



FIELD ORDERS

Chapter	TRAFFIC MANAGEMENT and ENFORCEMENT
Subject	Aggravated DUI

AGGRAVATED DUI

- A. Charge DUI drivers with Aggravated DUI, ARS [28-1383](#)/Aggravated Driving or Actual Physical Control While Under the Influence, and book when both of the following exist: (1) there is probable cause to believe the suspect committed a violation of ARS [28-1383](#), and (2) the County Attorney's criteria for filing has been met as follows:
1. The person is DUI and his/her driver's license is suspended, canceled, revoked, or refused for a DUI-related reason. This includes Implied Consent, DUI conviction, and Admin Per Se suspensions.
 2. The person is DUI and his/her driver's license is revoked or refused for any reason required by ARS [28-3304](#)/Mandatory Revocation of License by MVD.
 3. The person is DUI and drives the wrong way on a highway.
 - a. Per the Maricopa County Attorney's Office (MCAO), examples of when or when not to charge include:
 - Designated Raised Medians – Do not charge if the driver stops right away.
 - Crowded Downtown with One-Way Street – Charge if the driver passes a driveway or another street where the driver could have turned into to turn around.
 - Normal City Street – Charge after a reasonable distance. Traffic and time of day play a factor.
 - b. To foster chargeability, document details and articulate the circumstances.
 4. The person is DUI and has two prior convictions for DUI within the past 84 months.
 5. The person is DUI and driving in violation of a restriction, such as "to/from work only", which is the result of a DUI conviction or Admin Per Se suspension.
 6. The person is DUI and driving with a person under the age of 15 in the car.
 7. The person requires an ignition interlock device.

- B. Do not use the following as criteria for filing Aggravated DUI charges:
- MVD/court action required.
 - Canceled out of state.
 - Point accumulation.
 - F/R (Financial Responsibility) suspended.
 - M/I (Mandatory Insurance) suspended.
- C. Extreme DUI, ARS [28-1382.A1](#) and/or Extreme DUI, ARS [28-1382.A2](#) are included offenses for aggravated DUI, so do not list it as a separate charge.
- D. For filing purposes, the following driving or suspension history information should be available:
1. When an Arizona driver license suspension or revocation period has ended, the computer typically shows the license status of “suspension” or “revocation”. Ascertain whether the Arizona driver license status of suspension or revocation is being shown only because MVD has not received the reinstatement fee.
 - This information usually is only available during normal work hours, 0800 to 1700 hours, Monday through Friday. If the information cannot be verified, follow normal Aggravated DUI procedure.
 2. When prior convictions are from out-of-state jurisdictions, it may be impossible to verify the records and the driver’s history may not be valid.
- E. Criteria to consider holding Aggravated DUI suspects to appear before a Justice Court or Superior Court Magistrate:
1. An address outside the state of Arizona or factors indicating the person lives outside Arizona.
 2. Statements to the effect that the suspect plans to leave the state when released or will not appear as directed.
 3. Prior charges or convictions for failure to appear for a court appearance.
 4. The officer cannot satisfactorily identify the arrested person.
 5. The suspect has a prior felony conviction, is pending felony charges, or has an active felony warrant.
- F. In all Aggravated DUI cases, book, fingerprint, and photograph the suspect before releasing.
- G. Do not issue civil and/or criminal citations in Aggravated DUI cases.

- H. Use blood testing for all Aggravated DUI cases, including those involving consent searches and search warrants. Only use breath testing in extreme cases of fear of needles or when the suspect is not eligible for a blood test.
- I. Complete and approve the Aggravated DUI incident including the related paperwork (Alcohol Influence Report, Admin Per Se, Blood Destruction Notice, and Phlebotomy Report).
 - 1. Once approved, the incident is assigned to a Vehicular Crimes and Reconstruction Unit (VCRU) Detective.
 - 2. When the lab results are received, the arresting officer is responsible for forwarding VCRU the Form 4, County Submittal, LEISIS form, and updated HGN/Phlebotomy logs related to the arrest.
- J. Label the evidence box containing the blood samples, "Aggravated DUI".
- K. In unusual circumstances or those requiring TES follow-up to confirm driving convictions, seek assistance from the detective assigned to the case.

