

TOWNSHIP OF HAMILTON POLICE DEPARTMENT DRINKING-DRIVING REPORT CONTINUATION	(1) DEFENDANT	First Name Jason	Initial D.	Last Name Dare
	Violation Date 12/16/2011	Summons Number		

CASE NUMBER  
2011-44668

Supplemental Report (Case 2011-44668):

OPERATION OF MOTOR VEHICLE: I did not witness any operation of the suspect vehicle: a gray 2011 Dodge Ram pick-up truck bearing New Jersey (NJ) registration [REDACTED]. On this date (12/16/2011) at approximately 0205 hour, I (Officer Trenton S. Lee #61) responded to U.S. Route 40 (Harding Highway) in the area where County Route 552 (Bears Head Road) merges with it (i.e., in the area milepost 45.2) to back up Officer James Esposito #18 who was dispatched there to handle a one vehicle crash where the vehicle was reported to have run off the road and into the woods. Officer Esposito requested that additional officers respond to the scene because the driver, identified as Jason D. Dare (D.O.B. 5/9/1976 of [REDACTED]) appeared to be intoxicated.

OBSERVATIONS AT SCENE: On arrival, I found Officer Leo Rudolph #60 on scene conversing with Officer Esposito. They were on the eastbound shoulder of the roadway near the suspect vehicle that was stopped facing northwesterly on the down-slopped grass berm at the woods line on that side and right where County Route 552 merges with U.S. Route 40. I saw that the passenger-side tires on the suspect vehicle were deflated and buried practically halfway in the dirt. Each of the tires had a large split in them in the tread area. Also, the passenger-side headlight assembly, the front of the passenger-side front quarter-panel and a section of the front bumper on the passenger-side were damaged. Additionally, there were two large puncture holes in the front passenger-side door. It was clear to me that the passenger-side of the suspect vehicle crashed into something, but it was unclear what it had crashed into. The suspect vehicle was not in contact with any trees and appeared not to have crashed into any. A subsequent check of the nearby roadway found no indication that the suspect vehicle had crashed into any thing like parked vehicles, street signs or utility poles in the area. It was clear that the vehicle had crossed over the low-height cement median that separated the eastbound and westbound travel lanes of U.S. Route 40 in the area. That action most likely caused the passenger-side tires to split and deflate.

Dare was in the rear of Officer Esposito's patrol vehicle. I saw Dare nodding his head forwards and backwards. His chin was close to touching his chest each time he nodded forward. Officer Esposito advised me that Dare appeared to be intoxicated and that he detected the odor of alcoholic beverage about him. He further advised me that Dare identified himself as being a NJ State Trooper.

Sergeant Chris Gehring arrived on scene, and Officer Esposito advised him of his findings. Sergeant Gehring directed me to administer field sobriety tests to Dare. Officer Esposito had Dare exit his patrol vehicle. As Dare did so, I saw that his movements were slow. Once he was out and fully upright, I saw that he was swaying side to side as he stood next to Officer Esposito's patrol vehicle.

Standardized Field Sobriety Tests (SFSTs): I approached Dare and advised him that I was directed to administer field sobriety tests to him. I detected the strong odor of alcoholic beverage about him. I also saw that his face was flush, that his eyes were bloodshot and watery, and that his eyelids were droopy. I asked him if he had been drinking (i.e., alcoholic beverages) that evening, and he advised me that he "had a couple."

I had Dare perform the following SFSTs: Horizontal Gaze Nystagmus (HGN) Test (Test #1) Walk & Turn

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(40) Date To Appear 12/21/2011	(41) Amended Court Dates	(42) 39:4 50:2 Disposition & Date	(43) 39:4-50 Disposition & Date	

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(WAT) Test (Test #2), and One-Leg-Stand (OLS) Test (Test #3). He performed them on the eastbound paved shoulder of U.S. Route 40 to the rear and driver-side of Officer Esposito's patrol vehicle. The area was dry and adequately lit by the lights from my patrol vehicle and by spot street lighting. The area had a slight grade, but was practically level. I directed Dare not to start a test until I explained it, demonstrated it, and instructed him to begin it upon him advising me that he understood it. I had no problem in demonstrating the WAT and OLS tests to Dare.

Dare failed all three tests based on the standardized scoring procedures; see attached SFSTs scoring sheet. The testing was captured via my patrol vehicle's mobile audio and video recording system. Sergeant Gehring, and Officers Esposito and Rudolph stood by as I administered the tests.

On the HGN Test, Dare's eyes exhibited equal pupil size and tracking. Each of his eyes also exhibited a lack of smooth pursuit, Nystagmus at the maximum deviation and the on-set of Nystagmus prior to 45 degrees.

On the WAT Test, Dare, during the instruction phase, initially had trouble getting into the heel-to-toe position by not being able put his right foot directly in front of his left foot. He placed his right foot in front of his left foot, but it was to the right side of his left foot. Once he was correctly in the heel-to-toe position, he had a problem in keeping his balance and remaining in the position. He stepped out of the position one time, and leaned to his side as he did so. He also swayed side-to-side while he was in the position.

During the walking phase, Dare's first step was not heel-to-toe. Again, his front foot was not directly in front the other foot, but to the front and side of the other foot. He also started leaning and falling to his left on one of the initial 9 steps forward but caught himself and did not. During the return 9 steps, he stepped off the line to his right on step 5. He also swayed sided-to-side as he performed the walking phase.

On the OLS Test, Dare raised his right foot. He swayed while balancing and began hopping on count 14. He hopped many times before he put his foot down and apologized and advised that there was a slight grade. He then raised his right foot again and incorrectly started over from count one. However, he put his foot down again during that count. He again raised right foot, but put it down right away without counting. He repeated that sequence of starting over and putting his foot down after a one count several more times. I stopped the test when he eventually started falling backwards and to his right.

I advised Sergeant Gehring that Dare failed the SFST's. He directed Officer Esposito to place Dare under arrest for suspicion of driving while intoxicated (DWI). Officer Esposito did so without incident. He placed Dare in handcuffs, behind-the-back and double-locked, and placed him in the rear of his patrol vehicle. He subsequently transported Dare to the station for processing, and I stood by at the scene with Dare's vehicle to await it's tow per the 12 hour impound requirement of John's Law for DWI arrests. American Auto (3113 State Route 50 in Mays Landing) responded and towed the vehicle away. I cleared the call thereafter.

See Officer Esposito's DWI and Motor Vehicle Crash reports. Nothing further...

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