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**Subject:** [REDACTED]

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Sent from my iPad

Begin forwarded message:

**From:** Kim Kremer <[kkremer@co.franklin.wa.us](mailto:kkremer@co.franklin.wa.us)>  
**Date:** March 24, 2014 at 10:53:57 PM GMT  
**To:** "rulescomments@courts.wa.gov" <[rulescomments@courts.wa.gov](mailto:rulescomments@courts.wa.gov)>  
**Cc:** Shawn Sant <[ssant@co.franklin.wa.us](mailto:ssant@co.franklin.wa.us)>  
**Subject:** Proposed JuCR 1.6

I am the person responsible for all juvenile criminal matters in Franklin County, and I have concerns regarding a rule which would require an individualized finding prior to allowing a juvenile to be brought before the court in physical restraints.

Currently, juvenile offenders who are in custody appear in court in Benton & Franklin Counties (we share a court system and a juvenile courtroom) in ankle chains. They walk from the detention area to the courtroom in ankle chains. The reason I believe ankle chains are appropriate in my jurisdiction is that there is little to prevent a detained juvenile from fleeing the courtroom and the detention center. The only physical barrier between the detainees' sitting area and the outside is the doors to the courtroom. While there are security personnel in the courtroom, frequently there is one security officer and one detention officer. It is not always possible for security personnel to position themselves between the detainee searing area and the doors leading to the exit. There are no bailiffs in the juvenile courtroom. (The limited availability of security personnel is the result of budget cuts.)

The courtroom in which the juvenile criminal docket is heard has no video cameras. There is no physical barrier between the gallery and the parties. In fact, the front row of the gallery is seated approximately four feet from the parties during criminal hearings. This represents a potential risk to members of the general public as well as the parties.

Ankle chains are minimally intrusive. They serve the function we expect: limit the respondent's ability to flee, and protect others who might be harmed in that flight. I have seen nothing that adequately

convinces me that ankle chains are harmful to detainees wearing them. (I find it ironic that the adult offenders being seen in the Franklin County Courthouse courtroom three, which has a hard barrier between the gallery and the parties, a bailiff, and two corrections deputies, are always shackled and in handcuffs.) Assuming this rule would continue to permit detention staff to use ankle chains while escorting detained youth from detention into the courtroom, requiring they be removed for the duration of the hearing would be incredibly disruptive. The presence of a milk crate filled with ankle chains would also give a detainee ready access to a weapon: all that would need to happen is for one detainee at the far end of the bench to create a scene, then the detainee closest to the milk crate could grab a handful of chain. Given the layout of our courtroom, it is likely the chains would be kept nearby where the deputy clerks sit. This would expose them to potential harm. And the deputy clerk would be the only person between the detainee and the judge.

I recognize that other courts have stopped presumptively shackling detainees. I'm hopeful that decision is based upon a review of the safety procedures available within their courts. However, I do not believe doing so would be safe in my county. Before enacting this rule, I would encourage the decision makers to visit the juvenile courts in some of the other small rural counties around the State to see how a "no presumptive shackling" rule would impact courtroom safety.

I concur that more restrictive restraints such as strait jackets, electric-shock belts, gags, and spit masks should only be used on a case-by-case basis. But lumping ankle chains together with those devices is inflammatory and ignores the good and logical reasons my court has elected to presumptively shackle detainees appearing for court.

The opinion stated in this email is mine alone. I do not mean to imply that Mr. Sant or the Benton County Prosecutor's Office agree with my statements above.