



1651 SANDPIPER DR  
ROCK HILL SC 29732  
USA  
(805) 876-4256  
info@psych.dog  
www.psychdogpartners.org

## **Stakeholder feedback from Psychiatric Service Dog Partners based on the July 31, 2018 SESA Workgroup meeting**

August 1, 2018

To the DPG SESA Workgroup members:

We organized this letter into the following sections for ease of reference.

- §1. **Intent**
- §2. **Our vantage**
- §3. **Policymaking principles**
- §4. **Specific peer-based concerns**
- §5. **Wrong answers**
- §6. **Thoughts on specific agencies**
- §7. **Perspectives on emotional support animals**
- §8. **Future followup**

### **§1. Intent**

We intend this feedback to look back to capture important points from the July 31st meeting, as well as to aid the SESA Workgroup in looking forward by enunciating principles undergirding those points.

### **§2. Our vantage**

We operate internationally in the sphere of *peer-based user groups*, qualifying us to contribute to the fulfillment of the "Nothing about us without us" principle. Almost all of our leaders are service animal users. Consequently, our views come directly from the experiences of service animal users and our mission is to improve their situation while genuinely respecting other stakeholders' reasonable considerations.

Apart from how policies impact our community members, we have no business/financial interest in policymaking, unlike either programs that provide service dogs or those programs' accreditation organizations. Our community includes users of traditional program-trained service animals and owner-trainers (those who trained their own service animals, usually with professional assistance).

### §3. Policymaking principles

No one, including us, can be a full expert on absolutely everything related to service animals and emotional support animals (ESAs). It seems like what sometimes happens in government agencies is the agency listens to everyone who has a voice, then picks whatever's in the middle. We'll take a moment to explain why that approach has significant challenges so that together we may develop a better understanding of how to think about these issues.

Principle 1: *Human rights are not for haggling.* Fair-mindedness can result in injustice. Cf. ACAA regulations trying to balance anti-fraud measures with disability rights, wherein DOT bizarrely decided that disability rights legislation allowed them to encourage access-obliviating discrimination on the basis of disability type when it comes to service animals. Some values are best *not* treated as subject to compromise.

Principle 2: *A representative diversity of stakeholder input matters.* Peer-based groups (including us and groups like employee unions) can provide essential practical information others can't—especially when it comes to owner-trainers, who are not well represented in past discussions. Some disability rights groups can articulate human and civil rights considerations better than us. Businesses know the logistics of their operations and what's practical and what may not be.

Combine these two principles for the best approach: values- and evidence-based reasoning. Some principles—especially human rights—should be walled off from the temptation to "compromise". Evidence and input should come from actual user groups, in addition to higher-level groups that may speak to broader issues. Consulting with actually representative user groups honors the principle known as "Nothing about us without us."

### §4. Specific peer-based concerns

## Education—

- Access difficulties: lack of gatekeeper education (a "gatekeeper" is any employee/operator that may deny or hinder access to a service animal (team))
- Public ignorance: in addition to basic etiquette around service animals, people don't understand what's expected of service animals—including training, but also even that you have to have a disability. One of the effects is untrained animals presenting problems for gatekeepers and service animal users.
- Excessive questions: questions either about the animal that are not relevant to the circumstances or excessive disability-related questions are not welcome. For example, Amtrak and some airlines act as if they need to know breed, exact size, etc., in the guise of “helping” choose the best seating option.

## Not playing whack-a-mole in search of a perfect system—

- Disincentives for fraud: our community wants laws with teeth to ward off fraud to the extent possible, but these laws need to be careful only to target bad actors and not sweep up those who make ignorant mistakes
- Not violating human rights: people with disabilities generally should not be forced to provide paperwork to do the everyday things others do without it—they especially should not be required to spend the time and money to obtain, carry, and show third-party paperwork

There is no perfect system, but there's plenty of snake oil on the market that promises to be a panacea. We should pursue what is optimal instead of what's perfect. The point of disability rights laws are to *increase* access for people with disabilities. It is very easy to *decrease* access by pursuing more elaborate machinations that seem elegant in theory, yet in practice clatter flat before our better goals.

When we consider the access system, we have to consider the whole. This includes enforcement and remedies.

## §5. Wrong answers

We view the following as definitely NOT the answer:

- Registries and IDs
- Requiring third-party documentation for public access
- Making it harder for people to buy the service dog equipment they need online
- Certification: Trying to create a one-size-fits-all detailed service dog standard or test; all have biases and we have our own, but we wouldn't want it used for any universal test for public access (simple, in-the-moment behavior guidelines work)

None of these are magic bullets and all are harmful, especially for owner-trainers. Gatekeepers treat IDs as free passes, rather than focusing on the animal's behavior in the moment. We're not looking for perfect behavior from animals, but we do know from harsh, personal experience that a piece of plastic or gear from even the most reputable service dog program is no guarantee of even minimally acceptable behavior.

A government registry of people with disabilities is a scary idea to some of us who are history-minded. The use of "voluntary" third-party registries trains gatekeepers that registries are the standard, rather than the animal's behavior and the person's self-certification of service animal status.

Generally, don't create solutions in search of problems; it's easy to mess up. A lot of these proposed "solutions" originate from folks other than users — all the options listed above tie in with a business interest. Beware of access schemes pushed by those seeking to corner a related market.

## §6. Thoughts on specific agencies

- DOT needs to fix discriminatory and human-rights-violating ACAA regulations (in progress, hopefully).
- DOD and VA properties sometimes seem like the wild west, with each base and hospital creating its own service animal policy on the whims of the location's leader.
- DOJ's Titles II and III regulations are great, as is the guidance from the update.
- It is difficult to see how EEOC could have Title I regulations about service animals that are more specific than the current case-by-case reasonable accommodation protocol.

## §7. Perspectives on emotional support animals

It may be much clearer to separate discussions of service animals from discussions of emotional support animals—if not via different meetings, then perhaps with different agenda items. The umbrella term "assistance animal" can quickly become quite confusing unless discussion participants explicitly agree to a unified use.

It is difficult to find a peer-based user group that advocates for emotional support animal (ESA) users. We are unaware of any such organization. We help people decide whether an ESA or a psychiatric service dog would be right for them, but when it comes to ESA users, we are only able to directly represent the interests of those who are training their ESAs to become psychiatric service dogs.

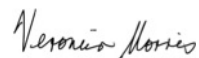
The interests of service animal users and ESA users can be at odds when it comes to public access. Since it does not make sense to expect ESAs to be trained to reliably behave in no-pets places (this usually takes years of focused effort in service animals), service animal users often prefer to have safety-based limitations on public access for ESAs.

## §8. Future followup

If service and support animal policies are the rose of disability rights, we warn that there are many thorns. We highly encourage SESA Workgroup members not only to use stakeholder input as background to create interagency products, but to lean on such parties as ours in order to polish the sharp edges that you may be unable to see in those product drafts.

We look forward to offering our further support where it may be put to use.

Warmly,



Veronica Morris, PhD  
President  
Psychiatric Service Dog Partners



Bradley W. Morris, MA, CPhil  
Director of Government Relations,  
Psychiatric Service Dog Partners;  
Co-founder/Leader,  
United Service Animal Users,  
Supporters, and Advocates (USAUSA)