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3
4 UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
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6 IN RE:

7 USE OF RESTRAINTS ON IN-CUSTODY
8 PERSONS IN THE COURTROOM
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GENERAL ORDER 05-24

11 This Court consults with the United States Marshals Service, under 28 U.S.C. § 566, to
12 coordinate the security needs of the courthouses, the Judges, and of all persons who attend
13 proceedings in the courtrooms. The purpose of this General Order is to address security with
14 respect to persons who are defendants in criminal cases, or other individuals who are
15 participating in a criminal or civil case, when they are in custody at the time of a proceeding.
16 This Order applies to proceedings both in and outside the presence of a jury.

17 It is the policy of this Court that the United States Marshal should not routinely bring in-
18 custody defendants in criminal cases, or other in-custody individuals, to court in shackles or
19 similar restraints, whether full-body or partial. *See Deck v. Missouri*, 544 U.S. 622 (2005);
20 *Claiborne v. Blauser*, 934 F.3d 885 (9th Cir. 2019); *United States v. Howard*, 480 F.3d 1005 (9th
21 Cir. 2007). Instead, the use of restraints will be based on an individualized determination by the
22 presiding District or Magistrate Judge, with input as the Judge deems necessary by the United
23 States Marshals Service and counsel for the parties. The Court hereby ORDERS that the
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1 following procedures will apply to cases where an in-custody defendant in a criminal case, or
2 another individual who is in-custody, is brought to court for criminal or civil proceedings:

- 3 1. With respect to any proceeding in which the United States Marshals Service believes
4 restraints are justified, the Deputy U.S. Marshal (the Marshal) will (1) notify the
5 presiding Judge's Courtroom Deputy as soon as practicable before the beginning of
6 the proceeding that the Marshal intends to bring an individual who is in-custody to
7 the courtroom in restraints; and (2) provide the Courtroom Deputy with information
8 about the specific circumstances that cause the Marshal to recommend that restraints
9 are necessary and the type of restraints the Marshal recommends.
- 10 2. The Courtroom Deputy will expediently provide the presiding District Judge or
11 Magistrate Judge, the parties, and Probation and Pretrial Services with the
12 information received from the Marshal.
- 13 3. The presiding Judge will then make an individualized determination of whether the
14 proceeding should be conducted with the individual in restraints. This individualized
15 determination may involve a hearing, briefing from the parties and Probation and
16 Pretrial Services, or other processes as the presiding Judge deems appropriate.
- 17 4. Relevant circumstances for such an individualized determination may include, but are
18 not limited to:
 - 19 • Whether the individual has a history of conduct that would warrant
20 increased security measures, and whether there are any less restrictive
21 means for mitigating dangerousness or risk of flight;
 - 22 • Whether the restraints would interfere with the individual's ability to
23 communicate with counsel and participate in their case;

