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Justice Charles Johnson
Supreme Court Rules Committee
c/o Clerk of the Supreme Court
P.O. Box 40929
Olympia, WA 98504-0929

RE: Proposed JuCR 1.6 – Physical Restraints in the Courtroom

Dear Justice Johnson and Members of the Rules Committee:

I am an attorney representing juvenile respondents in King County. It is my position that shackling juveniles in court is unjustifiable from a moral, civil liberties and rehabilitative standpoint, and unnecessary from a practical standpoint. I support the proposed amendment to JuCR 1.6.

Whenever a youth is shackled, the court should be required to make an individualized determination of whether restraint is necessary to maintain order and prevent injury in the courtroom. Automatic shackling of youth is unnecessary, is counter to juvenile court's rehabilitative goals, and should not be allowed.

Most juveniles who appear in court are not a danger or a risk of flight. In the past nine years that I have appeared in King County juvenile court, in literally thousands of hearings, I have seen only one instance in which a youth attempted to run from the courtroom and in the process inflicted a minor injury on another person.

Shackling of youth in court adds to the trauma that they have already experienced in their lives. Many of the juveniles who appear in court face serious issues and have been victims of physical, sexual or emotional abuse; drug and alcohol dependency; mental health and development problems, and educational challenges. Adding the humiliation of appearing in court in handcuffs, waist restraints and/or leg shackles adds to what these youth have already suffered because of their arrest and incarceration. It is my observation that if juveniles are treated as criminals in the system, they are more likely to become disillusioned and therefore more likely to be at risk of committing crimes in the future. And quite frankly, using any form of shackling on juveniles unless it is absolutely necessary is nothing short of inhumane.

I am asking that the court adopt the amendment to proposed JuCR 1.6.

Sincerely,



Elinor Cromwell, Juvenile Defender