CHILDREN SHOULDN'T WEAR PRISON JUMPSUITS IN COURT

MIDLAND AS AN EXAMPLE

For at least three years, Midland, Texas, has ensured that no child appears in court wearing a prison jumpsuit, recognizing the potential harms this practice has on both children and the presumption of innocence.¹

Children across Texas often appear before a judge wearing prison jumpsuits, regardless of the offense they are charged with or whether they have a criminal history.

Texas Appleseed fears that requiring children to wear prison jumpsuits in court:

- 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.

WHAT DO THE COURTS SAY?

Both the U.S. Supreme Court and the Fifth Circuit have ruled that requiring adult defendants to wear jumpsuits or "prison clothes" during jury trials against their will is highly prejudicial and violates their 14th Amendment due process rights.²

While those decisions apply specifically to adult jury trials, kids deserve to be treated fairly in the courtroom, the same way we treat adults. This is true for three main reasons:

1. Just because youth court proceedings lack a jury doesn't mean bias and prejudice aren't an issue. Studies show that judges—who play the role of the jury in youth proceedings—are similarly subject to prejudice and bias.³

2. Requiring that children appear before a judge in prison clothing is traumatizing for children and their families; harms children developmentally; and furthers no rehabilitative goal.

3. Finally, the U.S. Supreme Court ruled that constitutional safeguards available to adults should be made equally available to youth.⁴ Because the judge functions as the jury in youth proceedings, this should include the right to wear street clothing when appearing before the judge.

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³ See e.g., Jerry Kang et al., Implicit Bias in the Courtroom, 59 UCLA L. Rev. 1124 (2012).
⁴ See In re Gault, 37 S.Ct. 1428 (1967) (holding that youth, like adults, are entitled to due process safeguards like adequate notice of charges against them, the right to counsel, the right to confrontation and cross-examination of opposing witnesses, and the right to safeguards against self-incrimination); see also In re Winship, 90 S.Ct. 1068, 1075 (1970).