

Office of the
District Attorney of Lancaster County

- District Attorney
- Investigation Division
- Child Abuse Section
- Domestic Violence
- Victim Witness



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Repeat DUI Offender Protocol

Current statistics show that approximately 20% of the drivers arrested for DUI in Lancaster County have at least one prior DUI offense within the past 10 years. Additionally, these offenders continue to engage in this behavior after being charged, and there are a growing number of suspects multiple DUI cases pending.

These individuals represent the most dangerous driver's on our roads, and as such, the Lancaster County Court of Common Pleas, the Office of the District Attorney of Lancaster County, and the Office of Bail Administration are implementing the Lancaster County DUI Repeat Offender Program. This will require some extra efforts on the part of police, but it is a small price to pay for saving lives.

The following protocol shall be followed for all DUI arrests:

- Following arrest for a DUI and the attendant chemical test (or refusal) and prior to release officers shall do the following:
 - The suspect's J-Net Driver's History and Criminal Record shall be checked for prior / pending DUI offenses.
- **Prior / Pending DUI Offense:**
 - Defendant shall be released if the conditions of Rule 519(B) are satisfied.
 - Officers shall immediately prepare charges for a violation of Section 3802(a)(1) or (d)(2) – whichever is appropriate – and indicate whether chemical test results are pending in the affidavit of probable cause.
 - Those charges shall be filed **within 48 hours of arrest**,¹ and the earliest preliminary hearing date available shall be requested.
 - For all suspects with **pending DUI** charges, the officer shall forward of copy of the complaint to the Office of the District Attorney.
- **No Prior / Pending DUI Offense:**
 - Officers shall follow current procedures for DUI “catch and release” under Rule 519.

¹ If the Magisterial District Court is not open for filing in this time frame, officers should file charges on the next day that the District Court is open.