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Fla. justices ban shackling kids in court

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TALLAHASSEE, Fla. -- The Florida Supreme Court called the blanket use of shackles, handcuffs and other restraints on children in most of the state's juvenile courtrooms "repugnant, degrading, humiliating" and counterproductive as the justices banned the practice Thursday.

They approved a new court rule that prohibits restraints unless a judge determines on a case-by-case basis they are justified to prevent physical harm to the child or other people, by a defendant's history of disruptive courtroom behavior or due to a strong belief there's a substantial flight risk.

"This isn't banning shackling," said Rob Mason, juvenile court director of the public defender's office in Jacksonville. "It's just banning indiscriminate shackling."

The Florida Public Defenders Association and Florida Association of Criminal Defense Lawyers are among several organizations that had urged the rule be adopted.

Mason said a 2008 study by the Center for Children and Families found 22 states do not have a regular practice of shackling juveniles.

"In Florida it was treated like a novel idea," Mason said. "When we're talking about a child's liberty interest, then it's better to fall on the side of due process as opposed to benevolent dictatorship."

The high court's Juvenile Courts Rules Committee proposed the rule, which will go into effect Jan. 1, in response to recommendations in a 2006 report by the National Juvenile Defender Center.

It observed Florida's courts typically shackled children together in a group wearing wrist and leg restraints when brought into the courtroom. In some cases they then are chained to furniture, doors and other structures to keep them in place.

"We find the indiscriminate shackling of children in Florida courtrooms as described in the NJDC's Assessment repugnant, degrading, humiliating and contrary to the stated primary purposes of the juvenile justice system and to the principles of therapeutic justice," the high court wrote in an unsigned 6-1 opinion.

Justice Charles Canady dissented. He argued the rule unduly restricts judges' ability to ensure courtroom security although he agreed children should not be chained to one another or restrained in other ways that would interfere with access to their lawyers.

The majority also acknowledged indiscriminate use of restraints may violate children's rights to counsel and due process but declined to rule on that issue.



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