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When You Give a Dog a License: How We Can Stop Service Dog Fraud

Audience: The target audience for this paper is U.S. legislators and the general public, as service dog fraud has become a common occurrence across the country. Service dog fraud occurs when a pet owner is either misinformed about public access laws or purposely decides to claim their pet as a service animal in order to bring them into public. While some may perceive service dog fraud as a victimless or inconsequential crime, legitimate handlers and their dogs are put at risk as untrained pets can distract, disrupt, or even attack service dogs. This paper was written to bring attention to the issue and promote reflection on how current service animal laws can be modified to better protect and support legitimate handlers and their dogs.

It was the Friday before Thanksgiving break and I was relieved to be go home and see

my family for the first time since moving to College Park. My service dog and I made our way to

the airport and had gotten through security when I was waiting in line for a quick bite to eat. As

Biggs relaxed on the floor beside me, we were approached by a man who immediately

commented on his presence. “Wow, he is so well behaved! You know, I’ve been looking into

registering my dog as a service dog so she can fly with us, but first we need to teach her how to

sit.” While I felt an familiar spike of anxiety, I tried to explain that Biggs did more for me than

just sitting still. I told him that I struggle with severe anxiety and obsessive-compulsive disorder,

and that Biggs was trained to alert me to oncoming panic attacks and help keep me grounded

when experiencing one. He nodded along, visibly perplexed, but bid his goodbye after his order

was filled. It’s not an uncommon occurrence for someone to approach me because of Biggs, so I

shrugged it off, got my food, and boarded the plane early with the disability section.

The flight went off without a hitch, with Biggs sleeping on the floor in front of me, but

when we arrived in Boston, a man from our flight insinuated that Biggs was a fake service

dog because I decided to exited the plane with everyone else instead of waiting to exit with

disability (a decision that was made due to the fact that Biggs needed to relieve himself). I

immediately felt a drop in my stomach, and when I began breathing irregularly and rapping on

my chest, Biggs noticed my symptoms and gave a gentle tug to urge me forward. We made a

beeline to my father’s car waiting outside, heart pumping loudly in my ears although we left the

man behind. Once we got inside, I settled down quickly, but since then I worry that someone will

question why I need Biggs by my side. Although our society is becoming more accepting of

nonapparent disabilities, this trend has led to an increase of fake service dogs in public places.

Heavily documented across news broadcasts and social media, this influx of fraudulent behavior

has led to an increase of questioning and scrutiny, leaving handlers with invisible symptoms

wishing for a “golden dog tag” that could stop the doubtful looks and intruding interrogations.

The Americans with Disabilities Act defines a service animal as “any dog that is

individually trained to do work or perform tasks for the benefit of an individual with a disability”

(Brown 2019). While service dogs were initially trained to assist those with vision and mobility

impairments, today these hardworking canines can aid with a large variety of disabilities. Service

dogs can be trained to sense lethal food allergens, detect high blood sugar levels for those with

diabetes, and even alert their handler to an oncoming seizure. Whether a handler’s disability is

visible or not, service dogs are specifically trained to mitigate the effects of their handler’s

disability so that they may lead an independent lifestyle. These dogs offer the opportunity of

autonomy for those who struggle to function in a self-sufficient manner by completing assistive

tasks in the home and in public.

Unfortunately, legitimate service animals are not the only dogs that we have seen in

public as of late. It is not an uncommon sight to see lunging canines while traveling through an

airport terminal or lapdogs riding in shopping carts at the local mall. Although these dogs have

the words “service dog” printed on their vest, it is clear to the common eye that they are not

properly trained to assist with a disability or be in public. Establishment owners are only legally

allowed to ask two questions when they come into contact with a concerning service dog: 1. “Is

this dog a service animal?” and 2. “What tasks are he/she trained to perform?” (Davis 2017).

Unfortunately, many illegitimate handlers will give rehearsed yet fraudulent answers, effectively

ending further inquiry. The handler may even produce official-looking registration papers

obtained from online sites that identify their dog as a service animal, despite the fact that the

ADA does not require any kind of certification or licensing. The lack of verification, simply

stated, “is [the] equivalent to Americans printing out their own handicap parking permits without

going through the DMV” (Coleman 2020). Advocates and handlers are calling for revisions to be

made to the current system in order to deter the service dog fraud.

In the following paragraphs, I will explain why the U.S. should institute a national

registry with clear standards and official identification for service dogs and their handlers. I will

speak on the danger that fake service dogs pose to legitimate service dog teams, as well as the

social implications fraudulent handlers create for those with nonapparent disabilities. I will also

comment on the importance of national standards over state jurisdiction and outline British

Columbia’s current service animal registry that can be used as a model for our own regulatory

system.

While generally seen as an inconvenience, fraudulent handlers and their dogs pose a

safety concern for legitimate service dog teams. As they are not trained for public access, these

dogs may act inappropriately by barking, lunging, or trying to initiate play with a service animal.

Although legitimate service dogs are trained to ignore other people and animals, fake service

dogs are an unnecessary distraction that may cause a service dog to miss a cue to alert their

handler to an oncoming episode or perform an essential task. These mistakes can have

debilitating consequences. For example, some service dogs are trained to sense an oncoming

seizure and will paw at their handlers, indicating that they need to lie down. This task prevents

handlers from falling during an epileptic episode and sustaining injuries. If a service dog

becomes distracted by an illegitimate service dog and misses a cue, it can lead to real and serious

consequences for the handler.

Distraction, however, is the best-case scenario when it comes to service dog fraud. Some

dogs are aggressive towards others and may even attack a service dog, impacting their ability to

continue their work. In one of many cases, a handler’s dog was attacked by three illegitimate

service dogs in a Delaware shopping mall. In the chaos that ensued, the service dog was bitten on

the stomach and hind legs as the handler and his daughter risked their physical safety trying to

pry the attacking dogs away. Though the dog’s physical injuries were treated and have since

healed, her handler fears the emotional trauma the dog may now have. He remarked, “...if she

ends up being afraid of little dogs, and there’s any risk she could hurt a little dog out of fear, and

has to come out of service, I don’t know what I’m going to do (Greene 2019). Because service

dogs cannot be aggressive towards other dogs or people, an incident such as this can leave a

handler without a dog suitable for public access. Years of training and thousands of dollars are

lost when a service dog is unable to join their handler in public. If a handler cannot function in

public without the support of their service dog, their ability to live independently is

compromised, and handlers may regress and withdraw from everyday life. There needs to be a

federal regulation of service dogs in order to protect handlers and their dogs from those who are

abusing our current system.

The use of illegitimate service dogs, along with the introduction of emotional support

animals and therapy dogs, further muddles the public perception of service dogs. Results of an

online survey show “widespread misconceptions about definitions, rules, regulations, and rights

associated with each type of assistance dog” (Schoenfeld-Tacher, et al. 2017). Many confuse

emotional support animals (dogs that provide comfort to those with anxiety, depression, and

loneliness) and psychiatric service dogs (dogs trained to perform specific tasks that mitigate the

effects of psychiatric disabilities), and this misunderstanding often results in increased scrutiny

of handlers with psychiatric and other nonvisible disabilities. Because they do not have a

physical marker of a disability (for example, use a wheelchair or walking stick) they receive

increased judgement and questions from those who assume they may be taking advantage of our

nation’s service dog system. If there was one national identification tag for federally approved

service dogs, handlers would not have to defend themselves when they don’t match the societal

image of disability. Those who were faking a disability and bringing their dog in public would be

easily identifiable without an tag, giving establishment managers and law enforcement clear

indication of who is partaking in fraudulent behavior.

In the absence of a federal standard, many states have enacted their own ways to regulate

illegitimate service dogs. Some states, like Massachusetts, are in the process of enacting

legislation that will penalize those who claim their pets as service dogs when in public areas

(Lannan 2019). Similarly, in California, when registering a dog as a service animal, the owner

must sign an affidavit; those who make a false claim on this legal form may face “a possible six

months in jail and/or $1,000 fine” (Wisch 2019). At face value, these statues would seem to be

effective in monitoring both legitimate and fraudulent service dogs, but inconsistencies both

within and between state lines are present. In a study conducted on California service dogs, it

was found that “ID tags were issued even for some dogs not considered as assistance dogs... such

as therapy dogs, and many emotional support animals, including some cats” (Yamamoto et

al.2015). In order to efficiently and correctly identify true service dogs and handlers, there needs

to be one universal standard enacted across the country. And while some people argue that a

large-scale service dog registry is infeasible to uphold, it has already proven effective in the

province of British Columbia.

While British Columbia has a significantly smaller population than the U.S., their system

can serve as a model for our own registry. When someone with a disability acquires a service

dog, they need to file for certification and pass a standardized behavior assessment. This

assessment is “modeled after existing tests and standards and focuses on appropriate public

behavior and disposition of the dog” (Huss 2019). The use of a standardized test ensures that all

dogs that are granted public access are well-behaved and not a threat to other service dogs or

members of the public. When a team passes the test, both the handler and the service dog receive

government-issued identification cards. This gives the handler definitive proof of their

legitimacy and absolves any need for intruding questions directed towards the handler. If the dog

comes from an accredited training program, they only need to complete this once; if the dog was

trained by its handler or a lesser-known program, they must be retested every two years, in

addition to providing documentation about their disability from a medical provider. With this

system, British Columbia has been able to easily distinguish between legitimate and fake service

dogs and uphold a set standard for its service dogs.

Service dogs perform an important role in the lives of their handlers. They are a source of

confidence and independence, allowing those with disabilities to participate fully in public life.

Considered medical equipment by law, these dogs are an invaluable asset to their handlers, but

our current system does not give them the protection that they deserve. A national standard and

registry in the U.S. would make the clarification between service dogs and pets a matter of

asking for identification and make certain that every service animal is suitably trained to behave

and assist their handler in the public sphere. Service dogs are life-changers and life-savers for

those with disabilities, opening doors both literally and metaphorically for their handlers. These

teams deserve peace of mind when they step outside their homes; they need to know that their

service dogs are not endangered by someone who made the selfish decision to bring their pets

into a diverse and changing environment that they are not trained to handle. The U.S.

government needs to enact a better form of regulation for service dogs, and I believe the best

way that can be done is by upholding a national standard and requiring registration of service

animals. Our government maintains the idea that every person in our society has intrinsic value,

that everyone has the right to live their lives freely and without fear; it’s time to let disabled

handlers know they are included in that statement by enforcing service dog regulation and

keeping pets out of public spaces.

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