

## CUMBERLAND COUNTY

# DUI court proposed to break up congestion

Officials say a plan to give some of the many drunken-driving cases to district judges would save time and money.

BY MATT MILLER  
mmiller@patriot-news.com

Drunken drivers are causing a traffic jam in Cumberland County Court.

So many are being arrested, the result of aggressive police enforcement, observers say, that driving-under-the-influence cases make up more than a third of the roughly 3,400 criminal cases the court handles each year.

And processing of those cases can take so long — six months or more for even a simple one — that some offenders are getting arrested for their second or even third DUIs before their first case goes before a judge.

Please see DUI on Back Page

## By the numbers

Observers credit enhanced enforcement for a rise in DUI arrests.

- DUI cases make up 38 percent of the 3,400 criminal cases filed annually in county court.
- In 2009, an average of 139 new DUI cases were filed with county district judges each month.
- County judges imposed sentences in 828 DUI cases in 2008, more than twice the number for 2004.

A district attorney would always be in central court to negotiate pleas with public defenders and other defense lawyers.

First-time offenders whose levels of intoxication when they were arrested were low also would quickly learn if they qualify for the Accelerated Rehabilitative Disposition program, which could enable them to avoid prison and a criminal record.

"It now can take months just to get on the ARD porch, let alone through the door," said Chief Public Defender Taylor P. Andrews, a central court proponent.

Central court wouldn't be an option for all DUI offenders. Court Administrator Melissa Calvanelli said only cases in which there are no victims because of crashes or police chases would be eligible.

That's still a lot of people.

The county's criminal justice policy team found the number of DUI cases in Cumberland rose by 45 percent from 2006 to 2009. In 2009, an average of 139 such cases were filed each month. In 2008, county judges issued 828 sentences for DUI convictions.

Those arrests aren't rising because more people are driving drunk, Finkey said. She, Andrews and Freed said arrests are up because local police are adamant about enforcing the DUI law.

"The biggest factor is that we have highly trained officers who are good at enforcement," Finkey said.

"Our police officers are very good at detecting DUIs and well-trained to get those drivers off the street," Freed said.

Art Heinz, spokesman for the Administrative Office of Pennsyl-

## DUI

Continued from Page A1

So court officials have a plan to put many DUI cases in the fast lane.

They are proposing, if they can get seed money from the state, to set up a DUI central court, a one-stop shop to set those cases on course for prompt resolutions.

The system would enable district judges, instead of county judges, to take pleas and sentence first-time DUI offenders. Getting offenders into substance-abuse treatment programs to try to avert more alcohol-related law-breaking would take weeks, not months.

The central court could fast-track as many as 500 DUI cases a year, greatly easing the county court's docket burden and cutting costs and paperwork, said Rebekah Finkey, a county criminal justice planner.

"This would be an investment," Finkey said.

District Attorney David Freed said the concept is overdue.

"DUIs take up a significant amount of our time," he said. "This would free [prosecutors] for other cases. ... And whatever we can do to get these [DUI offenders] into treatment sooner is a good thing."

Under the proposal, first-time DUI offenders would have the option of being processed and sentenced by two district judges operating from a single site, probably the courthouse in Carlisle. Currently, county court rules authorize only county judges to take DUI pleas.

Dauphin County District Attorney Ed Marsico said his county also is focusing on DUI case management, but its approach differs from that eyed by Cumberland officials. Two Dauphin County judges have begun holding court sessions at least twice a month to exclusively address DUI cases in which the defendants don't qualify for entry into the ARD program, Marsico said.

Cumberland County's plan could hinge on money. Officials are awaiting word on requests for about \$265,000 in grants from the Pennsylvania Commission on Crime & Delinquency to finance its launch. If the grants are won, central court could begin this fall, Finkey said.

Finkey said there are indications the program would succeed. A pilot venture at District Judge Jessica Brewbaker's office in Carlisle enabled that office to achieve a case resolution rate 50 percent higher than that of other district judge offices.

Veteran DUI defense lawyers John Mancke and Patrick F. Lauer Jr. said the DUI central court concept could work.

Mancke said he's been a proponent of streamlining the process, especially to get defendants into substance-abuse treatment quickly. "That goes a long way toward preventing a second or subsequent [DUI] offense," he said.

Most of his clients want to move through the system as rapidly as possible, get their cases resolved and move on, Mancke said.

He and Lauer said the most important point is that the central court not sacrifice due process of law for the sake of speed.

"Do I think it can be beneficial? Yes," Lauer said. "So long as people's rights aren't violated."

vania Courts, said central courts are a trend. More than two dozen such specialty courts operate in the 60 judicial districts serving the state's 67 counties, he said.

"We offer this kind of flexibility, recognizing that counties have different needs and resources," Heinz said.

Adams County just started a central court program that allows district judges to rule in a wider array of cases than the Cumberland County proposal, he said. Franklin County has a central court, and Dauphin County has a central court as well as a housing court for issues such as landlord-tenant disputes, and a night court.

County president judges have the say over establishment of such programs, Heinz said.

Jerry Berardi, Adams County central court coordinator, said the 2-month-old program is showing promise. It handles a wide array of cases, including DUIs, retail thefts, simple assaults and minor drug-possession counts, and is expected to divert at least 70 cases from the main county court's 1,200-case criminal docket this year, he said.

An average of 30 cases a week are coming to central court, which streamlines the process by getting all the decision-makers, especially prosecutors and defense attorneys, together to start on resolutions to the relatively straight-forward cases, Berardi said. Unlike Cumberland County's proposal, he said, district judges in Adams County's central court don't take pleas or impose sentences in DUI cases.