



Oceanport Police Department

930 OCEANPORT WAY OCEANPORT , NJ 07757 (732)222-6300

Officer Report for Incident 24OP15329

Nature: DWI

Address: PORT AU PECK AVE &
OCEANPORT AVE
OCEANPORT NJ 07757

Location: P38W

Offense Codes: DUI

Received By: Wechsler, A

How Received: O

Agency: P38

Responding Officers: Weir, J, Ruane, Ev

Responsible Officer: Weir, J

Disposition: CAA 06/21/24

When Reported: 22:45:13 06/20/24

Occurred Between: 22:45:13 06/20/24 and 22:45:13 06/20/24

Assigned To:

Detail:

Date Assigned: **/**/**

Status:

Status Date: **/**/**

Due Date: **/**/**

Complainant: 30381

Last: STATE OF NEW
JERSEY

First: DOT

Mid: N/A

DOB: **/**/**

Dr Lic:

Address:

Race: U

Sex: U

Phone:

City: TRENTON, NJ 08625

Offense Codes

Reported:

Observed:

Additional Offense: DUI DUI Alcohol or Drugs

Circumstances

LT13 Highway, Road, Alley

Responding Officers:

Unit :

Weir, J

P38050

Ruane, Ev

P38053

Responsible Officer: Weir, J

Agency: P38

Received By: Wechsler, A

Last Radio Log: 00:51:44 06/21/24 C

How Received: O Ofcr. Initiated

Clearance: RR Report Required

When Reported: 22:45:13 06/20/24

Disposition: CAA **Date:** 06/21/24

Judicial Status:

Occurred between: 22:45:13 06/20/24

Misc Entry:

and: 22:45:13 06/20/24

Statute:

Description :

Method :

Involvements

Date	Type	Description	
06/21/24	Name	STATE OF NEW JERSEY, DOT N/A	Complainant
06/21/24	Name	BRAZILL, NICOLE L	Other
06/20/24	Name	NAGEL, KELLY J	Offender
06/20/24	Citation	Moving Violation	Citation
06/20/24	Citation	Moving Violation	Citation
06/20/24	Citation	Moving Violation	Citation
06/20/24	Citation	Moving Violation	Citation
06/20/24	Citation	Moving Violation	Citation
06/20/24	Citation	Moving Violation	Citation
06/20/24	Offense	Under Influence Drugs; Alcohol - 1 count	Charged With
06/21/24	Vehicle	GRY 2022 HOND HRV NJ	Vehicle History
06/20/24		[No description]	Demographics
06/20/24	Cad Call	22:45:13 06/20/24 DWI	Initiating Call
06/20/24		[No description]	Impounded

Narrative

OPERATION OF THE MOTOR VEHICLE

On the above date and time, I, Sgt. Weir, was working uniformed patrol in unit 3804. At approximately 2244, I was traveling east on Port Au Peck Avenue, in the area of Maria Gatta Park, when I observed a Gray Honda SUV, traveling at a high rate of speed, westbound on Port Au Peck Avenue. The vehicle was increasing speed as it approached me, and I confirmed its top speed on my STALKER RADAR as 55 miles per hour. It should be noted that the posted speed limit on that section of Port Au Peck Avenue is 40 miles per hour.

I turned my vehicle around and was able to get behind the accused vehicle, bearing New Jersey registration at the traffic signal on Port Au Peck Avenue and East Main Street. While stopped at the traffic signal, I ran an inquiry of the aforementioned vehicle, on my mobile data terminal, and received an alert for the registered owners license being expired. As the vehicle proceeded west on Port Au Peck Avenue, I activated my emergency lights, and conducted a motor vehicle stop on Port Au Peck Avenue, in the area of Oceanport Avenue.

WHILE ON THE STOP

I approached the vehicle from the driver side and was met by a female driver, who is the registered owner of the vehicle, Kelly Nagel. I advised Kelly of the reason for the stop and requested her drivers license, and proof of the vehicle's registration and insurance. Kelly responded "oh really, that is interesting". Kelly was able to locate her expired driver's license and her insurance card but struggled to find proof of valid registration. Kelly fumbled through her paperwork and asked numerous times what she was looking for. Kelly was apologetic and made statements about issues of "payment", however she could not explain what she was talking about. It should be noted that when Kelly spoke her words were sometimes slurred and I could detect an odor of alcoholic beverage coming from her breath. I asked Kelly if she was under the influence of any alcohol or narcotics to which she replied she had one drink, however she was not intoxicated.

I returned to my vehicle to run her name through my mobile data terminal, and to turn off the front emergency lights and put my front flood lights on to perform field sobriety tests. While I was in my vehicle, Ptl. Ruane flashed his flash lights multiple times to get my attention. When I walked up to the vehicle, Ptl. Ruane stated he observed two pill bottles in the glove box, one of which was filled with just a white powder. The medication with the white powder was labeled amphetamine salt combo, and stated it was supposed to be filled with tablets.

I walked back around to the drivers side of the vehicle and requested Kelly step out of the vehicle. Kelly exited her vehicle without incident and I had her walk to the rear of her vehicle. As Kelly exited her vehicle, I again could detect an odor of alcoholic beverage coming from her person. Kelly advised that the powder in the pill bottle was her Adderall, and was not another illegal substance. I requested Kelly to perform field sobriety tests to ensure she was safe to drive her vehicle, which she agreed to do.

FIELD SOBRIETY TESTS

The first test I performed on Kelly was the horizontal gaze nystagmus test. I advised Kelly to follow the tip of my finger with her eyes only, and not to move her head. I performed an initial check of Kelly's eyes and observed equal tracking and no resting nystagmus.

Kelly showed a lack of smooth pursuit, sustained nystagmus at maximum deviation, and onset of nystagmus prior to 45 degrees in both eyes. Kelly did not show vertical nystagmus.

The next test that I administered was the walk and turn test. I instructed Kelly to stand in the instructional stance with her right foot in front of her left foot with her front heel touching her rear foot's toe. She was advised to remain in said position with her hands down at her side as I explained and demonstrated the test. Kelly was advised not to begin the test until I advised her to. I explained to Kelly that when she was told to begin the test, she was to walk in a straight line, taking nine heel to toe steps forward. She was instructed to count each step aloud and to keep her hands at her side. Kelly was advised to look down at her feet while walking in a straight line and to count each step out loud. Kelly was instructed when she reached her ninth step forward she was to make a series of small steps, turn around and take another nine heel to toe steps back in the other direction. I demonstrated the test and Kelly advised she understood the directions.

Kelly failed the test for multiple reasons. She was unable to keep the instructional position. She started the test early, and did not walk heel to toe on her steps. Kelly put her hands out for balance and did not count each step out loud. Kelly also took the improper amount of steps, only taking eight down and then the proper nine steps back.

The final test I had Kelly perform was the one leg stand. I advised Kelly to stand with her feet together, with her hands down at her side. When I advised her to begin, she was told to raise either of her feet approximately six inches off the ground and to keep the elevated foot parallel to the ground. Kelly was told while looking at her elevated foot, she was to count aloud, from one thousand one onward until I told her to stop. Kelly was advised while performing the test she was to keep her hands down at her side. After I demonstrated the test, Kelly advised she understood and she could begin the test.

Before Kelly began she advised this officer she had a hard time balancing without her arms up. While performing the test Kelly did not keep her arms down at her side and bent her knee. After the test was over, I asked Kelly to sit down on the curb and I went back to the passenger side of the vehicle to better inspect the white powder in the pill bottle. After inspecting the powder, I had Kelly stand up and requested she place her hands behind her back. Kelly was advised she was under arrest for driving while under the influence and she placed in handcuffs without incident.

Ptl. Ruane placed Kelly in the rear of unit 3804 and I returned to her vehicle to search for intoxicants. Search of the vehicle yielded negative results for any other intoxicants. Ptl. Ruane contacted a tow for John's Law at my request and filled out an Oceanport tow sheet. It should be noted Brother's Towing later responded to the location of the motor vehicle stop and took possession of the vehicle.

WHILE IN ROUTE TO HEADQUARTERS

While transporting Kelly back to headquarters she was calm and quiet.

WHILE AT HEADQUARTERS

While Kelly was taken out of the rear of unit 3804, I could detect an odor of alcoholic beverage coming from her person. While being processed, Kelly was read her Miranda rights, which she invoked her right to remain silent and not answer questions. Kelly was read the Attorney Standard Statement and responded No twice when requested to supply breath samples. I ran the Alcotest 9510 machine and when prompted pressed the refusal button on the machine. Kelly was given a copy of the Alcohol Influence report form.

Kelly contacted her cousin Nicole Brazill who responded to headquarters and signed the potential liability form. Kelly was released to Nicole's care on summonses:

1. 1338E24000693 for driving while intoxicated 39:4-50.
2. 1338E24000694 for consent to take samples 39:4-50.2.
3. 1338E24000695 for rates of speed 39:4-98.

4. 1338E24000696 for an expired drivers license 39:3-10a.
5. 1338E24000697 for reckless driving 39:4-96.
6. 1338E24000698 for careless driving 39:4-97.
7. 1338E24000699 for failure to possess proof of registration 39:3-29B.

A radar sheet was completed and saved to this reports casefile. An evidence sheet was completed and the white powder substance was placed in evidence locker . An email was sent to Det. Siegle for future testing of the white powder.

Clear, nothing further to report at this time.

Supplement

00:51:44 06/21/2024 - Robberson, S

CAD Call info/comments

=====

22:47:59 06/20/24 - Wechsler, A - From: Weir, J
10-4

22:51:30 06/20/24 - Robberson, S - From: Weir, J
1 out testing

23:01:34 06/20/24 - Robberson, S - From: Weir, J
female 41

23:09:13 06/20/24 - Robberson, S - From: Ruane, Ev
wrecker johns law

23:10:32 06/20/24 - Robberson, S - From: Weir, J
female 41 10-3 sm 10148.1

23:12:07 06/20/24 - Robberson, S
procraft tow

23:12:50 06/20/24 - Robberson, S - From: Weir, J
em 10-3 10149.2

23:13:15 06/20/24 - Robberson, S - From: Weir, J
paper check on ro

23:21:59 06/20/24 - Robberson, S
KELLY NAGEL NEGATIVE ALL AROUND DL ATTCHED

23:29:53 06/20/24 - Robberson, S - From: Ruane, Ev
tow has veh heading 10-3

00:51:17 06/21/24 - Robberson, S - From: Weir, J
41 released

00:51:29 06/21/24 - Robberson, S
Nature change from STOP to DWI

Supplement

11:09:35 06/24/2024 - Siegle, K

On 06/24/2024, I reviewed this matter and took possession of the evidence from locker . A LIMS report was generated and I responded to NJSP Lab Sea Girt on 06/25/2024 to turn over the evidence for processing. Evidence receipt was scanned and attached to the server.

On 07/29/2024, I responded to the NJSP Sea Girt where I was provided with the evidence in this matter. Upon reviewing the LIMS report, the powder was determined to be Amphetamine. The evidence was transported back to HQ's where it was placed into evidence bin . All reported were attached to the case file and Sgt. Weir was contacted of the results.

Vehicles

Vehicle Number:

809952

License Plate:

State: NJ

Vehicle Year: 2022

Make: HOND Honda

Color: GRY /

Vehicle Type: PCAR Passenger Car

License Type: PC Regular Passenger Automobile

Expires: 11/30/25

VIN:

Model: HRV

Doors: 4

Value: \$0.00

Owner:

Last: NAGEL

First: KELLY

Mid: J

DOB: /91

Dr Lic:

Address:

Race: W

Sex: F

Phone: () -

City: PENNINGTON, NJ 08534

Agency:

Date Recov/Rcvd: **/**/**

Officer:

Area:

UCR Status:

Wrecker Service:

Local Status:

Storage Location:

Status Date: **/**/**

Release Date: **/**/**

Comments:

Name Involvements:

Other : 1149247

Last: BRAZILL

DOB: /90

First: NICOLE

Dr Lic:

Mid: L

Address:

Race: W

Sex: F

Phone: () -

City: RED BANK, NJ 07701

Complainant : 30381

Last: STATE OF
NEW JERSEY

DOB: **/**/**

Race: U

Sex: U

First: DOT

Dr Lic:

Phone:

Mid: N/A

Address:

City: TRENTON, NJ 08625

Offender : 1149218

Last: NAGEL

DOB: /91

First: KELLY

Dr Lic:

Mid: J

Address:

Race: W

Sex: F

Phone: () -

City: PENNINGTON, NJ 08534