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NEW JERSEY ASSOCIATION of COUNTY YOUTH SERVICES COMMISSIONS

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August 22, 2016

Glenn A. Grant, J.A.D.
Acting Administrative Director of the Courts
Comments on Juvenile Shackling Report
P.O. Box 037
Trenton, NJ 08625-0037

Dear Judge Grant,

The New Jersey Association of County Youth Services Commissions is submitting these comments in support of the Report of the Supreme Court Working Group on the Indiscriminate Shackling of Juveniles in Court.

This report lifts up the issues that impact children and youth who are automatically shackled when appearing in court without any review or evaluation of whether or not shackles are appropriate. The Association believes, with the Working Group, that the very presence of shackles in a courtroom creates a bias toward guilt. In addition, the Report clearly documents the research showing that shackling causes trauma to children and youth, many of whom have been traumatized already.

Shackles also limit the child/youth's ability to participate in their own court proceedings and their ability to express themselves in their own defense.

We concur with the Working Group that shackles should not be used in the courtroom unless the Judge has deemed it necessary for reasons of harm to self or others, previous history of disruptive behavior in court that has endangered self or others, or flight risk. This determination should be made prior to the child/youth entering the courtroom, and should include the opinions of the defense attorney and prosecutor.

In addition, we propose that all restraints, whether in the courtroom or during transport, should be updated to eliminate the standard handcuffs to waist and feet and be the least restrictive deemed appropriate to ensure safety. While the safety of all officers and youth is always the primary concern, especially during transport, the handcuffs to waist and feet further traumatizes children and youth who in many

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counties must shuffle from vehicle to courtroom through public areas as if they are on display. Parents, witnesses, victims and those having other business before the court see these young people who are shackled, which is unnecessarily humiliating and traumatizing to the children and youth, and leaves those who witness it with a presumption of guilt.

The New Jersey Association of County Youth Services Commissions supports the proposed changes to court rule 5:19-4 as put forth by the Working Group and recommend the consideration of the court in reviewing the types of restraints used both in the courtroom and during transport.

Respectfully,

Rosy Arroyo

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