

# Shackling juvenile offenders can do permanent damage to our kids

---

By Patricia Puritz November 13, 2014

*Patricia Puritz is executive director of the National Juvenile Defender Center.*

During his six years as the nation's chief law enforcement official, Eric Holder has served best when he acted on his clear convictions that it's a stain on our democracy to have the world's largest prison system and that our dealings with young people should focus on keeping them out of the justice system, not pulling them into it. In the short time left before his departure, he can add another piece to this strong legacy: ending the indiscriminate shackling of children in the District's courts.

Young people do not need to be in handcuffs, leg irons and belly chains for courts to do their business safely and efficiently. But in the District, and in many states, shackling is automatic in juvenile court, without even a finding by a judge that a child presents a flight or safety risk. While courts in most of the country rarely allow adults to be shackled, it nonetheless is standard procedure to shackle elementary school-age children. This degrading anachronism can affect the outcome of cases and cause these children permanent harm.

Why am I bringing a "local" concern like this to the attention of the U.S. attorney general? Because it's within his power to fix this.

Juvenile shackling reform in the District faces objections from the U.S. marshals, who are responsible for security in the District's courthouses. During the summer, [The Post observed](#) juvenile court proceedings and found that, even when prosecutors had no objections to youth being unshackled in court, judges deferred to the marshals and the shackles stayed on.

But Holder can order the marshals to change their shackling practices, and he can direct them to work with youth advocates to advance common-sense legislation to limit shackling to those rare cases where there is evidence that a child presents a risk.

Jurisdictions around the country that adopted such policies have [found no downside](#). After Miami-Dade County limited juvenile shackling, more than 20,000 youth appeared in court without shackles between 2006 and 2011. None escaped. No

one was harmed.

Shackling interferes with the right to a fair trial. This is why the courts have consistently ruled that adult defendants should be shackled only in exceptional circumstances. Shackling creates prejudice against a defendant and prevents the defendant from assisting in his or her defense by speaking with counsel, exchanging notes and so on. We have even run across deaf children who use sign language to communicate who have been unable to express themselves at all because they were shackled in court.

Research also tells us that young people are less likely to re-offend when they perceive that the juvenile justice system has treated them fairly. There is nothing fair about shackling 12-year-olds accused of a minor offense, particularly when we recognize the right of an adult accused of the most violent crimes to appear in court without restraints. Indeed, “unfair” is one of the words that young people frequently use to describe the experience of being shackled.

Shackling is simply incompatible with the rehabilitative mission of the juvenile court. Children report feeling like a slave, an animal or a criminal when shackled. This experience does not frighten them into compliance. On the contrary, child psychiatrists say that shackling is so damaging to a child’s developing sense of self that it may well push him or her into further criminality.

A court appearance should be a chance for a judge to work with a young person to develop a plan for reform and success. Sadly, it often has a disastrous effect. Merely appearing in court nearly quadruples the odds that a student will drop out of high school. It is about twice as damaging as an arrest alone. We must change the experience of a juvenile court appearance if the system itself is ever to live up to its rehabilitative mission.

I raise the issue of the District’s policy because it is emblematic of a national concern. By ending juvenile shackling in the environment directly under his control, Holder can send a message to states across the country that juvenile shackling reform must be a priority.

“We must protect and save the next generation,” the attorney general said when addressing the group 100 Black Men of Atlanta two years ago. “We must protect and save our future.” He should seize one final opportunity to turn those good words into action while he can.

The Post’s View: Shackling D.C. juvenile offenders should not be routine

