

LESSONS FROM LUZERNE COUNTY: SHACKLING

Shackling children is an unnecessary, humiliating and traumatic experience, and should be prohibited. Juvenile Law Center recommends enacting a Rule and statutory provision to ensure that juveniles are not unnecessarily restrained in the courtroom. Indiscriminate shackling of children neither promotes safety nor fosters faith in the justice system or the rule of law. Many of the Luzerne County “kids-for-cash” victims described being shackled as the single most degrading point in this whole experience. Unfortunately, Luzerne County is not alone in this practice. Too many children in Pennsylvania courtrooms are routinely subjected to mechanical restraints, including handcuffs, belt-cuffs, and leg irons.

Handcuffing and shackling of youth in juvenile court should be prohibited.

- Children should only be placed in shackles as a last resort when there is a flight risk, a threat to public safety, or a disruption to the proceedings in the courtroom that cannot be managed in other ways.
- The Commonwealth should bear the burden of presenting clear and convincing evidence that shackling is necessary. The juvenile should have an opportunity to rebut the evidence and challenge the state’s arguments in support of shackling.
- The court should put on the record its rationale and supporting evidence for the shackling of any juvenile.
- The Pennsylvania Supreme Court recently released for public comment Proposed Rule 139, which accomplishes many of these recommendations. The Supreme Court should adopt this Rule, which has amendments to ensure juveniles a right to review and an opportunity to be heard prior to the decision being made.