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**In re: Amendments to Fla. Rules of Juvenile Procedure**

**SC09-141**

>> GOOD MORNING.

[INAUDIBLE CONVERSATIONS].

>> I HOPE THE PARTIES KNOW THE  
NEXT CASE IS AMENDMENT TO THE  
RULES OF JUVENILE PROCEDURE.

>> THIS IS ONE OF THOSE CASES  
WHERE WE HAVE A NUMBER OF PEOPLE  
WHO WANT TO MAKE STATEMENTS IN A  
LIMITED PERIOD OF TIME.

SO I WILL ASK THAT EACH OF YOU  
PLEASE BE AWARE OF THE TIME THAT  
YOU HAVE ALLOTTED YOURSELVES,  
AND TRY NOT TO GO OVER THAT  
TIME.

AND OF COURSE YOU KNOW, YOU HAVE  
TO ANSWER QUESTIONS THAT THE  
COURT MAY HAVE FOR YOU.

WHO IS GOING TO PROCEED FIRST?

>> I AM, YOUR HONOR.

GOOD MORNING, DAVID SILVERSTEIN,  
JUVENILE COURT RULES COMMITTEE.

>> LET ME ASK ONE OTHER QUESTION  
HERE, ARE THE PARTIES WHO ARE  
GOING TO ARGUE, ARGUING

DIFFERENT ASPECT OF THIS?

I KNOW THERE ARE A NUMBER OF  
JUVENILE RULES THAT HAVE BEEN  
PROPOSED EITHER AMENDMENTS TO  
THEM OR -- SO EVERY PARTY IS  
DOING A DIFFERENT ASPECT OF  
THIS?

>> PRETTY MUCH, YOUR HONOR.

I AM GOING TO BE HANDLING THE  
RULE PROPOSALS REGARDING  
DEPENDENCY ISSUES, ROB MASON  
SEATED NEXT TO ME, HE IS GOING  
TO BE ARGUING -- OUR FORMER  
CHAIR FOR THE JUVENILE COURT  
RULES COMMITTEE AND WILL BE  
ARGUING THOSE ISSUES THAT  
PERTAIN TO DELINQUENCY MATTERS.

SO I'M JUST GOING TO ADDRESS THE  
DEPENDENCY PROPOSALS.

>> JUST SEEMS LIKE -- THIS CASE  
INVOLVES THE SHACKLE OF THE  
JUVENILE.

>> YES.

>> AND SEEMS LIKE THAT IS THE --

I MEAN, ARE YOU GOING -- IT IS  
YOUR COMMITTEE THAT PROPOSED  
THAT RULE.

YOU WILL NOT DISCUSS THE

SHACKLING.

>> MR. MASON IS GOING TO DO

THAT.

GOOD MORNING.

THE JUVENILE RULES COMMITTEE HAS PROVIDED BEFORE YOU NUMEROUS PROPOSALS REGARDING DEPENDENCY, RULE CHANGES AND DELINQUENCY RULE CHANGES, AS FAR AS THE DEPENDENCY RULE CHANGES, THE ONE RULE CHANGE THAT WE HAD OPPOSITION TO THAT I'D LIKE TO DISCUSS THIS MORNING, IS THE CHANGE TO RULE 8.257.

AND THAT IS THE RULE IN THE JUVENILE PROCEDURES REGARDING GENERAL MAGISTRATES.

WHAT WE WERE TRYING TO ATTEMPT TO DO IS CURRENTLY, IF A PARTY WANTS TO MAKE AN EXCEPTION, TO A RECOMMENDATION OF A MAGISTRATE, THE -- THEY ARE REQUIRED TO HAVE A TRANSFER OF THE HEARING AND ALL OF THESE HEARINGS ARE RECORDED ELECTRONICALLY. THERE IS NO COURT REPORTER PRESENT.

SO, WHAT WE'RE RECOMMENDING IN ORDER TO SPEED UP THE PROCESS AS

FAR AS RESOLVING ISSUES, IS TO  
ALLOW THE COURT, TRIAL COURT, IN  
CONSIDERING A REVIEW OR -- OF AN  
EXCEPTION, FOR GENERAL  
MAGISTRATE PROCEEDINGS, TO BE  
ALLOWED TO LISTEN TO THE  
ELECTRONIC RECORDINGS OF THE  
PROCEEDINGS --

>> ARE YOU ADVOCATING ANY  
PROCEDURE WHEREBY -- IF THIS IS  
A LIMITED ISSUE, THAT YOU WANT  
THE JUDGE TO LOOK AT, ARE YOU  
ADVOCATING ANY PROCEDURE FOR A  
LIMITED PORTION OF THIS OR ARE  
YOU SAYING, GIVE HIM THE WHOLE  
TRANSCRIPT -- I MEAN, RECORDING  
OF WHAT WENT ON BEFORE THE  
MAGISTRATE?

>> WELL, THE RULE ALREADY  
PROVIDES IN SUB SECTION J-3,  
ALREADY MENTIONS THAT YOU CAN  
PROVIDE LESS THAN THE FULL  
TRANSCRIPT.

SO, WE COULD PROVIDE LESS THAN  
THE FULL ELECTRONIC RECORDING.

WE'RE REQUESTING NOT ONLY  
ELECTRONIC RECORDINGS, BUT, WHAT  
IF THE ISSUE IS JUST A LEGAL

DETERMINATION, WE'D LIKE TO BE  
ABLE TO NOT EVEN PROVIDE AN  
ELECTRONIC RECORDING OR A  
TRANSCRIPT, AND THE PARTIES  
COULD JUST STIPULATE TO WHAT THE  
EVIDENCE IS, IS PRESENTED TO THE  
MAGISTRATE AND THEN WE'LL BE  
ABLE TO GET BEFORE THE TRIAL  
JUDGE AND GET A QUICK  
DETERMINATION, THAT MUCH SOONER.

SO AS FAR AS BEING ABLE TO DO  
THAT, I MEAN, MOTION OF THESE  
PROCEEDINGS, BEFORE GENERAL  
MAGISTRATES ARE FROM FIVE  
MINUTES, TO 15, PROBABLY ON THE  
AVERAGE.

SO, WE'RE NOT TALKING ABOUT A  
REAL LENGTHY PROCEEDINGS.

>> YOU ARE TALK ABOUT THIS IN  
THE DEPENDENCY PROCEEDINGS.

>> IN DEPENDENCY PROCEEDINGS.

>> I'VE UNDERSTOOD THIS IS  
HAPPENING BECAUSE OF THE ECONOMY  
AND FAMILY LAW PROCEEDINGS AND  
THE WHOLE GENERAL MAGISTRATE  
PROCESS, IS REALLY SLOWING  
EVERYTHING DOWN.

BUT, THIS WOULD ONLY -- WHAT  
KIND OF HEARINGS ARE YOU TALK

ABOUT THAT ARE SUBJECT TO THE  
GENERAL MAGISTRATE.

>> THE GENERAL MAGISTRATE RULE  
ALLOWS THE MAGISTRATES TO HEAR  
ANY MATTER REFERRED BY THE TRIAL  
COURT BUT THEY ARE NOT ALLOWED  
TO HEAR TRIAL AND NOT ALLOWED TO  
HEAR SHELTER REMOVAL HEARINGS.

>> WHAT WOULD BE -- IN TERMS OF  
THERE BEING TO TRY TO UNDERSTAND  
WHO IS -- ALL OF THE INTERESTS,  
THIS IS -- THIS IS HELPFUL TO  
WHOM, THE DEPARTMENT?  
TO THE GUARDIAN AD LITEM, THE  
CHILD, THE PARENT.

>> IT IS HELPFUL TO ALL THE  
PARTIES, BECAUSE WHAT WE HAVE  
NOW, AS FAR AS HAVING TO GET A  
TRANSCRIPT, IN HILLSBOROUGH  
COUNTY WHERE I PRACTICE --  
HILLSBOROUGH COUNTY, WHERE I  
PRACTICE WE HAVE TO WAIT TWO  
WEEKS TO GET A TRANSCRIPT --

>> I DON'T UNDERSTAND HOW -- YOU  
WILL GIVE THE JUDGE THE  
ELECTRONIC RECORDING AND HAVE  
THE JUDGE -- AT WHAT TIME IS  
THIS JUDGE SUPPOSED TO SIT IN

CHAMBERS AND LISTEN TO THE  
HEARING.

>> WELL, THE JUDGE COULD DO THAT  
OR DURING THE EXCEPTION, THE  
JUDGE COULD JUST PLAY THE  
PORTIONS THE PARTIES WOULD LIKE  
TO --

>> WHY ISN'T IT BETTER TO HAVE  
THE DEPARTMENT -- AS THE  
DEPARTMENT SUGGESTS, HAVE A --  
TRY TO HAVE A STIPULATED RECORD.

>> WELL, WE ALSO INCLUDED THE  
ABILITY TO HAVE THE PARTIES  
STIPULATE TO THE RECORD.

BUT, THE ISSUE IS, IS THAT THESE  
HEARINGS, JUDICIAL REVIEW  
HEARINGS, DON'T TAKE A LOT OF  
TIME, THEY ARE STATUS REVIEW  
HEARINGS, AND AS FAR AS GOING  
THROUGH THE --

>> HOW MANY OF THOSE JUDICIAL  
REVIEW HEARINGS ARE SUBJECT TO  
EXCEPTIONS AND REVIEW BY THE  
JUDGE?

>> WELL, IF THEY ARE HEARD BY  
THE GENERAL MAGISTRATE, I MEAN,  
POTENTIALLY, THEY ARE ALL  
SUBJECT TO EXCEPTIONS, BUT --

>> IN THE REAL WORLD.

>> IN THE REAL WORLD, THERE IS

NOT MANY OF THEM.

BUT WHEN YOU DO WANT TO DO IT,

IT MAKES IT VERY DIFFICULT, AS

-- FOR EXAMPLE, I CAN GET IN

HILLSBOROUGH COUNTY, GET A

RECORDING FOR \$7.50, THE DAY I

REQUEST IT.

IN HILLSBOROUGH COUNTY, IF I

HAVE TO THEN TAKE THAT RECORDING

AND GIVE IT TO A COURT REPORTER,

I HAVE TO WAIT 14 DAYS, AND PAY

\$4.50 PER PAGE.

>> AND YOU ARE IN THAT

SITUATION, REPRESENTING WHOM?

>> WELL, I WORK FOR THE ATTORNEY

GENERAL'S OFFICE, AND WE

REPRESENT THE DEPARTMENT OF

CHILDREN AND FAMILIES IN

DEPENDENCY PROCEEDINGS SO --

>> LET ME JUST -- CONCEPTUALLY,

THIS BASICALLY, THIS IS KIND OF

A REVIEW PROCEEDING.

>> CORRECT.

>> WHERE THE REVIEWING JUDGE,

INSTEAD OF HAVING THE RECORD ON

PAPER, THE JUDGE -- TO WHICH

REFERENCES CAN BE MADE, BY PAGE

AND LINE, IS GOING TO HAVE A  
RECORDING, AND I'M STRUGGLING  
WITH HOW PEOPLE ARE GOING TO  
TALK ABOUT WHERE THINGS ARE, AND  
SOMETIMES, THIS CAN BE  
COMPLICATED AND IT IS NOT LIKE  
THERE IS ONE DISCRETE PART OF  
THE RECORDING THAT IS GOING TO  
RESOLVE THE ISSUE OR THAT WILL  
BE ALL THE -- ONE PARTY WILL  
THINK IS NECESSARY TO CONSIDER  
TO RESOLVE THE ISSUE.

THERE WILL BE PIECES HERE AND  
PIECES THERE AND IT IS  
COMPLICATED.

AND IT JUST SEEMS LIKE TO ME,  
I'M NOT SAYING THIS IS A BAD  
IDEA, I UNDERSTAND THAT THE --  
IS A BAD IDEA AND I UNDERSTAND  
THE ARGUMENT BASED ON ECONOMY  
BUT IT SEEMS TO ME IN TERMS OF  
HAVING AN ORDERLY REVIEW  
PROCESS, IS GOING TO REALLY --  
AT LEAST POTENTIALLY IN SOME  
CASES WILL COMPLICATE THE TASK  
OF THE JUDGE IN REVIEWING THE  
EXCEPTIONS AND MAKING A  
DETERMINATION OF -- CONCERNING  
WHETHER THEY WANT IT -- THEY ARE

WARRANTED OR NOT.

>> AND WE RECOGNIZE THAT.

WHEN YOU PLAY A CD, YOU CAN POP  
A CD, TODAY, INTO YOUR COMPUTER,  
WINDOWS MEDIA PLAYER, AND IT  
WILL HAVE THE MINUTES.

SO, PEOPLE --

>> BASICALLY YOU WOULD DO, YOU  
WOULD -- WHEN YOU ARE PRESENTING  
-- THE PARTIES ARE PRESENTING  
THEIR ARGUMENT WOULD REFER TO,  
INSTEAD OF PAGE AND LINE NUMBERS  
WOULD REFER TO MINUTE NUMBERS.

>> CORRECT.

AND ALSO, IF IT WAS A LENGTHY  
HEARING OR THE JUDGE DIDN'T WANT  
TO LISTEN TO THE WHOLE  
RECORDING, THE JUDGE ALREADY  
CONTROLS WITNESSES AND EVIDENCE  
THAT IS PRESENTED BEFORE THEM,  
SO, THE JUDGE CAN SAY, I'M NOT  
LISTENING TO THIS, 30 MINUTE  
HEARING.

WHY DON'T YOU PARTIES GET  
TOGETHER, AND TELL ME WHAT IN  
THIS RECORDING YOU WANT ME TO  
LISTEN TO.

I MEAN, THE COURT HAS BEEN --

HAS THE INHERENT POWER TO DO  
THAT BUT SOME JUDGES THAT WOULD  
HAVE NO PROBLEM WITH IT.

BECAUSE --

>> WITH THAT, YOU REALLY HAVE  
GONE WELL OVER THE TIME THAT WAS  
ALLOTTED JUST TO YOU.

UNLESS ONE OF THE OTHERS WANTS  
CEDE YOU THEIR TIME.

>> NO, I DON'T WANT TO TAKE  
THEIR TIME.

>> [INAUDIBLE]

>> THERE'S AN ORDER THERE THAT  
IS NONCONTROVERSIAL, BUT IT  
REQUIRES A COURT ORDER.

THAT'S A CHANGE, I BELIEVE,  
CURRENTLY; TO REQUIRE COURT  
ORDER.

NOW IT'S FROM EITHER DEPARTMENT  
OF ONE OF THE CONTRACTING  
ENTITIES, CORRECT?

>> CORRECT.

>> WHY IS THAT CHANGE?

WHY IS THERE A RULE CHANGE TO  
NOW REQUIRE A COURT ORDER?

>> WELL, THE RULE CHANGE WAS  
BASED ON A STATUTE CHANGE AND  
ALLOWED THE CHILDREN TO HAVE  
TUITION FEE EXEMPTION.

THE THING IS THAT HOW DO YOU,  
HOW DOES A CHILD WHEN THEY'RE  
APPLYING FOR COLLEGE, HOW DO  
THEY ESTABLISH THEY HAVE A  
TUITION FEE EXEMPTION?

>> IN THE PAST THEY'VE DONE IT  
THROUGH DEPARTMENT OR ONE OF THE  
OTHER CONTRACTING ENTITIES.

WE'RE JUST CHANGING THAT FROM  
THAT TO A TRIAL COURT ORDER?

>> CORRECT.

AND PUTTING IN A LOT OF FACTS OF  
CONFIDENTIAL INFORMATION TO  
PROTECT THE CONFIDENTIALITY OF  
THE CHILD.

>> SO NOTHING HAS CHANGED, IT'S  
JUST HAVING ANOTHER ENTITY DOING  
IT?

>> CORRECT.

>> ALL RIGHT.

>> ALL RIGHT.

THANK YOU.

MR. MASON?

OKAY.

>> MAY IT PLEASE THE COURT, GOOD  
MORNING.

I'M ROB MASON, IMMEDIATE PAST  
CHAIR OF THE JUVENILE COURT

RULES COMMITTEE.

IF CARMEN, THE CONVICTED MURDER,  
IS ENTITLED TO NOT APPEAR  
SHACKLED BEFORE THE COURT, THEN  
SHOULDN'T CHILDREN IN OUR STATE  
BE ENTITLED TO THAT SAME  
PROTECTION?

>> LET ME ASK YOU, I'M NOT  
UNSYMPATHETIC TO YOUR CONCERNS  
ABOUT THE SHACKLING OF THE  
CHILDREN, BUT ISN'T THE RIGHT  
THAT A CRIMINAL DEFENDANT HAS  
ASSOCIATED WITH THIS BASED ON  
THE POTENTIAL IMPACT OF THE  
SHACKLING OF THE JURY'S VIEWING  
OF THE SHACKLING ON THE JURY?  
AND ISN'T THAT REALLY WHAT  
UNDERLIES THE ANALYSIS OF THE,  
THE CONSTITUTIONAL ISSUE IN THE  
CASES WHERE IT'S BEEN FOUND,  
IT'S DEVELOPED A LAW RELATING TO  
SHACKLING OF CRIMINAL  
DEFENDANTS?

>> RESPECTFULLY, WE THINK IT  
GOES BEYOND THAT.  
IT'S NOT JUST THE PREJUDICE TO A  
JURY, IT'S THE INTERFERENCE AND  
THE HINDRANCE OF SHACKLED  
CHILDREN TO BE ABLE TO

COMMUNICATE --

>> I'M NOT TALKING ABOUT -- I'M  
TALKING ABOUT THE CRIMINAL CASES  
WHERE YOU'RE RELYING ON THE  
PRINCIPLE ESTABLISHED IN THE  
CRIMINAL CASES AND TRYING TO  
EXTEND IT OVER HERE.

WHAT'S THE RATIONALE?

IT COMES FROM THE U.S. SUPREME  
COURT.

>> YES, SIR.

>> WHAT DOES THE U.S. SUPREME  
COURT SAY IS THE RATIONALE FOR  
THAT RULE?

>> IT EXPLAINED THREE DIFFERENT  
RATIONALES.

BY HAVING AN INDIVIDUAL, AN  
ACCUSED SHACKLED BEFORE THE  
COURT, THAT IT IMPLIES BEFORE  
THE FACTFINDER THAT THAT  
INDIVIDUAL IS DANGEROUS AT THAT  
TIME.

ADDITIONALLY, IT SAID IT WAS AN  
AFFRONT TO THE DIGNITY AND THE  
DECORUM OF A COURTROOM, AND  
LASTLY, IT INTERFERES WITH THE  
ABILITY FOR THE ACCUSED TO  
COMMUNICATE WITH THE ATTORNEY

AND ALSO HAVE THEIR MENTAL  
FACULTIES SUCH --

>> THE RULE APPLIES TO ALL  
PROCEEDINGS, AND I'D LIKE TO  
ADDRESS BECAUSE I THINK IF WE  
WERE DEALING WITH THE  
CONSTITUTIONAL ISSUE, WE SHOULD  
DO THAT IN A CASE OF  
CONTROVERSY.

MY UNDERSTANDING IS THAT THE  
OVERALL IDEA IS THAT THE  
JUVENILE PUBLIC DEFENDERS HAVE  
TAKEN THIS UP AS AN ISSUE THAT  
THEY'RE VERY CONCERNED ABOUT TO  
HAVE THEIR CLIENTS BROUGHT IN IN  
CHAINS CHAINED TO ONE ANOTHER,  
YOU KNOW, BELLY CHAINS, TWIST  
CHAINED AND EVERYTHING.

IT SEEMS THAT THERE IS, IT'S  
GOING TO GO FROM ONE EXTREME  
WHICH IS THOSE KINDS OF  
OBSERVATIONS IN THE REPORT OF  
WHAT WAS GOING ON IN MANY  
JURISDICTIONS TO THE PRACTICAL  
ASPECT OF, YOU KNOW, YOU HAVE  
THE INITIAL, THE FIRST  
DELINQUENCY PROCEEDING IS, WHAT,  
WHEN THEY COME --

>> YES, SIR.

YES, MA'AM, IT'S THE FIRST  
DETENTION.

>> IT'S THE FIRST WHAT?

>> FIRST APPEARANCE.

>> FIRST APPEARANCE.

SO IS THE RULE THE SAME FOR THE  
FIRST APPEARANCE AND IF THERE  
ARE TEN JUVENILES, ARE THEY ALL  
IN THE COURTROOM TOGETHER?  
ARE THEY BROUGHT IN ONE AT A  
TIME VERSUS THE ACTUAL TRIAL  
THAT THAT JUVENILE MAY HAVE  
WHICH ARE FAR FEWER TO DETERMINE  
HIS OR HER DELINQUENCY?  
IT DOESN'T SEEM TO BE ANY  
DIFFERENT IN THE NATURE OF THE  
PROCEEDING IN THE RULE.

>> THAT'S CORRECT.

THAT'S WHY THE COMMITTEE'S  
VIEWPOINT WAS IT SHOULD BE FOR  
EVERY COURT APPEARANCE, AND  
THAT'S ALSO WHAT THE NJDC  
ASSESSMENT STATED, FOR EVERY  
COURT APPEARANCE.

>> YOU'VE INDICATED IN THIS  
PETITION THAT THERE ARE COUNTIES  
IN FLORIDA THAT HAVE, DON'T HAVE  
THIS BLANKET SHACKLING --

>> YES, MA'AM.

>> -- REVISION.

I'M WONDERING, DO WE HAVE ANY INFORMATION FROM THOSE PARTICULAR COUNTIES, ESPECIALLY THE LARGER ONES LIKE PALM BEACH AND BROWARD AND MIAMI-DADE, THAT WOULD INDICATE ALL THE SHACKLING -- WHAT HAS BEEN THEIR EXPERIENCE WITH THESE JUVENILES?

>> WELL, I THINK AS WE SUBMITTED IN OUR REPORT TO THE COURT THERE HAVE NOT BEEN ANY PROBLEMS.

I BELIEVE MR. STANTON HERE TODAY FROM MIAMI WHO CAN FURTHER ELABORATE ON THAT.

BUT SINCE 2006 WHERE THEY'VE MADE AN INDIVIDUALIZED DETERMINATION AS TO WHETHER A CHILD SHOULD BE SHACKLED BASED ON MANIFEST NEED OF THAT CHILD, AND THAT HAS NOT CREATED PANDEMONIUM OR CHAOS.

>> IN MIAMI-DADE?

>> YES.

>> I KNOW IN PALM BEACH THEY CONTINUE TO SHACKLE CHILDREN.

>> IT IS THE SEMINAL ARGUMENT THAT WE'RE PROTECTING THE

CHILDREN FROM THEMSELVES, THEY  
LACK JUDGMENT, THIS REALLY IS IN  
THEIR BEST INTERESTS.

>> WELL, I THINK WHEN WE START  
MAKING A BLANKET POLICY AS TO IN  
A CHILD'S BEST INTEREST THAT WE  
NEED TO BE VERY LEERY OF THAT.

ESPECIALLY WHEN WE GO BACK TO  
2001 THIS COURT ON THE VIDEO  
DETENTION HEARINGS.

AND SOMETIMES TRYING TO BE  
BENEVOLENT AND NOT WORK OUT SO  
WELL.

>> MAKE SURE I'M CLEAR ON THIS,  
AREN'T WE DEALING WITH CHILDREN  
THAT HAVE ALREADY BEEN  
DETERMINED TO BE HIGH RISK?

>> NOT NECESSARILY.

WE'RE DEALING WITH EVERY CHILD  
WHO IS BROUGHT FROM THE  
DETENTION FACILITY.

>> WELL, HOW DO THEY GET IN THE  
DETENSION FACILITY?

>> WE MAY HAVE A 12-YEAR-OLD  
CHILD ON A PETTY THEFT.

THAT CHILD IS PICKED UP WITH AN  
ORDER TO BE BACK IN FRONT OF  
THAT JUDGE.

THAT 12-YEAR-OLD GIRL OR BOY  
WILL BE IN SHACKLES BEFORE THE  
COURT.

>> YOU MENTIONED A 12-YEAR-OLD.

HOW YOUNG CAN IT GO?

>> AS YOUNG AS YOU CAN COUNT  
BACKWARDS.

I'VE SEEN CHILDREN AS YOUNG AS 8  
YEARS OLD SHACKLED.

>> HAVE YOU SEEN THEM SHACKLED  
TO EACH OTHER?

>> NOT IN [INAUDIBLE]

>> WHAT?

>> IN DUVAL COUNTY.

IT WAS SHOCKING ABOUT THIS BEING  
CHAINED TO ONE ANOTHER --

>> YES.

IN CERTAIN COUNTIES THEY BRING  
THEM OUT CHAINED --

>> INTO THE COURTROOM.

BECAUSE AGAIN, THE DEPARTMENT OF  
JUVENILE JUSTICE THE WAY THEY  
TRANSPORT THE CHILDREN THAT'S  
WITHIN THE DOMAIN OF THE  
DEPARTMENT.

>> YES, SIR.

YES, MA'AM.

THERE'S LEGISLATION FOR THAT.

>> SO YOU'RE SAYING THEY

ACTUALLY BRING THEM IN CHAINED  
TO EACH OTHER IN THE COURTROOM.

>> IN SOME JURISDICTIONS.

>> YOU'VE USED UP A LOT OF THE  
TIME.

DO WE HAVE SOMEONE ELSE HERE  
WHO'S SUPPOSED TO ARGUE?

>> THANK YOU.

>> OKAY.

IF YOU WOULD MAKE YOUR WAY TO  
THE PODIUM.

>> MAY IT PLEASE THE COURT, I  
WILL ADDRESS THE IMPORTANT  
THERAPEUTIC JURISPRUDENCE  
IMPLICATIONS OF PROPOSED RULE  
8.100.

>> THAT RULE IS WHICH ONE?

>> THE PROPOSED RULE, 8.100 ON  
SHACKLING.

>> SHACKLING, OKAY.

>> THERAPEUTIC JURISPRUDENCE IS  
ESPECIALLY IMPORTANT AS THIS  
INSTITUTION WAS CREATED TO BE  
BOTH REHABILITATIVE AND  
THERAPEUTIC.

THE SHACKLING OF CHILDREN GOES  
AGAINST THE BASIC TENETS OF  
THE --

>> ARE YOU AGAINST ANYTHING?

NO HANDCUFFS, NO LEG SHACKLES,

NO ANYTHING?

>> YES, YOUR HONOR.

>> I REALLY AM APPALLED IF YOU  
HAVE THEM ALL CHAINED TOGETHER  
AND, YOU KNOW, LOCKSTEP INTO THE  
COURTROOM.

BUT ARE THERE, ARE THERE OTHER  
TYPES OF RESTRAINT THAT CAN BE  
DONE THAT WOULD NOT BE  
OFFENSIVE?

>> WELL, YOUR HONOR, THE RULE  
ALLOWS FOR THE USE OF THE LEAST  
RESTRICTIVE MEANS.

SO IF SHACKLING WOULD BE THE  
LEAST RESTRICTIVE MEANS, THAT  
SHOULD BE EMPLOYED.

HOWEVER, IF THERE'S A LACK OF  
COURT PERSONNEL TO WATCH OVER  
CHILDREN, IF A CHILD IS DEEMED  
TO BE A THREAT TO HIMSELF OR  
OTHERS IN THE COURT, THEN  
SHACKLES COULD BE USED.

SO ALL THIS RULE IS CALLING FOR  
IS USE OF LEAST RESTRICTIVE  
MEANS.

>> I THINK I'LL ASK THE PUBLIC  
DEFENDER HOW IT'S WORKING IN

MIAMI-DADE.

>> INDISCRIMINATE SHACKLING --  
THIS IS PARTICULARLY IMPORTANT  
AT THE SPECIAL DEVELOPMENTAL  
STAGE OF ADOLESCENCE, AS STATED  
IN THE EXPERT AFFIDAVIT OF  
DR. MARTY BYER, IS THE POINT AT  
WHICH JUVENILES DEVELOP THEIR  
POINT OF PERSONAL SELVES AND  
SHACKLING CAN IMPACT THAT.

>> ARE YOU SAYING THERE ARE  
STUDIES THAT SHOW THAT THE VERY  
FACT THAT JUVENILES PLACED IN  
SHACKLES IN THE COURTROOM AND  
DURING THE PROCEEDINGS AFFECTS  
HOW THAT JUVENILE IS GOING TO  
VIEW THE COURT SYSTEM AND THE  
ROLE OF REHABILITATION IN THAT  
CHILD?

>> ABSOLUTELY, YOUR HONOR.  
OUR EXPERT STATED THAT IN THE  
AFFIDAVIT.

MOREOVER, THERE'S A HOST OF  
THERAPEUTIC JURISPRUDENCE  
ARTICLES AND BOOKS THAT DISCUSS  
THE DIFFICULTIES CHILDREN  
FACE --

>> BUT A JUDGE RIGHT NOW HAS THE

INHERENT AUTHORITY TO NOT  
REQUIRE THE SHACKLING.

>> ABSOLUTELY.

>> THEY JUST, IN MANY PLACES  
THEY JUST DON'T DO IT BECAUSE  
IT'S BEEN DONE, AND MAYBE THE  
SHERIFF SAYS THAT'S WHAT NEEDS  
TO HAPPEN.

>> ABSOLUTELY.

>> WHAT IF THE SHERIFF SAYS, WE  
DON'T HAVE THE PERSONNEL -- I'LL  
ASK -- NEVER MIND.

I'M GOING TO ASK MR. STANTON.

>> OKAY, YOUR HONOR.

IF THERE SHOULD BE A PROBLEM  
WITH FITTING THE JUVENILE IN THE  
COURTROOM, THE JUDGE CAN ORDER  
THE LEAST RESTRICTIVE MEANS  
WHICH CAN INCLUDE SHACKLING.

>> NOW WE'VE USED ALL OF OUR  
TIME.

IS SOMEONE ELSE OVER HERE  
SUPPOSED TO MAKE AN ARGUMENT?

>> YES, YOUR HONOR.

>> OKAY.

WE'LL GIVE YOU A COUPLE OF  
MINUTES.  
AND WHICH ISSUE ARE YOU GOING TO  
ADDRESS?

>> I'M GOING TO ADDRESS THE  
ANTISHACKLING PROPOSAL.

MY NAME IS ANDREW STANTON, AND  
I'M FROM MIAMI, AND I PRACTICE  
THERE.

AND INDIVIDUAL DETERMINATIONS --  
THAT'S WHAT WE'RE TALKING ABOUT,  
NOT UNSHACKLING EVERY CHILD --  
INDIVIDUAL DETERMINATIONS CAN BE  
MADE.

YOU HEARD A LITTLE BIT ABOUT WHY  
THEY SHOULD BE MADE, AND THEY'RE  
BEING MADE RIGHT NOW IN  
MIAMI-DADE COUNTY.

>> YOU SAYING, SO HOW DOES IT  
WORK ON A FIRST APPEARANCE?  
WHAT DOES THE JUDGE DO?

>> FIRST APPEARANCE, YOU KNOW,  
THERE IS NO UNIFIED SYSTEM, BUT  
WHAT GENERALLY HAPPENS IS AT  
FIRST APPEARANCE THE DJJ WILL  
BRING THEM IN WITHOUT RESTRAINTS  
AT THIS POINT BECAUSE THEY KNOW  
WHAT THE LIKELY OUTCOME, BUT  
WHERE THEY THINK THERE'S A  
CONCERN AND WHERE THE STATE  
THINKS THERE'S A CONCERN OR EVEN  
THE JUDGE, IT'S RAISED AND THEN

IT'S ADDRESSED AT THAT POINT.

>> SO THE DJJ PERSON -- THEY'LL SAY AS THE JUVENILE COMES IN THE COURTROOM, WE'VE, YOU KNOW, UNSHACKLED, BUT WE HAVE A CONCERN BECAUSE THIS IS WHAT'S HAPPENED WITH THIS CHILD --

>> WELL, EVEN PRIOR TO THAT. I MEAN, IN SOME COURTROOMS THEY'LL LET YOU KNOW A LIST OF WHICH IS USUALLY ONE OF KIDS THEY MIGHT HAVE A CONCERN ABOUT, AND THAT'S ADDRESSED BEFORE THE CHILD IS BROUGHT IN.

>> BEFORE THIS POLICY WENT INTO EFFECT, THERE WAS THE SAME INDISCRIMINATE SHACKLING?

>> YEAH.

AT ONE POINT IN 2006 EVERYBODY FOR EVERY HEARING CAME IN SHACKLED.

THEREAFTER, THEY WENT TO NONTRIAL HEARINGS UNTIL SEPTEMBER OF 2006.

>> AND WERE THEY SHACKLED TO EACH OTHER OR --

>> NOT IN MIAMI, THEY WERE NOT SHACKLED TO EACH OTHER, BUT THEY WERE BROUGHT TO THE DOOR OF THE

COURTHOUSE, OF THE COURTROOM IN  
THEIR SHACKLES FOR THE EXPRESS  
PURPOSE OF GOING TO SEE THE  
JUDGE WHO'S GOING TO PROVIDE  
THEM A RESPECTFUL AND RESPECTED  
COURT AND A SYSTEM THAT'S  
SUPPOSED TO WORK ON THEIR  
REHABILITATION.

AND WITH OR WITHOUT A STUDY, I  
THINK IT'S APPARENT TO EVERYONE  
THAT YOUR FIRST CONTACT WITH THE  
SYSTEM IS I'M GOING TO SHACKLE  
YOU UP, BRING YOU IN, I'M GOING  
TO TEACH YOU A LESSON, SOME  
WOULD SAY.

THEN IT'S HARD TO BELIEVE THAT  
THESE PEOPLE ARE HERE TO HELP  
ME.

>> SO AS A PRACTICAL MATTER ON  
THE GROUND IT IS A PRESUMPTION  
THAT THOSE SHACKLES WILL BE  
REMOVED AND THAT IT HAS WORKED,  
THAT DJJ HAS GIVEN SUFFICIENT  
ADVANCED NOTICE, WE'VE GOT A  
PROBLEM, AND THOSE WHO HAVE BEEN  
DEALT WITH ADEQUATELY WITHOUT  
HARM TO THE CHILD OR OTHERS IN  
ACTUAL OPERATION?

>> THAT'S THE CASE, YOUR

HONOR --

>> AND HOW LONG HAS THAT BEEN

OPERATING?

>> THAT'S BEEN SINCE 2006.

AND WHAT WE'RE ASKING HERE IS

THAT THERE MAY ACTUALLY BE AN

INDIVIDUAL DECISION BY A JUDGE.

>> THANK YOU VERY MUCH.

APPRECIATE YOUR ARGUMENTS.

LET'S SEE.

>> [INAUDIBLE]

>> IS THERE SOMEONE ELSE ON THIS

SIDE WHO -- NO?

OKAY.

>> MAY IT PLEASE THE COURT, MY

NAME IS JEFF GILLEN.

I'M NOT TONY MUSTO.

I'M THE STATEWIDE APPEALS

DIRECTER FOR CHILDREN'S LEGAL

SERVICE.

IF YOU COULD SHIFT BACK TO THE

DEPENDENCY ASPECT --

>> THE ELECTRONIC RECORDS.

>> WELL, THAT'S ONE OF THEM.

I'D ACTUALLY LIKE TO FOCUS ON

TWO OTHER PROPOSED RULE CHANGES

IF I MAY, YOUR HONOR.

THE PROPOSED CHANGE RULE 8.265

THAT A MOTION IS FOR REHEARING  
WHICH WOULD CAUSE THAT RULE TO  
SAY THAT FAILURE TO RULE ON A  
MOTION FOR REHEARING WITHIN 10  
DAYS -- BLESS YOU, YOUR HONOR --  
WOULD CAUSE DENIAL FOR THAT  
MOTION AS A POTENTIAL FOR  
SERIOUS PROBLEMS.

VERY FEW OF THOSE MOTIONS WILL  
TAKE PLACE WITHIN 10 DAYS  
BECAUSE THE DEPENDENCY COURT'S  
DOCKETS ARE HEAVILY BURDENED.  
SUCH MOTIONS, IF THEY'RE DEEMED  
DENIED WITHOUT A RULING, ONCE  
THE CASE GOES UP ON APPEAL ALL  
FACTS ALLEGED IN THOSE MOTIONS  
WILL HAVE TO BE ACCEPTED AS TRUE  
WITH REGARD TO THE QUESTION THE  
COURT SHOULD HAVE ALLOWED A  
REHEARING.

>> THIS RULE WAS PASSED 32-0 IN  
BOTH BEFORE THE COMMITTEE --

>> YES, YOUR HONOR.

>> AND WE ARE HAVING A CASE, I  
THINK YOU'RE ON THE NEXT CASE  
THAT TOOK THE CASES, THE CHILD  
IS 4 YEARS OLD.

I MEAN, I DON'T, YOU KNOW, I'M

SYMPATHETIC WHAT GOES ON FOR THE TRIAL COURT, BUT THIS TERMS OF EVERY DAY THAT GOES BY FOR THE CHILD IS, MEANS THAT THAT CHILD CAN'T BE PLACED INTO PERMANENCY. SO IT SEEMS TO ME THAT IT'S A GOOD RULE THAT WAS UNANIMOUSLY PASSED BY THE JUVENILE RULES COMMITTEE, AND I'M CONCERNED THAT WITHOUT THAT, YOU KNOW, THAT THEY, OBVIOUSLY, DID IT TO LOOK TO BALANCE THE, YOU KNOW, THE NEEDS FOR REHEARING. SO TELL ME FROM THE DEPARTMENT'S POINT OF VIEW WHY THAT'S NOT A GOOD IDEA.

>> WELL, I CAN UNDERSTAND THAT THE PERCEPTION WOULD BE THAT IT'S A GOOD IDEA BECAUSE IT'LL PUSH THINGS ALONG MORE QUICKLY --

>> NOT PUSH THINGS ALONG, BUT MAKE SURE SOMEONE KNOWS ON THIS ONE THERE'S A DEADLINE.

>> RIGHT.

>> MOTIONS FOR REHEARING MAYBE AREN'T ALWAYS FILED, AND THEY'VE GOT TO HAVE A PROMISED RULING.

>> BUT THE STATE'S CONCERN, YOUR

HONOR, IS THAT LIKELY WHAT WILL HAPPEN IS WE'LL HAVE SITUATIONS IN WHICH THERE WILL BE REVERSALS FOR THE TRIAL COURT'S FAILURE TO GRANT THE REHEARING MOTION, AND THOSE REVERSALS WILL RESULT IN REHEARING --

>> WELL, THE ARGUMENT ON THE OTHER SIDE IS IF THE JUDGE SAYS DENY IT WITHOUT SAYING ANYTHING MORE, THAT YOU END UP IN THE SAME SITUATION.

SO HOW DOES THAT DIFFER?

>> WELL, IT DOESN'T DIFFER ENTIRELY.

I GRANT THAT, YOUR HONOR.

>> BUT ISN'T YOUR POINT THAT YOU JUST WANT TO GIVE THE TRIAL COURT -- THAT SOMETHING HAS BEEN OVERLOOKED?

LEGITIMATELY, I MEAN, THE SORT OF THING THAT OUGHT TO BE RAISED IN MOTION FOR REHEARING, IF SOMETHING HAS BEEN OVERLOOKED, THIS IS A MORE MEANINGFUL OPPORTUNITY TO HAVE IT CORRECTED AT THE TRIAL COURT LEVEL BEFORE YOU HAVE TO GO OFF AND --

>> ABSOLUTELY, YOUR HONOR, BUT  
THE PROBLEM IS AS A PRACTICAL  
MATTER IT WON'T BE, IT MAY NOT  
BE CORRECTED BY THE TRIAL COURT.

>> YOU'RE SAYING THAT WHAT THE  
10-DAY LIMITATION IS GOING TO  
RESULT IN THESE THINGS JUST  
BEING DENIED BY DEFAULT --

>> RIGHT.

>> -- AS OPPOSED TO GIVING A  
LITTLE MORE TIME FOR THE TRIAL  
COURT TO ACTUALLY CONSIDER IT --

>> RIGHT.

WHICH THEN WILL CREATE THE  
LIKELIHOOD, IT SEEMS TO ME, OF  
AN ADDITIONAL APPEAL.

YOU'LL GO OFF ON APPEAL,  
THERE'LL BE A REMAND FOR FAILURE  
TO PROVIDE THE REHEARING, AND  
THEN AFTER THE REHEARING IF IT'S  
DETERMINED THAT THERE WAS NO  
FACTUAL BASIS FOR THE MOTION, WE  
HAVE YET ANOTHER APPEAL THEREBY  
DELAYING --

>> BUT YOU'RE SAYING THERE WOULD  
BE AN AN APPEAL THAT WOULD BE --  
JUST BECAUSE THE TRIAL COURT  
FAILED TO ACT AND CONSIDER THE  
REHEARING --

>> RIGHT, RIGHT.

>> -- THERE WAS A DEFAULT ENTRY  
OF DENIAL?

>> YES, SIR.

IF I COULD SHIFT OUR ATTENTION  
MOMENTARILY TO 8.225.

IT'S ELEMENTARY THAT THE PURPOSE  
IS TO GIVE THE PERSON  
OPPORTUNITY TO THE ACTUAL  
KNOWLEDGE THAT A HEARING IS  
ABOUT TO TAKE PLACE.

>> ARE YOU TALKING ABOUT NOT  
BEING ABLE TO MAIL --

>> YES, MA'AM.

>> -- TO SOMEONE WHO'S OUT OF  
STATE?

>> YES, CHIEF JUSTICE.

IF ACTUAL NOTICE IS ACHIEVED, IT  
SHOULDN'T MATTER HOW IT'S  
ACHIEVED SO LONG AS THE PROCESS  
IS PROPER, AND IT SHOULDN'T  
MATTER THAT NOT EVERYONE IS  
SUBJECT TO THE SAME PROCESS.

WHILE THE COMMITTEE'S FOCUS IN  
THE PETITION AND IN ITS RESPONSE  
TO OUR COMMENTS IS THE EFFECT,  
THE IMPACT ON PARENTS, THE  
PROVISION WHICH THE PROPOSED

RULE SEEMS WOULD ELIMINATE  
ACTUALLY INVOLVES NOT ONLY  
PARENTS, BUT ALSO PARTIES,  
PETITIONERS, PARTICIPANTS AND  
OTHER PERSONS.

THE STATE REGULARLY EFFECTS  
NOTICE CONCERNING DEPENDENCY  
PROCEEDINGS WITH PERSONS WHO  
HAVE BEEN NAMED AS POSSIBLE  
PARENTS, NOT NECESSARILY LEGAL  
PARENTS BY CERTIFIED MAIL,  
RETURN RECEIPT REQUESTED.

SUCH PERSONS, OF COURSE, ARE NOT  
CONSIDERED PARENTS AND DO NOT  
BECOME PARTIES UNLESS THEY HAVE  
EVENTUALLY DETERMINED TO BE  
LEGAL PARENTS.

AS PROPOSED, THE RULE CHANGE  
WOULD ELIMINATE THIS  
COST-EFFECTIVE NOTICE NOT ONLY  
WITH PARENTS, BUT ALSO FOR  
PERSONS WHO MIGHT LATER BE  
DETERMINED NOT TO BE PARENTS.

FURTHER, DEPENDING ON THE REASON  
THE UNITED STATES POSTAL SERVICE  
GIVES US FOR FAILURE TO SERVE BY  
RETURN RECEIPT MAIL, IT'S LIKE  
LOW THAT ADDITIONAL EFFORTS WILL  
BE UNDERTAKEN TO EFFECT ACTUAL

NOTICE TO THOSE PERSONS.

THE COMMITTEE'S AIM IS TO  
ACHIEVE CONSISTENCY, NOT DUE  
PROCESS.

IF CONSISTENCY IS, INDEED, THE  
GOAL --

>> TALKING ABOUT NOT BEING ABLE  
TO SERVE BY MAIL, IS THIS GOING  
TO RESULT IN ADDITIONAL  
REQUIREMENTS FOR PUBLICATION  
SERVICE WHICH WILL SLOW THE  
PROCESS DOWN?

>> WELL, PUBLIC SERVICE IS NOT  
REQUIRED FROM TPR, YOUR HONOR,  
BUT IT WILL RESULT, UNDOUBTEDLY,  
IN ADDITIONAL EXPENSES.

>> WHAT ARE YOU TALKING ABOUT?  
YOU'D HAVE TO GET A PROCESS  
SERVER --

>> EXACTLY.

>> -- AND ACTUALLY HAVE THEM  
COME THERE?

>> EXACTLY.

AND THAT TYPICALLY RUNS, IT  
VARIES FROM STATE TO STATE, BUT  
THAT TYPICALLY RUNS ABOUT \$50 OR  
MORE PER PROCESS, AND THAT WOULD  
BE COMPARED TO THE \$5.54 THE

UNITED STATES POSTAL SERVICE  
CHARGES US FOR SENDING -- IS SO  
IT'S EXPENSE, NOT TIMING.

>> THAT'S CORRECT.

>> I GUESS MY CONCERN IS THAT WE  
KNOW, WE ARE TRYING TO ACHIEVE  
PERMANENCY IN AN EXPEDITIOUS  
WAY.

BUT WHEN YOU HAVE THESE OUT OF  
STATE PARENTS, IT SEEMS TO ME  
THAT, YOU KNOW, MAKING SURE THAT  
THERE IS THE SAME KIND OF, I  
MEAN, SERVICE AS WE WOULD  
REQUIRE IN FLORIDA SEEMS LIKE A  
PRUDENT RULE.

AND IF IT'S JUST AN ISSUE OF THE  
ADDED EXPENSE OF THE SERVICE,  
YOU KNOW, AGAIN, HASN'T THE  
COMMITTEE MADE A DETERMINATION  
AND SHOULDN'T WE DEFER TO THEIR  
EXPERTISE THAT THAT IS THE  
PROPER BALANCE IN THIS CASE?

>> WELL, AGAIN, THE RULE ITSELF  
REFERS NOT ONLY TO PARENTS, BUT  
TO PARTICIPANTS, PETITIONERS AND  
OTHER PERSONS.

THE PERSONS TO WHOM WE WOULD  
PROVIDE NOTICE MIGHT BE  
POTENTIAL PARENTS.

THEY MIGHT NOT ACTUALLY BE  
PARENTS, AND WE WON'T FIND OUT  
THAT THEY ARE ACTUAL LEGAL --  
>> WELL, BUT WHAT YOU'RE TRYING  
TO DO, THOUGH, IS WHETHER IT'S A  
FATHER, YOU KNOW, WE KNOW CASES  
THERE MIGHT BE THREE POTENTIAL  
FATHERS --

>> EXACTLY.

>> -- FOR THE CHILD TO HAVE  
SECURITY AND PERMANENCY YOU WANT  
ALL THEIR INTERESTS TERMINATED.  
I MEAN, THAT'S WHAT USUALLY  
HAPPENS IN THOSE OUT-OF-STATE  
SITUATIONS, CORRECT?

>> ONCE WE DETERMINE WHO THE  
LEGAL FATHER IS, THEN WE DON'T  
DEAL WITH THE OTHER INDIVIDUALS,  
BUT THAT'S ESSENTIALLY MY POINT,  
YOUR HONOR.

IF WE ARE RELEGATED TO USING A  
MORE EXPENSIVE FORM OR SOME  
OTHER FORM OF PROCESS SERVICE ON  
THOSE FOLKS WHO MAY OR MAY NOT  
ACTUALLY BE FATHERS OR PARENTS,  
AS THE CASE MAY BE, WE'RE GOING  
TO BE UTILIZING UNNECESSARY  
EXPENSE AND TIME AND TROUBLE TO

BRING PEOPLE IN WHO MIGHT NOT  
ULTIMATELY BE --

>> AND DID YOU MAKE THAT POINT  
TO THE RULES COMMITTEE?

>> WELL, YOUR HONOR, I WAS NOT,  
I'M NOT A MEMBER OF THE RULES  
COMMITTEE.

I DON'T KNOW TO WHAT EXTENT THAT  
ARGUMENT MAY HAVE BEEN RAISED AT  
THE COMMITTEE.

>> AND WITH THAT, YOU HAVE USED  
MORE THAN YOUR TIME, AND WE'LL  
NOW HEAR FROM JUDGE GROSS?

>> MAY IT PLEASE THE COURT, I AM  
RAYMOND GROSS --

>> AND ARE YOU, YOU'RE GOING TO  
TALK ABOUT SHACKLING, AND THE  
SHERIFFS REPRESENTATIVE IS  
GOING TO TALK ABOUT SHACKLING  
ALSO?

OKAY.

>> WE ALSO HAVE TWO ISSUES.

WE'RE CONCERNED WITH RULE 8100  
AS WELL AS RULE 8.257.

>> AND IF YOU WOULD TELL US WHAT  
THAT IS.

>> SURE.

THAT'S THE ALLOWING A VIDEO  
RECORD, AUDIO RECORD RATHER THAN

THE TRANSCRIPT.

>> OKAY.

>> AND WE DON'T WANT TO GET

BOGGED DOWN ON THAT, AND WE

FILED OUR WRITTEN FILINGS.

WE ARE OPPOSED TO THAT CHANGE.

WE BELIEVE THERE SHOULD BE ONE

OFFICIAL RECORD WHICH WOULD BE A

TRANSCRIPT.

THAT WAY THERE'S NO QUESTION

ABOUT WHAT IS BEING REVIEWED.

IT IS APPROPRIATE FOR THE COURT,

IT IS THE SYSTEM THAT WORKS VERY

EFFECTIVELY IN FAMILY LAW AND

OTHER AREAS WHERE THE TRANSCRIPT

IS PROVIDED.

AS FAR AS THE OTHER RULE, LET ME

BEGIN BY, FIRST OF ALL, SAYING

SHACKLING IS A PEJORATIVE.

SHACKLING IS NOT MENTIONED IN

THE RULE.

WHAT WE'RE TALKING ABOUT IS THE

DETENTION OF CHILDREN IN OUR

COURTS BY SECURE MEANS.

FOR ALL PRACTICAL PURPOSES, THE

ONLY PLACE THIS OCCURS IS AT A

FIRST HEARING, A DETENTION

HEARING.

AND CONTRARY TO THE ARGUMENT OF  
THE OPPOSING SIDE, A  
DETERMINATION HAS BEEN MADE  
PRIOR TO THE CHILDREN APPEARING  
AT THAT DETENTION HEARING.

>> WHY ARE YOU SAYING IT'S  
ONLY -- I SAW IT AROUND THE  
STATE, AND I'VE SEEN IT IN PALM  
BEACH COUNTY.

THEY'RE SHACKLED FOR EVERY  
HEARING.

>> WELL --

>> AND THAT'S THE WHOLE PROBLEM.  
I MEAN, MAYBE IN THE SIXTH  
CIRCUIT THERE'S NOT THE SAME  
PROBLEM, BUT APPARENTLY, THERE  
WAS INDISCRIMINATE SHACKLING,  
YOU KNOW, ACROSS THE STATE AND  
STILL IS IN MANY JURISDICTIONS.

>> THE REALITY IS, JUSTICE  
PARIENTE, JUVENILES ARE ONLY  
DETAINED FOR A MAXIMUM OF 21  
DAYS, AND THE PRIMARY HEARING,  
IF ANY, WHICH ALWAYS TAKES PLACE  
IS THE DETENTION HEARING.

RARELY DO TRIALS OF ANY MATTER  
OR SUBSTANCE TAKE PLACE WITHIN  
THAT 21 DAYS, AND IN THOSE  
CIRCUMSTANCES THE YOUTH IS NOT

IN DETENTION AND COMES TO COURT

JUST AS ANY OTHER CITIZEN.

>> I THINK I'M THINKING OF A

CASE WHERE THE CHILD WAS

COMMITTED TO DETENTION AND THEN

CAME TO THE COURT FOR

INDEPENDENT LIVING SERVICES --

>> RIGHT.

>> -- AND CAME IN FULL LEG

CHAINS --

>> WELL, FRANKLY, THAT SOUNDS

LIKE, RIGHT, A MIXTURE OF

DEPENDENCY AND DELINQUENCY, AND

I CERTAINLY CAN'T SPEAK TO THE

PROCESS IN EVERY CIRCUIT.

BUT WHAT I CAN TELL YOU AND I

CAN DISTINGUISH -- LET ME FINISH

MY ORIGINAL POINT.

ALL CHILDREN WHO ARE PICKED UP

COME IN AND ARE TAKEN TO A

JUVENILE ASSESSMENT CENTER.

WHILE THEY'RE AT THE ASSESSMENT

CENTER, WHICH IS RUN BY THE

DEPARTMENT OF JUVENILE JUSTICE,

SIGNIFICANT WORK, BACKGROUND AND

HISTORY IS CONDUCTED.

IF THERE'S A QUESTION AS TO

DRUGS AND ALCOHOL, OFTEN THEY'RE

TESTED.

THEY'RE EVALUATED.

BUT MOST IMPORTANTLY FOR THIS  
PROCESS, THE STATUTORY RULE  
ASSESSMENT INSTRUMENT AS  
PROMULGATED BY FLORIDA STATUTE  
985 IS APPLIED.

>> WELL, LET ME ASK YOU THIS,  
WHY SHOULDN'T THERE BE A  
PRESUMPTION AGAINST SHACKLING  
UNLESS THERE IS SOMETHING  
DEMONSTRATED TO SHOW THAT THIS  
PARTICULAR JUVENILE SHOULD, IN  
FACT, BE IN SOME KIND OF  
RESTRAINTS?

IT SEEMS TO BE WORKING IN MIAMI,  
SO WHY SHOULDN'T, WHY SHOULDN'T  
THAT BE A BETTER RULE TO HAVE, A  
PRESUMPTION AGAINST IT?

>> ALL RIGHT.

MIAMI-DADE IS UNIQUE AND HAS A  
DIFFERENT SITUATION.

FIRST OF ALL, THEY ARE ONE OF  
THE ONLY, IF NOT THE ONLY,  
COURTHOUSES IN THE STATE WHERE  
THE DETENTION CENTER'S ATTACHED  
TO THE COURTHOUSE.

THE CHILDREN ACTUALLY WALK TO  
THE COURT.

SECONDLY, AND UNFORTUNATELY,  
THEIR COURTROOMS ARE SO SMALL  
THEY CAN ONLY HAVE ONE CHILD IN  
THE COURT AT A TIME.

THE WAY THAT DETENTION HEARINGS  
ARE REGULARLY CONDUCTED  
THROUGHOUT THE STATE HAS  
MULTIPLE CHILDREN IN THE  
COURTROOM, AND IT IS BOTH  
HELPFUL FOR THE CHILDREN AS WELL  
AS EFFICIENT.

AND I SAY HELPFUL FOR THE  
CHILDREN BECAUSE THERE IS A  
LEARNING CURVE THAT TAKES PLACE.

IF YOU HAVE 12 CHILDREN SITTING  
IN THE JURY BOX AWAITING THEIR  
CASE AND THEY'RE SITTING THERE  
HEARING THE QUESTIONS AND  
ANSWERS THAT ARE TAKING PLACE  
BETWEEN THE COURT AND THE CHILD  
AND PERHAPS THE LAWYERS PRESENT,  
THERE'S AN OBVIOUS LEARNING AS  
TO THE PROCESS, WHAT TO EXPECT,  
AND A GREAT DEAL OF THE --

>> AND ARE THOSE 12 CHILDREN  
CHAINED TOGETHER OR HOW --

>> I'M UNAWARE OF WHAT CIRCUITS  
WOULD DO THAT.

I WOULD SUGGEST THAT'S

INAPPROPRIATE.

I WOULD SUGGEST THAT IF THAT IS

DONE, THAT WOULD BE AN

APPROPRIATE TOPIC FOR JUDICIAL

EDUCATION BECAUSE I CERTAINLY

WOULD NOT CONDONE THAT.

>> SO WHAT DO YOU DO IN PINELLAS

COUNTY?

>> IN PINELLAS COUNTY THE

CHILDREN ARE TRANSPORTED BY VAN,

AND WE'RE FORTUNATE BECAUSE IT'S

ONLY ABOUT A HALF MILE, AND THEY

ARE THEN BROUGHT INTO THE

COURTROOM AS A GROUP.

AND WE AVERAGE --

>> YEAH, BUT WHAT I'M SAYING IS

WHAT KIND OF RESTRAINTS ARE THEY

UNDER AT THAT POINT?

>> THEY HAVE, THEY HAVE

HANDCUFFS IN THE FRONT, AND THEY

HAVE A LEG RESTRAINT WHICH IS A

CUFF ON EACH LEG WITH 16 INCHES

OF CHAIN THAT ALLOWS THEM TO

WALK AT A NORMAL GAIT.

THE ONLY THING IT PROHIBITS IS

RUNNING.

I WOULD SUGGEST TO YOU IF YOU

SAW A CHILD WITH THOSE

RESTRAINTS AND YOU WEREN'T  
LOOKING, YOU WOULDN'T EVEN BE  
CONSCIOUS THAT THEY HAVE THEM  
ON.

IT IS -- THAT'S WHY, YOU KNOW,  
WHEN I HEARD SHACKLING  
CONSTANTLY MENTIONED, THAT'S,  
AGAIN, A PEJORATIVE.

THAT'S NOT WHAT WE'RE DOING.  
WE'RE NOT TALKING ABOUT BELLY  
CHAINS --

>> WELL, WHAT DO YOU CALL IT  
WHEN YOU PUT CHAINS, WHEN YOU  
PUT RESTRAINTS AROUND A YOUNG  
PERSON'S FEET AND CHAINS TO  
THEIR WAIST?

I'M SORRY, I CONSIDER IT VERY  
OFFENSIVE FOR A JUDGE TO STAND  
BEFORE US AND SAY, OH, YOU'RE  
JUST MAKING A BIG DEAL ABOUT  
NOTHING.

TO ME THERE IS SOMETHING ABOUT  
THIS, AND IT'S NOT JUST A  
PEJORATIVE.

IT IS AN ISSUE OF HOW YOUNG  
PEOPLE OUGHT TO BE RESTRAINED.  
AND THAT'S THE QUESTION THAT THE  
CHIEF JUDGE, CHIEF JUSTICE ASKED

YOU.

>> YES, SIR.

>> AND THEN YOU STARTED IN THE  
LEARNING -- WHY DO YOU HAVE TO  
HAVE CHAINS AROUND YOUR WAIST,  
AROUND YOUR LEGS AND DOWN TO  
YOUR ANKLES TO LEARN?

>> SIR, I NEVER SAID CHAINS  
AROUND YOUR WAIST OR CHAINS DOWN  
TO YOUR ANKLES.

>> BUT WHAT DO YOU CALL THE  
CHAIN SO THEY CAN'T RUN?

>> SIR, THEY HAVE HANDCUFFS, AND  
IF YOU CAN ENVISION --

>> I HAVE, I'VE SEEN THEM.

>> -- LARGE, LONG HANDCUFFS.  
THERE IS A 16-INCH CHAIN WITH  
TWO CUFFS AROUND THE ANKLE.

>> AND THAT'S NOT A CHAIN?

>> IT IS NOT A CHAIN AROUND THE  
WAIST.

>> WELL, WE'RE PLAYING WORD  
GAMES, SIR.

>> WELL --

>> AND ONE OF THE PROBLEMS, AS I  
SEE IT ANYWAY, IS YOU MAY HAVE  
SOMETHING THAT YOU THINK IS NOT  
AS RESTRICTIVE, BUT SOME OTHER  
COUNTY MAY, IN FACT, CHAIN THE

CHILDREN TOGETHER.

SOME OTHER COUNTY MAY, IN FACT,  
HAVE THE THINGS THAT GO UP THE  
LEGS.

SO THAT'S THE REAL ISSUE.

IT'S NOT YOU MAY HAVE SOME  
SYSTEM THAT ISN'T AS BAD AS SOME  
OTHER SYSTEM.

>> WELL, AGAIN, OF COURSE, THE  
ONLY APPELLATE DECISIONS THAT  
HAVE REALLY DEALT WITH THIS THE  
McMILLAN CASE OUT OF  
JACKSONVILLE SAID THIS SHOULD BE  
LEFT TO THE DISCRETION OF THE --

>> BUT I GUESS MY QUESTION  
REALLY IS WHY SHOULDN'T WE START  
WITH THE PROPOSITION THAT A  
CHILD SHOULD NOT BE RESTRAINED  
AND THAT THE JUDGE THEN  
EXERCISES HIS OR HER DISCRETION  
TO HAVE THESE RESTRAINTS IF IT  
BECOMES NECESSARY?

>> RIGHT.

THERE ARE SEVERAL REASONS AND,  
AGAIN, GOING BACK THE RISK  
ASSESSMENT INSTRUMENT IS A  
INSTRUMENT THAT IS USING  
STANDARDS TO DETERMINE WHO

SHOULD BE THERE.

SECONDLY, IT COULD BE DONE THAT WAY, BUT IT WOULD MAKE IT A MUCH MORE LENGTHY AND DIFFICULT PROCESS.

IN PINELLAS COUNTY WE'D BE REQUIRED TO HEAR EACH CASE INDIVIDUALLY WHICH WOULD DOUBLE OR TRIPLE THE LENGTH OF TIME REQUIRED FOR THE COURT --

>> BUT IF WE'RE TALKING ABOUT, WE'RE REALLY TALKING ABOUT SERIOUSLY THAT IN THESE JUVENILE PROCEEDINGS ONE OF THE THINGS IS WE WANT TO HELP THESE CHILDREN. WE ARE, WE WANT REHABILITATION AND ALL OF THESE KINDS OF THINGS, WHAT'S A FEW MORE MINUTES TO, YOU KNOW, DO THAT?

>> YOU KNOW --

>> I UNDERSTAND THAT COURTS HAVE LARGE DOCKETS AND ALL THAT, BUT IT JUST SEEMS TO ME THE DIGNITY WE CAN GIVE TO THESE KIDS IN EVEN IN THIS TYPE OF PROCEEDING WHERE THEY MAY HAVE DONE SOMETHING WRONG MAY HELP THEM IN THE LONG RUN?

>> WELL, THAT'S CERTAINLY AN

ARGUMENT, AND OPPOSING COUNSEL  
SPOKE TO THAT.

I WOULD ADD THAT, YOU KNOW, WE  
SUGGESTED IN OUR RESPONSE THAT  
THIS WAS AN OPPORTUNITY FOR THE  
COURT TO REVISIT THE CONCEPT OF  
CONDUCTING THESE HEARINGS BY  
CLOSED-CIRCUIT TELEVISION.

AND --

>> YOU TALK ABOUT THESE  
HEARINGS.

THIS DOESN'T, THIS ALSO WOULD  
EXTEND TO THE ACTUAL HEARING THE  
WHAT IS -- NOT THE  
ADJUDICATORY -- WHAT DO YOU CALL  
THE HEARING WHERE GUILT'S  
DETERMINED?

>> RIGHT.

>> ADJUDICATORY.

>> WE ACTUALLY HAVE --

>> RIGHT.

SO ARE YOU SAYING IN THOSE  
INDIVIDUAL HEARINGS THEY'RE NOT  
SHACKLED?

>> I'M SAYING RARELY IS THE  
CHILD STILL IN DETENTION, AND IF  
YOU'RE NOT --

>> IT MAY BE SOMETHING DIFFERENT

IN THE SIXTH CIRCUIT, BUT I KNOW  
AROUND THE STATE KIDS ARE  
STAYING IN DETENTION BECAUSE  
THEY HAVE NO OTHER PLACE TO GO  
FOR WAY OVER 21 DAYS, AND YOU  
KNOW THAT'S THE CASE --

>> I'M -- ACTUALLY I'M NOT AWARE  
OF THAT, BUT ON AN INDIVIDUAL  
BASIS YOU CERTAINLY COULD MAKE  
THAT DECISION, AND I WOULD  
ENCOURAGE EVERY JUDGE WHO'S  
FACING THAT IF A CHILD IS, FOR  
EXAMPLE, A CHILD HAS BEEN IN  
DETENTION FOR A WEEK AND HIS  
LAWYER IS SEEKING TO HAVE HIM  
RELEASED BECAUSE OF THIS AND  
THAT CHILD IS BROUGHT TO COURT,  
UNLIKE THE OTHER HEARINGS THERE  
ARE NO HANDCUFFS INVOLVED, BUT  
BECAUSE OF SECURITY REASONS THEY  
DO HAVE THE ANKLE RESTRAINTS ON.  
WE MAKE THAT AS A MATTER OF  
COURSE, THAT'S OUR RULE.

IF THERE ARE OTHER  
CIRCUMSTANCES, WE COULD CONSIDER  
THE REMOVAL OF THOSE ANKLE  
RESTRAINTS.

WE PROVIDED THE COURT THE  
INFORMATION INVITING YOU TO

REVISIT THE CLOSED-CIRCUIT

HEARINGS.

THE ISSUES THAT EXISTED AT THE

TIME IT WAS PRESENTED ORIGINALLY

STILL EXIST.

THE DISTANCE THE CHILDREN ARE

REQUIRED TO TRAVEL BY VAN,

SECURED, STILL EXISTS.

IT'S STILL 50 MILES AND MORE IN

PARTS OF THIS STATE.

IT IS A DIFFICULT PROPOSITION.

IF THE CHILDREN WERE ALLOWED TO

STAY AT THE DETENTION CERTAIN,

THIS ISSUE WOULD BECOME MOOT

BECAUSE THEY WOULD REMAIN THERE,

AND YET THERE WOULD, AGAIN, I

WOULD SUGGEST AS JUSTICE HARDING

WROTE IN HIS DISSENT IT WOULD

NOT BE HARMFUL TO THE CHILDREN.

>> AND WITH THAT, YOU HAVE USED

UP TIME.

WE HAVE ONE MORE PERSON.

I'LL GIVE YOU A FEW MINUTES TO

DISCUSS THIS SHACKLING ISSUE

ALSO.

>> THANK YOU, YOUR HONOR.

MAY IT PLEASE THE COURT, MY NAME

IS BETH LASTINGER, ASSOCIATE

GENERAL COUNSEL FOR THE PINELLAS  
COUNTY SHERIFF'S OFFICE, AND I  
WILL FOLLOW UP THE ISSUES JUDGE  
GROSS ADDRESSED.

THE SHERIFF'S OFFICE IS  
RESPONSIBLE FOR THE SECURITY OF  
THE COURTROOM, AND BY THAT WE  
MEAN THE SECURITY OF THE  
JUVENILES THAT ARE BROUGHT INTO  
THE COURTROOM TO BE BEFORE THE  
COURT, BUT ALSO ALL THE COURT  
PERSONNEL, THE LAWYERS, THE  
COURT REPORTERS, THE CLERKS AND  
THE SPECTATORS THAT ARE IN THE  
COURTROOM.

AND THE JUVENILE SETTING IT'S  
OFTEN A CROWDED COURTROOM.

THERE ARE MANY EXAMPLES.

IT'S NOT UNCOMMON FOR THERE TO  
BE FAMILY MEMBERS IN THE  
COURTROOM WHO ARE ANTAGONISTIC,  
WHO HAVEN'T SEEN EACH OTHER FOR  
A WHILE, WHO ARE ANGRY.

THERE ARE, IN FACT, THERE WAS  
RECENTLY AN INSTANCE IN PINELLAS  
COUNTY WHERE THREE SEPARATE  
RIVAL GANG MEMBERS, MEMBERS OF  
THREE SEPARATE RIVAL GANGS  
SHOWED UP AS SPECTATORS IN THE

COURTROOM.

I BRING THOSE ISSUES UP BECAUSE  
IT IS THE BAILIFF'S  
RESPONSIBILITY TO KEEP AN EYE  
AND KEEP CONTROL OF EVERY ONE OF  
THOSE PEOPLE IN THE COURTROOM.  
THAT'S WHY, ONE OF THE REASONS  
WHY, THE JUVENILES ARE BROUGHT  
IN IN RESTRAINTS.

>> AND JUST, WHAT?

>> WELL, BECAUSE IT ENABLES,  
BECAUSE THEY'RE BROUGHT IN EN  
MASSE IN THE FIRST  
APPEARANCES --

>> MAYBE THAT'S, AND THIS IS NOT  
YOUR FAULT, BUT I DON'T THINK WE  
ENVISIONED WHEN WE REJECTED THE  
RULE ON VIDEO THAT THESE VERY  
IMPORTANT FIRST APPEARANCES  
WHERE THE JUDGE WOULD HAVE A  
CHANCE TO ASSESS THE JUVENILE  
WOULD BE SOME KIND OF CHAIN  
GANG, MASS APPEARANCE.

AND PERHAPS THAT IS, I DON'T  
KNOW THAT THAT'S GOING ON ALL  
OVER THE STATE, BUT THAT SEEMS  
LIKE IT'S -- SO, BUT THAT'S WHAT  
YOU'RE SAYING IS HAPPENING AT

LEAST IN PINELLAS COUNTY.

>> WELL, WHAT I'M SAYING IS THEY

ARE BROUGHT FOR THE FIRST

APPEARANCES THEY ARE BROUGHT EN

MASSE --

>> AND THAT'S WHERE THE JUDGE IS

DECIDING WHETHER THEY'RE GOING

TO REMAIN IN DETENTION OR NOT.

>> THE JUDGE DOES MAKE THAT

DECISION, BUT AS JUDGE GROSS

POINTED OUT THESE CHILDREN HAVE

ALREADY BEEN DETERMINED WHETHER

THEY ARE ESCAPE RISKS, SUICIDE

RISKS, WHAT THEIR PRIOR RECORD

IS.

THESE ARE, THESE ARE NOT

CHILDREN WHO SWIPED A CANDY BAR

FROM THE 7/11.

THEY ARE CHILDREN WHO HAVE BEEN

BEFORE THE COURT IN THE PAST,

MANY OF THEM HAVE PREVIOUSLY

BEEN DIRECT FILED AND HAVE

ALREADY SPENT TIME IN THE

PINELLAS COUNTY JAIL.

OUR ISSUE IS THE SECURITY

CONCERN THAT BRINGING THESE

CHILDREN IN COMPLETELY

UNRESTRAINED POSES FOR THE

MEMBERS OF THE SHERIFF'S OFFICE.

>> SO WHAT CAN THE -- CAN THE  
SHERIFF'S OFFICE -- WHEN YOU SAY  
YOU BRING THEM IN EN MASSE, HOW  
MANY PEOPLE ARE YOU TALKING  
ABOUT AT ONE TIME?

>> IT VARIES.

IT VARIES FROM 5 OR 6 TO AS MANY  
AS 20.

>> OKAY.

SO YOU BROUGHT THEM OVER ON A  
VAN OR A BUS OR SOMETHING --

>> YES, MA'AM.

>> -- TO THE COURTHOUSE,

CORRECT?

>> THAT'S CORRECT.

>> OKAY.

SO EVIDENTLY, THERE'S SOME KIND  
OF HOLDING ROOM YOU PUT THEM IN?

>> YES.

>> SO IT WOULD BE ONE PROBLEM TO  
TAKE ONE CHILD IN AT A TIME AND  
BRING THEM BACK S THAT A PROBLEM  
FOR THE SHERIFF'S OFFICE?

>> THAT IS A DIFFICULTY BECAUSE  
WHAT WOULD THEY HAVE TO DO?

THERE ARE ONLY, NOW THERE ARE  
ONLY TWO BAILIFFS IN THE  
JUVENILE COURTROOM, AND THAT IS

A RECENT REDUCTION --

>> BUT WHO BROUGHT THEM OVER?

I MEAN, HOW MANY PEOPLE -- IF

YOU'VE GOT 20 KIDS ON A BUS, HOW

MANY PEOPLE DO YOU HAVE ON THAT

BUS?

>> THERE ARE AT LEAST TWO, WELL,

AND A DRIVER OF THE BUS, AND

THEN THERE ARE AT LEAST TWO WHO

BRING THEM OVER IN THE VAN, AND

THERE ARE TWO BAILIFFS IN THE

COURTROOM.

>> OKAY, SO ONE COULDN'T STAY IN

THE ROOM WITH THEM WHERE THEY

ARE STILL SHACKLED AND ANOTHER

BRING THEM INTO THE COURTROOM?

>> THERE IS A BAILIFF WHO STAYS

BEHIND IN THE HOLDING CELL AT

ALL TIMES TO WATCH THE ONES THAT

ARE BROUGHT BACK WHEN THEY'RE

FINISHED WITH THEIR FIRST

APPEARANCE, AND THEN THERE ARE

TWO BAILIFFS PRESENT IN THE

COURTROOM ONE OF WHOM WILL STAY

IN THE COURTROOM ALL THE TIME TO

WATCH THE CHILDREN THAT ARE

WAITING TO BE HEARD AND THE

SPECTATORS, AND THEN THE OTHER

BAILIFF STANDS AT THE PODIUM

NEXT TO THE CHILD AND THEN  
ESCORTS THE CHILD BACK INTO THE  
HOLDING CELL.

IT'S BEEN PUT BEFORE THE COURT  
THAT THE JUVENILES ARE, ARE  
DIFFERENT THAN THE ADULTS  
BECAUSE THEY ARE PRONE TO  
UNPREDICTABILITY, THEY DON'T  
THINK ABOUT THE CONSEQUENCES OF  
THEIR ACTIONS.

THERE ARE, IT IS NOT UNCOMMON  
FOR OUR BAILIFFS TO HAVE  
CHILDREN SAY, IF I DIDN'T HAVE  
THESE CUFFS ON ME, I WOULD, I  
WOULD STRIKE OUT AT A STATE  
ATTORNEY, EVEN THE PUBLIC  
DEFENDERS.

IN FACT, THE COURT RECEIVED A  
COMMENT FROM --

>> AND THAT'S, I GUESS, YOU  
KNOW, YOU SAY IT'S NOT UNCOMMON.  
YOU KNOW, SOMEONE ELSE SAYS THAT  
IS UNCOMMON.

THE IDEA IS THAT THE JUDGE, THE  
PERSON THAT'S GOING TO SAY THAT  
THAT JUVENILE MAY HAVE TO BE  
TREATED DIFFERENTLY THAN THE  
10-YEAR-OLD WHOSE MOM JUST

WASN'T AVAILABLE TO PICK HER UP  
THE NIGHT BEFORE.  
IN YOUR CIRCUIT THEY'RE ALL  
TREATED THE SAME.  
AND THAT'S ALL THAT THIS IS,  
THAT THEY'RE ASKING FOR, AN  
INDIVIDUAL DETERMINATION SO THE  
17-YEAR-OLD WHO HAS HAD AN ARMED  
ROBBERY CHARGE AND WHO HAS  
ESCAPED BEFORE IS TREATED  
DIFFERENTLY THAN THE 11-YEAR-OLD  
WHO WAS JUST CAUGHT UP IN, YOU  
KNOW, WAS ON SOME KIND OF, YOU  
KNOW, IN A CAR THAT WAS GOTTEN,  
YOU KNOW, GOT HERSELF IN  
TROUBLE.  
SO THAT'S THE -- YOU KNOW, IT'S  
ALWAYS WE HEAR THE HORRIBLE, AND  
THAT'S WHAT WE HEAR A LOT OF,  
BUT THAT'S MY CONCERN, AND I  
THINK THAT WAS THE COMMITTEE'S  
CONCERN.

>> WELL, I WOULD ENFORCE THAT IN  
PINELLAS COUNTY THEY ARE ALL  
TREATED THE SAME TO THAT  
EXTENT --

>> TREATED LIKE CRIMINALS.

>> WELL --

>> LIKE THE WORST OF THE

CRIMINALS.

>> WELL, TO THE EXTENT THAT THEY  
ARE ALL BROUGHT TO THE COURT IN  
THE SAME MANNER.

THE -- I WOULD SAY THAT THE  
INTRUSION OR ANY EFFECT, IF ANY,  
THAT THAT MAY HAVE ON A JUVENILE  
IS FAR OUTWEIGHED BY THE  
SECURITY RISK THAT BRINGING ALL  
OF THEM IN UNRESTRAINED WOULD  
POSE.

AND THAT'S BECAUSE THERE HAS  
BEEN AN ASSESSMENT DONE  
BEFOREHAND, AND BY BEING ABLE TO  
BRING THEM IN ALL TOGETHER, IT  
ENABLES THE SHERIFF'S OFFICE TO  
GET THEM BACK TO THE JUVENILE  
DETENTION CENTER MUCH MORE  
QUICKLY THAN IT WOULD IF WE HAD  
TO BRING THEM BACK ONE AT A  
TIME.

BACK IN THE CENTER THEY CAN BE  
WHERE THEY HAVE ACCESS TO SCHOOL  
AND TO THE OTHER EDUCATIONAL AND  
ENTERTAINMENT PROGRAMS --

>> I THINK --

>> YEAH, BUT WHAT YOU'RE  
INDICATING IS THAT THE PROBLEM

IS WITH THE FIRST APPEARANCE AND  
HOW IT'S BEING TREATED IN A  
CERTAIN CIRCUIT AS REALLY NOT A  
VERY MEANINGFUL HEARING AT ALL.  
BECAUSE IF THEY'RE COMING OVER  
AND THEN THEY'RE JUST BEING  
BROUGHT BACK, THEN WHAT WAS THE  
PURPOSE OF THE HEARING IF SOME  
OF THEM AREN'T BEING RELEASED AT  
THE END OF THE HEARING?

>> WELL, ON THE CONTRARY I THINK  
IT IS AN IMPORTANT HEARING, AND  
THE FACT THAT THEY'RE ALL THERE  
TOGETHER IS BENEFICIAL TO THEM.  
IN FACT, THERE ARE SOME JUDGES  
WHO WOULD LIKE TO CALL THE  
CALENDAR IN ORDER OF SEVERITY OF  
THE CHARGES SO THAT THE CHILDREN  
IN THE COURTROOM AT THE SAME  
TIME AS THE OTHERS CAN HEAR  
WHAT'S HAPPENING.

THEY'RE INFORMED OF THEIR  
CHARGES, THE COURT MAKES,  
APPOINTMENTS AN ATTORNEY, AND  
DECIDES WHETHER THEY'RE GOING TO  
STAY IN DETENTION OR NOT.

>> AND WITH THAT, YOU HAVE USED  
WELL OVER YOUR TIME.

IS THERE ANY OTHER QUESTION FROM

THE BENCH?

THANK YOU VERY MUCH.

>> THANK YOU, YOUR HONOR.

>> I THANK ALL OF YOU FOR YOUR

ARGUMENTS THAT HAVE BEEN

PRESENTED HERE TODAY, AND THE

COURT IS NOW GOING TO TAKE ITS

MORNING RECESS FOR 10 MINUTES.

>> PLEASE RISE.