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ACCELERATED REHABILITATIVE DISPOSITION (ARD): PRETRIAL DIVERSION IN PENNSYLVANIA

ARD Defined

Accelerated Rehabilitative Disposition, better known as ARD, is a program in which certain criminal defendants can be placed under supervision or in a treatment program without a formal determination of guilt. ARD programs were initially aimed at first time non-violent offenders; and while we do not have information on prior records, 94% of ARD recipients in 1984 were charged with non-violent offenses. To be placed on ARD, the prosecuting attorney must make a recommendation for ARD, any victims must be notified, the judge must approve, and the defendant must agree to all the special conditions and terms of his supervision or treatment. Generally, if the defendant successfully completes the supervision period and/or treatment program, he can have his criminal record expunged. If he does not successfully complete ARD, he faces prosecution and more severe sanctions, if convicted.

The Evolution of ARD

The concept of supervision and/or treatment without conviction was endorsed by the President's Commission on Law Enforcement and the Administration of Justice in 1967. That endorsement, along with the recommendation of the Pennsylvania Bar Association's Board of Governors provided the impetus for the formation of such programs in Pennsylvania. One of the strongest arguments for the use of an ARD-type program was that most jurisdictions were already releasing, or declining to prosecute, certain offenders arrested for minor offenses even though no structured program existed. By implementing this program, supervision and treatment could be ordered and some level of judicial control guaranteed without a lengthy judicial process.

ARD in Pennsylvania began in Philadelphia as an outgrowth of two programs: the first was a vocational and employment program run by the Philadelphia Probation Department and the second a pre-trial placement program for drug and alcohol abusers administered by the Philadelphia District Attorney's Office.

The *Justice Analyst* series is designed to summarize the results of policy analysis in the areas of criminal and juvenile justice for the benefit of state and local policymakers and the general public. For the current issue we focus on one of the most frequently used court dispositions, but one on which little statewide information has been available. Accelerated Rehabilitative Disposition (ARD) is ordinarily used for first time offenders who have been charged with committing relatively minor crimes and are not considered a risk to the community.

This report summarizes the findings of a study of ARD conducted by the Commission's Bureau of Statistics and Policy Research. The study examines the use of the ARD disposition by our courts and the success of the program. The principal analyst was Douglas Hoffman, who was assisted by Bureau Director Phillip J. Renninger. We are most interested in knowing your reactions to this report and would be pleased to answer any questions. Also, any suggestions of topics for future *Justice Analyst* issues are welcome. Please write to us at P.O. Box 1167, Federal Square Station, Harrisburg, Pennsylvania 17108-1167.

James Thomas
Executive Director

In January 1971 the Pennsylvania Supreme Court issued an order formalizing ARD in Philadelphia. In May 1972, rules of criminal procedure 175 through 185 were adopted by the Supreme Court to provide for the use of ARD statewide. Statewide the program and its basic authorization remained largely unchanged until 1983, although some individual counties altered their use of ARD over the years and some minor amendments were made in court rules. In January 1983, Pennsylvania's new drunk driving law (Act 289 of 1982) became effective. That law specified how and when ARD could be used for offenders charged with driving under the influence.

One in Five Criminal Defendants Were Placed On ARD in 1984

As Figure 1 shows, there were more offenders placed on ARD in 1984 than any previous year. However, in the mid-70's the percentage of criminal defendants receiving ARD was higher than in 1984. In 1977, nearly 25% of all criminal defendants were placed on ARD. This percentage declined steadily through 1982 to about 15%, and then grew to 21% in 1984. The usage of ARD varies from county to county ranging in 1984 from a low of 1% to a high of 45% of all criminal defendants. Figure 2 shows, however, that the majority of counties fall within the 10% to 24% range.

The high percentage of defendants receiving ARD reflects the fact that the large majority of criminal dispositions are for less serious offenses.

The high percentage of defendants receiving ARD reflects the fact that the large majority of criminal dispositions are for less serious offenses. In fact, less than 10% of all criminal court dispositions are for serious violent crimes of homicide, rape, robbery and aggravated assault.

FIGURE 1: CRIMINAL CASES DISPOSED IN PENNSYLVANIA 1970-1984

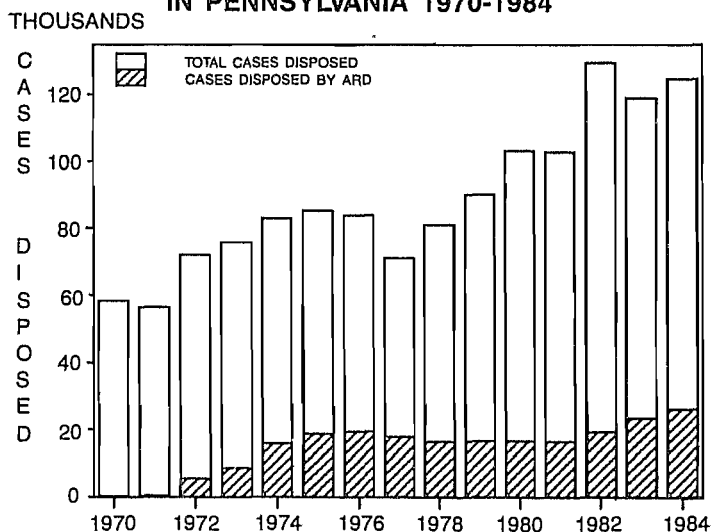
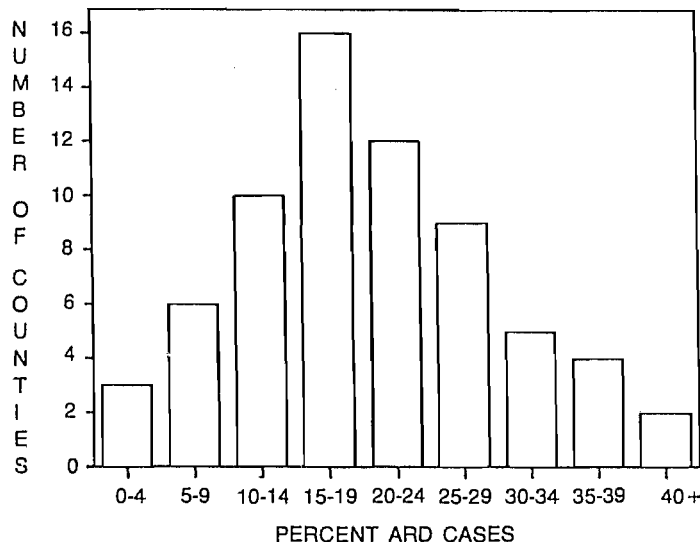


FIGURE 2: 1984 ARD USAGE AMONG COUNTIES: PERCENTAGE OF ALL CRIMINAL DEFENDANTS GIVEN ARD



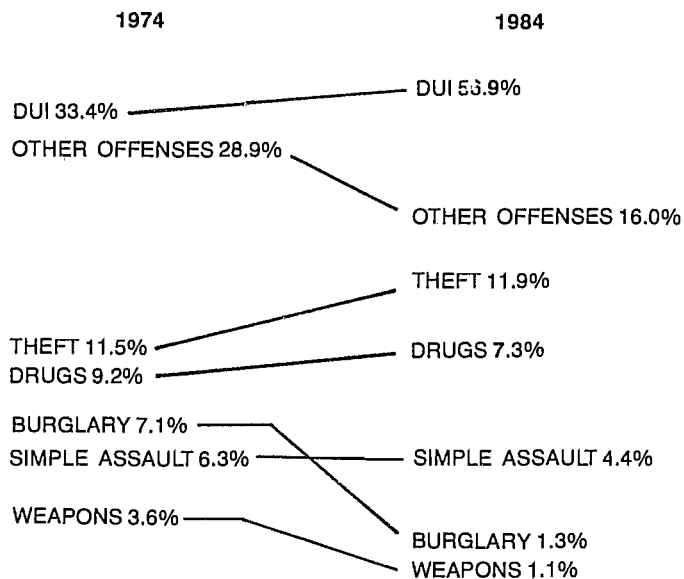
**Table 1:
NUMBER OF DEFENDANTS RECEIVING ARD**

Year	Number	Year	Number	Year	Number
1970	284	1975	18,794	1980	16,562
1971	569	1976	19,489	1981	16,328
1972	5,568	1977	17,755	1982	19,215
1973	8,780	1978	16,444	1983	23,460
1974	15,866	1979	16,502	1984	26,144

Drinking Drivers Account for More Than Half of All ARD Cases

As Figure 3 shows, there has been some shift in the offenses for which ARD recipients have been charged, most notably the decreased use of ARD for burglary and weapons offenses, and the increased use of ARD for driving under the influence (DUI) offenders.

FIGURE 3: OFFENSE DISTRIBUTION OF ARD RECIPIENTS



Nearly 60% of ARD Recipients Are Under Age 30

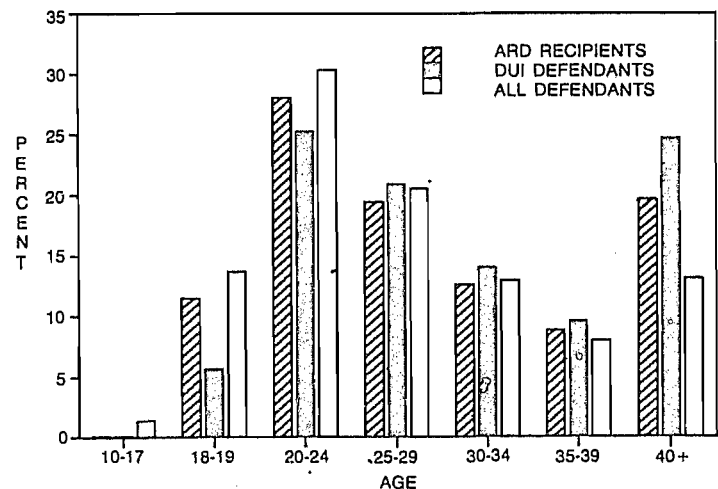
Figure 4 compares the age distributions of ARD recipients, DUI defendants, and all criminal defendants. Even though ARD is intended for first time offenders, ARD recipients still tend to be older than criminal defendants as a whole. This occurs because DUI defendant tend to be older than other criminal defendants, and over 50% of ARD recipients are DUI offenders.

In 1984, 56.9% of all ARD recipients were charged with DUI and 59% of all DUI defendants processed received ARD.

The DUI legislation, which was passed in 1982 and became effective January 1983, requires local jurisdictions to make an ARD program available for DUI offenders. The law also specifies criteria that must be met for a DUI offender to be considered for ARD, and mandates certain conditions and treatment for DUI offenders accepted into the ARD program. In 1984, 56.9% of all ARD recipients were charged with DUI and 59% of all DUI defendants processed in 1984 received ARD.

The passage of the DUI law explains the increase in DUI offenders, and this growth accounts for the relative decrease of all other offenses, except theft. In 1974, the six offenses listed in Figure 3 included 71.1% of all ARD recipients. And while in 1984 almost every offense included some ARD dispositions, four offenses — DUI, theft, drugs and simple assault — accounted for over 80% of all ARD recipients.

FIGURE 4: 1984 AGE DISTRIBUTION OF ARD RECIPIENTS, DUI DEFENDANTS, & ALL CRIMINAL DEFENDANTS



Summary and Conclusions

- ▷ ARD is a method by which generally non-violent offenders can quickly be placed under supervision and in treatment programs.
- ▷ ARD is used heavily for drunken drivers, who account for over 11% of all criminal dispositions and 57% of ARD dispositions.
- ▷ The rate of ARD usage varies from county to county, the majority of counties range from 10 to 24% of cases disposed.
- ▷ ARD cases average 4.9 months from arrest to disposition while guilty pleas and trials average 6.0 and 9.9 months, respectively.
- ▷ ARD cases account for 30% of probation case loads.
- ▷ ARD recipients successfully complete supervision 95% of the time.

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White Males Represent Nearly Two-Thirds of ARD Recipients

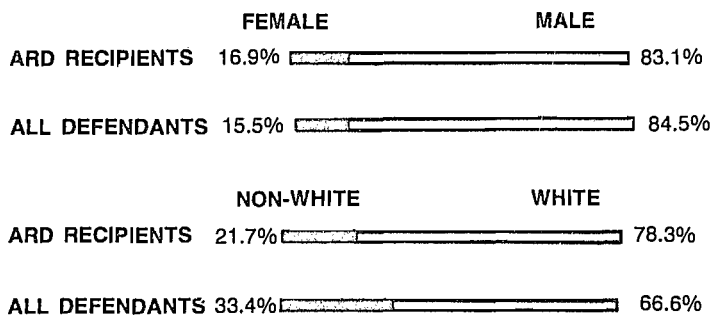
Figure 5 indicates that there is little difference between the sex distribution of ARD recipients and criminal defendants as a whole. However, ARD recipients are more likely to be white than from a racial minority; again this occurs largely because almost 95% of DUI offenders are white.

The composite demographic picture of the ARD recipients is summarized in Figure 6.

The Use of ARD Reduces Court Workloads

The average time from arrest to disposition for all criminal court dispositions (excluding District Justice dispositions) is 6.4 months. ARD cases average only 4.9 months. ARD disposition time is considerably shorter than any other disposition that would result in either treatment or punishment. Even guilty pleas, whose six months represent the next shortest disposition time, still take over one month longer to dispose of than ARD cases. Those cases that go to trial average 9.9 months to disposition, twice as long as ARD cases.

FIGURE 5: 1984 SEX & RACE DISTRIBUTIONS OF ARD RECIPIENTS & ALL CRIMINAL DEFENDANTS



Those cases that go to trial average 9.9 months to disposition, twice as long as ARD cases.

FIGURE 6: PROFILE OF 1984 ARD RECIPIENTS

AGE	< 19 11.6%	20-29 47.4%	30-39 21.4%	40+ 19.6%
RACE	WHITE 78.3%			NON-WHITE 21.7%
SEX	MALE 83.1%			FEMALE 16.9%
OFFENSE	DUI 56.9%	THEFT 11.9%	DRUG 7.3%	OTHER 23.9%

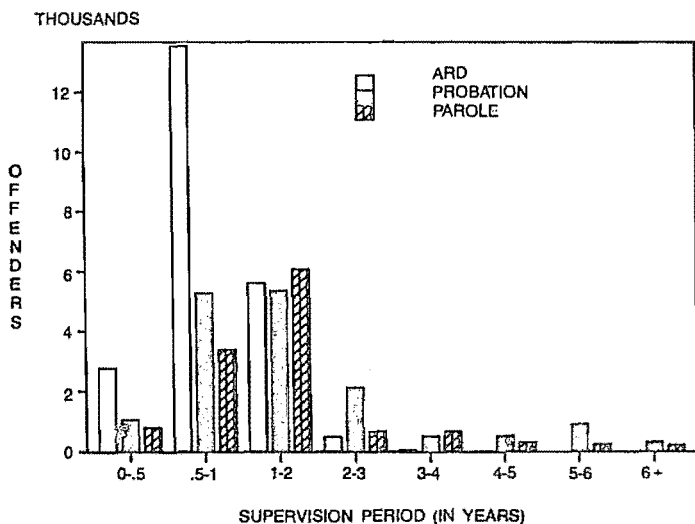
ARD Cases Account for Nearly 30% of County Probation Office Case Loads

Forty-four percent of the offenders placed under supervision with county probation offices in 1984 were ARD cases. Because ARD cases stay under supervision for a shorter time than regular probation cases, they account for 30% of the total office case load.

In the county probation offices, ARD cases had an average supervision period of just over one year (12.4 months) while persons placed on probation or parole had average supervision sentences of nearly two years (23.8 and 21.8 months, respectively). The maximum supervision period under ARD is two years, while probation and parole sentences can run up to 20 years.

Figure 7 shows that the bulk of the ARD cases have supervision periods that fall between six and 12 months. Some (2.5%) ARD supervision periods exceed two years because consecutive supervision periods can be assigned for multiple offenses. Figure 7 also shows a much broader distribution of probation and parole sentences with most of the sentences falling between six and 24 months.

FIGURE 7: DISTRIBUTION OF COUNTY SUPERVISION PERIOD LENGTH BY TYPE OF OFFENDER SUPERVISION IN 1984



ARD Recipients Successfully Complete Their Supervision Period over 95% of the Time

Since ARD recipients are generally charged with less serious offenses and may have little or no prior criminal history, it would be expected that they would fare well under supervision. Figure 8 presents a comparison of persons placed under county supervision in 1984 with supervision periods of one year or less. The figure shows that of the persons no longer under supervision as of November 1986, only 3.5% of ARD recipients had their supervision revoked, were charged with a new crime, or absconded. By comparison, 7.4% of probationers and 8.2% of parolees with supervision sentences of a year or less were unsuccessful through the same period. The inclusion of probationers and parolees with longer sentences, and presumably longer criminal records and more serious offenses, would result in higher failure rates.

... only 3.5% of ARD recipients had their suspension revoked, were charged with a new crime, or absconded.

FIGURE 8: TYPE OF DISCHARGE OF OFFENDERS PLACED ON SUPERVISION FOR ONE YEAR OR LESS — 1984

