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MIAMI-DADE PUBLIC DEFENDER ISSUES TEN-YEAR REPORT ON UNSHACKLING CHILDREN

Ten years ago, the Miami-Dade Public Defender's Office filed motions to halt the inhumane and degrading practice of indiscriminately shackling detained children with handcuffs and leg irons in Miami-Dade Juvenile Court. The statewide practice at the time was to chain detained children in court regardless of their age, height, weight, gender, offense, risk of flight or threat to public safety. On September 11th, 2006, Judge William Johnson granted the motions and made Miami-Dade the first county in Florida to stop the indiscriminate shackling of children.

Public Defender Carlos J. Martinez, then the Chief Assistant Public Defender, championed ending the routine shackling through litigation, legislation and court rules. Martinez argued that by allowing shackles on children judges were conveying a message to the children that they are dangerous animals. He said "shackling them for no reason at all was irrational, degrading and an affront to the very principles of fairness."

Miami's experience shows that children can be treated humanely in juvenile court. Ten years later, more than 30,000 unshackled children have gone to court in Miami, and none have successfully escaped or injured anyone in the courtroom.

Christina Gilbert, Staff Attorney and Policy Counsel, of the National Juvenile Defender Center, and the Campaign Against Indiscriminate Shackling (CAIJS) says that the leadership of Florida and ending the indiscriminate shackling of youth in juvenile court, as well as the data collected by Miami-Dade County about the success of that reform, has been instrumental in the massive increase in other states following suit.

In 2006, only Illinois and Oregon barred indiscriminate shackling. Since the Miami-Dade Public Defender's challenge to the shackling practice, other states including: Alaska,

Arizona, California, Connecticut, Delaware, Florida, Idaho, Illinois, Indiana, Maine, Maryland, Massachusetts, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, South Carolina, Tennessee, Utah, Washington and the District of Columbia have ended the practice by rule, court decision, or statute.

Congresswoman Frederica Wilson, an opponent of shackling children, said “it was heartbreaking to see the young children in shackles in Miami. Putting children in shackles can be demoralizing and have major psychological ramifications. We succeeded stopping the practice in Florida. Let’s end this disgraceful practice nationally.”

Recently, the American Bar Association and the National Council of Juvenile and Family Court Judges passed resolutions opposing the indiscriminate shackling of children. Additionally, the American Academy of Child and Adolescent Psychiatry issued a policy statement strongly opposed to the automatic shackling of juveniles.

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