

THE STATE OF NEW HAMPSHIRE

MERRIMACK COUNTY SUPERIOR COURT

MERRIMACK, SS

JUNE 2021

SUPPORTING AFFIDAVIT FOR ISSUANCE OF ARREST WARRANT

I, TFC Amanda Johnson being duly sworn, do depose and say:

1. I am a full-time Trooper First Class with the New Hampshire State Police currently assigned as a Detective in the Major Crime Unit. I am certified by the New Hampshire Police Standards and Training Council as a full-time law enforcement officer and a graduate of the 147th NH Full Time Police Academy in 2008. I am a graduate of the New Hampshire Police Standards and Training Part-Time Police Academy in 2006. I am a member of the NH Internet Crimes Against Children Task Force. I have received training in interview and interrogation techniques, criminal investigations, computer crimes, and crime scene preservation and processing. Over the course of my career, I have participated in hundreds of criminal investigations and arrests including homicides, burglaries, assaults, sexual assaults, robberies, missing persons, thefts, frauds, identity thefts, arson, drug and alcohol related crimes as well as crimes involving the use of electronic devices such as cell phones and computers.
2. As set forth below, the factual basis for the issuance of this warrant is based upon information obtained by my own personal knowledge, observations and beliefs, my training and experience, information provided to me by other law enforcement officers, and the experience of other law enforcement officials, state employees, and other agents assigned to this investigation.

OVERVIEW OF THE YDC INVESTIGATION

3. On July 25, 2019, then Attorney General Gordon J. MacDonald announced that the New Hampshire Department of Justice (NHDOJ) had initiated a criminal investigation into physical and sexual abuse, child endangerment, and any related crimes occurring during the period of 1990-2000 at the Youth Development Center (YDC) at 1056 River Road in Manchester.
4. This inquiry had begun in 2017, as the result of an investigation by Sergeant Kelly Healey of the New Hampshire State Police into abuse at YDC.
5. On or about January 16, 2020, at the request of the Attorney General, the Department of Safety pledged the allocation of a task force of twelve State Police investigators

and staff to assist in the investigation of individual victims' allegations of criminal abuse. With oversight by the New Hampshire Department of Justice's Criminal Justice Bureau, the Joint YDC Task Force began its work on January 27, 2020.

6. There are currently more than 200 suspected victims of physical, sexual and emotional abuse by YDC and/or Youth Detention Services Unit (YDSU) staff. It should be noted that the vast majority of the known victims are currently represented by the same civil lawyer, who in January 2020, filed a class action against the Department of Health and Human Services (DHHS) alleging abuse at YDC.
7. To date, more than 200 recorded interviews with victims, witnesses, and perpetrators have been conducted by investigators. In addition, over 600,000 pages of records relevant to the investigation have been obtained from DHHS and the Division of Personnel, amongst other entities.
8. During the course of the investigation, the Task Force has obtained a significant amount of evidence concerning the YDC campus and its daily operations.
9. During the course of the investigation, the Task Force has requested records from DHHS via court order and search warrants. DHHS has provided a large amount of the records and continues to comply with the lawful legal demands.

#### THE COTTAGES

10. The Task Force investigation revealed that during the latter half of the 1990s, YDC and its sister facility, YDSU, comprised the Department of Youth Development Services, an independent state agency. In about 2001 or 2002, YDC—now known as the Sununu Youth Services Center (SYSC)—was reintegrated into the Department of Health and Human Services (DHHS).
11. DHHS records and witness statements obtained during the investigation indicate that the resident's committed to or otherwise detained at YDC were housed in two-story brick "cottages" on the YDC campus, including East Cottage, King Cottage, Pinecrest Cottage, Spaulding Cottage, Stark Cottage and Sanders Cottage. Girls were relegated to Sanders Cottage, while boys were moved between East, King, Pinecrest, Stark and Spaulding, depending on what staff determined to be the resident's security risk and treatment needs.
12. Each resident was assigned his or her own small room. The residents were locked in their rooms during the night and when confined there as disciplinary punishment. Many of the former residents interviewed by the Task Force described being locked

in their rooms—or witnessing other residents being locked in their rooms—for days at a time.

13. Evidence obtained in the course of the investigation indicates that the cottages were staffed by a House Leader (sometimes referred to as a House Director), an Assistant House Leader, and two to four Youth Counselors depending on the time of day. During the day it would be typical for four counselors to be present, while at night there would be two to three counselors depending on the cottage. House Leaders reported to the Director of Residential Services, who reported to the YDC Commissioner and Assistant Commissioner. The Counselors were assigned a level of YC III, II or I, with YC III being the highest assignment.
14. Witness statements indicate that the House Leader had control over the day-to-day operations of their assigned individual cottage.

#### THE YOUTH DETENTION SERVICES UNIT (YDSU)

15. Prior to 2006, the Youth Detention Service Unit (YDSU) was housed in Concord. YDSU was (and still is) an approximately 24-bed co-educational secure detention center that housed minors accused of committing delinquent offenses and are awaiting disposition of their cases by the courts. Many youths were detained for less than 48 hours, but others remained longer awaiting court dispositions, placements, and release to home state or adult certification. Residential staff provided for secure care and the youths' recreational needs. All detained youth were provided with close supervision for the duration of their stay at YDSU.
16. As mentioned above, until 2001/2002, YDC and YDSU were two facilities within the same agency (DYDS). According to the LBA Financial Audit Report Summary: Department of Youth Development Services Audit Report for The Year Ended June 30, 2001, located online, DYDS was comprised of the following division, amongst others:

*Residential Services* — The Division of Residential Services delivered an array of programs and services to the youth within the facilities of YDC in Manchester and YDSU in Concord.

17. Thus, the Division of Residential Services would have administered both the YDC and YDSU facilities.
18. As part of the ongoing criminal investigation into alleged physical and sexual abuse at YDC in Manchester, investigators have conducted numerous interviews of alleged

victims that have now disclosed alleged abuse occurring at both YDC and YDSU facilities in Manchester and Concord during their court ordered placements. In such interviews, investigators have also learned that it was common practice for YDC and YDSU employees to work at both locations as work dictated.

19. Investigators have also interviewed several past and current employees that confirmed that YDC and YDSU employees did work at both locations in Manchester and Concord as needed.
20. For example, former DYDS employee Connie BEAUDOIN was interviewed and stated that once she became a Director, she was transferred to YDSU in Concord. She was at YDSU from September 1994 until April 1995. She said she went back to the YDC campus and took over the role of Assistant Director at Sanders Cottage for a short time until she became House Director at Sanders.
21. In 2006, the SYSC facility became operational. All of the cottages were closed and moved into SYSC. YDSU in Concord, NH was also integrated into the new facility. YDSU became H-Unit in August of 2006. The unit is normally referred to as "H Detained," "H-Unit," or "H-Block." It serves as the portion of SYSC where juveniles are held prior to their commitment to the SYSC.

#### RECORDS HELD BY DHHS

22. In the course of the investigation, the Task Force has obtained from DHHS each of the potential victims' **Resident Files**. These are typically legal-sized manila folders containing between approximately 150 to 1600 pages of paper records, which document the resident's staff interactions, medical treatment, discipline, program progress, visits, and physical whereabouts, amongst other things.
23. The Task Force also obtained records from DHHS called **Daily Cottage Reports**. These are daily notations pertaining to each cottage, indicating the whereabouts of the residents and which staff members are on duty both during the day and at night time.
24. The Task Force also obtained records from DHHS called **Cottage Logbooks**, which were maintained for some or all of the cottages. The log books contain handwritten entries by various YDC cottage staff members, documenting the daily conduct, activities, discipline, and whereabouts of particular residents. The log books also document staff access to residents, the use of restraints and isolation on residents, the residents' allegations of mistreatment by staff, and the dates and times of staff shifts.

25. It appears that cottage staff kept at least one, but perhaps several, log books. For example, the **Communications Logbooks** included daily entries written by the House Leader and other staff members regarding events of the day. The book was designed for staff members to communicate the events of the day with one another as shifts were staggered throughout the day.
26. Many of the entries were used to document disciplinary action taken against residents and the use of restraints so that staff would be aware of what had occurred, and what punishment to mete out.
27. The **Operations Logbooks** were designed to track the daily movements of the residents around and off the YDC campus, and to document which staff worked each day, and the shifts they worked. The **Incident Logbooks** documented the resident's purportedly bad behavior, and punishments.
28. The Task Force has also obtained personnel records and work shift records, which establish when and where staff worked at YDC. In addition, the Task Force has obtained records which describe the job responsibilities of YDC staff.
29. The investigation to date makes clear that the abuses perpetrated on the resident victims detained at YDC during the 1990s were perpetrated almost exclusively by cottage staff members.
30. Again, during the course of the investigation, the Task Force has requested records from DHHS via court order and search warrants. DHHS has provided a large amount of the records and continues to comply with the lawful legal demands.

INTERVIEW WITH DAVID SWEENEY (D.O.B. 08/17/1976)

31. On July 23, 2020, TFC Matthew Podell, Attorney Joseph Chemiske, and I interviewed David Sweeney, DOB 08/17/1976, at the Merrimack County House of Corrections. The interview was audio and video recorded and transcribed.
32. Sweeney began his interview stating that he couldn't believe that there were no records of when he was confined at YDC or the abuse that he suffered. Sweeney claimed that he complained about the abuse at the time he was in YDC and that made it worse.
33. Sweeney believed that he was 15 years old when he was first confined to ADC or "awaiting district court." CJB-303534. The investigation has shown that ADC, was in fact YDSU, a place where juveniles were confined prior to the court committing them to YDC.

34. Sweeney stated that he was released from YDSU to rehab, kicked out of rehab, and sent back to YDSU. While at YDSU the second time, Sweeney stated that he met two staff members who also worked at YDC. The staff members told Sweeney that they worked at YDC and that would be where Sweeney went if he didn't stay out of trouble. Sweeney stated he was released from YDSU, arrested again, and sent to YDC. Sweeney estimated that he was confined to YDC in the "early nineties." CJB-303542.
35. Sweeney described the two staff members as "guys that used to play basketball a lot," tall, athletic, and not much older than Sweeney. CJB-303535. Initially, Sweeney could not recall either of their names. Sweeney described them as counselors who worked in the cottage.
36. Sweeney stated that when committed to YDC, he was first sent to King Cottage. Sweeney described King Cottage as the maximum security cottage. He stated that the same two male staff members worked in King Cottage. Sweeney described these two men as working in the morning and at night, like they never went home.
37. Sweeney explained that one of the male staff members was a little over six feet tall and always had a beard. Sweeney believed that this male staff member's name was "Murphy." CJB-303538. Sweeney stated that Murphy had an athletic build and played college basketball. He described the second male staff member as six feet tall, shaved facial hair, and parted hair to the side. He stated that this staff member also had an athletic build but didn't think that he played college basketball, just that he always played with Murphy.
38. Sweeney stated that during his first day in King Cottage other residents warned him he was going to "get a welcoming party." CJB-303541. That night, Sweeney was locked in his room and the two staff members came to his room and unlocked his door with a key. Sweeney "thought it was just gonna be a beat down because there was a couple kids that had black eyes and shit." CJB-303543. Sweeney stated that he later learned the residents were injured from fighting with each other.
39. Sweeney stated that he was waiting by the door when the staff members came to his room. Sweeney said to them "something like, oh, what do you want or whatever." CJB-303544. Sweeney stated that he tried to fight them but "there was no fighting them... they're grown ass men." CJB-303545. Sweeney stated that he tried to run out of his room but that they grabbed him, pulled him back in, and "put [him] in a nelson." CJB-303547. He stated that the staff members stated "are you gonna fight, you gonna fight" and he stated "yeah, I'm gonna fight." CJB-303547.
40. Sweeney then seemingly had a very difficult time talking about what happened in his room. At one point Sweeney stated that he almost called his attorney to tell him that he didn't want to have the interview. When asked if he wanted a break and investigators

could return another day, Sweeney stated "[n]o. Let's just get it over with." CJB-303548. Sweeney then went on to explain that retelling the abuse was "almost like an out of body experience. Like it wasn't really [him] that was there..." CJB-303549. Sweeney continued to have a difficult time talking about what transpired in his room and was again asked if he wanted to postpone the interview to another day. He again stated "[n]o. Let's just get this over with, ma'am. We're here. Let's just do this." CJB-303554.

41. Sweeney then went on to say that, when the two men entered his room, he "squirmed a little bit, tried to fight a little bit. And then it's almost like [he] gave up... and that what fucks with [his] head..." CJB-303554-CJB-303555. Sweeney stated that while Murphy, the bearded staff member, held Sweeney from behind, the other pulled Sweeney's pants down to his ankles. The staff members continued saying "you gonna keep fighting, you gonna keep fighting it." CJB-303556. Sweeney stated that at this point is "where like the outer body shit is." CJB-303556.
42. Sweeney stated that the staff member in front of him then took off their pants and was "in [Sweeney's] ear." CJB-303557. Sweeney told the man "dog, I'm not gonna fight you anymore, I'm not gonna fight. And then [Sweeney] just did it." CJB303557. Sweeney explained that he began to perform oral sex on the staff member in front of him.
43. Sweeney said that Murphy then stated "are you gonna keep fighting or are you gonna make this harder on yourself." CJB-303560. Sweeney told him that he was all done fighting and Murphy "ended up fucking [Sweeney]. CJB-303561. Sweeney explained that "I'm blowing this dude. The other guy's behind me, and he puts his penis into my anus." CJB-303563.
44. Sweeney stated that both staff members ejaculated, one inside Sweeney's mouth and the other inside Sweeney's anus. The staff members then threatened Sweeney not to tell or they would kill him. When asked about the length of the assault, Sweeney stated "it probably felt like it was forever... but it probably only took 20 minutes... 10 minutes, 15 minutes, I don't know." CJB-303564.
45. Sweeney joked that "I wish it was two women but it just never happens... I probably never would have complained." CJB-303562.
46. Sweeney stated that he told a "female counselor" and "a black dude that was working there" about the abuse. CJB-303545. Sweeney guessed that the female counselor was named "Ms. June." CJB-303553. Sweeney told the female counselor about the abuse the day after it occurred. Sweeney told her "hey, two of your staff members assaulted me last night." CJB-303566. She responded "well like that doesn't happen here." CJB-303566.
47. Sweeney stated that the black staff member played cards with Sweeney, let Sweeney win, and gave off "a weird vibe" because he pat Sweeney "on the ass." CJB-303552-CJB-

303553. Sweeney also talked to him the day after the abuse occurred. Sweeney, however, lied to the black staff member and told him that he fought off the two men who came to his room and bragged that he beat them up. The black staff member responded "oh really, you're -- you're tough like that... well let me see your muscles." CJB-303568.

48. Initially, Sweeney claimed that the two male staff members got more violent after he disclosed the abuse to the other staff members. However, when describing the next event, he did not describe violence.
49. Sweeney stated that the next night, the two male staff members returned to his room and unlocked the door. They asked Sweeney if he was going to fight them. Sweeney was sitting on his bed and said he wasn't going to fight. Sweeney stated that he then performed oral sex on both men. After, they told him "good job or whatever" and "just don't say nothing or whatever... we already know that you did. Nobody's gonna believe you. You liked it anyway" and left. CJB-303571.
50. Later in the interview when asked about the worst physical abuse he suffered, Sweeney again talked about the second time he was sexually abused by the two male staff members. This time, he stated that "they came into my cell was like, you know, they beat me up like a man" before the sexual assault occurred. CJB202584.
51. Sweeney said that the same two male staff members returned to his room every night for the next two weeks. He alleged that he was anally sodomized more than one time but he couldn't recall details because "they gave [him] medication at night to sleep." CJB-303577. Sweeney stated that the medication made him drowsy and "that's why I think like I was in an outer body" and "why like it all seems like it's a dream or whatever." CJB-303578. Sweeney went on to explain that:

[m]aybe it's just because I suppressed it for so long or whatever the case may be. But I just feel like it wasn't me. You know what I mean, I know it sounds like a -- do a lot of criminals say that, that wasn't me? That wasn't me and you got DNA all over the place, blood at the scene -- it wasn't me. I think that's why I don't think that was me -- you know what I mean -- or whatever. But, yeah, so the --- the stuff happened, yeah. I don't remember how many times. I don't even remember if it was the same guys, to be honest with you.

CJB-303578.

52. For the duration of the interview, Sweeney maintained that it was the same two staff members that sexually assaulted him in King Cottage.



53. Sweeney also talked about mistreatment by a male staff member with red hair. Sweeney also could not recall this man's name. The red haired staff member came to his room and "physically punished" him. CJB-303573. Sweeney did not provide any details about the assault or assaults, only explaining that "[p]unishment could be a – a beating, you know, or a smack down or whatever." CJB-303573. On other occasions, the red haired staff member came to Sweeney's room at night when Sweeney was sleeping. Sweeney stated that he pretended to be asleep because "like, man, I'm almost sure he was like playing with himself like while I was sleeping." CJB-303573.
54. Sweeney recalled seeing the red haired staff member at a gas station after Sweeney was released from YDC. Sweeney said that he chased him out to his car while yelling "you think you're tough now or whatever" and "you're not so tough." CJB-303532-CJB-303573. When the man got to his vehicle, Sweeney saw he was with his wife and children. Sweeney said that he was "like, oh, shit" and "I thought it was him, I don't even know if it was, that's the sad part." CJB303573.
55. Sweeney said that eventually he was transferred out of King Cottage. Sweeney claimed he was confined at YDC for one year and that he "graduated" from YDC at age 17 and joined the army. CJB-303579.
56. Sweeney could not recall the names of the other cottages he was confined in, he stated that he was behaving better and moved to other lower security cottages. He stated that he still saw the two male staff members that sexually abused him and that the abuse "may have happened like one or two more times once I moved down in custody." CJB-303582. Sweeney did not provide any details about the sexual abuse he was subject to while confined in other cottages.
57. After disclosing the allegations of sexual abuse, Sweeney stated that he was "sorry it took so – it was like so much to get it out of [him] or whatever." And that he felt "dirty" from talking about the sexual abuse. CJB-303583. Sweeney stated that he thinks "that everything in [his] life was like – happened because of this, you know." CJB-303545. He stated that he wasn't "blaming it on that but [he] thought like [he] had to be a tough guy... like always had to prove... that [he wasn't] gay, you know." CJB-303544. Sweeney stated that he never talked to anyone about the abuse. He stated that he only talked to his civil lawyer who represents him in the former class action lawsuit, Attorney Cyrus Rilee.
58. \_\_\_\_\_  
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59. \_\_\_\_\_  
\_\_\_\_\_

[Redacted]

60. [Redacted]

61. [Redacted]

62. [Redacted]

63. [Redacted]

[Redacted]

[Redacted]

64. [Redacted]

65. [Redacted]

<sup>1</sup> On January 11, 2020, a class action lawsuit was filed against the State of New Hampshire. D.M. was listed as a named plaintiff. On May 26, 2021, the Court dismissed the class action lawsuit but permitted individual lawsuits to be pursued.

66. [REDACTED]

67. [REDACTED]

68. Sweeney stated he joined the former class action lawsuit after an inmate approached Sweeney and told Sweeney that Sweeney was at YDC with him. Sweeney stated that he wasn't at YDC with that particular inmate but lied to him and agreed that he was. The inmate told Sweeney that Sweeney should talk to Attorney Cyrus Rilee about joining the class action civil lawsuit. Sweeney stated that he did so and Attorney Rilee came up to the house of corrections and met with Sweeney.

69. Sweeney said that he had read the civil lawsuit filed by Attorney Rilee but stated that he had to "put it down." CJB-303586. Sweeney said that he didn't know D.M. (DOB 09/06/1981), the named victim in the former class action lawsuit, because D.M. was much younger than him.

70. Sweeney's resident file documented that he was admitted to YDSU on February 19, 1993. CJB-49040. He was discharged on February 23, 1993. CJB-49039. The four page resident file did not document that he was ever committed to YDC.

71. The YDSU Logbook corroborated that Sweeney was admitted to YDSU on February 19, 1993, and then, on February 23, 1993, transported to court and released to his mother. CJB-238325, CJB-238329.

72. In response to a Grand Jury Subpeona, DHHS provided the Task Force with a list of all residents confined to YDC and YDSU between January 1, 1990 and December 31, 2000. CJB-4203-CJB-4495. The list documents that Sweeney was committed to a "Secure Detention Bed," which the investigation shows is YDSU, from February 19, 1993 to

February 23, 1993. CJB-4295. The list does not show that Sweeney was ever committed to YDC.

73. Daily Cottage Reports and Daily Sheets from February 23, 1993, the date Sweeney was discharged from YDSU, and August 17, 1993, the date Sweeney turned 17 years old, were reviewed. Sweeney was not documented as being committed to YDC at any time during that period.
74. The King Cottage Operations Log Book and Communication Logbook from February 23, 1993, the date Sweeney was discharged from YDSU, and August 17, 1993, the date Sweeney turned 17 years old, were reviewed. Sweeney was not documented as a resident of the cottage during that period.
75. Furthermore, during that time, the King Cottage Operations Log Book and Communication Logbook documented that the cottage was never staffed by the same two night staff members for a 14 consecutive day period.
76. On or about January 11, 2020, Attorney Rilee, filed a class action civil lawsuit against the State of New Hampshire. The lawsuit, which is publicly available, outlines the allegations by the single named complainant, D.M. Because Sweeney's records demonstrated that he was never committed to YDC, his allegations were compared to D.M.'s allegations as a possible additional source of information for Sweeney to obtain facts about YDC and the abuse alleged to have occurred there. Sweeney's allegations share the following similarities:
  - a. D.M. went to YDSU before YDC, CJB-11536;
  - b. A resident warned D.M. of the sexual and physical abuse as he was being transported to YDC, CJB-11537;
  - c. There were multiple cottages as YDC, CJB-11537;
  - d. King Cottage was one of the cottages at YDC, CJB-11538;
  - e. King Cottage was the maximum security unit at YDC, CJB-11538;
  - f. D.M. observed another resident physically assaulted by staff members and sustain injuries to his eyes, CJB-11537;
  - g. D.M. was sexually abused by two male staff members at the same time, CJB-11541;
  - h. The name of one of perpetrators of sexual abuse against D.M. was Murphy, CJB-11541;
  - i. Sexual abuse involved D.M. performed fellatio on the male staff members, including Murphy, CJB-11541;
  - j. Murphy and another staff member overcame D.M. through physical force to sexually abuse D.M., CJB-11541;
  - k. D.M. disclosed the sexual abuse to another staff member who told D.M. "that just doesn't happen," CJB-11544; and

1. One of the perpetrators helped D.M. get permission to, and transported D.M., to play basketball with a local high school, CJB-11540, CJB-11542.
77. D.M. named two primary perpetrators of sexual assault, Stephen Murphy and Jeffrey Buskey, during the late 1990's.
78. Pursuant to a search warrant for personnel records, DHHS provided the Task Force with Murphy's and Buskey's employment dates. Neither were employed when Sweeney was confined at YDSU in February 1993. Rather, Murphy was employed from June 17, 1993 to October 7, 1999. CJB-24481, CJB-CJB-24483. Buskey was employed from December 23, 1994 to November 4, 1999. CJB-23945.
79. Accordingly, Murphy was only employed at YDC for two months before Sweeney's 17<sup>th</sup> birthday and Murphy was not employed at YDSU at the time Sweeney was committed there. Buskey was not employed at either facility prior to Sweeney's 17<sup>th</sup> birthday.
80. On June 10, 2021, TFC Matthew Podell, Attorney Joseph Cherniske, and I interviewed Sweeney at the Strafford County House of Corrections. The interview was audio recorded.
81. Sweeney was initially asked to clarify when he was sent to YDC. Sweeney maintained that he was 14 going on 15 years old when he was sent to YDC and estimated it was 1992. Sweeney stated that between YDSU and YDC, he was confined for one year. When asked what year he was sent to YDSU he stated he couldn't remember and that last time he spoke to the Task Force he had to be treated by mental health providers at the house of corrections.
82. Sweeney then stated that the Task Force could just check the records to get the dates being asked about. Sweeney was told that records showed he was only ever confined at YDSU for a couple days and never committed to YDC. Sweeney stated "that's not what happened" and "I thought there was a record. Damn."
83. Sweeney was told that some of the allegations he made appeared impossible, including that Murphy didn't work in King Cottage when Sweeney claims to have been committed to YDC. Sweeney's response was "oh." After further conversation Sweeney stated "as a matter of fact I didn't say a name last time." When told that he did provide the name Murphy, he stated he didn't remember that.
84. Sweeney was asked whether he wanted cooperate, be truthful, and admit to committing a misdemeanor crime of false report to law enforcement officer or whether he wanted to continue and potentially face a felony for perjury. He stated "we mine as well go for the felony, you know. Cause you're saying I wasn't there, you know. That's why I said check the records."

85. Sweeney was asked where investigators should look in the records for documentation that he was committed to YDC. He was told that investigators looked through records from 1991 through 1993 and there was not documentation that he was ever committed to YDC. Sweeney stated "well if you're saying I wasn't there, you know, you guys got the records, so what, I mean, if you want to charge me with something charge me with something."
86. When confronted with the fact that there were no records to support his claim that he was ever confined at YDC, Sweeney stated "Okay... if you say I wasn't there" and "listen, I heard that you guys don't have any fucking records, you don't know who was ever there, you don't... and it all got erased. That's what we were told." The extent of the records in the possession of the Task Force was explained to Sweeney. He responded "listen, if you guys got all these records and all that shit, I don't know why the fuck you're even talking to me, why you didn't just charge me." Sweeney then stated
- I mean really I don't give a fuck. I'm going to the feds for a long time... You know what I'm saying... You know. So, if you got to charge me with something, charge me with something. You know. And I don't even know why the fuck I even came in there without my attorney in the first place. We gotta be out of our fucking mind to be interviewing with you guys without our attorney present.
87. Sweeney then ended the interview. The interview lasted less than nine minutes.
88. After leaving the facility, I received a call from the house of corrections. I was told that Sweeney wanted to talk to me further. Trooper Podell and I spoke with Sweeney on the phone. The call was recorded.
89. Sweeney apologized for his language during the interview. He stated that he spoke with his attorney and was "going to write it to him and have him send it to you." Sweeney then stated that he takes this serious and "obviously I don't want to be charged with anything." Sweeney clarified that he was speaking with Attorney Rilee and that Attorney Rilee would reach out to investigators.
90. The call lasted less than three minutes. To date, Attorney Rilee has not contacted the Task Force about the interview with Sweeney.

#### RELEVANT LAW

91. Sweeney spoke to investigators on July 23, 2020, at the Merrimack County House of Corrections in Boscaawen, New Hampshire.

92. RSA 641:4, titled False Reports to Law Enforcement, states that a person is guilty of a misdemeanor if he: "[k]nowingly gives or causes to be given false information to any law enforcement officer with the purpose of inducing such officer to believe that another has committed an offense..."
93. Contrary to RSA 641:4, based on the foregoing, there is probable cause to believe that on July 23, 2020, David Sweeney knowingly gave false information to a law enforcement officer with the purpose of inducing such officer to believe that another has committed an offense by telling TFC Amanda Johnson and TFC Matthew Podell that he was forced to perform fellatio on an unknown male staff member at YDC while Sweeney was committed at YDC as a juvenile.
94. Contrary to RSA 641:4, based on the foregoing, there is probable cause to believe that on July 23, 2020, David Sweeney knowingly gave false information to a law enforcement officer with the purpose of inducing such officer to believe that another has committed an offense by telling TFC Amanda Johnson and TFC Matthew Podell that he was coerced to perform fellatio a second time on an unknown male staff member at YDC while Sweeney was committed at YDC as a juvenile.
95. Contrary to RSA 641:4, based on the foregoing, there is probable cause to believe that on July 23, 2020, David Sweeney knowingly gave false information to a law enforcement officer with the purpose of inducing such officer to believe that another has committed an offense by telling TFC Amanda Johnson and TFC Matthew Podell that a male staff member named Murphy overcame Sweeney through the application of physical force and anally sodomized Sweeney at YDC while Sweeney was committed at YDC as a juvenile.
96. Contrary to RSA 641:4, based on the foregoing, there is probable cause to believe that on July 23, 2020, David Sweeney knowingly gave false information to a law enforcement officer with the purpose of inducing such officer to believe that another has committed an offense by telling TFC Amanda Johnson and TFC Matthew Podell that he was forced to perform fellatio on a male staff member named Murphy at YDC while Sweeney was committed at YDC as a juvenile.
97. Based upon the foregoing information in this affidavit, this affiant has probable cause to believe that the crimes of False Reports to Law Enforcement, pursuant to RSA 632-A:2 and RSA 641:4, have been committed by David Sweeney. Therefore, I request the issuance of an Arrest Warrant for David Sweeney and an order for a duly authorized officer to take David Sweeney and bring him before the Court having jurisdiction.

TFC Amanda Johnson  
New Hampshire State Police

Then telephonically appeared the above named TFC Amanda Johnson, and made oath or affirmation that the above affidavit is true to the best of his knowledge and belief.

Justice of the Superior

*J. C. [Signature]*  
10:5

Date

6/17/21