

The Berks County ARD Program

As a general rule, if your BAC is between a .08 and a .099, there is no loss of license. A BAC between .10 and .159 mandates a thirty (30) day loss of license and a BAC of .159 and above results in a sixty (60) day loss of license.

In spite of this rule, many different variables still remain between the various ARD programs. The costs, required treatment, length of probation, methods of application and acceptance, alcohol classes,

examination of prior criminal record, community service and the ability/requirement that the defendant waive certain court appearances are just some of the remaining factors in the maze of the ARD program the defendant is expected to navigate.

Accordingly, hereafter I will attempt to specifically answer these questions as they pertain to Berks County.

ARD in Berks County

Berks County is one of my least favorite places to practice. All cases are indirectly approved by Mark C. Baldwin, District Attorney for Berks County. Mr. Baldwin is not known for being sympathetic to DUI offenders. For example, he insists that all Defendants give up their constitutional right to confront and cross-examine the officer and other potential witnesses at the preliminary hearing or they forfeit their ability to get ARD! Berks County also allows the arresting officer input into the ARD decision, so if you gave the officer a hard time or vice versa, you probably are going to need an attorney to get ARD. Berks County, under Baldwin's direction, is also totally unreasonable when it comes to your prior criminal record. I recently had a case where my client had a clean criminal record other than an underage drinking and they denied him ARD. I can not name another county where the requirements are as stringent.

Costs

The fines and costs for the ARD program are about \$1500.00. One of the drawbacks to Berks County is that they require payment of \$500.00 towards your costs before you are accepted into the ARD program. However, an attorney can lower your total costs considerably by having your summary offenses and other charges dismissed.

Treatment

Like all counties, you must attend a CRN evaluation. The CRN evaluation takes place at the probation department and they will suggest whether you need additional treatment for alcohol and/or drugs. If your BAC was above a .159 you will also be required to attend a full Drug and Alcohol assessment. At the full drug and alcohol assessment the provider has the ability to require you to complete additional treatment, if they deem it necessary. Most likely you will be forced to attend some form of additional drug and alcohol treatment.

Past Criminal record



In Berks County, without representation you will not be accepted into the ARD program if you have a prior criminal record. A good attorney may still be able to get you admitted depending on the types and dates of your prior convictions.

Alcohol Classes

You will be required to complete alcohol classes. The classes are called Alcohol Highway Safe Driving Classes and are an informative look at alcohol and alcohol related vehicle issues.

Length of Probation

One year, unless your BAC is below a .10 in which case it's six months. Berks County also requires individuals on ARD to submit to drug testing.

Community Service

There is a requirement of forty (40) hours of community service. One of the requirements of Berks County is that you complete the community service prior to being admitted into ARD.

Application Process

Within three days following your Preliminary Hearing you will need to report to the probation department at the Courthouse for your interview/instructions detailing the ARD program. This does not mean you have been accepted into the program. Probation will explain all the details concerning ARD, including the community service requirement. There is a formal application. We assist our clients in preparing the application to determine eligibility, including providing the notary fees. It is very important that the applicant is truthful and discloses all prior offenses and convictions.

Waiver of Court Dates

Unique to Berks County, they have both a Preliminary Arraignment and a Formal Arraignment. Your first court date is your Preliminary Arraignment. You do not need an attorney at your Preliminary Arraignment. About all that happens is that the district justice will set a bail for you. Almost always in a DUI case your bail will be unsecured. This means that you will not need to provide money to the court as long as you continue to appear for your scheduled court dates.

There is a also requirement in Berks County that you waive your preliminary hearing to be considered for ARD. I strongly encourage you to voice your objection to this unconstitutional requirement to Mr. Baldwin and his staff. Perhaps he will eventually re-consider this position. Unfortunately, you can not waive your preliminary arraignment either. Thus, the ARD process will involve three court dates instead of two. The intended result is that more people will not retain an attorney. Hopefully, you won't be one of them. See our section titled "[How much does it cost to hire an attorney and do I really need one](#)" for more information.

Summary Offenses

Most summary offenses will only be dismissed if you have an attorney. Underage drinking and Driving Under Suspension are exceptions to this rule because they involve an additional license suspension. If you are charged with one of these offenses, or offenses involving point violations (like careless driving), you should speak with us right away.