



## POSITION STATEMENT

Adopted by NPJS Board of Directors ~ February 24, 2016

# USE OF MECHANICAL RESTRAINTS DURING COURT PROCEEDINGS

### STATEMENT OF THE ISSUE:

The use of mechanical restraints (e.g., handcuffs, leg irons, leather belt restraints, belly chains, shackles) on youth attending court proceedings has become common practice on a youth who may be a danger to himself or others, or a flight risk. According to an article by the Washington University Journal of Law and Policy (Jan 2012), "Indiscriminate shackling of adults and juveniles without an individualized determination of need violates the fifth, sixth and fourteenth amendments to the US Constitution... where the defendant is not an adult, but instead is an adolescent, these constitutional rights are much more likely to be negatively impacted."

### NATURE OF THE ISSUE:

- Historically, mechanical restraints began to be used when the public wanted a more punitive approach to dealing with youthful offenders.
- Research has shown that many youth in the juvenile justice system have suffered from trauma and using restraint devices can re-activate traumatic memories.
- The use of mechanical restraints may suggest to youth that adults feel that he/she is untrustworthy and inherently violent.
- Crime data shows that the majority of court involved youth are appearing in court for a non-violent offense and, in some jurisdictions, non-criminal status offenses.
- The Supreme Court has held that mechanical restraints can only be used on adult offenders in court proceedings if the evidence shows they are needed for safety or flight risk.
- Automatically using restraints on a youth undermines the presumption of innocence, and is in direct contradiction to the purpose of the juvenile justice system.
- Using restraints may teach youth that they have the inability to control themselves and self-regulate; thus, reducing a youth's ability to motivate and develop the capacity for self-regulation.
- The use of mechanical restraints should not be applied as a substitute for appropriate staffing.

The use of mechanical restraints in the court room has been shown to compromise a youth's ability to participate and actively work with his/her counsel. The use of mechanical restraints for transportation to and from a secure facility is not covered by this statement.

### POSITION STATEMENT:

The National Partnership for Juvenile Services (NPJS) opposes the indiscriminate use of mechanical restraints on all youth in court hearings. The use of mechanical restraints on youth, without an individualized determination that it is necessary for the safety of the youth and the public, is contrary to the philosophy of NPJS. Restraints on youth should only be applied where a justification can be provided that the youth is a danger to himself/herself or others; is a substantial risk to flee; and when there are no other means to manage the risk of harm or flight of the youth. The NPJS encourages continual review of policies, procedures and practices related to this issue.