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April 30, 2014

The Honorable Charles W. Johnson
Washington State Supreme Court
Temple of Justice
P.O. Box 40929
Olympia, WA 98504

RE: Proposed Rule on Juvenile Personal Restraints JuCR 1.6

Dear Justice Johnson:

I urge the court to adopt proposed JuCR 1.6. It formalizes the best method to balance the needs of courtroom security with the presumption of innocence and dignified treatment of the accused.

I have practiced criminal law in Washington for almost 30 years. In that time, I have never seen a defendant act out violently in a courtroom. While that has certainly occurred in other courts, its rarity does not justify giving jails carte blanche to shackle everyone.

Opponents of JuCR 1.6 claim it would prohibit shackling in court. That is incorrect. It simply imposes the requirement that shackling be shown to be necessary.

Opponents claim that the decision to shackle should be made by jails alone because jail personnel are the experts in safety and security of the courtroom. However, fact finders are free to accept or reject the opinions of experts. If there is a compelling reason to shackle an individual, it would seem to be a relatively easy matter to present it to the court.

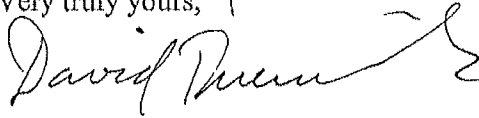
JuCR 1.6 is the best way to balance the needs of safety and security of the courtroom with the dignity and decorum of the court and humane treatment of the accused. It does not diminish the former because it permits shackling where shown to be necessary.

Indiscriminate shackling without an individualized showing of need is a) antithetical to the presumption of innocence; b) uncomfortable and degrading to the person shackled; c) an

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affront to the dignity and decorum of the courtroom; and, d) unnecessary in the vast majority of cases. Therefore, it should not be permitted unless an individualized showing is made of its necessity. JuCR 1.6 still permits shackling where necessary. Therefore, the Court should adopt it.

Very truly yours, |

A handwritten signature in cursive script, appearing to read "David Trieweiler", with a long, sweeping flourish extending to the right.

David A. Trieweiler

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