

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH**

<https://www.courts.nh.gov>

PROBABLE CAUSE STATEMENT FOR ARREST WARRANT

I, Scott Gilbert declare under penalty of perjury:

1. I am an investigator with the New Hampshire Attorney General's Office ("NHAG"). I am a fulltime certified New Hampshire Police Officer and have been for approximately 30 years. Prior to my current position, I was a New Hampshire State Trooper for 21 years, and for 14 of those years I was assigned to the Major Crime Unit. I served as the Commander of the Major Crime Unit and was directly involved in the investigation of well over 100 homicides, officer-involved shootings, and other serious-crimes investigations. I have served as the New Hampshire State Police Commander of the Professional Standards Unit and in this position was responsible for numerous sensitive internal investigations. I am a certified polygraphist and have conducted hundreds of criminal and pre-employment polygraphs throughout the state. Prior to becoming a New Hampshire State Trooper, I was a police officer for the city of Concord, New Hampshire for 4 years. During the course of my career, I have received additional extensive training by various local, state, and federal agencies in the areas of advanced interview and interrogation techniques, crime scene processing and major crime investigation.
2. I have information, based upon my observations and personal knowledge, documents, and information obtained from other individuals, as described in the following paragraphs of this affidavit:
3. On April 15, 2022, and May 11, 2022, this Office received complaints by Attorney Andrea Amodeo-Vickery ("Attorney Amodeo-Vickery") and Attorney Gilles Bissonnette of the ACLU ("Attorney Bissonnette") on behalf of Litchfield Police Department ("Litchfield PD") Officer Taylor Dezotell ("Dezotell"). The complaints alleged that on December 31, 2021, through January 1, 2022, Litchfield PD Chief Benjamin Sargent ("Sargent") used his position to sexually harass Dezotell in violation of RSA 643:1.
4. Investigation determined that on December 31, 2021, at approximately 10:20 a.m. the suicide prevention hotline reported to the Litchfield PD that Sargent was drunk and driving around with a pistol in his mouth. Litchfield PD responded to Sargent's residence and found him intoxicated. They described Sargent as aggressive towards them at times. They stayed with him until approximately 5:30 p.m. They ultimately left Sargent to "sober up." They called Sargent at approximately 11:00 p.m.. Sargent was described as "still shitfaced".

5. During an investigation by the Town of Litchfield into this matter, Sargent was interviewed twice by Attorney Talesha Saint-Marc ("Attorney Saint-Marc"), the external investigator retained by the Town of Litchfield. Sargent admitted to Attorney Saint-Marc to having an approximately 30-minute phone call with the Alcoholics Anonymous hotline. He admitted that he disclosed that he was unable to stop drinking. He denied saying that he was suicidal and/or driving intoxicated with a gun in his mouth. Sargent admitted he was intoxicated during the relevant interactions with Dezotell, although he described himself as "legally intoxicated."
6. On December 31, 2021, at approximately 7:08pm, Sargent contacted Dezotell and had the following text exchange:

Sargent: Are you working?

Dezotell: Sure am.

Sargent: Clear to chat?

Dezotell: [picture of owl]

Once I handle this thing

Sargent: Really....another [owl emoji]

Dezotell: I know, I'm out of stupid puns too

Call you in 2?

Sargent: It would be my honor

Dezotell: No no, all mine.

Sargent: Seriously, more mine. It's a great honor.

7. Dezotell called Sargent back at 7:41 p.m., and the conversation lasted 96 minutes. Sargent asked if she had heard that her "old Chief" was driving around town with a gun in his mouth, before stating that he was just kidding and that it was her "current chief." Sargent explained that he had been experiencing a lot of stress, that he had been drinking over the holidays, and that his wife was not happy with him. After his wife recommended that he get himself under control, Sargent called AA. While he was on the line with AA, the AA representative called Litchfield PD and told the officers that Sargent was driving around the town intoxicated with his gun in his mouth. Sargent stated that he would never do two things: drive drunk or commit suicide. Sargent stated that he felt everyone was betraying him and that he was worried Dezotell would betray him too.
8. According to Dezotell, Sargent continued to state that his wife was not happy with him. He also stated that he had a "Taylor problem" and that he had a "crush" on Dezotell. Dezotell attempted to change the topic of conversation, but Sargent referred to having a "Taylor problem" approximately 5 times. Dezotell asked what Sargent meant by having a "Taylor problem," but Sargent would respond in an evasive manner. Sargent said things such as, "You are going to do great things here," "You should get a law degree and we'll get you a K9," and having a "Taylor

problem.” Sargent explained that being honest that day had gotten him in trouble and betrayed, so he wasn’t going to answer honestly.

9. According to Dezotell, Dezotell informed Sargent that she had been dispatched to the residence of Kay Hamel (“Hamel”). Sargent stated that Hamel’s residence was near Sargent’s home, and he suggested that Dezotell come to his house after the call. Sargent told Dezotell to bring Sargent wine when she came to Sargent’s house, adding that if she did, he would tell her about “his feelings” toward her in person. Dezotell declined, stating that she was on duty and could not buy wine while in uniform. Sargent told Dezotell to come to his residence a couple more times, explaining that “a lot of people on shift” visit Sargent’s residence. Dezotell again declined. Before the call ended, Sargent told Dezotell to call him when she finished at Hamel’s residence.

10. When speaking with Attorney Saint-Marc, Sargent acknowledged making knowing and purposeful comments to Dezotell, but disputed the purpose of his comments. Sargent generally denied expressing romantic or sexual interest in Dezotell during their conversations. Sargent admitted sharing with Dezotell that his wife was leaving him because of his drinking. Sargent did not dispute inviting Dezotell to his house and to bring wine. Sargent admitted to telling Dezotell he had a “Taylor problem,” but denied that it had any romantic significance.

11. On December 31, 2021 at approximately 10:00 p.m., Dezotell called Sargent, and they had a second phone conversation that lasted an hour. According to Dezotell, Sargent sounded more intoxicated than during the first conversation. Sargent refused to clarify what he meant by having a “Taylor problem.”

12. After the second call ended at 11:00p.m. on December 31, 2021, Sargent and Dezotell had the following text exchange:

Sargent: Drive safe

Dezotell: Sleep tight! Happy new year!!!!!!!

Sargent: Happy New Year!!! Give me a call on your way home if you are Bored. Did I answer your question? I will take that as Big No!

Dezotell: HAHAAH!!!

13. On January 1, 2022, at approximately 11:00 a.m. Sargent called Dezotell, which lasted 14 minutes. Dezotell described Sargent as having slurred speech and near incoherent. At some point, Dezotell mentioned her husband, Kyle, and her son. Sargent got “really quiet,” before responding, “You never talk about Kyle, so I guess you guys are good?” When Dezotell stated she and her husband were “good,” Sargent stated, “Well that fucks up my shit because I’m getting a divorce.” Before

ending call, Sargent again referenced having a "Taylor problem" before hanging up the phone.

14. On January 1, 2022, at approximately 11:15, Sargent and Dezotell had the following text exchange:

Sargent: You.....
[picture of sleeping child at table]

Dezotell: Me^ When I agreed to this quick turnaround, I forgot that literally no coffee places would be open this morning.

Sargent: Why did you make such an error?

Dezotell: Because SOMEONE put me on midnights and I thought the extra

Sargent: Someone should have talked to someone else. I think that's how it Works.

Dezotell: We all know you make the schedule

Sargent: Apparently not. Why do I get cursed with the schedule???????????

Dezotell: So you did make the schedule!

Sargent: Really???

Dezotell: [Yikes emoji]

Sargent: Why aren't you sleeping right now? Oh shit ... you are working.

Dezotell: I'm keeping the town of Litchfield safe!

Sargent: Thank you for that

Dezotell: Protect and serve

Sargent: Well I'll call Kay [Hamel] and let her know that you are working

Dezotell: No!!! She specifically asked if you would change her bandage

Sargent: No. She already knows you're working

Dezotell: I told her you would be over in 15 minutes

Sargent: I'm already there and told her you'd stop by to join us. I just gave her your cell phone number so it's easier for her to get a hold of you

Dezotell: I set her up with an Instagram account and told her to follow you.

Sargent: Those are fighting words. And I think I'm canceled

Dezotell: Canceled on what!?

Sargent: Instagram.

Dezotell: Why!

Sargent: I'm definitely not telling you that one

Dezotell: Fine.

Sargent: Well that is not good. I was just getting to call and answer your Question

Dezotell: Bullshit!

Sargent: I literally had the phone to my ear. You still babysitting?

Dezotell: babysitting [check] Facebook post [check] Coffee [check]

Sargent: Late Night Taylor. You rock!

Sargent: No response???? Was hoping to chat.... So definitely getting Divorced. There is your answer.

15. On January 1, 2022, at approximately 12:50 p.m. there was a fourth phone call between Sargent and Dezotell. According to Dezotell, Sargent still sounded intoxicated. Her move to the night schedule was discussed. Dezotell described being "bummed" but understood. Sargent told her she should have come to him in advance, as he could have helped her. Sargent reiterated his marital issues and again having a "Taylor problem," which he still refused to clarify. Dezotell stated that once, she said, "I answered questions you asked me," to which he (jokingly) responded, "Fuck you" In response, she (also jokingly) said, "Yeah, ok, fuck you." Sargent responded, "I have a response to that, but it's too inappropriate.
16. According to Dezotell, at one point Dezotell asked Sargent what having a "Taylor problem" meant, Sargent responded, "It means I love you." When Dezotell attempted to redirect the conversation, Sargent said he knows he's "short and fat."
17. Both the Town of Litchfield and Litchfield PD have policies prohibiting sexual harassment.
18. The Town of Litchfield's Sexual Harassment Policy states that sexual harassment is "unlawful" and may result in discipline. The Policy defines sexual harassment as "... *...unwelcome sexual advances, requests for sexual favors, and other verbal, physical, and nonphysical conduct of a sexual nature when such conduct has the purpose or effect of unreasonably interfering with an individual's performance at work, or creates an intimidating, hostile, or offensive work environment.*"
19. On May 18, 2021, Sargent issued Litchfield PD General Order #022 which provides that "...*No employee shall be subjected to unsolicited and unwelcome sexual overtures or verbal or physical conduct of a sexual nature. Sexual harassment will be treated as misconduct with appropriate disciplinary sanctions.*" The order defines sexual harassment: "*Unwelcome sexual advances...and other verbal or physical conduct of a sexual nature when the conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile or offensive work environment. By way of illustration only, some examples which would constitute sexual harassment in the workplace under certain circumstances would include, but not necessarily be limited, to the following: Unwelcome...propositions, or other similar actions. Unwanted, unwarranted, unsolicited off-duty telephone calls and conduct.*"
20. RSA 643:1, **Official Oppression**, states that *[a] public servant, as defined in RSA 640:2, II, is guilty of a misdemeanor if, with a purpose to benefit himself or*

another or to harm another, he knowingly commits an unauthorized act which purports to be an act of his office."

21. Based on the foregoing and my personal knowledge, there is probable cause to believe that Benjamin Sargent committed the crime of Official Oppression in violation of RSA 643:1 in that Sargent did knowingly commit an unauthorized act by violating the sexual harassment policy of the Town of Litchfield and/or the Litchfield Police Department with a purpose to benefit himself.

For these reasons I ask the Court to issue an arrest warrant for Benjamin Sargent, date of birth November 6, 1979, for the crime of **Official Oppression** in violation of RSA 643:1

12/28/22

Date

Scott Gilbert

signature

SCOTT GILBERT

Name of officer

Signed under the penalty of perjury, the penalty for which may include a fine or imprisonment or both.

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH

https://www.courts.nh.gov

Court Name: 9th Circuit - District Division - Merrimack Agency Case Number: 2022155820

ARREST WARRANT

To the sheriff of his deputies of any county in this state, or any police officer state or federal, within the state:

Scott Gilbert has established under oath that probable cause exists and an arrest warrant shall issue against the defendant,

Benjamin Sargent, D.O.B. 11/06/1979,

In the county of Hillsborough for one count of

Official Oppression contrary to the New Hampshire

RSA: 643:1 Descriptor: Official Oppression

RSA: _____ Descriptor: _____

RSA: _____ Descriptor: _____

RSA: _____ Descriptor: _____

RSA: _____ Descriptor: _____

We command you to take him/her, if found to be in your jurisdiction, and bring him/her before the 9th Circuit - District Division - Merrimack Court.

12/28/2022
Date

Sandra Cabrera
Signature of Judge / Justice of the Peace
Sandra Cabrera
Name of Judge / Justice of the Peace

RETURN

STATE OF NEW HAMPSHIRE COUNTY OF _____

I have arrested the Defendant and now have him/her before the court as commanded.

Date

Signature of Officer

Name of Officer/Department