

APPENDIX A

STATE OF WISCONSIN

IN SUPREME COURT

**In the Matter of Amending Wis. Stats. §48.299 and §938.299
Regulating the Use of Restraints on Children in Juvenile Court**

Petition 21-__

AFFIDAVIT

STATE OF WISCONSIN)
) SS
COUNTY OF DANE)

Patricia Coffey and Odile Rodrik, being duly sworn, state as follows:

1. This affidavit is based on empirical research articles and clinical experience working with juveniles involved in the justice system. This affidavit was prepared by Patricia Coffey, PhD in collaboration with Odile Rodrik, MS.
2. Dr. Patricia Coffey is a clinical psychologist with over 20 years of experience conducting psychological evaluations of juveniles in the justice system. Dr. Coffey is currently a Faculty Associate in the UW Madison Psychology department and has been teaching a criminal psychology course for over 10 years, including a focus on juveniles and the impact of stigma and labeling on individuals in the justice system.
3. Odile Rodrik, MS, is a fourth-year graduate student in UW Madison Clinical Psychology PhD program with experience conducting mental health related research in prison settings and supervised experience conducting juvenile court evaluations.
4. Adolescence is marked by a stage of rapidly developing identity formation, and the context and environment in which adolescents develop undoubtedly affects their identity.
5. Some scholars have argued for the mitigation of adolescent culpability due to what they call “unformed identity” – a phenomena by which adolescents sometimes engage in

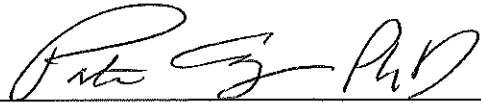
antisocial or criminal behavior as part of the normative experience of figuring out who they are and what their values are (Steinberg & Scott, 2004). These scholars argue that engagement in criminal activity is not indicative of most adolescents' true character.

6. Indeed, the vast majority of adolescent offenders disengage from criminal behavior as they mature, meaning that only the small minority of adolescents (i.e., "life-course persistent") continue to engage in criminal behavior into adulthood (Farrington, 1986; Moffitt, 1993)
7. Together, this suggests that for the vast majority of adolescents, criminality and antisociality are not a part of their "true" identity.
8. Indiscriminate shackling may actively work against this notion and may have especially adverse consequences for juveniles due to their ongoing identity development and their increased sensitivity during this stage of development on how they are perceived.
9. For the purposes of this affidavit, it is important to distinguish between guilt and shame and how they differ in their consequences. Guilt revolves around negative evaluations of a specific behavior (e.g., "that crime I committed was wrong"), whereas shame revolves around negative evaluation of the self as a whole (e.g., "I am a bad person for committing that crime").
10. Whereas feeling and expressing guilt can lead to adaptive behaviors such as making reparations, shame can lead to maladaptive behaviors such as defensiveness, avoidance, and aggression (Muris & Meesters, 2014).
11. Indiscriminate shackling may lead to increased feelings of shame and humiliation, which may in turn promote more maladaptive behavior.

12. Self-esteem is an important related concept that also develops during adolescence. Low self-esteem has been shown to predict numerous outcomes, including criminal behavior (Orth & Robins, 2014).
13. Increased feelings of shame and experiencing low self-esteem therefore may be counterproductive to the primary goal of the criminal justice system in promoting public safety.
14. Self-stigma occurs when stigmatized views become internalized and incorporated into one's view of themselves. Self-stigma often occurs in those involved in the criminal justice system. Research has shown that perceiving that others hold stigmatized views significantly predicts the extent to which these stigmas are then internalized among justice-involved individuals (Moore et al., 2016, 2018).
15. It is likely that the effect of shackling may be especially pronounced for juveniles, who are particularly sensitive to others' perceptions of themselves and are in the process of forming their identity, and therefore are also at increased risk of internalizing those perceptions and a delinquent identity.
16. Shackling, which is associated with criminality and a concern the individual needs to be restrained to avoid harming others, is likely to have a substantial impact on the way that adolescents view and think about themselves.
17. Shackling is likely to be a dehumanizing experience for juveniles impacting how they view themselves and how others view them. Research has also demonstrated that self-dehumanization can lead to increased dishonesty (Kouchaki et al., 2018). In other words, having a negative self-image may in turn play a key role in future antisocial behavior.

18. Taken together, it is probable that indiscriminate shackling leads to self-stigma and self-dehumanization, which may be especially impactful for adolescents' development of their identity. This may, in turn, promote increased engagement in antisocial behavior.
19. Furthermore, the vast majority (approximately 90%) of juveniles involved in the criminal justice system have a wide range of past traumatic experiences that begin early in life. In one national study of justice-involved youth, more than half of adolescents experienced trauma in the first five years of their life, and 90% of adolescents reported experiencing multiple trauma types at the time of their assessment (Dierkhising et al., 2013).
20. Legal scholars and researchers alike posit that shackling may be especially harmful for adolescents with a history of traumatic experiences. Scholars argue that shackling may explicitly confirm negative trauma-induced cognitions surrounding the adolescents' perceptions of fairness, safety, and trust, as well as negative cognitions about themselves that may actively harm rehabilitative efforts (Groman, 2015).
21. Research shows that juveniles with past experiences of trauma are 1) more likely to feel unfairly treated by the justice system and 2) have less faith in the law (Penner et al., 2017), and that adolescents who perceive their involvement with the criminal justice system as fairer have lower rates of recidivism (Schubert et al., 2012).
22. In addition, trauma experiences can lead to symptoms of PTSD which result in heightened anxiety and for some survivors a sensitivity to situations where they feel trapped and unable to escape. Shackling will exacerbate those feelings, increase anxiety, and make it more difficult for the juvenile to focus on court proceedings.

23. In sum, research and clinical experience suggests there are significant reasons to be concerned about the harmfulness of indiscriminate shackling of juveniles.



Patricia Coffey, PhD

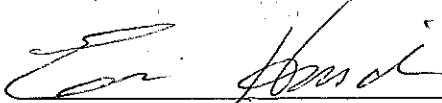
8/13/21
Date



Odile Rodrik, MS

8/13/21
Date

Subscribed and sworn to before me
this 13th day of August, 2021.



Notary Public, State of Wisconsin
My Commission is Permanent

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