

**THE CLEARFIELD COUNTY (PENNSYLVANIA)  
ACCELERATED REHABILITATIVE DISPOSITION PROGRAM  
FOR DRIVING UNDER THE INFLUENCE OFFENDERS**

**AN EVALUATION STUDY**

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Ideas and research strategies incorporated in this study were a result of keenful observation and review made by Larry Polansky. And, of course, it goes without saying the help and guidance of Bob Roper, Phase III Director, made the entire project possible.

## ABSTRACT

The Accelerated Rehabilitative Disposition Program (ARD) for Driving Under the Influence Offenders is the study subject of this research report. The ARD program is a form of pre-trial diversion for first time DUI offenders. Rather than face prosecution and the legal process, defendants complete a term of probation, attend and successfully complete an Alcohol/Highway Safety program, and pay all fees and costs in exchange for dismissal of the charges. The ARD program plays an important role in the Criminal Justice system of Clearfield County, Pennsylvania by allowing for a speedy disposition of these cases without formal determination of guilt or innocence.

Introduced in 1983, the ARD program had three primary objectives. First, it sought to reduce the disposition time of Driving Under the Influence cases by introducing expedited disposition procedures for ARD candidates. It was hoped these procedures would also benefit non-ARD case disposition times by allowing more for Court attention and time thereby decreasing the disposition times of non-ARD cases. Secondly, since a substantial increase in DUI filings did occur and it was believed an increase in trials would follow, the program was instituted with the goal of reducing the number of trials. Lastly, by offering a treatment rather than penal approach to DUI cases, it was felt the recidivism rate of offenders would decrease.

This report seeks to effectively evaluate these three objectives by measuring relevant data before, during and after the introduction of ARD. Information was collected manually by the researcher and included disposition times, number of trials and rearrests for all DUI cases over a five (5) year period. Rather than use the sampling method to review cases and collect data, this report more accurately reports on the effectiveness of ARD by including all DUI cases over the research period. A survey conducted on Pennsylvania Court Administrators concerning diversion programs is also presented in this evaluation study for comparative purposes. This group was selected due to the commonalities of Pennsylvania law and procedures.

Results of the data analysis are encouraging. A positive impact on both ARD as well as Non-ARD cases was seen over the research period and was particularly evident in the final year. However, disposition times did reach their apex in 1984 after ARD was begun. The introduction of further expedited procedures (Fast-Track) helped to reduce the disposition time the following year.

Unlike the positive impact on both ARD and Non-ARD cases regarding disposition times, the recidivism rates of only ARD cases demonstrated a positive correlation. The data displayed significantly lower rate for ARD cases as compared to Non-ARD DUI's. In fact, recidivism for the Non-ARD group increased steadily after the program was introduced.

The effect of the ARD to reduce the number of trials was also prevelant. Again, it was demonstrated most clearly in the final study year. Not only did percentage of trials decrease, the actual numbers were substantially reduced in 1985.

As reviewed previously, the ARD program achieved success in those designated areas. Specifically it is believed further and more deliberate results in all three objective areas may be achieved through the introduction of minor changes in the manner of responding to violations.

In many instances responding to defendant violations by revocation from the program creates further problems of additional trials and longer disposition times. It is recommended that alternatives be sought to revocation, preferably additional program conditions designed to alleviate the particular problem at hand. Recidivism rates would benefit from additional Court-mandated drug and alcohol counseling. Although program participants are required to complete an alcohol highway safety course in every case, it is believed a broader understanding of their alcohol habits would be realized with counseling, thus reducing rearrests.

## INTRODUCTION

Court-sponsored Pre-Trial Diversion (PTD) programs have been viewed as viable response to the growing number of Criminal and Civil court cases in the United States. The Court of Common Pleas of Clearfield County, Pennsylvania (46th Judicial District), was unable to escape this growth and faced a growing number of Driving Under the Influence cases.<sup>1/</sup> The Court's strict interpretation of the law and imposition of incarceration sentences added to the problem by increasing the number of trial requests. In an effort to reduce the delay, improve the efficiency and help alleviate the problem of re-arrests, the Accelerated Rehabilitative Disposition (ARD) program was introduced in 1983. A form of PTD, this program sought to alleviate the problems by allowing for non-incarceration sentences, waiver of appearances and rights, and available drug and alcohol counseling. This report presents findings of a study conducted on Driving Under the Influence cases and has three major objectives. To determine:

- the effectiveness of ARD in reducing delay by reducing disposition times.
- the effectiveness of ARD to improve efficiency by reducing the number of trials.
- the effectiveness of ARD to control the recidivism rate of DUI offenders by reducing the re-arrest rate.

In order to successfully evaluate those objectives, it was imperative to collect similar data on Driving Under the Influence cases both before and after Accelerated Rehabilitative Disposition was begun, thus this report seeks to draw a comparative analysis.

The research presented in this report was obtained from the five year period 1981 to 1985. This period was selected for two specific reasons. First, it offered the best period to complete a comparative study by researching data immediately before and after the inception of the program. Secondly, this five year period did not have significant change in Court personnel, accommodations, or procedural changes other than the introduction of "fast-track" policies in 1985.<sup>2/</sup> Therefore controlling for outside factors was not necessary in this study. During this period, the Court of Common Pleas was a single Judge Judicial District with general trial court responsibilities. Caseload management practices were rudimentary at best with the local District Attorney administering criminal matters and the local bar members controlled the pace of civil litigation.

The Accelerated Rehabilitative Disposition program is available only to those defendants with no prior misdemeanor or felony convictions. It is available to defendants on all misdemeanor charges, however this report is concerned only with Driving Under the Influence offenders. The program allows for charges to be dismissed upon successful completion of Court imposed conditions. Although the conditions are tailored to the offender, generally defendants are required to complete a term of probation, attend a highway safety program, attend drug and alcohol counseling, surrender their driver's license for a set period and pay all necessary fines, fees, and costs. The process begins at the Preliminary Hearing stage (initial appearance) where the defendant

and the District Attorney indicate their desire to proceed with ARD by signing necessary documents. Initially there were no special expeditious procedures to when a defendant signed the documents to proceed ARD. In 1985 "fast-track" was incorporated expediting a defendant's progress through the system by waiving various rights and Court appearances.<sup>3/</sup> It also allowed for a limited investigation by the Adult Probation department (rather than a full investigation routinely done on all cases) and a very brief final appearance before the Court for placement and imposition of conditions. The defendant is then placed in the custody of a Probation Officer to monitor progress. Should the defendant successfully complete all conditions, the charges are dismissed and the defendant is released. However, if any of the conditions are violated or the defendant is charged with additional offenses, the Court revokes the defendant's participation in ARD and the case is placed on the trial list for disposition.

When ARD was introduced in 1983, it offered for the first time a program designed to enhance the administration of justice. To that point, the District Attorney could manipulate the processing of cases so long as it did not violate any of the prevailing laws on time for trial. The introduction of ARD eliminated much of the District Attorney's ability to control a case. All defendant's were processed using identical procedures once the documents were signed to enter the ARD program. It also offered a rehabilitative rather than penal approach not previously available for DUI in the 46th

Judicial District. Coinciding with the development of ARD, treatment programs were being explored and utilized by the Court with the hope of reducing recidivism.

In order for the District Attorney to relinquish case control and an opportunity to gain a conviction, goals were established to make the program credible. Reducing delay in the processing of cases was established as a primary goal. The improved efficiency of case management techniques established in the Accelerated Rehabilitative Disposition program was viewed as a major contributor to delay reduction. It was also believed that the treatment oriented approach of ARD would benefit society and the Judicial system by limiting the number of re-arrests.

As stated, the success or failure of these goals is evaluated in this report. To effectively do so, the disposition times of DUI cases both prior to and after the inception of the program are researched and presented. It is also necessary to evaluate the number of jury and non-jury trials for the same time period and review the backlog of DUI cases. Lastly, this report looks at the recidivism rate, or number of defendant's that commit the crime of Driving Under the Influence after being placed on the ARD program. This is accomplished by collecting data on re-arrests of ARD disposition offenders.

The remainder of this report is organized into three segments. Part I is comprised of survey findings completed by Court Administrators in Pennsylvania. The data is use to compare the

goals and objectives of diversion programs. Part II is an overview of the data collected from the 639 cases surveyed and comparative analysis are made to determine the effectiveness of ARD. Data on disposition times, trials, and rearrests are presented. Part II also includes a number of visual aids to more clearly explain the data. Part III explores the findings of this research and offers recommendations for enhancement in the area.

FOOTNOTES

- 1/ Office of Clerk of Court, Clearfield County,  
1983 Annual Filings, 1990.
- 2/ Gary L. Brady, Chief Probation Officer, Clearfield  
County Court, 1974 - Present, 1991.
- 3/ "Fast track" procedures were designed by  
the Adult Probation Departement and the District  
Attorney's Office.

## METHODOLOGY

The information presented in this report was obtained via two separate areas. First, data was collected manually by the researcher by reviewing 639 case files using the Data Collection Form found in Appendix B. An automated database was not available. Case numbers, disposition types and dates, filing dates, and bench warrants were collected for all cases. For ARD cases, additional information was gathered on revocations, such as why the defendant was revoked, bench warrants issued after revocation, and disposition dates and types.

A questionnaire (see Appendix C) was also developed and forwarded to Court Administrators throughout Pennsylvania. The questionnaire was utilized for two distinct purposes. First, to gather information on the use of pre-trial diversion programs and to seek information specifically on existing programs, e.g. goals, success, and evaluations. Forty-nine questionnaires were mailed and twenty-four were returned at a response rate of 49%. The results of the questionnaire are used for comparative purposes and are presented in detail in Chapter 1 of this report.

The Court of Common Pleas of Clearfield County is a small, rural trial Court in central Pennsylvania. Initially, this study sought to survey fifty Driving Under the Influence cases for each of the years 1981 - 1985. However, after data collection began and a master list of all DUI cases was prepared, it became apparent there were very few cases available for review especially in the early years of the study. It was therefore decided to revise the

collection strategy to include all DUI cases over this period. This decision immediately eliminated any research problems normally associated with sampling. Over 600 cases were reviewed and presented in this report. Primary data collection was done in the Clerk of Court's office at the Clearfield County Courthouse. For those cases with guilty pleas, trials, or were otherwise disposed without having ARD revoked, data collection averaged 4 - 6 minutes per case. This average time did not hold true for cases revoked from ARD. Since the Clerk's office maintains information only concerning dates, types, and methods of disposition, it was necessary to review the case files of the Adult Probation Department to determine the cause of revocation. Arrest and/or violation reports were reviewed from these files. This increased the average data collection time to 10 - 15 minutes per revoked case.

Every Driving Under the Influence case filed in the Court of Common Pleas of Clearfield County during the period 1981 - 1985 is included in this report. Although not all cases docketed were disposed due to fugitive warrant status of a small number of the defendants, dispositions are reported on over 98% of the available cases. The remaining 2% are not reported in this document.

## REVIEW OF THE LITERATURE

Research and evaluation of existing Alternate Dispute Resolution and Pre-Trial Diversion programs has been limited at best. According to M.P. Kirby in 1978, there is little research which actually demonstrates whether or not diversion programs have impact on their clients. 1/ This has also been confirmed by the Pre-Trial Services Resource Center which reported that absolutely nothing has been done in this area in recent years. 2/

However, in the late 1970's a number of evaluations were done on Court diversion programs. The majority of these studies were to determine the impact on recidivism. Both the Lancaster County (Nebraska) and San Pablo (California) studies demonstrated no major differences in the rearrest rate of defendants involved in diversionary programs. 3/ To the contrary, an evaluation conducted by Pryor in 1977 found the Monroe County (New York) Pre-Trial Diversion program to be cost-effective and have a substantial positive impact on participants. 4/

An in-depth, comprehensive study was done in Shelby County (Tennessee) on the effects of a diversion program serving felony offenders with limited prior records and whose offenses consist of non-violent property crimes. The study was done to determine whether the program was deterring the reoccurrence of misdemeanor and felony offenses and to analyze the cost effectiveness of diverting

defendants through the program. Thomas found an overall favorable impact on recidivism as the frequency and seriousness of the rearrests for the diversion group was reduced. Although costs were relatively consistent with that of regular cases, it was viewed as a probable financial success because future savings would be realized.

The methodology used by the Shelby County study included two specific interesting concepts. When measuring recidivism, the author chose to monitor arrests for a three year period following diversion or sentencing with measurements every six months. Unlike previous studies which monitored rearrests for a year or less, the Shelby County study provided a clearer and more accurate picture of recidivism. The study also displayed sound and understandable methods of defining and computing recidivism. Thomas described rearrests as defendants committing additional misdemeanor and felony crimes and excluded traffic and city ordinance offenses. 5/ The author also presented a more realistic view of recidivism by including in the diversion group both those who successfully completed the program and those who failed to comply with the terms of the program and were revoked. 6/

The Shelby County study also used a valid approach to the selection of the two groups used for comparison. The research presented displayed a logical, chronological accounting of the selection process. Its methods sought to develop an appropriate

comparison group to draw valid conclusions on the impact of diversion.

Although a number of research improvements were realized in this study, it failed to show comparisons of recidivism rates of both before and after the inception of the diversion program. The study concentrated on the effectiveness of the program after it was begun by comparing diversion defendants with a control group of eligible non-diversion defendants. The study did not present data on recidivism of previous defendants who would have been eligible for the program prior to its use. This information would provide a better understanding of the effectiveness of the Shelby County's diversion program to deter rearrests.

The data presented in this report on the ARD program of Clearfield County utilizes many of the sound principles of comparative analysis prevalent in the Shelby County study. It also seeks to provide a clearer picture of the effects of the ARD program on recidivism, case disposition times and efficiency by enlarging the comparison group to include cases prior to the beginning of the diversion program.

FOOTNOTES

- 1/ Kirby, M.P., Findings 2, Recent Research Findings in Pre-Trial Diversion", Washington, D.C.: Pre-Trial Services Resource Center, 1978.
  
- 2/ Yonkers, Steve, Project Specialist, Pre-Trial Services Resource Center, Washington, D.C., 1990.
  
- 3/ McMasters, E.A. and R.G. Beeson, "Evaluation and Pre-Trial Diversion: Results, Problems and Prospects - The Case of Lancaster County", Lancaster County Pre-Trial Diversion Program, mimeograph, 1979.  
  
National Center for Crime and Delinquency, San Francisco, CA, 1979
  
- 4/ Pryor, D.E., Pre-Trial Diversion Program in Monroe County, N.Y.: An Evaluation, Rochester, N.Y., Center for Government Research, July, 1977.
  
- 5/ Thomas, Richard K., The Shelby County (Tennessee) Pre-Trial Diversion Program: An Evaluation, 1980.
  
- 6/ Thomas, Richard K., The Shelby County (Tennessee) Pre-Trial Diversion Program: An Evaluation, 1980.

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**PART I**  
**SURVEY RESULTS**

## CHAPTER 1

### DIVERSION PROGRAM SURVEYS

Survey questionnaires were developed and sent to all Judicial Districts in Pennsylvania. 1/ It was decided to survey only Pennsylvania Courts due to the commonality of procedures and the guidelines which are mandated by Pennsylvania law for DUI diversion programs. Forty-nine percent of the surveys were returned totaling 24 responses. The information gathered from the surveys is presented in this Chapter.

The purpose of the questionnaires was to gather information on the use of pre-trial diversion programs for Driving Under the Influence offenses in the state for review and comparison.2/ Also sought was information on existing goals stated for these programs.

Of the 24 counties responding, 15 indicated they were using a diversion program for DUI offenses. Nine responded with no use of diversion programs and it was also indicated no prior use of any program.

Table 1-1 displays the findings of the fifteen counties responding positively to the establishment of goals. Fourteen of the fifteen (93%) indicated a primary reason for use of a pre-trial diversion program was the reduction of disposition times in DUI cases. Seventy-nine percent indicated their programs were being utilized to reduce the number of jury and non-jury trials. Another

**TABLE 1-1  
SURVEY RESULTS OF PA COURT ADMINISTRATORS  
GOALS OF DIVERSION PROGRAMS**

	1	2	3	4	5
Erie	X		X	X	
Elk/Cameron	X		X		
Northumberland	X		X	X	
York	X	X	X	X	X
Mercer	X		X		X
Beaver	X		X	X	
Lackawanna	X	X	X	X	
Dauphin	X	X	X	X	X
Allegheny		X			X
Franklin/Fulton	X	X	X		
Butler	X	X	X	X	
Lehigh	X	X	X	X	
Lancaster			X	X	
Centre			X	X	
Jefferson	X	X	X		

- 1 - Reduce trials
- 2 - Reduce recidivism
- 3 - Reduce disposition time
- 4 - Reduce backlog
- 5 - Other goals

SOURCE: SURVEY QUESTIONNAIRES

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67% of the Court Administrators believed their pre-trial diversion programs were being used to alleviate the backlog of DUI cases. This information is significant indicating the primary element of the responding group was to alleviate work requirements (trials) and that it was believed diversion could improve disposition times.

It is interesting to note that only 53% of the Court Administrators claimed the reduction of recidivism as a goal of their program. It can be concluded from the survey results the Districts

responding view their program implemented primarily as a benefit to the Court and a benefit to the offender as secondary. The goal of recidivism also appeared less than that of backlog reduction thus indicating the responding districts desire to remedy problems within the Court as more important.

Fourteen of the fifteen Court Administrators positively responding to the use of pre-trial diversion reported established goals were being met. None of the districts reported any formal evaluation of their program and based their response on successful fulfillment of goals on personal observation of trials, backlog, and disposition time. Also, formal studies on recidivism were not reported.

Similar to the responding Districts, Clearfield County set goals of reducing disposition times, reducing the number of trials and alleviating the rearrest problem for DUI offenders. Although not a stated goal, data presented later in this report indicates ARD promoted a more timely disposition of cases thus helping to reduce the backlog.

FOOTNOTES

- 1/ Judicial Districts in Pennsylvania total 60 but only 49 have Court Administrators/Managers.
  
- 2/ The questionnaire was also intended to gather information on Court size and filings. Due to an error in the design, the survey did not request data during the specific time period of this study rendering the data irrelevant. Therefore, information on Court size and filings are not included.

**PART II**  
**DATA COLLECTION AND ANALYSIS**

## CHAPTER 2

### DISPOSITION TIMES AND TRIALS

One of the main objectives of this project is to evaluate the impact of ARD on disposition times and trials of Driving Under the Influence offenders. Six hundred thirty-nine cases were researched for this report accounting for every disposition of DUI case during the period 1981 - 1985. Over that same period an additional 12 individuals were charged with DUI in the Clearfield County Court but failed to appear at scheduled proceedings.<sup>1</sup> They are therefore classified as fugitives and are not incorporated into the disposition data.

For this report dispositions are complete when a final determination is made of the case. The data presented determines final disposition as follows.

- date of sentencing for guilty pleas
- date of placement by the Court for ARD
- date of jury or non-jury verdict
- date of dismissal, nolle prosqui or withdrawal

These guidelines were adopted to provide a consistent yardstick in which to evaluate all cases. It is generally common to calculate disposition times for guilty pleas and ARD cases using the date which the individual entered into the plea or signed the necessary papers to proceed into ARD. However the Clearfield County Court did not

accept the plea or ARD until the date of sentencing;<sup>2/</sup> therefore all disposition dates for guilty pleas and ARD's are identical to the sentencing date. An arrangement may be made with a defendant and the District Attorney prior to sentencing or placement but the Court does not make a determination on acceptance at that time.

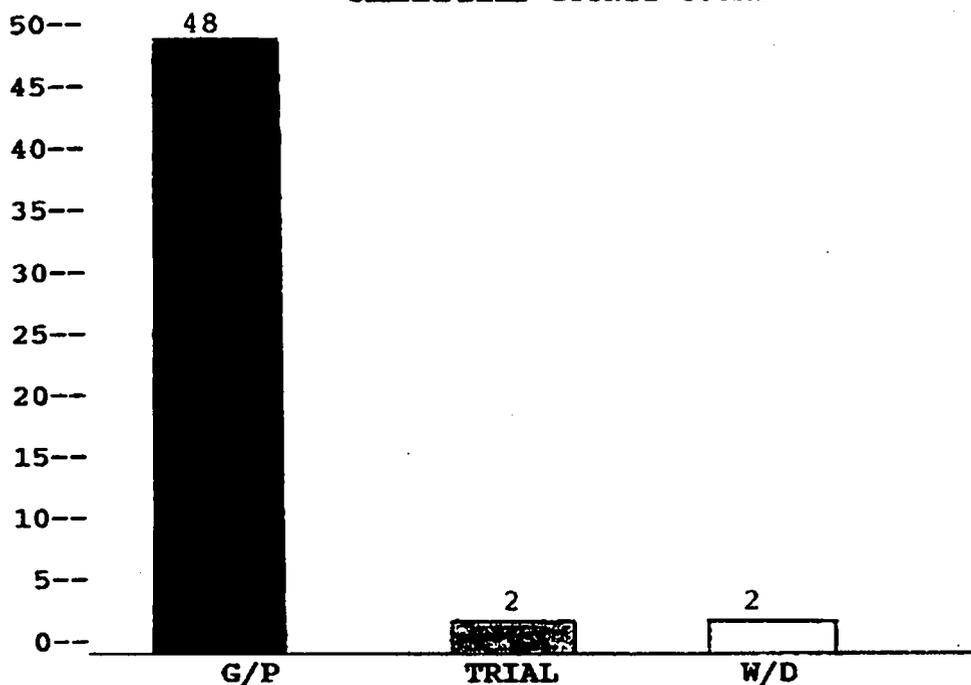
A case was counted as a trial if jury selection was begun and completed regardless of the disposition. For instance, a defendant that selected a jury and then disposed of the case via other methods was counted as a trial. This method was adopted to assure uniformity of the data and consistent analysis.

The data presented in this Chapter will first examine the type of dispositions reported in each year of the study. Next, the disposition times of all DUI cases will be reviewed. This data will also demonstrate the disposition type and times prior to the introduction of ARD, at the time of inception, and subsequent to it's use.

#### 1981

In 1981, a total of fifty-two cases of Driving Under the Influence were docketed and disposed.<sup>3/</sup> Table 2-1 demonstrates the disposition type of the cases surveyed. Ninety-four percent of the dispositions were in the form of a guilty plea, three percent resulted in guilty verdicts after trial and another three percent were disposed after the prosecution was withdrawn. The relatively small number of cases resulted primarily in a conviction with few

TABLE 2-1  
 1981 DUI DISPOSITION TYPE  
 CLEARFIELD COUNTY COURT



SOURCE:  
 CASE FILES

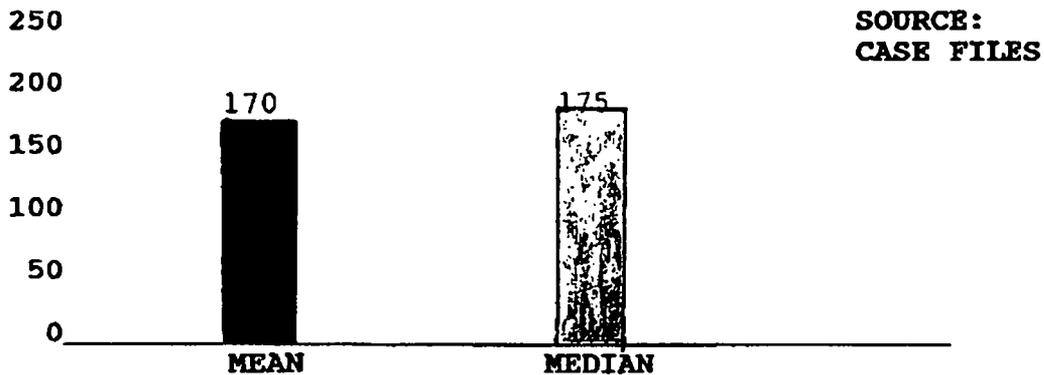
trials required. Of the two trials held in 1981, both resulted in guilty verdicts which pushed the conviction rate to 97%.

The disposition times of the 1981 cases also demonstrated few areas to be concerned at that time. Table 2-2 presents both the mean and median disposition times of the 1981 Driving Under the Influence cases. As shown, the average time from initial filing to disposition was 175 days while the median time was 170 days. It is also interesting to note the disposition times of both jury trials were substantially lower than both the mean and median times. Verdicts were returned in 106 and 159 days in those trials thus giving indications that dispositions of DUI cases were not being

substantially delayed if a trial was required.

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TABLE 2-2  
1981 MEAN AND MEDIAN DISPOSITION TIMES  
CLEARFIELD COUNTY COURT



ALL TIMES SHOWN IN DAYS

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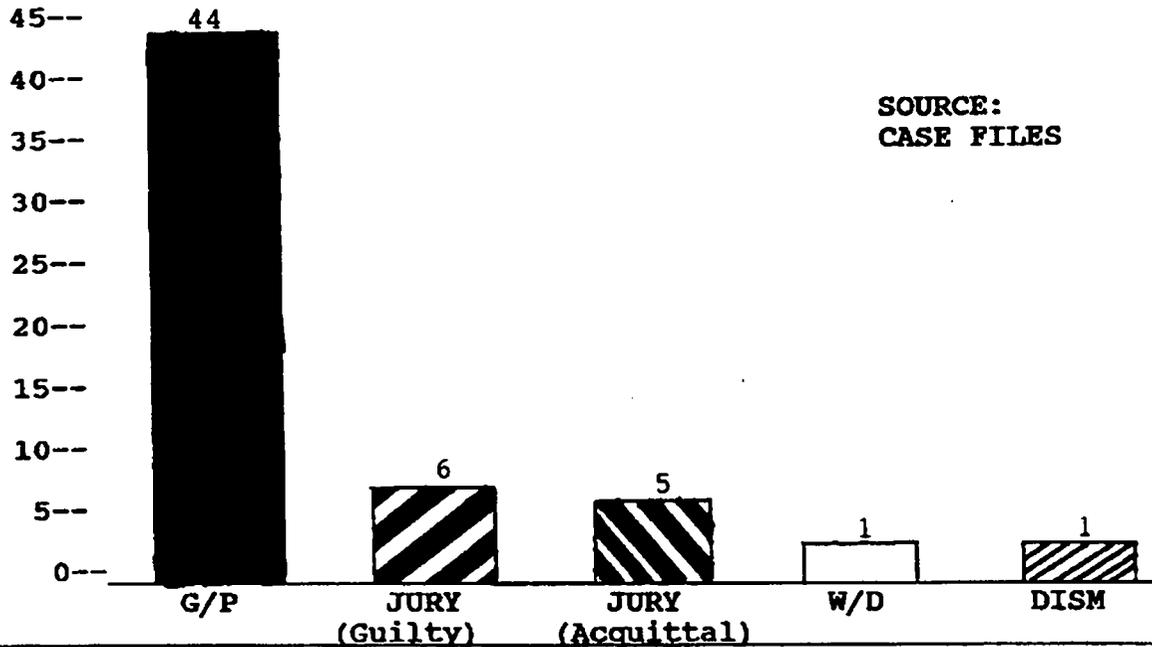
The data researched in the pre-ARD climate of 1981 does not demonstrate a serious problem with DUI cases. The amount of cases available for disposition were not overwhelming and disposition times, although not in line with ABA standards, were reasonable.

1982

Research of the 1882 cases reveals a slight increase in dispositions of 8%, or 5 cases over the 1981 figures.<sup>4/</sup> However the type of dispositions began to illustrate significant changes. Table 2-3 displays the breakdown of dispositions for this research year.

Although guilty pleas continued to be the predominant method of disposition, jury trials (both resulting in guilty verdicts and

TABLE 2-3  
 1982 DUI DISPOSITION TYPE  
 CLEARFIELD COUNTY COURT



acquittals) made up 20% of the total dispositions. Also evident was increasing number of cases not resulting in conviction. During 1982, 13%, or 7 cases ended in acquittal, dismissal or withdrawn prosecution. As a result, the conviction rate for DUI offenses fell to 88% in 1982.

Disposition times were not as severely affected. While the average disposition time rose to 180 days, the median time fell to 167 days. (Table 2-4) In order to understand this disparity, a closer look is made on the disposition times of the trials. Only three of the trials were disposed in less time than either the mean or median times. The average time to reach a verdict was 236

**TABLE 2-4**  
**1982 DUI MEAN AND MEDIAN DISPOSITION TIMES**  
**CLEARFIELD COUNTY COURT**

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<b>MEDIAN TIME</b>	<b>167 DAYS</b>
<b>MEAN TIME</b>	<b>180 DAYS</b>

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**SOURCE: CASE FILES**

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while the median was 207 days. The majority of trials were now taking 207 days or more to reach a verdict, a substantial increase over 1981 figures.<sup>5/</sup>

The increased demand for trials in Driving Under the Influence case began to reflect in the disposition times. The nine additional trials, or 81% increase of 1981, was having a large impact on the single Judge Judicial District.

1983

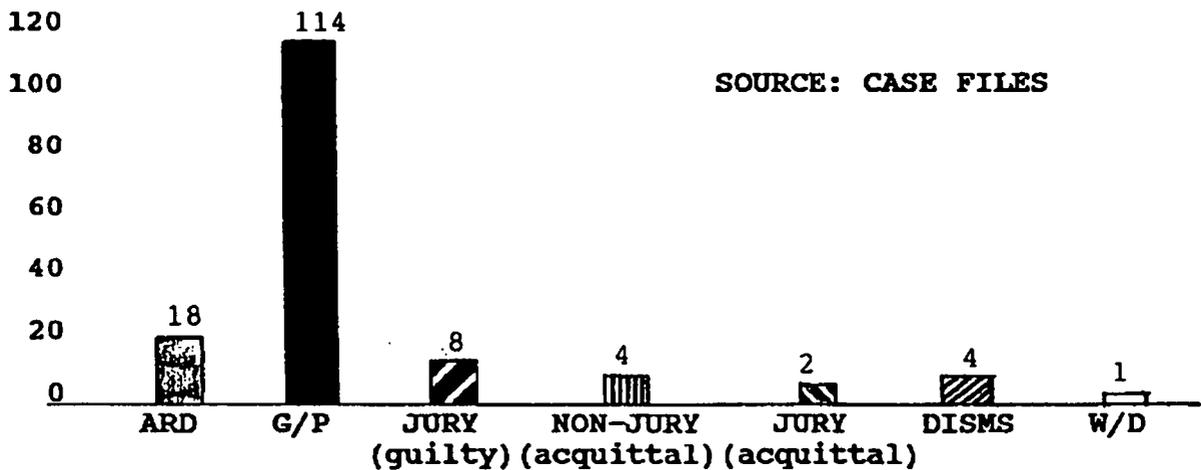
1983 marked the introduction of Accelerated Rehabilitative Disposition in Clearfield County in its infant form. It also saw a new development in the Pennsylvania law. In response to public opinion and organized anti-alcohol groups, the Pennsylvania legislature revised the DUI law providing for stiffer penalties and mandatory sentences for certain subsequent offenses.<sup>6/</sup> The lawmakers also changed the grading of the offense to a more severe misdemeanor allowing for longer maximum sentences.<sup>7/</sup> Most importantly, the law did not permit Judges individual discretion of

sentences for convictions.

Unlike its predecessor, the 1983 law specifically addressed the use of PTD diversion for DUI offenders offering guidelines for its use.<sup>8/</sup> The Clearfield County Court's response to this development was timid at best. The Court established an ARD program but allowed only limited participation. At the same time, a substantial increase in DUI case available for disposition was being realized. In 1983, a total of 151 Driving Under the Influence case were docketed and available, an increase of 165% over the previous year of 1982.

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**TABLE 2-5**  
**1983 DUI DISPOSITION TYPE**  
**CLEARFIELD COUNTY COURT**



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As Table 2-5 reveals, ARD was used cautiously by the Court. Of the total cases disposed, only 12%, or 18 cases were placed on the

ARD program. Guilty pleas were still the leading method of disposing cases. Excluding ARD cases, the conviction rate of DUI offenses rose from the previous year to 92% in 1983. However more cases were proceeding to trial and although the percentage of trials decreased, the number held increased from 11 in 1982 to 14 in 1983.

Data collected from 1983 DUI cases also represents serious setbacks in the disposition times of all cases. The mean time for DUI cases rose to 216 days while the median was 176 days. This indicates that although a majority of the cases were being disposed in 176 days or less, a growing number were taking longer to dispose pushing the average time to its highest level in the first three years of the study. A closer look at the trial disposition times also provides a deteriorating view of case disposition times. Fourteen cases proceeded to either jury or non-jury trials and the defendant could expect an average trial disposition in 390 days. Those same fourteen trials had a median time of 416 days, signaling a severe problem had developed. In only two years, DUI trials had increased significantly in numbers and disposition time as well.

The figures for ARD cases provided only little encouragement for speedier dispositions. Although the average disposition time exceeded non-ARD cases by 23 days (236 to 213), the median time decreased to 165 days. The majority of ARD cases were being disposed in less time than non-ARD cases.

At this early stage of ARD, revocations were not significant. Only one of the 18 cases was removed as a result of a technical violation and was finally disposed via dismissal.<sup>9/</sup> Its impact on overall disposition times was not significant.

#### 1984

In the study period, 1984 revealed the highest number of Driving Under the Influence cases.<sup>10/</sup> It also demonstrated the Court's commitment to utilizing ARD whenever possible. A total of 198 cases were reviewed and reported revealing 106 non-ARD dispositions (54%) and 92 ARD placements (46%).

For the third consecutive year, DUI cases had risen. The Court nor any of the Court-related offices involved in the disposition of cases had increased staffing levels or adopted any new methods of addressing the increases in the DUI cases. In 1984, the Court was for all practical purposes structurally and procedurally identical to that of 1981. And as a result, disposition times of DUI cases rose.

Table 2-6 reveals an overall increase in disposition times for all cases over the previous three years. It is not a favorable comparison to the 1981-1983 disposition times, ARD dispositions in 1984 were comparatively better than those disposed via non-ARD methods in this time period. It can also be stated from this data that the majority of ARD cases were being concluded no less than

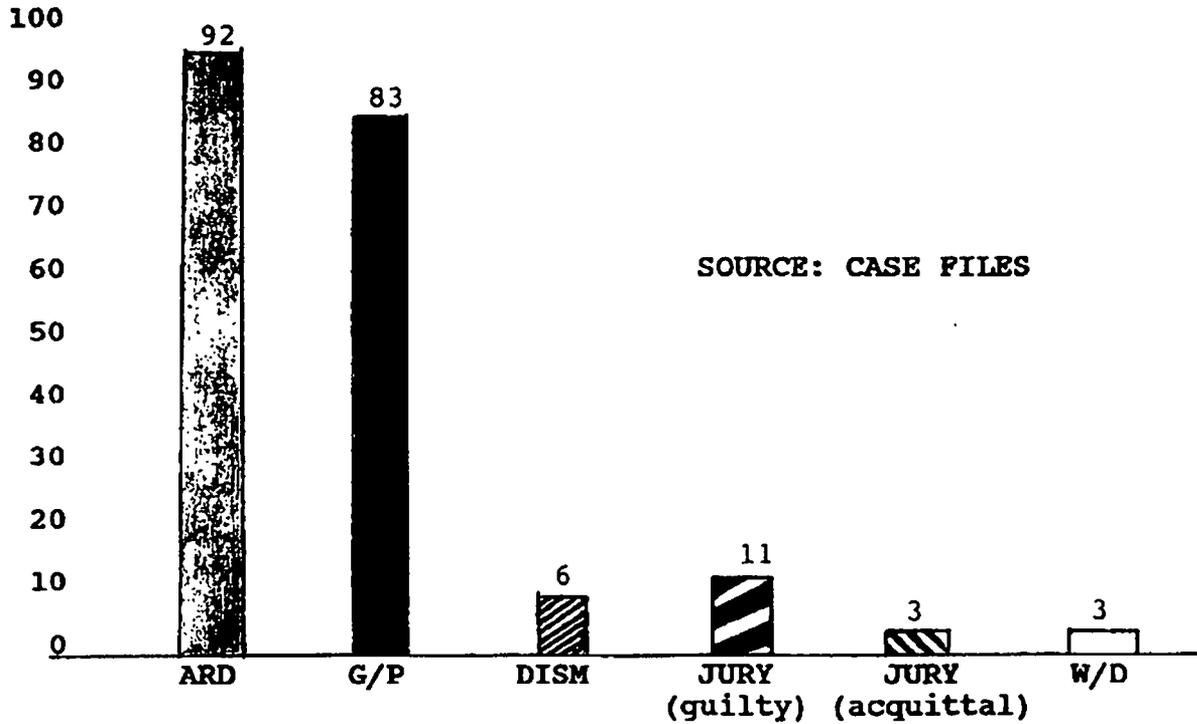
**TABLE 2-6**  
**1984 MEAN AND MEDIAN DISPOSITION TIMES**  
**ARD & NON-ARD CASES**  
**CLEARFIELD COUNTY COURT**

	<u>MEDIAN</u>	<u>MEAN</u>
ARD	216	265
NON-ARD	332	308

Disposition time shown in days

SOURCE: CASE FILES

**TABLE 2-7**  
**1984 DUI DISPOSITION TYPE**  
**CLEARFIELD COUNTY COURT**



one hundred sixteen days earlier than the majority of non-ARD cases.

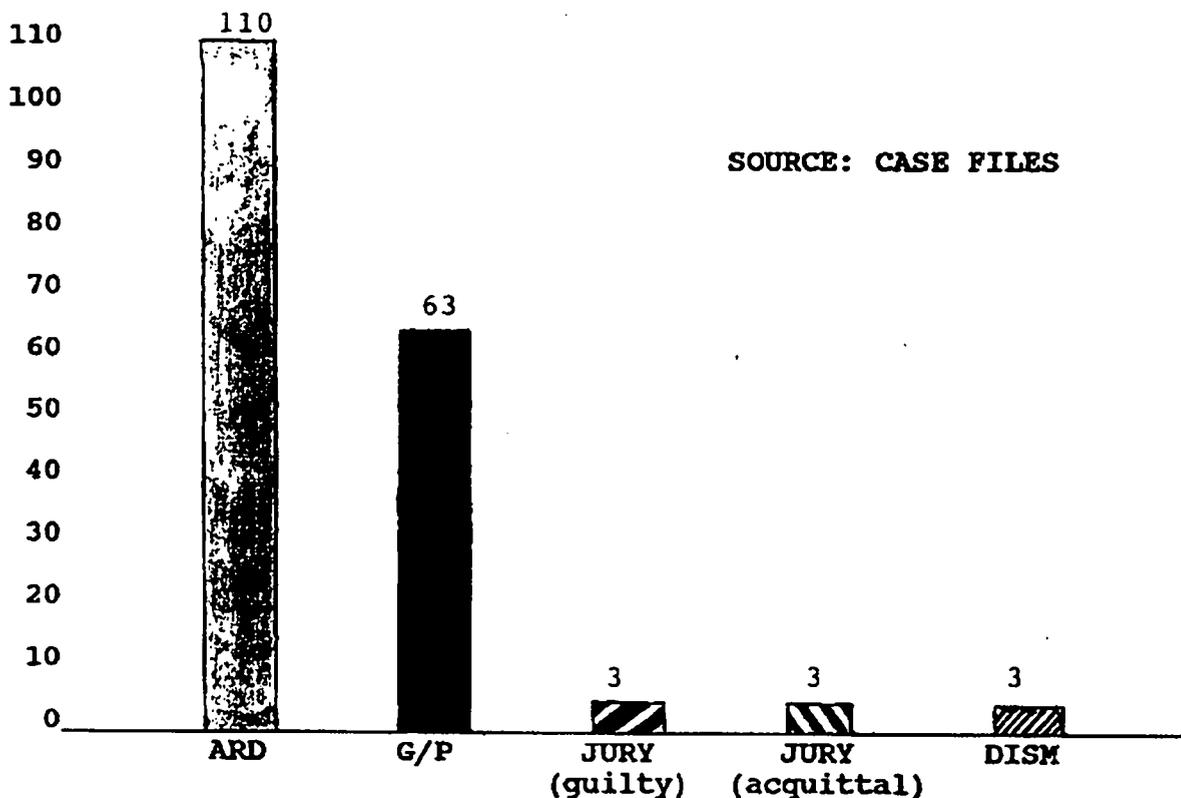
Table 2-7 reflects that ARD had become a major tool in the disposition of DUI cases. It also demonstrates that although DUI cases had increased over 1983, the number of trials remained constant with the percentage of their use declining to 7%. Guilty pleas were no longer the predominant method of disposition as the Court was taking full advantage of its ability to utilize ARD for qualified defendants.<sup>11/</sup>

The Court's full utilization of ARD in 1984 did not come without problems. Fifteen of the ninety-two cases were revoked and returned to the trial list. Only 5 of the revocations were a result of new charges as the other ten defendants were removed due to technical violations, e.g. consumption of alcohol, and failure to meet required ARD conditions.<sup>12/</sup> The average disposition time for revoked cases was 631 days and pushed the average disposition time for all cases initially proceeding into ARD to 317 days.

### 1985

Driving Under the Influence offenses dropped slightly from 1984 to the 1985 level of 182 (8%). As in 1984, the majority of cases were being disposed using ARD rather than non-ARD methods. More importantly, only 6 cases resulted in a trial accounting for only 3% of the total disposed. This figure represents the lowest of the five year period. Table 2-8 illustrates the composition of DUI

TABLE 2-8  
 1985 DUI DISPOSITION TYPE  
 CLEARFIELD COUNTY COURT



Upon the joint recommendation of the Adult Probation Department and the District Attorney's office, the Court adopted in 1985 a new "fast-track" system for those qualifying for ARD.<sup>13/</sup> In 1983 and 1984 defendants had been processed in the same general manner as all other cases. The new system allowed for procedural revisions which were designed to reduce much of the burden placed on both the respective offices. Defendants proceeding into the ARD program were now given the responsibility to complete various requirements

within mandated time constraints. Probation officers were no longer required to conduct face to face interviews and were permitted to obtain much of the information needed from the defendant via the telephone. Both the District Attorney and Adult Probation were able to streamline much of the pre-disposition information for the Court.

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**TABLE 2-9  
1985 MEAN AND MEDIAN DISPOSITION TIMES  
ARD & NON-ARD CASES  
CLEARFIELD COUNTY COURT**

	<u>MEAN</u>	<u>MEDIAN</u>
ARD	168	154
NON-ARD	259	228

ALL TIMES SHOWN IN DAYS

SOURCE: CASE FILES

---

Disposition times of ARD cases responded to the new "fast-track" procedures. Table 2-9 compares the mean and median times of both ARD and non-ARD cases in 1985. Clearly ARD cases were being disposed faster by the Court and with the new "fast-track" procedures staff time was also being saved.

ARD was also having a positive impact on the overall dispositions of DUI cases. Comparing the 1985 disposition times of non-ARD cases with those of the previous year, both the average and the median times fell in 1985.

During 1985, defendant's were revoked from the ARD program only

eight times accounting for 7% of the total. The Court revoked due to new charges (both DUI and non DUI) in five of the cases and removed another three cases as a result of technical violations.<sup>14/</sup> The revocation figures for 1985 demonstrate an easing of the Court's strict policy on technical violations. Chart 2-A shows the revocation tendencies of the Court during the period 1983 - 1985.

**CHART 2-A  
1983-1985 REVOCATION FIGURES  
CLEARFIELD COUNTY COURT**

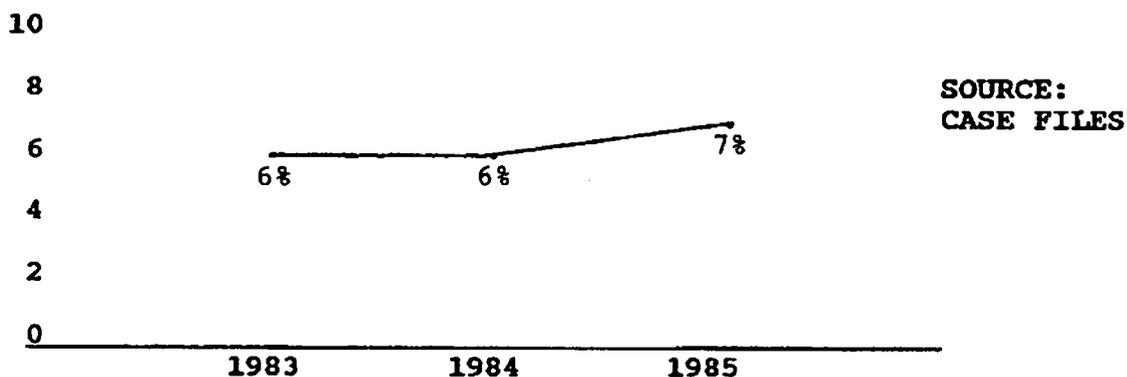
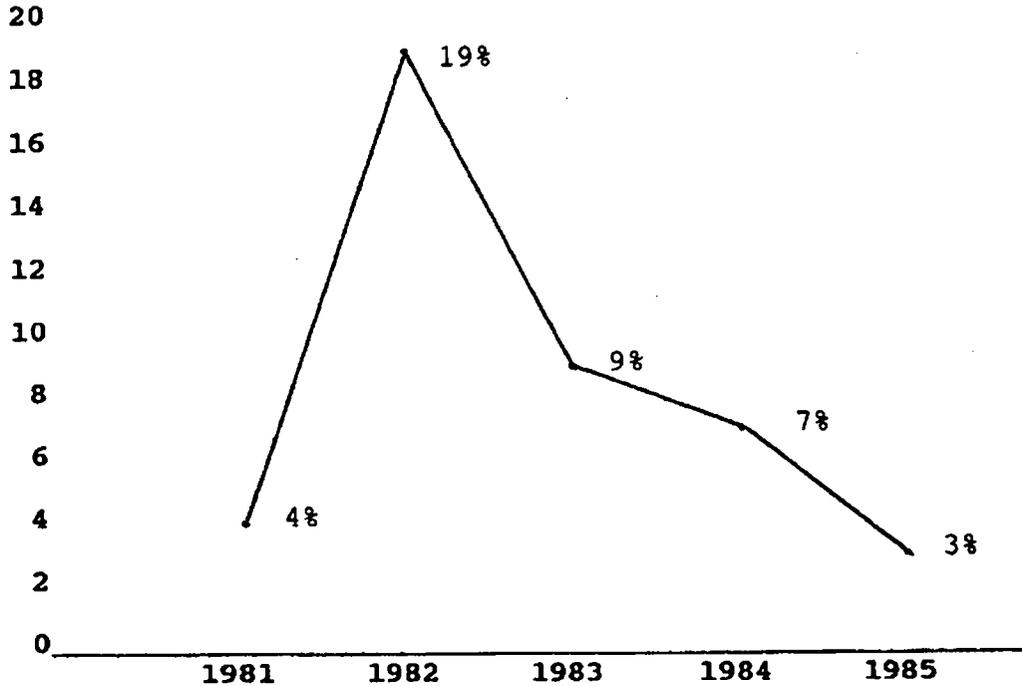


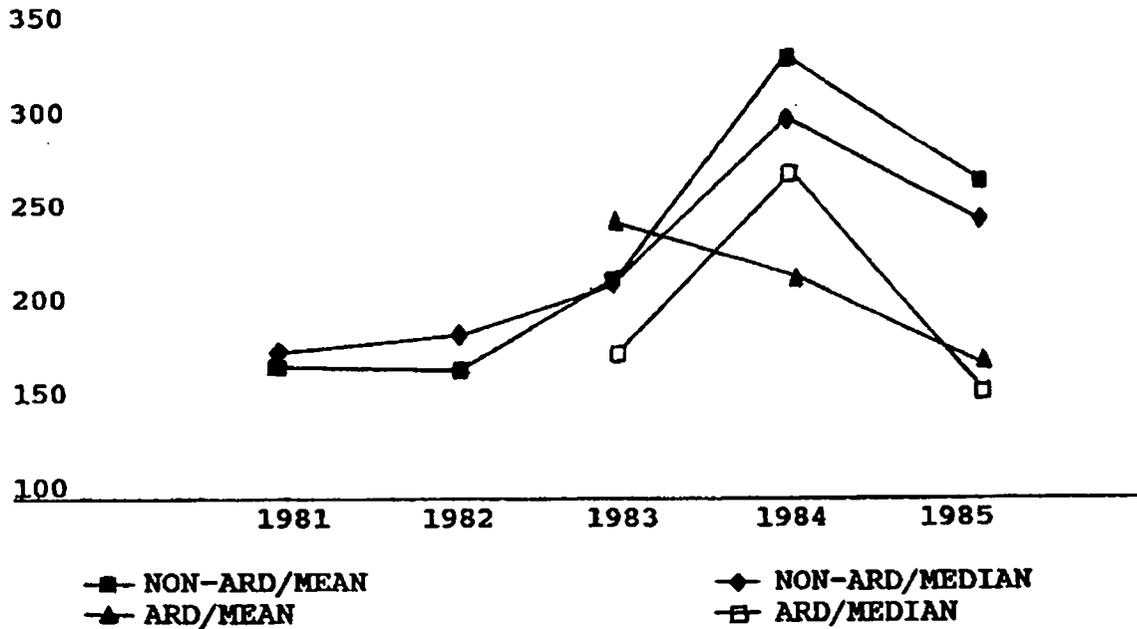
Chart 2-B summarizes the trial disposition rate for the research period. The percentage of trial dispositions in relation to all dispositions for each research year are graphically displayed. The trials held, after reaching its peak in 1982, decreased throughout the research period with the introduction of ARD and reached its lowest rate in 1985 (3%).

Chart 2-C illustrates the cumulative five year figures for ARD and non-ARD cases in both mean and median times. The Chart clearly

**CHART 2-B**  
**1981 - 1985 TRIAL DISPOSITION RATE**  
**CLEARIFELD COUNTY COURT**



**CHART 2-C**  
**1981 - 1985 DUI MEAN AND MEDIAN DISPOSITION TIME**  
**CLEARIFELD COUNTY COURT**



demonstrates the speedier disposition process of ARD and also suggests a positive impact on the disposition times of non-ARD cases. With the exception of the 1983 mean disposition time of ARD cases, Chart 2-C displays ARD disposition times were consistently less than those non-ARD cases over the research period.

#### SUMMARY

The period of 1981-1985 displayed a substantial increase in Driving Under the Influence cases for the Clearfield County Court. The early years of the study showed little cause for alarm as cases were being processed in a reasonable period and trial requests were not overwhelming.

The Pennsylvania DUI law was revised in 1983 and this coincided with a large increase of cases available for disposition. This year also saw the introduction of ARD on a limited basis. ARD did little to improve the Court's problem of lengthening DUI disposition time. The Court also realized worsening trial disposition times. In 1981, an average DUI trial could expect a verdict within 133 days. In 1983, the average had reached 390 days.

From 1981 - 1983, the predominant method of disposition was in the form of guilty pleas. In 1984, ARD dispositions were most prevalent as the Court began using placements whenever possible. This year also marked the largest number of DUI cases in this study period available for disposition. Other than the use of ARD, no

other forms of management were used to handle the influx. As a result, case disposition times rose to the highest level of the study, the average ARD disposed in 265 days while non-ARD cases were consuming 308 days. Conversely, it does appear the use of ARD det rred additional trials. While the actual number of trials remained consistent with 1983, their percentage had dropped.

1985 data reflects the Court's maximum use of ARD as well new exp ditious procedures to move the case along. ARD was now being used in 64% of all DUI cases. As a result, disposition times of ARD cases averaged 168 days. A positive impact was also seen on the number of trials as they accounted for only 3% of the total DUI dispositions in 1985.

The data collected displays the Court did not benefit greatly from the use of ARD in 1983 and 1984. However, the data clearly displays the importance of ARD in 1985. This was evident not only in ARD cases but non-ARD were being processed more rapidly than those in the previous year, the average time down 49 days.

The number of trials was also positively affected by the use of ARD. The first year of the study revealed only two trials, this figure rose to 11 in 1982, 14 in 1983 and 1984, and falling to 6 in 1985. However, the percentage of use dropped in 1984 and again in 1985. Once ARD was being utilized without reservation, trials were positively affected as the number was reduced.

#### FOOTNOTES

- 1/ These 12 defendants were omitted from the data for obvious reasons. The objective of the research was to evaluate disposition times, number of trials and recidivism. Data was not available for these categories.
- 2/ Gary L. Brady, Chief Probation Officer, Clearfield County Court, 1974 - present, 1991.
- 3/ Office of the Clerk of Court, Clearfield County Court, 1981 Annual Filings, 1990.
- 4/ Ibid
- 5/ 1981 mean and median trial time was 133 days.
- 6/ Purdons Pennsylvania Consolidated Statutes Annotated, 1977, Philadelphia, PA.  
Title 75, Section 3731.
- 7/ Ibid
- 8/ Ibid
- 9/ The single case that was revoked from the ARD program was later dismissed by the Court due to the District Attorney's failure to prosecute under Pennsylvania's speedy trial statute. (Rule 1100 of the PA Rules of Criminal Procedure)
- 10/ Office of the Clerk of Court, Clearfield County Court, 1984 Annual Filings, 1990.

- 11/ Gary L. Brady, Chief Probation Officer, Clearfield County Court, 1974 - Present, 1990.
  
- 12/ Adult Probation Department, Clearfield County Court, 1984 ARD Revocation Reports, 1990
  
- 13/ Office of the District Attorney and the Adult Probation Department, Clearfield County Court, 1991.
  
- 14/ Adult Probation Department, Clearfield County Court, 1985 ARD Revocation Reports, 1990

### CHAPTER 3

#### AMERICAN BAR ASSOCIATION STANDARDS

In 1976, the American Bar Association adopted standards relating to delay reduction in the Courts. Again in 1984, the ABA adopted revised standards which will be used to compare the disposition times of the cases in this study.<sup>1/</sup>

Driving Under the Influence offenses are Misdemeanors under Pennsylvania law. The ABA standards relating to Misdemeanors are as follows:

**MISDEMEANOR** - 90% of all misdemeanors, infractions and other non-felony cases should be adjudicated or otherwise concluded within 30 days from the date of arrest or citation and 100% within 90 days.

The disposition times of DUI cases for both ARD and non-ARD do not compare well to the ABA standards. Table 3-1 illustrates the percentage of cases exceeding the ABA standards. During the five year period no cases were disposed within thirty days of arrest. Even less impressive are the figures relating to cases disposed within 90 days. The data collected reveals that 1983 dispositions ranked highest with 5% of the cases disposed within 90 days. The remaining four years ranged between 96 and 99% over the ninety day period.

In an effort to understand why disposition times were not close to meeting these standards, the Pennsylvania Rules of Criminal Procedure were reviewed. Inherent to the Rules are provisions that

do not allow for cases to be disposed within the 30 days limit when the matter is before the Common Pleas Court. Since Driving Under the Influence offenses are Misdemeanors, proper procedures dictate the arresting officer must file a complaint at the lower court. The District Justice, or lower court judge, must then issue a Summons for the defendant to appear at a Preliminary Hearing not less than 20 days after issuance.<sup>2/</sup> Two thirds of the ABA allotted time has now elapsed before the case is listed before the District Justice.

After the case is bound over or waived to Common Pleas Court, Arraignment must be held and the discovery process begins. The best possible scenario would not allow a trial to begin before the 51st day of the case. Since defendants may take up to 30 days to file any pre-trial motions, the Court cannot force the matter to a conclusion before allowing for this time period.<sup>3</sup> It would appear impossible for any DUI case to be concluded within 30 days because of the Rules which apply.

The above argument does not apply to the inability of the Court to process and dispose of the DUI cases within 90 days. This may best be approached and explained by the lack of case management techniques. During the research period, an office with the primary responsibility of managing cases did not exist. This was left to the District Attorney and the office was free to manipulate cases as it deemed necessary. This fact, coupled with Rule 1100 of the

Pennsylvania Rules of Procedure which allowed the District Attorney 180 days to dispose of a case, greatly inhibited the success of meeting ABA time standards.

FOOTNOTES

- 1/ Solomon, Maureen and Douglas Somerlot, Caseflow Management in the Trial Court, 1987. pp. vii and 84.
- 2/ Pennsylvania Rules of Court, Rules of Criminal Procedure, 1990. Rule 310.
- 3/ Ibid, Rule 307.

CHAPTER 4  
RECIDIVISM RATES

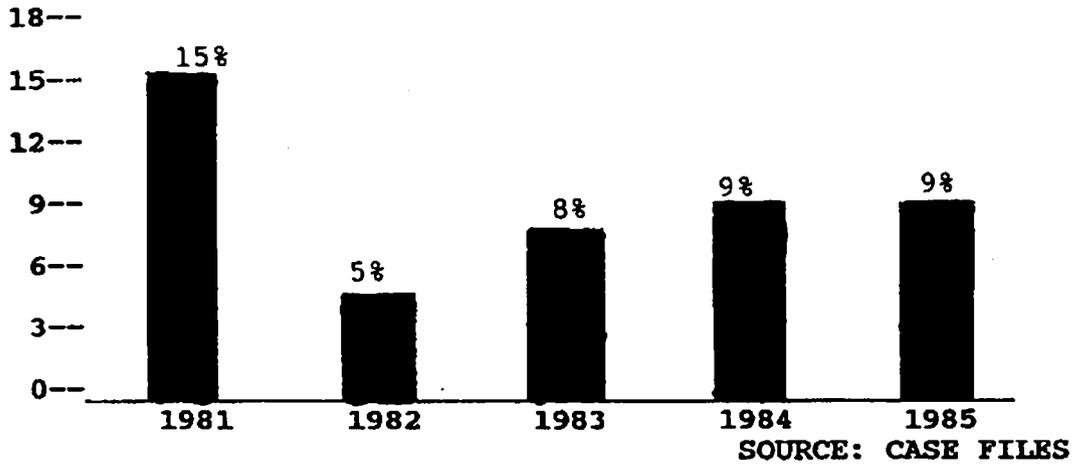
The recidivism rate of DUI offenders is also a major objective of this study. A goal of the ARD program is to reduce the recidivism rate for first time offenders hopefully making the defendant's first contact with the Court his or her last. Post-placement conditions of the program require all individuals to complete a basic course in alcohol and drug abuse counseling and many are referred to additional treatment. The Court's method of reducing recidivism was to use education and treatment as much as possible.

In this chapter, recidivism rates are tracked by measuring convictions three years from the date of placement or sentencing. Other studies have not tracked defendants for such a lengthy period but this approach is believed to present a more accurate assessment of recidivism.<sup>1/</sup>

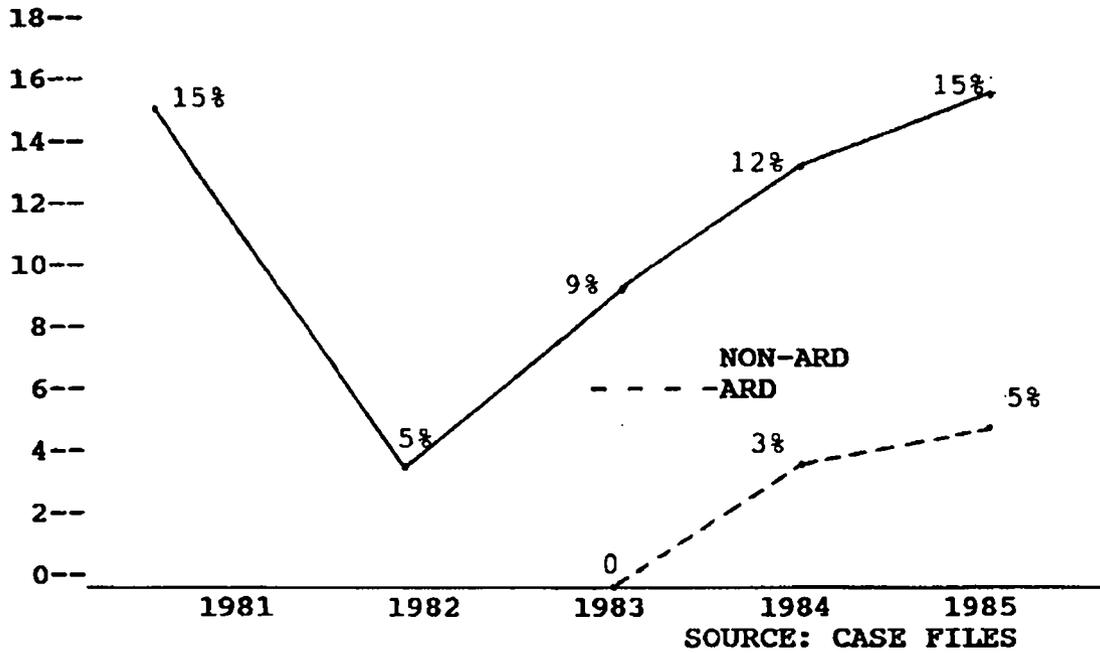
A second area of recidivism measurement must also be addressed. The goal of the Court program was to deter further DUI arrests and therefore only subsequent convictions for this offense are measured. Summary offenses and ARD revocations resulting from technical violations and additional non-DUI convictions are not included. Additionally, DUI arrests that did not result in conviction were not counted.

In order to evaluate the effectiveness of ARD to deter

**TABLE 4-1**  
**1981-1985 RECIDIVISM RATES**  
**CLEARFIELD COUNTY COURT**



**CHART 4-A**  
**1981-1985 RECIDIVISM RATE**  
**ARD & NON-ARD COMPARISON**  
**CLEARFIELD COUNTY COURT**



recidivism, each DUI defendant was tracked over a period of three years. Table 4-1 presents the cumulative data on all DUI cases and illustrates the number of defendants convicted of a subsequent DUI within three years. The research revealed the highest rate in 1981, the lowest the following year and a steady percentage increase over the next three years.

Chart 4-A takes a comparative view of ARD vs. non-ARD recidivism rates during the period. During the three years ARD was used, only ten defendants were subsequently convicted after being placed on the ARD program. The percentage figures displayed measured the total number of defendants from the total number disposed in that category. Comparatively, recidivism rates for the ARD group were significantly lower than those of the non-ARD group ranging between 0 and 5% from 1983 to 1985.

Recidivism rates for non-ARD dispositions reached their highest point in both the first and last year of the study period.<sup>2/</sup> With the exception of 1982, the rates remained similar averaging between 9 and 15%.

#### SUMMARY

The recidivism analysis previously done in this Chapter clearly indicates the significant impact of ARD of the individuals involved in the program. The data presented illustrates that defendants placed on the ARD program are less likely to be convicted of a

subsequent DUI offense during the three years after placement.

Conversely, four of the five study years demonstrated high recidivism rates for defendants disposed via non-ARD methods. In a comparative view, ARD recidivism rates were substantially lower than non-ARD rates during the three years of program use.

It would appear the treatment oriented approach taken by the Clearfield County Court has demonstrated benefits on recidivism. The additional drug and alcohol counseling and treatment common to ARD dispositions has led to fewer subsequent convictions for DUI.

FOOTNOTES

1/ Thomas, Richard K., Shelby County (Tennessee) Pre-Trial Diversion Program: An Evaluation, 1980.

2/ Both 1981 and 1985 Non-ARD Recidivism rate was 15%.

**PART III**  
**FINDINGS AND RECOMMENDATIONS**

## CHAPTER 5

### FINDINGS OF THIS RESEARCH PROJECT

This report concentrated on gathering information of Driving Under the Influence over the period 1981 - 1985. All DUI dispositions, six hundred thirty-nine total, were surveyed to determine the impact of ARD on disposition times, numbers of trials, and recidivism rates.

Data presented for disposition times is reported in both mean and median form to eliminate problems associated with either attempt to determine tendencies. It is also listed in both forms due to the limited number of cases available for research in the early years of the study. Rearrest rates and trial data are issued in both real numbers and percentage of occurrence. This technique assures proper perspective when interpreting the data.

It was the intent of the ARD program to reduce disposition times, reduce the number of trials and have a positive impact on the recidivism rate of DUI offenders. The information gathered was evaluated on the basis of these objectives and the following was determined:

- \* A positive impact was realized on disposition times of both ARD and non-ARD cases. This impact was particularly evident in the final year of the study period.

- \* The introduction of "fast-track" procedures in 1985 positively affected disposition times.
- \* Comparative review of ARD and non-ARD dispositions indicates speedier disposition of ARD cases.
- \* A positive relationship between ARD and the number of trials exists. The final study year demonstrated the most evidence of this relationship.
- \* Recidivism rates for defendants accepted into the ARD program were significantly lower than those with non-ARD dispositions. This remained true for the three years which ARD was used.

## CHAPTER 6

### CONCLUSIONS AND RECOMMENDATIONS

A number of studies have been completed on Pre-Trial Diversion programs relevant to this study although they predominantly review recidivism as the principle area of evaluation. This prior research has demonstrated both little or no correlation and positive correlation between diversion programs and rearrest rates.

This document not only reports on the intended deterrence of rearrests but includes other significant areas of a pre-trial diversion program. With the inclusion of data directly related to case processing times, types, etc., the results of this study demonstrate effects not only on the defendant but the Court as well.

It is evident the ARD program has shown positive results toward its goals. These results may be improved by introducing a number of techniques. An important and significant increase in success of ARD can be achieved by introducing new methods of responding to technical violations. Present policy results in many cases having to proceed twice through the system. This could be positively affected by seeking alternatives, perhaps adding probation conditions designed to alleviate the problem being experienced.

Recidivism is a more complex problem since it depends solely on the individual defendant. The program did display a convincing decrease in rearrests, however, additional progress may be made in this area by the Clearfield County Courts with additional treatment

and/or counseling for the offenders. A step in this direction could be the establishment of screening procedures for ARD candidates such as those used in the Genesee County Pre-Trial Diversion Program to help target potential problems before defendants enter the program.

Future study in this area should build upon the relationship between disposition time and recidivism. This area is a vast field of probabilities and it is felt that a positive correlation could be demonstrated.

## APPENDIX A

### DEFINING A CASE

A case was defined in quite simple terms. Since it was not possible in the Clearfield County Court to have more than one defendant per charge nor multiple Driving Under the Influence convictions included in a single docket number, a case was defined as one defendant. Each case researched had been assigned a Court number by the Clerk of Court and they were used for identification and verification purposes.

### DATA COLLECTION

Data was collected manually by the researcher using the forms in Appendices B and C. Review of the dockets in the Clerk's was used to determine the number of DUI's, disposition dates, types, and the issuance of Bench Warrants.

It was also necessary to review the files of both the District Attorney's office and the Adult Probation Department in the event of ARD revocation. These files also provided verification on previous data collected.

APPENDIX B

Clearfield Co. Court  
Administrator's Office  
DUI/ARD Evaluation Study

Court of Common Pleas  
46th Judicial District  
Clearfield County

DRIVING UNDER THE INFLUENCE  
DATA COLLECTION FORM

PART I - GENERAL INFORMATION

1. Collection Site

\_\_\_ Clerk's Office \_\_\_ DA Office \_\_\_ Probation

2. Defendants Name

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
Last First MI

3. Case Identification Number..\_\_ -\_\_ -\_\_ -CRA

4. Date Complaint Filed at Minor Court...\_\_\_/\_\_\_/\_\_\_  
M D Y

5. Date Complaint Filed with Clerk.....\_\_\_/\_\_\_/\_\_\_  
M D Y

6. Was Bench Warrant ever issued for failure to appear  
prior to disposition date?  
\_\_\_ Yes \_\_\_ No

If yes, date issued.....\_\_\_/\_\_\_/\_\_\_  
M D Y

Date Served.....\_\_\_/\_\_\_/\_\_\_  
M D Y

7. Disposition Type (circle one)

- Case Dismissed/Nolle Prosequi.....01
- Guilty Plea.....02
- Accelerated Rehabilitave Dispostion.....03
- Jury Trial - Guilty Verdict.....04
- Jury Trial - Acquittal.....05
- Non-Jury Trial - Guilty Verdict.....06
- Non-Jury Trial - Acquittal.....07
- Other.....08

Specify\_\_\_\_\_

8. Disposition Date.....\_\_\_/\_\_\_/\_\_\_

9. Sentencing Date.....\_\_\_/\_\_\_/\_\_\_





6. Please indicate the goals or objectives of this program. Circle all numbers that apply.

- Reduce Jury & Non-Jury Trials.....01
- Reduce Recidivism Rate of DUI Offenders.....02
- Reduce Disposition Time of DUI Cases.....03
- Reduce Backlog of DUI Cases.....04
- Other.....05
- Specify \_\_\_\_\_
- No Goals or Objectives.....06

7. Has the program been successful in achieving these goals? \_\_\_\_\_yes \_\_\_\_\_no

8. Has a study been done to evaluate the success or failure of the program? \_\_\_\_\_yes \_\_\_\_\_no

If so, briefly describe the study and the results. Enclose a copy if available.

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9. If a study has not been done, what are you using to support your answer to question #7?

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XX

PART III - TO BE COMPLETED BY THOSE RESPONDING NO TO QUESTION #4

10. Did your Court of Common Pleas previously use an ADR or PTD program for Driving Under the Influence cases? \_\_\_\_\_yes \_\_\_\_\_no

11. If yes, briefly explain why the program was discontinued. \_\_\_\_\_

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