

Legal Basis for Redactions

N.J.S.A. 47:1A-1 (Legislative Findings)

OPRA Exemption (1) Privacy Interest - "a public agency has a responsibility and an obligation to safeguard from public access a citizen's personal information with which it has been entrusted when disclosure thereof would violate the citizen's reasonable expectation of privacy."

N.J.S.A. 47:1A-1.1

OPRA Exemption (19) Personal Identifying Information.

Executive Order No. 21 (Gov. McGreevey 2002)

Photographs

Executive Order No. 26 (Gov. McGreevey 2002)

Medical History

The New Jersey Open Public Records Act (N.J.S.A. 47:1A-1 et seq.) permits a person who believes he or she has been illegally denied access to a public record to file a complaint with the Government Records Council (GRC), or file suit in Superior Court to challenge the decision and compel disclosure.

ABERDEEN POLICE

1 ABERDEEN SQUARE

732-566-2054

ABERDEEN, NJ 07747

INVESTIGATION REPORT

Municipal Code: 1330

ORI: NJ0133000

DEPARTMENT CASE NUMBER I-2019-011665		MUN CODE 1330	PHONE NUMBER 732-566-2054		UCR	DEPARTMENT ARREST NUMBER 19-227	
CRIME/INCIDENT DRIVING WHILE UNDER THE RECKLESS DRIVING IMPROPER USE OF LEFT LANE			NJS 39:4-50 39:4-96 39:4-88		VICTIM NAME (Last Name, First Name, MI) STATE OF NEW JERSEY		DOB
SSN NO		AGE	SEX	RACE	ETHNICITY		
DATE AND TIME	BETWEEN ☐	HOUR 11:04 12:30	MONTH 08 08	DAY 09 09	YEAR 2019 2019	VICTIM'S HOME ADDRESS 1 ABERDEEN SQUARE, ABERDEEN NJ 07747	
PHONE 732-566-2054							
CRIME/INCIDENT LOCATION ROUTE 35 HIGHWAY NORTH/COUNTY ROAD, CLIFFWOOD BEACH NJ 07735					EMPLOYER		PHONE
MUNICIPALITY ABERDEEN TOWNSHIP		COUNTY MONMOUTH		CODE 1330	PERSON REPORTING CRIME		DATE AND TIME 08/09/2019 11:04
TYPE OF PREMISES Street		WEAPONS - TOOLS		ADDRESS			PHONE
MODUS OPERANDI FOLLOWING A MOTOR VEHICLE ACCIDENT, THE ACCUSED WAS FOUND TO BE DRIVING UNDER THE INFLUENCE, SEE LONG NARRATIVE.							
VEHICLE UBO		YEAR 2000	MAKE NIS	MODEL ALT	BODY TYPE 4 DR	COLOR SL	REG PLATE - STATE [REDACTED]
VIN [REDACTED]		VEHICLE VALUE					
VALUE STOLEN PROPERTY	CURRENCY	JEWELRY	FURS	CLOTHING	AUTO	MISC	
TOTAL VALUE STOLEN \$0.00		TOTAL VALUE RECOVERED		TELETYPE ALARM		TECHNICAL SERVICES	
TECHNICAL AGENCY							
WEATHER CLEAR		SIC		NIC		ASSISTING AGENCIES	
NO OF ACCUSED 1	ADULT 1	JUVENILE 0	STATUS CRIME		STATUS CASE		UCR STATUS
DATE CLEARED							
NARRATIVE ***** PARTIES INVOLVED ***** ROLE: INVOLVED PERSON NAME: ALL CAR TOWING HOME ADDRESS: 185 ROUTE 35 SOUTH, SOUTH AMBOY NJ 08879 HOME PHONE: [REDACTED] HEIGHT: 0' 0" ROLE: Victim NAME: [REDACTED] ROLE: Complainant [REDACTED] ROLE: Arrested NAME: SMITH, LEE R HOME ADDRESS: [REDACTED] BROOKSIDE AVE, CLIFFWOOD BCH NJ 07735-5358 HOME ALT. PHONE: [REDACTED] WORK ADDRESS: UNEMPLOYED - SEX: M DOB [REDACTED] AGE: 49 SSN: [REDACTED] RACE: WHITE ETHNICITY: NON-HISPANIC HAIR COLOR: BROWN HEIGHT: 5' 8" WEIGHT: 161 DL#: [REDACTED] ROLE: Victim NAME: STATE OF NEW JERSEY HOME ADDRESS: 1 ABERDEEN SQUARE, ABERDEEN NJ 07747 HOME PHONE: 732-566-2054 HEIGHT: 0' 0" ROLE: Victim NAME: [REDACTED] HEIGHT: 0' 0" DL#: [REDACTED] ***** MOTOR VEHICLE(S) INVOLVED *****							
NAME POLICE OFFICER CAMPBELL, RAYMOND		75		DATE OF REPORT 08/09/2019		REVIEWED BY LIEUTENANT LLOYD, MATTHEW 70	
SIGNATURE							

ABERDEEN POLICE

1 ABERDEEN SQUARE

732-566-2054

ABERDEEN, NJ 07747

INVESTIGATION REPORT

Municipal Code: 1330

ORI: NJ0133000

INCIDENT # : I-2019-011665

ROLE: Towed | MV TYPE: Motor Vehicle | PLATE#: [REDACTED] | STATE: NJ | EXPIRES:XXXXXXX | MAKE:NIS | TYPE: 4
MODEL: ALT | YEAR: 2000 | VIN: [REDACTED] | COLOR: SL | BODY DR

ROLE: Towed | MV TYPE: Motor Vehicle | PLATE#: [REDACTED] | STATE: NJ | EXPIRES:XXXXXXX | MAKE:FOR |
MODEL: F65 | YEAR: 2011 | VIN: [REDACTED] | COLOR: WHITE

ROLE: Other | MV TYPE: Motor Vehicle | PLATE#: [REDACTED] | STATE: NJ | EXPIRES:XXXXXXX | MAKE: BAN
MODEL: JOH | YEAR: 1997 | VIN: [REDACTED] | COLOR: YELLO

August 9, 2019 at 1104 hours while working as the Traffic Safety Officer in uniformed patrol, I was dispatched to a motor vehicle accident that occurred on Highway 35 near the intersection of County Road. Dispatch advised me that both vehicles had pulled into the Addison Park parking lot and that the caller, [REDACTED], advised that he believed the driver of the other vehicle to be intoxicated. Upon arrival to the scene, I observe Sgt. Mauro who had arrived before me speaking with three men. I would come to find out that the three men were [REDACTED], owner of the commercial vehicle/caller, [REDACTED] an employee of [REDACTED] and driver of Vehicle #2, and the accused, Lee Smith, driver of V-1. (See attached NJTR-1)

First I spoke to [REDACTED] who advised me that he was operating the truck on Highway 35 North in the right lane when he was struck by Lee who was in the left lane and encroached into his lane. Lee would argue this stating that the truck came into his lane causing the collision. Lee's vehicle then became disabled and stopped in the planning center at Addison Park's parking lot while [REDACTED] pulled into the Addison Park parking lot. Next I went to speak to Lee to find out his side of the accident.

While investigating the accident, I could see that Lee had bloodshot glassy eyes and that he appeared to be staring into space. Lee also had droopy eye lids as he was speaking to me and appeared to want to fall asleep. Further, Lee had the odor of an alcoholic beverage emanating from him and while standing still, he appeared to sway slightly from side to side. Lee's hands were in his pockets and while speaking to him, he slightly slurred his words. Lee was wearing a t-shirt and jeans and had on sneakers. At this time, I began to suspect that Lee had in fact been drinking and I asked him if he had anything to drink today. Lee replied that he had "1 beer this morning" at his Brother in laws house. Lee denied being on any medications.

At this time, I asked Lee to perform the Horizontal Gaze Nystagmus test and he advised that he would cooperate with me. I asked Lee if he had any problems with his head or eyes and he said "no." Lee also denied having any problems with his back and legs. I took out a pen and instructed Lee to touch the tip of my pen with his right pointer finger which he did. I told Lee that he was to keep his head still and to follow the tip of my pen which he just touched with his eyes only. Lee said that he understood my instructions and I began the test. First I noticed that Lee lacked smooth pursuit while he was tracking my pen. Next I noticed distinct nystagmus at maximum deviation in both eyes. Furthermore, I also observed nystagmus at 45 degrees in both eyes. Upon the vertical nystagmus test, I also noticed nystagmus. I would again ask Lee how much and what he had to drink to day and he advised me that he "had 1 beer."

At this time, I moved Lee to the front of my patrol car where he would be seen on the mobile vehicle recorder (MVR). Once in front of the vehicle, I explained and demonstrated the walk and turn to Lee. Lee was told to place his right foot in front of his left (heel to toe) and stand that way while I explained and demonstrated the test to him. During this time, Lee had to continually move his feet and keep them wide for balance to stop from falling over. Lee was told to walk nine heel to toe steps forward while looking down at the tips of his shoes, counting each step out loud, and keeping his arms at his sides. Upon reaching step nine, he would turn around using small pivot steps and repeat the process just in reverse. After my demonstration, Lee said that he understood the test and he began. During the test, Lee did not count out loud as I had instructed him to. Further, Lee had difficulty maintaining a straight line and had to step off of it to keep from falling.

The third and final test that I had Lee perform was the one leg stand. As done before, I told Lee that I would explain and then demonstrate the test for him before he began the test. Lee said that he understood and then began to wait for my instructions. I instructed Lee to stand with his feet together and that he would raise any foot of his choice approximately 6 inches off of the ground. At this time, Lee began to start the test prior to me explaining all of it. I had to instruct him to put his foot down and to wait until I was done before he begins. I started to explain the test again, raising his foot six inches off of the ground, pointing his toe outward, looking at the tip of his raised toe, and to begin counting until I told him to stop. Lee then told me that he understood the test, but that he could not do it "because of the equilibrium in his ears." I told Lee that I had

RANK	SIGNATURE OF OFFICER SUBMITTING REPORT	COMMAND	BADGE NUMBER
POLICE OFFICER CAMPBELL, RAYMOND			75

ABERDEEN POLICE

1 ABERDEEN SQUARE

732-566-2054

ABERDEEN, NJ 07747

INVESTIGATION REPORT

Municipal Code: 1330

ORI: NJ0133000

INCIDENT # : I-2019-011665

earlier asked him about any problems with his head and he said that he had "none." Lee would eventually attempt to take the test, but upon raising his foot, he would have to almost immediately put it down to keep from falling over. After a few tries, Lee would stop the test himself because of his "medical issues with his ears."

At this time, through my training and experience, I believed Lee to be under the influence of alcohol while driving and I placed him under arrest. An All-Car Towing tow truck was on scene prior to my arrival and I advised dispatch that since they are a contracted wrecker service for us, that I would just use them and they would be taking custody of Lee's car. Lee's vehicle was towed due to the mandatory impound of John's Law and because it was disabled. Lee was placed in the back of unit 6305 and would be transported to Police Headquarters without incident. Sgt. Mauro would stay with the vehicle while All Car loaded it onto the flat bed.

Upon arrival at Police Headquarters, Lee was processed without incident and was polite and cooperative. At 1135 hours I had Lee open his mouth and lift his tongue where I visually inspected that he had nothing in his mouth. Lee would stay in my direct line of vision during the next 20 minutes before I would put him on the Alcotest machine. At no time did Lee eat, drink, belch, or place anything in his mouth. I read Lee his Miranda warnings which are attached and he indicated verbally and by writing that he would answer any of my questions. This was witnessed by Ptl. Shaw (see attached form). Next I read Lee the NJ Attorney General's Standard Statement. When I asked Lee if he would provide breath samples for me, he replied "yes." (see attached) Next I would ask Lee the questions on the drinking and driving questionnaire. (see attached)

After the 20 minute waiting period, I entered all of Lee's information into the Alcotest machine Serial No. DDWK S3-0404 of which I am a certified operator. It should be noted that Lee, Ptl. Shaw, and myself were all free of electronic devices during the entire while in the same room as the Alco test machine. Prior to blowing into the machine, Lee was instructed on how to give breaths and he said that he understood. For each breath that Lee gave, a new mouthpiece was utilized each time. During Lee's first breath, the machine advised that Lee had not reached the correct plateau. Lee was given two more opportunities to blow into the machine which he did correctly. After his two successful blows, the Alcotest would indicate that Lee had a BAC of 0.22% This report was then taken to Dispatcher Black who would use the Alcotest calculator which would inform me that the breath samples were within acceptable limits. (see attached.)

Lee was issued the following summons: E19-004152 for Reckless Driving (39:4-96), E19-004153 for Driving While Intoxicated (39:4-50), and E19-004154 for Failure to maintain lane (39:4-88) A first appearance court date was scheduled for Sept 4, 2019 at 0900 hours. Lee was able to reach out to a friend, [REDACTED] who came to Police Headquarters to pick him up. Upon arrival at Headquarters, [REDACTED] information was collected and [REDACTED] was asked to sign the Potential Liability Warning. [REDACTED] advised that [REDACTED] did not wish to sign the form. I would input [REDACTED] information where applicable under refusal to acknowledge in writing receipt of potential liability. I made a copy for my records and the original form was given to [REDACTED]. Lee was then released on the above issued summons and told to come back after his mandatory 12 hour impound to get a release form for his vehicle. End Report.

RANK	SIGNATURE OF OFFICER SUBMITTING REPORT	COMMAND	BADGE NUMBER
POLICE OFFICER CAMPBELL, RAYMOND			75

DRINKING DRIVER QUESTIONNAIRE**POLICE DEPARTMENT**

DEFENDANT (FIRST NAME) LEE	(INITIAL) R	(LAST NAME) SMITH	CASE NUMBER I-2019-011665	SEQUENTIAL FILE NO
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QUESTIONS:

THE FOLLOWING QUESTIONS WERE ASKED ON Aug 09, 2019 AT 11:04		OCCUPATION? CONSTRUCTION
ARE YOU SICK? IF YES, EXPLAIN [REDACTED]		
ARE YOU UNDER THE CARE OF A DOCTOR? IF SO, PROVIDE NAME & ADDRESS [REDACTED]		LAST VISIT DATE TIME
ARE YOU TAKING MEDICINE? IF SO, WHAT AND WHAT FOR? [REDACTED]		LAST DOSE? DATE TIME
DO YOU HAVE DIABETES? [REDACTED]	ARE YOU TAKING INSULIN? [REDACTED]	LAST DOSE? DATE TIME
ARE YOU INJURED? ☐ YES ☒ NO ☐ UNK	WHERE?	
ARE YOUR INJURIES AFFECTING YOU NOW? IF SO, WHAT AND HOW? N/A		
NOTE ANY PHYSICAL INJURIES OR DEFORMITIES OBSERVED NONE OBSERVED		

ADVISE SUBJECT OF MIRANDA WARNING:

WHAT KIND OF ALCOHOLIC DRINKS HAVE YOU HAD? BEER		HOW MANY? 1
WHERE [REDACTED]		WHAT WAS TIME BETWEEN EACH DRINK? 0
WHEN DID YOU HAVE YOUR FIRST DRINK? DATE Aug 09, 2019 TIME 09:00		WHEN DID YOU FINISH YOUR LAST DRINK? DATE Aug 09, 2019 TIME 09:00
WHAT TIME DID YOU FINISH EATING?	WHAT DID YOU EAT? NOTHING	
REMARKS		
POLICE OFFICER CAMPBELL, RAYMOND 75 (SIGNATURE)		COPY GIVEN TO SUBJECT ON

Defendent Information				Case # I-2019-011665	
Name Last, First, M I SMITH, LEE R			DL# & State [REDACTED]		Arresting Officer Information
Street Address [REDACTED] BROOKSIDE AVE			Birth Date 2/7/1970 12:00:00 AM		
Town, State Zip CLIFFWOOD BCH NJ 07735-5358			Arrest Date & Time 8/9/2019 11:15:00 AM		Name Last, First, M I Rank POLICE OFFICER CAMPBELL, RAYMOND
Violation(s) Charged (Check appropriate boxes)			☒ N J S A 39-4-50(A), DWI ☐ N J S A 39-4-50.2, Refusal to submit to chemical breath testing		

Permitting a person who is intoxicated or who has a blood alcohol concentration at, or above, that permitted by law, to operate a motor vehicle is violation of N.J.S.A. 39:4-50(a). If you are charged and convicted under the statute: your driving privilege will be suspended; fines and monetary penalties will be imposed ; and you may be incarcerated. If you permit or facilitate the defendant to operate the motor vehicle while the defendant remains intoxicated or has a blood alcohol concentration at, or above, that permitted by law, and defendant becomes involved in a motor vehicle collision where other persons are injured or killed, then you may be subject to indictment and criminal prosecution. If you are prosecuted and found guilty, the court can impose fines and mandatory penalties, and a prison sentence. In addition to any criminal liability, if you permit or facilitate the defendant to operate a motor vehicle while the defendant remains intoxicated or has a blood alcohol concentration at, or above, that permitted by law, and the defendant becomes involved in a motor vehicle collision where there is property damage, or personal injury or death, then you may be held liable for civil damages, and those damages may not be covered by insurance.

Date & Time of Acknowledgement

Date & Time of Refusal to Acknowledge

ABERDEEN POLICE

1 ABERDEEN SQUARE

ABERDEEN, NJ 07747

732-566-2054

ADULT ARREST REPORT

Municipal Code: 1330

ORI: NJ0133000

INCIDENT # I-2019-011665		CALL TYPE ACC - Accident-No Injuries		DATE REPORTED 08/09/2019		TIME REPORTED 11:04		INCIDENT LOCATION ROUTE 35 HIGHWAY NORTH/COUNTY ROAD, CLIFFWOOD BEACH NJ 07735		INCIDENT # I-2019-011665 DATE 8/9/2019		
DEFENDANT INFORMATION				ARREST NUMBER 19-227								
LAST NAME SMITH				FIRST NAME LEE		MI R		SUFFIX			HOME PHONE	
ALIAS/NICKNAMES				ALTERNATE PHONE				CELL PHONE / PAGER				
DEFENDANT'S ADDRESS (#, STREET NAME) [REDACTED] BROOKSIDE AVE				UNIT TYPE		UNIT #		CITY CLIFFWOOD BCH			STATE ZIP NJ 07735-5358	
SEX M		RACE WHITE		DOB [REDACTED]		AGE 49		SOCIAL SECURITY # [REDACTED]			HEIGHT (ft / in) 5' 8"	
WEIGHT 161		HAIR COLOR BRO		EYE COLOR BRO		COMPLEXION		MARITAL STATUS Married			ETHNICITY NON-HISPANIC	
US CITIZEN Y		RESIDENCY STATUS Resident		SCARS / MARKS / TATTOOS RT ELB SPIDERWEB LFT SHOULDER ROSE								
PLACE OF BIRTH (CITY)		STATE (COUNTRY IF NOT BORN IN US)										
SBI #		FBI #		CBI #		DRIVER'S LICENSE #		D/L STATE			D/L EXPIRE	
EMPLOYER / SCHOOL UNEMPLOYED				OCCUPATION / GRADE CONSTRUCTION		PHONE		ADDRESS (#, STREET NAME, CITY, STATE, ZIP)				
NAME OF NEAREST RELATIVE				RELATIONSHIP		PHONE		ADDRESS (#, STREET NAME, CITY, STATE, ZIP)				
ARREST DETAILS												
☐ WARRANT ☒ ON VIEW ARREST ☐ SUMMONS ☒ PHOTOGRAPHED ☐ FINGERPRINTED												
TYPE OF WARRANT				AGENCY'S OCA ABERDEEN POLICE		LOCATION OF ARREST 152 ROUTE 35 HIGHWAY NORTH, CLIFFWOOD BEACH, NJ				DATE / TIME OF ARREST 8/9/2019 11:15		
NCIC WANTS N		ATS / ACS WANTS N		IF WANTED, NAME OF AGENCY		AGENCY'S OCA		WARRANT #		DATE/TIME CONFIRMED		
PERSON CONFIRMING WARRANT												
MIRANDA GIVEN Y		MIRANDA GIVEN BY (RANK, LAST, FIRST, ID#) POLICE OFFICER CAMPBELL, RA 75				DATE/TIME GIVEN 8/9/2019 11:43		WITNESSED BY (RANK, LAST, FIRST, ID#) POLICE OFFICER SHAW, CI 92		STATEMENT GIVEN None		
OFFENSE DETAILS												
☐ GANG RELATED ☐ BIAS MOTIVATION ☐ DOMESTIC VIOLENCE												
1		CDR # / M / V SUMMONS # E19-004152				OFFENSE RECKLESS DRIVING				N J STATUTE / ORDINANCE 39:4-96		
2		E19-004153				DRIVING WHILE UNDER THE INFLUENCE				39:4-50		
3		E19-004154				IMPROPER USE OF LEFT LANE				39:4-88		
LOCATION OF OFFENSE (#, STREET NAME, UNIT TYPE, UNIT #, CITY, STATE, ZIP) ROUTE 35 HIGHWAY NORTH, CLIFFWOOD BEACH NJ 07735						DATE / TIME OF OFFENSE 8/9/2019 11:04		MUNICIPAL CODE 1330		UCR CODE		
COMPLAINANT ☒ OFFICER ☐ VICTIM		LAST NAME CAMPBELL		FIRST NAME RAYMOND		POLICE AGENCY/ADDRESS 1 ABERDEEN SQUARE ABERDEEN, NJ 07747				AGENCY / VICTIM PHONE 732-566-2054		
VEHICLE INFORMATION												
☐ NOT APPLICABLE ☒ OWNER SAME AS DEFENDANT ☒ VEHICLE IMPOUNDED												
VEHICLE MAKE NIS		MODEL ALT		YEAR 2000		COLOR SL		LICENSE PLATE [REDACTED]		STATE REG [REDACTED]		
REG EXPIRE		VIN [REDACTED]		MUGS-IOT [REDACTED]								
NARRATIVE / ADDITIONAL CHARGES												
Following a motor vehicle accident, the accused was placed under arrest for driving while intoxicated, see long narrative.												
ADMINISTRATIVE												
AFIS ☐ YES ☒ NO		AFIS ID MATCHES DEFENDANT ☐ YES ☒ NO		BAIL SET BY		DATE/TIME BAIL SET		CASH BAIL AMOUNT		SURETY BOND		
ADDITIONAL CONDITIONS OF BAIL RELEASED ON SUMMONS				DISPOSITION OF DEFENDANT				BAIL PLACED IN PROPERTY LOCKER #				
SUBMITTING OFFICER'S SIGNATURE				DATE 8/9/2019		SUPERVISOR'S SIGNATURE				DATE 8/9/2019		
REPORT SUBMITTED BY (RANK, LAST, FIRST, ID#) POLICE OFFICER CAMPBELL, RAYMOND 75						REPORT APPROVED BY (RANK, LAST, FIRST, ID#) LIEUTENANT LLOYD, MATTHEW 70						

STA/UNIT CODE NUMBER	ABERDEEN POLICE DRINKING and DRIVING REPORT		(1) DEFENDANT FIRST NAME INITIAL LAST NAME LEE R SMITH				CASE NUMBER I-2019-011665 SEQUENCE FILE NUMBER
		(2) AGE	(3) SEX	(4) WEIGHT	(5) EYE COLOR	(6) RACE	
		49	M	161	BRO	WHITE	
(7) STREET ADDRESS BROOKSIDE AVE			(8) CITY AND STATE CLIFFWOOD BCH NJ		(9) SUMMONS NO. (D/D /ALLOWING ONLY) E19-004153		
(10) DRIVERS LICENSE NUMBER AND STATE [REDACTED]		CDL ☐	(11) DAY OF WEEK Friday		VIOLATION DATE 08/09/2019		VIOLATION TIME 11:04
(12) YEAR/COLOR/MAKE OF VEHICLE USED 2000 SL NIS				(13) LICENSE NUMBER AND STATE [REDACTED]			
(14) VEHICLE CODE 01A CODE NON-CDL VEHICLES (1) Passenger Car/ Station Wagon (2) Passenger Car w/Trailer, (3) Recreational Vehicle, (4) Taxi/Limo (5) Emergency Vehicle, (6) Motorcycle, (7) Moped, (8) Pickup, (9) Van, (10) Truck, (11) Truck Combo, (12) Other CDL VEHICLES: TRUCK COMBO (20) 8 X 46, (21) 8 5 X 48, (22) 8 X 46+, (23) 8 5 X 53, (24) Double Bottom, (25) Truck, (26) Bus, (27) School Bus, (28) Limousine (29) Other							
(15) NAME OF VEHICLE OWNER SMITH, LEE R				(16) ADDRESS OF OWNER BROOKSIDE AVE, CLIFFWOOD BCH NJ 07735-5358			
(17) MUNICIPALITY OF VIOLATION ABERDEEN		CODE NO 1330	(18) ROADWAY OR LOCATION ROUTE 35 HIGHWAY NORTH/COUNTY ROAD, CLIFF			(19) COUNTY MONMOUTH	
(20) ARRESTED BY - BADGE NUMBER - STATION POLICE OFFICER CAMPBELL, RAYMOND 75 ABERDEEN				(21) TESTED BY - BADGE NUMBER - STATION POLICE OFFICER CAMPBELL, 75 ABERDEEN RAYMOND			

(22) ACCIDENT INVOLVED ☐ 1 NONE ☐ 2 PEDESTRIAN ☐ 3 FATAL ☐ 4 INJURY ☒ 5 1 VEHICLE ☐ 6 2 VEHICLES OR MORE ☐ 7 OTHER (Explain) _____	(23) EXAMINATION ☒ 1 CHEM. BREATH TEST ☐ 2 BREATH TEST REFUSED ☒ 3 OBSERVATION ☐ 4 DOCTOR'S EXAMINATION ☐ 5 BLOOD TEST ☐ 6 NARCOTICS, HABIT PRODUCING DRUGS, OR HALLUCINOGENIC LABORATORY ☐ YES ☐ NO REPORT # _____	(24) SUMMONS ISSUED FOR ☒ 1 39:4-50 INFLUENCE ☐ 2 U/ 21 Y.O.A. AND >.01% B.A.C. ☐ 3 39:3-10.13 CDL ☐ 4 39:4-14.3g MOPED ☐ 5 ALLOWING ☒ 6 BLOOD ALCOHOL RESULTS <u>.22</u> % TO OPERATE ☐ 7 SUMMONS NO: (39:4-50.2 REFUSAL) ☐ 8 SUMMONS NO: (39:3-10.24 REFUSAL) ☐ 9 SUMMONS NO: (39:4-14 3g REFUSAL)
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OBSERVATIONS WERE:

(25) **ABILITY TO WALK**
☐ UNABLE TO ☐ ON HANDS AND KNEES ☒ SWAYING ☐ GRASPING FOR SUPPORT
☐ FALLING ☒ MOVED IN CIRCLES ☒ SAGGING ☒ STAGGERING

(26) **ABILITY TO STAND**
☒ SWAYING ☐ UNABLE TO STAND ☐ CONTINUAL LEANING FOR BALANCE
☐ RIGID ☒ SAGGING KNEES ☒ FEET WIDE APART FOR BALANCE

(27) **SPEECH**
☐ SHOUTING ☐ SLOBBERING ☐ BOISTEROUS ☒ SLURRED ☐ WHINING ☐ STUTTERING
☒ RAMBLING ☒ INCOHERENT ☐ WHISPERING ☐ HOARSE ☐ CRYING ☐ ACCENT ☒ SLOW

(28) **DEMEANOR**
☐ FIGHTING ☒ INDIFFERENT ☐ ANTAGONISTIC ☒ POLITE ☒ SLEEPY
☐ EXCITED ☐ HYSTERICAL ☒ COOPERATIVE ☒ CALM ☐ CRYING

(29) **ACTIONS**
☐ PUNCHING ☐ RESISTING ☐ THUMBING NOSE ☐ DIFFICULT TO AWAKEN
☐ KICKING ☐ PROFANITY ☐ THREATENING

(30) **EYES**
☐ BLOODSHOT ☒ WATERY ☒ DROOPY LIDS ☐ WEARING GLASSES ☒ NOT WEARING GLASSES
☐ GLASS EYE ☒ RIGHT ☒ LEFT

(31) **CLOTHING**
☒ MUSSUED ☐ PARTLY DRESSED ☐ DEFECATED ON SAME
☒ DIRTY ☐ VOMITED ON ☐ URNINATED ON SAME

(32) **MOVEMENT OF HANDS**
☒ FUMBLING ☒ SLOW

(33) **FACE**
☐ FLUSHED ☒ PALE

(34) **ODOR OF ALCOHOLIC BEVERAGE ON BREATH**
☐ NONE ☒ YES

(35) REMARKS (If needed, to clarify observations)

(36) SEE ATTACHED - S.P. 317-1

(37) NARRATIVE OF INVESTIGATION - Number, capitalize and underline the following paragraph titles in the sequence of events. Be brief, record events in order to refresh recollection at a later time. 1. **OPERATION OF THE MOTOR VEHICLE**; 2. **WHEN STOPPED OR ARRIVAL AT SCENE**: - If an accident; 3. **ENROUTE TO STATION**: or wherever going; 4. **AT THE STATION**: or wherever taken, i.e., doctor's office, hospital, etc.; 5. List other **TRAFFIC OFFENSES** by summons number and statute number. (Use continuation page S.P. 317-1 if more space is needed).

1. OPERATION OF THE MOTOR VEHICLE

See Long Narrative.

(38) TITLE POLICE OFFICER CAMPBELL, RAYMOND	SIGNATURE	BADGE NO 75	(39) REVIEWED BY LIEUTENANT LLOYD, MATTHEW
(40) DATE TO APPEAR 09/04/2019	(41) AMENDED COURT DATE	(42) REFUSAL DISPOSITION & DATE	(43) INFLUENCE DISPOSITION & DATE

(Revised & effective, July 1, 2012)

THE ARRESTING OFFICER MUST READ THE FOLLOWING TO THE DEFENDANT:**FULL TEXT OF STANDARD STATEMENT FOLLOWS:**

1. You have been arrested for driving while intoxicated. N.J.S.A. 39:4-50.

2. The law requires you to submit samples of your breath for the purpose of testing to determine alcohol content.

3. A record of the taking of the breath samples, including the test results, will be made. Upon your request, a copy of that record will be made available to you.

4. After you have provided samples of your breath for testing, you have the right, at your own expense, to have a person or physician of your own selection take independent samples of your breath, blood or urine for independent testing.

5. If you refuse to provide samples of your breath, you will be issued a separate summons for the refusal. A court may find you guilty of both refusal and driving while intoxicated.

6. If a court finds you guilty of the refusal, you will be subject to various penalties, including license revocation of up to 20 years, a fine of up to \$2000, installation of an ignition interlock, and referral to an Intoxicated Driver Resource Center. These penalties may be in addition to penalties imposed by the court for any other offense of which you are found guilty.

7. You have no legal right to have an attorney, physician or anyone else present for the purpose of taking the breath samples. You have no legal right to refuse to give, or delay giving, samples of your breath.

8. Any response from you that is ambiguous or conditional, in any respect, to my request that you provide breath samples, will be treated as a refusal to submit to breath testing. Even if you agree to take the test, but then do not follow my instructions, do not properly perform the test, or do not provide sufficient breath samples, I will charge you with refusal to submit to breath testing.

9. I repeat, the law requires you to submit samples of your breath for testing. Will you submit the samples of your breath?

ANSWER YES**(ADDITIONAL INSTRUCTIONS FOR POLICE OFFICER):**

If the arrested person does not respond, or gives any ambiguous or conditional answer short of an unequivocal "yes," the police officer shall read the following.

FULL TEXT OF ADDITIONAL STATEMENT FOLLOWS:

Your answer is not acceptable. The law requires that you submit samples of your breath for breath testing. If you do not answer, or answer with anything other than "yes," I will charge you with refusal. Now, I ask you again, will you submit to breath testing?

ANSWER _____

POLICE OFFICER CAMPBELL, RAYMOND

TIME 11:04

DATE 08/09/2019

NAME SMITH, LEER

CASE NUMBER I-2019-011665

**DIVISION OF MOTOR VEHICLES STANDARD STATEMENT
FOR OPERATIONS OF A COMMERCIAL MOTOR VEHICLE - N.J.S.A. 39:3-10.24e**

(Revised off Feb 1, 2001)

THE ARRESTING OFFICER MUST READ THE FOLLOWING TO THE DEFENDANT:

FULL TEXT OF STANDARD STATEMENT FOLLOWS:

1. You have been arrested for operating a commercial motor vehicle with an alcohol concentration of 0.04% or more.
2. You are required by law to submit to the taking of samples of your breath for the purposes of making chemical tests to determine your alcohol concentration.
3. A record of the taking of the samples, including the date, time and results, will be made. Upon your request, a copy of that record will be made available to you.
4. Any warnings previously given to you concerning your right to remain silent and your right to consult with an attorney do not apply to the taking of breath samples and do not give you the right to refuse to give, or to delay giving, samples of your breath for the purposes of making chemical tests to determine your alcohol concentration. You have no legal right to have an attorney, physician, or anyone else present, for the purpose of taking the breath samples.
5. After you have provided samples of your breath for chemical testing, you have the right to have a person or physician of your own selection, and at your own expense, take independent samples and conduct independent chemical tests of your breath, urine, or blood.
6. If you refuse to give samples of your breath you will be issued a separate summons for this refusal.
7. Any response that is ambiguous or conditional, in any respect, to your giving consent to the taking of breath samples will be treated as a refusal to submit to breath testing.
8. According to N.J.S.A. 39:3-10.24f, if a court of law finds you guilty of refusing to submit to chemical tests of your breath, then your license to operate any motor vehicle will be revoked by the court for a period of no less than six months and no more than two years. The Court will also fine you a sum of no less than \$250 and no more than \$500 for your refusal conviction.
9. If a court of law finds you guilty of refusing to submit to chemical tests of your breath, and you were operating a commercial motor vehicle, then your commercial driver license will be suspended by the court for a period of no less than one and no more than three years. If your refusal conviction is in connection with operating a commercial motor vehicle transporting hazardous material or displaying a hazardous material placard, then your commercial driver license will be suspended for three years. If your refusal conviction is in connection with a second or subsequent violation of any of the offenses specified at N.J.S.A. 39:3-10.20a, the Court will revoke your commercial driver license for life.
10. Any license suspension or revocation for a refusal conviction will be independent to any license suspension or revocation imposed for any related offense.
11. If you are convicted of refusing to submit to chemical tests of your breath, you must also satisfy the requirements of a program of alcohol education or rehabilitation.
12. I repeat, you are required by law to submit to the taking of samples of your breath for the purpose of making chemical tests to determine your alcohol concentration. Now, will you give the samples of your breath?

ANSWER _____

(ADDITIONAL INSTRUCTIONS FOR POLICE OFFICER):

If the person: remains silent; or states or otherwise indicates that he/she refuses to answer on the grounds that he/she has a right to remain silent, or wishes to consult an attorney, physician, or any other person, or if the response is ambiguous or conditional in any respect whatsoever, then the police officer shall read the following additional statement:

FULL TEXT OF ADDITIONAL STATEMENT FOLLOWS:

I have previously informed you that the warnings given to you concerning your right to remain silent and your right to consult with an attorney, do not apply to the taking of breath samples and do not give you the right to refuse to give, or delay giving, samples of your breath for the purpose of making chemical tests to determine the content of alcohol in your blood. Your prior response, silence, or lack of response, is unacceptable. If you do not agree unconditionally to provide breath samples now, then you will be issued a separate summons charging you with refusing to submit to the taking of samples of your breath for the purpose of making chemical tests to determine the content of alcohol in your blood.

Once again, I ask you, will you give samples of your breath?

ANSWER _____

POLICE OFFICER CAMPBELL, RAYMOND
OFFICER

TIME 11:04
DATE 08/09/2019

NAME SMITH, LEE R

CASE NUMBER I-2019-011665

ABERDEEN POLICE

1 ABERDEEN SQUARE
ABERDEEN, NJ 07747
732-566-2054

IMPOUND REPORT

Municipal Code: 1330
ORI: NJ0133000

INCIDENT # I-2019-011665	CALL TYPE Accident-No Injuries	DATE REPORTED 08/09/2019	TIME REPORTED 11:04	INCIDENT LOCATION ROUTE 35 HIGHWAY NORTH/COUNTY ROAD, CLIFFWOOD BEACH NJ 07735		INCIDENT # I-2019-011665 DATE 08/09/2019
TOW INFORMATION		NAME OF TOW COMPANY ALL CAR TOWING				
TOWED FROM ADDISON PARK PLANNING CENTER - 152 ROUTE 35 HIGH		TOWED TO ALL CAR TOWING				
REASON FOR IMPOUND ☐ ABANDONED ☒ ARREST ☒ M V VIOLATIONS ☐ RECOVERED STOLEN VEHICLE ☒ MANDATORY 12 HR IMPOUND ☐ WARRANT OF IMPOUND ☐ INVESTIGATION ☐ OTHER SPECIFY _____						
HOLD PLACED ON VEHICLE ☐ YES ☒ NO		IF YES REASON FOR HOLD		CONDITIONS FOR RELEASE 12 HOURS IMPOUND JOHNS LAW		
VEHICLE OPERATOR						
LAST NAME SMITH		FIRST NAME LEE		MI R	HOME PHONE	CELL PHONE/PAGER
ADDRESS (#, STREET NAME) BROOKSIDE AVE		UNIT TYPE	UNIT #	CITY CLIFFWOOD BCH	STATE NJ	ZIP 07735-5358
DRIVER LICENSE #		D/L STATE	D/L EXPIRES	SEX M	RACE WHITE	DOB
VEHICLE REGISTRATION				VEHICLE OWNED BY Individual		☒ OWNER SAME AS OPERATOR ☐ ADDRESS SAME AS OPERATOR
GOVERNMENT/BUSINESS NAME					GOV/BUS PHONE	
OWNER'S LAST NAME		FIRST NAME		MI	HOME PHONE	CELL PHONE/PAGER
ADDRESS (#, STREET NAME)		UNIT TYPE	UNIT #	CITY	STATE	ZIP
VEHICLE MAKE NIS		MODEL ALT	YEAR 2000	COLOR SL	LICENSE PLATE #	STATE REG REG EXP
INSURANCE COMPANY		POLICY #		INSURANCE CODE		VIN
NCIC CHECK STOLEN ☐ YES ☒ NO		IF STOLEN, NAME OF AGENCY		AGENCY OCA	DATE/TIME CONFIRMED	CONFIRMED BY DATE/TIME OWNER NOTIFIED
OFFENSE INFORMATION						
CDR # / MV SUMMONS #				NJ STATUTE / VO CHARGE		
1	E19-004153			DRIVING WHILE UNDER THE INFLUENCE		
2	E19-004152			RECKLESS DRIVING		
3	E19-004554			FAILURE TO MAINTAIN TRAFFIC LANE		
NARRATIVE						
Following a motor vehicle stop, the accused was placed under arrest for driving while intoxicated, see long narrative.						
SUBMITTING OFFICER'S SIGNATURE				DATE	SUPERVISOR'S SIGNATURE	DATE 08/12/2019
REPORT SUBMITTED BY POLICE OFFICER CAMPBELL, RAYMOND				75	REPORT APPROVED BY LIEUTENANT LLOYD, MATTHEW 70	
VEHICLE RELEASE				RECORD CHECK ☐ ATS ☐ ACS ☐ DMV		
DATE/TIME RELEASE		VEHICLE RELEASED TO			SIGNATURE OF PERSON APPEARING FOR RELEASE	
ADDRESS OF PERSON VEHICLE RELEASED TO (#, STREET NAME, UNIT TYPE, UNIT #, CITY, STATE, ZIP)					PHONE	
THE FOLLOWING DOCUMENTS WERE PRODUCED AND COPIES ATTACHED ☐ VALID DRIVERS LICENSE ☐ PROOF OF OWNERSHIP ☐ LAWFUL AUTHORITY TO OPERATE ☐ PROOF OF INSURANCE ☐ VALID REGISTRATION ☐ OTHER SPECIFY OTHER DOCUMENT						
SIGNATURE OF PERSON RELEASING VEHICLE			DATE RELEASED		NAME OF PERSON RELEASING VEHICLE	

Page 1 Of 3		Fatal		New Jersey Police Crash Investigation Report										Reportable		Non-Reportable		Change Report							
96	01	1 Case Number		10 Crash Occurred On										11 Speed Limit				118a							
97	01	I-2019-011665		ROUTE 35 HIGHWAY NORTH										N		35		45		1					
98	01	2 Police Dept of		Code		At Intersection with		Road Name		Dir		12 Route No		Suffix		13 Milepost		118b							
99	01	ABERDEEN POLICE		01		☒ Feet		☒ N		☒ E		COUNTY ROAD				18 Speed Limit		99							
99	02	3 Station/Precinct				☐ Miles		☒ S		☐ W		19		17 Cross Road Name/Route No		25		119a							
100a	00	4 Date of Crash		5 Day of Week		6 Time (use 2400 hrs)		7 Municipality Code		8 Total Killed		9 Total Injured		21 Latitude		20 Route Name/Route No		22 Longitude		119b					
100b	06	08 09 19		Fri		11:04		1330		--		--		--		--		--		120a					
101	02	23 Veh #		24 Policy No		25 NJ Ins Code		53 Veh #		54 Policy No		55 NJ Ins Code								120b					
102	01	01		4601-52-49-39		100		02		109 1547-B18-30		896								120c					
102	02	☐ Parked ☐ Ped ☐ Pedalcyclist ☐ Resp to Emergency ☐ Hit & Run						☐ Parked ☐ Ped ☐ Pedalcyclist ☐ Resp to Emergency ☐ Hit & Run												121a					
102	01	26 Driver's First Name		Initial		Last Name		29 Sex		56 Driver's First Name		Initial		Last Name		59 Sex				121b					
103	01	LEE R SMITH						M		EDWARD N EGAN						M				01					
104	02	27 Number & Street								57 Number & Street										121c					
105	02	881 BROOKSIDE AVE								59 BEACON BLVD										01					
106	01	28 City		State		Zip		58 City		State		Zip													
107	02	CLIFFWOOD BCH		NJ		07735-5358				KEANSBURG		NJ		07734-1935											
108	01	30 Eyes		DL Class		Restrictions		Endorsements		31 State		60 Eyes		DL Class		Restrictions		Endorsements		61 State					
109	02	02		D		0		0		NJ		02		D		0		0		NJ					
110	02	32 Drivers License No		33 DOB		34 Expires		62 Drivers License No		63 DOB		64 Expires								122					
111	02																			15					
112	02	35 Owner's First Name		Initial		Last Name		65 Owner's First Name		Initial		Last Name								123					
113	01	☒ Same As Driver		LEE R SMITH				☐ Same As Driver		SUPERIOR TREE SERVICE LLC										01					
114	01	36 Number & Street						66 Number & Street												124					
115	01	881 BROOKSIDE AVE						215 EDGEVIEW RD												04					
116	01	37 City		State		Zip		67 City		State		Zip								125					
117	01	CLIFFWOOD BCH		NJ		07735-5358		KEYPORT		NJ		07735								04					
118	01	38 Make		39 Model		40 Color		41 Year		42 Plate No		43 State		68 Make		69 Model		70 Color		71 Year		72 Plate No		73 State	
119	01	NIS		ALT		SL		2000		Z58LNB		NJ		FOR		F65		WHITE		2011		XHSP33		NJ	
120	01	44 VIN		45 Expires				74 VIN		75 Expires															
121	01	1N4DL01D1YC222118		07		20		3FRNF6FC4BV448585		06		20													
122	01	46 Vehicle Removed To						76 Vehicle Removed To																	
123	01	ALL CAR TOWING																							
124	01	☐ Driven ☐ Towed Disabled ☒ Towed Disabled & Impounded						☐ Driven ☒ Towed Disabled ☐ Towed Disabled & Impounded																	
125	01	☐ Left at Scene ☐ Towed Impounded						☐ Left at Scene ☐ Towed Impounded																	
126	01	47 Authority		☐ Owner ☐ Driver ☒ Police				77 Authority		☒ Owner ☐ Driver ☐ Police															
127	01	48 Alcohol/Drug Test		Given ☐ No ☒ Yes ☐ Refused				78 Alcohol/Drug Test		Given ☒ No ☐ Yes ☐ Refused															
128	01	Type ☒ Breath ☐ Blood ☐ Urine						Type ☐ Breath ☐ Blood ☐ Urine																	
129	01	Results 0.22 % ☐ Pending						Results 0. % ☐ Pending																	
130	01	49 Hazardous Material		☐ None ☐ On Board ☐ Spill				79 Hazardous Material		☒ None ☐ On Board ☐ Spill															
131	01	Hazard Class		Placard No				Hazard Class		Placard No															
132	01	50 Carrier No		☐ USDOT ☐ None				80 Carrier No		☐ USDOT ☒ None															
133	01	51 Commercial Vehicle Weight		☐ < 10,000 lbs ☐ 10,001 - 26,000 lbs ☐ > 26,001 lbs				81 Commercial Vehicle Weight		☐ < 10,000 lbs ☒ 10,001 - 26,000 lbs ☐ > 26,001 lbs															
134	01	52 Carrier name						82 Carrier name																	
135	01	Number & Street						Number & Street																	
136	01	City		State		Zip		City		State		Zip													
137	01																								
138	01	135 Damage To Other Property		☐ Yes (If yes, describe) ☒ No																					
139	01																								
140	01	Oper		136 Charge		137 Summons No		Oper		138 Charge		139 Summons No													
141	01	39:4-96 RECKLESS DRIVING				E19-004152		39:4-50 DRIVING WHILE UNDER THE INFLUENCE OF ALCOHOL				E19-004153													
142	01	Oper		140 Charge		141 Summons No		Oper		142 Charge		143 Summons No													
143	01	39:4-50 DRIVING WHILE UNDER THE INFLUENCE OF ALCOHOL				E19-004153																			
144	01	83		84		85		86		87		88		89		90		91		92		93		94	
145	01	01		01		05		49		M		--		--		01		11		04		--		--	
146	01	02		01		05		29		M		--		--		01		04		04		--		--	
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New Jersey Police Crash Investigation Report													Case Number I-2019-011665		PAGE <u>2</u> OF <u>3</u>	
	83	84	85	86	87	88	89	90	91	92	93	94	95	Names & Address of Occupants If Deceased, Date & Time of		
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144 Crash Diagram

Show North by Arrow
(Not to Scale)

145 Crash Description

Driver of V-2 advised that he was travelling on State Highway 35 North in the slow lane when vehicle #1 was passing him on his left in the fast lane. Driver of V-2 advised that V-1 entered the slow lane and struck V-2 at the 9 o'clock position causing damage to the step and undercarriage of the truck. Driver of V-1 advises that he was also travelling North on Highway 35 when he said V-2 "swerved into my lane." Striking the front of his vehicle at the 1 o'clock position causing it to become disabled with heavy front end damage and a front passenger side flat tire. Damage to both vehicles would indicate that V-1 struck V-2 as to the placement of the damage. During the investigation, Driver of V-1 was placed under arrest for driving while intoxicated. Driver of V-1 is at fault for failing to maintain his lane. V-2 was towing a trailer (woodchipper), NJ/ TVE70P and was not damaged in the collision. End Report.

146 Officer's Signature POLICE OFFICER CAMPBELL, RAYMOND	147 Badge No 75	148 Reviewed By LIEUTENANT LLOYD,	Badge No 70	149 Case Status ☐ Pending ☒ Complete
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New Jersey Police Crash Investigation Report
Motor Vehicle Crash Diagram

Police Dept **ABERDEEN POLICE**

Code **01**

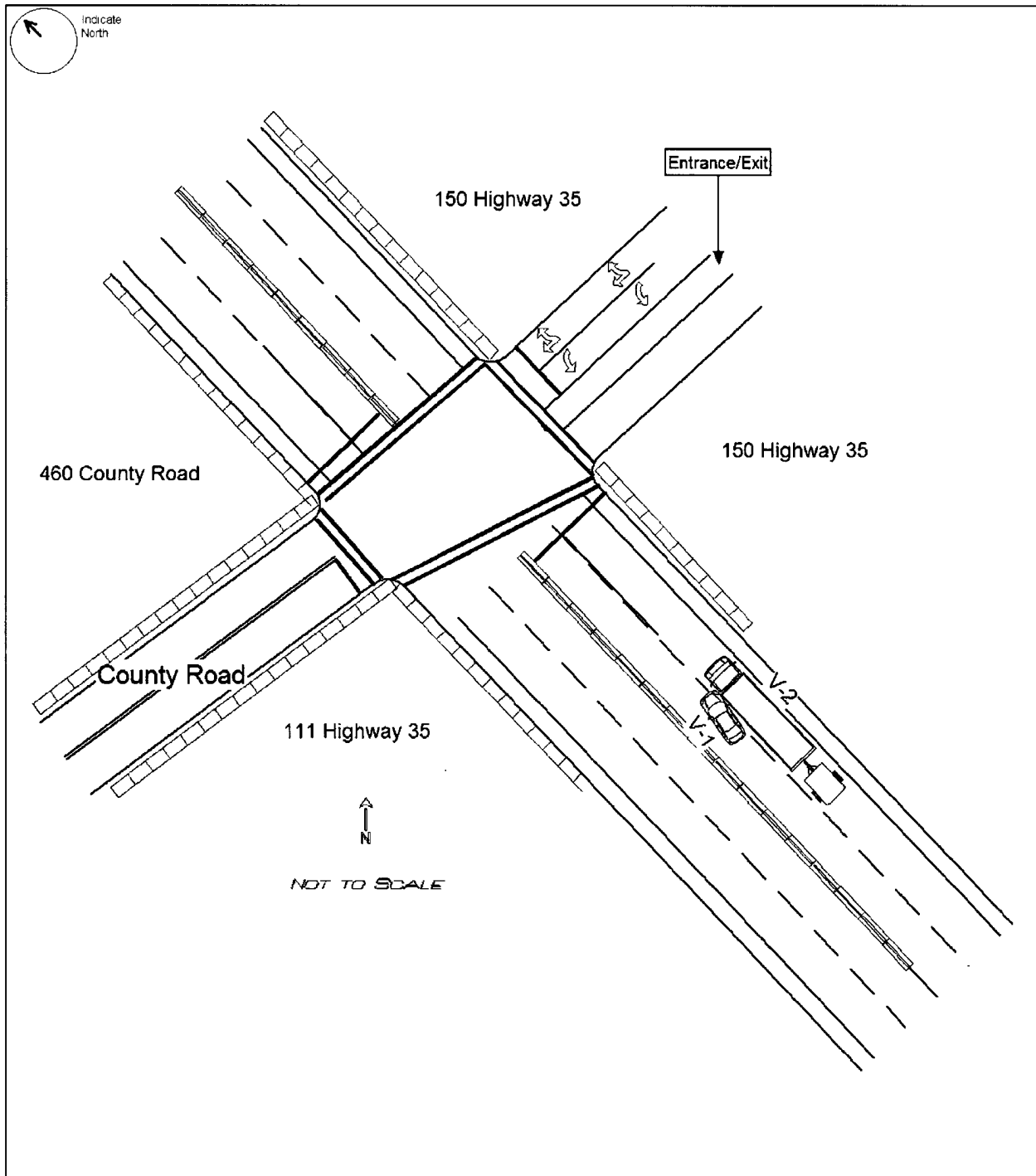
Station

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Case No

I-2019-011665

144 Crash Diagram (NOT TO SCALE)



POLICE OFFICER CAMPBELL, RAYMOND

75