

**IN THE SUPREME COURT OF FLORIDA**

**IN RE: AMENDMENTS TO THE FLORIDA  
RULES OF JUVENILE PROCEDURE  
(THREE YEAR CYCLE)**

**CASE NO. SC09-141**

**COMMENT OF JIM COATS, SHERIFF OF PINELLAS COUNTY,  
FLORIDA, TO THE AMENDMENTS TO THE  
FLORIDA RULES OF JUVENILE PROCEDURE,  
PROPOSED AMENDED FLA. R. JUV. P. 8.100**

Jim Coats, Sheriff of Pinellas County, Florida upon review of the Three-Year Cycle Amendments to the Florida Rules of Juvenile Procedure submits the following comments to Proposed Amended Fla. R. Juv. P. 8.100:

**THE MINORITY REPORT – RULE 8.100, GENERAL PROVISIONS FOR HEARINGS  
TAKES INTO CONSIDERATION LAW ENFORCEMENT’S REAL WORLD  
CHALLENGES TO PROVIDING SATISFACTORY COURT SECURITY**

The Minority Report cites three main reasons for rejection of the proposed rule amendment. While we agree with all three of these reasons, the focus of these comments will be primarily on the third – “it is the position of the minority that the proposed rule involves matters of courtroom security rather than juvenile procedure... .” The benefits of passive restraints<sup>1</sup> outweigh the detrimental impact, if any, to juveniles in court. Indeed, there are several practical benefits to the current manner of escorting juveniles to

---

<sup>1</sup> Handcuffs and/or ankle cuffs are passive restraints designed to restrict movement and are not “shackles,” as they are often inappropriately referred to.

hearing *en masse*. The following represents the practical impact of this proposed rule amendment on courtroom security during juvenile hearings:

**1. Juveniles Are Safer – Appreciating the Consequences of Their Actions**

The current system of permitting appropriate passive restraint works well by insuring that all juveniles are present in the courtroom for all hearings during the docket calendar. Without proper passive restraint, juveniles would not be safely permitted to attend calendar hearings *en masse*. This practical observation regarding the security risk of having a non-restrained group of juveniles in attendance is supported by the Minority Report which aptly points out juveniles are more prone to act out without fully considering the consequences of their actions. Oftentimes, they do not even realize that consequences exist prior to taking action. As such, their actions are more unpredictable than those of adults. The increase in unpredictability in their behavior results in an unacceptable increase in the unpredictable security and safety risk to the juveniles and those around them.

However, when juveniles are able to be brought to hearings *en masse* because they are properly and passively restrained, they have the opportunity to learn from each others' actions. For example, if one juvenile acts out, the others directly see the consequences and conform their conduct accordingly. Simply put, court security personnel gain compliance through real world and

direct examples. As the hearings progress, the security risks generally decrease. Such a learning method also serves as a deterrent for juvenile visitors and witnesses who also may be in the courtroom.

## **2. Public, Courtroom Staff, and Judges Are Safer**

While the majority seeks to characterize the use of mechanical restraints as cruel and unusual, in fact, they are the most passive form of adequate restraint. It is widely held in courts across the country that the use of mechanical restraints for security purposes is not cruel and unusual, nor does it constitute due process violations. This is especially true in juvenile cases where there is no jury present, but rather a judge who may objectively view the juvenile during any hearing. Maintaining passive restraints of these juveniles minimizes the risk of harmful, unpredictable behavior (as discussed above) and provides for the necessary safety of participants and spectators, and the overall judicial process is rendered safer.

In fact, the United States Supreme Court held in *Muehler v. Mena*, 544 US 93, 1255 S.Ct 1465 (2005) (dealing with using handcuffs during execution of a search warrant where individuals were not under arrest), that minimizing the risk of harm to officers is a substantial justification for detaining an individual and that handcuffs to effectuate such detention is reasonable, especially when there are multiple individuals present. Although *Muehler* dealt with a pre-arrest situation, as opposed to the post-arrest situation of

juvenile detainees, it is still analogous to the use of passive restraints with juvenile detainees, as many of them may have gang affiliations and violent tendencies. This is coupled with the fact that juveniles are more unpredictable than adults by nature. Thus, as in *Muehler*, the interest in minimizing the risk of harm to courtroom personnel, spectators, and witnesses far outweighs any minimal intrusion caused by passive restraints.

**3. Hearing Times Are Shorter and Attorney Contact Is Not Restrained:**

Individual escorting of juveniles into hearings without restraint, the unpredictability of juvenile behavior, and the loss of the ability to give group instruction by courtroom personnel will cause significant delays and increases in hearing times on the already overburdened and densely scheduled court calendars. Further, along that same vein, the majority's allegation that juvenile detainees' access to their attorneys is curtailed when they are restrained is not valid. Defense attorneys are always permitted to speak to their clients in private and upon such request are given the opportunity to do so.

**4. Less Burden on Security Personnel and Agencies Providing Such Security**

To maintain the same level of security that currently exists, the proposed amendment essentially mandates that juveniles now be brought into the courtroom one at a time. This will require additional courtroom security personnel – not less. In many agencies throughout the state, including the

Pinellas County Sheriff's Office, courtroom security staff has had to be decreased due to statewide budget shortfalls. As such, the amendment is unduly burdensome to agencies already plagued by the very real, hard economic times. Indeed, our agency has had to reduce its courtroom security staff by twenty-two (22) positions in this fiscal year alone. It is anticipated that the budget climate over the next five years will necessitate further reductions. A rule change that requires an increase in personnel is not something that agencies can afford in the current times or near future.

In conclusion, we agree with the Minority report on all points – both legal and practical, and also stress that the practical impact on the safety and security of the juveniles caused by the proposed amendment will be detrimental to the efficiency, safety, and security of the process as a whole.

Dated: March 31, 2009.

Respectfully submitted,

---

Robert A. Gualtieri, Esquire  
Fla. Bar No.627607  
General Counsel  
Pinellas County Sheriff's Office  
P. O. Drawer 2500  
Largo, FL 33779-2500  
Attorney for Jim Coats, Sheriff of  
Pinellas County, Florida  
Telephone: (727) 582-6274  
Fax: (727)582-6459

**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing Comment of Jim Coats, Sheriff of Pinellas County, Florida, was furnished by U.S. mail to David N. Silverstein, 501 E. Kennedy Boulevard, Suite 1100, Tampa, FL 33602-5242, on March 31, 2009.

---

Robert A. Gualtieri, Esquire  
General Counsel for Jim Coats,  
Sheriff of Pinellas County, Florida