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## Why do we still put kids in shackles when they go to trial?

Murder suspects come to court in suits. Kids who steal gum arrive in leg irons and belly chains.



By Robert May May 8

Robert May is the director of "[Kids For Cash](#)", a documentary about a judicial scandal in a Pennsylvania juvenile court.

Juvenile court judge Mark Ciavarella won popularity in Pennsylvania for his no-nonsense approach to juvenile delinquency. He handed down long sentences for non-violent misdemeanors and convicted children for behaviors that were difficult to classify as crimes, including swearing in public and creating a fake MySpace page. Every child who entered his courtroom was shackled.

But [when Ciavarella went on trial](#) for accepting millions of dollars in kickbacks from the for-profit prisons where he sent far too many children, he appeared in court in a suit and tie. The U.S. Supreme Court has consistently held that shackling adult defendants in handcuffs, leg irons and belly chains should be limited to the most extreme cases. The court, however, has remained silent on restraining juveniles.

Most states allow children to be shackled in juvenile court as a matter of routine. The [vast majority](#) of those children are accused of non-violent offenses like shoplifting and truancy. Most pose no flight risk or safety threat. And yet, they are made to look and feel like hardened criminals, led to court bound in metal chains. Psychologists say the humiliation and trauma of this experience has a lasting effect on children's mental health. But most states have no laws or rules restricting juvenile shackling in court, and no state outright bans it, [according to the National Juvenile Defender Center](#). The American Bar Association recently passed [a resolution opposing the practice](#), calling it stigmatizing and a violation of due process. Neal Sonnett, a former assistant U.S. attorney who signed onto that resolution, called the automatic shackling of juveniles "a national scandal."

Recognizing the cruelty of this practice, South Carolina, Washington state and [now the District of Columbia](#) recently have placed limits on juvenile shackling. Several states – including [Connecticut](#) and [Maine](#), are considering similar legislation. But the practice remains widespread. In 2005, the Supreme Court ruled that, except in extreme circumstances, shackling capital murder defendants [violates their right to due process](#) by undermining the presumption of innocence and prejudicing

juries. It boggles the mind that these protections are not extended to children, but no case involving a shackled juvenile — whose trials are typically in front of a judge instead of a jury — has reached the Supreme Court.

While I was filming the documentary “[Kids for Cash](#),” a chronicle of Ciavarella’s misdeeds, children and parents told me about many horrors of the juvenile justice system. Our crew heard about 11-year-olds being separated from their families, about kids living in cockroach-infested cells, and about how those experiences led children into a spiral of depression and substance abuse. Still, it was recalling the shackling that made many break down on camera, parents and children alike. For most, it marked the beginning of their journey through a cruel justice system that left the children far more aggressive than before. The shackles sent a message of fear, that the system did not recognize them as children – or human beings for that matter. One young woman we interviewed, now suffering from post-traumatic stress disorder, links her illness to the experience of first being shackled as a child in Ciavarella’s courtroom. Amanda Lorah was 14 years old when she was shackled in handcuffs, legcuffs and a belly chain, and sentenced to five years’ incarceration for a school fight. “They kept me in the shackles until we got to the detention

place. I felt like I was a grown adult going to a big jail,” she said. Her humiliation turned to fear, and then to hopelessness. The experience convinced her that “I’m a really, really bad kid.”

[Mental health experts](#) and [children’s advocates](#) have warned that shackling does serious, and perhaps permanent, harm to children. The Child Welfare League of America [recently denounced](#) automatic juvenile shackling, noting that the experience can be especially damaging for children with a history of trauma, which is common in the juvenile justice system. “Feelings of shame and humiliation may inhibit positive self-development and productive community participation. Shackling doesn’t protect communities. It harms them,” the CWLA [wrote in its policy statement](#). The American Academy of Child and Adolescent Psychiatry issued a similar policy statement in February, calling shackling of children “inconsistent with the rehabilitative goals of the juvenile justice system.”

Proponents of shackling say the practice is necessary for the safety and security of the courtroom. Some describe it as a useful “scared straight” tactic. As Ciavarella [once said](#), “I wanted them to be scared out of their minds. I don’t understand how that’s a bad thing.” But the kids I spoke to said being in shackles didn’t make them less likely to get into trouble. In fact, it made them

feel like criminals. Those feelings play out in statistics: Children who feel they have been treated unfairly by the juvenile justice system, as many do when they are put in shackles, are [more likely to reoffend](#). Recidivism rates for incarcerated kids are [as high as 80 percent](#) in some states.

If we can let murderers defend themselves in court unshackled, if we're not afraid of men who have killed, then certainly we should not fear [children who steal chewing gum](#). A 12-year-old is not going to overpower a bailiff and make a run for it. Treating ordinary adolescent behavior as a crime is typical in America today. Incarcerating children, though research shows that it has no rehabilitative value, is typical. Putting children in chains is typical. We ignore these injustices because they happen behind the closed doors of the juvenile court and we assume those kids are bad kids. But all the evidence – and common sense – tells us: There is no practical reason to shackle children.

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