



CWLA Policy Statement: Juvenile Shackling

“[Shackles] made me feel like a chained dog that you are trying to make into something less than I am. [I] hated seeing the tears in my dad’s eyes when he saw me in cuffs.”
17- year-old boy, Arizona, September 2014.

Since 1921, the Child Welfare League of America (CWLA), the oldest child welfare organization in the country, has advocated for the best interests of all children and their families. As outlined in the CWLA National Blueprint for Excellence in Child Welfare (CWLA National Blueprint), CWLA envisions a country in which all children have the opportunity to achieve their full potential. CWLA opposes practices that place children in perilous or harmful situations. CWLA believes children should be protected from torture or other cruel, inhumane, or degrading treatment or punishment. For this reason, we stand firmly against the practice of automatically shackling children and adolescents in our nation’s juvenile courts.

Shackles are instruments of restraint, such as handcuffs, ankle chains, waist chains, irons, or straitjackets, electric-shock producing devices, gags, spit masks and all other devices which restrict an individual’s freedom of movement. Juvenile and family courts across the country employ them without appropriate—and oftentimes without any—justification, in both transporting young people to court and even during court proceedings themselves. The attachment of metal objects to restrict a young person’s movement during any court proceeding should be done only in the rarest of circumstances when all other options to ensure the safety of all courtroom participants have been exhausted.

Our focus is children and youth who may have experienced abuse, neglect, family disruption, or a range of other factors that jeopardize their safety, permanence, or well-being. Children and youth in the juvenile justice system are far more likely to have experienced trauma than their peers. The majority of children and youth in detention has witnessed family or community violence or has been a direct target of it. The shackling of juveniles is likely to have negative effects on the juvenile justice population because of the youths’ previous exposure to trauma. As indicated in the CWLA National Blueprint all child serving systems, including juvenile justice, should use trauma- and evidence-informed approaches which do no harm. This would prohibit the use of restraints of any kind.

The juvenile justice system developed over 100 years ago specifically to address the differences between juveniles and adults. The primary focus of the juvenile justice system is rehabilitation. Yet across the country, those who end up in the juvenile justice system are far more commonly

shackled during court proceedings than adults are. This is counterproductive and may in fact lead to recidivism. Shackling is inherently shame-producing. Feelings of shame and humiliation may inhibit positive self-development and productive community participation. Shackling doesn't protect communities. It harms them. Ending the indiscriminate imposition of restraints on children and youth would prevent retraumatizing them and would safeguard their legal rights.

The experience of being shackled can disrupt normal cognition and thus impede the children or young peoples' ability to assist in their own defense. More concretely, shackles can make it difficult to confer with counsel or review documents. All these disadvantages put the children and youth at a higher risk of receiving overly severe sentences. Numerous studies flag juvenile incarceration as producing long-term harms, including school dropout, unemployment, and adult incarceration.

CWLA is particularly concerned with the negative effects felt by children of color. In the juvenile justice system, these problems are especially pronounced. Even when one controls for alleged offense committed, children of minorities are detained at significantly greater numbers than their white counterparts. This means that shackling practices are disproportionality implemented on children of color. The traumatic effects of shackling are thus inflicted upon members of these already disadvantaged communities.

CWLA believes that children and youth in juvenile court should be restrained in only the rarest of circumstances. Every effort should be made to use trauma- and evidence-informed approaches that prevent the need for the use of any form of restraint and do no harm to the children and youth. No child or youth should appear in court with shackles unless the court has found that no other less restrictive method works to prevent the child or youth from being a danger to him or herself, or to others, or prevent their risk of imminent flight.

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<http://www.cwla.org/cwla-policy-statement-juvenile-shackling>