

COMPLAINT - SUMMONS

COMPLAINT NUMBER				THE STATE OF NEW JERSEY VS. DAMIEN R BROSCHART	
COURT CODE	PREFIX	YEAR	SEQUENCE NO.		
1335	S	2020	000272	ADDRESS: 1 BRENT DRIVE HOWELL NJ 07731-0000	
NEPTUNE CITY MUNICIPAL COURT 106 W SYLVANIA AVE NEPTUNE CITY NJ 07753-2098 732-775-1690 COUNTY OF: MONMOUTH					
# of CHARGES 2	CO-DEFTS 0	POLICE CASE #: MCP2000542		DEFENDANT INFORMATION SEX: M EYE COLOR: BROWN DOB: 09/17/1991 DRIVER'S LIC. # [REDACTED] DL STATE: [REDACTED] SOCIAL SECURITY #: xxx-xx-x [REDACTED] SBI #: 342142G TELEPHONE #: () LIVSCAN PCN #: 139901000755	
COMPLAINANT NAME: DET. R MAHONY 132 JERSEYVILLE AVE FREEHOLD NJ 07728					

By certification or on oath, the complainant says that to the best of his/her knowledge, information and belief the named defendant on or about 10/02/2020 in NEPTUNE CITY, MONMOUTH County, NJ did: WITHIN THE JURISDICTION OF THIS COURT, DAMIEN BORSCHART DID COMMIT THE CRIME OF CYBER-HARASSMENT, BY MAKING A COMMUNICATION IN AN ONLINE CAPACITY VIA AN ELECTRONIC DEVICE AND WITH THE PURPOSE TO HARASS ANOTHER, SPECIFICALLY, BY KNOWINGLY SENDING OR PROPOSING ANY LEWD, INDECENT OR OBSCENE MATERIAL TO OR ABOUT A.M., WITH THE INTENT TO PLACE A REASONABLE PERSON IN FEAR OF EMOTIONAL HARM, A FOURTH-DEGREE CRIME IN VIOLATION OF NJSA 2C:33-4.1.

WITHIN THE JURISDICTION OF THIS COURT, DAMIEN BROSCHART DID COMMIT THE CRIME OF HINDERING APPREHENSION OF ONESELF BY, WITH THE PURPOSE TO HINDER HIS OWN DETENTION, APPREHENSION, INVESTIGATION, PROSECUTION, CONVICTION OR PUNISHMENT FOR AN OFFENSE, SUPPRESSING, BY WAY OF CONCEALMENT OR DESTRUCTION, ANY EVIDENCE OF THE CRIME OR TAMPERING WITH A DOCUMENT OR OTHER SOURCE OF INFORMATION, TO WIT: HIS TEXT MESSAGE EXCHANGE WITH A.M., REGARDLESS OF ITS ADMISSIBILITY IN EVIDENCE, WHICH MIGHT AID IN HIS DISCOVERY OR APPREHENSION OR IN THE LODGING OF in violation of:

Original Charge	1) 2C:33-4.1A(1)	2) 2C:29-3B(1)	3)
Amended Charge			

CERTIFICATION:

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Signed: DET. R MAHONY Date: 10/27/2020

The complaining witness is a law enforcement officer and a judicial probable cause determination is not required prior to the issuance of this Complaint-Summons.

SUMMONS

YOU ARE HEREBY SUMMONED to appear before the Superior Court in the county of: MONMOUTH at the following address: MONMOUTH COUNTY COURTS

71 MONUMENT PARK PO BOX 1271 FREEHOLD NJ 07728-0000

If you fail to appear on the date and at the time stated below, a warrant may be issued for your arrest.

Date of Arrest: 10/27/2020 Appearance Date: 11/04/2020 Time: 09:00AM Phone: 732-358-8700

Signature of Person Issuing Summons: DET. R MAHONY Date: 10/27/2020

☐ Domestic Violence – Confidential

☐ Related Traffic Tickets
or Other Complaints

☐ Serious Personal Injury/ Death
Involved

Special conditions of release:

- ☐ No phone, mail or other personal contact w/victim
- ☐ No possession firearms/weapons
- ☐ Other (specify):

ORIGINAL

COMPLAINT - SUMMONS

COMPLAINT NUMBER

1335

S

2020

000272

STATE V.

DAMIEN R BROSCHART

COURT CODE

PREFIX

YEAR

SEQUENCE NO.

A CHARGE AGAINST HIM."

Original Charge

Amended Charge

COMPLAINT - SUMMONS

Affidavit of Probable Cause

COMPLAINT NUMBER			
1335	S	2020	000272
COURT CODE	PREFIX	YEAR	SEQUENCE NO.

NEPTUNE CITY MUNICIPAL COURT
 106 W SYLVANIA AVE
 NEPTUNE CITY NJ 07753-2098
 732-775-1690 COUNTY OF: MONMOUTH

# of CHARGES 2	CO-DEFTS	POLICE CASE #: MCP2000542
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COMPLAINANT DET. R MAHONY
 NAME: 132 JERSEYVILLE AVE
 FREEHOLD NJ 07728

THE STATE OF NEW JERSEY

VS.

DAMIEN R BROSCHART

ADDRESS: 1 BRENT DRIVE
 HOWELL NJ 07731-0000

DEFENDANT INFORMATION	
SEX: M EYE COLOR: BROWN	DOB: 09/17/1991
DRIVER'S LIC. #: [REDACTED]	DL STATE: [REDACTED]
SOCIAL SECURITY #: xxx-xx-x [REDACTED]	SBI #: 342142G
TELEPHONE #: ()	
LIVESCAN PCN #: 139901000755	

Purpose: This Affidavit/Certification is to more fully describe the facts of the alleged offense so that a judge or authorized judicial officer may determine probable cause.

1. Description of relevant facts and circumstances which support probable cause that (1) the offense(s) was committed and (2) the defendant is the one who committed it:

On October 2, 2020, while working in his capacity as a Neptune City Police Officer, Damien Broschart executed a motor vehicle stop of 18 year old female A.M. A.M. was subsequently arrested and charged by Officer Broschart with possession of marijuana, possession of drug paraphernalia and several moving violations. After being processed and released, Officer Broschart transported A.M. back to her vehicle. Prior to arriving at her vehicle, Officer Broschart deactivated his body worn camera and mobile video recorder. At that time, Officer Broschart solicited A.M.'s telephone number. Approximately two hours after being released from Officer Broschart's custody, Officer Broschart while still on duty, sent A.M. a text message to inquire how she was feeling. Several text messages were exchanged and the conversation turned sexual in nature. Officer Broschart sent A.M. messages that he thought she was "cute" and he would like to "pay [her] back" for everything. Officer Broschart stated that he would, "like to be in bed" with A.M. and play with her breasts as well as other sexually explicit messages. Officer Broschart also made attempts to meet with A.M. at her home after his shift ended at 6:00PM; but, she refused and abruptly ended the communications by blocking Officer Broschart's phone number and deleting the text exchange. A.M. became uncomfortable with the conversation and knew it was wrong for Officer Broschart to be engaging in a sexual conversation with someone he just arrested. A.M. stated that after blocking Officer Broschart's phone number she received three missed calls from the Neptune City Police Department. The third missed call did leave a message advising it was Officer Broschart and requested a call back. A.M. provided a statement consistent with the above and provided consent to search her cell phone in an attempt to retrieve the deleted messages. The data retrieval failed to extract the deleted messages; however, Officer Broschart's personal cell phone number was found to have contacted A.M on October 2, 2020.

Affidavit of Probable Cause

Affidavit of Probable Cause

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THE STATE OF NEW JERSEY**VS.****DAMIEN R BROSMART**

2. I am aware of the facts above because: (Included, but not limited to: your observations, statements of eyewitnesses, defendant's admission, etc.)

On October 13, 2020, A.M. responded to the MCPO and an attempt was made to contact Broschart via text message. In the message, A.M. stated that had gone to the NCPD to speak to the Chief about Broschart. Broschart did not respond to A.M.'s text message and blocked her number. Broschart subsequently provided a statement admitting to having a text conversation with A.M. which he initiated after he arrested her. He further admitted that the conversation turned sexual and that they talked about meeting when he finished work that day. Broschart also admitted calling A.M. after the text conversation ended from the NCPD phone, but claimed that was relative to her tickets. Broschart admitted deleting his entire text exchange with A.M. after receiving her message about reporting his conduct to the Chief; however, he claimed he deleted the messages so his girlfriend would not see them. Broschart provided consent to search his phone; however the deleted messages could not be retrieved.

3. If victim was injured, provide the extent of the injury:

N/A

Certification:

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Signed: DET. R MAHONY LAW ENFORCEMENT OFFICER

Date: 10/27/2020

Affidavit of Probable Cause

Preliminary Law Enforcement Incident Report

COMPLAINT NUMBER				THE STATE OF NEW JERSEY VS. DAMIEN R BROSCHART ADDRESS: 1 BRENT DRIVE HOWELL NJ 07731-0000	
1335	S	2020	000272		
COURT CODE	PREFIX	YEAR	SEQUENCE NO.		
NEPTUNE CITY MUNICIPAL COURT 106 W SYLVANIA AVE NEPTUNE CITY NJ 07753-2098 732-775-1690 COUNTY OF: MONMOUTH					
# of CHARGES 2	CO-DEFTS	POLICE CASE #: MCP2000542		DEFENDANT INFORMATION SEX: M EYE COLOR: BROWN DOB: 09/17/1991 DRIVER'S LIC. #. [REDACTED] DL STATE: [REDACTED] SOCIAL SECURITY #: xxx-xx-x SBI #: 342142G TELEPHONE #: () LIVSCAN PCN #: 139901000755	
COMPLAINANT NAME: DET. R MAHONY					
132 JERSEYVILLE AVE FREEHOLD NJ 07728					

Purpose: The Preliminary Law Enforcement Incident Report (PLEIR) is intended to document basic information known to the officer at the time of its preparation. It is recognized that additional relevant information will emerge as an investigation continues. The PLEIR shall be in addition to, not in lieu of, any regular police arrest, incident, or investigation reports. Note that the PLEIR is specific to each defendant charged in an investigation.

- The charge was based on the observations/statements made by an eyewitness(es).
 - The witness statement(s) were recorded via:
 - *Stationhouse interview room camera
- The defendant made statements/admissions.
 - It was recorded using:
 - *Stationhouse interview room camera
- The defendant attempted to conceal, discard or destroy evidence, text messages
- The case involves a consent search.

Certification:

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Signed: DET. R MAHONY LAW ENFORCEMENT OFFICER Date: 10/27/2020

Preliminary Law Enforcement Incident Report

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MONMOUTH COUNTY PROSECUTOR'S OFFICE

ARREST REPORT

Page
1 of 1

1. Unit PROFESSIONAL RESPONSIBILITY & BIAS CRIMES UNIT	2. Code BC	3. Phone Number	4. PG Case #	5. Prosecutor's Case Number MCP2000542	6. Dept Case Number					
7. Name (Last) (First) (Middle) BROSCHART DAMIEN	8. Home Phone / Cellular /	9A. Alias	9B. Immigration DOCUMENTED	9C. ICE Notified ☐						
10. Full Address(No. and Apt/Suite) 9 BRENT DR	10A. Municipality HOWELL TWP	10B. County MONMOUTH	10C. State NJ	10D. Zip 07731	11. Place of Birth (City) (State)					
12. Date of Birth 09/17/1991	13. Age 29	14. Sex MALE	15A. Race WHITE, NON- HISPANIC	15B. Ethnicity N	16. Ht. (Ft/In.) 600	17. Weight 155	18. Hair BROWN	19. Eyes BROWN	20. Complexion	21. Marital Status SINGLE
22. Other Descriptive Information – Marks – Scars -- Tattoos						23. Driver's License Number / DL State / Agency ID # / MNI#				
24. Employer/School NEPTUNE CITY POLICE DEPARTMENT						25. Occupation POLICE OFFICER		26. Social Security Number / SBI / FBI / BCI 342142G		
27. Employer's/School Address						28. Work Phone				

DETAILS OF ARREST

29. Arrest Date & 30. Time 10/27/2020 14:00	31. Loc. Of Arrest (no. – Street) 132 JERSEYVILLE AVENUE	31A. Municipality FREEHOLD TWP	31B. County MONMOUTH	31C. State NJ	31D. Zip 07730	32. Mun. Code 1316/FREEHOLD TOWNSHIP
33~35. Crime Information						
No. 1	Code 2C:33-4.1A(1)	Description CYBER HARRASSMENT- THREATEN INJ/PHYSI HARM TO PERS/PROP	Warrant/Summons Number 1335 2020 S 000272			
2	2C:29-3B(1)	HINDERING-ONESELF-HIDE/SUPPR INFO/EVIDENCE	1335 2020 S 000272			
36. Complainant's Name and Address – Zip Code MAHONY RYAN PROFESSIONAL RESPONSIBILITY & BIAS CRIMES UNIT						37. Phone/Cellular
38. Crime Date & 39. Time 10/02/2020	40. Loc. of Crime (No. - Street)	40A. Municipality	40B. County	40C. State	41. Mun. Code	
42. Arrest ON VIEW	Was Prisoner Handcuffed? ☐ YES ☒ NO	Was Prisoner Searched Incident to Arrest? ☐ YES ☒ NO	44. Constitutional Rights? ☒ YES ☐ NO	45. Constitutional Rights – By Whom? DET. RYAN MAHONY	46. How Responded? WAIVED	
47. Own ☐	48. Multiple ☐	49. Other ☐	50A. Fingerprinted ☒ YES ☐ NO	50B. CODIS ☐	51. Photographed ☒ YES ☐ NO	53. Previous Record ☐ YES ☒ NO
54. Vehicle Information		Year	Make	Body Type	Color	Reg. Number and State
						Other Descriptive Information -- VIN

BAIL HEARING

55. Date	56. Court	57. Judges Name
58. Amount Bail	59. Result of Hearing	60. Code
		61. Place Committed/Detained

JUVENILE INFORMATION

70. Parent/Guardian/Probation – Contacted By		71. Date Contacted	72. Time Contacted	73. Released to/Detained at	
74. Full Address – Number – Street – Municipality – State – Zip Code				75. Phone Number (Area)	76. Date
77. Time				78. Parent/Guardian's Name (First)(Middle)(Last)	
79. Full Address – Number – Street – Municipality – State – Zip Code				80. Phone Number	
81. Co-defendants	82.	83.	84.	85.	86.
					87. UCR--ASR Reporting Mon. Yr

Front

Side

88. Narrative/Additional charges No. Code Description	Warrant/Summons Number
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On Tuesday, October 27, 2020, Damien Broschart responded to the Monmouth County Prosecutor's Office, Freehold where he was served with Summons Complaint #1335 S 2020 000272. Mr. Broschart was photographed and fingerprinted and released.

89. Rank/Name (Print or Type) RYAN D. MAHONY	90. Badge No. 218	91. Status ☒ COMPLETED ☐ PENDING	92. Date of Report 11/09/2020	93. Reviewed By
Signature:				