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Senate votes to ban shackling juveniles for court proceedings

SB 846 gives juveniles dignity when they make their court appearances

SALEM – The Oregon Senate unanimously passed a bill today that will unshackle children and youth when they attend court proceedings or when they are transported between foster homes or mental health treatment programs.

Senate Bill 846 – which passed with a 29-0 vote on the Senate floor – prohibits the use of physical restraints on youth in juvenile court proceedings. It also prohibits using physical restraints when youth are transported in the legal custody of the Oregon Health Authority or Oregon Department of Human Services, unless a court determines otherwise.

“Children do not belong in ankle shackles, handcuffs or belly chains. When I walked into a local courtroom and saw a young child in shackles last summer, I was stunned,” said Sen. Sara Gelsler (D-Corvallis), who introduced and carried the bill. “Frightened kids need support, not chains. This is about the basic dignity of all kids and I’m so proud of advocates and public safety officials coming together to address this issue through SB 846.”

If restraints for some reason can’t be removed prior to the proceeding, the bill requires that they be removed prior to the court proceeding where the juvenile is appearing. Restraints still would be allowed when they are necessary, such as situations when they are required for safe transportation or in cases of immediate and serious risks of danger. It also stipulates that restraints may not be used for punishment, convenience or as a substitute for staff supervision.

“This is a basic issue of fairness, decency and dignity for our children who find themselves in a tough spot,” Sen. Michael Dembrow (D-Portland) said. “Juveniles who are going through any kind of court proceeding are naturally going to be afraid and overwhelmed, feeling a whole

range of emotions. Compounded with the fact that many of these children are in that position because of mental health issues or foster care needs, this is an important step to allow them to keep their dignity as they go through these already scary and heart-wrenching processes.”

Senate Bill 846 now goes to the House of Representatives for consideration.

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