



Atlantic Highlands Police Department

100 1ST AVE; PD 85 ATL HIGHLANDS , NJ 07716 () -

Officer Report for Incident 23AH09695

Nature: DWI

Location: P85

Address: MEMORIAL PKWY & 1ST AVE

ATL HIGHLANDS NJ 07716

Offense Codes: DUI, DMVO, DMVO

Received By: Brister, R

How Received: R

Agency: P85

Responding Officers: Chenoweth, S, Elmer, J, Funk, T, McDonald, Se

Responsible Officer: Chenoweth, S

Disposition: CAA 07/26/23

When Reported: 18:38:11 07/26/23

Occurred Between: 18:38:11 07/26/23 and 18:38:30 07/26/23

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:

Additional Offense: DUI DUI Alcohol or Drugs

Additional Offense: DMVO DMVO

Additional Offense: DMVO DMVO

Circumstances

LT13 Highway, Road, Alley

Responding Officers:

Unit :

Chenoweth, S

P85143

Elmer, J

P85136

Funk, T

P85146

McDonald, Se

P85149

Responsible Officer: Chenoweth, S

Agency: P85

Received By: Brister, R

Last Radio Log: 22:01:54 07/26/23 C

How Received: R Radio

Clearance: RR Report Required

When Reported: 18:38:11 07/26/23

Disposition: CAA **Date:** 07/26/23

Judicial Status:

Occurred between: 18:38:11 07/26/23

Misc Entry:

and: 18:38:30 07/26/23

Statute:	Description :	Method :
39 Violation	Title 39 Violations	39:4-50

Involvements

Date	Type	Description
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Narrative

DWI - Memorial Parkway/Grand Avenue - 07/26/2023

SAC On the date mentioned above, Middletown Township Police Department received a call (#23MT27426) for the report of a possible intoxicated driver that hit a pole traveling northbound towards Atlantic Highlands. The caller was behind the accused vehicle and advised that the driver was a female with blonde hair and looked like she was falling asleep behind the wheel. Sgt. Elmer and I responded to our portion of Memorial Parkway in attempt to locate the accused vehicle. I turned onto Memorial Parkway off of First Avenue traveling east when I located the accused vehicle pulled over on the side of the right lane eastbound before Grand Avenue. I exited my patrol vehicle 8508 and came into contact with the caller who was temporarily stopped behind the accused vehicle. The caller was identified as [REDACTED] who was told to remain in his vehicle. I then approached the accused vehicle and came into contact with the driver Ann Richards who was standing outside of the vehicle on the passenger side. When asked what happened Ann said that she had a flat tire that she fixed then continued to go low then said she did not know what happened to the front of her vehicle. Ann then said that somewhere back there pointing west on Memorial Parkway there was a hill with a divider that she hit causing her vehicle to jolt. Ann believed her vehicle only had a scratch on it and did not realize that the front bumper/front driver side panel was completely destroyed making her vehicle inoperable. I then asked Ann where she was coming from to which she replied that she lived in Highlands and was coming from Foodtown. When asked which Foodtown she said "the one way down" while pointing west on Memorial Parkway. Due to Ann not being able to tell me exactly which Foodtown I named the next closest Foodtown to our area which was the Foodtown in Port Monmouth to which she replies yes. I then asked Ann if she had anything to drink and she said she has not drank in 4 1/2 years. I also asked if she consumed anything else which she replied no.

When asked why she didn't pull over after being in a crash Ann said she did not think there was that much damage to her vehicle. I then asked Ann again about the damage to her vehicle because her vehicle also had two flat tires on the passenger side of the vehicle. The front passenger side and rear passenger side tires were shredded. Ann said that the tires went flat at a different time from when the damage to the front of her vehicle occurred. Ann said as she was pulling off to the side of the road is when the passenger side tires went flat. At this time Ann provided me with her NJ driver license and the vehicles insurance/registration cards.

After speaking with Ann I made contact with [REDACTED] the original caller. I asked [REDACTED] where Ann had crashed and he said he was coming from Highlands. [REDACTED] continued to state that Ann was at the light on the hill near the jug handle (Danielle Court) in the middle of the intersection. The light was green and everyone was driving around her. [REDACTED] noticed that Ann's vehicle is "fucked up" on the left hand side of the vehicle. [REDACTED] pulls up next to Ann, rolls his window down and starts honking his horn at her because she was asleep. [REDACTED] backed up behind Ann and put his hazard lights on to provide some safety to her vehicle. [REDACTED] went to help Ann but she woke up, tells [REDACTED] that she hit some bushes then proceeded to drive off on State Route 36 west towards Atlantic Highlands. Ann then made a right turn onto Leonard Avenue in Leonardo, made a quick U turn before the Quick Stop then turned back onto State Route 36 eastbound. [REDACTED] said that Ann then ran the red light at Leonardville Road/State Route 36 almost creating another crash, then proceeded to run up the curb and almost hit somebody on a bicycle. [REDACTED] also completed a written statement form

on the series of events which a copy was uploaded to Spillman.

After speaking with [REDACTED] I went over to Sgt. Elmer and Ptl. Perito 31375 of the Middletown Township Police Department to brief them on what [REDACTED] witnessed. At this time, Sgt. Murphy 43129 of the Sea Bright Police Department arrived and advised that that crash occurred in Highlands on State Route 36 near Miller Street. Due to Ann being involved in a crash, not being able to accurately recite what happened, and after hearing from [REDACTED] what occurred it was determined that I was going to conduct road side SFST (Standardized Field Sobriety Testing).

Walk and Turn Test (WAT):

The first test I had Ann complete was the walk and turn test. Due to Ann wearing flip flops she was asked if she wished to remove them before completing this test which she agreed to do. I demonstrated the starting position for Ann by putting my right foot in front of my left with my toe of the left foot touching the heel of my right foot and my arms down at my sides. While explaining the instructions to Ann she was unable to properly hold the starting position and continued to lose balance. Ptl. Perito 31375 repositioned himself to catch Ann because she continued to stumble and lose balance and didn't want her to cause any injuries to herself. I then explained that when I tell her to begin she is going to take nine heel to toe steps along the straight line. She was told when she reached her ninth step to keep her front foot planted and turn around using a series of small steps and then take nine heel to toe steps back in the same manner. I then demonstrated for Ann how to correctly perform the test in three steps down and three steps back to save time. She was again reminded that she is to complete nine steps down and nine steps back. Ann then put her flip flops back on to conduct the test. During the test, Ann was not walking in a heel to toe fashion. Ann briefly stopped on her third step to regain balance then again on her fifth step. On the seventh step Ann lost balance and began to stumble/fall towards Memorial Parkway causing this officer to run to Ann to catch her before she fell. Ann said she was okay then proceeded to tell this officer that she had a busted up knee. It should be noted that prior to beginning the test, I asked Ann if she had any injuries or previous injuries that would effect the test, which she replied no. I then told Ann she needed to complete the rest of the test. Ann then asked "three steps down" to which I advised her it was nine steps. Ann began and stopped on her fourth step to regain her balance. Ann continued the test until she reached step 13 instead of the nine as she was instructed. Ann asked what the test was for then proceeded to say she was fine and that she was just tired.

One Leg Stand Test:

For the next test I explained to Ann that she was going to stand with her heels together and her arms down at her sides. She was instructed to pick one foot up, her left or right for this test. She was advised to raise her one foot six inches off the ground and keep that foot parallel to the ground. She was informed to stare at her foot with her arms down at her sides and count, "One one-thousand, two one-thousand, three one-thousand, and so on until I tell her to stop." While explaining the instructions I demonstrated for Ann the correct way to perform the one leg stand test. Ann then began the test by raising her left foot off the ground but Ann counted to three one-thousand and lost her balance which Ptl. Perito 31375 had to put his arm out to stop Ann from further falling. Ann then said she is so much better than this and she is so tired before she resumed the test. Ann started with one thousand one and lost her balance, Ann resumed the test but did not count aloud. Ann then lost her balance

again and Ptl. Perito 31375 had t put his arm out again to keep Ann from further falling. Ann attempted to resume the test but I stopped the test for her safety.

HGN (Horizontal Gaze Nystagmus) TEST:

The final test that I had Ann complete was an HGN Test. Ann was instructed to stand with her hands at her sides and to focus only on the stimulus that I was utilizing, for this a black 1.0 Sharpie Pen with a silver tip was used which Ann acknowledged. When asked, Ann denied having any issues with her eyes, denied wearing contact lenses and denied wearing glasses. For purposes of this report HGN (Horizontal Gaze Nystagmus) refers to an involuntary jerking occurring as the eyes gaze towards the side. The involuntary jerking becomes readily noticeable when a person is impaired. The eyes will begin to jerk sooner as they move to the side. Ann was instructed to follow the stimulus with her eyes only and to keep her head stationary as I moved the stimulus. During the test, I observed unequal tracking of the stimulus. Next, I did not observe the onset of nystagmus prior to forty five degrees. I did not observe nystagmus when raising the stimulus vertically. When raising the stimulus vertically, Ann lost her balance and stumbled backwards. During this test I noticed Ann's eyes to be watery and her eyelids appeared to be heavy. Both of Ann's pupils were pinpoint as well.

At this time it was determine that Ann was going to placed under arrest for DUI (driving under the influence). I approached Ann and had her place her hands behind her back. Ann was handcuffed (double locked) and escorted to my patrol vehicle 8508. Prior to Ann being placed in the rear of my patrol car, the rear of my patrol car was checked for contraband prior to Ann being placed in the vehicle. The onboard camera system and body camera were activated. Sgt. Elmer searched the interior of Ann's vehicle for intoxicants and located three Lava Plus Guava 5% Vapes and six O.P.M.S Gold Liquid 8.8ML Kratom Extract. Photos of the items were taken and attached to this report. Sgt. Elmer remained with the vehicle until Hennessey Towing arrived while I transported Ann to police headquarters. My starting mileage and ending mileage were documented with county dispatch. Once at police headquarters we were met by Ptl. Funk. Once the sally port was secured Ann was removed and the rear of my patrol car was checked with negative contraband. Ann was escorted into police headquarters, I held onto Ann's arm while walking her down the staircase into the station. Ptl. Funk's weapon was secured in the weapon lock box located in the hallway so he brought Ann into the processing rom and secured her to the prisoner bench. At this time I secured my weapon in the lock box. Officer Curley 17039 from Highlands Police Department conducted a search of Ann. After the search, Ann was secured back to the prisoner bench. At this time the 20 minute observation was started. See Ptl. Funk's supplemental report for further information on the alcotest, processing Ann, and potential liability.

It was determined that Ann crashed into a sign in Highlands. See Highlands Police Department case #23HL06191.

Summonses Issued with a return to court 08/08/23:

1305 AH 059558 - 39:4-50 for DUI.
1305 E23 000937 - 39:4-96 for Reckless Driving.
1305 E23 000938 - 39:4-56 for Delaying Traffic.

Patrolman Scott A Chenoweth #143