



# DEPUTY SHERIFFS' TRAINING BULLETIN

Number 113

COMMONWEALTH OF PENNSYLVANIA

May 2011

## ADOPTION OF NEW RULE 139 RULES OF JUVENILE PROCEDURE

On April 26, 2011, the Pennsylvania Supreme Court, upon the recommendation of the Juvenile Court Procedural Rules Committee, adopted for use Rule 139, Use of Restraints on the Juvenile. This Rule is effective as of June 1, 2011. The Order, Rule, and Explanatory Report is attached to this Bulletin but is also addressed below.

This Rule has direct and significant impact on how Juveniles may be restrained (shackled) by deputies within the courtroom. The Deputy Sheriffs' Education and Training Board has already made changes to its Basic, Waiver, Continuing Education, and Merit Training curriculum to reflect Rule 139 but that will only provide updates for deputies taking future training. As a courtesy, the Board is also forwarding this change to all sheriffs' office. It is up to each sheriff to disseminate to current deputies.

*Rule 139. Use of Restraints on the Juvenile (PA Supreme Court Docket #527)*

*Restraints shall be removed prior to the commencement of a proceeding unless the court determines on the record, after providing the juvenile an opportunity to be heard, that they are necessary to prevent:*

- 1. physical harm to the juvenile or other person;*
- 2. disruptive courtroom behavior, evidenced by a history of behavior that created potentially harmful situations or presented substantial risk or physical harm; or*
- 3. the juvenile, evidenced by an escape history or other relevant factors, from fleeing the courtroom.*

Included as way of further comment and explanation, “the use of any restraints, such as handcuffs, chains, shackles, irons, or straitjackets, is highly discouraged. The routine use of restraints on juveniles is a practice contrary to the philosophy of balanced and restorative justice and undermines the goals of providing treatment, supervision, and rehabilitation to juveniles. Therefore, restraints should not be used in most instances. However, there are some circumstances when juveniles need to be restrained to protect themselves and others and to maintain security in the courtroom.” (Rule 139 Comments)

“It is also important to note that this rule only affects the use of restraints in court proceedings. Sheriffs, probation officers, and other persons providing transportation of juveniles to and from detention facilities, placement facilities, and other locations may be governed by internal procedures and policies, including insurance policies, to use restraints during the transportation of juveniles. The use of restraints in those situations is governed by local policies of operation.” (Rule 139 Explanatory Report)