



# Monmouth Beach Police Department

14 Willow Road MONMOUTH BEACH , NJ 07750 (732)229-1313

Officer Report for Incident 23MB01533

**Nature:** DWI

**Location:** P43BC

**Address:** 1500 BLK OCEAN AVE

SEA BRIGHT NJ 07760

## Offense Codes:

**Received By:** Martin, R

**How Received:** O

**Agency:** P33

**Responding Officers:** Finnegan, M, Rock, A, Manning, T

**Responsible Officer:** Finnegan, M

**Disposition:** CAA 04/15/23

**When Reported:** 02:15:28 04/15/23

**Occurred Between:** 02:15:28 04/15/23 and 02:15:28 04/15/23

**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:**

## Circumstances

LT13 Highway, Road, Alley

BWC Body Worn Camera

LT13 Highway, Road, Alley

## Responding Officers:

**Unit :**

Finnegan, M

P33031

Rock, A

P33019

Manning, T

P43160

**Responsible Officer:** Finnegan, M

**Agency:** P33

**Received By:** Martin, R

**Last Radio Log:** 05:59:04 04/15/23 C

**How Received:** O Ofcr. Initiated

**Clearance:** RR Report Required

**When Reported:** 02:15:28 04/15/23

**Disposition:** CAA **Date:** 04/15/23

**Judicial Status:**

**Occurred between:** 02:15:28 04/15/23

**Misc Entry:**

**and:** 02:15:28 04/15/23

**Statute:**

**Description :**

**Method :**

39 Violation

Title 39 Violations

39:4-50

**Involvements**

Date	Type	Description	
04/15/23	Law Incident	WALK-IN 23MB01539	Law
04/15/23	Name	BANKS, SHYASIA V	Driver
04/15/23	Citation	Moving Violation	Involved
04/15/23	Citation	Moving Violation	Involved
04/15/23	Citation	Moving Violation	Involved
04/15/23	Citation	Moving Violation	Involved
04/15/23	Citation	Moving Violation	Involved
04/15/23	Offense	Under Influence Drugs; Alcohol - 1 count	Charged With
04/15/23	Vehicle	BLK 2019 HYUN TUC NJ	Vehicle History
04/15/23	Cad Call	02:15:28 04/15/23 DWI	Initiating Call
04/15/23		[No description]	Impounded

## Narrative

BWC's Activated of Officers on Scene

### 1. Operation of Motor Vehicle:

On April 15, 2023 at approximately 0210 hours I, Ptl. Finnegan, was conducting stationary radar on Ocean Avenue near the Monmouth Beach and Sea Bright border with marked patrol vehicle #18. I observed a vehicle travelling North on Ocean Avenue at a slow speed that was failing to maintain its lane, specifically by travelling in the shoulder of Ocean Avenue, in my rearview mirror. This was distinctly noticeable as I saw two sets of headlights belonging to two different vehicles. As the vehicle passed me, its front and rear passenger tires were both over the solid white shoulder line. At this point I pulled behind the vehicle, activated my in car camera as well as my body worn camera and began to follow behind the vehicle. While following the vehicle, the driver continued in the North bound lane and shoulder of Ocean Avenue and at one point nearly struck the curb on two (2) occasion's. Shortly after observing the operators driving behavior I initiated a traffic stop in the 1500 Block of Ocean Avenue in Sea Bright. As the driver was pulling over they got extremely close to the curb again.

### 2. When Stopped:

I conducted a drivers side approach, introduced my self to the driver, explained the reason for the stop and requested their driving credentials. The driver, and soul occupant of the vehicle, who was identified as Shyasi Banks gave me her license and then continued to look for her registration and insurance. While she was doing that I asked where Banks was coming from and she said she was just driving around since she is always home. When I asked her where she drove too she said Porta, which is a night club located in Asbury park, New Jersey. While speaking with Banks she continued to look for her registration and insurance. As I continued speaking with her and standing next to her I observed her hand coordination to be slow as well as here speech was slurred, specifically she stuttered on the words "rarely" "head" and "pulled", she actually said "purred". When asked if she had anything to drink at Porta, banks reported she only consumed water and was trying to get home because she felt sick. At one point Banks handed me her old temporary dealer registration and then handed me an insurance card which was expired as of March 2023, it should be noted that I explained to her that insurance card was expired and later on she shortly looked at the same insurance card asking asking if it was old. She found a blue folder which normally holds registration and insurance info but could open it on her first attempt, specifically as her fingers kept slipping at the edges. She had to be instructed to attempt to open it again.

At this point, I requested Captain Rock to respond to my location to conduct HGN on Banks (see his supplemental report) and I also turned off my front facing emergency lights.

Shortly after, I returned to Banks window where I found her attempting to hold in vomit, which she was unsuccessful in doing and began to vomit on herself. I requested Banks to step out of her vehicle which she complied with. Once out of traffic and safely on the sidewalk I requested Banks to preform SFST's. While outside the vehicle Banks admitted to having just one (1) Rum and Coke.

### Walk and Turn:

I noticed Banks had heels on and advised her she could take them off to preform the test which she later ended up doing after trying the test once. I explained and demonstrated the test to Banks, which she reported she understood. While explaining the instructions Banks began to emotional and cry. While continuing to explain the test to Banks she was standing with her hands at her side as instructed, she kept losing her balance separating her feet. When taking her nine (9) steps forward she did not have her hands down at her side. When taking nine (9) step back, Banks had to be instructed again to keep her hands at her side. She counted her steps out loud incorrectly in number descending order with her feet side to side and not toe to toe.

### One-Leg Stand:

Instructions were given to Banks she began to get emotional again and apologize. She began and took her hand off her side, lifted her foot off the ground, placed it back onto the ground to regain her balance. I offered to repeat the instructions but she declined as she reported she understood them. Banks tried again, but took her hand off her side. When she went to lift her foot she stopped and ultimately bent over resting her hand near her knees to gain her composure. She was given the instructions again, attempted to complete the test but did not succeed and began to cry. On her last attempt of the test she raised her leg for approximately only one (1) second counted the second out loud before she lost her balance and placed her foot back onto the ground.

At this point I requested Banks to turn around, put her hand behind her back and placed her under arrest for driving while under the influence of alcohol. Handcuffs were checked were proper spacing and double locked. Utilizing the back of my hand, I patted Banks down before I escorted her into the rear of my patrol vehicle, where she was seat belted to be transported to Monmouth Beach Police headquarters for processing.

3. En-route to Headquarters

Banks was mainly silent during transport.

4. Arrival at Headquarters

Banks was handcuffed to our booking bench where she awaited to be searched by female Officer K. Siegle from Oceanport Police, yielding in negative results for any contraband or weapons. Banks vomited numerous times while inside headquarters. She also fell off the booking bench numerous times and closed her eyes, put her head down as if she was falling asleep. Banks was read the NJ Attorney General's Statement form which she answered "Yes" to. The twenty minute observation period was conducted which was then followed by an Alcotest. Banks blew two good alcotest readings resulting in her mean BAC being 0.137%. Let it be noted each test was conducted with a new mouth piece that was placed onto the breath hose directly from the mouth pieces packaging.

Shyasia Banks was released and turned over to her grandmother, Linda Perez, at 0419 hours. The potential liability form was read to Perez verbatim, which she understood and signed.

Summons:

- 39:4-50
- 39:4-88 (Note: Error with e-citation prevented me from giving Banks her citation at headquarters and was left on MBPD Secretary Maguire's desk to mail to her address at 47 Drummond Avenue Red Bank, NJ 07701)
- 39:4-96
- 39:4-97

BWC footage reviewed at Sat Apr 15 06:30:03 2023 and Sun Apr 16 19:52:17 2023.

**Supplement**

04:24:07 04/15/2023 - Rock, A

April 15, 2023 02:15

Rock BWC Assigned

On the above date and time, Monmouth Beach Police Ptl. Finnegan contacted the undersigned via radio to respond to his location for HGN test. The undersigned advised Ptl. Finnegan that I would be responding to his location.

Upon arrival, I spoke with Ptl. Finnegan who advised he observed the vehicle traveling North on Ocean Ave in the shoulder of the road. I observed the driver Shyasia Banks still sitting in the driver seat of her vehicle. Ptl. Finnegan stated S. Banks speech was slurred and she was fumbling to provide her documents. Ptl. Finnegan had S. Banks exit her vehicle and walk onto the sidewalk. Ptl. Finnegan shut off his patrol vehicle lights so they wouldn't distract the driver.

I instructed her to place both feet together and put her hands to her side. I inquired if she had any issues with her eyes and if she was on any medications. S. Banks states she should be on medication because she is depressed and has anxiety. She was wearing glasses and at times her vision is blurry at night.

I began the HGN test by providing instructions to S. Banks. I held the stimulus, a black pen, 12-15 inches from her face and slightly above her eye level. I did not observe resting nystagmus in the eyes of S. Banks. I moved the stimulus out towards her left shoulder and back to her opposite shoulder. During the initial pass, I observed that her pupils were equal in size and tracking. As I continued the test, I observed the following: lack of smooth pursuit in both of her eyes, distinct and sustained nystagmus at maximum deviation in both of her eyes, and an immediate onset of nystagmus prior to 45 degrees in both eyes. I reminded S. Banks to keep her head still.

I relayed my finding to Ptl. Finnegan who continued his field sobriety tests. After Ptl. Finnegan completed his tests he placed S. Banks under arrest and placed her in Car#18. The undersigned stayed with the vehicle until Arties Towing arrived.

**Supplement**

05:59:04 04/15/2023 - Finnegan, M

CAD Call info/comments

=====

02:25:00 04/15/2023 - Martin, R  
ran Shyasia Banks 02/12/1999.. neg all around name/ number  
02:40:37 04/15/2023 - Martin, R - From: Rock, A  
1 female 10-41 450

02:41:53 04/15/2023 - Martin, R - From: Rock, A  
req 10-17

02:42:52 04/15/2023 - Martin, R  
Arties Towing ntfd for wrecker  
02:47:00 04/15/2023 - Martin, R - From: Finnegan, M  
enrt to hqrts s/m 49004

02:50:26 04/15/2023 - Martin, R - From: Finnegan, M  
e/m 49006.0

03:01:33 04/15/2023 - Kunz, H - From: Rock, A  
TOW ON LOC

03:25:44 04/15/2023 - Kunz, H  
PD 64 NTFD TO ATT TO CONTACT LINDA PEREZ AT 47 DRUMMOND AVE

03:39:15 04/15/2023 - Kunz, H  
CONTACT WAS MADE WITH LINDA - SHE WILL BE ENRT TO HQ

04:08:17 04/15/2023 - Bender, T

LINDA OUTSIDE HQW

04:08:26 04/15/2023 - Bender, T

LINDA OUTSIDE HQ

04:13:58 04/15/2023 - Kunz, H

Nature change from STOP to DWI

04:19:06 04/15/2023 - Kunz, H - From: Finnegan, M

41 RELEASED

## Supplement

18:09:22 04/25/2023 - Finnegan, M  
Tue Apr 25 18:09:25 2023

Certified mail receipts of the summons mailed added to the files.

## Vehicles

**Vehicle Number:**

710618

**License Plate:**

State: NJ

**License Type:**

Expires:

**Vehicle Year:** 2019

VIN: \_\_\_

Make: HYUN Hyundai

Model: TUC

Color: BLK /

Doors: 0

**Vehicle Type:** PCAR Passenger Car

Value: \$0.00

**Owner:**

Last: BANKS

First: SHYASIA

Mid: V

DOB: \_\_\_

Dr Lic: \_\_\_

Address: \_\_\_

Race: B

Sex: F

Phone: ( ) -

City: \_\_\_

**Agency:**

Date Recov/Revd: \*\*/\*\*/\*\*

**Officer:**

Area: \_\_\_

**UCR Status:**

Wrecker Service: \_\_\_

**Local Status:**

Storage Location: \_\_\_

**Status Date:** \*\*/\*\*/\*\*

Release Date: \*\*/\*\*/\*\*

**Comments:**

**Name Involvements:**

**Driver :** 634786

**Last:** BANKS

**First:** SHYASIA

**Mid:** V

**DOB:**

**Dr Lic:**

**Address:**

**Race:** B

**Sex:** F

**Phone:** ( ) -

**City:**