

Chief Judge, Twelfth Judicial District

**ORDER
Use of Physical
Restraints on Juvenile
Defendants**



**CHIEF JUDGE
ADMINISTRATIVE ORDER
2015-01**

The purpose of the juvenile justice system is to provide a rehabilitative and not solely a punitive approach to juvenile delinquency. Indiscriminate use of physical restraints on a juvenile undermines these rehabilitative goals.¹

Therefore, it shall be the policy of the Twelfth Judicial District that juvenile defendants who are in custody shall not appear in court for juvenile delinquency proceedings wearing physical restraints unless:

1. The juvenile is being held for a class 1 felony, a class 2 felony, escape or attempted escape;
2. The juvenile has made credible threats to harm self or others; has made credible threats toward law enforcement or staff; has demonstrated assaultive or combative behavior since being detained; or has demonstrated self-harming behavior since being detained;
3. The juvenile has been diagnosed with a mental health disorder **and** the juvenile is currently demonstrating bizarre or erratic behavior;
4. There are multiple co-defendants in custody in the courtroom at the same time.

If any of the above four conditions exist, the juvenile shall appear in court in restraints as deemed appropriate by the responsible law enforcement agency. After making every effort to consult with other parties to the case (including the juvenile, the juvenile's court-appointed attorney, the juvenile's parents and/or guardian *ad litem*, and the district attorney/deputy district attorney assigned to the case), the SB94 Juvenile Services pre-trial case manager (i.e. Tyler Woods and/or Cindy Cotten) shall be responsible for determining whether a juvenile meets any of the above four criteria and informing the appropriate parties. If the pre-trial case manager believes there is a reason, other than those listed above, to have the juvenile appear in court in restraints, the pre-trial case manager shall notify the court prior to the juvenile's scheduled appearance and the judge who will preside over the appearance will decide whether the juvenile shall appear in court wearing physical restraints.

In addition, the presiding judge always retains the authority to order an individual juvenile to appear in court wearing physical restraints if the judge determines it to be necessary for public safety or the safety of the juvenile. The presiding judge also retains the authority to order an individual juvenile not to appear in court wearing physical restraints if the judge determines there are extenuating circumstances

¹ See Report accompanying American Bar Association Criminal Justice Section Resolution 107A from the mid-year ABA Conference 2015 and authorities cited there.

The court shall make all reasonable efforts to ensure that in-custody juveniles who will be appearing in court in restraints shall have their hearings scheduled at a time separate from other in-custody juveniles.

This policy does not affect how the sheriff's office restrains juveniles during transportation of juvenile defendants to and from the courthouses in the Twelfth Judicial District. This policy only concerns whether the juvenile shall appear in the courtroom in restraints.

SO ORDERED this _9th_ day of April, 2015.



Pattie P. Swift, Chief Judge