



GOVERNOR'S JUVENILE JUSTICE COMMISSION

TONY EVERS, GOVERNOR
JENNIFER GINSBURG, CHAIR

To: Supreme Court of Wisconsin
From: Governor's Juvenile Justice Commission
Re: Petition to the Wisconsin Supreme Court to amend Wis. Stats. §48.299 and §938.299 Regulating the Use of Restraints on Children in Juvenile Court
Date: December 13, 2021

The Governor's Juvenile Justice Commission (GJJC) supports Rule Petition 21-04 to the Supreme Court of Wisconsin to amend Wis. Stats. §48.299 and §938.299 Regulating the Use of Restraints on Children in Juvenile Court.

The GJJC was re-created by Executive Order #43 on September 3, 2019. The GJJC serves as the State Advisory Group (SAG) to the Governor and the Legislature on matters critical to juvenile justice, under the federal Juvenile Justice and Delinquency Prevention Act (JJDP). The GJJC is comprised of juvenile justice professionals, including law enforcement, corrections professionals, attorneys, judges, mental health practitioners, and members of non-profit organizations dedicated to improving outcomes for youth. The GJJC also includes justice involved youth members and individuals with lived experience within the juvenile justice system. (see attached list of GJJC Commissioners).

A core function of the GJJC is to act in an advisory capacity to help Wisconsin carry out the functions of the federal Juvenile Justice and Delinquency Prevention Act. Those functions include identifying front end reforms that focus on preventing youth from ever becoming part of the juvenile justice system, promoting evidence-based alternatives and diversion opportunities for youth, and advocating for use of the most trauma-informed practices in juvenile justice. In addition to duties under the JJDP the GJJC is called upon to advise the Governor and the legislature concerning innovations and best practices that Wisconsin should adopt across the entire spectrum of juvenile justice.

We support the petition for the Supreme Court of Wisconsin to initiate a rule that would end the practice of indiscriminately shackling children in juvenile court. The proposed court rule would establish a presumption against shackling, without restricting the authority of a juvenile court to authorize shackling when the safety of court participants is at risk.

The GJJC adopted this position unanimously on November 9, 2021, during our most recent quarterly meeting, for several important reasons.

First, the practice of indiscriminate shackling is harmful to children and contrary to the rehabilitative purposes of the Children's Code and the Juvenile Code. Indiscriminate shackling impacts all children that appear in court from secure custody, including those accused of non-violent offenses and status offenses. Many if not most of the Wisconsin children that appear in juvenile court are victims of trauma and have significant mental health needs that need to be addressed by the juvenile court judge. There is substantial evidence offered by the Petitioners that shackling of children causes needless trauma to children and their families. The GJJC also believes that effective rehabilitation in juvenile court requires "buy-in" from children in a process that they perceive is humane and fair.

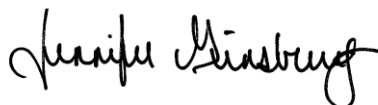
Better rehabilitation leads to safer families and safer communities. It is evident that shackling interferes with the rehabilitative process for children and families and results in less effective outcomes for the citizens of Wisconsin.

Second, the proposed rule is consistent with recognized evidence-based practices and trauma-informed care of children in the juvenile justice system. Currently, 33 states and the District of Columbia have adopted similar limitations of the use of restraints on children in juvenile court.

Third, the proposed rule concerns a matter of court procedure that is best addressed by adoption of a rule by the Court to ensure uniform and consistent application in all juvenile courts in Wisconsin. The rule, if adopted, would not interfere with law enforcement and executive branch functions and responsibilities.

The GJJC supports the proposed rule prohibiting the routine and indiscriminate use of restraints in juvenile court because it promotes the humane treatment of children and strengthens the rehabilitative purpose of the juvenile justice system while maintaining safety. We urge the adoption of Petition 21-04.

Sincerely,

A handwritten signature in black ink that reads "Jennifer Ginsburg". The signature is written in a cursive, flowing style.

Jennifer Ginsburg
Governor's Juvenile Justice Commission, Chair

cc: Governor's Juvenile Justice Commission
Governor Tony Evers
Wisconsin Legislature

Governor's Juvenile Justice Commission

Secretary Emilie Amundson, Department of Children and Families

Judge Carl Ashley, Milwaukee Co Circuit Court

Monika Audette, Barron Co Restorative Justice Program Operations Leader

Sam Benedict, Former Regional Manager, State Public Defender – Waukesha Co

Secretary Kevin Carr, Department of Corrections

Jennifer Ginsburg (Chair) Executive Director, Safe Harbor Child Advocacy Center

Ben Gonring, Assistant State Public Defender, Madison

Charles Greer, Children's Hospital of Wisconsin, Child Welfare Supervisor

Sharlen Moore, Youth Justice Milwaukee Director

Edjron Pearson, Superintendent, Dane County Juvenile Detention Center

Dorinthia Robinson, Youth Justice Volunteer

Tweed Shuman, Sawyer Co Board Chairman, Lac Courte Oreilles Tribal Council

Melinda Tempelis, Outagamie Co District Attorney

Charles Tubbs, Sr., Director of Dane Co Emergency Management

Revelle Warren, Milwaukee Constituent Services Director, Office of the Governor

Marcus Williams, Youth Member

Sean Wilson, National Organizing Director, Dream Corp Justice

Youth Leadership Team Member, Department of Children and Families

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