

# Policy Statement

## Policy Statement on Mandatory Shackling in Juvenile Court Settings

*Approved by Council on February 17, 2015*

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*Reviewed by the Juvenile Justice Reform Committee and the Rights and Legal Matters Committee*

In many states, youth in custody are forced to appear in juvenile court shackled with leg irons, belly chains, and/or handcuffs. Such mandatory shackling occurs despite the fact that most of these young people are accused of misdemeanors or non-violent felony offenses. The practice of indiscriminate shackling adds to the trauma that many of these youth have already experienced. It is also unnecessarily demeaning, humiliating and stigmatizing.

Mandatory or routine shackling youth is inconsistent with the rehabilitative goals of the juvenile justice system. It also interferes with the youth's right to effective assistance of counsel and ignores the due process protections afforded by the Constitution. It can also bias judges and juries against a juvenile defendant.

With respect to adult defendants, the US Supreme Court has ruled that routine shackling is unconstitutional. In *Deck v. Missouri* (2005), the Court found that "visible shackling undermines the presumption of innocence and the related fairness of the fact-finding process." The decision further stated that "shackles can interfere with the accused's 'ability to communicate' with his lawyer."

For these reasons, the American Academy of Child and Adolescent Psychiatry believes that the mandatory or routine shackling of juveniles in courtroom settings should be prohibited, and that shackling should only be used in cases in which an individualized determination has been made that such restrictive procedures are necessary to ensure and maintain safety.

### References:

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2. Emily Banks, Anna Cowan and Lauren G. Fasig, Ph.D., JD, The Shackling of Juvenile Offenders: The Debate in Juvenile Justice Policy, Center on Children and Families, University of Florida Levin College of Law, 2008
3. Kim McLaurin, Children in Chains: Indiscriminate Shackling of Juveniles, Washington University Journal of Law and Policy, Vol. 38, 2012

