

# Treatment of Defendants who are Dependent on Drugs or Alcohol Instead of Prosecuting Them



Under General Statutes §§ 17a-694 to 17a-698, courts may order defendants who are charged with certain crimes and who are dependent on drugs or alcohol to get treatment instead of going to trial. The program is available for many crimes, including all drug sale and possession crimes. Defendants who want to take part in this program must meet the eligibility requirements in General Statutes § 17a-696.

Before the court will order a defendant into treatment instead of going forward with a trial, it will send the defendant to the Department of Mental Health and Addiction Services (DMHAS) for an examination to figure out if the defendant is dependent on drugs or alcohol. A clinical examiner from DMHAS will also figure out whether the defendant needs treatment for drugs or alcohol, whether the defendant will probably benefit from treatment and, if so, which treatment program would be best for the defendant.

After the court gets a report from the DMHAS examination, the defendant must file a motion (ask the court) to suspend the prosecution (put the trial on hold) while the defendant gets the recommended treatment. When the defendant files this motion, the court file is sealed. The court may grant the defendant's motion

and order treatment if it decides that the defendant was dependent on drugs or alcohol at the time of the crime, the defendant needs and will probably benefit from treatment, and suspending the prosecution of the defendant would be in the interest of justice.

Before the court will grant the defendant's motion to suspend prosecution, the defendant will have to acknowledge (tell the court) that the defendant understands the consequences of the suspension of prosecution, including that the case will still be pending until the defendant finishes any treatment program and any other conditions that the court orders, and if the defendant does not finish treatment or if the defendant violates any conditions that the court sets, the case will be brought back for trial. If there are any victims to the crime with which the defendant is charged, the court will also require the defendant to send the victims a certain court form that tells the victims that the defendant is applying for this program. Before the court will decide if the defendant can take part in this program, any victims will have a chance to give the court their opinion about whether the defendant should be allowed to get treatment instead of going to trial.

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If the court grants the defendant's motion and orders treatment, the defendant will have to agree to the tolling of the statute of limitations (to give the state more time to prosecute the case if the defendant does not successfully complete the program) and to waive (give up) the right to a speedy trial. If the defendant agrees to these conditions and any other conditions set by the court or the Probation Officer who supervises the defendant, the defendant will be sent to the Court Support Services Division (CSSD) to be put in the assigned alcohol or drug dependency treatment program. The court can suspend the defendant's prosecution for up to 2 years while the defendant gets treatment. CSSD will keep track of the defendant's progress, and may require that the defendant be tested for drugs or alcohol use during this time.

At the end of the defendant's treatment, CSSD will tell the court whether the defendant has finished the assigned treatment program, followed all of the

conditions set by the court, and not used alcohol for one year if the defendant was alcohol dependent, or not used drugs for one year if the defendant was drug dependent. If the court finds that the defendant is responding well to treatment or has successfully finished treatment and has followed all of the other conditions set by the court, it may dismiss the charges against the defendant.

Any defendant who wants to participate in this program must pay an administration fee of \$25 and must also pay the cost of the treatment program to the treatment provider. The court may decide that the defendant does not have to pay the administration fee if it finds that the defendant is indigent (does not have enough money to support himself or herself and there is no one else who is legally required or able to support him or her) or the defendant is or is eligible to be represented by a Public Defender.



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