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OPD PRESS RELEASE ON SHACKLING OF CHILDREN IN JUVENILE COURT

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Maryland Unchains Its Children In Its Courtrooms

This Monday, Chief Judge Mary Ellen Barbera of the Maryland Court of Appeals and members of the Judicial Council adopted a policy against shackling children in juvenile court. Prior to this landmark reform, it was routine practice for children to appear in court in handcuffs and leg irons in more than half of Maryland's jurisdictions.

Now Maryland joins the District of Columbia and 21 states that have ended the practice either by law, rule, or policy. "We are extremely grateful to Chief Judge Mary Ellen Barbera and the members of the Judicial Council for upholding the rights and dignity of Maryland's children," said Paul B. DeWolfe, Public Defender for the State of Maryland. "Shackling is a horrible experience for children and family members. It violates the presumption of innocence and can make it extremely difficult for young people to assist in their own defense."

Under the new policy, a judge or juvenile magistrate could still order a child shackled in the courtroom if there is "a particularized security concern." In other states that limit shackling in the juvenile court, similar exceptions exist and courtrooms function safely and efficiently.

The Maryland policy is based on the National Council of Juvenile and Family Court Judges (NCJFCJ) resolution on the subject. NCJFCJ has taken a position against indiscriminate shackling, as have many other national organizations, including the American Bar Association, the Child Welfare League of America and the American Academy of Child and Adolescent Psychiatry.

"Shackling humiliates young people, recalls past trauma and limits their access to justice. All of this is antithetical to the rehabilitative mission of the juvenile court," said DeWolfe. "This reform will make it easier for the court to do what it's designed to do: Help kids get on the right track."