



Law Office of the  
**COOK COUNTY PUBLIC DEFENDER**

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**SHARONE R. MITCHELL, JR.** • Public Defender

January 4, 2022

Clerk of the Wisconsin Supreme Court  
Attn: Deputy Clerk-Rules  
P.O. Box 1688  
Madison, WI 53701-1688  
Via email: [clerk@wicourts.gov](mailto: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 Commissioners:

I am the Chief of Staff in the Law Office of the Cook County Public Defender. Our law office is one of the largest public defender law offices in the country, representing indigent individuals in Chicago and surrounding suburbs. We represent approximately 2,000 children in juvenile court annually. We strive to be a trauma-informed court per the guidelines set forth by National Child Traumatic Stress Network and empirical data supporting those guidelines. We have practical experience with shackling (and not shackling) juveniles. In light of our mission, knowledge, and experience, we wholeheartedly support the proposed Wisconsin Rule limiting the use of shackling in your juvenile courts.

In 2016, the Illinois Supreme Court adopted Rule 943 which states there is a presumption that restraints shall not be used unless after a full hearing, with representation by counsel, the court finds that the use of restraints is necessary. Prior to this rule, there were a number of cases where the Illinois Courts ruled that the minor's due process rights were violated as the result of shackling, thus resulting in findings being reversed. At a minimum, Wisconsin courts should equally be concerned about the due process rights of children and the efficient use of judicial resources.

Since the implementation of Illinois Supreme Court Rule 943 incidents of violence in the courtrooms have not increased; rather there have probably been fewer, given the focus on de-escalation tactics instead of the use of shackles and force. A trauma-informed approach is often counter-intuitive to those outside of the juvenile justice system as it is seen as being "soft on crime." However, numerous studies since the 1990s have shown that reducing trauma of children, creating more individualized therapeutic environments, and limiting children's involvement with the juvenile justice system (including reducing police interaction, transport, shackling, and detention) actually reduces recidivism. Limiting the use of shackles is but one small step to bring Wisconsin into alignment with evidence-based child-centered policies.

Therefore, we urge you to join Illinois and numerous other states in limiting shackling in Wisconsin. Thank you for providing us with the opportunity to comment on this proposed rule.

Sincerely,

A handwritten signature in blue ink that reads "Era Laudermilk". The signature is written in a cursive, flowing style.

Era Laudermilk  
Chief of Staff

CC: Julie Anne Rich, Supreme Court Commissioner  
Diane Rondini-Harness