

July 1, 2015

Juvenile Shackling Reform in the United States – 2014 to Present

The Campaign Against Indiscriminate Juvenile Shackling (CAIJS) seeks to amend state laws, court rules, policies and practices to end the automatic shackling of children in juvenile court.

The indiscriminate shackling of youth unnecessarily humiliates, stigmatizes, and traumatizes them. The practice impedes the attorney-client relationship, chills juveniles' constitutional right to due process, runs counter to the presumption of innocence, and draws into question the rehabilitative ideals of the juvenile court.

CAIJS is a project of the National Campaign to Reform State Juvenile Justice Systems and the National Juvenile Defender Center (www.njdc.info). CAIJS started on August 1, 2014, building off of two huge shackling reform victories.

Legislation and Statewide Court Rules, Policies, and Orders

June 24 Legislation introduced in Delaware.

June 5 Nevada legislation signed into law.

May 28 Legislation introduced in New York.

May 5 Indiana legislation signed into law.

April 29 Nebraska legislation signed into law.

April 15 Alaska's Supreme Court order is now effective.

April 9 Legislation introduced in Alabama.

April 6 Washington, D.C. administrative order goes into effect.

April 1 Connecticut statewide policy goes into effect.

March 30 Utah legislation signed into law.

March 24 Legislation introduced and referred to committee in Maine.

March 19 Legislation introduced in Nevada.

March 10 Legislation introduced in Texas.

February 11 Legislation introduced in Tennessee.

February 9 Legislation introduced in Minnesota.

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February 6 Legislation introduced in Utah.

January 22 Legislation introduced in Connecticut.

January 20 Legislation introduced in Missouri.

January 19 Legislation introduced in Mississippi.

January 16 Legislation introduced in Massachusetts.

January 14 Legislation introduced in Colorado.

January 13 Legislation introduced in Indiana.

January 8 Legislation is introduced in Nebraska to end indiscriminate juvenile shackling.

December 11, 2014 Alaska's Supreme Court passes an order ending indiscriminate juvenile shackling, effective April 15, 2015.

September 1 Washington State Supreme Court rule become effective.

June 6 Washington State's Supreme Court adopts a rule banning indiscriminate juvenile shackling.

June 2 South Carolina's shackling reform statute, originally introduced in February 2013, becomes law.

March 20 Boulder County, Colorado eliminates indiscriminate shackling of juvenile defendants.

Policy Statements & Resolutions

May 13 the National Association of Counsel for Children publishes a policy statement, arguing, "The dual mission of the juvenile court is to rehabilitate and to protect public safety. Thus, indiscriminate shackling makes the court less successful."

April 16 the National Prevention Science Coalition to Improve Lives publishes a position statement, arguing "There is no objective evidence that shackling serves a necessary function in the juvenile court. There is ample evidence that it harms young people and undermines the rehabilitative mission of the juvenile court."

April 1 the National Center for Mental Health and Juvenile Justice publishes a position statement, saying that automatic shackling "substantially undermines the

positive development of youth, compromises the basic fundamental fairness and due process guaranteed by the Constitution, and imposes significant additional burdens and risks upon youth with behavioral health needs.”

March 26 the American Academy of Child and Adolescent Psychiatry publishes a policy statement calling mandatory shackling “unnecessarily demeaning, humiliating and stigmatizing.”

February 9 the American Bar Association passes Resolution 107A, urging “all federal, state, local, territorial and tribal governments to adopt a presumption against the use of restraints on juveniles in court and to permit a court to allow such use only after providing the juvenile with an opportunity to be heard and finding that the restraints are the least restrictive means necessary to prevent flight or harm to the juvenile or others.”

January 27 the American Orthopsychiatric Association issues a policy statement deeming the indiscriminate shackling of youth “a policy of retraumatization,” and urging its abolition.

January 20 the Child Welfare League of America issues a policy statement coming out strongly against indiscriminate juvenile shackling.

October, 2014 the National Juvenile Defender Center issues the first national policy statement opposing indiscriminate juvenile shackling.

Affidavits

We have full versions of affidavits supporting juvenile shackling reform from the following individuals:

February 27 Speech Language Pathologist Gwyneth Rost, Ph.D. “Restraining youth can impede their abilities to answer questions truthfully, clearly, or concisely in court...[and] can impede their comprehension. It may additionally interfere with long-term memory for what was said or ordered.”

February 26 Psychiatrist Louis Kraus, M.D. “Shackling interferes with a young person’s ability to assist in his or her own defense by creating barriers to communication and causing such extreme stress a youth may have difficulty focusing on the proceedings.”

February 12 Pediatrician Robert Bidwell, M.D. “Most concerning to me as a pediatrician has been the lasting emotional impact of shackling on these youths. When asked, ‘How did you feel when you appeared in court in front of the judge wearing shackles?’ these young people’s answers seemed to reflect more sadness and pain than anger, and several had tears in their eyes as they talked about what they felt at the time.”

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February 11 John F. Chapman, Psy.D. “Youth in chains or some other sort of restraint for lengthy periods of time may see themselves as individuals who are considered dangerous and adopt this means of thinking.”

January 15 Psychologist Marty Beyer, Ph.D. “Children learn that a fundamental principle of our democracy is that a person is innocent until proven guilty. Being shackled gives them the opposite message. This conflict between what adults say and do is harmful to young people’s moral development.”

January 7 Pediatrician Gwen Wurm, M.D. “In addition to being harmful to the child, the re-experiencing of the trauma may cause behavioral problems, both in the courtroom and later. The effort to control the child through shackling may lead to far more problematic behaviors.”

January 6 Psychiatrist Donald Rosenblitt, M.D. “[S]hackling ... humiliates young people and may reactivate past traumas. All of this occurs at a highly sensitive period in their development and may do permanent harm.”

December 12, 2014 Psychologist Gene Griffin, Ph.D. “While a rehabilitative approach might include the use of shackles with those youth who have a history of violence or running...shackles should be a last resort, not a starting point.”

December 11 Psychologist Julian Ford, Ph.D. “Shackling ... can cause severe stress reactions that reduce behavioral self-control and impair decision-making such that they are less able to assist in their own defense; and it works against the goal of the juvenile court – to assist young people in improving their own behavior.”

Media

Media outreach is a key strategy of the campaign. The following are the highlights, but not the full extent, of the press coverage we have earned.

June 15 *The Crime Report* publishes an in-depth article on shackling reform quoting public defenders, the NCJFCJ, and a formerly shackled youth.
<http://www.thecrimereport.org/news/inside-criminal-justice/2015-06-why-do-we-still-shackle-kids>

May 24 *The Salt Lake Tribune* publishes an article on shackling reform implementation in Utah.
<http://www.sltrib.com/news/2529314-155/less-shackling-sentencing-changes-coming-for?fullpage=1>

May 19 *The Baltimore Sun* publishes an op-ed by the Maryland Public Defender Paul DeWolfe on juvenile shackling in the wake of Freddie Gray’s death.
<http://www.baltimoresun.com/news/opinion/oped/bs-ed-shackling-juveniles-20150519-story.html>

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May 16 *The Denver Post* publishes an op-ed by a leading criminal defense attorney on Denver's practice of indiscriminately shackling kids in court.
http://www.denverpost.com/opinion/ci_28123384/colorado-voices:-children-shouldnt-be-shackled-in-denver-juvenile-court

May 14 *Pacific Standard* magazine article discusses the fact that doctors say unnecessary restraints can traumatize kids and encourage worse behavior.
<http://www.psmag.com/politics-and-law/more-states-limit-shackling-juveniles-in-the-courtroom>

May 8 *The Washington Post* publishes an op-ed by Kids for Cash Director Robert May, who notes that the now-imprisoned judge who automatically shackled kids in his courtroom appeared at his own trial in a suit and tie.
<http://www.washingtonpost.com/posteverything/wp/2015/05/08/why-do-we-still-put-kids-in-shackles-when-they-go-to-trial/>

May 7 *The Anniston Star* (Alabama) quotes CAIJS campaign manager and defense attorneys about legislation that would end indiscriminate shackling.
http://www.annistonstar.com/news/state-bill-would-lessen-use-of-restraints-for-children-in/article_d977fbd4-f502-11e4-b7fe-6b5e62f2c294.html

May 4 *The Connecticut Mirror* publishes an op-ed by Connecticut CTA President on the harms of shackling children in the classroom and the courtroom.
<http://ctviewpoints.org/2015/05/04/respect-childrens-rights-in-connecticuts-classrooms-and-courtrooms/>

May 2 *The Kennebec Journal* (Maine) publishes an op-ed in which a young lady who has been shackled describes the experience.
<https://www.centralmaine.com/2015/05/02/handcuffs-shackles-on-juveniles-rob-kids-of-their-self-esteem/>

April 17 *Maine Public Broadcasting Network* reports on a bill that would end indiscriminate juvenile shackling in the state.
<http://news.mpbn.net/post/maine-bills-would-restrict-shackling-pregnant-women-juveniles>

April 5 *The Washington Post* editorial board applauds the Administrative Order ending indiscriminate juvenile shackling in D.C.
http://www.washingtonpost.com/opinions/district-juveniles-will-no-longer-be-routinely-shackled-in-court/2015/04/05/b7fb68b0-da40-11e4-8103-fa84725dbf9d_story.html

April 3 *Associated Press* wire story picked up in various outlets across the country discusses the end to indiscriminate shackling in Washington, D.C.
http://www.washingtonpost.com/local/dc-to-stop-routinely-shackling-juveniles-in-court/2015/04/03/f15fb366-da29-11e4-bf0b-f648b95a6488_story.html

March 30 *CT News Junkie* covers testimony at a hearing on the 2015 shackling reform bill in front of the Connecticut Judiciary Committee, quoting CAIJS campaign manager.

http://www.ctnewsjunkie.com/archives/entry/policy_shift_removes_shackles_from_juvenile_offenders/

March 30 *The Arizona Republic* publishes an op-ed by psychologist John Hollebeek, who writes that he has worked extensively with this population and sees no need to shackle children.

<http://www.azcentral.com/story/opinion/op-ed/2015/03/30/shackling-kids-doesnt-protect-anyone/70697126/>

March 27 *The Cortez Journal* (CO) follows up on an earlier story, reporting that a Cortez County judge has now issued a policy ending the indiscriminate shackling of juveniles.

<http://www.cortezjournal.com/article/20150327/NEWS01/150329879/Judge-orders-end-to-indiscriminate-shackling-of-youths->

March 24 *The Connecticut Mirror* publishes an op-ed by child advocate Marisa Halm, who writes on shackling practices through the lens of one of her clients.

<http://ctmirror.org/2015/03/24/op-ed-it-is-time-to-unshackle-connecticuts-juvenile-defendants/>

March 10 *The New Haven Register* publishes an op-ed by Dr. Alice Forrester in support of shackling reform legislation that discusses the trauma caused by shackling already traumatized children.

<http://www.nhregister.com/opinion/20150310/forum-kids-dont-belong-in-chains>

March 5 *The Cortez Journal* discusses efforts in a Colorado county to unshackle children and the testimony at a legislative hearing to spread the effort statewide.

<http://www.cortezjournal.com/article/20150305/NEWS01/150309882/Legislators-consider-measure-to-limit-shackling-of-juveniles->

February 27 *Kids for Cash* director Robert May creates a video short from his groundbreaking documentary on what kids, parents, and experts have said about shackling.

<https://vimeo.com/user12090225/review/120750699/890970d99a>

February 25 *Fremont Tribune-News* and other outlets publish an AP wire story on testimony presented by CAIJS campaign manager and others on proposed Nebraska bills to eliminate automatic juvenile shacking.

http://fremonttribune.com/news/state-and-regional/nebraska-child-advocates-say-court-shackles-traumatize-kids/article_1fbcea91-3e06-5fc6-aaco-e539b07639fc.html

February 24 *The Omaha World-Herald* publishes an op-ed discussing why shackling reform legislation is vital to the children of the state.

http://www.omaha.com/opinion/midlands-voices-a-better-outcome-for-low-risk-youths/article_a984c67c-8d2d-5foa-b98a-5e51b3fd79b4.html

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February 24 *Mother Jones* publishes a piece exploring the shackling of a child who stole a pack of gum and the nationwide impact of the use of restraints on children in court.

<http://www.motherjones.com/politics/2015/02/courts-shackle-juvenile-children-aba>

February 17 *The Denver Post* highlights testimony and progress made on juvenile shackling legislation in the state.

http://www.denverpost.com/News/ci_27546089/Bill-asks-Colorado-courts-to-create-policies-on-juvenile-restraints

February 17 *The Connecticut Law Tribune* covers why the state needs legislative shackling reform.

<http://www.ctlawtribune.com/id=1202718100887/Lawmakers-Push-for-Reduced-Use-of-Shackles-on-Juveniles>

February 3 *The Yale Daily News* covers the legislative push in Connecticut to end indiscriminate juvenile shackling.

<http://yaledailynews.com/blog/2015/02/03/legislators-discourage-juvenile-shackling/>

February 2 *The Hartford Courant* publishes letter by Abby Anderson of the Connecticut Juvenile Justice Alliance discussing state's harmful shackling practices.

<http://www.courant.com/opinion/letters/hc-routinely-shackling-accused-kids-is-wrong-20150205-story.html>

January 28 *The Connecticut Health I-Team* reports that judges are not following current state policies on shackling, and that advocates are pushing for legislative reform.

<http://c-hit.org/2015/01/28/lawmakers-seek-to-limit-use-of-shackles-on-juveniles-in-court/>

January 26 *The Courier-Journal* endorses shackling reform.

<http://www.courier-journal.com/story/opinion/editorials/2015/01/26/editorial-unchain-kids/22359211/>

January 23 *The Courier-Journal* runs in-depth article on child shackling in the Louisville, KY juvenile court.

<http://www.courier-journal.com/story/news/crime/2015/01/23/push-end-child-shackling-louisville-court/22207069/>

January 16 BlogTalkRadio hosts a one-hour segment on juvenile shackling, featuring the CAIJS campaign manager, a defender from South Carolina, and a judge from Massachusetts.

<http://www.blogtalkradio.com/spotlightonyouth/2015/01/16/remove-the-shackles-and-help-kids-succeed>

January 16 *Juvenile Justice Information Exchange* posts op-ed by Shawn Marsh, Ph.D., chief program officer of juvenile law for the National Council of Juvenile and Family Court Judges, on the harms of automatic juvenile shackling.

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<http://jjiie.org/op-ed-indiscriminate-shackling-of-children-in-juvenile-court-should-end/108219/>

December 29, 2014 *The Washington Post* runs a second anti-shackling editorial.
http://www.washingtonpost.com/opinions/dc-juvenile-justice-should-not-be-locked-into-the-past/2014/12/29/92d45edo-819d-11e4-81fd-8c4814dfa9d7_story.html

December 27 Pat Nolan, Director of the Center for Criminal Justice Reform, American Conservative Union Foundation, lends support in *Washington Examiner*.
<http://www.washingtonexaminer.com/unchain-the-children/article/2557825>

December 2 *The National Catholic Reporter* interviews CAIJS campaign manager.
<http://ncronline.org/blogs/ncr-today/indiscriminate-juvenile-shackling-putting-kids-stocks>

November 13 *The Washington Post* publishes an op-ed by National Juvenile Defender Center executive director Patricia Puritz, urging federal action on shackling reform.
http://www.washingtonpost.com/opinions/shackling-juvenile-offenders-can-do-permanent-damage-to-our-kids/2014/11/13/55561dfe-602e-11e4-9f3a-7e28799e0549_story.html

September 8 *The Washington Post* editorializes against juvenile shackling.
http://www.washingtonpost.com/opinions/shackling-dc-juvenile-offenders-should-not-be-routine/2014/09/08/00ecea-33bb-11e4-8f02-03c644b2d7do_story.html

September 1 *The Denver Post* runs cover story about the harms of shackling.
www.denverpost.com/news/ci_26445494/colorado-public-defenders-want-children-out-restraints-court

Together, we can end the indiscriminate shackling of children.

To learn more or obtain copies of the affidavits, policy statements, and media pieces noted above, contact us.

<http://njdc.info/campaign-against-indiscriminate-juvenile-shackling/>
[@EndShackling](#)