

Shackling fact sheet

Shackling is common in juvenile court: In most states, juveniles are shackled in court – without any proof of a flight or safety risk. Courts recognize the right of adults not to be shackled, except for compelling security reasons. A child is more likely to be shackled in court than an adult.

What is shackling? Shackles are mechanical restraints. The shackles normally used in court are leg irons, belly chains and handcuffs. All this metal can weigh as much as 25 pounds. In places that allow indiscriminate shackling, elementary school students are shackled. Girls, who make up one third of arrested juveniles, as well as children facing minor charges, are also automatically shackled.

Shackling is not necessary for safety: Once Miami-Dade County, Florida ended indiscriminate juvenile shackling, more than 20,000 youth appeared in court without shackles between 2006 and 2011. None escaped. No one was harmed. Other jurisdictions that have implemented anti-shackling reform report similar successes.

Shackling harms kids:

It puts them at a disadvantage in court. The United States Supreme Court has ruled that shackling adults violates the presumption of innocence. The shackling of defendants leads to biases in judges and juries. Furthermore, shackles prevent young people from effectively communicating with their attorneys, in violation of the United States Constitution.

It humiliates them. Young people describe being shackled as being treated “like an animal,” “like a criminal” or “like a slave.” Parents report the experience of seeing their children in shackles as “heartbreaking.”

Shackling fuels recidivism: Shackling children to “teach them a lesson” is likelier to engender crime. The purpose of the juvenile justice system is to encourage rehabilitation. Treating kids like criminals is contrary to the system’s mission.

Children are less likely to reoffend when the juvenile justice system treats them fairly. Studies show that those who view the proceedings of the system as fair and respectful are less likely to be rearrested.

Stigmatizing children derails their development into responsible adults. Clinical psychologists, pediatricians and other adolescent development experts argue that shackling is humiliating for young people, that it harms identity development, and that young people are more vulnerable to lasting harm from feeling humiliation and shame than adults.

Court appearances are associated with bad long-term outcomes for kids. Coming to court should not be so traumatizing that it causes lasting damage. Merely appearing in court nearly quadruples the odds a student will drop out of high school. It is about twice as damaging as an arrest alone.

What’s the solution? Juveniles should be shackled in court only in the rare instances where they pose an actual flight or safety risk. Judges should make these determinations on a case-by-case basis.