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March 19, 2015

Senator Coleman,
Representative Tong,
Senator Kissel,
Representative Rebinbas and
Distinguished Members of the Judiciary Committee:

Re: Written Testimony of Jill Ruane, Esq. to the Judiciary Committee in Support of Raised Bill 7050, Section 4 – An Act Concerning The Juvenile Justice System

Dear Senator Coleman, Representative Tong, Senator Kissel, Representative Rebinbas and Distinguished Members of the Judiciary Committee:

I am an attorney who concentrates her practice on the representation of young men and women in the juvenile courts of this state, and I am a member of the Connecticut Criminal Defense Lawyers Association, (CCDLA). CCDLA is a not-for-profit organization of approximately three hundred lawyers who are dedicated to defending persons accused of criminal offenses. Founded in 1988, CCDLA is the only statewide criminal defense lawyers' organization in Connecticut. An affiliate of the National Association of Criminal Defense Lawyers, CCDLA works to improve the criminal justice system by insuring that the individual rights guaranteed by the Connecticut and United States constitutions are applied fairly and equally and that those rights are not diminished.

On a daily basis I see the impact the juvenile justice system has on young impressionable youth. Of course, young individuals make mistakes and poor decisions, however, the juvenile justice system should serve to guide and rehabilitate this delicately situated population. Today, I am writing to voice our support of Raised Bill 7050, Section 4.

First: Shackling and restraints can cause physical and psychological harm to children.

Often children appearing in delinquency court are already victims of physical, sexual and/or emotional abuse. Thus, shackling and restraining already-victimized children serves to re-traumatize that child. Additionally, shackling and restraining children is demoralizing and humiliating to the child and his/her family, and can unnecessarily agitate the child. Shackling and restraints counter the rehabilitative goals of the Juvenile Justice System because it induces shame, punishes the youth prior to a guilty finding, and creates mistrust in the juvenile system.

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Second: Shackling and restraining accused youths indiscriminately sends a message to that child that he/she is guilty, despite the fundamental constitutional principle that one is innocent until proven guilty.

The implementation of CSSD's policy for shackling and restraining accused youth is not being implicated uniformly throughout the juvenile courts in this state. The need for standardized, comprehensive rules for when to shackle or restrain an accused youth must be implemented consistently throughout every Connecticut Juvenile Court.

Third: A Court should conduct a hearing to determine if shackling or restraints should be used on an accused delinquent.

Currently, CSSD Policy uses a detention-wide behavioral management system to determine whether to shackle or restrain a child. This policy has fatal flaws because it allows a child to be shackled or restrained in court for a demerit received in detention, which may have nothing to do with whether there is a necessity to shackle or restrain the child. Moreover, CSSD recently amended its' policy, (effective 4/15/14), to require newly admitted children to be shackled in court until assessed on the behavioral management system. This kind of blanket shackling policy does not take into account whether there is a risk of escape or safety concerns to warrant shackling a newly admitted child. When practicable, a child should get a court hearing with the right to be represented by counsel, in order for the Court to assess if there is a necessity to shackle or restrain a child for delinquency court appearances. This determination should not be left to CSSD to solely regulate and implement indiscriminately.

Fourth: Below are quotes from my juvenile clients regarding his/her shackling/restraint experience. Please note: Statements are included with my client's permission, the parent/guardian's permission and due to confidentiality concerns, anonymously.

"Feels like you are going to jail for something major, like murder, even though it was a little thing." -16 yr. old

"I felt embarrassed for my mother to see me like that. The ankle shackles hurt, I had sores on my ankles from them." -17 yr. old

Thank you for your time and consideration in this matter.

Very Truly Yours,



Jill M. Ruane, Esq.