



STATE BAR OF WISCONSIN

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December 16, 2021

Clerk of the Wisconsin Supreme Court
110 East Main Street, Suite 215
P.O. Box 1688
Madison, WI 53701-1688

RE: Petition 21-04 Juvenile Shackling

Dear Honorable Justices,

On December 3, 2021, the State Bar of Wisconsin's Board of Governors (BOG), by consensus, elected to support petition 21-04 related to the indiscriminate shackling of juveniles during court proceedings. This petition is consistent with a Board of Governor's public policy position on the same matter.

The BOG recognizes that even occasional interactions with the criminal justice system may have a profound impact, especially for children and teens who have been traumatized by domestic and street violence. The juvenile justice system was developed with a primary goal of rehabilitation, understanding that these accused offenders come to the court system with a unique set of challenges.

Data from all over the country shows that shackling is not necessary to maintain courtroom safety, while indiscriminate shackling of juveniles may unnecessarily humiliate, stigmatize, and traumatize them. The practice also impedes the attorney-client relationship, chills juveniles' constitutional right to due process, runs counter to the presumption of innocence, and draws into question the rehabilitative ideals of the juvenile court. In addition, when a young person is brought before a court, the perception of guilt from bringing them in shackles just adds to biases already existing in the system.

With a presumption against indiscriminate shackling, the judge retains the ultimate authority on shackling. Evaluative factors may be utilized by each court to determine whether restraints are necessary. Unless the court makes a judicial determination that the child presents a substantial, present risk of harm or flight, shackling is unnecessary and harmful.

If you have any questions, please do not hesitate to contact Executive Director Larry Martin or Advocacy and Access to Justice Director Lisa Roys.

Sincerely,

A handwritten signature in black ink that reads "Cheryl Furstace Daniels". The signature is written in a cursive style with a large initial 'C' and 'D'.

Cheryl Furstace Daniels, President

State Bar of Wisconsin