

MONMOUTH COUNTY PROSECUTOR  
132 JERSEYVILLE AVENUE  
FREEHOLD, NEW JERSEY 07728

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION (CRIMINAL)  
MONMOUTH COUNTY

INDICTMENT No.....

|                     |   |                       |
|---------------------|---|-----------------------|
| STATE OF NEW JERSEY | : |                       |
|                     | : | DEMAND FOR            |
| Plaintiff,          | : | BILL OF PARTICULARS   |
|                     | : | WHERE ALIBI IS RELIED |
| v.                  | : | UPON BY DEFENDANT     |
|                     | : |                       |
| SANDRA BROWER,      | : |                       |
| .....               | : |                       |
| Defendant.          | : |                       |

TO                      Sandra Brower                      DOB 03/19/1967  
.....  
2530 Allenwood Lakewood Road  
.....  
Wall, New Jersey 07719  
.....

PURSUANT TO R. 3:12-2,

*If you, the defendant in this case, in any way intend to rely on the defense of alibi, the State demands that within ten (10) days after receipt of this written demand, you furnish to the State a written bill of particulars, signed by you, the defendant, stating the specific place or places at which you claim to have been at the time of the alleged offense and the names and addresses of the witnesses upon whom you wanted to rely to establish your alibi.*

DATED May 6, 2013  
13-01559

  
.....  
Acting Monmouth County Prosecutor

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION (CRIMINAL)  
MONMOUTH COUNTY

THE STATE OF NEW JERSEY :  
Plaintiff, :  
v. : Indictment No.  
Case No. 13-001559  
SANDRA D. BROWER :  
Defendant. :

The Grand Jurors of the State of New Jersey, for the  
County of Monmouth, upon their oaths present, charge:

FIRST COUNT

OFFICIAL MISCONDUCT

SECOND DEGREE CRIME

1. At all times relevant to Count One of this  
Indictment:

a. Defendant SANDRA D. BROWER (hereinafter,  
"defendant BROWER") was a resident of Wall Township, New Jersey  
and the Assistant Superintendent of the Wall Township School  
District, a public school district located in Wall Township,  
New Jersey (hereinafter, "the District"). In this capacity,  
defendant BROWER served as the deputy to the superintendent -  
the chief administrative officer of the District - and shared  
responsibility for administration of all students, schools and  
educational services within the District. Defendant BROWER  
held this position with the District until in or about November  
2011.

b. A Uniform State Memorandum of Agreement between Education and Law Enforcement Officials (hereinafter, "the MOA") was in force, as per State law, between the District and Wall Township Police Department. The 2007 Revisions to the MOA mandated, in pertinent part, that a designated school official immediately notify law enforcement whenever an employee, in the course of his or her employment, developed reason to believe that a crime involving sexual penetration or criminal sexual contact had been committed on school grounds. During her tenure with the District, defendant BROWER was responsible for oversight of the special education department, as well as training school administration officials on the MOA and its reporting requirements.

c. In early May 2009, a four-year old special-needs child enrolled at a District special education school disclosed that a teacher took him into the bathroom while at school and inappropriately touched his privates (hereinafter, "the Alleged Sex Assault").

d. The District, the County of Monmouth, and the State of New Jersey had a right to the honest and faithful service of their public servants. As the Assistant Superintendent of the District, Defendant BROWER owed the District, the County of Monmouth and the State of New Jersey a duty to: (i) provide truthful and accurate information to law enforcement officers when questioned; (ii) ensure compliance with the provisions of the MOA as it pertained to the reporting of allegations of criminal offenses, namely child sexual

assault; and (iii) ensure the general safety and well-being of children attending school in the District.

2. In or about May 2009, at or near the Township of Wall, County of Monmouth, and within the jurisdiction of this Court, defendant

SANDRA D. BROWER

did commit the crime of Official Misconduct by committing acts relating to her office as a public servant, that constituted unauthorized exercises of her official functions, knowing that such acts were unauthorized or committed in an unauthorized manner, and by refraining from performing a duty imposed on her that was clearly inherent in the nature of her office.

3. On or about May 7, 2009, defendant BROWER was notified via e-mail by a school principal (hereinafter, "the Principal") about the existence of the Alleged Sex Assault. The e-mail received by defendant BROWER included, among other statements, the following summary from a parent of the alleged child-victim:

[W]hen I got home with [child's name] and asked him the reason why he did not share what he told us, he said he will only tell mommy and daddy. He said again [teacher's name] took him to the bathroom and touched his pee pee. He did not change his story or seem to feel different . . . My husband does not feel that we have resolved the issue since [child's name] is still being very clear on his details and we have no proof to believe otherwise.

4. The following morning, on or about May 8, 2009, defendant BROWER spoke telephonically with the Principal about the Alleged Sex Assault on a number of occasions. That morning, at the direction of defendant BROWER, a District

employee forwarded the e-mail received by defendant BROWER on May 7, 2009 to the attorney for the District (hereinafter, "the Board Attorney"). Defendant BROWER was also in contact by telephone with certain District officials that morning regarding the Alleged Sex Assault. Examples of such contact or attempted contact included, but were not limited to, the following:

| DATE       | TIME       | CONTACT                 | DURATION   |
|------------|------------|-------------------------|------------|
| 05.08.2009 | 7:25 a.m.  | Wall Board of Ed.       | 1 minute   |
| 05.08.2009 | 7:26 a.m.  | District IT Director    | 1 minute   |
| 05.08.2009 | 7:27 a.m.  | Wall Board of Ed.       | 1 minute   |
| 05.08.2009 | 7:28 a.m.  | Wall Board of Ed.       | 3 minutes  |
| 05.08.2009 | 7:58 a.m.  | The Principal           | 1 minute   |
| 05.08.2009 | 7:58 a.m.  | The Principal           | 3 minutes  |
| 05.08.2009 | 8:03 a.m.  | The Principal           | 5 minutes  |
| 05.08.2009 | 8:44 a.m.  | District Superintendent | 19 minutes |
| 05.08.2009 | 9:08 a.m.  | The Principal           | 2 minutes  |
| 05.08.2009 | 9:32 a.m.  | Wall Board of Ed.       | 7 minutes  |
| 05.08.2009 | 9:39 a.m.  | The Board Attorney      | 11 minutes |
| 05.08.2009 | 10:31 a.m. | District IT Director    | 15 minutes |

Although the MOA mandated the immediate reporting of the Alleged Sex Assault to the designated law enforcement officials, herein the Wall Township Police, no such disclosure was made by defendant BROWER or any other school official.

5. On or about May 8, 2009, at approximately 2:30 p.m., after receiving notification via the Division of Youth and

Family Services ("DYFS"), the Wall Township Police dispatched officers to investigate the Alleged Sex Assault. Two of the officers reported to the District Central Office to further investigate the matter. Since the superintendent was absent from the District, the officers spoke with defendant BROWER regarding the Alleged Sex Assault at the District Central Office.

6. During her interview with the investigating officers, defendant BROWER made certain false and misleading statements to the officers, and denied having any knowledge of the incidents surrounding the Alleged Sex Assault. Examples included, but are not limited to, the following statements made by defendant BROWER, in substance and in part:

a. that defendant BROWER had not been made aware of the Alleged Sex Assault until just moments prior to the officers' arrival;

b. that the e-mail defendant BROWER received from the Principal on May 7, 2009 did not provide any information about the Alleged Sex Assault; and

c. that if defendant BROWER had been made aware of any information regarding the Alleged Sex Assault, she would have never allowed the situation to last as long as it did and she would have immediately made the appropriate notifications to the Wall Township Police.

7. During the evening of May 8, 2009, in an effort to conceal defendant BROWER's misconduct and cover up her false statements to the Wall Township Police, defendant BROWER

directed the District Information Technology ("IT") Director to extract e-mails of all District Central Office employees she believed had knowledge of the May 7, 2009 e-mail, and defendant BROWER's familiarity with the Alleged Sex Assault.

Consequently, from the evening of May 8, 2009 through in or about June 2009, at the direction of defendant BROWER, the IT Director repeatedly extracted dozens of e-mails of the above-described District Central Office employees.

8. In a further effort to conceal defendant BROWER's misconduct, those District Central Office employees with knowledge of defendant BROWER's false statements to the Wall Township Police and her attempted cover-up were subsequently terminated, transferred or forced to resign or retire from the District within weeks of the May 8, 2009 incident.

In violation of N.J.S.A. § 2C:30-2(a) and (b), and against the peace of this State, the Government and dignity of the same.

SECOND COUNT

HINDERING APPREHENSION OR PROSECUTION

THIRD DEGREE CRIME

9. Paragraphs 1 and 3 through 8 of Count One are hereby incorporated and realleged as if fully set forth herein.

10. In or about May 2009, at or near the Township of Wall, County of Monmouth, and within the jurisdiction of this Court, defendant

SANDRA D. BROWER

did commit the crime of Hindering Apprehension or Prosecution, with purpose to hinder the detention, apprehension, investigation, prosecution, conviction or punishment of another for an offense, by giving false information to law enforcement officers.

In violation of N.J.S.A. § 2C:29-3(a)(7), and against the peace of this State, the Government and dignity of the same.



THIRD COUNT

OBSTRUCTING THE ADMINISTRATION OF LAW OR OTHER

GOVERNMENTAL FUNCTION

FOURTH DEGREE CRIME

11. Paragraphs 1 and 3 through 8 of the Count One are hereby incorporated and realleged as if fully set forth herein.

12. In or about May 2009, in or about the Township of Wall, County of Monmouth, and within the jurisdiction of this Court, defendant

SANDRA D. BROWER

did commit the crime of Obstructing the Administration of Law or Other Governmental Function, by purposely obstructing, impairing or perverting the administration of law or other governmental function, and preventing and attempting to prevent a public servant from lawfully performing an official function by means of an independent unlawful act, by hindering and attempting to hinder the investigation of another by giving false information to law enforcement officers.

In violation of N.J.S.A. § 2C:29-1(a), and against the peace of this State, the Government and dignity of the same.



CHRISTOPHER J. GRAMICCIONI  
ACTING PROSECUTOR  
MONMOUTH COUNTY

Endorsed:

\_\_\_\_\_  
Foreperson