

## Florida Supreme Court justices unshackle juvenile defendants

BY **DANA TREEN** | STORY UPDATED AT 5:45 AM ON FRIDAY, DEC. 18, 2009

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Associated Press  
Death penalty opponents protest in front of the Indiana State Prison in Michigan City, Ind. Thursday Dec. 10. They are protesting the the pending execution of Eric Wrinkles, who is set to die by lethal injection today.

The Florida Supreme Court has approved a dramatic change in the use of shackles, handcuffs and other restraints on juvenile in the state's courtrooms.

The justices Thursday approved a new court rule that prohibits restraints unless a judge determines they are necessary for one of three reasons: preventing physical harm to the child or other people, a defendant's history of disruptive courtroom behavior or a strong belief there's a substantial risk of flight.

Since the early 1980s the shackling of juveniles has evolved as a security measure in Florida courtrooms, said Rob Mason of the Public Defender's Office in Jacksonville. Mason said juveniles brought from detention centers to appear before a judge are shackled and remain so in the courtroom.

"It's really a pathetic sight when they bring them in," said Mason, former chairman of The Florida Bar's Juvenile Court Rules Committee that recommended the change.

Mason said the restraints make it difficult for the young prisoners to raise their hands when they swear to tell the truth. He also said the state's juvenile justice system is supposed to be set up differently than adult court. He advocated for the change before the justices in June.

"It's a monumental victory for Florida's children," Mason said. "A juvenile is supposed to be different."

The aim of juvenile courts is to provide a safe environment and focus on rehabilitation, he said.

He said experts on juvenile development suggest shackling can cause emotional harm, may cause the juvenile to feel as if they are somehow dangerous and increase resentment of authority.

For the past couple of years, courts in Miami-Dade County have taken the shackles off juveniles with little negative effect, Mason said.

The new rule takes effect statewide in January.

Judges will have to say when a juvenile should be restrained and will have the discretion to do so. Mason said defense attorneys, prosecutors, judges and bailiffs will have to work out the logistics of removing the restraints that now include leg shackles and handcuffs attached to belt chains.

Prosecutor Rich Mantei in the State Attorney's Office in Jacksonville said the restraints are a security issue and that wearing them is not expected to affect the decisions in juvenile cases, which are handled by a judge.

The rule will not affect the state Department of Juvenile Justice's use of restraints when transporting juveniles from detention facilities to the courtroom.

"What it will do is slow down the processing of cases while they are in court," said Mantei, referring to the judges having to make additional decisions.

He said juvenile courts in Jacksonville are normally crowded.

"I don't know that it will make them less safe," he said. "I certainly don't think it makes them more safe."

The rule was adopted on a 6-1 vote. Justice Charles Canady dissented, arguing the rule unduly restricts the ability of judges to ensure courtroom security.

The Associated Press contributed to this report.

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