



MISSOURI HOUSE OF REPRESENTATIVES
WITNESS APPEARANCE FORM

BILL NUMBER: HB 182		DATE: 2/28/2023	
COMMITTEE: Children and Families			
TESTIFYING: <input checked="" type="checkbox"/> IN SUPPORT OF <input type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES			
WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: ARNIE C. "HONEST-ABE" DIENOFF-STATE PUBLIC ADVOCATE		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL: arniedienoff@yahoo.com		ATTENDANCE: Written	SUBMIT DATE: 2/28/2023 11:16 PM

THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.

I am in Support of this Bill. Is this not being done presently for Hearings and Trials before the Juvenile Courts?



MISSOURI HOUSE OF REPRESENTATIVES
WITNESS APPEARANCE FORM

BILL NUMBER: HB 182		DATE: 2/28/2023	
COMMITTEE: Children and Families			
TESTIFYING: <input checked="" type="checkbox"/> IN SUPPORT OF <input type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES			
WITNESS NAME			
BUSINESS/ORGANIZATION:			
WITNESS NAME: KATRINA GOODJOINT		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME: THE GAULT CENTER		TITLE: YOUTH POLICY COUNSEL	
ADDRESS: 1700 M STREET NW			
CITY: WASHINGTON		STATE: DC	ZIP: 20743
EMAIL: kgoodjoint@defendyouthrights.org	ATTENDANCE: Written	SUBMIT DATE: 2/28/2023 9:24 AM	
THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.			

February 28, 2023 House Committee on Children and Families Missouri State Capitol 201 W Capitol Avenue Jefferson City, MO 65101 Re: In Support of House Bill 182 Chair Kelly and Members of the Committee: I am writing on behalf of The Gault Center (formerly the National Juvenile Defender Center), in support of H.B. 182. The Gault Center is a nonprofit, non-partisan organization dedicated to promoting justice for all children by ensuring excellence in youth defense. The Gault Center supports ending the routine use of restraints in juvenile court. Through our work on issues related to youth justice, we engage with defenders, advocates, judges, and other professionals across the country to educate decisionmakers on reform that encompasses developmental research, racial justice, and current best practices. Specifically, through our work on the Campaign Against Indiscriminate Juvenile Shackling and other initiatives, we work with advocates, judges, members of the media, and medical professionals across the country to educate system personnel on the harms of shackling young people. We also support laws, regulations, and court orders prohibiting the presumptive shackling of youth during juvenile proceedings. H.B. 182 would take a crucial step in ensuring youth are treated like youth and would bring Missouri in line with the shackling reforms that have passed in other jurisdictions around the country. The use of restraints, or shackling, during a court proceeding violates a young person’s due process rights. The practice of automatically shackling or restraining a youth during a court proceeding impedes the attorney-client relationship, chills a child’s constitutional right to due process, runs counter to the presumption of innocence, and draws into question the rehabilitative ideal of the juvenile court. Shackling biases judges and juries against the presumption of innocence. And youth who have been shackled in court proceedings have reported physical restraints distract and prevent them from effectively participating in the proceedings. In *Deck v. Missouri*, the U.S. Supreme Court found that the use of shackles during adult criminal trial proceedings should only be used in extreme circumstances after individual and state interests are weighed, as they threaten basic legal principles such as presumption of innocence, right to counsel, and maintaining a dignified judicial process. “[G]iven their prejudicial effect, due process does not permit the use of visible restraints if the trial court has not taken account of the circumstances of the particular case.” The same is true for youth in delinquency court. As the U.S. Supreme Court recognized in *In re Gault*, “neither the Fourteenth Amendment nor the Bill of Rights is for adults alone.” Gault stresses the importance of “the appearance as well as the actuality of fairness, impartiality and orderliness—in short, the essentials of due process” of juvenile court procedure. Thus, the principles in *Deck*, and all other tenets of due process, apply with equal force for youth in juvenile court. Additionally, the use of restraints during court proceedings is broadly recognized as harmful to youth and counter to the juvenile legal system’s rehabilitative process. There is consensus among juvenile court leaders, adolescent behavior specialists, and youth defenders that the routine shackling of youth is antithetical

to the rehabilitative mission of the juvenile court. The American Bar Association (ABA) adopted a resolution calling for the end of indiscriminate juvenile shackling in February 2015, as did the National Council of Juvenile and Family Court Judges (NCJFCJ) in August 2015. The Association of Prosecuting Attorneys (APA) and numerous other national youth advocacy organizations issued similar policy statements. Routine shackling also negatively affects the way youth see themselves as well as the way they are perceived by system personnel and infringes upon the presumption of innocence. Youth have described that shackles made them feel “so bad about myself,” “like everyone was looking at me like a monster,” and “less presentable and extremely dangerous.” The best practices called for by national leaders in juvenile law model the proposed language in HB 182. Missouri’s juvenile code provides that youth in delinquency proceedings “shall receive such care, guidance and control as will conduce to the child’s welfare.” Yet, as research shows, the shackling of youth unnecessarily humiliates, stigmatizes, and traumatizes them throughout the court process and possibly into their adult lives. Rates of youth with behavioral and mental health needs are significantly higher among youth involved in the juvenile legal system and shackling is likely to exacerbate distress and post-traumatic stress symptoms. These significant harms of shackling are well-documented among policy statements and sworn affidavits of national leaders in adolescent health, including the American Academy of Child and Adolescent Psychiatry, the National Center for Mental Health and Juvenile Justice, the American Orthopsychiatric Association, and numerous other medical professionals. Indiscriminate shackling perpetuates racial injustice. Black and Latino/a youth are disproportionately arrested, charged, and adjudicated for offenses in Missouri. These youth are therefore more likely to appear in court and are thus more frequently subject to routine shackling under the current scheme. Physical restraints contribute to implicit bias and diminish the presumption of innocence for these youth who already experience significant disparate treatment throughout the court system. Black youth are further harmed by routine shackling due to confirmed bias that makes them more likely to be perceived as dangerous or older than their true age which can result in more punitive outcomes (i.e. transfer to adult court, longer sentences). And routine shackling of Black youth is painfully reminiscent of the dehumanization of Black youth during enslavement. In recent years, there has been a trend towards eliminating the indiscriminate shackling of youth in juvenile court. Thirty-two states including the District of Columbia have limited the shackling of youth in court, with the majority banning all shackling unless the judge makes an affirmative written finding with listed factors that restraints are necessary for the safety of the youth or other people in the courtroom, and there are no other less restrictive alternatives available to ensure that safety. The Gault Center reviewed safety outcomes across states that have limited the use of restraints on youth in court:

- In Travis County, Texas, during the first years of limiting shackling in 2013 to 2014, there were a total of 6,638 juvenile hearings with no shackles. There was no need for additional security nor were there escapes or violent incidents.
- New Orleans Parish, Louisiana, security staffing was reduced after shackling reform due to budget cuts. The parish conducts roughly 4,000 juvenile hearings a year and has had no incidents.
- The Children’s Court Division of Albuquerque, NM has limited shackling for 12 years and seen no escapes and only three incidents of youth “acting out in court.”
- In Maricopa County, Arizona, nearly 2,500 detained youth have appeared in court since the county began limiting shackling. The court remains safe, and there have been no escapes. We hope that youth in Missouri, and across the country, will be seen and treated as youthful adolescents deserving of the rehabilitative goals of the juvenile legal system. Until then HB 182 will take a crucial step in making sure youth are treated as youth—free from shackles and any other physical restraint. For the above reasons, we respectfully urge this Committee to pass HB 182 to limit the use of restraints on youth in court. Respectfully, Katrina L. Goodjoint Youth Policy Counsel The Gault Center



MISSOURI HOUSE OF REPRESENTATIVES
WITNESS APPEARANCE FORM

BILL NUMBER: HB 182		DATE: 2/28/2023	
COMMITTEE: Children and Families			
TESTIFYING: <input checked="" type="checkbox"/> IN SUPPORT OF <input type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES			
WITNESS NAME			
REGISTERED LOBBYIST:			
WITNESS NAME: SARAH JOHNSON		PHONE NUMBER: 314-584-1200	
REPRESENTING: MISSOURI STATE PUBLIC DEFENDER		TITLE:	
ADDRESS: 1000 W. NIFONG BLVD.			
CITY: COLUMBIA		STATE: MO	ZIP: 65203
EMAIL:	ATTENDANCE:	SUBMIT DATE: 2/28/2023 12:00 AM	
THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.			



MISSOURI HOUSE OF REPRESENTATIVES
WITNESS APPEARANCE FORM

BILL NUMBER: HB 182		DATE: 2/28/2023
COMMITTEE: Children and Families		
TESTIFYING: <input checked="" type="checkbox"/> IN SUPPORT OF <input type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES		
WITNESS NAME		
INDIVIDUAL:		
WITNESS NAME: SUSAN GIBSON		PHONE NUMBER:
BUSINESS/ORGANIZATION NAME:		TITLE:
ADDRESS:		
CITY:		STATE: ZIP:
EMAIL: Onesuegibson@protonmail.com	ATTENDANCE: Written	SUBMIT DATE: 2/24/2023 7:03 PM
THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.		



MISSOURI HOUSE OF REPRESENTATIVES
WITNESS APPEARANCE FORM

BILL NUMBER: HB 182		DATE: 2/28/2023
COMMITTEE: Children and Families		
TESTIFYING: <input type="checkbox"/> IN SUPPORT OF <input type="checkbox"/> IN OPPOSITION TO <input checked="" type="checkbox"/> FOR INFORMATIONAL PURPOSES		
WITNESS NAME		
REGISTERED LOBBYIST:		
WITNESS NAME: MARCIA HAZELHORST		PHONE NUMBER: 573-616-1058
REPRESENTING: MISSOURI JUVENILE JUSTICE ASSOCIATION		TITLE: EXECUTIVE DIRECTOR
ADDRESS: PO BOX 1332		
CITY: JEFFERSON CITY	STATE: MO	ZIP: 65102
EMAIL: marcia@mjja.org	ATTENDANCE: Written	SUBMIT DATE: 2/27/2023 8:53 PM

THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.

Standard 1.17 of the Missouri Juvenile Officer Performance Standards (2017) addresses the practice of shackling a juvenile in juvenile court. Specifically, Standard 1.17 states “ a juvenile shall not be shackled in a juvenile or family court proceeding absent a demonstrated safety risk the juvenile poses to him or herself or others and approval of the court”. Further affirmed in Standard 1.17 comments, “instruments of restraint including handcuffs, chains, irons or straightjackets may not be used by the juvenile officer to restrain a juvenile during a juvenile court proceeding. If the juvenile officer believes the juvenile represents an immediate safety risk to him or herself or others or a substantial flight risk, the juvenile officer shall advise the attorney for the juvenile and make a request to the court prior to the commencement of the hearing for the juvenile to remain restrained during the court proceeding in the presence of the parties. The juvenile officer shall advise the court as to the reason lesser restrictive safety measures are not appropriate. The juvenile shall not be restrained to a stationary object”. HB 182 appears to reiterate Standard 1.17 of the Juvenile Officer Performance Standards (2017) which juvenile officers across the state are in compliance with.