

AFFIDAVIT OF DR. MARTY BEYER

1. My name is Marty Beyer. I am a clinical psychologist licensed in the District of Columbia, Virginia, and Washington.
2. I have a Ph.D. in clinical/community psychology from Yale University. I am an independent child welfare and juvenile justice consultant. My expertise is adolescent development: how a young person's cognitive, moral and identity development, trauma and disabilities affected the offense and should be the basis for designing rehabilitative services. I have assessed more than 100 juveniles accused of serious offenses, including murder, felony murder and manslaughter. I have been worked on improving services for delinquents in numerous states. I am a federal Department of Justice monitor of juvenile facilities in New York State. I have also been involved in reform of foster care practices in several states and serve as a clinical consultant to child welfare workers making decisions about children who have been neglected and physically and sexually abused. I provide training on child and adolescent development for judges, lawyers, and staff in child welfare and juvenile justice.
3. I have testified numerous times as an expert witness assessing the factors articulated by the United States Supreme Court in juvenile transfer / waiver cases, including maturity and prospects for protecting the public and rehabilitating the young person (*Kent v. United States*, 383 U.S. 541 (1966); *Stanford v. Kentucky*, 492 U.S. 361 (1989)). I have provided expert testimony concerning adolescent development research cited by the United States Supreme Court in striking down the death penalty for juveniles (*Roper v. Simmons*, 543 U.S. 551 (2005) and ending mandatory life without parole for juveniles (*Miller v. Alabama*, 132 S. Ct. 2455 (2011))).
4. My publications include "Immaturity, Culpability and Competency in Juveniles" (2000), "What's Behind Behavior Matters: The Effects of Disabilities, Trauma and Immaturity on Juvenile Intent and Ability to Assist

Counsel” (2001), Best Practices in Juvenile Accountability (U.S. Department of Justice, 2003); “Fifty Delinquents in Juvenile and Adult Court” (2006); “Developmentally-Sound Practice in Family and Juvenile Court” (2006); and “A Developmental View of Youth in Juvenile Justice System” (2011).

5. This affidavit is based on articles and books and my clinical experience in working with delinquents and families.
6. I have appeared in juvenile and family courts around the country. Detained juveniles are not handcuffed or shackled in many juvenile or family courts. I have been in court when juveniles were holding hands with a parent or taking notes on the court proceedings or drawing pictures to cope with anxiety and/or attention difficulties.
7. It is generally accepted by juvenile justice and mental health professionals that the use of physical restraints with children and adolescents should be limited to rare situations when a young person poses an immediate threat to others’ safety. Physical restraints should not be a routine practice with children and adolescents.
8. Juvenile and family courts are based on the recognition that adolescents are different from adults and are more susceptible to harm because they are in the process of developing. This malleability is the foundation of the juvenile and family court’s goal of rehabilitation.
9. An important part of adolescent development is developing a strong positive identity. Approval of others is a powerful influence on adolescents’ self-esteem. The experience of being shackled in the courthouse, in front of family and strangers, makes a young person feel disapproved of and ashamed.
10. Being shackled in public is humiliating for young people, whose sense of identity is vulnerable. The young person who feels he/she is being treated as dangerous will think less of him/herself. Children and adolescents are more vulnerable to lasting harm from feeling humiliation and shame than adults.
11. On television, both on live court programs and dramas, young people see adults charged with murder wearing elegant clothing, being treated with

respect, and not shackled in court. The young person who asks, "Why were they allowed to hold their heads up high and I am humiliated with handcuffs and chains?" is likely to conclude it is something especially bad about them that accounts for this demeaning treatment. Being seen so negatively makes it more difficult for a teenager to develop a positive identity.

12. For youth of color, being degraded in public may be experienced as racism (even if the practice is universal), which is harmful to the development of a positive identity.
13. The negative effect of humiliation on developing teenagers is one of the reasons that restraints are only allowed under unusual circumstances in juvenile facilities. In most juvenile programs if a youth must be placed in restraints because of a demonstrated immediate threat to others' safety, the policies require that he/she be checked frequently by medical staff and provided counseling in order to calm down and return to group activities in a short time. These required services are not provided to the young person who may be shackled all day before, during, and after court. In the unusual situation where a young person is in restraints in the facility, he/she understands his/her behavior was out of control and as soon as he/she can calm down, the restraints will not be necessary. This sends a sensible message, in contrast to the shackling of all youth going to court from detention, most of whom are not exhibiting dangerous behavior at the time. Knowing they are capable of remaining calm in the courtroom without handcuffs or shackles, young people conclude that they are viewed as dangerous and untrustworthy, which is harmful to their self-esteem and long-term for the development of a positive identity.
14. During adolescence, young people gradually define their moral values, integrating the simple rights and wrongs of childhood and teachings about morality at home and in their religion. During this process, adolescents tend to be moralistic, insisting on what should be and intolerant of anything that seems unfair. For most young people who believe that, even though they were

arrested, they will not harm others and will not misbehave in the courtroom, it seems unfair to be shackled. Adolescents do not have the adult cognitive abilities to say, "This is not unfairness directed at me personally, all juveniles who go into court are shackled." Because of where they are developmentally, their reaction to the unfairness of being shackled may preoccupy them, interfering with their attentiveness to what the judge says in the courtroom and with their relationship with counsel.

15. Children learn that a fundamental principle of our democracy is that a person is innocent until proven guilty. Being shackled gives them the opposite message. This conflict between what adults say and do is harmful to young people's moral development.
16. Teenagers often talk with shock about how they were treated in the police station. They express disappointment in police officers they trusted to be fair and kind. Their trust in adults is also violated when they are shackled in the courtroom. They may feel betrayed by their parents who cannot protect them from the humiliation of being shackled. When the judge, who is an important authority figure, condones demeaning treatment in the form of handcuffs or shackles, the young person may conclude that the judge is not concerned about or does not want to help him/her.
17. In the midst of their identity and moral development, demeaning treatment by adults may solidify adolescents' alienation, send mixed messages about the purpose of the justice system, and confirm their beliefs that they are bad, all of which undermine the rehabilitative goal of court intervention.
18. Many court-involved young people have experienced severe trauma, including the death of family members, physical and sexual abuse, exposure to domestic and street violence, and bullying due to learning disabilities and school failure. Some have been additionally traumatized by multiple placements in the foster care system. Their depression, difficulties trusting others, fearfulness, aggression, substance abuse and school concentration problems are often caused by untreated trauma. For those who have been physically or sexually

abused, handcuffs and shackles are likely to flood the young person with painful memories and may be experienced by him/her as re-victimization. For any traumatized youth, being handcuffed or shackled could make them feel once again that they cannot control hurtful things that happen to them. Such powerlessness is damaging and could undermine progress the youth has made in recovering from earlier trauma. Any abuse of power by an adult can provoke a combination of self-blame and sense of betrayal that can lead to self-destructiveness or aggression in a traumatized young person.

19. Detention staff frequently comment about the difficulty in managing youth who are upset after court. Shackling youth can add to the symptoms of untreated trauma--sadness, hurt, anger, and being untrusting—which juvenile facilities lack sufficient mental health staff to respond to.
20. Young people report concentrating on their shackles rather than on the court proceedings. Being distracted by their humiliation, embarrassment and feeling unfairly treated interferes with their effective assistance with their own defense and their full appreciation of direction offered by the judge.
21. Shackles and handcuffs are also physically painful, not just for younger and smaller youth, but for any typical teenager who wiggles restlessly when seated or who is being moved around the courthouse.
22. While it appears that there are no studies of the effects on adolescents of using “soft handcuffs” (straps made of fabric instead of metal), they also could be experienced as abusive and demeaning and could re-traumatize youth.
23. Parents are not allowed to physically or emotionally abuse their children. Emotional abuse includes restriction of movement, such as tying a child's arms or legs together. Excessive physical discipline is prohibited even when parents believe their children must be punished. The child welfare system removes children from parents who use physical discipline or restrict a child's movement, and the long-lasting harm of abuse is well known. Physical and emotional abuse makes young people feel helpless and powerless. Research has connected physical abuse to adolescent depression and suicide as well as

becoming aggressive and over-reacting to perceived hostility in others. The use of corporal punishment by parents of adolescents is a known risk factor for depression, suicide, alcohol abuse, physical abuse of children, and domestic violence. Children shackled in court are not being abused by their parents, but being shackled by adults in authority whom they trust to care for them could have similar harms.

24. The way parents deal with their emotions during traumatic experiences is crucial in setting an example for their children and conveying reassuring messages of safety that encourage resilience in their children. Parents are typically upset by seeing their children shackled and may be unable to help their children not be negatively affected by shackling.
25. The harms of shackling to self-esteem and moral values interfere with the identity development and moral development promoted by rehabilitative services. When normal development is fostered, young people are more likely to be accepted by pro-social peers, a key ingredient for reduced recidivism.

Further affiant sayeth not.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 15 2015.

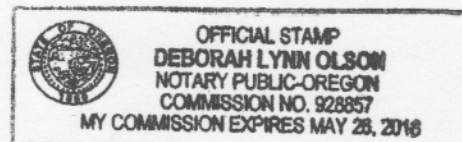
Marty Beyer, Ph.D.
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Sworn to me and subscribed in my presence on January 15 2015

Deborah Lynn Olson
NOTARY PUBLIC

My commission expires: May 26, 2018

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EDUCATION

Ph.D. in Clinical/Community Psychology. Yale University. 1974.
B.A. with Honors in Psychology. Vassar College. 1970.

CURRENT ACTIVITIES

Mental Health Monitor, New York State Office of Children and Family Services juvenile justice facilities, U.S. Justice Department, *United States v. New York*.

Katie A Panel - Los Angeles County, California child welfare reform.

Developer of Visit Coaching, and continuing training and consultation on Visit Coaching with private, county and state agencies.

Developmental assessments for waiver/transfer hearings, sentencing for juveniles in adult court, and dispositional planning in juvenile court.

Training and consultation on juvenile justice, child welfare, and mental health services for children and families.

Licensed clinical psychologist: District of Columbia, Virginia, and Washington.

Member, American Psychological Association.

Commissioner, Lane County Commission on Children and Families, Eugene, Oregon.

Board member, National Coalition for Child Protection Reform.

OTHER EXPERIENCE

Youth Family Team Meetings in Juvenile Justice, Alabama, Center for Public Representation, Alabama Disabilities Advocacy Project, & the Southern Poverty Law Center, 2012-13.

Service Review design team, Rosie D. Court Monitor, Massachusetts. 2010.

U.S. Justice Department Civil Rights Division. Investigation of juvenile facilities in Georgia (1997), Mississippi (2002) and New York (2009).

New York City Administration on Children's Services-Consultant on Visit Coaching, 2002-2008.

Washington, D.C. Consultant to the Department of Youth Rehabilitation Services on Youth Family Team Meetings. 2005-2008.

LGBT consultant to the Hawaii Office of Youth Services. 2007-2008

Consultant on Mississippi girls' facilities. Southern Poverty Law Center. 2008.

Connecticut Department of Children and Families. Prepared a report proposing a system of services for girls in Connecticut. 2005.

Rosie D-Expert in Massachusetts class action on behalf of Medicaid-eligible children, Center for Public Representation. 2004-2005.

Alabama child welfare reform-Consultant, Department of Human Resources in developing a system of care for families and children after the R.C. lawsuit by the Bazelon Center for Mental Health Law. 1990-94, 1998-2003.

Oregon child welfare reform-Consultant to the Office of Services to Children and Families on statewide strengths/needs-based service planning (an agreement with the Juvenile Rights Project and Legal Aid), 1995-2002.

Dupuy-Expert in litigation regarding safety planning in Illinois, 2002.

Office of the Child Advocate, State of Connecticut-Consultant on mental health services for children in foster care and juvenile justice, 2000-2001.

M.E., Expert in class action litigation regarding EPSDT and mental health services in child welfare and juvenile justice in Florida, 1999-2001.

Taylor- Expert in class action litigation re: managed care services for Medicaid- eligible children with disabilities in New Mexico, 1999-2001.

Shoemaker-Expert in litigation on behalf of students with disabilities prosecut-

ed for school behavior problems, Legal Aid of Palm Beach, Florida. 1999.

Evaluator, Teen Mothers & Children, Living Stage, Washington, D.C. 1994-9.

Consultant, EPSDT-managed care consent decree, Tennessee Departments of Childrens Services and Health and the Tennessee Justice Center, 1998.

K.L.- Expert in class action litigation on behalf of children with disabilities in child welfare and juvenile justice in New Mexico, 1997.

J.K.- Expert, Arizona Center for Disability Law in litigation re: medicaid-eligible children in need of mental health services in managed care. 1997.

Eric L.- Expert with the Disabilities Rights Center on litigation on behalf of children in the New Hampshire child welfare system. 1996-7.

Alexander S. - Expert assisting the court in class action litigation on delinquency services in South Carolina. 1993-4.

Bobby M. Monitoring Team - Assessing Florida's compliance with a court order to develop community-based youth services. 1989-94.

Evaluator, CINA Mediation Project, Baltimore, Maryland. 1992-3.

John A. - Expert in ACLU class action for delinquents in Delaware. 1992-3.

Terry D. - Developed a continuum of services for delinquents, dependents, and emotionally disturbed children in Oklahoma. 1989-93.

Development of a Law-Related Literacy Program for delinquents. D.C. Exchange, Washington, D.C. 1992.

Evaluation of the Hickey School in Maryland. Public Justice Center, 1991.

Evaluation of the Juvenile Forensic Unit of Eastern State Hospital in Pennsylvania. Juvenile Law Center, 1990.

Lisa L. litigation regarding psychiatric hospitalization of children in Maryland. Maryland Disability Law Center. 1989-1991.

Evaluation of the West Virginia Industrial Home. Juvenile Justice Committee Innovative Training for Family Courts Project, funded by State Justice Institute; trainer/curriculum co-author. Youth Law Center. 1988-1991.

Jerry M. Panel-developed a plan for community based alternatives for delinquents and monitored a court order. 1986-91.

I Have a Dream Foundation-Clinical consultation; Washington, D.C. 1988-1991.

Latin American Youth Center - Training and staff support. 1985-89. Study of Hispanic youth in the D.C. juvenile justice system. 1984.

Council for Court Excellence - Judicial and interagency training and research on neglect and delinquency, 1984-1989.

D.C. Permanency Task Force - School-based family services and parenting handbook, National Council of Juvenile and Family Court Judges, 1986-8.

D.C. Youth Services Administration-Designing delinquency programs. 1983-6.

Adjunct Faculty, Antioch New England (psychology doctoral program).

Maryland Department of Health and Mental Hygiene - Studies of juvenile institution overcrowding and alternatives for delinquents. 1985.

Environments for Human Services - Staff training & support, therapeutic Director, D.C. Coalition for Youth. Advocacy to improve youth services, Training for hundreds of public and private agency staff. 1978-82.

Assistant Director for Research, National Youth Work Alliance. Reports on runaway programs, teenage prostitution and abused adolescents. 1977-8.

Director, Peer Counseling Program, Washington Streetwork Project, 1977-79.

Consultant, D.C. Office of Criminal Justice Plans and Analysis. 1976.

Psychologist, Receiving Home for Children, Washington, D.C. 1974-76.

Consultant, Carnegie Council on Children. 1974

Consultant on national programs for runaway youth, HHS. 1974.

Consultant, group relations conferences, Yale Psychiatry Department. 1972-3.

Clinical internships, Lee High School, New Haven, Conn. (1971-3); Ansonia, Conn. junior high school (1971-2); Number Nine (teen crisis center), New Haven, Conn. (1970-2); School for Boys, Meriden, Conn. (1972).

Supervised individual and family treatment at the Connecticut Mental Health Center, Yale University Psycho-Educational Clinic, and Yale-New Haven Hospital Emergency Room. 1971-73.

Center for Community Planning, HHS. Summers, 1969 and 1970.

Youth Employment Counselor, Urban League, Rochester, N.Y. 1967-8.

PUBLICATIONS

Doctoral dissertation: Psychosocial Problems of Adolescent Runaways. 1974.

It's Me Again: An Aftercare Manual for Youth Workers. 1978.

"Runaways and Homeless Youth," Journal of Current Adolescent Medicine, Co-authored with Richard Jones, M.D. and Robert

"What's Got You Running?" Teen Times (National FHA). 1979.

"Community and School Partnership: Youth Rights and the Role of Advocates," Disruptive Youth in School, Council for Educational

"Continuing Care for Runaways," Journal of Family Issues. 1980.

Reaching Troubled Youth. Co-authored with James Gordon, M.D. 1981.

"Not Getting Away with Murder: Serious Juvenile Offenders in D.C.," Juvenile Justice Myths and Realities, Institute for Educational Leadership. 1983.

"Put My Future on Hold," Teen Times (National FHA). 1983.

"The Wages of Aquarius," Vassar Quarterly. 1983.

"Futures in Jeopardy: High-Risk Children in D.C.," Council for Court Excellence. 1984.

"Helping Troubled Families," Interagency Youth Project. 1985.

"Permanent Families for Children and Youth," Council for Court Excellence. 1985.

"Emotional Problems of Neglected Children," Adoption Resources for Mental Health Professionals, Mental Health Adoption Therapy Project. 1986.

An Emerging Judicial Role in Family Court. Co-authored with Honorable Ricardo Urbina. American Bar Association, 1986

"Helping Children in Care Overcome Emotional Obstacles to Independence." American Foster Care Resources, Inc. 1986.

"Lifelines to Biological Parents: Their Effect on Termination of Parental Rights and Permanence," co-authored with Wallace Mlyniec, Esq. Family Law Quarterly, XX, 2, Summer 1986.

"Delay in the Processing of Juvenile Delinquency Cases in the District of Columbia," Council for Court Excellence, September, 1986.

"Overcoming Emotional Obstacles to Independence," Children Today, Fall 1986.

"Benefits of Field Experience for Students," Co-authored with Rosi Dagit and Bruce Rinker. National Association of Environmental Educators, October, 1987.

Baby Blues: Preparation for Parenthood. Unpublished manuscript, 1987.

"The Use of Evaluations in Family Court," ABA Juvenile & Child Welfare Law Reporter, February, 1987.

"Born Dead," Children and the Law. ABA. September, 1988.

"Treating the Educational Problems of Delinquent and Neglected Children," Co-authored with Nancy Opalack and Patricia Puritz, Esq. Children's Legal Rights Journal, Spring, 1988.

"Juvenile Drug Offenders in the District of Columbia," Council for Court Excellence, September, 1988.

Basic Parenting: A Workbook for Teaching Single Parents. Co-authored with Earl T. Braxton, Ph.D. National Council of Juvenile and Family Court Judges, 1988.

"First You Find a Wizard," Future Choices, Youth Policy Institute, Spring, 1990. Also published in Corrections Today, April, 1991.

Preparing for Independence. Co-authored with Barbara Jaklitsch. National Resource Center for Youth Services, 1990.

"Families Under Intolerable Stress," Putting Children First: A Progressive Family Policy for the 1990s. Progressive Policy Institute, September, 1990.

"Using Evaluations in Assessing the Needs of Children and Families," Child Welfare Institute, 1991.

"What Do Children & Families Need?" Children and the Law. ABA. April, 1992.

A Guide to Creating Your System of Care. Alabama Dept. of Human Resources, 1993.

Keeping Families Together: The Role of Mental Health & Substance Abuse Treatment. Co-authored with Leslie Acoca and A

"Juvenile Detention to 'Protect' Children from Neglect," D.C. Law Review, Vol. 3, 1995.

"Juvenile Boot Camps Don't Make Sense," Criminal Justice, Vol. 10, 4, 1996.

"Too Little, Too Late: Designing Family Support to Succeed," Review of Law and Social Change, XXII, 2, 1996.

"One Child and Family at a Time: Strengths/Needs-Based Service Crafting," Caring, 1996.

"Experts for Juveniles at Risk of Adult Sentences," More Than Meets the Eye, American Bar Association, 1997.

"Strengths/Needs-Based Child Welfare Practice," The Prevention Report, Fall, 1997.

"Mental Health Care for Children in Corrections," Children's Legal Rights Journal, 1998.

Strengths/Needs-Based Service Manual. National Resource Center for Family Centered Practice, 1999.
www.uiowa.edu/~nrcfcp/new/beyertrainingmanual.html

"Expert Evaluations of Juveniles," Child Law Practice, American Bar Association, 1999.

"Recognizing the Child in the Delinquent," Kentucky Children's Rights Journal, Summer, 1999.

"Parent-Child Visits as an Opportunity for Change," The Prevention Report, Spring, 1999.

Developmental Assessment. A structured interview format for evaluators designed with a group of psychologists, January, 2000.

System Change Through State Challenge Activities. Co-authored with Heidi Hsia. OJJDP Bulletin, U.S. Department of Justice, March, 2000.

"Immaturity, Culpability and Competency in Juveniles," Criminal Justice, Vol. 15, 2, Summer, 2000.

"Accountability and Adolescent Development," District Attorney, Kings County, Brooklyn, N.Y., November, 2000.

"Delinquent Girls: A Developmental Perspective," Kentucky Children's Rights Journal, Spring, 2001.

"What's Behind Behavior Matters: The Effects of Disabilities, Trauma and Immaturity on Juvenile Intent and Ability to Assist Counsel," Guild Practitioner, 58:2, Spring, 2001.

"Punishing Children for their Disabilities," Children's Legal Rights Journal, Fall, 2001.

"Juvenile Competence in Adult Prosecutions: More than a Matter of IQ and Mental Illness." Co-authored with Joel Greenberg. ABA Juvenile Defender Summit, 2002.

Best Practices in Juvenile Accountability. OJJDP Bulletin, U.S. Department of Justice, April, 2003.

"A Better Way to Spend \$500,000: How the Juvenile Justice System Fails Girls." Co-authored with Gillian Blair, Sarah Katz, Sandra Simkins and Annie Steinberg. Wisconsin Women's Law Journal, XVIII, 1, Spring, 2003.

Visit Coaching. A manual published by ACS, New York City, 2004.

"Health Services for Youth in Juvenile Justice Programs," co-authored with Michael Cohen, M.D. and Larry Burd, Ph.D. in Clinical Practice in Correctional Medicine, Michael Puisis, ed. Mosby: Philadelphia, 2006.

"Fifty Delinquents in Juvenile and Adult Court." American Journal of Orthopsychiatry, 76(2), Apr 2006, 206-214.

"Developmentally-Sound Practice in Family and Juvenile Court," Nevada Law Journal, 6 (3), Spring 2006, 1215-1231.

"Visit Coaching: Building on Family Strengths to Meet Children's Needs," Juvenile and Family Court Journal, 59, 1, 2008, 47-60. <http://www3.interscience.wiley.com/journal/119399753/issue>.

"Exploring Options for Better Visiting," Meghan Williams with Marty Beyer. Children's Voice, Child Welfare League of America, Jan/Feb 2009.

"Visit Coaching with Children and their Incarcerated Parents" (coauthored with Randi Blumenthal-Guigui, and Tanya Krupat, LMSW, MPH), in Children of Incarcerated Parents: Developmental and Clinical Issues (Yvette R. Harris, James A. Graham, & Gloria Oliver Carpenter, Eds.), 2010.

"A Developmental View of Youth in the Juvenile Justice System" in Juvenile Justice: Advancing Research, Policy, and Practice (Francine Sherman & Francine Jacobs, Eds.), Hoboken: Wiley, 2011.

"The Harmful Use of Isolation in Juvenile Facilities" (coauthored with Sandra Simkins and Lisa Geis), Washington University Journal of Law and Policy, 38, 2012, 241-287.