



**STATE OF CONNECTICUT
JUDICIAL BRANCH**

EXTERNAL AFFAIRS DIVISION

231 Capitol Avenue
Hartford, Connecticut 06106
(860) 757-2270 Fax (860) 757-2215

**Testimony of Judge William J. Lavery
Judiciary Committee Public Hearing
April 4, 2007**

**House Bill 7406, An Act Concerning Youthful Offenders, Delinquent
Children and Drug-Free Zones**

Good morning. My name is William Lavery and I am the Chief Court Administrator for the Connecticut Judicial Branch. I appear before you today to address *House Bill 7406, An Act Concerning Youthful Offenders, Delinquent Children and Drug-Free Zones*.

The Judicial Branch is opposed to section 5 of this bill, which would prohibit any child who has been arrested from being shackled at any time prior to conviction. Since it usually takes at least 2 to 3 months from arrest to conviction, there will be a considerable period of time during which this prohibition would be in effect. This blanket prohibition is unworkable. Furthermore, it is unnecessary because the Judicial Branch has recently implemented a policy that addresses this issue. On March 15, 2007 the Judicial Branch instituted a new shackling policy for juveniles, which is consistent with emerging state and federal law around the country to allow juveniles to attend court unshackled whenever possible, consistent with public safety and an assessment of the risk involved. Our policy provides that all juveniles are to be unshackled, except in those cases where particular risk factors are identified by our staff and communicated to the judge. In those cases, based on these risk factors, the judge may make a determination that shackles are needed.

The blanket prohibition contained in this section would make it very difficult for the Judicial Marshals who transport juveniles who are in custody to do so safely. We must ensure the safety of the transportation staff and of the young person, if that young person is out of control. Mandating by statute that all juveniles must never be shackled until after conviction is inconsistent with our obligation to provide for their safety. One needs only to have seen one large 16 year old who is out of control to understand that such a change will not protect either the youth or the public. In conclusion, I urge the Committee not to act favorably on section 5 of this bill.

The Judicial Branch supports passage of sections 1 through 4 of the proposal, which incorporates language that we submitted last year to clarify youthful offender procedures. However, we would respectfully request that the effective date of sections 1 through 4 of this proposal be changed to October 1, 2007, to allow time for implementation. It would be impossible for the Branch to comply with the requirements of these sections "effective upon passage".

Thank you.