of imprisonment than anyone

would find reasonable when they came up at sentencing before judges who were well known for imposing long sentences.

- For the Right, discretion led to injustice and threats to public safety or dishonesty. At some sentencing proceedings, defendants would appear before judges who were well known for imposing grossly lenient sentences that returned criminals to the streets without them missing a beat. At other sentencing hearings, judges gave overly punitive sentences that offenders would never fully serve because of parole. At parole hearings, inmates and parole board officials gave Kabuki-like performances (albeit, without the makeup) as hardened criminals pretended to be rehabilitated and prison officials pretended to believe them.

Together, the two sides argued that rehabilitation was illegitimate as a theory and fatuous as a policy. By the 1980s, the rehabilitative theory had few friends.¹¹

Rehabilitation might nonetheless have survived as a “Victorian Compromise”—an accommodation between hope and reality¹²—were it not for the massive increase in violent crime that occurred in the 1960s and 1970s. With the public demanding action and no one saying that society should ride out the storm, elected officials revamped the federal and state criminal justice sentencing and release systems. Legislatures substituted incapacitation and deterrence for rehabilitation as the justifications for punishment; they replaced indeterminate sentencing with sentencing guidelines or mandatory penalties; and they curtailed or eliminated parole as an early release mechanism.¹³ In fact, Congress went so far as to prohibit a district court from even considering rehabilitation at sentencing.¹⁴

To be sure, neither Congress nor the states eliminated all consideration of rehabilitation. For example, the Federal Bureau of Prisons (BOP) may consider rehabilitation when selecting educational, vocational, or substance abuse programs for a prisoner.¹⁵ Moreover, the federal Second Chance Act of 2007 authorized federal funding of prisoner reentry programs.¹⁶ Those programs—such as adult education programs, vocational and technical training, GED classes, cognitive-behavioral drug or alcohol treatment, and life skills training (e.g., managing a

checking account)—have reduced recidivism and are far less costly than continued incarceration.¹⁷ The bottom line is that even if rehabilitation were no longer a legitimate sentencing consideration, let alone the only one, there was still some room left for consideration of the possibility of reformation in individual cases, even if only to encourage positive in-custody behavior and to reward inmates for their good conduct.¹⁸

It was in that space that correctional officials started to use prisoners to train dogs to save the souls of the former and the lives of the latter.

The Training of Dogs and Rehabilitation of Prisoners

It is no secret that humans and animals can develop bonds like the ones that exist among family members or close friends or that some animals, particularly dogs, can provide comfort for people in distress. Florence Nightingale, the founder of modern nursing, noted more than a century ago that pets can ease the suffering of long-term hospital patients. Contact with small companion animals has numerous positive effects on patients, such as lowered heart rate, blood pressure, and stress.¹⁹ That recognition led to the use of Animal Assisted Therapy (AAT) in long-term residential facilities.

An accident led to the use of AAT for persons under long-term legal confinement. A psychiatric worker at an Ohio facility noted an improvement in inmates’ behavior after caring for an injured bird. To test the hypothesis that animals could improve behavior, the facility let one of two wards care for a pet. After a year, the facility discovered a noticeable improvement in the ward with the pet. Violence and suicide attempts had been cut in half, and the amount of medication needed for patients also declined. The facility made the program permanent.

The practice was then tested in a correctional facility. Sister Pauline Quinn, previously Kathy Quinn and a former psychiatric patient herself, created a similar program at a Washington State facility for women. It, too, was a success—for the prisoners, who developed a sense of self-esteem, learned a skill, and received college credit, and for the dogs, who avoided being killed and were trained to help special-needs individuals. Sister Quinn followed up by helping to create 17 other such programs. Eventually, the program caught on across the country. Today, there are numerous programs throughout the federal and

state correctional systems with such clever names such as Pawsitive Partners Prison Program; Prisoners Assisting With Support Dogs (PAWS); A Dog on Prison Turf (ADOPT); Puppies Behind Bars; Prisoners Overcoming Obstacles & Creating Hope (POOCH); and Death Row Dogs.²⁰

Those programs share several commonalities. Prisoners are volunteers. Correctional staff select participants based on such factors as their criminal history, prison disciplinary record, custodial level, and time remaining. Inmates selected for training programs must maintain a clean record with no fighting or rule infractions. The dogs come in all breeds and sizes, often from a local shelter. Each prisoner is paired with a dog, who may sometimes live with him or her on a 24/7 basis. Professional trainers teach the prisoners how to care for and raise their dogs. Their time together can range from 40 days to 18 months. At “graduation,” the dogs go off to become service dogs for the blind or otherwise disabled, or perhaps move into a home where they become members of a new family.²¹

The available evidence indicates that those programs are a “win” for everyone involved. Dogs sitting on “death row” at a local shelter have their sentence commuted to “life” with someone at their “forever home.” Prisoners see the programs as a reward for good behavior, and they learn dog-caring skills—e.g., dog-handling, -training, -walking, and -sitting techniques, as well as basic animal husbandry—that they can use in a job after their release. That experience, followed by additional education and training, gives former prisoners a step toward careers as veterinary technicians.²² Some prisoners for the first time in their lives have a living creature that loves them and that they love in return. That reward is intensely personal and immeasurable. In the words of one veterinarian, caring for dogs acquaints prisoners with “respect, self[-]control, and responsibility” and helps them to become “more attentive and responsible citizens of the world, more aware of the needs of others, and more responsible for their own behavior, which is just this side of a miracle.”²³

Trainers and their dogs are not the only ones who can benefit from these programs. Other prisoners see a reduction in the fact and fear of violence that permeates our prisons in the same way that water fills the seas. The disabled and others who receive a trained dog have a lifelong companion. Because most offenders eventually return to the community, neighborhoods receive former inmates with a reduced risk of recidivism.

Consider these observations:

- Of the sixty-one administrators surveyed, all but one responded they would recommend a prison-based animal program to other prison administrators. The administrator who did not recommend the program explained that he only answered as such because it had no financial gain for the institution.... [T]he anecdotal reports from staff, inmates, and recipients of the service dogs are overwhelmingly positive; therefore, not surprisingly, animal training programs are becoming increasingly common in correctional facilities.²⁴
- “One of the things prison usually means is being useless, being defined by our worst acts,” said Judy, 58, a New York City mother with close-cropped graying hair who did not want to give her last name or to describe the crimes that landed her here. “The program gives me a sense I can be useful, useful to people on the outside, to some person who can be helped by having the fruits of my work. There’s a sense that what we do has a life that’s positive in other people’s lives.”²⁵
- From the perspective of prison administrators, dog-training programs have many apparent advantages. They serve the very important function of keeping inmates busy, always a concern in medium-security and maximum-security prisons; they are relatively inexpensive; and they offer considerable potential for improving relations between institutions and communities. The latter is a particularly promising prospect in an environment in which the public seems increasingly willing to view inmates as antisocial monsters, incapable of doing anything positive.²⁶

At first, it appears that the majority of these programs provide vocational skills, work experience, or a service to the community. Upon taking a closer look, it becomes evident that they are also highly therapeutic. Working with animals provides meaningful experiences for incarcerated individuals during which many important life lessons are learned.²⁷

The result is a “win times five.”

The Effectiveness of Prisoner-Dog Programs

Why, then, do we not see those programs used on a more widespread basis? Therein lies the rub.

Encomiums are wonderful for the recipients, but the sciences demand hard evidence as proof of effectiveness. Unfortunately, there are no scientifically rigorous studies available.²⁸ The “gold standard” is the randomized clinical trial,²⁹ the type of double-blind studies that pharmaceutical companies perform to obtain approval from the federal Food and Drug Administration to distribute a new drug across the country. Their protocols demand that test subjects be randomly selected in sufficient numbers to justify confidence that there is a reasonable cross-section of the public. One group then receives the new drug, while the other gets only a placebo (or some other treatment not under investigation). That type of clinical trial, however, has not been done for prisoner dog-training programs.³⁰ We have only anecdotal stories to guide us.

Why is that? Some of the reasons are obvious. Not every prison has a physical layout that can accommodate dogs. Internal space limitations are only one part of the problem. Prisoners who care for dogs all day need free access to a yard that is nearby and always open, which is a rare feature in most prisons. Prison architecture therefore may make it infeasible to operate a prisoner-dog program.³¹

Another problem might exceed that one in degree of difficulty. Random assignment is necessary for drug trials to generate scientifically legitimate results. Investigational new drugs can be assigned to different patients randomly because the drug will have the same pharmacodynamic effect on a patient regardless of his personality, character, and criminal history. That is not true with prisoners. Some prisoners cannot be trusted with a dog. Imagine the headline “Serial Killer Wolfs down Fido with Some Fava Beans and a Nice Chianti.” That’s not going to generate a lot of positive PR. Selective assignment is critical for prisoner-dog training programs to exist.³² At a minimum, it would be impossible to persuade correctional officials to the contrary. Yet without that testing feature, any test runs the risk of “selection bias.” Inmates who participate in such a program might walk the straight and narrow after their release for reasons having nothing to do with the program. We will never know.³³

In addition, these programs go only so far with elected officials and taxpayers. Politicians are far more likely to garner votes by saying “I increased

the sentences imposed on criminals” than by saying “I gave every prisoner a puppy.” These programs are hardly exemplars of the “tough on crime” meme that we have heard over the past few decades, and in most states, neither current nor former prisoners can vote. There is also a limit to the amount of money that taxpayers are willing to give up to underwrite those programs. In fact, there is reason to believe that to the public, their principal benefit is inexpensive dog training rather than offender rehabilitation.

But we should not abandon hope. There are options that the federal government should pursue. Congress could direct the Government Accountability Office to determine whether these programs show sufficient promise to justify expansion at additional federal facilities. Congress could also instruct the Attorney General to create additional projects at minimum-security facilities and use inmates with no history of animal abuse or violence. The results might provide sufficient evidence of a program’s effectiveness to justify creating programs at additional facilities. The Justice Department could also investigate the effectiveness of state programs, particularly where state minimum-security facilities are physically constructed like federal Bureau of Prisons facilities and house the same type of offenders. These programs deserve a close look even if we cannot undertake the same type of clinical testing that we use for pharmaceuticals.

Conclusion

Federal and state programs that use convicted offenders to train homeless dogs bring together two groups of creatures whom society has often thrown away and does not want to see or be concerned about. Yet those creatures seem to be able to help, support, and rehabilitate each other. We should not fail to take advantage of the reformatory potential of prisoners and dogs just because we cannot *prove* that by working together they will necessarily improve the prospects for each other in every case. That is too tall an obstacle to ask someone to hurdle. No program run by people should be expected to work 100 percent of the time. That is asking for perfection, which we cannot find on this side of the River Styx. Nevertheless, the evidence that we have to date justifies further consideration of these programs.

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Endnotes

1. For a discussion of the provenance of the relationship between humans and canines, see, e.g., RAYMOND COPPINGER & LORNA COPPINGER, *DOGS: A NEW UNDERSTANDING OF CANINE ORIGIN, BEHAVIOR, AND EVOLUTION* (2001); MARK DERR, *HOW THE DOG BECAME THE DOG: FROM WOLVES TO OUR BEST FRIENDS* (2013); MARY ELIZABETH THURSTON, *THE LOST HISTORY OF THE CANINE RACE: OUR 15,000-YEAR LOVE AFFAIR WITH DOGS* (1996); Laurent A. F. Frantz et al., *Genomic and Archaeological Evidence Suggest a Dual Origin of Domestic Dogs*, 352 *Sci.* 1228 (2016); Adam H. Freedman et al., *Genome Sequencing Highlights the Dynamic Early History of Dogs*, 10 *PLOS Genetics* e1004016 (2014); Greger Larson et al., *Rethinking Dog Domestication by Integrating Genetics, Archaeology, and Biogeography*, 109 *PROCEEDINGS NAT'L ACAD. SCI.* 8878, 8878-79 (2012); Ed Yong, *A New Origin Story for Dogs*, *THE ATL.* (June 2, 2016).
2. See, e.g., *HANDBOOK OF ANIMAL-ASSISTED THERAPY* (Aubrey H. Fine ed., 4th ed. 2015); KONRAD LORENZ, *MAN MEETS DOG* (Marjorie Kerr Wilson trans., 2002) (1954); BORIS LEVINSON, *PET-ORIENTED CHILD PSYCHOTHERAPY* (1969); Boris M. Levinson, *The Dog as Co-therapist*, 48 *MENTAL HYGIENE* 23 (1964); Boris M. Levinson, *Pets: A Special Technique in Child Psychotherapy*, 46 *MENTAL HYGIENE* 243 (1962). People can also create similar bonds with a few other animals, such as cats and horses. See Christiane Deaton, *Humanizing Prisons with Animals: A Closer Look at "Cell Dogs" and Horse Programs in Correctional Institutions*, 56 *J. CORR. EDUC.* 46, 47 (2005); Rebecca J. Huss, *Canines (and Cats!) in Correctional Institutions: Legal and Ethical Issues Relating to Companion Animal Programs*, 14 *NEV. L.J.* 25, 28-30 (2013); Earl O. Strimple, *A History of Prison Inmate-Animal Interaction Programs*, 47 *AM. BEHAV. SCIENTIST* 70 (2003).
3. See, e.g., James Jay Carafano, *Service Dog Solutions: Next Steps in Federal Support for Veterans with PTSD*, *HERITAGE FOUND. BACKGROUNDER* No. 3125 (May 25, 2017), <https://www.heritage.org/sites/default/files/2017-05/BG3125.pdf>.
4. ODEAN CUSACK, *PETS AND MENTAL HEALTH* 33 (1988).
5. See Paul J. Larkin, Jr., *Death Row Dogs, Hard Time Prisoners, and Creative Rehabilitation Strategies: Prisoner-Dog Training Programs*, 66 *CATH. U. L. REV.* 543 (2017) (hereafter Larkin, *Death Row Dogs*).
6. See, e.g., JANET LAI, *CORRECTIONAL SERVICES OF CANADA, OFFICE OF THE DEPUTY COMMISSIONER FOR WOMEN, LITERATURE REVIEW: PET FACILITATED THERAPY IN CORRECTIONAL INSTITUTIONS* (Apr. 1998); Larkin, *Death Row Dogs*, *supra* note 5, at 544 n.3, App. 573-75.
7. See, e.g., Wendy G. Turner, *The Experiences of Offenders in a Prison Canine Program*, 71 *FED. PROBATION* 38 (2007); Larkin, *Death Row Dogs*, *supra* note 5, at 545-46 & nn.6-10 (collecting studies).
8. A 2015 report by the United States Sentencing Commission found that nearly half of federal inmates are rearrested within three years of their release, almost one-third are reconvicted, and almost one-quarter are reimprisoned. U.S. SENTENCING COMM'N, *RECIDIVISM AMONG FEDERAL OFFENDERS: A COMPREHENSIVE OVERVIEW* 5, 15 (2015). The numbers are even worse in the states. *Id.* at 15 (noting that the rearrest, reconviction, and reimprisonment numbers for the states were approximately 76 percent, 55 percent, and 28 percent, respectively).
9. Larkin, *Death Row Dogs*, *supra* note 5, at 546-47 (footnote omitted).
10. *Id.*
11. See Paul J. Larkin, Jr., *Parole: Corpse or Phoenix?*, 50 *AM. CRIM. L. REV.* 303, 312-15 (2013) (hereafter Larkin, *Parole*).
12. See LAWRENCE M. FRIEDMAN, *CRIME AND PUNISHMENT IN AMERICAN HISTORY* 147-50, 155, 424-26 (1993); LAWRENCE M. FRIEDMAN, *GUARDING LIFE'S DARK SECRETS* 63-80 (2007); Lawrence M. Friedman, *Name Robbers: Privacy, Blackmail, and Assorted Matters in Legal History*, 30 *HOFSTRA L. REV.* 1093, 1099-1119 (2002).
13. See Larkin, *Parole*, *supra* note 11, at 315-19.
14. See 18 U.S.C. § 3582(a) (2012) (a district court may not consider the possibility of rehabilitation when deciding whether to imprison an offender or for how long to incarcerate him); 28 U.S.C. § 994(k) (the U.S. Sentencing Commission may not consider rehabilitation when promulgating guidelines); *Tapia v. United States*, 564 U.S. 319, 326-34 (2011); *Mistretta v. United States*, 488 U.S. 361, 367 (1989).
15. See, e.g., 18 U.S.C. § 3621(e) (substance abuse treatment); 18 U.S.C. § 3621(f) (sex offender treatment).
16. Pub. L. No. 110-199, 122 Stat. 657 (2008) (codified at 42 U.S.C. §§ 17501-55 (2012)); see S. Rep. No. 111-229, at 70 (2010) ("The Second Chance Act...imposed new requirements on BOP to facilitate the successful reentry of offenders back into their communities and reduce the rate of recidivism. Among those requirements are the establishment of recidivism reduction goals and increased collaboration with State, tribal, local, community, and faith-based organizations to improve the reentry of prisoners."); H.R. Rep. No. 111-149, at 71 (2009) ("The Second Chance Act clarified that BOP has the authority to place offenders in community corrections, including residential reentry centers (RRCs), for up to 12 months to facilitate their successful reentry and reduce recidivism. In addition, the Act directed BOP to provide incentives, such as increased time in community corrections, to encourage prisoners to fully participate in skills development programs. The Second Chance Act also makes clear that community corrections may include a period of home confinement for up to the shorter of 10 percent of an offender's term of imprisonment or six months."); S. Rep. No. 110-397, at 72-73 (2008) (appropriations recommendation for Second Chance Act); H.R. Rep. No. 110-919, at 110 (2008) (same); H.R. Rep. No. 110-140, at 1 (2007) (committee report accompanying House version of the act).
17. See Paul J. Larkin, Jr., *Clemency, Parole, Good-Times Credits, and Crowded Prisons: Reconsidering Early Release*, 11 *GEO. J. L. & PUB. POL'Y* 1, 33 & nn.193-94 (2013).
18. *Id.* at 33-34.

19. "People also appreciate and benefit from even short-term or transient relationships with dogs that are not part of their family. More than a century ago, Florence Nightingale commented that the presence of pets can ease the suffering of long-term hospital patients through their compassion and friendship. Dogs have been widely used in visitational or residential AAT programs because evidence shows that human-dog interactions generate numerous benefits. For example, human-animal interactions, such as petting a dog, produce immediate physiological benefits (e.g., lowered heart rate, blood pressure, cholesterol, and stress levels). Studies have shown that people with pets need fewer visits to a physician, have briefer hospital stays, and recuperate from injury or illness more rapidly. Human-animal interactions help people cope with chronic illnesses (e.g., cancer, heart disease), debilitating psychological conditions (e.g., feelings of loneliness, autism, ADHD), and severe mental illnesses or developmental disabilities (e.g., schizophrenia, depression). And they ease one's end-of-life passage (e.g., anxiety). That is why dogs are often used to visit patients and residents in hospitals, nursing homes, long-term care facilities, psychiatric wards, dementia units, and hospices. The dogs, residents, and staff all enjoy and benefit from the interactions because a dog allows someone to feel respected, needed, and loved. In the words of one veterinarian, 'animal rescues don't necessarily have to come in the form of a dog dragging you from a burning building to qualify as heroic. Just as often, pets perform heroic rescues on a daily basis, just by being there during times of need.'" Larkin, *Death Row Dogs*, *supra* note 5, at 553-55 (footnotes omitted).
20. *Id.* at 556-59, App. 573-75.
21. *Id.* at 559-62.
22. *Id.* at 562-66.
23. MARTY BECKER, THE HEALING POWER OF PETS 18 (2002).
24. ALEXANDRIA WENNER, MASSACHUSETTS DEP'T OF CORRECTION, PRISON ANIMAL PROGRAMS: A BRIEF REVIEW OF THE LITERATURE 2 (Dec. 2012).
25. Joseph Berger, *Prison Puppies*, N.Y. TIMES (June 1, 2008), http://www.nytimes.com/2008/06/01/nyregion/nyregionspecial2/01Rpuppies.html?_r=0.
26. Dana M. Britton & Andrea Button, *Prison Pups: Assessing the Effects of Dog Training Programs in Correctional Facilities*, 9 J. OF FAM. SOCIAL WORK 79, 82 (2005).
27. Deaton, *supra* note 2, at 47.
28. See, e.g., WENNER, *supra* note 24, at 2 ("Unfortunately, there is virtually no systematic research on the effects of animal programs."); Britton & Button, *supra* note 26, at 79 ("Literally no systematic studies exist."); Larkin, *Death Row Dogs*, *supra* note 5, at 566.
29. HANDBOOK OF ANIMAL-ASSISTED THERAPY, *supra* note 2, at 402.
30. See *id.* ("Among the most common concerns [among reviewers of AAT results] are the lack of random assignment of subjects to treatment and control groups, the need for treatment manuals to standardize intervention procedures, the importance of assessing the clinical as well as the statistical significance of outcomes, the need to include strong control conditions, and the lack of long-term post-treatment follow-up assessments.") (citations omitted); see also *id.* at 403 (discussing the "file drawer effect": "This is the tendency for the results of studies reporting positive results to be published, whereas negative or null results are either not submitted for publication or are rejected by reviewers and journal editors."); *id.* at 403-05 (discussing problems with published studies).
31. "The size of the cells used to house prisoners and their dogs and the configuration of the participating institutions limit the ability to expand [prisoner-dog programs]. Facilities with already-overcrowded cells, particularly ones under a court order to decrease their population, might not be able to accommodate dogs. Other, less-crowded facilities might not be able to expand their PDPs without making enormously expensive modifications to the construction of existing facilities. Enlarging the size of PDPs may require a corresponding increase in the number of correctional officers necessary to oversee inmates during training or transit to and from a training area. And it is important to remember that there is a limit to the willingness of correctional officials to take the risk of an inmate abusing his dog. Each new pairing of an inmate-trainer with a dog increases the potential risk of animal abuse, and few wardens would be willing to increase that risk indefinitely." Larkin, *Death Row Dogs*, *supra* note 5, at 569-70 (footnote omitted).
32. "Prisons do not randomly assign inmates to PDPs to gauge their effectiveness in the same way that pharmaceutical companies use double blind studies to measure a potential new drug's efficacy. Inmates must volunteer for these programs, and not every volunteer is accepted. One reason for that selectivity is almost certainly the fear of public condemnation were a prisoner to mistreat and injure one of the dogs, or worse. Fortunately, no such incident has yet occurred. While it is unlikely that one will occur, there is no guarantee. Were such an incident to occur, it would be a public relations nightmare for the correctional system involved. Given today's 24/7/365 news cycle, the incident would be replayed endlessly on one or more cable news channels (at least until some other equally ghastly event replaced it) and would be forever available on the Internet. Even one particularly ugly event could sink a program that otherwise had an almost 100 percent success rate. The public has come to demand perfection in government programs, and the punitive attitude toward offenders that the public manifested not long ago is still very close to the surface." *Id.* at 567-68 (footnotes omitted).
33. *Id.* at 568-69.