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Testimony of Gwyneth Rost, Ph.D.
In Support Of
H.B. 7050 An Act Concerning The Juvenile Justice System

Submitted to the Connecticut General Assembly
Joint Committee on Judiciary

March 30, 2015

State Capitol, Hartford, Connecticut

My name is Gwyneth Rost. I am a speech-language pathologist and an assistant professor of Communication Disorders at the University of Massachusetts, Amherst. One of my central clinical and research interests is how communication works in the justice system. I have worked clinically with juvenile and young adult offenders, both diagnosing and treating language disability in this population.

I am writing in support of Section Four of Connecticut's H.B. 7050, which establishes a presumption against indiscriminate juvenile shackling. Whenever youth are shackled, their communication is negatively affected.

The language of court proceedings is more complex than is typical of adolescent daily life. It is beyond the developmentally appropriate limits for young adolescents. The gap is even wider for youth with language disabilities. Youth in the justice system are likely to have undiagnosed language-related disabilities.

The juvenile justice system further hampers the communication abilities of these youth by shackling them. Restraint impedes communication in four ways: a) it impedes gesture use, making the act of speaking more difficult, b) it impedes language

comprehension, further hindering conversation, c) it impedes reading of appropriate paperwork, and d) it impedes note-taking.

- a) Shackling youth can impede their abilities to answer questions truthfully, clearly, or concisely in court.

Restraint impedes the use of gestures that speakers use for a variety of meaning and organizational purposes. Deictic gestures (such as pointing) allow a speaker to speak less ambiguously and be more comprehensible to the listener. Beat gestures (such as the “meaningless” movement of hands) assist the speaker and listener in keeping track of sentence structure. Shackling removes the speaker’s abilities to use embodied cognitive processes in which motion or space act as a memory aid or trigger. These processes support language production in general speech by supporting memory for what has recently been said and what needs still to be said. This allows speech to flow clearly. Without gesture, as is the case in restraint, spoken responses are less complete and comprehensible. Under these conditions, spoken responses will appear to be less truthful than is the speaker’s intent. In addition, spoken responses may appear to be more combative than is the speaker’s intent.

- b) Shackling youth can impede their comprehension. It may additionally interfere with long-term memory for what was said or ordered.

Physical restraint of any type impedes comprehension and memory for what has been heard. Youth who are restrained have attention drawn to restraint, and away

from linguistic interactions. Therefore, when language is difficult, they will often fail to process what they are told or asked. Restraining youth in academic situations leads to poorer learning outcomes: the same student will learn a lesson better when unrestrained than when restrained. To extend this to the court, one would expect that a youth who is shackled during proceedings will understand the proceedings less, remember the proceedings more poorly, and follow the instructions given to him/her less accurately than the same youth would if he/she were not restrained.

In addition, youth who have a history of trauma report that forms of restraint make them fearful and heighten memory of trauma. These emotions prime their language comprehension so that they perceive what they hear as being combative and may respond by withdrawing attention from the proceedings, or by responding disrespectfully in return. In this situation, children are likely to perceive rehabilitative efforts as being merely punitive, and will be less likely to buy into their own rehabilitation.

c) Shackling can interfere with functional reading strategies.

Functional illiteracy is rampant in the population of juvenile offenders. One of the most typical compensatory strategies employed by poor readers is to use pointing gestures to assist their reading. Pointing allows a reader to keep pace with the document and to visually mark important words. Youth who are manually

restrained are unable to make use of this appropriate compensatory strategy, affecting their ability to comprehend written materials and to remember the content therein.

d) Shackling can interfere with functional writing.

Manual restraint impedes a person's ability to write. Note-taking might improve memory for proceedings and rulings.

Given the negative consequences of shackling, particularly when it comes to actually complying with court instructions and actively participating in proceedings that concern them, youth should be shackled only in the very rare cases where they pose a real safety risk and cannot be managed with other less-restrictive means.

Because shackling harms the rights of young people to participate in their court proceedings, and because such a practice simply isn't necessary, Connecticut should pass H.B. 7050. Thank you for your time and consideration.

Respectfully submitted,

A handwritten signature in cursive script that reads "Gwyneth C. Rost".

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