

Children in Chains (S.790 and H.875)

An Act codifying juvenile court best practices

Lead Sponsors – Senator Sonia Chang-Diaz and Representative Kay Khan

Massachusetts' Shackling Policy

"The potential harm associated with shackling far outweighs safety concerns in the vast majority of cases – and in the rare instances restraints might be necessary – the decision to use them should be made by the judge"

*- Statement of the National Council of Juvenile
and Family Court Judges, August 10, 2015*

In 2010, the Massachusetts Trial Courts set a policy limiting indiscriminate shackling, unless there is a flight or safety risk. This legislation would codify current practice as set by the Court Officer Policy and Procedures Manual of the Trial Court.



Shackles are restraints, such as leg irons, handcuffs, and belly chains that connect ankle and hand restraints. The court policy states that shackling of young people must be reserved for the rare instances when a judge makes a finding of a flight or safety risk. **Massachusetts' policy is a model that needs to be codified.** In other jurisdictions where shackling was limited by policy alone, practice changed when leadership changed.

- **Children are less protected from shackling than adults:** The Supreme Court ruled indiscriminate shackling for adults in criminal courts violates the presumption of innocence. Because very few juvenile court appearances involve a jury trial, this constitutional protection does not extend to children.

Massachusetts' Juvenile Involuntary Room Confinement Policy

Solitary confinement has a significant detrimental and long-term psychological impact, particularly on adolescents. While inmates with underlying emotional, mental or cognitive disabilities are at a higher risk of the psychiatric harm of solitary confinement, even previously healthy people are vulnerable to being 'broken down' by the experience. Because adolescents and young adults are still developing, they are particularly vulnerable to the irreparable harm of solitary confinement. Solitary confinement is also ineffective and counterproductive as a disciplinary tool, expensive, and contrary to public safety, reducing the chances of effective rehabilitation or reentry.

In 2013, the Department of Youth Services set a policy prohibiting the use of involuntary room confinement "as a consequence for non-compliance; punishment; harassment; or in retaliation for any youth conduct". This legislation would codify this current policy that is a national model for other states.