

# Serene Scene

Magazine For Long Term Healthy Lifestyles of Recovery

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# ALTERNATIVE SENTENCING

A pair of black metal scales of justice is positioned in the center of a brick prison cell. The cell walls are made of reddish-brown bricks, and a barred window is visible in the background. The scales are slightly tilted, with the right pan being lower than the left. The lighting is dramatic, with strong shadows and highlights.

BY: ANDREW T. MARTIN,  
MBA, CADC II, SAP

**W**ith the overcrowding of jails our justice system has turned to creative methods of rehabilitating and punishing non-violent offenders. Various forms of alternative sentencing have been developed to help ease the increasingly difficult housing of offenders. Ankle monitors now allow offenders to serve their sentences at home, and day report programs allow offenders to report to jail during the daytime and return home for sleeping and some meals. For minor offenses community service requirements substitute for time in jail.

This article is focused on a particular form of alternative sentencing designed specifically for offenders with substance use disorders and who meet certain other criteria which allows for alternative sentencing requirements. If allowed by the courts, this type of alternative sentencing allows for the offender to participate in substance use disorder treatment instead of serving jail time.

Attorneys, public defenders, prosecutors and judges

all play an important role in determining the suitability of an alternative sentence for a particular defendant. However, participation in an alternative sentencing program is always at the discretion of the judge. There are several very specific actions that one can take to improve the likelihood of acceptance by the judge.

Be proactive in entering the alternative sentencing treatment setting and seeking out the assistance of professionals in the legal and substance dependence treatment fields. It can be very helpful to be enrolled in an alternative sentencing program before an arraignment hearing in order to show the court how serious you are about recovery.

If health insurance is available, healthcare insurance can often offset some of the costs of the alternative sentencing program if enrollment is achieved prior to sentencing.

Use the staff at the alternative sentencing program to issue letters to the court, help with district attorney negotiation, and appeal to the judge for consideration.





Staff can also appear in court on your behalf, help your attorney draft a proposal to the court, and provide coaching in what to expect while in court proceedings.

In some states the judge has discretion in offering alternative sentences. A judge can choose to suspend a sentence which means not to impose a sentence but reserve the right to do so in the future if needed. A judge can also impose a sentence but delay execution of the sentence. Either way, the judge can order the defendant to meet certain conditions, such as successfully completing an alcohol and drug treatment alternative sentencing program. Or, a judge can choose to defer adjudication which means delaying prosecution pending the defendant's successful completion of an alcohol and drug treatment alternative sentencing program.

Regardless of the form of alternative sentencing, the judge will likely consider the following factors in making a decision:

- The defendant's age
- The type of offense
- The severity of the offense

- Criminal offense history
- Victim of the offense
- Remorse of the defendant
- Suitability of punishment versus rehabilitation

When enrolled in an alternative sentencing program, the offender must attend primary treatment for substance use disorders and be supervised by the court, usually through a probation officer assigned to the offender. Terms of treatment and monitoring can range from six months to two years depending on the judge issuing the order.

Treatment can be received in the form of an inpatient treatment program or a combination of intensive outpatient treatment and supervised sober living; the latter being more cost effective. While some government agencies do have government funded programs, most of the programs are paid for by the offender.

While enrolled in the alternative sentencing program, the offender will likely receive drug and alcohol education, counseling, case management, peer group

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support, self-help group support, relapse prevention education, family system education, and drug testing. If the offender engages in treatment and remains abstinent, studies have shown long-term abstinence to average 40% at six years after treatment.

Alternative sentencing programs appear to be highly effective. The 2011 Pew Center on the States report found that every \$1.00 spent on community drug treatment produces \$21.00 in benefits to victims and taxpayers for reduced crime. Recidivism is reduced at least 8% and up to 50% in certain states.

SS



**Andrew Martin**  
M.B.A., CADIC II, SAP

Andrew Martin began his entrepreneurial approach to business in 1982 at the age of fifteen. Throughout his career, Andrew has fulfilled his duties as a senior executive in viable business ventures in various industries including; health care, sound reinforcement and lighting, electrical safety equipment, commercial catering, specialty metal

shapes manufacturing, and the entertainment overhead suspension industry.

Andrew's current business efforts are encompassed by Serene Recovery Network, a group of branded organizations with a common vision of helping people in early recovery to help themselves to a long-term rewarding quality of life without addiction. The individual businesses include Serene Center, a 36 bed transitional sober living facility in Long Beach, CA which also conducts outpatient counseling services, drug testing and monitoring, and outpatient detoxification. Serene Connections, a publishing and professional educational conference production company catering to the field of addiction treatment. Serene Directory, an online directory of professionals and organizations affiliated with behavioral and mental health. Serene Foundation, a micro loan lender providing funding for the continuum of addiction care.

Andrew has authored many articles related to addiction treatment, health care agency productivity, industry specialties, as well as business approach and leadership and has been published in Serene Scene, Behavioral Health, Freedom Newspaper, Sound & Video Contractor, Western Wall and Ceiling Contractors Association Bulletin, Connections Magazine (Australia), dB Magazine, EQ, Lighting & Sound International (Canada), Sound & Communications, Live Sound International (UK), Recording-Engineering-Production. Additionally, many patents and trademarks have been awarded to Andrew Martin for various business related products, brand names, and service marks.

Andrew is also very active in the California Association of Alcoholism and Drug Abuse Counselors (CAADAC) Board of Directors and Sober Living Network. Andrew also keynotes for many organizations.