



Highlands Police Department

151 NAVESINK AVE; HIGHLANDS PD HIGHLANDS , NJ 07732

(732)872-1158

Officer Report for Incident 24HL00275

Nature: DWI

Location: P17

Address: OCEAN AVE

HIGHLANDS NJ 07732

Offense Codes: DUI, DMVO, DMVO, DMVL

Received By: Reding, D

How Received: O

Agency: P17

Responding Officers: Alvator, Ro, O'Donnell, K, Taylor, M

Responsible Officer: Alvator, Ro

Disposition: CAA 01/13/24

When Reported: 21:11:18 01/13/24

Occurred Between: 21:11:18 01/13/24 and 21:11:18 01/13/24

Assigned To:

Detail:

Date Assigned: **/**/**

Status:

Status Date: **/**/**

Due Date: **/**/**

Complainant:

Last:

First:

Mid:

DOB: **/**/**

Dr Lic:

Address:

Race:

Sex:

Phone:

City: ,

Offense Codes

Reported:

Observed:

Additional Offense: DUI DUI Alcohol or Drugs

Additional Offense: DMVO DMVO

Additional Offense: DMVO DMVO

Additional Offense: DMVL DMVL

Circumstances

LT13 Highway, Road, Alley

NIGHT Night (6 p.m. - 6 a.m.)

BWC Body Worn Camera

Responding Officers:

Unit :

Alvator, Ro

P17064

O'Donnell, K

P17032

Taylor, M

P43198

Responsible Officer: Alvator, Ro

Agency: P17

Received By: Reding, D

Last Radio Log: 23:52:06 01/13/24 C

How Received: O Ofcr. Initiated

Clearance: BLANK

When Reported: 21:11:18 01/13/24**Disposition:** CAA **Date:** 01/13/24**Judicial Status:** NCI**Occurred between:** 21:11:18 01/13/24**Misc Entry:****and:** 21:11:18 01/13/24**Statute:**

39 Violation

Description :

Title 39 Violations

Method :

39:4-88

Involvements

Date	Type	Description	
01/13/24	Name	HERRMANN, PENNY A	Offender
01/13/24	Offense	Under Influence Drugs; Alcohol - 1 count	Charged With
01/13/24	Vehicle	WHI 2020 TOYT 4RU NJ	Vehicle History
01/13/24	Cad Call	21:11:18 01/13/24 STOP	Initiating Call
01/14/24		[No description]	Impounded

Narrative

On 1/13/2024 at approximately 2111 hours I was on a roving patrol throughout the Borough of Highlands. During the course of my patrol I was traveling southbound on SR 36 and I observed a white SUV ahead of me sitting stationary at a green light at SR 36 S and Miller Street. As I caught up with the vehicle I observed it to slowly travel southbound. I stayed behind the vehicle and observed the vehicle fail to maintain its lane multiple times as it approached the Sea Bright/Highlands Bridge. Once on the bridge the vehicle began to travel directly in the center of the two lanes on the highway. The vehicle continued to swerve between the lanes as well. Once off of the bridge and in a safe location, I activated my overhead emergency lights and initiated a motor vehicle stop.

I notified MCRR of my stop location, activated my Body Worn Camera (BWC) and approached the vehicle. I utilized a passenger side approach and requested the driver, later identified as Penny Herrmann, provide me with her Drivers License, Registration and Proof of Valid insurance. Herrmann handed me a clear zip-lock baggie that contained multiple documents. I took out the valid registration and insurance card and placed the baggie on the passenger seat. I then asked Herrmann for her Drivers License and Herrmann began searching her pockets for her Drivers License. I noticed Herrmann's movements to be slow, I could also detect the odor of an alcoholic beverage emanating from the vehicle. Herrmann also used an excessive amount of profanity throughout our initial interaction. It should be noted that Herrmann was the sole occupant of the vehicle. I asked Herrmann for her name and date of birth, which she provided. I also asked Herrmann how much she had to drink, to which she answered "nothing". Herrmann was also asked where she was coming from and she stated she was coming from nowhere. I then returned to my patrol vehicle and asked Sgt. O'Donnell to respond to my location to assist with the Standardized Field Sobriety Tests (SFST's). Ptl. Taylor of the Sea Bright Police Department also assisted.

Once on scene I briefed Sgt. O'Donnell on the details of the stop and further explained I believe the driver may be under the influence of alcohol. I then approached Herrmann's vehicle from the drivers side and requested she step out of the vehicle. Once out of the vehicle I could immediately observe Herrmann to be sagging at the knees and I observed her utilize her vehicle for support as we walked to the side of the roadway. I directed Herrmann to an adjacent side street (Mountainview Way) which had no traffic, had a level surface and was free of any debris that would affect the results of the tests. The Standardized Field Sobriety Tests are as follows:

Horizontal Gaze Nystagmus (HGN):

Sgt. O'Donnell conducted the HGN test with Herrmann. During the test Herrmann was not cooperative and the test could not be completed properly. I stood next to Sgt. O'Donnell as he attempted to conduct the test and observed Herrmann to sway. I could also still detect the odor of an alcoholic beverage emanating from her person. It should be noted that Herrmann did not leave her hands by her side like instructed and did not stand with her feet together like instructed.

One-Legged Stand (OLS):

For the OLS test I instructed Herrmann to stand in front of me with her feet together and her hands by her side while I explained the test. While explaining the instructions Herrmann would start prematurely and continuously interrupted me. It should be noted that Herrmann did not seem to take this test seriously and was laughing during parts of the instructions. Herrmann indicated she understood the instructions and was advised to begin. It should be noted that Herrmann did not leave her hands by her side like instructed while attempting this test. Herrmann attempted to lift a leg of her choosing multiple times, and was unable to complete the test each time. Herrmann was also visibly off balance and for safety reasons this test was terminated.

Walk and Turn (WAT):

For the WAT test I attempted to place Herrmann in the starting position. While trying to do so Herrmann made facial expressions indicating that I was beginning to inconvenience her by conducting the Standardized Field Sobriety Tests. Herrmann again interrupted me multiple times during the instructions of the test. Herrmann had to be explained the test multiple times and would start prematurely, despite being told to listen to my instructions. Eventually due to a lack of cooperation the WAT test was terminated. Herrmann again began to laugh as I moved onto the next test.

Alphabet:

For the Alphabet test Herrmann was asked what her highest level of education was. After I asked her this question Herrmann seemed offended and requested the question be repeated. She indicated she had a college degree and understood and knew the English Alphabet in its entirety. Herrmann then began the test without being told to do so in an effort to speed up the test. I advised Herrmann she needed to let me finish the instructions before starting the test. I also told Herrmann she needed to stand with her feet together and hands at her side, which she failed to do. During this test I could detect slurred speech. It should be noted that Herrmann did not take this test seriously and again began to laugh.

Finger Dexterity:

For this test I began to explain the test to Herrmann. I was once again interrupted during the instructions. Upon completion of the instructions Herrmann was advised to begin. Herrmann did not properly complete the test and rather simply counted to ten.

Once the SFST's were completed I used my training and experience to determine that Herrmann was under the influence of alcohol. I advised Herrmann to put her hands behind her back as she was being placed under arrest. Herrmann slightly resisted handcuffing at first, but was eventually secured in double locked handcuffs behind her person. Herrmann requested multiple times to be brought home and to not have her vehicle impounded. Herrmann was then secured in the rear prisoner compartment of my patrol vehicle utilizing a seatbelt for transport. I then retrieved her flip flop shoes from the vehicle, as well as her house keys.

It should be noted that multiple times during the SFST's Herrmann would reach out as if to grab either myself or Sgt. O'Donnell. Herrmann was repeatedly told not to grab at officers as a result.

During transport from the stop location to HPD headquarters I detected the odor of an alcoholic beverage to fill the interior of my patrol vehicle. My BWC remained active for the duration of the transport and my starting and ending mileage was logged with MCRR in the call notes. Once back at HPD headquarters, my vehicle was parked in the sally port before Herrmann was directed to processing.

I read Herrmann her Miranda Warning and she indicated, in writing, that she would be willing to speak with officers without an attorney present. I then read the NJ Attorney General's Standard Statement for Motor Vehicle Operators and requested that Herrmann provide breathe samples. Herrmann indicated she would provide samples of her breathe for testing. I verified that Herrmann had no foreign objects in her mouth and a twenty minute continuous observation period was conducted. Upon completion of the observation period Sgt. O'Donnell conducted the Chemical Breathe Test. It was discovered that Herrmann's BAC result was .304% while the legal limit in the State of New Jersey is .08%. I then issued Herrmann summonses for 39:4-50, 39:4-96, 39:3-29(a) and 39:4-88. All summonses were issued with a court date of 1/30/2024 at 3:00 pm at the Highlands Municipal Court. Due to Herrmann's [REDACTED] Highlands EMS was requested to transport her to the hospital. Due to Herrmann being transported to the hospital the Potential Liability form was not signed by a sober party.

It should also be noted that the Last Drink Report was not completed due to Herrmann indicated she had consumed any alcoholic beverages at her residence and not at a liquor establishment.

Ptl. Alvator #64

Supplement

23:25:29 01/13/2024 - Kunz, H

CAD Call info/comments

=====

21:11:18 01/13/24 - Reding, D
into seabirght

21:16:32 01/13/24 - Reding, D
unit 10-4

21:24:32 01/13/24 - Reding, D
units 10-4

21:24:40 01/13/24 - Reding, D - From: O'Donnell, K
1 out for testing

21:31:45 01/13/24 - Reding, D - From: O'Donnell, K
17 for 450

21:33:36 01/13/24 - Reding, D
hennessey ntfd / 15 - 20 mins eta
21:36:34 01/13/24 - Reding, D - From: Alvator, Ro
transporting 1 f/m 41 from my location to hqs s/m 14943.3

21:39:47 01/13/24 - Reding, D - From: Alvator, Ro
e/m 14954.5

21:53:52 01/13/24 - Alvator, Ro
Start 20 Minute Observation

21:55:24 01/13/24 - Taylor, M

henessey 10-9

22:53:56 01/13/24 - Pittius, K - From: O'Donnell, K
REQ EMS FOR [REDACTED]

23:01:36 01/13/24 - Davis, Sh
2nd alert

23:02:09 01/13/24 - Davis, Sh
1750 crew assembling

23:25:19 01/13/24 - Kunz, H - From: Alvator, Ro
41 RELEASED

Vehicles

Vehicle Number:

744255

License Plate: N41SLZ**State:** NJ**Vehicle Year:** 2020**Make:** TOYT Toyota**Color:** WHI /**Vehicle Type:** 04 Sport Utility Vehicle**License Type:** PC Regular Passenger Automobile**Expires:** 08/31/24**VIN:** JTEBU5JR6L5756068**Model:** 4RU**Doors:** 4**Value:** \$0.00**Owner:****Last:** HERRMANN**First:** ROBERT**Mid:** P**DOB:** [REDACTED]/62**Dr Lic:** [REDACTED]**Address:** [REDACTED]**Race:****Sex:** M**Phone:** () -**City:** LITTLE SILVER, NJ 07739**Agency:****Date Recov/Rcvd:** **/**/****Officer:****Area:****UCR Status:****Wrecker Service:****Local Status:****Storage Location:****Status Date:** **/**/****Release Date:** **/**/****Comments:**

Name Involvements:

Offender : 898516

Last: HERRMANN

First: PENNY

Mid: A

DOB: [REDACTED] /62

Dr Lic: [REDACTED]

Address: [REDACTED]

Race: W

Sex: F

Phone: () -

City: SEA BRIGHT, NJ 07760