

FILED

7/1/2020

JUVENILE COURT

DOUGLAS COUNTY, GEORGIA

DONNA WENTZ, CLERK

**DOUGLAS COUNTY JUVENILE COURT
YOUTH COURTROOM RESTRAINT POLICY**

IT APPEARING that the Georgia Supreme Court has adopted Uniform Juvenile Court Rule 20 which provides that, "a juvenile may not be physically restrained during a court proceeding unless such restraint is authorized by court order or local protocol of the court"; and

IT APPEARING that Uniform Juvenile Court Rule 20 also provides that, "[e]very juvenile court shall establish a written protocol that addresses the circumstances under which a juvenile may be physically restrained while appearing in court, which considers the welfare and due process rights of the juvenile, the integrity of the judicial proceeding, and the safety of the court and the public"; and

IT APPEARING that Uniform Juvenile Court Rule will become effective July 1, 2020;

IT IS THEREFORE THE ORDER OF THIS COURT THAT THE RESTRAINT PROTOCOL TO BE UTILIZED FOR JUVENILES APPEARING BEFORE THE COURT SHALL BE AS FOLLOWS:

Effective July 1, 2020, Douglas County Juvenile Court will presume that the use of restraints on a youth under the age of eighteen (18) years of age during delinquency/Children in Need of Services (hereinafter "CHINS") hearings in which the youth is being held in detention is not necessary to ensure the safety of the youth, court personnel and staff; and all others present for such hearings. However, this presumption may be overcome and restraints (such as handcuffs, chains, shackles, or similar items) may be used on a youth at any in-person court appearance upon the Court making the following findings:

(1) A youth shall be subject to the use of restraints if the nature of any charge is related to: (a) allegations that a serious violent felony has occurred; or (b) the youth is charged with a Designated Felony as defined by The Designated Felony Act; or (c) is charged with an adult felony offense; or (d) has been adjudicated in the past as a Designated Felon and is charged with new felony level charges; or (e) has been convicted in the past of an adult felony offense; OR,

(2) A youth shall be subject to the use of restraints who: (a) has a history of disruptive courtroom behavior that has compromised the safety of the youth and/or others; (b) has made any threats to inflict self-harm during court proceedings; (c) has any prior escapes or attempted escapes; or where there is: (d) evidence of a plan or scheme to escape; (e) the likelihood of rescue attempts by others; or (f) the youth presents a flight risk from the courtroom and there are no other least restrictive alternatives to physical restraints; OR,

(3) A youth shall be subject to the use of restraints by deputies or other law enforcement officers providing courtroom security on an immediate and emergency basis when: (a) the youth's actions in the courtroom require his or her restraint to protect the safety of individuals in the courtroom or to re-establish order in the courtroom that has been disrupted by the actions of the youth; or (b) if there are other articulable needs to restrain the youth communicated to the court by the deputy responsible for courtroom security and found by the court to be just cause for the youth's restraint. In the event the Sheriff or his lawful deputy responsible for courtroom security requests a youth be restrained under this procedure, the deputy on duty in the courtroom may make a verbal request to the court, with all counsel present, prior to the youth entering the courtroom. The youth shall only be subject to binding restraints if the court then issues a written order allowing the requested use of binding restraint in the courtroom.

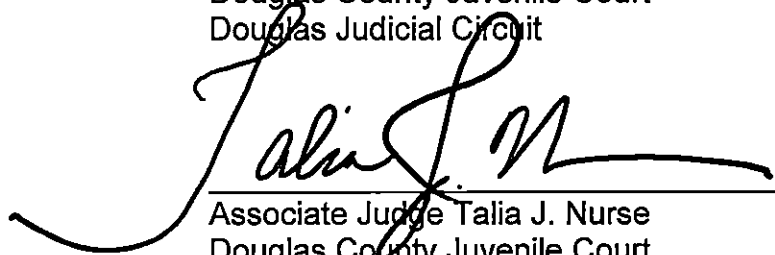
The Court may order the release of a youth from the use of restraints imposed under the above conditions at the request of the youth's counsel and for good cause shown. Counsel seeking to challenge the continued use of restraints on a youth at subsequent court proceedings may do so by way of oral motion.

This Order shall only govern the appearance of youth in the Juvenile Court courtrooms of the Douglas County Courthouse. It does not govern the actions of the Sheriff or his lawful deputies or other law enforcement officers who may have legal custody of a youth outside of the Juvenile Court courtrooms; and it does not govern the actions of the Sheriff or his lawful deputies who may have legal custody of a youth in courthouse holding facilities, in other courtrooms and other areas of the courthouse.

SO ORDERED, this 1st day of July, 2020.



Judge Michelle G. Harrison
Douglas County Juvenile Court
Douglas Judicial Circuit



Associate Judge Talia J. Nurse
Douglas County Juvenile Court
Douglas Judicial Circuit