

**RESOLUTION REGARDING
SHACKLING OF CHILDREN IN JUVENILE COURT**

Whereas, the Maryland Judiciary endorses the principles of the National Council of Juvenile and Family Court Judges (NCJFCJ) Resolution on Shackling of Children in Juvenile Court; and

Whereas, the Maryland Judiciary concurs in the NCJFCJ Resolution's definition of shackles to include handcuffs, waist chains, ankle restraints, zip ties, or other restraints that are designed to impede movement or control behavior; and

Whereas, the shackling of children during proceedings before judges and juvenile magistrates may infringe upon the presumption of innocence, undermine confidence in the fairness of our justice system, interfere with the right to a fair trial, impede communication with judges, magistrates, attorneys, and other parties, and limit the child's ability to engage in the court process; and

Whereas, research in social and developmental psychology suggests that shackling children interferes with healthy identity development; and

Whereas, placing children in shackles can be traumatizing and contrary to the developmentally appropriate approach to juvenile justice; and

Whereas, placing children in shackles can negatively influence how a child behaves as well as how a child is perceived by others; and

Whereas, shackling promotes punishment and retribution over the rehabilitation and development of children who are under the court's jurisdiction; and

Whereas, shackling is contrary to the goals of juvenile justice, as defined in the *NCJFCJ Juvenile Delinquency Guidelines* to implement a continuum of effective and least intrusive responses to reduce recidivism and develop competent and productive citizens; and

Whereas, continued attention and consistent judicial leadership are necessary to ensure that policies regarding shackling are maintained regardless of changes in leadership or administration; and

Whereas, the Maryland Judiciary has the ability to advance and maintain policies and practices that limit the use of restraints or shackles.

BE IT THEREFORE RESOLVED AS FOLLOWS:

The Maryland Judiciary supports the NCJFCJ Resolution urging the advancement of a trauma-informed and developmentally appropriate approach to juvenile justice that limits the use of shackles in the courtroom.

The Maryland Judiciary hereby responds to the NCJFCJ's call to utilize the leadership in its courts to convene security personnel and other justice system stakeholders to address shackling and to work together to identify ways to ensure the safety of children and other parties.

The Maryland Judiciary commits to the ongoing review of policies and practices related to shackling children.

The Maryland Judiciary hereby adopts as policy the presumption against the shackling of children during proceedings in the Juvenile Court. The Maryland Department of Juvenile Services and the law enforcement agencies that are responsible for the transport or transfer of children to, from, and within courthouses shall retain the discretion to employ practices that will ensure the security of the child and others. Once in the court or hearing room, however, a child is to be unshackled and remain so absent a particularized security concern. The judge or juvenile magistrate conducting the proceeding shall determine whether the child needs to be shackled in the court or hearing room pursuant to this policy. Security personnel have the ongoing responsibility for maintaining security and order throughout the proceeding.

Recommended by the Maryland Judicial Council for adoption by the Maryland Judiciary on September 16, 2015 and accepted by the Chief Judge of the Court of Appeals, September 21, 2015, Annapolis, MD.