



WISCONSIN COURT OF APPEALS

DISTRICT I

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Chambers of
M. JOSEPH DONALD, Presiding Judge

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December 29, 2021

Clerk of the Wisconsin Supreme Court
Attention: Deputy Clerk-Rules
P.O. Box 1688
Madison, WI 53701-1688
clerk@wicourts.gov

Re: Rule Petition 21-04, In the Matter of Amending Wis. Stats. §§ 48.299 and 938.299
Regulating the Use of Restraints on Children in Juvenile Court (Juvenile Shackling)

Dear Honorable Justices of the Wisconsin Supreme Court:

I am writing in support of Petition 21-04, which relates to the indiscriminate shackling of juveniles during court proceedings. I strongly recommend that the Court adopt the proposed amendments.

Having served as a Milwaukee County Circuit Court Judge, which included serving as a Presiding Judge at the Vel R. Phillips Juvenile Justice Center—Children’s Court, and now in my 25th year on the bench, as a Wisconsin Court of Appeals Judge, I can attest to the importance of the way that we treat children in the juvenile justice system and how the treatment of a child influences his or her future.

As the memorandum in support of the petition details, shackling can have a profound impact on adolescents. Shackling can cause shame and humiliation, especially in children who have a history of trauma or suffer from mental illness. This in turn can hinder rehabilitation, lead to problems with attorney-client communications, and negatively effect courtroom decorum.

Accordingly, I believe that adopting a uniform policy that eliminates indiscriminate shackling will help reduce trauma, keep juveniles engaged in the courtroom, and improve outcomes. Shackling should only be used in rare instances.

Therefore, I respectfully request that the Court adopt the proposed amendments. The amendments will help balance the need to ensure that juveniles are treated with compassion and dignity while also allowing judges the necessary discretion to maintain a safe courtroom.

Sincerely yours,

M. Joseph Donald

cc by email:

Judge Laura Crivello, Milwaukee County Circuit Court

Judge Ramona A. Gonzalez, La Crosse County Circuit Court

Judge Everett Mitchell, Dane County Circuit Court

Judge Suzanne C. O'Neill, Marathon County Circuit Court

Judge Michael A. Schumacher, Eau Claire County Circuit Court

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Attorney Diane R. Rondini