

## **WHERE ARE THERE STATEWIDE BANS ON AUTOMATIC JUVENILE SHACKLING?**

The following laws/court rules/administrative orders/opinions “prohibit” automatic juvenile shackling, but none of them eliminates all juvenile shackling. These rules simply state they cannot be applied to every single in-custody child who comes into the courtroom. In other words, if there is a need for it, judges still can turn to mechanical restraints in the courtroom.

Legislatively, ten states have ended the practice of automatically shackling children in court proceedings. Those states are: Indiana, Nebraska, Nevada, New Hampshire, North Carolina, Pennsylvania, Utah, and South Carolina. Vermont has codified a ban on automatically shackling children in transportation, which has the effect of limiting the number of children that are shackled in court. New York has a similar regulation on the books.

These states do not have laws ending the practice of indiscriminate juvenile shackling—rather, these states have court rules (which carry the same authority as laws, but only govern courts/court procedure), policies (which do not have the same authority as statute, but in practice should operate the same), and court opinions (which also, in theory, have the same effect as a codified statute.)

Alaska, Florida, Maine, New Mexico, Ohio, Tennessee, and Washington State have curtailed the practice through the rule-making authority of those states’ highest courts, and Connecticut, Maryland, Massachusetts, and Washington, D.C. have done so through statewide official court policy or administrative order. Courts in Illinois, Idaho, Oregon, North Dakota, and California have issued opinions against indiscriminate juvenile shackling. The opinions of the courts in Illinois, Idaho, and arguably North Dakota cover only shackling of juveniles at adjudication, and do not cover any other hearing.

The following states (and D.C.) do limit the automatic shackling of youth in court:

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|---------------|------------------|
| Alaska        | New Mexico       |
| California    | New York         |
| Connecticut   | North Carolina   |
| Florida       | North Dakota     |
| Idaho         | Ohio             |
| Illinois      | Oregon           |
| Indiana       | Pennsylvania     |
| Maine         | South Carolina   |
| Maryland      | Tennessee        |
| Massachusetts | Utah             |
| Nebraska      | Vermont          |
| Nevada        | Washington State |
| New Hampshire |                  |

# CAMPAIGN AGAINST INDISCRIMINATE JUVENILE SHACKLING

- AK ALASKA DELINQ. CT. R. 21.5  
CA *Tiffany A. v. Super. Ct.*, 150 Cal. App. 4th 1334 (2007)  
CT Judicial Branch Policy: Use of Mechanical Restraints in the Juvenile Courtroom (Conn. 2015), available at <http://www.cga.ct.gov/2015/JUDdata/Tmy/2015HB-07050-R000330-Conway,%20Bernadette%20-%20State%20of%20Connecticut%20Judicial%20Branch,%20External%20Affairs%20Division-TMY.pdf>;  
H.B. 7050 § 3, Gen. Assemb., Jan. Sess. (Conn. 2015) (effective Oct. 1, 2015);  
DC D.C. Super. Ct. Admin. Order 16-09  
FL FLA. R. JUV. P. 8.100(b)  
ID *State v. Doe*, 333 P.3d 858 (Idaho Ct. App. 2014)  
IL *In re Staley*, 364 N.E.2d 72 (Ill. 1977)  
IN H.B. 1304, 119th Gen. Assemb., Reg. Sess. (Ind. 2015)/ IND. CODE § 31-30.5 (effective July 1, 2015)  
MA Trial Ct. of the Commonwealth, CT. OFFICER POL'Y AND PROCEDURES MANUAL, Ch. 4, § VI (2010)  
MD Maryland Judiciary Resolution Regarding Shackling of Children In Juvenile Court (September 2015), *In re D.M.*, No. 2712, 2016 WL 3557219 (Md. Ct. Spec. App. 2016)  
ME 2015 ME Rules 20, Maine Rules of Criminal Procedure, Amended Rule 43A (effective November 1, 2015)  
NE L.B. 482, 104th Leg., 1st Sess. (Neb. 2015) (effective three months after May 29, 2015)  
NV Nev. Assemb. B. 8 (2015) (effective Oct. 1, 2015)  
NH N.H. REV. STAT. § 126-U:13 (2010)  
NM N.M. CHILD.'s CT. R. 10-223A  
NY N.Y. COMP. CODES R. & REGS. tit. 9, § 168.3(a)  
NC N.C. GEN. STAT. § 7B-2402.1 (2007)  
ND *In re R.W.S.*, 728 N.W.2d 326 (N.D. 2007)  
OH OHIO R. JUV. P. 5.01  
OR *In re Millican*, 906 P.2d 857 (Or. Ct. App. 1995)  
PA 237 PA. CODE § 139 (2011), 42 PA. CONS. STAT. § 6336 (2012)  
SC S.C. CODE ANN. § 63-19-1435 (2014)  
TN TENN. R. JUV. P. 204  
UT UTAH CODE ANN. § 78A-6-122 (2015) (effective Oct. 1, 2015); S.B. 167, 2015 Leg., Gen. Sess. (Utah 2015)  
VT 33 VT. STAT. ANN. tit. 33, § 5123 (2013)  
WA WASH. JUV. CT. R. 1.6

11 statutes