

IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY, PENNSYLVANIA

In Re: A.R.D. Program

**Administrative Order
No. 6 of 2019**

ORDER OF COURT

AND NOW, this 18th day of April, 2019, it is **HEREBY ORDERED** that the Adams County Department of Probation Services shall administer the Accelerated Rehabilitative Disposition Program (A.R.D.). The program shall accept only those offenders eligible pursuant to statutory authority. The program shall operate under the following guidelines:

I. A.R.D. SUPERVISION

A. Standard Conditions:

All persons admitted to the A.R.D. Program will be placed under supervision of the Adams County Department of Probation Services and be subject to the following standard conditions of A.R.D.:

ALCOHOL AND CONTROLLED SUBSTANCES

1. **YOU MUST NOT:**
 - a. use non-prescribed controlled substances;
 - b. become drunk, publicly intoxicated, or have a BAC of .05 or greater; and
 - c. report to the Probation Office with alcohol on your breath or in your blood system. This includes reporting for the alcohol safe driving program.

TREATMENT

2. **YOU MUST:**
 - a. agree to have your person, blood, breath, or urine tested as directed by the Department of Probation Services or Prison officials;
 - b. attend counseling or therapy sessions related to drug and alcohol abuse as directed by the Court and

- comply with conditions of any treatment program recommended;
- c. attend and comply with mental health counseling and therapy programs as directed by the Court and comply with conditions of that program; and
 - d. attend and comply with any counseling or treatment program related to domestic violence as directed by the Court.

PERSONAL CONDUCT

3. YOU MUST:

- a. not commit any violation of the law or violate the terms and conditions of any active protection from abuse order;
- b. report any contact with a law enforcement official or agency to the Department of Probation Services within the next business day. This includes any arrest, receipt of a criminal complaint, citation, or summons;
- c. not associate with persons having serious criminal records and reputations for criminal conduct;
- d. report to the Department of Probation Services when directed; including the automated reporting system, as deemed appropriate;
- e. obey all directions given by any Probation/Parole Officer;
- f. not commit any action which may cause fear, annoyance, or alarm to the victim of any case where charges have been filed against you; and
- g. obey a curfew from 12:00 a.m. (midnight) to 6:00 a.m. during which time you must remain inside your home unless otherwise required by employment conditions which are made known to your probation officer in advance or unless permitted otherwise in writing by the Department of Probation Services.

COMMUNITY SERVICE

4. YOU MUST:

- a. perform 40 hours public/community service for an admission of 12 months or less and 80 hours public/community service for an admission of more than 12 months unless otherwise designated by Court order. All community service shall be approved by the Community Service Coordinator for the Department of Probation Services.

RESIDENCE

5. YOU MUST:

- a. notify the Department of Probation Services in advance of any changes of mailing address or physical residence or, if advance notice is not possible, within the next Court business day; and
- b. consent to the entry by a Probation/Parole Officer into your home at any time.

The Adams County Court of Common Pleas may, at any time, order special conditions in addition to those set forth hereinabove.

Financial Obligations

YOU MUST:

- a. pay your debts, especially Court ordered, for the support of any person;
- b. pay all ARD costs, fines, and restitution no later than 45 days prior to the anticipated program end date on such payment plan as may be established by the Clerk of Courts Office;
- c. pay the costs of required counseling, therapy, and treatment; and
- d. Pay the costs associated with the automated reporting system if deemed appropriate by the Department of Probation Services.

B. Driving Under the Influence of Alcohol Conditions:

All persons admitted to the A.R.D. Program for any offense under Section 3802 (concerning Driving Under the Influence of Alcohol or Drugs) shall be subject to all conditions set forth in 75 Pa. C.S.A. § 3807 including the mandatory license suspension imposed by that section.

In addition to the standard conditions of the A.R.D. Program, all persons admitted to the A.R.D. Program for an offense under Section 3802 are also subject to the following conditions:

1. You are prohibited from the consumption or possession of any alcoholic beverage while in the program;
2. Unless you are employed by the establishment and are present for work purposes, you may not enter or remain in any bar, tavern, or other drinking establishment. If employed by an establishment selling alcoholic or malt beverages, you must notify and obtain consent from the Department of Probation Services. However, this condition shall not prohibit presence in a restaurant facility provided presence is limited to the restaurant portion of the facility and no alcohol is present at the table or seating area where you are located. This condition also does not prohibit presence in grocery or convenience stores that have alcoholic beverages for sale.
3. You must successfully complete any recommended drug and alcohol treatment; and
4. You must successfully complete the alcohol safe driving program or other programs required by law

II. Length of Program

- A. Admissions to the program shall not exceed 24 months and shall be identified by 6 month, 9 month, 12 month, 18 month, or 24 month segments.
- B. DUI Admission: The length of the ARD program for a DUI-related offense shall initially be 9 months. However, program length shall be reduced to 6 months or any time thereafter wherein the defendant has fully satisfied the conditions of his/her participation in the program, including all financial conditions imposed, and the defendant was not under the age of 21 at the time of the offense.
- C. Automatic Reporting: The Defendant will be evaluated by the Adams County Department of Probation Services for participation in the automated Reporting System and, if deemed appropriate by the Department of Probation Services, shall participate in and pay any fees associated with said program.

III. Removal From the Program

Non-DUI Admission: In the event a defendant fails to meet all conditions of his/her participation in the A.R.D. Program, the defendant shall be listed for revocation proceedings. Revocation hearings shall not be continued for compliance purposes beyond the length of the defendant's initial placement in the program.

IV. Financial Obligations:

A. Program Fees: In addition to restitution ordered by the Court, and any fees, or costs imposed by statute, it is a condition of a defendant's participation in the A.R.D. Program to pay the following fees as set, from time to time, by Administrative Order of this Court:

1. Standard fees for all cases:
 - offender supervision fee shall be imposed for the full length of the ARD program regardless if early release from the program is granted;
 - public service fee;
 - law enforcement fee;
 - booking center fee;
 - administrative fee;
 - expungement fee; and
 - drug and alcohol test fee.
2. Additional fees for DUI cases:
 - education fee;
 - CRN fee;
 - offender treatment fee;
 - victim impact panel fee; and
 - ACT 198 fees.
3. Financial Acknowledgment: by submitting an ARD Application an applicant shall acknowledge they have the ability to satisfy the financial obligations of program admission within the term of your ARD placement and that knowing or willful failure to satisfy financial obligations within the term of the program may be a basis for revocation and removed from the program or future contempt proceedings, at the Court's discretion.

V. Expungement

Upon successful completion of a defendant's participation in the A.R.D. Program, which includes satisfaction and completion of all court ordered conditions and payment in full within the term of your ARD supervision, the Department of Probation Services shall prepare a petition for expungement and file the same with the Court after notice to the Commonwealth pursuant to local practice. The Commonwealth may oppose expungement for cause, including failure to pay all required fees. The opposition may be made in writing or orally in open Court. If all financial obligations are not satisfied by the end of the ARD supervision term the collection of those monies shall be referred to the Clerk of Courts for collection through contempt proceedings in which case an arrest record will not be expunged until the amounts owed are paid in full. In such circumstance, party will be required to submit their own petition for expungement if desired.

VI. Administration

A. Supervision: This A.R.D. Program shall be administered and supervised by the Adams County Department of Probation Services.

Financial Conditions: The Adams County Clerk of Court's Office shall collect all fees related to a persons' participation in the A.R.D. Program. In the event financial obligations are delinquent and the Department of Probation Services has not otherwise initiated revocation procedures, the Clerk of Court's Office shall initiate contempt proceedings pursuant to local practice. The Clerk of Courts Office shall not record financial obligations related to A.R.D. participation as a judgment in the Prothonotary's Office.

Prior to January 1st of each year, the Clerk of Courts Office shall provide the Court Administrator's Office, the District Attorney's Office, the Public Defender's Office, the Department of Probation Services and shall post notice of the total costs for participation in the A.R.D. Program for the following calendar year. Total fees shall be identified for participation in a DUI admission and in non-DUI related cases for program lengths of 6 months or less, 12 months or less, 18 months or less, and 24 months or less.

B.

IT IS FURTHER ORDERED that the terms of the A.R.D. Program shall consist solely of the terms set forth in this Order and applicable statutory authority. Any prior Administrative Order of Court addressing the conditions or terms of the A.R.D. Program is hereby rescinded. Specifically, Administrative Order No. 30 of 2013 is vacated.

This Order is effective immediately.

BY THE COURT:

MICHAEL A. GEORGE
President Judge

Board of Judges
Magisterial District Judges
All Executive Assistants to the Common Pleas Judges
Don A. Fennimore, District Court Administrator
Kelly A. Lawver, Clerk of Courts Office
Gale A. Kendall, Executive Director, Department of Probation Services
Brian R. Sinnett, District Attorney
Kristin L. Rice, Public Defender
Adams County Law Library
Adams County Bar Association
wlc