

For immediate release

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Public Defender: Unchain the Children in Court

Public Defender Bennett H. Brummer's office filed motions today to halt the inhumane, degrading and indiscriminate practice of shackling detained children with handcuffs and leg irons in Juvenile Court. Detained children are chained in court regardless of their age, height, weight, gender, offense, risk of flight or threat to public safety. The motions will be heard at 1:30 p.m., at the Juvenile Justice Center, located 3300 NW 27th Avenue in Miami.

"It's an appalling spectacle to see all detained children paraded into court with their wrists in handcuffs and ankles bound in leg irons. One would never expect that in 2006 we would see daily reminders of when human beings were kept in bondage," Brummer said. The challenge is based on upholding constitutional and international law, safeguarding the children's physical and emotional well-being and fostering rehabilitation.

Incarcerated adult defendants are typically handcuffed in court, but are only shackled with leg irons if they have previously escaped or are a known physical threat to people in the courtroom.

"By allowing children to appear before them in chains, judges are conveying a message to the children that they are dangerous animals. Shackling them for no reason at all is an affront to the very principles of fairness. How can young people and their parents expect justice in juvenile court when they see such degrading treatment?" said Carlos Martinez, Chief Assistant Public Defender. On Thursday, September 14, Martinez will be seeking Florida Bar support for a statewide ban of the shackling practice.

Safety concerns unwarranted

Martinez said the Juvenile Court Building is more secure today than at any time in the past 20 years, with weapons detectors, extra guards, police officers within a few feet of each courtroom, electronic gates capable of closing instantly, bailiffs with walkie-talkies and judges with buzzer alarms. All four juvenile courtrooms are on the second floor, adjacent to the Juvenile Detention Center, connected by a secure hallway with locked doors. Martinez added, "Shackling children is an irrational practice. For more than 25 years we did not have shackled children in our juvenile court and did not have any escape incidents in juvenile court."

The shackling practice has brought condemnation of Florida's juvenile courts by national experts who view it as illegal, unnecessary and psychologically damaging.

Legal issues

Judges have a responsibility to ensure the dignity of the judicial process, guarantee a fair hearing and uphold constitutional and international standards.

A blanket policy of shackling all detained children without any individualized showing of necessity violates the constitutional right to due process. It also inconsistent with the United States' obligations under international human rights law.

Shackling confuses, embarrasses and stigmatizes the child, interfering with the ability to communicate with counsel. Shackling is inconsistent with the rehabilitative purpose of the juvenile justice system, and is more traumatic for children than for adults.