

find her son traumatized and in leg shackles, like an inmate being transported for a court appearance. To her dismay, Ms. Wood learned that not only had the 4-year-old been handcuffed and shackled for about 20 minutes, but that the police officer had forced C [REDACTED] to speak with persons who had been arrested in an apparent attempt to “scare straight” the preschooler. Incredibly, C [REDACTED] was held in handcuffs or shackles for about 20 minutes.

Rather than recognizing the imprudence of treating a young child like a hardened criminal, school officials and the sheriff’s office not only defended their actions but actually suspended C [REDACTED] from the pre-K program and instructed his mother to seek “homebound instruction” for him.

A four-year old boy clearly poses no grave threat to a trained sheriff’s deputy

No child, particularly children of tender years who are as emotionally fragile as C [REDACTED] should have to endure the shock and fright that accompanies handcuffing and shackling. These extreme forms of restraint are meant to be used only in those instances where law enforcement officers would be endangered by their proximity to unencumbered persons who pose a risk of violence. A four-year old boy clearly poses no such threat to a trained sheriff’s deputy and it was plainly unnecessary in this case.

The psychological ramifications of handcuffing and shackling a preschooler are far-reaching

As noted by one local psychologist, a scenario where it is necessary to handcuff or shackle a four-year old is not only unimaginable but could have long-term consequences.² Indeed, the use of force here is an example of the kind of gratuitous demonstrations of strength that have become all too common in the current climate of militarized police forces.

Handcuffing and shackling a four-year old is excessive, unwarranted, and unnecessarily traumatizing

As egregious as handcuffing young students may be, it is also almost certainly a violation of the protection against unreasonable seizures set forth in the Fourth Amendment to the United States Constitution. Students do not shed their constitutional rights at the schoolhouse gate, and the Fourth Amendment’s protection against the use of excessive force by police in effecting a seizure of a person extends to students on school grounds.³ A seizure is reasonable if the measures adopted are reasonably related to the objectives of the seizure and are not excessively intrusive in light of the age and sex of the student.⁴ It is self-evident that handcuffing and

² See “Child Handcuffed and School Policies Questioned,” available at <http://wvtf.org/post/child-handcuffed-and-school-policies-questioned>.

³ *Gray v. Bostic*, 458 F.3d 1295, 1305 (11th Cir. 2006).

⁴ *Id.*

Andrea Whitmarsh, Superintendent
December 18, 2014
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shackling a four-year old by a law enforcement officer is excessive, unwarranted, and unnecessarily traumatizing.

This incident points to a failure to provide the proper guidance to school personnel

That such extreme restraints would even be contemplated in a case such as this points to a failure by those in leadership to provide the proper guidance to school personnel in what forms of restraint and force are appropriate when dealing with students, especially the youngest and most vulnerable.

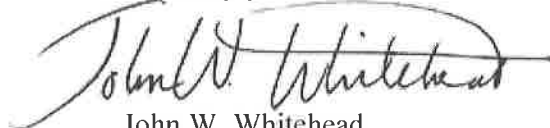
That it was a sheriff's deputy and not a public school official who handcuffed and shackled this four-year-old does not detract from the fact that Ms. Wood entrusted her son to the care of school officials, trusting them to care for him as she would, with compassion, understanding and patience.

Having failed to do so, it is imperative that Greene County Public Schools take steps to assure Ms. Wood and the rest of the community of parents and concerned citizens that what happened to C■■■■ will not happen again to him or other students of similar age. Policies must be implemented making it clear that handcuffing, shackling and other similar excessive restraint techniques are never appropriate when dealing with children of tender years, and are appropriate for students of other ages only in the most extreme situations when danger to others is imminent. Protocols also should be established to guide school personnel and allow them to deal more appropriately with students who are acting up or have become upset, preventing such incidents from escalating to the point where use of law enforcement is considered an option.

Under the circumstances, Greene County Public Schools should also rescind the suspension imposed upon C■■■■ and remove any indication of the incident from C■■■■'s records. The trauma C■■■■ has endured, which continues to cause him nightmares and may forever taint his experience and thoughts about school, should not be compounded by a blemish on his record that will also follow him through his school years.

In order to advise Ms. Wood regarding her options in this matter, we will need a response to this letter by the close of business on December 30, 2014.

Sincerely yours,

A handwritten signature in black ink that reads "John W. Whitehead". The signature is written in a cursive style with a large, sweeping flourish over the last name.

John W. Whitehead
President