

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: LACKAWANNA



POLICE CRIMINAL COMPLAINT
COMMONWEALTH OF PENNSYLVANIA
VS.

Magisterial District Number: 45-1-06
MDJ Name: Hon. PAUL J. WARE
Address: 2012 WEST PINE STREET
DUNMORE PA 18512
Telephone: 570-983-6521

DEFENDANT: (NAME and ADDRESS):
SAMANTHA M. HEINRICH
First Name Middle Name Last Name Gen.
5180 MAIN RD
SWEET VALLEY PA 18656

NCIC EXTRADITION CODE TYPE

- | | | | |
|---|---|--|-----------|
| <input type="checkbox"/> 1-Felony Full | <input type="checkbox"/> 6-Felony Pend. | <input type="checkbox"/> C-Misdemeanor Surrounding States | Distance: |
| <input type="checkbox"/> 2-Felony Ltd. | <input type="checkbox"/> 6-Felony Pend. Extradition Determ. | <input type="checkbox"/> D-Misdemeanor No Extradition | |
| <input checked="" type="checkbox"/> 3-Felony Surrounding States | <input type="checkbox"/> A-Misdemeanor Full | <input type="checkbox"/> E-Misdemeanor Pending | |
| <input type="checkbox"/> 4-Felony No Ext. | <input type="checkbox"/> B-Misdemeanor Limited | <input type="checkbox"/> F-Misdemeanor Pending Extradition Determ. | |

DEFENDANT IDENTIFICATION INFORMATION

Docket Number UR 2019	Date Filed 4-3-19	OTN/LiveScan Number 11194624-2	Complaint/Incident Number X74-56264/43-1274	Request Lab Services? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
GENDER <input type="checkbox"/> Male <input checked="" type="checkbox"/> Female	DOB 04/11/82	POB	Add'l DOB	Co-Defendant(s) <input type="checkbox"/>			
AKA	First Name: SAMANTHA	Middle Name: M.	Last Name: ERB	Gen.			
RACE <input checked="" type="checkbox"/> White <input type="checkbox"/> Asian <input type="checkbox"/> Black <input type="checkbox"/> Native American <input type="checkbox"/> Unknown	ETHNICITY <input type="checkbox"/> Hispanic <input checked="" type="checkbox"/> Non-Hispanic <input type="checkbox"/> Unknown						
HAIR COLOR <input type="checkbox"/> GRY (Gray) <input type="checkbox"/> BLK (Black) <input type="checkbox"/> BLN (Blonde / Strawberry)	<input type="checkbox"/> RED (Red / Auburn) <input type="checkbox"/> ORG (Orange)	<input type="checkbox"/> SDY (Sandy) <input type="checkbox"/> WHI (White)	<input type="checkbox"/> BLU (Blue) <input type="checkbox"/> XXX (Unk. / Bald)	<input type="checkbox"/> PLE (Purple) <input type="checkbox"/> GRN (Green) <input checked="" type="checkbox"/> BRO (Brown) <input type="checkbox"/> PNK (Pink)			
EYE COLOR <input type="checkbox"/> BLK (Black) <input type="checkbox"/> HAZ (Hazel)	<input type="checkbox"/> BLU (Blue) <input type="checkbox"/> MAR (Maroon)	<input checked="" type="checkbox"/> BRO (Brown) <input type="checkbox"/> PNK (Pink)	<input type="checkbox"/> GRN (Green) <input type="checkbox"/> MUL (Multicolored)	<input type="checkbox"/> GRY (Gray) <input type="checkbox"/> XXX (Unknown)			
DNA <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	DNA Location	WEIGHT (lbs.) UNK					
FBI Number	MNU Number	FL. HEIGHT in. 5 2					
Defendant Fingerprinted <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Fingerprint Classification:						
DEFENDANT VEHICLE INFORMATION							
Plate #	State	Hazmat <input type="checkbox"/>	Registration Sticker (MM/YY)	Comm'l Veh. Ind. <input type="checkbox"/>	School Veh. <input type="checkbox"/>	Oth. NCIC Veh. Code	Reg. same as Def. <input type="checkbox"/>
VIN	Year	Make	Model	Style	Color		

Office of the Attorney for the Commonwealth Approved Disapproved because:
(The attorney for the Commonwealth may require that the complaint, arrest warrant affidavit, or both be approved by the attorney for the Commonwealth prior to filing Part C-101 P. 507.)

D.A.G. REBECCA ELO
(Name of Attorney for Commonwealth - Please Print or Type)

Rebecca ELO
(Signature of Attorney for Commonwealth)

4/01/19
(Date)

I, TPR, JENNIFER KOSAKEVITCH and S.A. RALPH ZEZZA
(Name of Agent - Please Print or Type)

00475639/08018 AND 490
(PSP/MPDET - Assigned Agent ID Number & Badge #)

of the Pennsylvania State Police, Organized Crime Task Force and Office of Attorney General
(Identify Department or Agency Represented and Political Subdivision)

PAPSP1A00
(Police Agency ORI Number)

do hereby state: (check appropriate box)

- I accuse the above named defendant who lives at the address set forth above
- I accuse the defendant whose name is unknown to me but who is described as
- I accuse the defendant whose name and popular designation or nickname is unknown to me and whom I have therefore designated as John Doe or Jane Doe,

with violating the penal laws of the Commonwealth of Pennsylvania at:

302 (Subdivision Code) LACKAWANNA COUNTY PRISON 1371 NORTH WASHINGTON AVE. SCRANTON CITY (Place-Political Subdivision)

In LACKAWANNA County

35 (County Code)

on or about VARIOUS TIMES BETWEEN DECEMBER 2013-DECEMBER 2014 AND DECEMBER 2015-JULY 2017 (Offense Date)



POLICE CRIMINAL COMPLAINT

Docket Number:	Date Filed: //	OTN/LiveScan Number	Complaint/Incident Number X74-56264/43-12
Defendant Name	First: SAMANTHA	Middle: M.	Last: HEINRICH

The acts committed by the accused are described below with each Act of Assembly or statute allegedly violated, if appropriate. When there is more than one offense, each offense should be numbered chronologically.
 (Set forth a *brief* summary of the facts sufficient to advise the defendant of the nature of the offense(s) charged. A citation to the statute(s) allegedly violated, without more, is not sufficient. In a summary case, you must cite the specific section(s) and subsection(s) of the statute(s) or ordinance(s) allegedly violated.

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903	Number of Victims Age 60 or Older: 0
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<input type="checkbox"/> Lead?	1	3124.2	(a)	of the	Title 18 , PA Crimes Code	1	F3		170/90Z
	Offense #	Section	Subsection		PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code

PennDOT Data (if applicable)	Accident Number	<input type="checkbox"/> Interstate	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
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Statute Description (include the name of statute or ordinance):
Institutional Sexual Assault
 Acts of the accused associated with this Offense:
 In that, on or about said date, THE DEFENDANT who is an employee or agent of the Department of Corrections or a county correctional authority, youth development center, youth forestry camp, State or county juvenile detention facility, other licensed residential facility serving children and youth, or mental health or mental retardation facility or institution did engage in sexual intercourse, deviate sexual intercourse or indecent contact with an inmate, detainee, patient or resident, TO WIT: THE DEFENDANT, a counselor at Lackawanna County Prison, did engage in deviate sexual intercourse and indecent contact with inmate M.W., in violation of Section 3124.2(a) of the PA Crimes Code.

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903	Number of Victims Age 60 or Older: 0
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<input type="checkbox"/> Lead?	2	3124.2	(a)	of the	Title 18 , PA Crimes Code	1	F3		170/90Z
	Offense #	Section	Subsection		PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code

PennDOT Data (if applicable)	Accident Number	<input type="checkbox"/> Interstate	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
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Statute Description (include the name of statute or ordinance):
Institutional Sexual Assault
 Acts of the accused associated with this Offense:
 In that, on or about said date, THE DEFENDANT who is an employee or agent of the Department of Corrections or a county correctional authority, youth development center, youth forestry camp, State or county juvenile detention facility, other licensed residential facility serving children and youth, or mental health or mental retardation facility or institution did engage in sexual intercourse, deviate sexual intercourse or indecent contact with an inmate, detainee, patient or resident, TO WIT: THE DEFENDANT, a counselor at Lackawanna County Prison, did engage in sexual intercourse, deviate sexual intercourse and indecent contact with inmate W.L., in violation of Section 3124.2(a) of the PA Crimes Code.



POLICE CRIMINAL COMPLAINT

Docket Number:	Date Filed: 11	OTN/LiveScan Number	Complaint/Incident Number X74-56264/43-12
Defendant Name	First: SAMANTHA	Middle: M.	Last: HEINRICH

- I ask that a warrant of arrest or a summons be issued and that the defendant be required to answer the charges I have made.
- I verify that the facts set forth in this complaint are true and correct to the best of my knowledge or information and belief. This verification is made subject to the penalties of Section 4904 of the Crimes Code (18 Pa.C.S.§4904) relating to unsworn falsification to authorities.
- This complaint consists of the preceding page(s) numbered 1 through 10
- I certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

The acts committed by the accused, as listed and hereafter, were against the peace and dignity of the Commonwealth of Pennsylvania and were contrary to the Act(s) of the Assembly, or in violation of the statutes cited.

(Before a warrant of arrest can be issued, an affidavit of probable cause must be completed, sworn to before the issuing authority, and attached.)

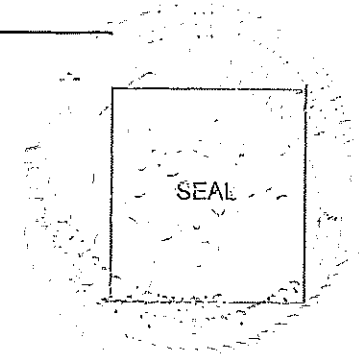
APRIL 3, 2019 S.A. RALPH ZEZZA
(Date) (Signature of Affiant)
TPA. JENNIFER KOSAKOVITCH

[Handwritten Signature]
[Handwritten Signature]

AND NOW, on this date, _____ I certify that the complaint has been properly completed and verified. An affidavit of probable cause must be completed before a warrant can be issued.

4319
(Magisterial District Court Number)

[Handwritten Signature]
(Issuing Authority)



AFFIDAVIT OF PROBABLE CAUSE

Your Affiants, Special Agent Ralph Zezza, Office of Attorney General (hereinafter OAG), Bureau of Criminal Investigation, and Trooper Jennifer Kosakevitch, Pennsylvania State Police (hereinafter PSP), Bureau of Criminal Investigation, both being duly sworn, depose and say:

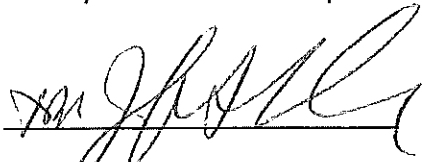
Your Affiants have been involved in an investigation into offenses in violation of the criminal laws of the Commonwealth. The OAG/PSP investigation has utilized the Statewide Investigating Grand Jury and as a result, the Forty-First Statewide Investigating Grand Jury issued Presentment No. 29 on January 10, 2019, this Presentment was accepted by order of the Honorable Lillian Harris Ransom, Supervising Judge. The Presentment, attached to this Affidavit and incorporated herein by reference, recommends charges be filed by the Attorney General or his designee against **Samantha M. Heinrich** as follows:

Count 1 – Institutional Sexual Assault 18 Pa.C.S.A. §3124.2 (a)

Count 2 – Institutional Sexual Assault 18 Pa.C.S.A. §3124.2 (a)

Your Affiants have reviewed the Presentment and find that the factual findings described therein correspond to the OAG/PSP Investigative findings. Your Affiants have reviewed the sworn testimony given by the witnesses before the Grand Jury and find that it is consistent with the information contained within the Presentment. Your Affiants have reviewed the evidence presented to the Grand Jury and find that it comports with the results of the OAG/PSP Investigative efforts and findings as to the allegations contained in this complaint.

Your Affiants state, based upon the above facts, there is probable cause to believe that the defendant, **Samantha M. Heinrich**, committed the acts detailed above in violation of Pennsylvania law and respectfully request that an arrest warrant be issued.



Trooper Jennifer Kosakevitch

Pennsylvania State Police



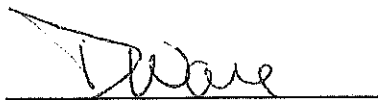
Special Agent Ralph Zezza

Pennsylvania Office of Attorney General

SWORN TO AND SUBSCRIBED

BEFORE ME THIS 3 DAY

OF March, 2019



45-1-06



INTRODUCTION

We, the members of the Forty-First Statewide Investigating Grand Jury, having received and reviewed evidence pertaining to violations of the Pennsylvania Crimes Code occurring in Lackawanna County, Pennsylvania pursuant to Notice of Submission of Investigation No. 14, do hereby make the following findings of fact and recommendation of charges.

FINDINGS OF FACT

The Grand Jury conducted an investigation into allegations of systemic sexual abuse and harassment of female inmates for more than a decade at the Lackawanna County Prison ("LCP") located in Scranton, Pennsylvania and we issued Presentment No. 11 on February 9, 2018, recommending that criminal charges be filed against John J. Shnipes, Jeffrey T. Staff, George R. Efthimiou, Mark Johnson, George McHale, Paul Voglino and James Walsh who utilized their positions of authority to manipulate and dominate the female inmates, perpetuating a pervasive culture of continuous sexual abuse and harassment.

The investigation continued and the Grand Jury learned that the harassment was not limited to female inmates; rather, male inmates were also targeted. The evidence uncovered by the Grand Jury revealed that Samantha Heinrich ("Heinrich"), a counselor at LCP, abused her authority and propositioned male inmates, engaging in sexual acts with them. Due to their status as inmates and the benefits that they received from Heinrich, the males were reluctant to report the sexual contact to anyone in a position of authority at the prison.

Heinrich began her employment as a counselor at the LCP in 2012. The Grand Jury learned that there are no special qualifications or certifications required to hold this position. Instead, the counselor simply serves as a liaison between the inmates and outside agencies and individuals. The responsibilities of the counselor include assisting the prisoners with the completion of paperwork, scheduling appointments, and making telephone calls. The counselor also assists



inmates with obtaining entry into drug and/or alcohol treatment programs, if necessary. In her position as counselor, Heinrich had contact with inmates on a daily basis.

M.W. appeared before the Grand Jury and testified that he was incarcerated at LCP from December 2013 through December 2014. During that time period, he was housed in the Echo Unit and Heinrich was his assigned counselor. Almost immediately upon meeting M.W., Heinrich began making sexual comments to him. The two then began sending sexually explicit notes to each other. The notes were placed in Heinrich's folder or hand-delivered.

Sexual contact between Heinrich and M.W. began when Heinrich took M.W. to the counselor's room for his "lawyer calls." M.W. explained that this was just an excuse for the two of them to be alone together. While in the counselor's room, they kissed and touched each other. Heinrich also fondled M.W.'s penis. On one occasion, Heinrich performed oral sex on M.W. and M.W. fondled Heinrich's breasts. This was the only time when oral sex occurred between M.W. and Heinrich. M.W. also told the Grand Jury that Heinrich would stand outside of his cell and watch him masturbate on a number of occasions.

M.W. testified that he engaged in kissing and touching with Heinrich nearly every day that she worked at LCP, which was normally five days per week. He stated that after he left LCP in December 2014, he and Heinrich continued to correspond via letter. Ultimately, M.W. returned to LCP in 2017 for a brief period of incarceration. At that time, however, M.W. learned that Heinrich was involved with another male inmate and therefore he had no further sexual contact with her.

The Grand Jury also heard testimony from W.L. who was incarcerated at LCP from October 2015 through July 2017. While incarcerated, he spent the majority of his time working in the kitchen and distributing food trays throughout the prison. W.L. stated that he felt like

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Heinrich was stalking him inasmuch as she always appeared wherever he happened to be. He told the Grand Jury that Heinrich would make it a point to come into the kitchen after the Officer Dining Room was closed when W.L. would be alone. Although Heinrich was not the counselor assigned to W.L.'s block, she would cover the shift of his assigned counselor whenever that counselor was not working. The Grand Jury learned that Heinrich had W.L.'s mail re-directed to her care. This was not a common practice at LCP, especially in light of the fact that Heinrich was not his assigned counselor. Heinrich also personally handled a custody matter involving W.L.

Sexual communication between Heinrich and W.L. began one morning when Heinrich requested W.L. to bring a breakfast tray to her office, which was permitted by prison rules. When W.L. delivered the tray to Heinrich's office, Heinrich told W.L. to look at her computer. Upon looking at the screen, he observed photographs of Heinrich in various stages of undress, including pictures of her clad in only underwear and bathing suits. There was also a topless photograph of her. W.L. explained that this scenario occurred on numerous occasions. He told the Grand Jury that Heinrich also carried these types of photographs with her and would show them to male inmates. He stated that, on one occasion, she gave him a picture that consisted of a collage of photographs of her. The Grand Jury viewed this picture.

W.L. told the Grand Jury that he began a sexual relationship with Heinrich around June or July 2016. The first sexual contact occurred in the office of W.L.'s counselor, which was located next to the kitchen. This occurred at a time when Heinrich was covering for W.L.'s counselor. W.L. testified that, on the first occasion, Heinrich told W.L. to come into the office. When he entered, he saw Heinrich standing next to the filing cabinet. She then unzipped her pants and told W.L. to "feel how wet" he made her. W.L. proceeded to insert his fingers into Heinrich's vagina. On another occasion, Heinrich asked to see W.L.'s penis and he complied. Heinrich would often



rub her buttocks and body against him whenever she was walking past him. Heinrich also brought food into the prison, including strawberries and whipped cream, and provided it to W.L.. Additionally, on one occasion, she brought alcohol to him. Heinrich frequently made up reasons for W.L. to come to the counselor's office. While in the office, they engaged in digital vaginal penetration, oral sex and vaginal sexual intercourse. W.L. specifically recalled that they engaged in oral sex on three occasions. He also testified that they engaged in vaginal sexual intercourse on one occasion.

W.L. testified that he did not want to engage in sexual activity with Heinrich, but saw it as being beneficial to himself. W.L. described feeling "lost" and "caught up," and feared losing his job in the kitchen if he refused to do what Heinrich wanted. He informed the Grand Jury that Heinrich had "pull" at LCP and made things easy for him inside the prison. Specifically, he recalled one incident when he was sent to the "hole" for punishment and Heinrich was able to have him removed the very next day in contravention of the length of time associated with his punishment. His relationship with Heinrich continued until the day she was escorted out of LCP in 2017.

The Grand Jury heard testimony from a prison official who was notified about Heinrich's inappropriate conduct and began an investigation into the allegations in June 2017. Shortly thereafter, an anonymous letter alleging that Heinrich was engaging in inappropriate conduct came through the prison mail along with a photograph. During the internal prison investigation, Heinrich's office computer was searched. The search revealed a number of inappropriate photographs of Heinrich in various stages of undress.

The Grand Jury also heard testimony from Heinrich who admitted that she had sexual contact with W.L. and that she gave him the collage of pictures. Although she denied having a



relationship with M.W., she admitted that she touched his penis on one occasion. She stated that she was aware that it was against LCP policy to give photographs of herself to the inmates and that it was a crime to have sexual contact with the inmates.

②

Date - 9.10.10