

I am Blair McCarthy, Assistant County Attorney in Jefferson County, and I am here on behalf of the Colorado Bar Association and the Juvenile Law Section to ask you to support House Bill 1331, to eliminate the practice of indiscriminately shackling young people in court.

We support this bill because indiscriminate shackling leads to unnecessarily humiliation, stigmatization and trauma, and calls into question the rehabilitative ideals of the juvenile court.

We also support this bill because it provides Due Process. The bill guarantees a hearing prior to the decision to shackle, thus ensuring a fair and consistent approach to this issue. Currently only five of the 22 divergent judicial district shackling policies provide for the right to a hearing, creating a situation where children in only a few judicial districts have that basic due process guarantee.

The bill also vests judges, rather than law enforcement, with the responsibility for deciding if children should be shackled in the courtroom, which comports with U.S. Supreme Court law (*Deck v. Missouri*).

Legal professionals oppose juvenile shackling. The American Bar Association, the Association of Prosecuting Attorneys, the National Association of Counsel for Children, and the National Counsel of Juvenile and Family Court Judges, among others, oppose indiscriminate shackling.

Indiscriminate shackling has been eliminated in other jurisdictions, both in Colorado and in other states, without impacting courtroom safety. This bill as amended presumes children who are charged with class 1 or 2 felonies, escape, attempted escape and COVs will be shackled, which protects the safety of others in the courtroom.

We hope you will support House Bill 1331, which provides a solution to remedy the current patchwork of policies across the state, all of which are subject to change, and many of which do not provide due process to Colorado's children.