

IN THE SUPREME COURT OF THE STATE OF ALASKA
ORDER NO. 1791

Adopting new Delinquency
Rule 21.5 concerning the use of
restraints on juveniles during
court proceedings

IT IS ORDERED:

The Delinquency Rules are amended to include new Delinquency Rule 21.5,
which provides:

Rule 21.5. Use of Restraints on the Juvenile

(a) Restraints such as handcuffs, waist belts, and footcuffs shall not be used on a juvenile during a court proceeding unless they are necessary because the juvenile is otherwise uncontrollable or constitutes a serious and evident danger to self or others, there is reason to believe that the juvenile will try to escape, or there is no less restrictive alternative available to maintain order and safety in the courtroom given available security resources.

(b) If a juvenile appears at a court proceeding in restraints, and if there is an objection to the restraints or if the juvenile is appearing without counsel, the judge must make a finding, based on an individualized assessment of the particular juvenile and the available security resources, whether the restraints are necessary. In subsequent proceedings in the same case, a judge may rely on a finding that was made previously, as long as the circumstances have not materially changed. When ruling on the necessity of restraints, the judge shall consider the following factors:

- (1) any threats that the juvenile has made to cause harm to self or others, or to cause a disturbance;
- (2) any behavior of the juvenile indicating that the juvenile presents a current threat to the juvenile's own safety, or to the safety of other people in the courtroom, or to the orderly course of the proceedings;
- (3) any past escapes or attempts to escape, and the seriousness of the current charge, to the extent it raises a concern that the juvenile has an incentive to attempt to escape;
- (4) the existence of any less restrictive alternative to maintain order and safety in the courtroom, taking into account available security resources; and
- (5) the recommendations of security personnel charged with custody of the juvenile.

DATED: December 11, 2014

EFFECTIVE DATE: April 15, 2015

/s/
Chief Justice Fabe

/s/
Justice Winfree

/s/
Justice Stowers

/s/
Justice Maassen

/s/
Justice Bolger