



RESOLUTION REGARDING

SHACKLING OF CHILDREN IN JUVENILE COURT

Whereas, the NCJFCJ defines shackles to include handcuffs, waist chains, ankle restraints, zip ties, or other restraints that are designed to impede movement or control behavior; and

Whereas, shackling of children in court may infringe upon the presumption of innocence, undermine confidence in the fairness of our justice system, interfere with the right to a fair trial, impede communication with judges, attorneys, and other parties, and can limit the child's ability to engage in the court process; and

Whereas, research in social and developmental psychology suggests that shackling children interferes with healthy identity development; and

Whereas, placing children in shackles can be traumatizing and contrary to the developmentally appropriate approach to juvenile justice; and

Whereas, placing children in shackles can negatively influence how a child behaves as well as how a child is perceived by others; and

Whereas, shackling promotes punishment and retribution over the rehabilitation and development of children under the court's jurisdiction; and

Whereas, shackling is contrary to the goals of juvenile justice, as defined in the *Juvenile Delinquency Guidelines* to implement a continuum of effective and least intrusive responses to reduce recidivism and develop competent and productive citizens; and

Whereas, continued attention and consistent judicial leadership is necessary to ensure that policies regarding shackling continue to be upheld regardless of changes in leadership or administration; and

Whereas, judges have the ability to advance and maintain policies and practices that limit the use of restraints or shackles.

BE IT THEREFORE RESOLVED AS FOLLOWS:

The NCJFCJ supports the advancement of a trauma-informed and developmentally appropriate approach to juvenile justice that limits the use of shackles in court.

The NCJFCJ calls for judges to utilize their leadership position to convene security personnel and other justice system stakeholders to address shackling and to work together to identify ways to ensure the safety of children and other parties.

The NCJFCJ encourages judges and court systems to continually review policies and practices related to shackling children.

The NCJFCJ supports a presumptive rule or policy against shackling children; requests for exceptions should be made to the court on an individualized basis and must include a cogent rationale, including the demonstrated safety risk the child poses to him or herself or others.

The NCJFCJ believes judges should have the ultimate authority to determine whether or not a child needs to be shackled in the courtroom.

Adopted by the NCJFCJ Board of Directors during their meeting July 25, 2015 in Austin, Texas.