

**NEW HAMPSHIRE STATE POLICE
CONTINUATION OF INVESTIGATION REPORT**

1. CASE NO. MC16-7545	2. INVESTIGATING TROOPER Sgt. John R. Sonia	3. I.D. NO. 855	4. TOWN OF CRIME Exeter	5. TN. CD. *****	6. DATE OF REPORT 05/10/16
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On May 10, 2016, I was assigned by:

**Lt. Scott Gilbert
Major Crime Unit Commander
New Hampshire State Police**

to assist the Rockingham County Attorney's Office (RCAO) and Exeter Police Department (EPD) with an investigation into possible criminal violation(s) of the State of New Hampshire Child Protection Act, RSA 169-C, Mandatory Reporting Law by current and/or former employees of:

**Phillips Exeter Academy
20 Main Street
Exeter, NH**

Gist:

Phillips Exeter Academy (PEA) is a private, secondary educational institution in Exeter, NH. Exeter Police Department was responsible for heading the investigative portion relating to possible sexual assault/child endangerment criminal violations. During this period of investigation they received numerous complaints of varying impropriety over a wide range of years, thus creating a need to conduct possible follow-up investigation into whether there had been possible violation(s) of the Child Protection Act-Mandatory Reporting Law RSA 169-C by individuals employed at Phillips Exeter Academy (PEA), and whether these violations necessitated criminal charges. See file for further information.

The following personnel were assigned to assist with this investigation:

**Sgt. John Sonia – NHSP-MCU (L)
Det. Matthew Amatucci – NHSP-MCU
Det. Kelly Wardner – NHSP-MCU
Det. Mallory Littman – NHSP-MCU
Criminal Analyst Tracey Flaherty – NHSP-MCU**

**Exeter Police Department Official(s)
Chief William Shupe - EPD
Cpt. Michael Munck – EPD (L)
Det. Patrick Mulholland - EPD**

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**NEW HAMPSHIRE STATE POLICE
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1. CASE NO. MC16-7545	2. INVESTIGATING TROOPER Sgt. John R. Sonia	3. I.D. NO. 855	4. TOWN OF CRIME Exeter	5. TN. CD. *****	6. DATE OF REPORT 05/10/16
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The prosecutor assigned from the Rockingham County Attorney's Office was:

Patricia LaFrance – Deputy Rockingham County Attorney

Per agreement with the Rockingham County Attorney and Assistant Commissioner of Safety Robert Quinn all possible future charging decisions regarding this investigation will be made at the discretion and authorization of the RCAO.

Exeter Police Department received its initial complaint report around April 2016 beginning with an investigation into alleged criminal activities on the Phillips Exeter Academy campus by a former staff member.

Media coverage of the topic, plus an alumni letter written by current Principle Lisa McFarland generated numerous tips from current/former students and staff regarding the handling of reported violations on campus and the culture surrounding reporting sexual activity/assault on campus.

On or about May 23, 2016 Cpt. Munck, EPD provided a disc of all pertinent case file documentation of "tips" received regarding PEA. (See attached disc with PDF file of EPD closed/open cases)

On June 16, 2016 Criminal Analyst Tracey Flaherty conducted a comprehensive analysis of the approximately 58 reviewable tips gathered by the Exeter Police Department. Regarding non-reporting concerns Analyst Flaherty found:

- *Of the 58 tips available for review, 17 tips suggest that PEA staff were aware of allegations of sexual/physical abuse and failed to report to PEA Security, DCYF and/or law enforcement.*
- *14 of the 17 tips reveal separate allegations from 1973-2015 involving 11 different suspects.*
- *The remaining 3 reports reveal separate allegations from 1963-1997 in which PEA was allegedly aware of inappropriate behavior, however the suspect is either unknown or the witness/victim is unwilling to provide names.*

See attached analyst review summary report, spreadsheets, and CD-R with digital version (PDF) of spreadsheets.

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The following EPD cases were pulled for further review with an emphasis on contact of victim(s) and/or witness(es) in order to determine if they met criteria for further follow-up investigation with a goal of possible criminal prosecution:

EPD Case #:

- 1) 15-60-FI
- 2) 16-124-OF
- 3) 16-128-OF
- 4) 16-134-OF
- 5) 16-145-OF (multiple victim)
- 6) 16-145-OF (multiple victim)
- 7) 16-178-OF (See CD-R disc "Closed PEA Reports" file)
- 8) 16-184-OF
- 9) 16-186-OF (See CD-R disc "Closed PEA Reports" file)
- 10) 16-188-OF
- 11) 16-198-OF
- 12) 16-200-OF (See CD-R disc "Closed PEA Reports" file)
- 13) 16-233-OF
- 14) 16-244-OF

Of the aforementioned cases, I reviewed the following ones for possible non-reporting violations and to confirm that the reporting party was cooperative and willing to supply additional investigation materials. I found that in these instances there were no viable witness and/or victim statements providing corroborating evidence of such violation:

- 15-60-FI
- 16-134-OF
- 16-178-OF
- 16-184-OF
- 16-188-OF
- 16-200-OF
- 16-234-OF
- 16-244-OF

On January 11, 2017 Criminal Analyst Tracey Flaherty conducted a supplemental analysis of the approximately 17 additional reviewable tips gathered by the Exeter Police Department. Regarding non-reporting concerns Analyst Flaherty found:

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- *Of the 17 new reports, 5 tips suggest that PEA staff were aware of allegations of sexual/physical abuse and failed to report to PEA Security, DCYF and/or law enforcement.*
- *These 5 tips reveal allegations from the 1950's-2015 involving 5 different suspects.*

See attached analyst review summary report, spreadsheets, and CD-R with digital version (PDF) of spreadsheets.

The following EPD cases were pulled for further review with an emphasis on contact of victim(s) and/or witness(es) in order to determine if they met criteria for further follow-up investigation with a goal of possible criminal prosecution:

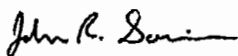
EPD Case #:

- 1) 16-151-OF
- 2) 16-198-OF
- 3) 16-234-OF (See CD-R disc "Closed PEA Reports" file)
- 4) 16-238-OF
- 5) 16-268-OF
- 6) 16-286-OF

Of the aforementioned cases, I reviewed the following ones for possible non-reporting violations and to confirm that the reporting party was cooperative and willing to supply additional investigation materials. I found that in these instances there were no viable witness(es) and/or victim(s) statement providing corroborating evidence of such violation:

16-234-OF
16-238-OF
16-268-OF
16-286-OF

Of the aforementioned cases, six were found to have a cooperative witness/victim willing to provide additional clarifying case information, these were examined to determine if the RSA-169-C had been violated and if there appeared to be enough evidence to warrant a prosecutorial review for possible criminal charges:

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- 1) 16-124-OF
- 2) 16-128-OF
- 3) **16-145-OF**
- 4) 16-198-OF
- 5) 16-233-OF
- 6) **16-151-OF**

Of these six cases only *two* appeared to meet the case vetting requirements of:

- PEA faculty having been previously made aware of the incidents by the witness/victim as they would have been the first notifications, and thus considered "mandatory reporters".
- That there was a cooperative witness/victim willing to give further details and information regarding the event.
- That the event fell within the applicable Statute RSA 169-C Reporting Law effective date requiring DCYF and/or law enforcement notification, with violation thereof being a misdemeanor offense. (mid 1990's)
- That the original complaint suspect(s) was still available to provide information pertaining to the allegations (ex. Mangan deceased EPD#16-124-OF)
- That the PEA staff member(s) initially told of the incident was still currently available and/or cooperative to provide clarifying information regarding the alleged event.

In EPD Case #16-145-OF contact was made with victim [REDACTED] by both EPD and the New Hampshire State Police. [REDACTED] states that she was assaulted in a sexual manner by another student and reported the incident immediately to PEA staff Dean Nadine Thompson and Rev. Robert Thompson. It appears that these staff members failed to further the reporting of this incident. What is in question at this time is whether the Reporting Law Statute as currently written was effective on the date of this incident which was reported by [REDACTED] to be January 1995. This case will require further legal analysis by the Rockingham County Attorney's Office prior to further State Police examination and follow-up.

In EPD Case #16-151-OF contact was made with victim [REDACTED] by both EPD and New Hampshire State Police. [REDACTED] states that she was assaulted in a sexual manner by another student and reported the incident immediately to PEA staff Amy Schwartz, Arthur Cosgrove, and Melissa Mischke. It appears that these staff members failed to further the reporting of this incident to DCYF and/or law enforcement in the fall of 2015 as required by Statute. Det. Mallory Littman was assigned

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as the lead for this sub-investigation. This case will be forwarded to the Rockingham County Attorney's Office for review and determination if charges are warranted. (See Case BOOK #2)

Refer to Case BOOK #1 for all other investigative materials.

END OF REPORT

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PRELIMINARY RESEARCH

TO: SGT. JOHN SONIA
FROM: TRACEY L. FLAHERTY – MCU INTELLIGENCE ANALYST
CC: TPR MATT AMATUCCI
DATE# JUNE 16, 2016
SUBJECT: PHILLIPS EXETER ACADEMY TIPS – PRELIMINARY REVIEW - MC16-7545

All tips provided by Exeter Police Department as of 5/27/2016 were reviewed for non-reporting issues by Phillips Exeter Academy (PEA) staff members. In addition, allegations were identified that may require follow up by NH State Police to determine if non-reporting issues exist.

Non-Reporting Concerns

- Of the 58 tips available for review, 17 tips suggest that PEA staff were aware of allegations of sexual/physical abuse and failed to report to PEA Security, DCYF and/or law enforcement.
- 14 of the 17 tips reveal allegations from 1973 - 2015 involving 11 different suspects.
- The remaining 3 reports reveal separate allegations from 1963 – 1997 in which PEA was allegedly aware of inappropriate behavior, however the suspect is either unknown or the witness/victim is unwilling to provide names.
- See spreadsheet detailing information for each of the 17 tips. An additional spreadsheet is available that provides information for each subject. Below is a summary:

Suspects:

1. **Arthur PEEKEL** – former PEA Admissions Officer arrested May 2016 for alleged sexual assault of a teenage student in 1973.
 - a. Report# 16-128-OF
 - b. Victim informed prior Principal Richard Day (deceased) within 2 days of incident – PEEKEL was interviewed and denied allegations. Victim was told that PEEKEL took a “lie detector test”. Victim also told that PEEKEL was asked to resign.
 - c. Victim wrote a letter in 1990s to Principal Kendra Stearns O’Donnell and described incident & PEA’s response. Exeter PD interviewed Ms. O’Donnell on 4/26/2016 and she does not recall receiving a letter regarding PEEKEL.
 - d. It is believed that several other faculty members knew of PEEKEL’s inappropriate behavior. The PEEKEL case information will need to be reviewed to further identify these PEA staff members.
 - e. No known reporting to DCYF or Exeter PD
2. **George MANGAN** – former PEA teacher (deceased) allegedly kissed and groped victim at a graduation party in 1984.
 - a. Report# 16-124-OF
 - b. Victim & mother advised Principal Kurtz, who later sent an apology note.

- c. 1989 – Victim’s mother, [REDACTED] went to Principal Kendra Stearns O’Donnell regarding incident. Exeter PD interviewed Ms. O’Donnell on 4/26/2016 and she does recall having a conversation with Mrs. [REDACTED] but [REDACTED] did not ask her to do anything. O’Donnell does not recall having a conversation with MANGAN, but may have told the Dean of Faculty.
 - d. Victim went to an Alumni event and MANGAN was a guest of honor. Victim called PEA and asked that he not be allowed at Alumni events.
 - e. 2005 – MANGAN was invited to attend an Alumni event.
 - f. Victim wrote a letter to Principal Tyler Tingly requesting he not be able to attend and received a letter back from VP Tom Hassan stating MANGAN would not be attending the event.
 - g. MANGAN was allowed to teach until he passed away on 2/25/2009.
 - h. No known reporting to DCYF or Exeter PD
3. **Rick SCHUBART** – former PEA Director of AD is a suspect in 7 separate allegations of sexual misconduct. To date, it appears that PEA staff members were made aware of only 1 of these allegations.
- a. Report# 15-60-FI – in 1982, SCHUBART was victim’s senior year dorm parent and faculty advisor. According to a letter from victim’s attorney, the majority of abuse occurred when victim was 17 years old.
 - b. Victim alleges members of PEA staff were aware of abuse.
 - c. An anonymous tip was also received that alleges the relationship was well known.
 - d. On 2/5/2015, Dr. Ron Kim reported he had a conversation with SCHUBART who admitted to having a consensual encounter with victim and a 2nd encounter when victim was a student at Georgetown.
 - e. No known reporting to DCYF or Exeter PD
 - f. Other reports of inappropriate sexual behavior with students – need follow up:
 - i. Report# 16-125-OF
 - ii. Report# 16-168-OF
 - iii. Report# 16-118-OF
 - iv. Report# 16-204-OF
 - v. Report# 16-187-OF
 - g. Report# 16-190-OF – 1990 report of SCHUBART trying to kiss a 20 year old non-student
 - h. Note – there are 4 additional tips on Exeter PD spreadsheet referencing open case involving SCHUBART, however reports were not provided at this time.
4. [REDACTED] – current [REDACTED] is a suspect in 3 separate allegations of sexual misconduct.
- a. Report# 16-233-OF – documents 3 separate allegations
 - b. 1988 – Victim had gone to [REDACTED] for tutoring and he put her hand on her knee making her feel uncomfortable. Victim reported to a PEA Dean.

- c. 1993 – ██████ made “loaded” comments to a female student and squeezed her shoulder making her uncomfortable. She & roommates felt ██████ was creepy. ██████ approached ██████ and told him to stop his behavior.
 - d. 2015 – Victim sent an email to Dr. Ron Kim reporting that ██████ made inappropriate comments towards her and she would not be seeking extra help for ██████.
 - e. No known reporting to DCYF or Exeter PD
5. ██████ – current ██████ alleged to have “boundary issues” with female and male students.
 - a. Report# 16-244-OF
 - b. 2013 – 2014? – ██████ caught a female student nude in a boy’s room and made her feel uncomfortable by looking at her longer than needed.
 - c. 2013 – 2014 – Two faculty member expressed concern over ██████ behaviors with male students – “boundary violations”. Regularly had boys from dorm in his apartment. Reported to Deans AJ Cosgrove and Ron Kim.
 - d. 2014 – ██████ observed photos of students and a collage of pictures while cleaning ██████ apartment. Reported to a teacher and was told that there was already an inquiry into ██████ and it was fine.
 - e. 2015 – Same ██████ observed ██████ in an embrace with a student.
 - f. It appears that ██████ behavior was addressed on 2 occasions via letters from a PEA faculty member. One letter is undated & unsigned and addresses the situation with viewing the nude female student and making her feel uncomfortable. The other letter is unsigned & dated 9/18/2014 and addressed teacher-student boundary concerns.
 - g. No known reporting to DCYF or Exeter PD.
6. ██████ – current ██████ is alleged to be seen by security leaving girl’s dorms at early morning hours and inappropriately touching girls.
 - a. Report# 16-134-OF
 - b. 2013 – PEA Security reported concerns to Dick Sylvester, Javier and Jeff Nelson.
 - c. According to Security, ██████. In 2014, ██████ was observed touching the girls buttocks as they climbed ██████.
 - d. No known reporting to DCYF or Exeter PD.
7. ██████ – former PEA student engaged in “sexual molestation” of fellow students.
 - a. Report# 16-145-OF
 - b. Witness is a former PEA faculty member who noted ██████ victimized at least 2 – 3 9th/10th graders between 1992 and 1993.
 - c. Faculty member was made aware of situation by Dean Kathy Brownback who wrote a report on the incident.
 - d. Principal Kendra O’Donnell was made aware of the incident by Brownback’s letter and PEA Counseling Department.

- e. [REDACTED] was on disciplinary probation prior to allegations; he was then placed on medical leave. His parents chose to withdraw [REDACTED] from PEA.
 - f. The faculty witness provides letters that show several PEA faculty members were aware of this situation.
 - g. No known reporting to DCYF or Exeter PD.
8. [REDACTED] – former PEA student is alleged to have physically abused fellow male students.
- a. Report# 16-188-OF
 - b. 1998 – 1999 victim/witness reported abuse by [REDACTED] to Rev. Thompson who allegedly put the responsibility back on victim. Abuse was not sexual, but violent.
 - c. No known reporting to DCYF or Exeter PD.
9. [REDACTED] – former PEA teacher is alleged to have inappropriately touched male students and may have engaged in sex with an 18 year old male student in 1983/1984.
- a. Report# 16-198-OF
 - b. Victim/witness contacted PEA about 15-20 years ago to obtain names of PEA Trustees so he could report these matters. Victim did not trust principal.
 - c. PEA would not provide him the information, so he found information for 3 Trustees on his own and sent them a letter.
 - d. Victim did not hear back from PEA or any Trustees.
 - e. No known reporting to DCYF or Exeter PD.
 - f. Other reports of inappropriate sexual behavior with students – need follow up:
 - i. 16-186-OF – victim alleges [REDACTED] repeatedly tried to engage in sexual contact.
10. [REDACTED] – former PEA teacher engaged in inappropriate touching and is alleged to have been sleeping with other students.
- a. Report# 16-198-OF
 - b. Victim/witness was 17 years old when he would spend time at [REDACTED] apartment.
 - c. Victim/witness contacted PEA about 15-20 years ago to obtain names of PEA Trustees so he could report these matters. Victim did not trust principal.
 - d. PEA would not provide him the information, so he found information for 3 Trustees on his own and sent them a letter.
 - e. Victim did not hear back from PEA or any Trustees.
 - f. No known reporting to DCYF or Exeter PD.
11. [REDACTED] – former PEA [REDACTED] publicly humiliated victim in class making reference to her clothing, make up, etc. She was not sexually or physically assaulted.
- a. Report# 16-184-OF
 - b. 1999? - Victim reported [REDACTED] behavior to Dean Calahan and she was unable to help and noted teacher had been at the school a long time, nothing she could do.

Unknown Suspects:

1. 16-200-OF
 - a. 1968 – Male student raped by upper class boys in Kirkland House – no one did anything.
 - b. Faculty member allegedly had a relationship with a PEA student athlete in the 1990s.
2. 16-145-OF – Victim sexually assaulted by a teenage male visiting PEA campus on 1/15/1995. She told her dorm faculty of the incident – possible Barbara Eggers.
 - a. Victim was contacted by administration and she identified boy. Victim heard he may have done this to others.
 - b. The boy was asked to apologize and eventually confessed.
 - c. PEA had victim go to Health Services, someone there told her she could pursue charges. PEA administration made her feel that he came from a bad life, so she chose not to file charges.
 - d. Victim spoke with Dean on Duty – Nadine Thompson & Rev. Thompson.
 - e. Victim upset that PEA didn't discuss matter with student body, so she wrote an article describing her assault and PEA's handling of matter.
 - f. No known reporting to DCYF or Exeter PD
3. 16-178-OF – Victim alleges he experienced "sexual misconduct" at PEA in 1963. Believes suspect may have been Class of 1966. Does not want to be contacted.

List of PEA Faculty who appear to be involved in non-reporting of sexual/physical misconduct by PEA Faculty and/or students (further research needed regarding current contact information):

- Principal Richard Day (deceased)
 - Report# 16-128-OF
- Principal Kendra Stearns O'Donnell
 - Report# 16-128-OF
 - Report# 16-124-OF
 - Report# 16-145-OF
- Principal Kurtz
 - Report# 16-124-OF
- Principal Tyler Tinghy
 - Report# 16-124-OF
- VP Tom Hassan
 - Report# 16-124-OF
- Dean Ron Kim
 - Report# 15-60-FI
 - Report# 16-233-OF
 - Report# 16-244-OF

- Coach Morris
 - Report# 16-233-OF
- Dean AJ Cosgrove
 - Report# 16-244-OF
- Dick Sylvester
 - Report# 16-134-OF
- Javier LNU
 - Report# 16-134-OF
- Jeff Nelson
 - Report#16-134-OF
- Dean Kendra Brownback
 - 16-145-OF
- Rev. Thompson
 - 16-188-OF
 - 16-145-OF
- Dean Calahan
 - 16-184-OF
- Dean Nadine Thompson
 - 16-145-OF
- Barbara Eggers
 - 16-145-OF

PRELIMINARY RESEARCH

TO: SGT. JOHN SONIA
FROM: TRACEY L. FLAHERTY – MCU INTELLIGENCE ANALYST
CC: TPR MATT AMATUCCI
DATE# JANUARY 11, 2017
SUBJECT: PHILLIPS EXETER ACADEMY TIPS – REVIEW UPDATE – MC16-7545

In June 2016, all tips provided by Exeter Police Department as of 5/27/2016 were reviewed for non-reporting issues by Phillips Exeter Academy (PEA) staff members. In addition, allegations were identified that may require follow up by NH State Police to determine if non-reporting issues exist. In January 2017, Exeter Police Department provided NHSP with 17 additional reports for review. The original case management spreadsheet has been updated with the additions and any case status changes.

Non-Reporting Concerns

- Of the 17 new reports, 5 tips suggest that PEA staff were aware of allegations of sexual/physical abuse and failed to report to PEA Security, DCYF and/or law enforcement.
- These 5 tips reveal allegations from the 1950s - 2015 involving 5 different suspects and are summarized below.

Suspects:

1. **Rick SCHUBART** – former PEA Director of AD is a suspect in 5 additional allegations of sexual misconduct from the original 7 that were reviewed in May 2016. To date, it appears that PEA staff members were made aware of only 1 of these allegations reported by 2 separate witnesses. Report# 15-60-FI was provided in May 2016, reviewed and summarized in NHSP report dated June 16, 2016. Recently provided Report# 16-234-OF provides a tip on the same inappropriate relationship with SCHUBART.
 - a. Other reports of inappropriate sexual behavior with students – need follow up:
 - i. Report# 16-230-OF
 - ii. Report# 16-231-OF
 - iii. Report# 16-235-OF
 - iv. Report# 16-249-OF
 - v. Report# 16-255-OF
2. [REDACTED] – according to Report# 16-151-OF, former [REDACTED] is a suspect in 3 separate allegations of sexual misconduct which occurred in 2015.
[REDACTED]
3. **Lane BATEMAN** – according to Report# 16-238-OF, former PEA Film/Drama teacher is alleged to have had an inappropriate relationship with a male student between the years of 1981 - 1985. BATEMAN was terminated from PEA in 1993 and served 5 years in prison for Child Pornography.

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- a. The victim identified in Report# 16-238-OF has filed a civil suit against PEA.
 - b. At the age of 16, victim had a long term sexual relationship with BATEMAN while at PEA.
 - c. Victim alleges several PEA faculty members knew of relationship and did nothing.
 - d. Faculty members include – Hal Lynch and Dean Rick Mahoney
 - e. Lane Bateman is deceased.
 - f. No known reporting to DCYF or Exeter PD.
 - i. Previously provided Report# 16-120-OF does not provided specifics but witness wanted the Exeter community to be reminded of the transgressions associated with faculty member – LB
 - ii. Another tip associated with BATEMAN, alleges that he engaged in bullying that was not addressed by PEA. NHSP does not currently have this report for review.
4. [REDACTED] – according to Report# 16-286-OF, a former PEA student is alleged to have sexually abused a fellow female student.
- a. 1982 – 1983 victim was 14 years old living at PEA and feels she was molested by [REDACTED] for several months.
 - b. The situation was reported to Dean Susan Henry at the time. The school did very little. The victim ended up switching dorms and seeking counseling from a private party outside the school.
 - c. The suspect stayed at the school.
 - d. No known reporting to DCYF or Exeter PD.
 - e. Exeter PD contacted the victim in May 2016 and she does not want to pursue an investigation.
5. [REDACTED] – according to Report# 16-268-OF, a former PEA employee in the 1950s, sexually assaulted a former male student, who was in the 11th grade.
- a. The victim allegedly contacted Dean Ron Kim, but wanted to keep their conversation confidential.
 - b. No known reporting to DCYF or Exeter PD.
 - c. [REDACTED] is presumed to be deceased.

The following 4 reports, involve other allegations of inappropriate sexual activity that may require follow up. In these instances, PEA was either unaware of the activity or took some action to address the behavior.

1. **16-247-OF** – PEA fired former [REDACTED] in 2013, for posting inappropriate content online. A current faculty member recently advised PEA of her concerns that [REDACTED] may have had an inappropriate relationship with a former female student. Exeter PD contacted the potential victim, who noted that nothing inappropriate ever occurred. [REDACTED] is a close family friend.

2. **16-248-OF** – In 1972, former PEA faculty member, [REDACTED] made at least 2 female victims uncomfortable. [REDACTED] was known to invade the privacy of female students and enter their room while changing clothes. Victims do not want to pursue further.
3. **16-250-OF** – In the Fall of 2015, a report was made regarding PEA Faculty member [REDACTED] coming and going from a female dorm at odd hours. In 2015 and in May 2016, Dean Cosgrove and Dean Mischke addressed their concern with [REDACTED], the alleged victim and the victim's family. The family stated to PEA and Exeter PD that they are aware and comfortable with the relationship between [REDACTED] and their daughter.
4. **16-288-OF** – In April 2016, former PEA [REDACTED] was fired for inappropriate behavior with female students. The victims allege inappropriate touching and over sharing of information regarding his finances and sex life. Exeter PD obtained contact information for 3 female students; however they do not want to assist in furthering an investigation into [REDACTED] conduct.

The following 3 reports involved vague references to inappropriate activity, with no clear suspect, victim and / or based on rumor:

1. 16-228-OF
2. 16-237-OF
3. 16-241-OF – duplicate reporting (see 16-167-OF)


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On May 18, 2016 I attended a Child Advocacy Center (CAC) interview of:

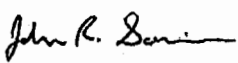
(V) 

This interview was being conducted in coordination with the Exeter Police Department and their investigation into a sexual assault allegation.  provided details of the incident. EPD case #16-151-OF.



Tr. Littman proceeded to lead his sub-investigation from approximately June 23-Dec 20, 2016 (See attached Tr. Littman investigative reports submitted for prosecutorial review BOOK #2)

END OF REPORT

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**NEW HAMPSHIRE STATE POLICE
CONTINUATION OF INVESTIGATION REPORT**

1. CASE NO. MC16-7545	2. INVESTIGATING TROOPER Tr. Matthew Amatucci	3. I.D. NO. 1162	4. TOWN OF CRIME Exeter	5. TN. CD. *****	6. DATE OF REPORT 5/23/16
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On June 9, 2016 at approximately 0950 hours Detective Sergeant John Sonia of the New Hampshire State Police – Major Crime Unit, and I responded to the below listed location in reference to an on-going investigation into Mandatory Reporting Law violations:

**Phillips Exeter Academy (PEA)
20 Main Street
Exeter, NH 03833
Phone: (603) 772-4311**

We met with the below listed individual:

[REDACTED]
Director of Campus Safety Services

[REDACTED] explained that he had been appointed as the Director of Campus Safety approximately 14 months prior. He stated that he had a law enforcement background and had previously worked for the [REDACTED] and held the rank of Captain when he retired.

It was explained to [REDACTED] why we were there and what the role of the New Hampshire State Police – Major Crime Unit was going to be. He was told that the Major Crime Unit was going to be investigating incidents involving sexual assault or child abuse that had not been reported to the Division of Children, Youth and Families, or law enforcement as required. [REDACTED] was very open to the idea and assured us that Phillips Exeter Academy would be transparent throughout this investigation.

[REDACTED] stated that when he was going through the hiring process he explained to Phillips Exeter Academy that he would have to be allowed to do his job and if that meant reporting incidents to the local police department he was obligated to do so. He informed us that PEA said all the rights things to him in that they were agreeable.

[REDACTED] stated that the below listed law firm currently represents Phillips Exeter Academy and said that he would set up a meeting for us to meet with said firm:

**Nixon Peabody
Attorney David A. Vicinanza
Phone (Boston): 617-345-1177
Phone (Manchester): 603-628-4083**

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**NEW HAMPSHIRE STATE POLICE
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1. CASE NO. MC16-7545	2. INVESTIGATING TROOPER Tr. Matthew Amatucci	3. I.D. NO. 1162	4. TOWN OF CRIME Exeter	5. TN. CD. *****	6. DATE OF REPORT 5/23/16
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██████████ also stated that there had been a law firm who was reviewing all sexual assault complaints prior to them being submitted to the Exeter Police Department. He explained that PEA is no longer sending the complaints to a law firm for review prior to contact the Exeter Police Department.

██████████ also stated that he could coordinate for us to meet with the current principle of Phillips Exeter Academy:

**Lisa MacFarlane
Principle – Phillips Exeter Academy**

██████████ went to describe the current structure of PEA and how reports of sexual assault and such are reported and vetted. He explained that if a report is received through "communications," which is the Campus Safety dispatch, it is forwarded to the below listed individual:

**Ronald J. Kim
Assistant Principle – Phillips Exeter Academy**

The student (victim) is then interviewed by the below listed individual:

**Melissa D. Mischke
Dean of Students – Phillips Exeter Academy**

Once the allegation is reviewed by KIM it is reported to the police if deemed necessary.

██████████ stated that the below listed firm also represents Phillips Exeter Academy:

**McLane, Graf, Raulerson & Middleton
Portsmouth, New Hampshire**

██████████ went on to say that one of their attorneys writes papers and articles on Mandatory Reporting Laws and Schools:

**Attorney David Wolowitz
Attorney – McLane, Graf, Raulerson & Middleton**

██████████ stated that there are two different types of incidents that have occurred at PEA; *student on student* and *teacher on student*. ██████████ provided us with some information on PEA's filing system and how reports are filed internally. He explained that there are *Discipline*

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Files for students and *Personnel Files* for the employees. [REDACTED] stated that on occasion, at the conclusion of an internal investigation, the documentation would go into the student's *Discipline File*, not the teacher's *Personnel File* even if there was an allegation against the teacher.

[REDACTED] talked about the PEA Student Handbook. He stated that the PEA definition of "Sexual Harassment" is actually the definition of "Sexual Assault." [REDACTED] stated that this had been pointed out to the institution. We asked for a copy of the PEA Student Handbook. [REDACTED] stated that he needed to first speak with both the principle (MacFARLANE) and their attorney (VICINANZO).

[REDACTED] also informed us that the Board of Trustees has hired the below listed law firm to conduct its own internal investigation into the on-going issues at PEA:

**CHOATE
CHOATE HALL & STEWART LLP
Two International Place,
Boston, MA
Phone: (617) 248-5000**

The current Chair of the Board of Trustees is the below listed individual:


**Chair - Nicie Panetta
Executive Board of Trustees - Phillips Exeter Academy**

[REDACTED] stated that PEA has a Crisis Team as well as a 24-hour physician on campus. He informs us that there are a lot of students who are being treated for mental health issues. [REDACTED] explained that he was asked to grant students back door access into the Health and Wellness Center so the students would not been seen walking into the front of the building. [REDACTED] said that he asked if he should make 20 or 30 back door key cards; he stated that he was asked to make 270 back door key cards.

[REDACTED] informed us that some of the Deans may be "difficult" or resistance when we go to speak with them. He specifically stated that the below listed individual "can be difficult:"

**Ethan Shapiro
Dean of Facility - Phillips Exeter Academy**


End of report.


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**NEW HAMPSHIRE STATE POLICE
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1. CASE NO. MC16-7545	2. INVESTIGATING TROOPER Sgt. John R. Sonia	3. I.D. NO. 855	4. TOWN OF CRIME Exeter	5. TN. CD. *****	6. DATE OF REPORT 05/10/16
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On June 9, 2016 I met with:


Director of Campus Safety Services
Phillips Exeter Academy
20 Main St.
Exeter, NH 03833
603-777-3611

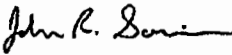
I informed him of the pending investigation of the institution and its staff regarding possible violations of RSA 169-C Child Protection Act, Mandatory Reporting Law. Chief  referred me to Attorney David Vicinanza of the Nixon Peabody Law firm stating they were representing the institution in such matters.

On June 23, 2016 I attended a meeting regarding this investigation at the offices of Nixon Peabody, LLP 900 Elm St. in Manchester, NH. The attendees were Attorney David Vicinanza, Attorney Daniel Deane, PEA Chief , Det. Mallory Littman, and me. The discussion centered on NH State Police participation in the Rockingham County Attorney Office/Exeter Police Department investigation and the current criminal investigation into mandatory reporting law violations.

Att. Vicinanza was clear in that their firm was representing the institution and all employees, staff, and students in any matter relating to the reporting of possible criminal activity to authorities or law enforcement officials. Att. Vicinanza stated that they would consider whether or not to supply law enforcement with any student discipline files, faculty discipline files, active/former student rosters and contact information, active/former employee rosters and contact information, etc. *(As of January 20, 2017 none of these files have been supplied.)*

Att. Vicinanza stated that it was his belief there should be a "protocol" in place for possible law enforcement contact with Academy personnel, part of this protocol would be the firms participation in structuring contact and having active involvement in any matter and/or interview. I informed him that our investigative plan was confidential and we would not seek a "structuring" upon their wishes as it may hinder witness(es) from being forthcoming or trusting our independence from the institution itself.

Att. Vicinanza stated that their primary concern was improvement of current practices, and explained that any possible reporting law violations to this point were merely misunderstandings and/or lack of training for staff on handling these matters. He was clear in their collective belief that

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**NEW HAMPSHIRE STATE POLICE
CONTINUATION OF INVESTIGATION REPORT**

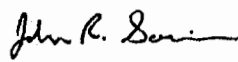
1. CASE NO. MC16-7545	2. INVESTIGATING TROOPER Sgt. John R. Sonia	3. I.D. NO. 855	4. TOWN OF CRIME Exeter	5. TN. CD. *****	6. DATE OF REPORT 05/10/16
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no criminal intent was afoot. Att. Vicinanza maintained that the institution wished to be "transparent", and that training for employees and students was the key to resolving these matters.

At the conclusion of the meeting I informed Chief [REDACTED] that we would like to start interviewing various employees, such as current security personnel, to see if they had information pertinent to our investigation, Att. Vicinanza was not present for this conversation.

Approximately 15 minutes after leaving the meeting I received a call from Att. Vicinanza stating that he had spoken to Chief Gravel and was informed of our plan to go to campus to begin interviewing employees of PEA. Att. Vicinanza informed me that as legal counsel for all Phillips Exeter Academy employees, staff, and students he was forbidding any contact directly or indirectly with anyone associated with the institution, and that he would begin negotiations with the Rockingham County Attorney's Office. I informed Deputy Rockingham County Attorney Patricia LaFrance of the conversation with Att. Vicinanza.

END OF REPORT

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