

Testimony of Jessica Feierman, Juvenile Law Center

In support of Kansas HB 2471

January 18, 2022

My name is Jessica Feierman and I am the Senior Managing Director of Juvenile Law Center. I thank the Committee for its leadership in taking on this important and timely bill. We strongly support HB 2471 and urge the Committee to advance it.

Juvenile Law Center advocates for rights, dignity, equity and opportunity for youth in the child welfare and justice systems. Founded in 1975, Juvenile Law Center is the first non-profit, public interest law firm for children in the country. Through litigation, appellate advocacy and submission of amicus (friend-of-the-court) briefs, policy reform, public education, training, consulting, and strategic communications, we fight for children who come into contact with the child welfare and justice systems. Widely published and internationally recognized as leaders in the field, Juvenile Law Center has substantially shaped the development of law and policy on behalf of youth. We strive to ensure that laws, policies, and practices affecting youth advance racial and economic equity and are rooted in research, consistent with children's unique developmental characteristics, and reflective of international human rights values.

At the core of the Kansas juvenile justice code, like most codes around the country, is the goal of helping young people "live more productively and responsibly in the community." Shackling young people in the courtroom works against these goals; it undermines the fairness of juvenile court procedures, causes young people severe emotional stress, and may actually *increase* recidivism rates.

Shackling young people disadvantages them in court proceedings. The United States Supreme Court has ruled that the indiscriminate shackling of adults violates the fifth, sixth, eighth, and fourteenth amendments of the U.S. Constitution. The Court has recognized that shackling an individual undermines the presumption of innocence,

interferes with the individual's ability to interact with attorneys and to take the witness stand, and detracts from the dignity of the courtroom. The Court's reasoning is equally applicable to children. As the Court has made clear, "neither the Fourteenth Amendment nor the Bill of Rights is for adults alone."

The proposed legislation also protects children's well-being and reduces the chances of future offending. When children feel they are treated fairly, they are less likely to be rearrested. Young people have described being shackled as "being treated like an animal," "like a criminal," and "like a slave." Shackling sends them the wrong message, undermining instead of supporting children's further growth and development. Passing this law, in contrast, will contribute to the well-being of Kansas youth and the safety of the community.

We are grateful to the Kansas legislature for taking on this important issue. We strongly support HB 2471.