

A young Black man is sitting down, looking thoughtful with his hand on his forehead. He is wearing a white t-shirt and blue jeans. The background is plain white. A dark blue vertical bar is on the left side of the image.

Detention

Know your Legal Rights and Speak Up for Yourself!

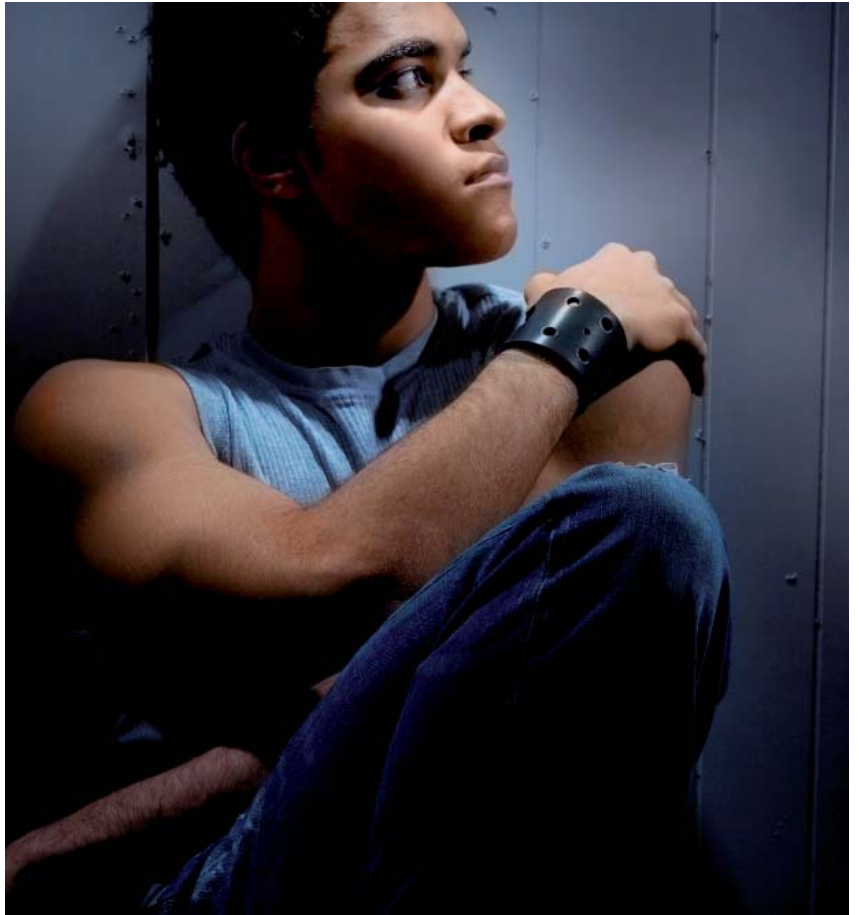
This book was written by the Center for Children's Advocacy
in collaboration with the Connecticut Judicial Branch.

This book is an informational guide only and is not intended
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Detention

Know your legal rights.

You have rights in detention. This book tells you about your legal rights and about what the detention center and others have to do to keep you safe.

Your voice counts.
If things are not going right for you,

Speak up for yourself!
Tell someone what you need.

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What are my legal rights in detention?

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



What does my lawyer do?

- **Your lawyer represents you.**
Your lawyer 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.

Your lawyer cannot tell someone what you say unless you say it's okay.⁴

- 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 phone number, ask detention staff to find out for you, or call a Public Defender's office (the phone number is on page 27).
- 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 on the Important Contacts Card you got with 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 27 for phone numbers for Public Defenders' offices.
- If you don't hear from your lawyer when you call and write letters, you can write to the court (addresses are on page 25) 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 keep me in detention before my 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 let you return home before your trial ends.
- You are wanted in another state.
- You did not show up at another court hearing of yours.
- 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 orders you to go to detention again.⁷

Will I go to court in shackles?

Yes.⁸

You will be taken to court in shackles, but sometimes they may be removed when you go inside the courtroom.

- For your safety and the safety of others, you will be placed in full shackles by the Central Transportation Unit or detention staff when you go to and from court.
- If you are pregnant, you may have the right to have your belly shackles removed.
- You will stay in full shackles while you are in the court holding area.
- Detention staff will make a recommendation to the judge about your shackles.
- The judge or Judicial Marshal will talk with detention staff to decide if some of your shackles should be removed in court.



Can detention center staff search me and my things?

Yes.⁹

- 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 get to detention, when you come back to detention after leaving the property, or if the detention staff thinks you may have items that are considered dangerous or not allowed in detention, like weapons, tobacco, drugs or alcohol.
- The staff has to tell you about a frisk or strip search before they do it.
- Searches of boys can be done only by male staff, and searches of girls can be done only by female staff.

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

- You should tell your lawyer as soon as possible.
- You can complain to a Detention Superintendent.
- You have a right to file a written complaint. This is called a grievance. See page 19 for information on how to file a grievance.

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 is a “professional visit” and does not need to be on your visitor list.
- **You have a right to talk to your lawyer in private.**
Your conversations with your lawyer are confidential.
You have a right not to tell anyone what you talked about with your lawyer.
- If you think 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. This is called a grievance. See page 19 for information on how to file a grievance.



Can my family visit me in detention?

Yes.¹¹

- You and your CPO (Classification and Program Manager) will make a list of immediate family who can visit during scheduled visiting hours.

You may have visits from 2 of your immediate adult family members even while you are waiting for your visitor list to be approved.

Immediate family are your parents, legal guardian, stepparents, foster parents, grandparents, children, spouse.

Other rules about visits from family:

- Your sisters or brothers cannot visit you during the first 3 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 3 days, your brothers and sisters will be allowed to visit you without getting special permission.

- If there are family members you want to see who are not on your visitor list, get permission from the Detention Superintendent.
- Detention staff cannot limit the number of visits you have with a family member as long as the visits are during normal visiting hours.
- You should be able to visit with your family for about an hour, as long as it is during normal visiting hours.
- You should be allowed to visit with your family on weekends and holidays.
- Detention staff cannot stop you from visiting with your immediate family unless the Detention Center Superintendent finds that the visit violates security or endangers the safety of residents, visitors, staff, or the community.

If you think you were wrongly denied a visit, you have a right to file a written complaint. This is called a grievance. See page 19 for information on how to file a grievance. You should also tell your lawyer.

Can my DCF worker or probation officer visit me?

Yes.¹²

- Your DCF worker and probation officer are “professional visits” and do not need to be on your visitor 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. Phone numbers are listed on page 26.
- You have a right to speak to your DCF worker or probation officer in private.
- If your DCF worker doesn’t visit you, call the DCF Supervisor. Phone numbers of DCF offices are on page 26.

Can my clergy visit me in detention?

Yes.¹³

- Clergy such as priests, ministers, imams, pastors, and rabbis can visit you any time during the day and early evening.
- Your clergy is a “professional visitor” and does not need to be on your visitor list.
- If you think you were wrongly denied a visit with your clergy, you have a right to file a written complaint. This is called a grievance. See page 19 for information on how to file a grievance.



Can my visitors be searched?

Yes.¹⁴

- Visitors must go through a metal detector before entering the detention center.
- Detention Center staff can search your visitor's personal property if they think the visitor may be carrying items that are considered dangerous or not allowed in detention, like weapons, tobacco, drugs or alcohol. Your visitor must give permission for his or her personal property to be searched.
- 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 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 the times you can call and the time limits for your calls.
- 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 these conversations.

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.
- Ask staff for a special envelope marked “PRIVILEGED CORRESPONDENCE” for any letter that you send to your lawyer or to the court.



Can staff read my other letters?

Yes.¹⁸

The letters you send and receive will be checked by staff to make sure they do not say anything that is against the rules. The Detention Center can refuse to deliver a letter if the letter includes:

- Items considered dangerous or not allowed in detention, like weapons, tobacco, drugs or alcohol.
- 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 a juvenile at another facility, other than your immediate family
- Addressed to someone other than a parent/guardian in a correctional facility
- To the victim of your crime
- To anyone under 18 if his or her parent objects
- To someone the judge ordered you not to communicate with
- Not signed by you or does not have a complete mailing address

How do I know if my letter wasn't sent or I didn't get a letter that was sent to me?

You have a right to written notice¹⁹ if staff refuses to mail one of your letters or to give you a letter or something enclosed with a letter someone sent to you.

If you disagree with staff's decision not to deliver a letter, you have a right to ask the Detention Center Superintendent to review the decision.²⁰ To ask the Superintendent to review a decision, put your request in writing:

- If the Detention Center decides not to deliver a letter you wrote, you have 5 days to give the Superintendent your written request for review.
- If the Detention Center decides not to give you a letter that was sent to you, you have 10 days to give the Superintendent your written request for review.

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. 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 each day, tell your lawyer as soon as possible or call the Center for Children's Advocacy. The phone number is on page 27.



Can I see a doctor if I get sick?

Yes.²³

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

If you feel sick, or if you want to see a doctor:

- Tell a staff member that you feel sick or that you want to see medical, dental or mental health staff; or
- If you don't need to see a doctor right away, you can fill out a Sick Call Request Form and put it in the locked medical request box. Detention staff will show you where the locked medical request box is.
- You do not have to tell staff the reason you want to see a doctor. If you think it's an emergency, you must give enough information for staff to decide if you really need emergency care.
- If it is not an emergency, 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. Ask your healthcare provider to tell you what kinds of things he or she might have to tell other people.
- All detention staff, including doctors and your CPO, are Mandated Reporters. This means that if you say anything that makes them think you are going to hurt yourself or someone else, they have to report what you said to the Department of Children and Families. They also have to report it if someone has physically hurt you or sexually abused you.

If the court orders it, a social worker, psychiatrist or psychologist who does not work for detention may come see you. The things you tell this person are not confidential and can be shared with the court.

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

Yes.²⁴

Tell a staff member, or fill out a Sick Call Request Form.

- If you want to see a therapist, you do not have to tell staff why or what you want to talk about.
- Most of the things you tell your therapist are confidential, but there are exceptions. Ask your therapist to tell you what kinds of things he or she might have to tell other people.
- All detention staff, including therapists, counselors and your CPO, are Mandated Reporters. This means that if you say anything that makes them think you are going to hurt yourself or someone else, they have to report what you said to the Department of Children and Families. They also have to report it if someone has physically hurt you or sexually abused you.

If the court orders it, a psychiatrist or psychologist who does not work for detention may come see you. The things you tell this person are not confidential and can be shared with the court.



Can staff use physical force against me?

Yes.²⁵

- 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 just to make you follow the rules.**
- Handcuffs, shackles, 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 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?

If force is used against you by staff 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. This is called a grievance. Read the next two pages about how to file a grievance.
- Tell your lawyer what happened 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, like the way staff talks to you, things that got stolen, kids bothering you, or if staff breaks 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. This is called a grievance.²⁶
- 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 with it, ask staff or your attorney for help.
- Within 48 hours (not counting weekends and holidays), the Detention Superintendent must tell you, in writing, what will be done about your complaint.²⁸
- If you don't like what the Detention Superintendent did about your complaint, or you don't get an answer in 48 hours (not counting 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 page 20.
- If you need help filling out the form, ask a staff member or your attorney to help.
- **You can contact the Ombudsman at any time about your complaint.**
The Ombudsman does not work for Detention. 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 putting it in the locked boxed that says Ombudsman. Staff will show you where these boxes are.

Can I file with Court Support Services (CSSD)?

Yes.

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

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



Can I go back to school when I get out of detention?

You have the right to go back to the school you went to before detention.

If you are going back to your old school, talk to your guidance counselor about getting back into classes. If your old school does not have the right grade for you, they should place you in another school in your town or district.

If you are going to school in a new district, go to the main office to enroll.

You have the right to start school again right away.

Detention should send your education records to the school when the school tells them you have re-enrolled. You have the right to start school right away even if the school has not gotten your education records from detention yet.³²

The school cannot make you wait for statewide testing, exams or finals are over.

If the school says you cannot attend because you are no longer a resident, they must give you written notice of this. You have the right to ask for a hearing about your residency and your right to go to school there.³³

Can I be expelled for the offense I went to detention for?

No.

When you go back to school, you cannot be expelled for an offense you already spent time in detention for.³⁴



Can I talk to someone about being LGBTQI?

(Lesbian, Gay, Bisexual, Transgender, Questioning, Intersex)

You can talk with any detention staff about questions you have or information you want. You can also ask to talk to healthcare staff about this.

Detention staff, including healthcare staff, may tell each other that you talked about this but they cannot tell anyone who is not on staff.

How will I be treated if I am LGBTQI?

You have the right to be treated equally and respectfully by other juveniles and by staff.

Detention staff should talk with you as soon as possible after you are admitted to be sure that you feel safe and that your privacy is respected.

If you do not feel safe with your roommate, tell detention staff. Ask them to give you a single room.

You should not be forced to undress or shower in front of others if it makes you feel uncomfortable.

What can I do if someone bothers me because I am LGBTQI?

If you are harassed because you are LGBTQI, tell your CPO or supervisor right away. You can also file a written complaint. This is called a grievance. See page 19 for how to do this.

Where can I get books or videos about being LGBTQI?

Ask your CPO or look in the library for reading materials and information about support groups and organizations.

True Colors helps LGBTQI youth. The phone number is on page 27.

What should I do if someone makes sexual advances or comments or touches me in a way I don't want?

You have a right to be free from sexual advances from other youth or from staff. Other youth and staff have the right to be free from sexual advances from you.³⁵

The Prison Rape Elimination Act (PREA) says there is zero tolerance for sexual abuse or sexual harassment in juvenile detention.

Examples of sexual advances that are not allowed include:

- When a staff member makes sexual comments to you
- When someone touches the private parts of your body without your permission
- When someone forces you to touch the private parts of his or her body
- Having sex
- Forcing you to have sex with someone else
- Asking you to trade sexual acts for favors



What should I do if someone pressures me for sex?

**If you feel pressured for sex, do not wait for an assault to happen.
Tell staff right away.**

Tell a Juvenile Detention Officer (JDO), Classification and Program Officer (CPO), supervisor, teacher, medical or mental health staff.

You can talk to a professional outside of detention, like your probation officer, lawyer, public defender DCF worker or judge.

You can file a written grievance. See page 19 for information on how to do this.
If you are worried about your safety, write EMERGENCY on the form and tell staff.

If you were sexually abused, do these four things immediately:

- 1.** Report the abuse to staff.
- 2.** Report the abuse to someone you trust. Call or tell them in person.
- 3.** Save the evidence.
Do not use the bathroom, brush your teeth, shower or change your clothes.
- 4.** Get support from mental health services or victim services.
Your CPO will help you. See page 17 about how to see a therapist.

To report an assault, call the Sexual Assault Crisis Service

1-888-999-5545 (English) or 1-888-568-8332 (Español)

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
One Court Street
Middletown, CT 06457
860-343-2986

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

Willimantic

81 Columbia Avenue
Willimantic, CT 06226
860-456-5700

Important Phone Numbers

Department of Children and Families

Area Offices

Bridgeport	203-384-5300
Danbury.....	203-207-5100
Hartford	860-418-8000
Manchester	860-533-3600
Meriden	203-238-8400
Middletown.....	860-638-2100
New Britain	860-832-5200
New Haven	203-786-0500
Norwalk	203-899-1400
Norwich	860-886-2641
Stamford	203-348-4294
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 or toll free 866-637-4737

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



Important Phone Numbers

Juvenile Public Defender's Offices

Bridgeport.....	203-579-6599
Danbury.....	203-596-4179
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.....	203-596-4179
Willimantic.....	860-456-5730
Office of Chief Public Defender, Child Protection Services.....	860-566-1341

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

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

Sexual Assault Crisis Service..... 888-999-5545 (English) 888-568-8332 (Español)

True Colors..... 860-232-0500

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 (making any admission, confession or statement made by a youth under the age of 18 to a police officer or Juvenile Court official inadmissible in any proceeding concerning the alleged delinquency unless made by such youth in the presence of a parent or guardian, after the parent or guardian has been advised of the youth's Miranda rights, including the right to an attorney. An exception to this exists for youth who are 16 or 17 whose case has been transferred back to Juvenile Court from the youthful offender, adult criminal or motor vehicle docket who made a written or oral statement or admission prior to the transfer.

3 CSSD Pol. & Pro. § 8.400

4 Connecticut Rules of Professional Conduct 1.6. (Note: if you lead your lawyer to believe you are going to cause serious or deadly harm to yourself or someone else in the future, your lawyer can share that information in the interest of protecting you or the other person you spoke of from future harm.)

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

6 Conn. Gen. Stat. § 46b-133(e)

7 Conn. Practice Book § 30-10(b)

8 CSSD Pol. & Pro. § 8.308

9 CSSD Pol. & Pro. § 8.311

10 CSSD Pol. & Pro. § 8.401

11 *Id.*

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); Conn. Gen. Stat. §10-253

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.*

32 Conn. Gen. Stat. § 10-253(g)(4)

33 Conn. Gen. Stat. § 10-186(b)

34 Conn. Gen. Stat. § 10-233d(k)

35 42 U.S.C. § 15601, et seq.

