



Chair Kellie Warren, Vice Chair Rick Wilborn, Ranking Minority Member David Haley, and Members of the Senate Committee on the Judiciary:

On behalf of the Justice Action Network, the largest bipartisan organization in the country working to reform our state and federal criminal justice systems, **I write you today in strong support of Senate Bill 321**. This bill would improve juvenile court proceedings in Kansas by limiting the use of restraints on juveniles during court proceedings, unless a court finds such restraints are both (1) necessary to prevent physical harm or inhibit a substantial risk of flight and (2) the least restrictive means available.

A fair trial is one of our most basic constitutional rights since the founding of our country. The use of restraints can stand in the way of a fair trial, leading courts across the country to rule that restraints should be used only in exceptional circumstances even for adults. In 2005, the U.S. Supreme Court ruled in *Deck v. Missouri* that “[v]isible shackling undermines the presumption of innocence and the related fairness of the fact-finding process.”

Furthermore, restraining juveniles can actually harm public safety through increased recidivism. The use of restraints can be demeaning to the youth, and “[s]tudies show that those who view the proceedings of the system as fair and respectful are less likely to be rearrested.” And restraints can be limited with *no* impact on public safety, [as found in](#) Miami-Dade County, Florida; Louisiana; Georgia; Maricopa County, Arizona; and others.

By enacting Senate Bill 321, Kansas would join dozens of other states that have taken steps to limit this practice. To date, 32 states have limited the use of restraints via legislation or court rule. This is important legislation to improve the rule of law and constitutionally fair trials in Kansas. I appreciate your consideration of this bill, and urge you to swiftly approve Senate Bill 321

Sincerely,

Jeanette Bottler
Deputy Director, the Justice Action Network