What to Do in the First 48 Hours After a DUI Stop in Delaware County

Being pulled over on suspicion of DUI can be disorienting. The hours that follow often feel like a blur of paperwork, questions, and anxiety. Yet what you do in the first 48 hours after the stop can have a lasting impact on your case. This guide walks through the practical steps to take, the pitfalls to avoid, and the reasons each action matters. If you or someone you know is facing this situation in Delaware County, understanding these early moves is critical.

Stay Calm and Observe During the Traffic Stop

The moment the blue lights appear, your behavior sets the tone. Keep your hands visible on the steering wheel, retrieve your license and registration only when asked, and speak politely. The officer is watching for signs of impairment, so slurred speech, fumbling, or erratic movements will be noted. You are not required to answer questions about where you have been or how much you have had to drink. A simple "I respectfully decline to answer" is your right. Anything you say can be used against you later.

Field sobriety tests are voluntary in Pennsylvania. You can refuse them without automatic penalty, though the officer may still form an opinion of impairment based on your refusal. The same is true for a portable breath test at the roadside. These tests are designed to produce evidence, and they are not always accurate. Knowing your right to refuse them before you are arrested is a key piece of information to have.

Understand the Implied Consent Law

Once you are arrested, the situation changes. Pennsylvania's implied consent law means that by driving on the state's roads, you have already agreed to submit to a chemical test of your breath, blood, or urine. Refusing this post-arrest test carries its own penalties: an automatic one-year license suspension for a first refusal, and longer suspensions for subsequent refusals. The refusal can also be used as evidence against you at trial. Weighing the decision to take the test is a judgment call that depends on the specifics of your case. A conversation with a lawyer as soon as possible can help you understand the trade-offs.

View the location on Google Maps

Document Everything You Remember

Memory fades quickly, especially under stress. As soon as you are home, write down everything you can recall: the time and location of the stop, the officer's name and badge

number, what was said, which tests were offered, and how you responded. Note the weather, road conditions, and any medications you had taken earlier. If there were witnesses in the car, get their contact information. This record may become invaluable when your lawyer reviews the arrest for procedural errors or lack of probable cause.

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Probable cause is the legal standard that justified the initial stop and any subsequent search. If the officer lacked a valid reason to pull you over, or if the field tests were administered improperly, evidence may be suppressed. Your notes can help your attorney identify those issues.



Contact a Criminal Defense Attorney

Do not wait. The first 48 hours are when critical decisions are made, such as whether to request a hearing to challenge a license suspension. An attorney who handles defense for Pennsylvania DUI charges will know the local court procedures in Delaware County, including the timelines for filing motions and requesting discovery. They can advise you on the best course of action based on the facts of your stop.

Many people make the mistake of trying to handle the early steps alone, thinking they can explain everything at the arraignment. In reality, the arraignment is a formal reading of charges where you enter a plea. It is not the time to argue your case. Having legal representation before that point ensures that your rights are protected from the start. A lawyer can also negotiate with the district attorney's office before charges are formally filed, potentially reducing or avoiding certain charges.

Address Your Driving Privileges

If you submitted to a chemical test and the result was above the legal limit, or if you refused testing, PennDOT will initiate a license suspension. You have a limited window to request a hearing to contest the suspension. That hearing is separate from the criminal case and must be requested within 30 days of receiving the suspension notice. Missing that deadline means the suspension takes effect automatically. An attorney can file that request on your behalf and represent you at the hearing.

In the meantime, consider alternative transportation. Driving on a suspended license can lead to additional charges and longer suspensions. If your job requires driving, your lawyer may be able to help you obtain a restricted license for work purposes, depending on the circumstances.

Preserve Evidence and Avoid Social Media

Do not post anything about the incident online. Social media posts, even private messages, can be subpoenaed and used as evidence. Prosecutors routinely check Facebook, Instagram, and other platforms for statements that contradict a defendant's testimony. The safest rule is to say nothing about the case to anyone except your lawyer.

Also preserve any physical evidence. If you took a breath test at the police station, the machine's calibration records may be relevant. If you had a medical condition that could affect test results, gather documentation from your doctor. Your attorney will know what to request during discovery, but having your own records ready speeds the process.

Know the Potential Penalties

Pennsylvania DUI penalties depend on your blood alcohol concentration (BAC) and any prior offenses. For a first offense with a BAC between 0.08 and 0.099, the penalties include a six-month probation, a $300 fine, and mandatory alcohol education. A higher BAC or a prior conviction increases the penalties significantly, potentially including jail time, longer license suspension, and installation of an ignition interlock device. Understanding the range of possible outcomes helps you make informed decisions about plea offers and trial strategy.

Prepare for the Arraignment

Your arraignment will likely be scheduled within a few days of the arrest. At this hearing, you will be informed of the charges and asked to enter a plea. Your attorney can appear on your behalf in many cases, so you may not need to be present. If you do attend, dress respectfully and say nothing beyond what your lawyer advises. The arraignment is not the time to explain your side of the story.



Seek Support for the Emotional Toll

A DUI arrest can be stressful for you and your family. The legal process may take months, and the uncertainty can weigh heavily. Consider talking to a counselor or joining a support group.

Taking care of your mental health will help you think clearly as the case moves forward. Your lawyer can provide referrals if needed.

The first 48 hours after a DUI stop are a window of opportunity to protect your rights, preserve evidence, and get professional guidance. Acting quickly and thoughtfully can make a meaningful difference in the outcome of your case. For anyone in Delaware County facing these charges, understanding the process is the first step toward making sound decisions.

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