

CHILDREN SHOULDN'T WEAR PRISON JUMPSUITS IN COURT

MIDLAND AS AN EXAMPLE



For at least three years, Midland, Texas, has ensured that no child appears in court wearing a prison jumpsuit, recognizing the potential harms this practice has on both children and the presumption of innocence.¹

Children across Texas often appear before a judge wearing prison jumpsuits, regardless of the offense they are charged with or whether they have a criminal history.

Texas Appleseed fears that requiring children to wear prison jumpsuits in court:

- Traumatizes children and their families;
- Harms children developmentally;
- Instills in children feelings of distrust and lack of value; and
- Runs counter to the rehabilitative goals of the youth justice system.

WHAT DO THE COURTS SAY?

Both the **U.S. Supreme Court** and the **Fifth Circuit** have ruled that requiring adult defendants to wear jumpsuits or "prison clothes" during jury trials against their will is **highly prejudicial** and **violates their 14th Amendment due process rights**.²

While those decisions apply specifically to adult jury trials, **kids deserve to be treated fairly** in the courtroom, the same way we treat adults. This is true for **three main reasons**:

1

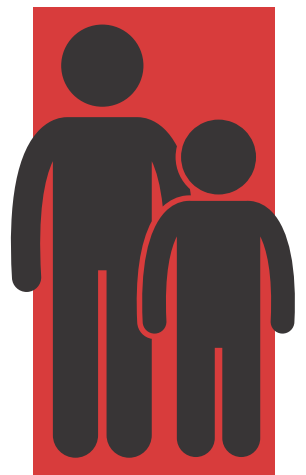
Just because youth court proceedings lack a jury doesn't mean bias and prejudice aren't an issue. Studies show that **judges**—who play the role of the jury in youth proceedings—**are similarly subject to prejudice and bias**.³

2

Requiring that children appear before a judge in prison clothing is **traumatizing** for children and their families; **harms children developmentally**; and **furtheres no rehabilitative goal**.

3

Finally, the U.S. Supreme Court ruled that **constitutional safeguards available to adults should be made equally available to youth**.⁴ Because the judge functions as the jury in youth proceedings, **this should include the right to wear street clothing** when appearing before the judge.



For More Information, Contact:

Brett Merfish, Director of Youth Justice, Texas Appleseed, 512.473.2800 x111, bmerfish@texasappleseed.net
TexasAppleseed.org | info@TexasAppleseed.net | 512.473.2800 [f](#) [v](#) [in](#) [t](#) @TexasAppleseed

¹ Correspondence with Midland County Juvenile Probation Department

² See *Estelle v. Williams*, 96 S.Ct. 1961 (1976); see also *Randle v. State*, 826 S.W.2d 943 (Cr.App. 1992).

³ See e.g., Jerry Kang et al., *Implicit Bias in the Courtroom*, 59 UCLA L. Rev. 1124 (2012).

⁴ See *In re Gault*, 87 S.Ct. 1428 (1967) (holding that youth, like adults, are entitled to due process safeguards like adequate notice of charges against them, the right to counsel, the right to confrontation and cross-examination of opposing witnesses, and the right to safeguards against self-incrimination); see also *In re Winship*, 90 S.Ct. 1068, 1075 (1970).