



STATE OF CONNECTICUT
JUDICIAL BRANCH

EXTERNAL AFFAIRS DIVISION

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Testimony of the Honorable Bernadette Conway
Judiciary Committee Public Hearing
March 30, 2015

House Bill 7050, An Act Concerning the Juvenile Justice System

Thank you for the opportunity to provide written testimony, on behalf of the Judicial Branch, on **House Bill 7050, *An Act Concerning the Juvenile Justice System***.

Section 4 of the bill would prohibit any child appearing in court to be physically restrained by the use of shackles, handcuffs or other mechanical restraints prior to being adjudicated as delinquent, unless the judge determines that the use of such restraints is necessary to ensure the safety of the public. The Judicial Branch agrees that shackling juveniles during a court proceeding should occur only when absolutely necessary. In fact, the Judicial Branch has recently developed a policy regarding the use of mechanical restraints in juvenile courtrooms, which will go into effect on April 1, 2015. The policy and the related form are attached to this testimony.

As you will read, the policy presumes that all mechanical restraints will be removed from a juvenile prior to and throughout the juvenile's appearance in juvenile court, unless a judge determines that the juvenile poses an immediate and present physical danger to himself, herself, or others. We have also put into place a mechanism by which we will be able to report to this committee on a yearly basis the number of juveniles who are placed in mechanical restraints, while attending a court proceeding.

We respectfully oppose section 4 of the bill, as it is not necessary. Thank you for the opportunity to provide the Judicial Branch's comments.



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COURT SUPPORT SERVICES DIVISION
POLICY AND PROCEDURES

POLICY NO.
8.

EFFECTIVE DATE:
April 1, 2015

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SUPERSEDES:

New Policy

APPROVED BY:

Executive Director

TITLE:

**JUVENILE RESIDENTIAL SERVICES
USE OF MECHANICAL RESTRAINTS
IN THE JUVENILE COURTROOM**

1. **Policy** A presumption exists that all mechanical restraints will be removed from a juvenile prior to and throughout the juvenile's appearance in juvenile court. The use of mechanical restraints in court will only occur pursuant to a judge's order in accordance with this policy. In determining whether a juvenile poses an immediate and present physical danger to himself, herself, or others, consideration will be given to the least restrictive means available to assure courtroom safety; including but not limited to the use of verbal de-escalation techniques, a period of cooling off for the juvenile in a safe and secure non-courtroom setting, and the presence and participation of Juvenile Residential Services and Transportation staff and Judicial Marshal staff throughout the court proceeding.

2. **Definitions**
 - A. **Central Transportation Unit (CTU)** A specialized unit that conducts transportation activities on a statewide basis for each Juvenile Detention Center.
 - B. **Classification and Program Officer** A CSSD employee who is responsible for advanced assessments, treatment plan development, service and program delivery, and case management for juvenile in Detention Centers.
 - C. **Detention Center Transportation Staff** Personnel designated by the Juvenile Detention Superintendent responsible for transporting juveniles.
 - D. **Escape Risk** A juvenile will be classified as an escape risk if he or she has made present threats or present attempts to escape, and/or previously escaped from custody while under a valid order of detention, or is being held as a delinquent fugitive from another state..
 - E. **Full Restraint** The application of a belly chain or handcuffs and leg irons.
 - F. **Juvenile** For the purpose of this policy, juvenile will refer to a child under a valid court order to be confined in a state Juvenile Detention Center.
 - G. **Program and Services Supervisor (PSS)** A CSSD employee responsible for supervising Classification and Program Officers, for assuring that a juvenile's



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mental health needs are met, and that programming is completed.

- H. Restraint Any CSSD issued restraining device (metal or nylon handcuffs, belly chains, and/or leg irons).
- I. Therapeutic Crisis Intervention (TCI) A verbal de-escalation intervention designed to provide immediate emotional and environmental support in a way that reduces stress and risk. It is also an intervention to teach better, more constructive, and effective ways to deal with stress and painful feelings.
- J. Transporting Staff For the purpose of this policy, Juvenile Detention Officers, or Central Transportation Officers assigned to or engaged in transporting clients/juveniles.

3. General Procedures

- A. Mechanical Restraint Reporting The Classification and Program Officer will complete the Juvenile Restraint Recommendation (**CSSD Attachment A**) prior to the transportation of any juvenile attending a court proceeding or requiring any type of transport.
 - (1) The Program and Services Supervisor will ensure that the Juvenile Restraint Recommendation form is complete and accurate, and sign the Juvenile Restraint Recommendation.
 - (2) The Classification and Program Officer will forward a copy of the Juvenile Restraint Recommendation to the juvenile's public defender or lawyer, the Judicial Marshal, the probation officer, and the clerk's office prior to the juvenile's court hearing.
 - (3) A copy of the Juvenile Restraint Recommendation will be given to CTU and/or the transporting officer prior to the transport and court hearing.



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- B. Courtroom Escort When at court, any contact with the juvenile will be restricted to authorized persons on official business only. A juvenile being transported to court will wear the detention-issued uniform whenever personal clothing is deemed inappropriate by the Juvenile Detention Superintendent. Personal items, including jewelry, will not be worn or handed to the juvenile until the actual time of their release.
- C. Restraint Removal Restraints will be recommended for removal based on the following criteria:
- (1) Leg Shackles Juveniles will be placed in leg shackles only when the juvenile is classified as an escape risk for the current juvenile detention admission.
 - (2) Belly Chains and/or Leg Shackles Juveniles will be placed in belly chains and/or leg shackles during court proceedings when:
 - a. The juvenile has a pending Murder charge or Class A felony in juvenile or adult court.
 - b. The juvenile displays immediate and present physical danger to himself, herself, or others.
 - c. The juvenile has a history of disruptive courtroom behavior that cannot be mitigated by the use of less restrictive means.
- D. The Juvenile Restraint Recommendation form will be reviewed by the presiding judge, the juvenile's public defender or lawyer, the probation officer, the Judicial Marshal, the clerk, and the transporting officer prior to the juvenile entering the courtroom.
- E. If there is a disagreement regarding the Juvenile Restraint Recommendation form content, all parties will have an opportunity to address the court prior to the juvenile's presence in the courtroom.
- F. After hearing from the parties, the judge will determine what, if any, mechanical restraints are appropriate.



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- G. Once the Court Action section of the Juvenile Restraint Recommendation form has been completed, a copy of the form will be given to the transporting staff.
- H. Any mechanical restraints to be removed will be removed by the transporting officer just prior to entering the courtroom in an area that has been identified as safe and secure. All mechanical restraints will remain on all juveniles while in the juvenile court holding area.
- I. Any mechanical restraints that have been removed in accordance with a judge's order will be re-applied by the transporting officer immediately upon completion of the court hearing in an area outside of the courtroom that has been identified as safe and secure.

4. **References**

- A. American Bar Association, Criminal Justice Section, Report to the House of Delegates, 107A.
- B. Standards for Juvenile Correctional Facilities, (3A-15, 3A-16), 2004, American Correctional Association.

5. **Exceptions** Any exception to this policy will require prior written approval from the Division's Executive Director.

