



Governor's Advisory Council for Exceptional Citizens (GACEC)
516 West Loockerman St., Dover, DE 19904
302-739-4553 (voice) 302-739-6126 (fax) <http://www.gacec.delaware.gov>

MEMORANDUM

DATE: April 25, 2016

TO: The Honorable Members of the Delaware General Assembly

FROM: Robert D. Overmiller, Chairperson
GACEC

RE: **House Bill No. 211 (Youth Shackling)**

The Governor's Advisory Council for Exceptional Citizens (GACEC) has reviewed **House Bill No. 211**, which will limit the use of shackles and other physical restraints on children appearing in juvenile delinquency proceedings. Shackling would only be permitted in situations where the court determines that the use of restraints is necessary and there are no less restrictive alternatives to prevent flight or physical harm to the child or other courtroom participants. Council **endorses** the proposed legislation.

The preamble to the bill and recent articles underscore the reasons why shackling of juveniles should be limited. It undermines the presumption of innocence, is demeaning and traumatizing, and deters dialog. Since minorities are statistically more likely to be placed in juvenile detention facilities, the use of shackles is disproportionately applied to minorities. According to a January 23 article, 71.8% of juveniles admitted to detention facilities in Delaware are minorities - "making it seven time more likely that African-American youth will be placed in a state detention center than white youth."

According to the January 23, 2016 article, "twenty-three states have banned the practice of juvenile shackling by legislation or court order" and "about half of those have done so since 2014." Many prominent organizations are supporting a national initiative to ban or reduce the use of restraints in delinquency proceedings (lines 11-20). For example, the American Academy of Child & Adolescent Psychiatry issued a policy statement characterizing the routine shackling of juveniles as "demeaning, humiliating, and stigmatizing" and contributing to trauma (lines 14-16).

The bill is accompanied by a \$232,996.24 fiscal note. It envisions the hiring of four Youth Rehabilitative Services (YRS) counselors to "enable two YRS staff members to be present with each youth in a court room."

Thank you for your time and consideration of our observations and endorsement. Please feel free to contact me or Wendy Strauss should you have any questions.

CC: Brendan O'Neill, Office of the Public Defender
Kathleen MacRae, American Civil Liberties Union (ACLU) of Delaware