

The Northampton 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 Northampton County.

ARD in Northampton County

Northampton County is one of my least favorite places to practice. All cases are indirectly approved by John Morganelli, District Attorney for Northampton County. Mr. Morganelli is completely unreasonable in the administration of criminal cases. 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! Yet, he writes editorials to the Philadelphia paper regarding "judicial" arrogance. Likewise, instead of one judge hearing an entire case, your case can get bumped around from one judge to another. How inefficient and impractical is that? I recently had a case where my expert, who was already admitted by the judge at the suppression hearing, was denied the ability to testify in a criminal case because he didn't author an expert report.

Costs

The fines and costs for the ARD program are one of the highest around topping out at about \$1850.00. One of the drawbacks to Northampton County is that they require payment of half your costs before you are accepted into the ARD program. However, an attorney can lower your 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, usually Gary Rute & Associates has the ability to require you to complete additional treatment, if they deem it necessary. You have to pay for this assessment; however, most providers take insurance. Most likely you will be forced to attend some form of intervention or additional group therapy.

Past Criminal record

In Northampton County, without representation you will not be accepted into the ARD program if you have a prior criminal record. A good attorney will still be able to get you admitted pending the prior convictions.



Alcohol Classes

You will be required to complete alcohol classes. Usually the classes are about eight hours spread over two four-hour sessions. 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, with the possibility of a reduction to six months if you complete all of your requirements.

Community Service

There is a requirement for twenty-five (25) hours of community service. If you hire an attorney, you can probably choose where you elect to perform these hours. Otherwise, you complete the hours wherever probation tells you.

Application Process

There is a formal application which includes a filing deadline. 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

Ridiculously, there is a requirement in Northampton 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. Morganelli and his staff. Perhaps he will eventually reconsider this position. Unfortunately, you can not waive your 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.