



DANE COUNTY CIRCUIT COURT

## Juvenile Court Program

Room 200, City-County Building  
Madison, Wisconsin 53703-3343  
608-266-4983

<http://www.countyofdane.com/juvenilecourt/>

### JOHN BAUMAN

JUVENILE COURT ADMINISTRATOR  
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#### SHELTER HOME/HOME DETENTION PROGRAM

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#### DETENTION HOME

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December 21, 2021

Clerk of Supreme Court, Attention: Deputy Clerk-Rules  
P.O. Box 1688  
Madison, WI 53701-1688.

To the Supreme Court of Wisconsin:

As the Dane County Juvenile Court Administrator, I oversee programs that work with youth, including the custody intake Juvenile Reception Center, Juvenile Detention Home, Juvenile Shelter Home and the Home Detention Program. I also work very closely with our Juvenile Division Judges on policy and system interface. I write in support of the proposed rule governing shackling in the juvenile court that would create Wis. Stat. secs. 48.299 (2m) and 938.299 (2m).

Our department works with youth while court is pending and provides temporary placement and supervision of those youth. One of the programs is Dane County's secure juvenile detention. While youth are in detention, they have a variety of court hearings they must attend and until 2016, youth were indiscriminately shackled in court during these hearings. A collaborative group of stakeholders met in 2016 to review data and develop recommendations to change the presumption that juveniles are shackled in court to a process where the court receives input from detention staff, bailiffs, attorneys and others. The court then makes a finding on the record regarding the use of restraints during the hearing.

Dane County has an average of 500 hearings per year of youth who reside in our juvenile detention facility. In analyzing data since implementing the change to our shackling procedure, there have been approximately 10% of youth who have remained in restraints during hearings. Of the 90% who remained unshackled, there were no major incidents during their court hearings. Youth in detention have been noticeably more relaxed and engaged when in court and report that they feel

more respected. The majority of youth who are in our facility have some level of mental health and trauma histories and the use of shackles in court only heightened their anxiety and distress.

The Dane County Juvenile Court Program strongly supports the petition for a rule and statutory changes that would establish a presumption against shackling children in juvenile court, with judicial authority to develop a process that could override that presumption when it is appropriate to do so. Please let me know if there are any questions and thank you for the opportunity to comment on the proposed rule.

Sincerely,

John Bauman  
Dane County Juvenile Court Administrator