THE LAWRENCE LAW FIRM
ATTORNEYS AT LAW
JUSTICE CENTER
235 EAST THIRD STREET, SUITE 1
MCMINNVILLE, OREGON 97128
(503) 434-9066 FAX (503) 435-1158

May 4, 2017

TO: Judiciary Committee

FROM: Paula Lawrence, Attorney at Law

RE: Testimony in Support of SB 846

Chair and Members of the Committee:

My name is Paula Lawrence. I am an attorney, and I practice law primarily in Yamhill County. I have practiced law for over 25 years, and before that I was a high school teacher. One of the first times I observed a child being brought into court with full shackles on, I was involved in a fairly high profile case and the courtroom was packed with onlookers and media. There was an audible gasp from the crowd when two twelve-year old boys shuffled in wearing leg irons and belly chains. It was, quite frankly, a collective "shocks the conscience" moment.

That gasp was in 2007, and I have been a proponent of removing the shackles from children and teens even since. As an attorney who works daily in this area, one of things I think is important to know is that the children and teens who are being held in detention and shackled and restrained in court are not always, or even usually, the thug-y teens. My experience is that the ones who are put in the position of being shackled are the children and teens who have barriers that are preventing them from being released from detention. Some youth are held who, through no fault of their own, do not have a responsible parent to be released to. Youth on the Autism Spectrum are very often held. Also held are youth with trauma backgrounds, Reactive Attachment Disorder youth, and victims of sexual abuse.

Eventually, I looked for an opportunity to litigate the shackling of youth in Yamhill County, I filed motions, and ultimately the result was the 2011 letter opinion written by the Honorable John L. Collins that I believe has been or will be submitted. I was certainly pleased that the chains were then removed from our local youth. But after Judge Collins' ruling, our Juvenile Department was still permitted to switch from the chains to what is called a "soft restraint." It is a cloth belt (think seatbelt material) that goes around the youth's waist, and it has two loops that tether the youth's hands tightly to the belt. These restraints are left on the youth in the courtroom and are only removed when the youth's case is called and they are standing up at counsel table. It is for that reason that I was very heartened to see that the proposed legislation includes a very comprehensive definition that goes beyond classic metal chain shackles.

So, based on my experience, a shackle by any other name is still a shackle. For that reason, I respectfully ask that the final result of the legislation be as loophole free as possible. The legislation should make it very clear that the presumption is that a youth should enter the courtroom free of any restraints, unless there has been a specialized finding by a judge. When I look at Dr. Beyer's affidavit, which I also understand has been or will be included in the record, the harm happens upon the act of restraint, the harm includes the public humiliation of being seen chained or bound in the courtroom, and so half-measures such as the cloth restraints allowed in my county do not prevent those harms. Therefore, I caution against any wiggle words that may just undermine the intent of the law.

Thank you for your consideration of my testimony.

Sincerely,

Paula Lawrence