



**Dane County Courthouse**  
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**DANE COUNTY CIRCUIT COURT**  
**Court Commissioner Center**  
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*Benjamin J. Schulenburg*

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**Lead Circuit Court Commissioner**  
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**Deputy Lead Circuit Court Commissioner**  
*Anton S. Jamieson*

December 29, 2021

Clerk of the Wisconsin Supreme Court  
Attn: Deputy Clerk-Rules  
P.O. Box 1688  
Madison, WI 53701

To: The Wisconsin Supreme Court  
Re: Rule Petition 21-04

I am writing in support of rule petition 21-04 regarding shackling in juvenile court proceedings. As way of background, I have practiced in juvenile law, both delinquency and CHIPs, for about 25 years the last 15 years of which have been as Circuit Court Commissioner in Dane County, primarily focusing on delinquency, CHIPs, and family law cases.

In 2016, the Dane County Circuit Court judges moved to a discretionary, versus a mandatory approach to shackling. Each judge makes an individual determination regarding whether a juvenile is to be shackled for a hearing. Mandatory shackling continued in the Court Commissioner area, primarily over concerns regarding safety. The commissioner hearing room is rather small, the litigants are seated close together, with the Assistant District Attorney seated about eight feet away from the juvenile and the Court Commissioner about six feet away from the juvenile. There were additional concerns regarding potential contact between the juvenile and family, who were normally seated next to each other.

In 2019, after the success of the judges making individual determinations of shackling, the Court Commissioner Center reviewed the policy of mandatory shackling. In January 2020, we began the policy of making individual determinations of whether juveniles should be shackled in the hearing room. Prior to each hearing, and prior to the juvenile being brought into the hearing room, the Court Commissioner would ask counsel, secure detention facility staff, and the deputies their position on whether the juvenile should remain shackled for the hearing. Note: the policy of shackling in the courtroom did not alter the sheriff's standards and procedures regarding transportation to and from the hearing room.

Prior to COVID modifications, the Court Commissioners required a handful of juveniles to remain shackled. In these limited instances, the juvenile remained shackled based on 1) behavior within the secure detention facility and potential for disruption; and 2) the juvenile's behavior while being transported from the secure detention facility to the hearing room. Seating in the hearing room was reconfigured to address potential concerns regarding the juvenile being next to parents or victims. None of the juveniles, shackled or unshackled, engaged in any disruptive or dangerous behavior. This included many instances where the commissioner maintained the juvenile in secure detention. When juveniles appeared before me, unshackled, they are more attentive in the hearings. Further, emotional levels of parents have been reduced; as there is no longer the emotional reaction of seeing their child enter the hearing room in handcuffs, leg chains, and belly shackles.

I support the petition for a rule against presumptive shackling of juveniles. The presumption that juveniles should not be shackled, and leaving the determination as the court works well. The process allows the participants to be more fully attentive to the process, while maintaining the court's authority to establish order and safety in the court room. I am authorized to state that my fellow juvenile Court Commissioners Rhoda Ricciardi, Benjamin Schulenburg, and Bradford Logsdon also support the Supreme Court's adoption of Rule Petition 21-04.

Thank you for the opportunity to comment on the proposed rule. Please feel free to contact me if there is any additional information you require.

Sincerely,

Anton S. Jamieson  
Circuit Court Commissioner, Dane County