



Detention

Know your Legal Rights and Speak Up for Yourself!

This handbook was written by the legal staff of the Center for Children's Advocacy in collaboration with the Connecticut Judicial Branch.

This book is an informational guide only and is not intended as legal advice for an individual situation.

Center for Children's Advocacy
www.kidscounsel.org

Connecticut Judicial Branch
www.jud.ct.gov

© Connecticut Judicial Branch, 2011
All rights reserved.



Detention

**Know your rights in detention
and speak up for yourself!**

You may think that because you're in detention you don't have rights.

You do have rights in detention.

This book tells you about your legal rights and about the responsibilities of the detention center and others to keep you safe and secure.

Remember that your voice counts.

If things are not going right for you . . .

Speak Up!

Tell someone what you need.

Questions

What legal rights do I have in detention? 3
What does my lawyer do? 4
How do I contact my lawyer?..... 5
Can I be kept in detention before a court hearing? 6
Can a judge decide to keep me in detention before I have a trial? 6
Will I go to court in shackles? 7
Can the detention center staff search me and go through my things? 8
What should I do if I was searched in a way that broke the rules? 8
Can my lawyer visit me in detention? 9
Can my family visit me in detention? 10
Can my DCF worker or probation officer visit me in detention? 11
Can my clergy visit me in detention?..... 11
Can my visitors be searched? 12
Can I use the phone to make or get calls? 13
Can I send and receive letters?..... 14
Can staff read letters to or from my lawyer?..... 14
Can staff read my other letters? 15
How will I know if someone sent me a letter but I didn't get it? 16
Do I have a right to participate in physical activities? 17
Will I be able to go to school?..... 18
Can I see a doctor if I get sick? 19
Can I talk with a therapist if I am sad or upset?..... 20
Can the staff use physical force against me?..... 21
What do I do if I think staff used force against me in a way that broke the rules?..... 22
What if I have a complaint about something that happened at the detention center?..... 22
How do I file a written complaint or grievance? 23
How do I send my grievance to the authorities in charge?..... 24
Can I get into trouble for filing a complaint or grievance? 24

Important Contact Information: Juvenile Courts..... 25

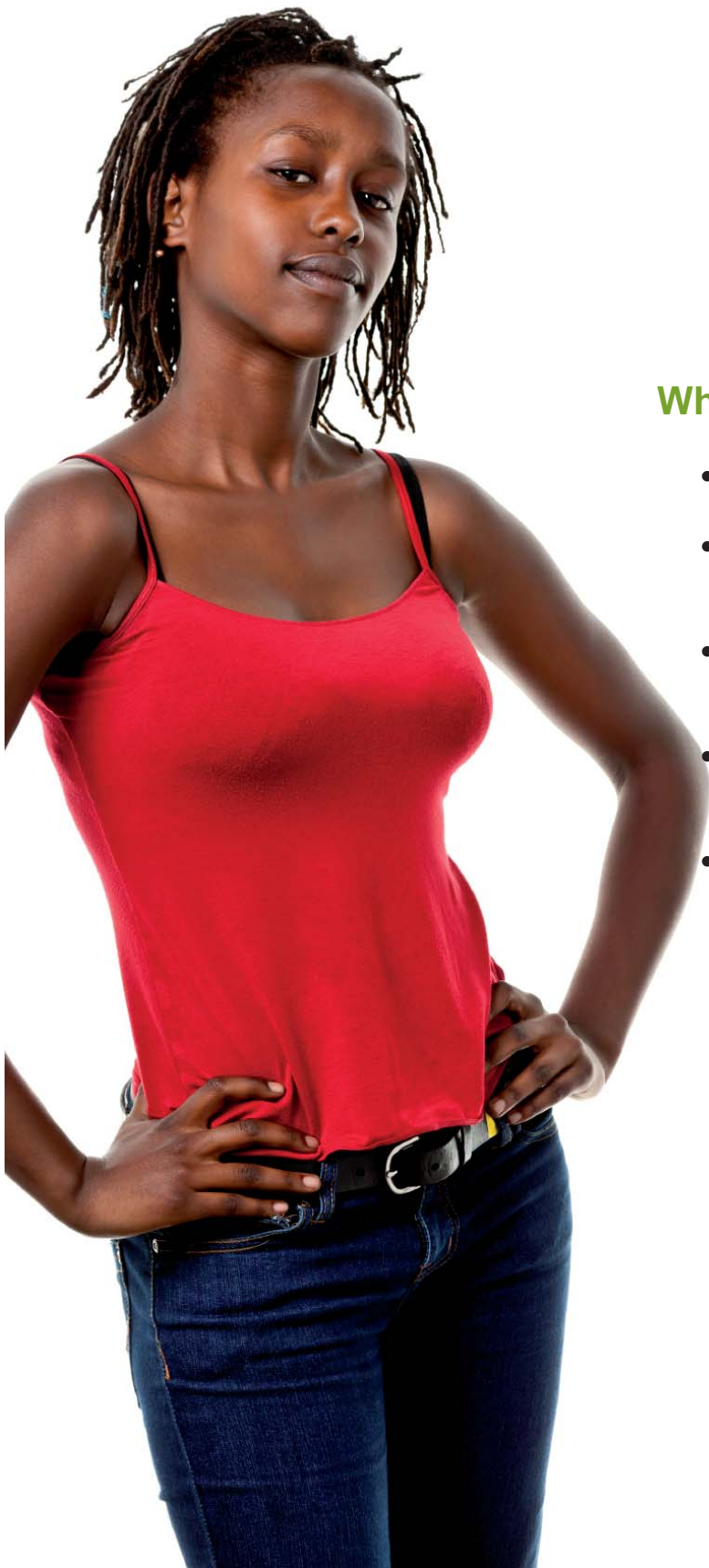
Important Phone Numbers 26

- Department of Children and Families
- Juvenile Public Defender's Offices
- Center for Children's Advocacy
- Office of the Child Advocate
- Youth Rights Media

Footnotes 27

Personal Contact Information 28





What legal rights do I have in detention?

- You have the right to have your own lawyer.
- You have the right to know what crimes you are being accused of.
- **You have the right to choose not to talk to police or anyone else** about your charges.¹
- You have a right to have your parents with you when the police are questioning you.²
- The detention staff must notify your parents or guardian if you are being brought to detention.³



What does my lawyer do?

- Your lawyer represents you. He or she does not represent the state, the prosecutor, or your parents.
- Your lawyer will listen to what you want and will speak for you in court.
- Your lawyer will answer your questions about your case and your rights.
- Everything you and your lawyer talk about is confidential.

This means that **your lawyer cannot tell people what you say unless you tell him or her that it's okay to tell someone.** ⁴

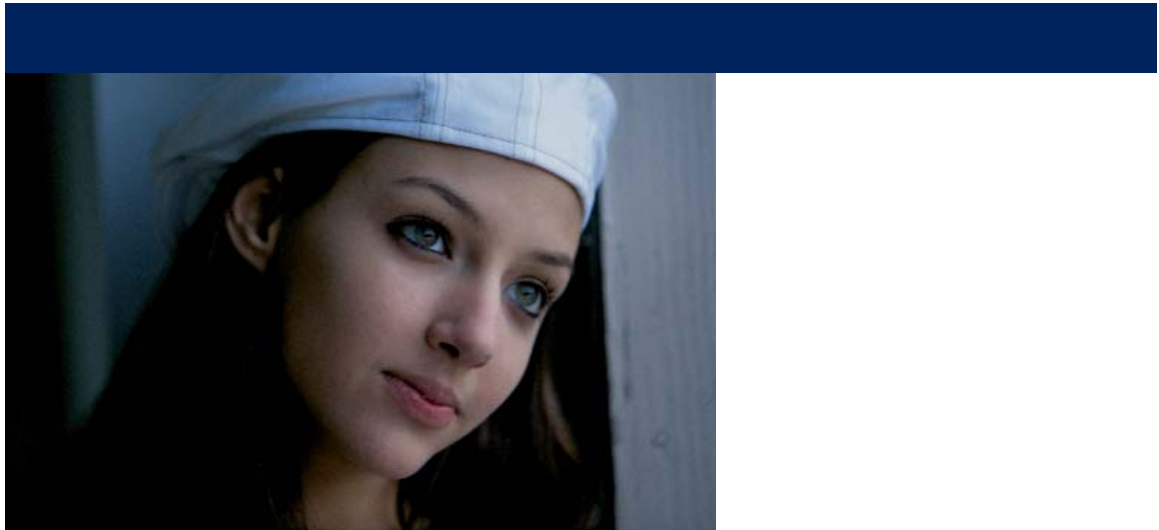
It also means that you have a right not to tell anyone what you and your lawyer talk about.





How do I contact my lawyer?

- If you don't know your lawyer's name or number, you can ask detention staff to find out for you, or call a Public Defender's office in your area (the phone number is on page 26 of this book).
- The fastest way to get in touch with your lawyer is to call. You can also write letters to your lawyer. Write your lawyer's name and contact information in the space provided at the back of this book so you will have it when you need it.
- If your lawyer doesn't return your phone calls, and your lawyer is a public defender, you can call the Office of the Public Defender and ask to talk to the supervising attorney. See page 26 for a list of telephone numbers for the Public Defenders' offices.
- If you get no response from your lawyer when you call and write letters, you can write to the court (addresses are on page 25 of this book) and ask the court to appoint a different lawyer to represent you. You should explain why you are asking for a different lawyer.



Can I be kept in detention before a court hearing?

Yes.⁵

But you have a right to a hearing in front of a judge on the day after your arrest (not counting Saturdays, Sundays, or holidays).

Can a judge decide to keep me in detention before I have a trial?

Yes.⁶

The judge can keep you in detention before you have a trial if he or she finds that you probably did the acts you are charged with, **and one of these is true**:

- You might be a danger to yourself or others;
- You might not show up for your court hearing if you are allowed to leave;
- It is not safe for you or for the community to allow you to return to your home before your trial ends;
- You are wanted in another state.
- You did not show up at another court hearing of yours; or
- You did not follow all the requirements of a suspended detention order.

A court order for detention can last up to 15 days.

You cannot be held longer than that unless you go back to court and the judge again orders you to go to detention.⁷

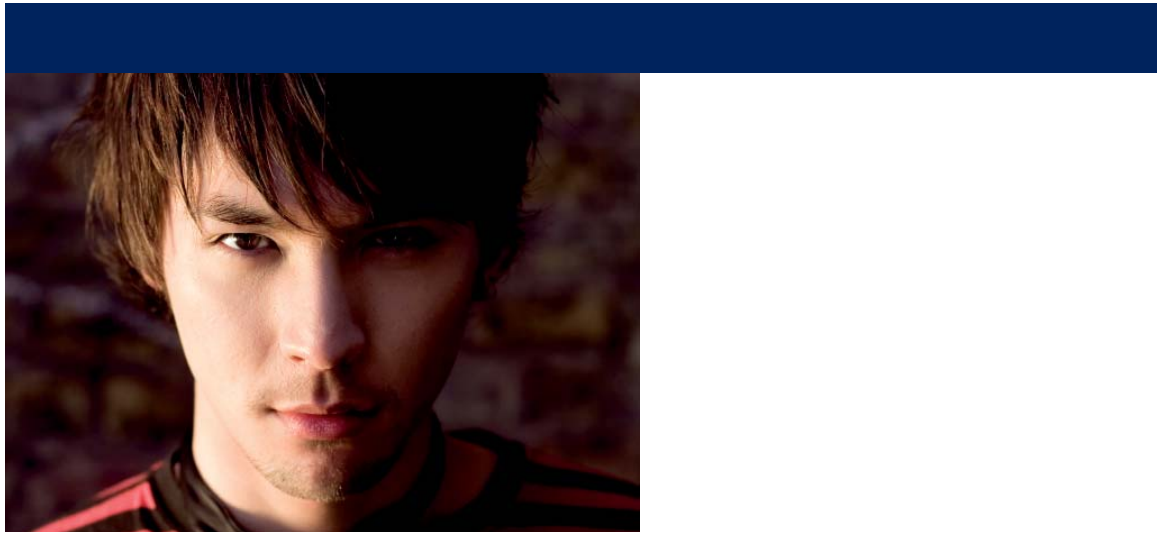


Will I go to court in shackles?

Yes.⁸

You will be transported to court in shackles, but, depending on your circumstances, they may be removed when you go inside the courtroom.

- For your safety and the safety of others, all juveniles will be placed in full shackles by the Central Transportation Unit or detention staff when they are being transported to and from court in a vehicle.
- You will remain in full shackles while you are in the court holding area.
- Detention staff will make a recommendation to the judge about your shackles. They will recommend if none, some, or all, of your shackles should be removed in the courtroom.
- The judge will make a final decision regarding your shackles and will decide if none, some, or all, of your shackles will be removed while you are in the courtroom.



Can the detention center staff search me and go through my things?

Yes.⁹

- The staff can do frisk searches, searches of areas used by you, and general searches of the detention center.
- You will be strip searched when you first arrive at detention, when you return to the detention center after leaving the property, or if you are suspected of carrying dangerous contraband.
- The staff have to tell you about a frisk or strip search before they do it.
- Strip searches of boys can be done only by male staff members, and strip searches of girls can be done only by female staff members.

What should I do if I was searched in a way that broke the rules?

- You can complain to a Detention Superintendent.
- You have a right to file a written complaint, called a grievance. See pages 23-24 for more information on how to file a grievance.
- You should **tell your lawyer as soon as possible.**

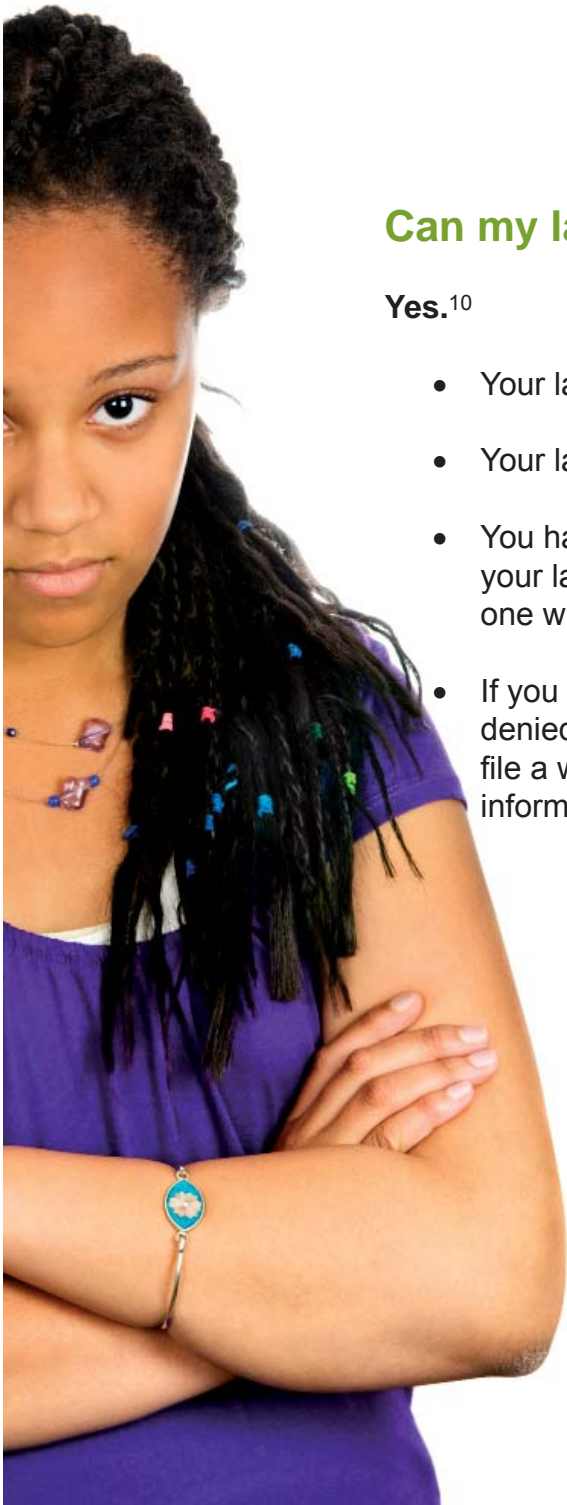




Can my lawyer visit me in detention?

Yes.¹⁰

- Your lawyer can visit you any time during the day and early evening hours.
- Your lawyer does not need to be put on your visitor list.
- You have a right to talk to your lawyer in private. Your conversations with your lawyer are confidential. This means you have a right not to tell anyone what you talked about with your lawyer.
- If you feel you were wrongly denied a visit with your lawyer or you were denied the right to speak with your lawyer privately, you have a right to file a written complaint, called a grievance. See pages 23-24 for more information on how to file a grievance.



Can my family visit me in detention?

Yes.¹¹

You will talk to your CPO (case manager) who will make a list of approved immediate family members to visit. Your immediate family members on your list can visit you during scheduled visiting hours.

Immediate family members are your:

- parents
- legal guardian
- stepparents
- foster parents
- grandparents
- child(ren)
- spouse

Other rules about visits from family:

- Your sisters or brothers cannot visit you during the first 15 days of detention unless you get permission from the Detention Center Superintendent. If you cannot get permission, you can call your lawyer to ask for help.
- After you have been in detention for 15 days, your brothers and sisters will be allowed to visit you like your other immediate family members without getting special permission.
- If there are family members you want to see who are not on your visitors list, get permission from the Detention Superintendent.
- The Detention staff cannot stop you from visiting with your immediate family unless the Detention Center Superintendent determines that the visit would violate the security of the Center or endanger the safety of residents, visitors, staff, or the community.
- If you feel you were wrongly denied a visit, you have a right to file a written complaint, called a grievance. See pages 23-24 for more information on how to file a grievance. You should also tell your lawyer.





Can my DCF worker or probation officer visit me in detention?

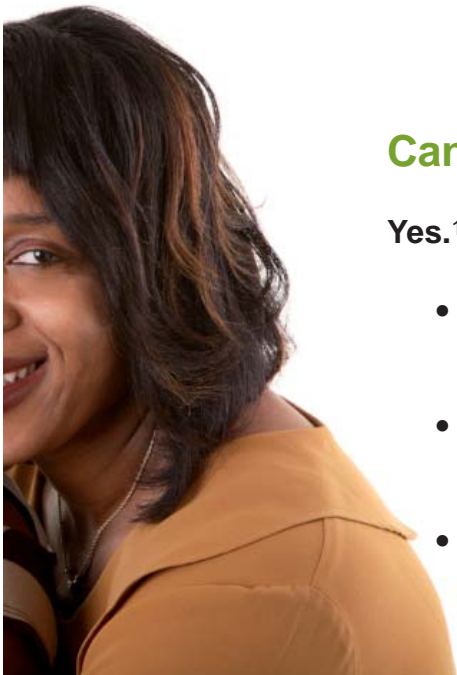
Yes.¹²

Your DCF worker and probation officer do not need to be put on your visitors list.

If you don't know who your DCF worker is, or you don't know how to contact him or her, ask detention staff or call the DCF office. Telephone numbers are listed on page 26 of this book.

You have a right to speak to your DCF worker or probation officer in private.

If your DCF worker doesn't come to visit you, call the DCF Supervisor. Telephone numbers of the DCF offices are listed on page 26 of this book.



Can my clergy visit me when I am in detention?

Yes.¹³

- Clergy such as priests, ministers, imams, pastors, and rabbis can visit you any time during the day and early evening hours.
- Your clergy is considered a “professional visit” and does not need to be on your visitors list.
- If you feel you were wrongly denied a visit with your clergy, you have a right to file a written complaint, called a grievance. See pages 23-24 for information on how to file a grievance.

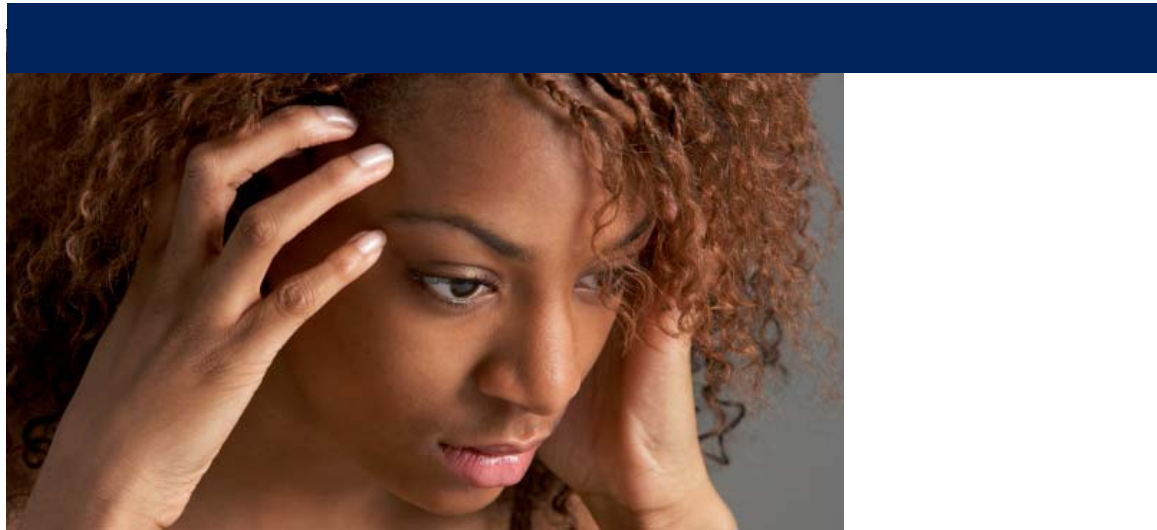


Can my visitors be searched?

Yes.¹⁴

- Your visitor may be required to pass through a metal detector before entering the detention center.
- Staff members can search your visitor's personal property if they have reason to believe the visitor is carrying contraband and your visitor says it is okay.
- If your visitor refuses to go through a metal detector or to be searched, staff will not allow you to visit with that person.





Can I use the phone to make or get phone calls?

Yes.¹⁵

You have a right to call your parent(s), the person who usually takes care of you, or your legal guardian, at least once a day.

- These calls are free for you.
- You can make phone calls at certain times of the day. The Detention Center will tell you these times.
- These calls have time limits that staff will tell you about.

You have a right to call your lawyer, probation officer, and DCF worker.

- These calls are free for you.
- You can make and receive these calls during most daytime and early evening hours.
- You have a right to privacy when you are talking with your lawyer or someone from the court.
- No one can monitor, listen to, or record your conversation with your lawyer or someone from the court.



Can I send and receive letters?

Yes.¹⁶

There is no limit on the number of letters you may write or receive.

Can staff read letters to or from my lawyer?

No.¹⁷

- **Letters you write to your lawyer**, the court, or most other government officials **cannot be opened or read** by the staff.
- **Letters from your lawyer** or the court **can be opened** by staff only in your presence, but **can never be read**.

When you write to your lawyer:

- Write “ATTORNEY-CLIENT PRIVILEGED CORRESPONDENCE” on the top of the letter and on the envelope, so staff knows not to read it.
- The staff should give you a special envelope marked “PRIVILEGED CORRESPONDENCE” for any letter being sent to your lawyer or to the court.





Can the staff read my other letters?

Yes.¹⁸

The letters you mail out, and the ones that you receive, will be checked by the staff to make sure they do not say anything that is against the mailing rules.

The Detention Center can refuse to deliver a letter if the letter includes:

- contraband;
- plans to escape;
- plans to break Detention Center rules;
- plans for criminal activity;
- information that would create a clear and present danger of violence and physical harm to a person;
- information written in code;
- threats to safety or security of staff, other detainees, or the public.

The Detention Center can refuse to deliver or send any mail if:

- it is to or from another juvenile who is at another facility, other than your immediate family.
- it is addressed to someone other than a parent/guardian in a correctional facility.
- it is to the victim of your crime.
- it is to anyone under 18 if his or her parent objects.
- the judge ordered you not to communicate with that person.



How will I know if someone sent me a letter but I didn't get it?

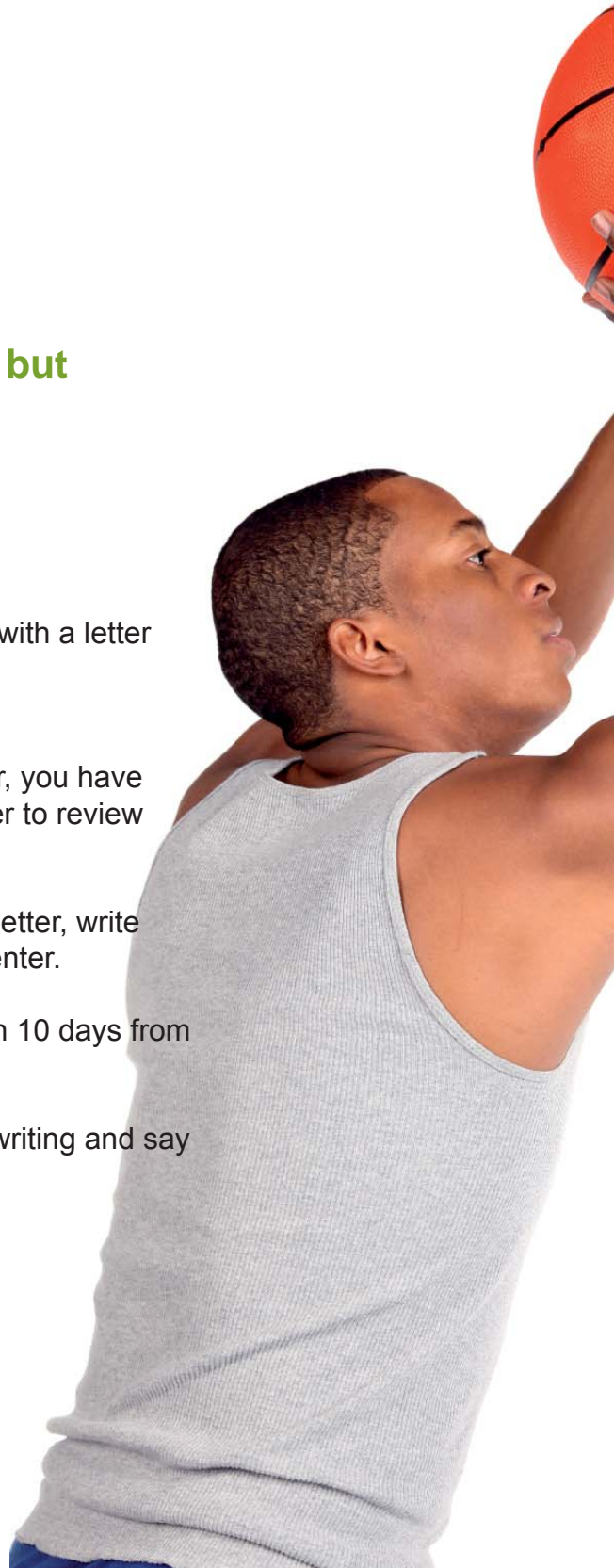
You have a right to written notice¹⁹ telling you if:

- staff refuses to mail one of your letters; or
- staff refuses to give you a letter or something enclosed with a letter someone tried to send to you.

If you disagree with staff's decision not to deliver a letter, you have a right to ask the superintendent of your detention center to review the decision.²⁰

To ask the superintendent to review a decision about a letter, write your request to the superintendent of your Detention Center.

- You must write your request to the superintendent within 10 days from the day you find out that your letter was not delivered.
- The superintendent must tell you his or her decision in writing and say the reasons for that decision.





Do I have a right to participate in physical activities?

Yes.²¹

- You have a right to at least one hour every day of planned physical exercise.
- You have a right to do your physical exercise outside, unless the weather is bad.
- You must have at least one hour every day for other activities like card games, board games, and arts and crafts. Watching television does not count.
- On Saturdays, Sundays, and holidays, you have a right to an extra hour of planned physical exercise and an extra hour of other activities.
- If you can't participate in planned activities because of a disability, the Detention Center must offer you other activities.
- You cannot be disciplined for refusing to participate in these activities.



Will I be able to go to school?

Yes.²²

- You have a right to an education at the detention center. All detention centers must allow you to attend school for at least five hours each school day.
- If you are a special education student, you have a right to receive the special education services required by your individualized education plan (IEP).
- The credits you earn should be accepted by your regular school.
- If you are not receiving at least five hours of education daily, you should tell your lawyer as soon as possible, or call the Center for Children's Advocacy. The telephone number is listed on page 26.





Can I see a doctor if I get sick?

Yes.²³

All detention centers must have medical, dental and mental health staff for you to see.

- If you are feeling sick, or if you want to see a doctor, you can either:
 - Tell a staff member that you are feeling sick, or that you want to see a medical, dental or mental health staff member; or
 - If you don't need to see a doctor right away, you can fill out a "Request Form" and put it in the locked box.
- You do not have to tell the staff member the reason for your request to see a doctor. If you think you need emergency care, you will be required to provide enough information for staff to determine if you truly need emergency care.
- In non-emergency situations, the medical staff will review your request and respond within 24 hours.
- Most of the things you tell your doctor, psychologist, or psychiatrist are confidential, but there are exceptions to this rule. You should ask your healthcare provider to explain what kinds of things he or she might have to tell people.



Can I talk with a therapist if I am sad or upset?

Yes.²⁴

- Tell a staff member, or fill out a form.
- If you would like to see a therapist, you do not have to tell staff why you want to see someone or what you talk about.
- Most of the things you tell your therapist are confidential, but there are exceptions to the rule. You should ask your therapist to explain what kinds of things he or she might have to tell people.
- If the court orders it, a psychiatrist or psychologist who does not work for detention may come to see you. The things you tell this person are not confidential and can be shared with the court.



Can the staff use physical force against me?

Yes.²⁵

The staff can use physical force against you **only to protect the staff, protect other kids, prevent serious property damage, or prevent you from escaping from the detention center.**

Staff cannot use physical force to harass or punish you, or simply to make you follow the rules.

Handcuffs, leg irons, or leather restraints can be used for taking you from one place to another.

If force is used against you, a staff member has to sit down and speak with you after things are calm, and make a report of the incident.



What do I do if I think staff used force against me in a way that broke the rules?

Remember that if force is used against you by a staff member and you fight back, you could get arrested even if you think they are breaking the rules, or you could make the situation worse and get hurt.

You have a right to file a written complaint, called a grievance. See the next two pages for more information on how to file a grievance.

You should also tell your lawyer about the incident as soon as possible.

What if I have a complaint about something that happened to me at the Detention Center?

If you have a complaint **about something that happened to you**, such as the way staff talks to you, stolen belongings, other kids bothering you, or if staff breaks any one of the rules in this book:

- You can talk to a Shift Supervisor or Deputy Superintendent, or fill out a “Request Form” that tells them what you are complaining about; or
- You can make a written complaint, called a “grievance.”²⁶
- You should tell your lawyer about the complaint.





How do I file a written complaint or grievance?

Fill out a “grievance form.”

You have to write down your complaint and what you want done about it.²⁷

- If you don't know where to get a grievance form, or if you need help filling out the form, you can ask a staff member or your attorney for help.
- Within 48 hours (excluding weekends and holidays), the Detention Superintendent must tell you, in writing, what is going to be done about your complaint.²⁸
- **If you are not satisfied with what the Detention Superintendent did about your complaint, or you don't get an answer in 48 hours (excluding weekends and holidays), or you do not want to go to the Detention Superintendent first,** you can send the grievance form to the Deputy Director of Juvenile Residential Services at the Court Support Services Division (CSSD)²⁹ at the address on the next page.
- If you need help filling out the form, you can ask a staff member or your attorney for help.
- **You can also contact the Ombudsman at any time about your complaint.** The Ombudsman does not work for Detention, and his or her job is to try to help you with your complaint. You can also file a grievance with the Ombudsman by filling out a grievance form and placing it in the locked boxed labeled Ombudsman. Staff will direct you to these boxes.





How do I send my grievance to CSSD?

There are two ways to send your grievance to the Deputy Director of Juvenile Residential Services at the Court Support Services Division (CSSD):³⁰

- If the Detention Center has a special sealed box for grievances that will go to the Deputy Director of Juvenile Residential Services you can put your grievance in that box.
- If the Detention Center does not have a special sealed box, mail the form to:

Deputy Director of Juvenile Residential Services
Court Support Services Division
Central Office and Operations
936 Silas Deane Highway
Wethersfield, CT 06109

Can I get in trouble for filing a complaint or grievance?

No.

The staff cannot threaten, coerce, or punish you for filing a complaint or grievance.³¹



Important Contact Information

Juvenile Courts

Bridgeport

Superior Court for Juvenile Matters
60 Housatonic Avenue
Bridgeport, CT 06604
203-579-6544

Danbury

Superior Court for Juvenile Matters
71 Main Street
Danbury, CT 06810
203-797-4407

Hartford

Superior Court for Juvenile Matters
920 Broad Street
Hartford, CT 06106
860-244-7900

Middletown

Superior Court for Juvenile Matters
230 Main Street
Middletown, CT 06457
860-344-2986

New Britain

Superior Court for Juvenile Matters
20 Franklin Square
New Britain, CT 06051
860-515-5165

New Haven

Superior Court for Juvenile Matters
239 Whalley Avenue
New Haven, CT 06511
203-786-0337

Rockville

Superior Court for Juvenile Matters
25 School Street
Rockville, CT 06066
860-872-7143

Stamford

Superior Court for Juvenile Matters
123 Hoyt Street
5th Floor
Stamford, CT 06905
203-965-5708

Torrington

Superior Court for Juvenile Matters
410 Winsted Road
Torrington, CT 06790
860-489-0201

Waterbury

Superior Court for Juvenile Matters
7 Kendrick Avenue
Waterbury, CT 06702
203-596-4202

Waterford

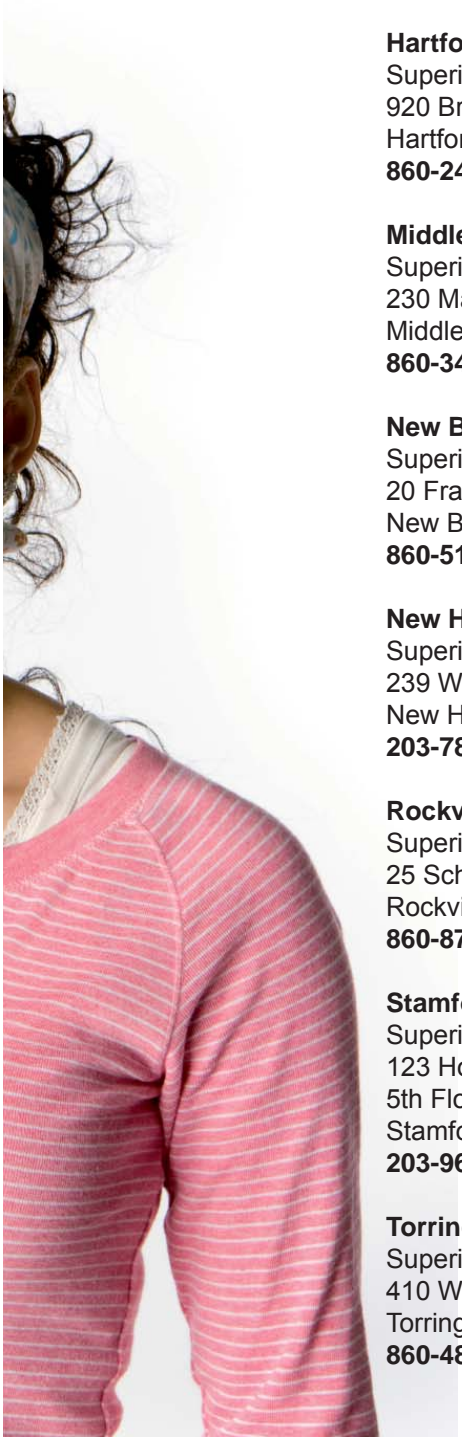
Superior Court for Juvenile Matters
978 Hartford Turnpike
Waterford, CT 06385
860-440-5880

Willimantic

Superior Court for Juvenile Matters
81 Columbia Avenue
Willimantic, CT 06226
860-456-5700

Child Protection Session

Middletown
One Court Street
Middletown, CT 06457
860-343-6456



Important Phone Numbers

Department of Children and Families Area Offices

Bridgeport	203-384-5300
Danbury	203-207-5100
Hartford	860-418-8000
Meriden	203-238-8400
Middletown	860-638-2100
New Britain	860-832-5200
New Haven	203-786-0500
Norwalk	203-899-1400
Stamford	203-348-4294
Norwich	860-886-2641
Manchester	860-533-3600
Torrington	860-496-5700
Waterbury	203-759-7000
Willimantic	860-450-2000

DCF Commissioner's Office 860-550-6300

DCF Ombudsman's Office..... 860-550-6301

DCF Hotline 1-800-842-2288 or TDD number 1-800-624-5518

Juvenile Public Defender's Offices

Bridgeport	203-579-6599
Danbury	203-207-8650
Hartford	860-244-7940
Middletown	860-344-2986
New Britain	860-515-5222
New Haven	203-786-0330
Rockville	860-872-7143
Stamford	203-965-5715
Torrington	860-489-7096
Waterford	860-440-5870
Waterbury	203-596-4202
Willimantic	860-456-5730
Office of Chief Public Defender	860-509-6400

Center for Children's Advocacy..... 860-570-5327

Office of the Child Advocate..... 860-566-2106

Youth Rights Media..... 203-776-4034

Footnotes

1 In re Gault, 387 U.S. 1 (1967) (Petition for writ of habeas corpus filed by parents to secure release of their 15-year old son who had been committed as juvenile delinquent to state industrial school. The United States Supreme Court held that juvenile has right to notice of charges, to counsel, to confrontation and cross examination of witnesses, and to privilege against self-incrimination.)

2 Conn. Gen. Stat. § 46b-137(a) (making any admission, confession or statement made by a child to a police officer or Juvenile Court official inadmissible in any proceeding concerning the alleged delinquency unless made by such child in the presence of his parent or guardian and after such parent or guardian and child have been advised of the child's rights)

3 CSSD Pol. & Pro. § 8.400(f)

4 Connecticut Rules of Professional Conduct 1.6.

5 Conn. Gen. Stat. § 46b-133(d); *Schall v. Martin* 467 U.S. 253 (1984) (holding that preventative detention does not violate constitutional rights.)

6 Conn. Gen. Stat. § 46b-133 (d)

7 CSSD Pol. & Pro. 9.8.308

8 CSSD Pol. & Pro. § 8.308

9 CSSD Pol. & Pro. § 8.311

10 CSSD Pol. & Pro. § 8.401

11 CSSD Pol. & Pro. § 8.401

12 Id.

13 Id.

14 Id.

15 CSSD Pol. & Pro. § 8.407

16 Id.

17 Id.

18 Id.

19 Id.

20 Id.

21 CSSD Pol. & Pro. § 8.402

22 *Emily J. v. Rowland*, Stipulated Agreement Regarding Non-Mental Health Issues, Case No. 3:93CV1944(RNC) (June 24, 2002)

23 CSSD Pol. & Pro. § 8.501

24 Id.

25 CSSD Pol. & Pro. § 8.304

26 CSSD Pol. & Pro. § 8.403

27 Id.

28 Id.

29 Id.

30 Id.

31 Id.

Personal Contact Information

My Lawyer
Name

Phone

My DCF Worker
Name

Phone

DCF Supervisor
Name

Phone

My Probation Officer
Name

Phone

Detention Know Your Legal Rights and Speak Up for Yourself