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FINAL REPORT
EVALUATION OF THE ACCELERATED
REHABILITATIVE DISPOSITION PROGRAM
ERIE COUNTY, PENNSYLVANIA
(73-DF-03-0025)

Submitted to

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I. Executive Summary

The Erie-ARD program's goals are:

a) Rehabilitation

To provide rehabilitative support for probationers (program participants) with emotional/physical problems, as in the case of drug abusers. The program is designed to divert youthful first offenders from jury trials, and to provide needed social and therapeutic services.

b) Disposition

Reduce Erie County Court case backlog and the proportion of jury trials.

Ultimately, the program is designed to deflect offenders out of the criminal justice system, in order for them to return to productive lives. There is an additional expectation that the program will result in monetary savings to Erie County (no jury procedures are required; no jail sentences are served).

Conclusions and Recommendations

On the basis of evidence developed within the body of this report it is concluded that the Erie-ARD program is effective in the attainment of most of its goal areas. It is recommended that the program be re-funded in FY 74-75.

Program staff display a degree of effort in the general area of rehabilitative services made available to probationers. It was ascertained that approximately 20% of each of four probation officers' caseload has been referred for some type of social, therapeutic, or vocational/educational assistance.

Self-reports by probationers, as well as probation officers, indicate that the outcomes of these referrals are generally beneficial to the probationers.

The program has a low rate of criminal recidivism (3.2%); the observed rate compares favorably with a similar measure derived from the Philadelphia ARD program.

Erie-ARD probationers' employment records demonstrate a significant improvement relative to the pre-arrest period.

We were unable to conclude that the Erie-ARD program has proportionately reduced the number of jury trials in Erie County. This finding is offset by the ARD Court format's capability of minimizing the time and effort required for case preparation and the further channeling of time and effort into the prosecution of serious criminal cases.

Other information pertinent to the Erie-ARD program's goal attainment and effort is presented and discussed within the body of this report.

One of the major recommendations included in our interim report (the recommendation that driving-while-intoxicated cases should be included within the ARD Court format) has been adopted.

We reiterate a recommendation made at the time of the interim report: the Erie County President Judge should institute a procedure whereby cases, with particular emphasis on drug offenders, are assigned at random, to the participating Erie judges. The rationale for this recommendation is based on the finding that there is a high degree of variability in the Erie judges' sentencing practices and the finding that a disproportionate number of drug cases are assigned to the judge most likely to pronounce the maximum (two-year) probationary sentence.

II. Project Activities

The Erie-ARD program's activities are structured according to the program's two major goals: 1) criminal justice dispositions which are designed to eliminate delays in adjudications, decrease jury trials, and decrease costs; and 2) once an offender is brought into the ARD diversionary procedure, provide rehabilitation through supervision and counseling, and appropriate social service and therapeutic referrals.

Probationer Census

Since its inception, the Erie-ARD program has adjudicated 218 youthful, nonviolent, first offenders (Table A). Of this total, 157 are currently (June, 1974) assigned to the active ARD caseload, 46 (21.1% of all adjudications) have completed the probationary sentence, and 15 (6.9% of all dispositions) have been terminated from the program, 10 for administrative and legal reasons, and 5 for reasons of rearrest (Table A). The Erie-ARD program has adjudicated approximately 15% of all criminal justice cases in Erie County, in the current fiscal year (Table A-1).

In Table A-2 it can be seen that the active caseload is assigned to four probation officers, two of which concentrate on ARD cases; the two additional officers are assigned general supervision adult probationers, and divide their time between ARD probationers and those from the general Erie County caseload. The officer with the smallest number of ARD cases is also the Administrative Director of the Erie-ARD program.*

*Much of the information contained in this report is derived from interviews with probationers, by probation officers, according to a questionnaire developed by CSPCD evaluation staff (Appendix A). Refer to Table A-2 for the details of percentages of each P/O's caseload interviewed. The total number of interviewees is 99, 60% of the active caseload.

In Table 1, it can be seen that approximately 86% of the active probationers are male, over 90% are white (Table 1-1), the majority are sentenced from the maximum (two-year) probationary term (Table 2-1), although the distribution of probationers' tenure with the program (Table 2) indicates that a majority currently are serving their first 6 months.

Criminal Justice Dispositions

Upon petition to the Erie County District Attorney's Office, a youthful, nonviolent, first offender (who meets other administrative criteria) may receive an ARD (accelerated rehabilitative disposition) sentence, or a "probation without verdict" (PWOV) sentence.* In the case of the Erie-ARD Court, all participants charged with drug offenses are given a probation without verdict sentence (Table 4-2); all others receive ARD dispositions. Table 3 reveals that approximately 65% of all dispositions are of the ARD type. In each case, the probationer petitions to have his or her arrest record expunged at the time of sentence completion. (At the time of our interim report, we noted that 75% of the cases who had successfully completed probation had had their arrest records expunged.)

The most prevalent offenses for which the Erie-ARD Court provides adjudications are property crimes (approximately 46% of all dispositions), followed by drug charges (37%), and miscellaneous charges (person crimes, liquor violations, etc.). Nine out of ten of all drug charges concern marijuana or hashish (Table 4-3).

*For a description of the ARD procedure and criteria, see Rules 175-185 of the Pennsylvania Rules of Criminal Procedure. Probation Without Verdict is set forth in 35 P. S. Sections 780-117.

In Tables 4, 4-1, and 4-4, it is clear that there is an association between sentence length and type of offense: 63% of the cases charged with property offenses receive the maximum sentence (Table 4); 51.4% of the drug cases are given the maximum probationary term; and 45.5% of the miscellaneous charges receive a two-year probation (Table 4-4). However, these tabulations also reveal a considerable amount of variation in sentence length attributable to the Erie-ARD judges' sentencing practices. As we noted in our interim report, one of the judges is in favor of maximum sentences, for property and drug offenses, to a degree not in keeping with his colleagues' practices. The possible implications of this finding for program effectiveness and legal and constitutional considerations were explored in the interim report, in which it was noted that possession of marijuana is now a misdemeanor subject to a 30-day jail sentence and/or a \$500 fine. One possible implication concerns the willingness of offenders charged with possession of marijuana to petition for an ARD disposition with the knowledge that a two-year probationary sentence is likely. Since one of the explicit program goals concerns the reduction of cases disposed of through jury trials, it is possible to ask whether some defendants might prefer to opt for a jury trial and an eventual possible acquittal. Based on this line of reasoning, it was recommended that the Erie County President Judge institute a procedure whereby drug offenders' cases are randomly assigned to the Erie-ARD judges. We reiterate this recommendation at this time, since it is clear, as we note later in this report, that the proportion of jury trials in Erie County has not decreased relative to the pre-ARD period.

Social Service and Therapeutic Referrals

Table 5 summarizes the social service efforts of the Erie-ARD probation officers. In the table, it can be seen that 79.8% of the program participants under consideration have not been referred for social services or other types of therapy. The remaining 20.2% have been referred for a wide range of services and therapeutic programs (Table 5). When the social service efforts of individual probation officers are examined (Tables 5-1 and 5-2), it appears as if one of the officers has referred 20% of her caseload for a variety of services. The other officers are less active in the area of social service referrals, although Table 5-2 indicates that all officers make an effort to refer probationers to psychological, drug, or alcohol programs. Further, each officer makes an effort to refer probationers to vocational and/or educational programs (Table 5-3). Data pertinent to probationers' perceptions of the effectiveness of these referrals is presented and discussed later in this report.

III. Evaluation Activities

Evaluation activities to date include two site visits, one in January in which four CSPCD staff members participated, and one in April in which one staff person visited the project for the purpose of collecting data and refining the information system. During these visits, CSPCD staff conducted interviews with program staff, judges, the Assistant D. A. in charge, the program's Administrative Director, and an Erie attorney.

Much of the information included in this report is based on the results of a questionnaire developed by CSPCD evaluation staff and administered to

the Erie-ARD probationers by their probation officers (the questionnaire appears in this report as Appendix A). Approximately 60% (N = 99) of the active caseload was interviewed.

Additional quantitative information has been supplied by the program's Administrative Director by telephone.

In the future, it is recommended that a questionnaire of the type used for this report be given to each probationer at a point immediately prior to sentence completion. Since analysis of this type of questionnaire information is not possible without a data-reduction and computer capability, it is recommended that such a capability be one of the pre-requisites by which evaluators are selected.

IV. Results

In this section we present information and a discussion concerning the Erie-ARD program's goal attainment and results.

Reduction in Jury Trials

We are not able to conclude with certainty that the Erie-ARD program has been effective in reducing the proportion of jury trials in the 1973-74 fiscal year. First, quantitative information concerning jury trials is not yet available for the year in question. Further, even if such information were available, adjustments would have to be made for factors which might account for favorable, and for that matter, unfavorable, results. That is, it is known that Erie County's crime rate, as with the crime rate in general, has been increasing, a finding which is largely attributable to an expanding population and increasing urbanization. Therefore, the question is not one

of a decrease in jury trials; rather, it is appropriate to ask if the proportion of jury trials has increased. In the case of Erie County, the answer, according to the consensus of the Court officials with whom we have been in contact, is that it has not. We conclude, therefore, that the Erie-ARD program has at least been effective in preventing an expanded jury trial list.*

It is also important to note that the ARD procedure minimizes the amount of time which the District Attorney's Office allocates to the preparation of cases for prosecution. One important and beneficial effect of the ARD program is that it frees the District Attorney's staff to devote increased attention to the prosecution of relatively more serious criminal cases, since ARD cases (and the ARD format) impose a minimum amount of demands on the District Attorney's staff. In effect, therefore, the prosecuting team is able to divert efforts into important criminal cases while at the same time avoiding the need to prepare minor cases for trial.

Since the Erie-ARD program is an innovative, and recent, addition to the Erie County criminal justice system, many of the members of the Erie County defense bar are not yet knowledgeable of its goals and capabilities. This factor has tended to limit the numbers of defendants who petition for ARD hearings. However, once the program is established and its availability is generally known, greater numbers of petitioners can be expected to seek ARD hearings. Recognizing the unmet need in this area, the County District Attorney's office has made an effort to acquaint members of the Erie County legal profession with the program. Also, under the assumption that a

*It should also be noted that no summer Court session is scheduled for Erie County this year, a finding which is attributable to the absence of the kind of backlog with which the Court was faced during 1973.

petition for ARD status will be forthcoming, the District Attorney's staff selects and reviews the records of arrests of individuals who appear to qualify for the ARD program, in order to avoid delays when petitions are received.

Criminal Recidivism

As noted earlier in this report, a total of 5 ARD probationers (3.2% of total ARD cases) have been rearrested for continued criminal behavior. Such a small number precludes a statistical analysis of the factors related to criminal recidivism. It should be noted that this outcome compares favorably with the results of the Philadelphia ARD program, for which the recidivism rate is approximately 2% (Table 8). On the basis of these results, it is evident that the recidivism rate associated with the program is extremely small, a finding which bears favorably on one of the program's goals, the reduction of continued criminal behavior.

If an ARD probationer is rearrested, ARD status is terminated, and the individual is listed for trial on the new charge.

Employment

It is evident that experience with the Erie-ARD program is associated with an improvement in probationers' employment. In Table 6, it can be seen that two out of three of the probationers who worked less than 50% of the time in the year prior to arrest have an improved (employed at least 50% of the time) work record during their ARD tenure. An additional group whose employment during the pre-arrest year was at a less-than-full-time level report full-time employment since becoming ARD participants. The three "empty"

cells above the diagonal in Table 6 indicate that no probationer's work record has decreased relative to the pre-arrest period. On the basis of the results reported in Table 6, it can be concluded that the Erie-ARD program is effective in reinforcing and improving participants' employment.

Social Service and Therapeutic Outcomes

In Table 6-1, in which the assessments of 12 probationers who have been referred for social or other therapeutic services are displayed, it is evident that the majority (58.3%) feel that the services were beneficial. Smaller percentages feel that the referral was of no benefit (25%), or should be increased (16.7%). Although the number of respondents in the table is small, it is clear that most have benefitted from the program's social service efforts. Similarly, probation officers' assessments of outcomes, as they pertain to ARD probationers' benefit from the program, indicate that the officers feel that the outcome has been positive in 88% of the cases interviewed (Table 7).

Comparison with Philadelphia ARD program

In Table 8, it can be seen that there is a similarity between the Philadelphia ARD and Erie ARD programs with respect to the percentage of criminal cases adjudicated through the ARD procedure. ARD cases in Philadelphia comprise 12.6% of the dispositions in Municipal Court; the percentage for Erie (all criminal dispositions) is 15.2%. These results lead to the tentative conclusion that between 12 and 16 percent of criminal cases are suitable for the ARD-type diversionary procedure regardless of the urban setting in which offenders are prosecuted. However, further information derived from other

ARD programs is needed before this conclusion can receive more than tentative support.

Table 8 reveals that the estimated cost-per-adjudication in Philadelphia's ARD program is approximately \$35.00, a figure which is only 11.5% of the unit cost for the Erie program (\$307.33, Table 8). The disparity is attributable to the following: 1) the Philadelphia program adjudicated 24 times the number of cases processed through the Erie program, in a comparable time period; 2) the Erie program is the newer of the two. (Some of the Erie program's expenditures will not be repeated in FY 74-75.) Further, it should be noted that the Erie program, during the period June 31, 1973 to May 31, 1974, only spent 55% of its proposed budget. Economies were realized in such items as court stenographers' salaries and other administrative areas.

At this time it should be noted that a major recommendation contained within our interim evaluation report, concerning the inclusion of DWI (driving while intoxicated) cases in the Erie-ARD program, has been adopted. It is anticipated that this category of offender will add approximately 300 new cases to the ARD caseload during FY 74-75. One additional probation officer and one stenographer will be added to the program staff to keep pace with the anticipated expansion of the program's activities.

On the basis of this analysis, it is concluded that the Erie-ARD program's costs are justified. Further, it is concluded that the program has made a significant effort in the attainment of its goals, and has demonstrated its effectiveness in most of its goal areas. Although it cannot be shown that the program has decreased the proportion of jury trials in Erie County, this finding is offset by the fact that numbers of such trials have

not increased, and by the effectiveness of the ARD program in freeing prosecutors to divert efforts into the preparation of serious criminal cases for trial.

Table A

Erie-ARD probationer
census

	N	%
Active caseload*	157	72.0
Discharged (sentence completed)**	46	21.1
Terminated***	15	6.9
Total	218	100.0

* Active caseload as of June 26, 1974.

** 19 ARD; 27 PNOV.

*** 5 rearrested; 1 drug charge, 4 property crimes.

Table A-1

Erie-ARD dispositions
in relation to all
Erie County criminal
dispositions

ARD*	218	15.2
All** criminal dispositions	1430	100.0

* February, 1973 - June 26, 1974.

** January, 1973 - December 31, 1973.

Table A. -2

Erie-ARD participant census,
by probation officer, indic-
ating percentages of clients
interviewed

PROBATION OFFICER	Eb- ratt	Smith	Dief- en- bach	Serz- ikas	Total
Interviews*	42.6	89.5	66.6	54.5	99
Total cases assigned (ARD)	61	57	6	33	157
Other probationers assigned	0	0	42	34	

* Interviews completed in May, 1974.
Total assigned is the census as of June 26, 1974.

Table 1

Erie-ARD client (probationer)
demographic characteristics

	N	%
SEX		
Male	81	86.2
Female	13	13.8
Total	94*	100.0

* 5 cases deleted due to missing information

Table 1-1

Erie-ARD client (probationer)
demographic characteristics

	N	%
ETHNICITY		
White	87	91.6
Non-white	8	8.4
Total	95*	100.0

* 4 cases deleted due to missing information

Table 2

Erie-ARD probationers'
time-in-program

		N	%
	1-3	30	31.9
MONTHS IN PROGRAM	4-6	20	21.3
	7-9	29	30.9
	10-11	15	16.0
	Total	94*	100.0

* 5 cases deleted due to missing information

Table 2-1

Erie-ARD probationers'
sentence lengths

		N	%
	3-6	3	3.2
SENTENCE LENGTH	12	39	41.1
	18-24	53	55.8
	Total	95*	100.0

* 4 cases deleted due to missing information

Table 3
 Erie-ARD judges, by probationer administrative status

PROBATIONER ADMINISTRATIVE STATUS	JUDGE					Total
	Levin	McCl	Pfadt	Carn	Anth	
ARD	63.6	46.2	76.5	72.3	100.0	64.2
PWOV	36.4	53.8	23.5	27.8	0.0	35.8
Total	11	39	17	18	10	95*

* 4 cases deleted due to missing information

Table 4
 Erie-ARD judge, by sentence length,
 PROPERTY CRIMES

JUDGE	Levin	McCl	Pfadt	Carm	Arth	Total
3-6	0.0	0.0	0.0	11.1	0.0	2.2
12	16.7	0.0	66.7	55.6	44.4	34.8
18-24	83.3	100.0	33.3	33.3	55.6	63.0
Total	6	13	9	9	9	46

Table 4-1
 Erie-ARD judges, by sentence length,
 DRUG CHARGES

SENTENCE LENGTH (in months)	JUDGE					Total
	Levin	McC1	Pfadt	Carn	Anth	
3-6	25.0	0.0	0.0	0.0	0.0	2.7
12	50.0	27.3	60.0	100.0	0.0	45.9
18-24	25.0	72.7	40.0	0.0	0.0	51.4
Total	4	22	5	6	0	37

Table 4-2

Erie-ARD probationer
administrative disposition,
by charge

ADMINISTRATIVE DISPOSITION		ARD	PWOV	Total
CHARGE	Drug	0.0	100.0	64.2
	All other	100.0	0.0	35.8
	Total	61	34	95

Table 4-3

Drug substances involved
in drug charges

	N	%
Marihuana-hash	30	88.2
Cocaine	1	2.9
Other *	3	8.8
Total	34	100.0

* Includes depressants, stimulants, etc.

Table 4-4

Erie-ARD Judge, by sentence length,
MISCELLANEOUS CHARGES

JUDGE *	MCCI	Pfadt	Carn	Anth	Total
3-6	0.0	0.0	33.3	0.0	9.1
12	33.3	50.0	66.7	0.0	45.5
18-24	66.7	50.0	0.0	100.0	45.5
Total	3	4	3	1	11

SENTENCE LENGTH
(in months)

* Judge Levin handled no "miscellaneous" charges

Table 5

Summary of Erie-ARD probationers' referrals to social service and therapeutic services (PERCENTAGES ARE TO THE TOTAL TABLE N)

REFERRAL TYPE (Therapeutic)	REFERRAL TYPE (Social Svc.)	None	Muti hith	Emp agn	1/2-way hse	Drug prgm	BVR	DPA	Oth-er	Total
None	79.8	0.0	2.0	0.0	0.0	0.0	0.0	2.0	1.0	84
Drug	1.0	0.0	0.0	0.0	1.0	0.0	0.0	0.0	0.0	2
Alcohol	0.0	0.0	1.0	0.0	0.0	0.0	0.0	0.0	0.0	1
Psychological	7.1	3.0	0.0	1.0	0.0	1.0	0.0	0.0	0.0	12
Total	87	3	3	1	1	1	1	2	1	99

Social service referrals,
by PROBATION OFFICER

Table 5-1

PROBATION OFFICER	Ep- Tatt	Dief- en- bach	Smith	Serz- ikas	Total
None	100.0	75.0	80.4	94.4	87
Mental Health		25.0	3.9		3
Employment Agency			3.9	5.6	3
Half-way House			2.0		1
Drug Program			2.0		1
BVR			2.0		1
DPA			3.9		2
Other			2.0		1
Total	26	4	51	18	99

Table 5-2

Therapeutic referrals,
by PROBATION OFFICER

THERAPEUTIC REFERRAL	PROBATION OFFICER			
	None	Dief- en- bach	Smith	Serr- ikas
Drug	80.8	75.0	84.3	94.4
Alcohol			3.9	
Psychological	19.2	25.0	11.8	5.6
Total	26	4	51	18

Table 5-3

Vocational-educational
referrals,
by PROBATION
OFFICER

PROBATION OFFICER	Eb- ratt	Dieff- en- bach	SSMtkH	Serz- IKas	VOCATIONAL- EDUCATIONAL REFERRALS	
					Vocational	Edducational
None	73.1	0.0	58.8	66.7		
Vocational	26.9	0.0	19.6	33.3		
Edducational	0.0	100.0	21.6	0.0		
Total	26	2	51	18		

Table 6

Self-reported work record reflecting changes in employment (pre-program postprogram)

WORK RECORD PRIOR TO ERIE-ARD		Part-time	More than part-time	Full-time
WORK RECORD DURING ARD	Part-time (50% or less)	35.3	0.0	0.0
	More than part-time (50% - 90%)	11.8	15.4	0.0
	Full-time (90% +)	52.9	84.6	100.0
	Total	34	13	49

* Individuals below the diagonal demonstrate an improved work record relative to the pre-program period.

Table 6-1

Erie-ARD probationers'
self-reported therapy
and social service
outcome

	%	N
Beneficial	58.3	7
Negative/ No benefit	25.0	3
Would like other services	16.7	2
Total	100.0	12

Table 7

Probation officers'
opinion of partic-
ipants' outcome in
Erie-ARD program

	%	N
Beneficial	88.0	81
Negative	3.3	3
No change	8.7	8
Total	100.0	92*

* 7 cases deleted due to missing information

Table 8

Comparison of Erie-ARD
and Philadelphia ARD
programs for selected
outcomes

	PHILADELPHIA ARD	ERIE-ARD
% of applicable * criminal justice dispositions	12.6%	15.2%
Criminal recidivism rate **	1-2%	3.2%
Cost per *** adjudication	\$184162/5221 \$35.26	\$67000/218 \$307.33

* The Philadelphia percentage is based on total numbers of Municipal Court cases. The Erie base is the total number of criminal cases in calendar year 1973.

** Philadelphia rate computed for a 6-month at risk period where recidivism is measured by convictions. The Erie rate is measured by rearrests; time at risk is not considered.

*** Philadelphia monetary amount is the proposed budget for FY 73-74, divided by number of cases adjudicated (N = 5221) in calendar year 1973. The Erie cost is based on funds actually spent in FY 73-74, divided by all adjudications.

APPENDIX A

FOLLOW-UP INTERVIEW

ERIE COUNTY-ARD

- A) Probationer ID # /a/ ARD /p/ PWOV
- B) No. of months in ARD program, to nearest month 5
- C) Probationary sentence, in months
/1/ 3-6 /2/ 1 year /3/ 18-24
- D) Sentenced for
/1/ property crime (burglary, burglary of auto, RSG, auto theft, fraud, etc.)
/2/ person crime (assault, endangering persons, etc.)
/3/ liquor violation
/4/ solvents (possession, etc.)
/5/ drugs (possession, intent to deliver)
/6/ miscellaneous (other than 1 through 5 above)
- E) If drug charge, what type of drug
/1/ opiate (heroin, morphine, etc.)
/2/ marijuana, hashish
/3/ psychedelics, hallucinogens (LSD, etc.)
/4/ "pills" (amphetamines, barbs, quaaludes, etc.)
/5/ other (specify) _____
- F) Work record one year prior to arrest
/1/ part-time: 50% or less (includes none)
/2/ more than part-time (50%-90%)
/3/ full-time (90%-100%)

FOLLOW-UP INTERVIEW

- G) Work record since becoming ARD probationer
/1/ part-time: 50% or less (includes none)
/2/ more than part-time (50%-90%)
/3/ full-time (90%-100%)
- H) Has the client been referred to therapy
/1/ no
/2/ drug therapy
/3/ alcohol therapy
/4/ psychological counseling/therapy
/5/ other (specify) _____
- I) Has the client been referred to social service agency(ies)
/1/ no
/2/ If yes, specify _____
- J) Client receptivity to referral (therapy, social service, or BOTH)
/1/ in client's opinion, the referral is(was) beneficial
/2/ in client's opinion, the referral was of no benefit
/3/ in client's opinion, the client would like other service
- K) Interviewer's opinion of outcome or current treatment/service
/1/ beneficial /2/ negative /3/ no change
- L) Has the probationer begun, during probation, a skill training (vocational), or educational program
/1/ no /2/ skill training /3/ educational
- M) Probationer's sex /1/ male /2/ female
- N) Probationer's ethnicity /1/ white /2/ black /3/ other
- O) Probation officer _____
- P) Judge _____