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CM McDuffie, AG Racine and CM Grosso announce Court Order to reform juvenile shackling policy

Washington, D.C. – Today, D.C. Councilmember Kenyan McDuffie (D-Ward 5), Chairperson of the Committee on the Judiciary, was joined by At-Large Councilmember David Grosso and Attorney General Karl Racine to announce a significant reform to the District’s juvenile-justice system.

“After convening all of the stakeholders, we were able to put an end to the indiscriminate shackling of our youth, while preserving the Court’s ability to ensure the safety of its personnel and visitors,” stated McDuffie. “Today’s collaborative effort is a major step forward in reforming our criminal justice system. The District is finally putting an end to a practice that potentially causes psychological harm to adolescents. I want to thank Attorney General Racine, my colleague Councilmember Grosso, Director Clinton Lacey of the Department of Youth Rehabilitation Services, Director Avis E. Buchanan of the Public Defender Service, and of course, the author of the Administrative Order, Chief Judge of the Superior Court of the District of Columbia Lee F. Satterfield for coming together and making today a possibility.”

Currently, the security of D.C. Courts, in addition to the handling of detained juveniles at hearings, is the responsibility of the U.S. Marshals Service, a federal law enforcement agency. As a result of its unique status, D.C. is the only state-level court system in the country where the U.S. Marshals escort juvenile defendants for local offenses. By convening all of the relevant parties and forging an agreement, Councilmember McDuffie was able to ensure the immediate implementation of new rules regarding the treatment of juveniles, as well as the cooperation of our federal government partners.

“The shackling of juvenile respondents should be a last resort based on a clear and supportable security concern, and this administrative order is an important step towards ensuring that shackling becomes a last resort rather than a blanket policy,” stated Attorney General Racine. “I want to thank Councilmember McDuffie for his extraordinary leadership and Councilmember Grosso for his determination to move this issue, and I also want to thank Chief Judge Lee Satterfield and his Superior Court colleagues and DYRS Director Clinton Lacey for partnering with us. Let me also add a special expression of gratitude to the District’s Public Defender Service.”

Chief Judge of the Superior Court of the District of Columbia Lee F. Satterfield's Administrative Order 15-07, "Individual Determinations for the Use of Restraints on Respondents", ensures there is a presumption that every child should be unrestrained, and requires that judges make an individualized determination with written findings to support any decision that a juvenile poses a risk with respect to him or herself, or the courtroom's personnel and visitors. "This Administrative Order is the product of close collaboration between the Court, Councilmembers Kenyan McDuffie and David Grosso, the Office of the Attorney General, and the Public Defender Service," stated Judge Satterfield. "Our Family Court judicial officers will continue to provide due process to juvenile offenders, who appear in front of them, including an individual determination as to whether they will appear in safety restraints when in court. This determination will be made to ensure the safety of the juvenile offender and others, and prevent risk of flight."

"This administrative order represents important progress toward protecting the human rights of everyone in our city, including court-involved youth," said Councilmember Grosso. "I look forward to continued collaboration with everyone involved to advance criminal justice reform in our city."

Ending juvenile shackling in D.C. follows the development of a nationwide trend. At least twelve states (Alaska, California, Florida, Massachusetts, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, Pennsylvania, South Carolina, and Washington) have banned the indiscriminate use of restraints on juveniles. Of these, five states have banned the indiscriminate shackling of youth by amending court rules, two through litigation, three through legislation, and one through formal judicial policy.

The Administrative Order will go into effect on April 6, 2015.

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