

A TRAUMA-INFORMED COURT DOESN'T SHACKLE KIDS



INDISCRIMINATE SHACKLING IMPAIRS THE DIGNITY OF CHILDREN



*"I felt as if everyone looked at me as if I were some crazed criminal or an animal, not what I really was, a 12-year-old child. The dehumanizing experience [of being shackled] shaped not only how others saw me, but how I saw myself for many years."*¹

Children across Texas are often forced to wear shackles around their wrists and ankles when appearing before a judge, even when charged with low-level crimes or having no previous criminal history.

Legal experts and youth justice advocates fear that shackling:

- Traumatizes children and their families;
- Harms children developmentally;
- Instills in children feelings of distrust and lack of value; and
- Runs counter to the rehabilitative goals of the youth justice system.²

PLACES PROVIDING SAFER AND MORE EFFECTIVE COURTROOMS

Were Texas to ban indiscriminate shackling in youth courtrooms, it would join a growing number of counties, cities, and states that have limited the use of shackles for children.

Some Texas counties including Dallas, Tarrant, Travis, and Williamson Counties already limit the use of restraints on children in situations in which the child presents no risk of harm or flight.

Large cities like New York City, Chicago, and Miami have also implemented laws requiring a presumption against shackling.

Finally, 25 states have taken steps to limit shackling. States like LA, FL, WA, CA, and PA have passed legislation limiting the use of restraints on children.

Dallas County does not indiscriminately shackle kids, and **it has not done so for at least eight years. Similar policies are in place in Tarrant, Travis, and Williamson Counties.**³

In Cook County, IL, the second largest county in the U.S, **children were not shackled even before its Supreme Court banned indiscriminate shackling of kids** in 2016.⁴ Only one deputy is assigned per youth courtroom.

In Florida's Miami-Dade County between 2006 and 2011, **20,000 children appeared unshackled in court, with only two minor incidents.**⁵



SHACKLING AND THE U.S. SUPREME COURT

The U.S. Supreme Court ruled that the use of restraints on adults in the courtroom is inherently **PREJUDICIAL** and **UNCONSTITUTIONAL** unless justified by an essential state interest specific to the defendant.⁶ **But we still do it to kids.**

Although the U.S. Supreme Court has not directly addressed the issue of restraining in the context of children, it consistently treats youth differently than adults. The Court recognizes that **youth are still developing psychologically and should be afforded unique protections.**⁷ Texas Appleseed believes these psychological differences render the shackling—a **HUMILIATING** and **DEHUMANIZING** practice—of youth even more harmful.



“It really offends the dignity of the judicial process to drag someone in chains like that ... yet we do it to kids every day.”⁸

- Era Lauder milk, Deputy Director for the Illinois Justice Project

DISPELLING TWO CONCERNS

➔ WITH A BAN, IS SHACKLING EVER PERMITTED IN THE COURTROOM?

No states have implemented blanket bans on shackling in youth courtrooms. Rather, shackling is typically reserved for **three narrow situations**, including when the child presents:

- (1) A unique risk of physical harm;
- (2) A substantial flight risk; or
- (3) Some other imminent threat.⁹

➔ WOULD THESE CHANGES REQUIRE MORE COURTROOM PERSONNEL?

Not necessarily. Dallas County and Williamson County did not change their security. In Cook County, only one deputy is assigned per youth courtroom, **strongly suggesting that additional courtroom personnel is not necessary.**

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¹ Editorial Board, *Kids in trouble need guidance – not shackles*, The Chicago Tribune (15 August 2016) (quoting Skye Gosselin, who was 12 when shackled on a disorderly conduct charge).

² See e.g., Puritz, Patricia, *Shackling juvenile offenders can do permanent damage to our kids*, The Washington Post (13 November 2014).

³ Email from Dallas Deputy Director of Institutional Services to Brett Merfish.

⁴ Ortiz, Vikki, *Youth advocates seek to limit use of shackles for juveniles*, The Chicago Tribune (1 August 2016).

⁵ Martinez, Carlos J., *Unchain the Children: Five Years Later in Florida*, Policy Report, Law Offices of the Public Defender, 11th Judicial Circuit of Florida (2011).

⁶ *Deck v. Missouri*, 125 S. Ct. 2007, 2008 (2005).

⁷ See e.g., *Miller v. Alabama*, 567 U.S. 460 (2012); see also *Graham v. Florida*, 560 U.S. 48 (2010); see also *Roper v. Simmons*, 543 U.S. 551 (2005).

⁸ Ortiz, Vikki, *Youth advocates seek to limit use of shackles for juveniles*, The Chicago Tribune (1 August 2016).

⁹ See e.g., La.Ch.C. art. 408(B) (2018).