To Whom It May Concern:

I am writing to provide a comment of support on the Proposed Addition of MCR 3.906.

My name is Gabrielle French. I am the Policy Associate for the Michigan Center for Youth Justice (MCYJ). We are an organization focused on fair and effective policies for children in the juvenile justice system. As such, I am excited at the prospect of removing restraints for youth during the court process.

Shackling is an unnecessary and harmful practice that puts youth in a compromised position during the court process. Shackling has been ruled by the United States Supreme Court to violate the presumption of innocence in adult cases by creating a bias among judges and juries. There is no reason to believe this bias does not apply to youth in court as well. In addition, it is humiliating for the youth. Some describe feeling "like an animal," and it is heartbreaking for their caregivers to see their child in shackles. The stigmatization and humiliation of being shackled in court is an unnecessary stress added to youth and their families during an already stressful time.

Not only does shackling harm youth, it has little effect on courtroom safety. According to an assessment by the National Juvenile Defender Center, jurisdictions that limited shackling did not experience a significant increase in escapes or injuries. In fact, judges found that their "courts function better when shackling is limited." Coupled with the fact that youth appeared to have better communication and understanding during the court process, this further illustrates the need for greater restrictions on the use of restraints in court.

In a system designed to provide youth with a second chance, shackling does the opposite. Minimizing the restraints on youth in court improves their engagement and communication, limits bias, and maintains the safety of the courtroom. Currently, 31 states and Washington D.C. have implemented restrictions on the use of restraints for youth. It's time for Michigan to join the growing list of states and protect the humility and dignity of youth.

Your consideration of this comment is appreciated.

Regards,

Gabrielle French, MSW
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Michigan Center for Youth Justice