

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: DAUPHIN

Magisterial District Number: 12-1-04
MDJ: Hon. David O'Leary, Esq
Address: 1520 Walnut Street
Harrisburg, PA 17103

Telephone: (717)233-1220



POLICE CRIMINAL COMPLAINT
COMMONWEALTH OF PENNSYLVANIA

VS.

DEFENDANT:

(NAME and ADDRESS):

JOANNE

G.

VAN SAUN

First Name

Middle Name

Last Name

Gen

605 Old Meadows Ave.

Dallas, PA 18612-1817

NCIC Extradition Code Type

<input type="checkbox"/> 1-Felony Full	<input type="checkbox"/> 5-Felony Pending Extradition	<input checked="" type="checkbox"/> C-Misdemeanor Surrounding States	<input type="checkbox"/> Distance: _____
<input type="checkbox"/> 2-Felony Limited	<input type="checkbox"/> 6-Felony Pending Extradition Determ.	<input type="checkbox"/> D-Misdemeanor No Extradition	
<input type="checkbox"/> 3-Felony Surrounding States	<input type="checkbox"/> A-Misdemeanor Full	<input type="checkbox"/> E-Misdemeanor Pending Extradition	
<input type="checkbox"/> 4-Felony No Extradition	<input type="checkbox"/> B-Misdemeanor Limited	<input type="checkbox"/> F-Misdemeanor Pending Extradition	

DEFENDANT IDENTIFICATION INFORMATION

Packet Number CR-285-21	Date Filed 7/6/21	CJIN Live Scan Number R152597-4	Complaint/Incident Number 431312	Request Lab Services? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
GENDER <input type="checkbox"/> Male <input checked="" type="checkbox"/> Female	DOB 12/02/1962	POB	Add'l DOB / /	Co-Defendant(s) <input type="checkbox"/>
AKA	First Name	Middle Name	Last Name	Gen.

RACE White Asian Black Native American Unknown

ETHNICITY Hispanic Non-Hispanic Unknown

Hair Color
 GRY (Gray) RED (Red/Aubn.) SDY (Sandy) BLU (Blue) PLE (Purple) BRO (Brown)
 BLK (Black) ONG (Orange) WHI (White) XXX (Unk./Bald) GRN (Green) PNK (Pink)
 BLN (Blonde / Strawberry)

Eye Color BLK (Black) BLU (Blue) BRO (Brown) GRN (Green) GRY (Gray)
 HAZ (Hazel) MAR (Maroon) PNK (Pink) MUL (Multicolored) XXX (Unknown)

DNA YES NO DNA Location WEIGHT (lbs.)

FBI Number MNU Number

Defendant Fingerprinted YES NO Ft. HEIGHT In.

Fingerprint Classification:

DEFENDANT VEHICLE INFORMATION

Plate #	State	Haz mat <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:

SDAG BERNARD ANDERSON APPROVED VIA TELEPHONE 6 JULY 2021 (JSM/KOM)

(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. See Pa.R.Crim.P. 507).

SDAG BERNARD ANDERSON

(Name of the attorney for the Commonwealth)

(Signature of the attorney for the Commonwealth)

(Date)

I, KRISTIN D MERTZ & JIMMY MUMMAU

(Name of the Affiant)

#513 & #795

(PSP/MPPOETC -Assigned Affiant ID Number & Badge #

of Pennsylvania Office of Attorney General

(Identify Department or Agency Represented and Political Subdivision)

PA0222400

(Police Agency ORI Number)

do hereby state: (check appropriate box)

1. 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 JOANNE VAN SAUN

I accuse the defendant whose name and popular designation or nickname are 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 [301] Pa. D.H.S. 625 Forster Street,
Harrisburg, Pa 17120 (Subdivision Code) (Place-Political Subdivision)

in DAUPHIN County

[22]

(County Code)

on or about MAY 1, 2017



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Defendant Name:	First: JOANNE	Middle: G.	Last: VAN SAUN

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. The age of the victim at the time of the offense may be included if known. In addition, social security numbers and financial information (e.g. PINs) should not be listed. If the identity of an account must be established, list only the last four digits. 204 PA.Code §§ 213.1 – 213.7.)

<input checked="" type="checkbox"/> 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 _____				
<input type="checkbox"/> Lead?	1	4304	(a)(1)	of the	18 PA.C.S.A.	1	M1	90Z
PennDOT Data (if applicable)	Accident Number _____	<input type="checkbox"/> Interstate		<input type="checkbox"/> Safety Zone		<input type="checkbox"/> Work Zone		
Statute Description (include the name of statute or ordinance): ENDANGERING THE WELFARE OF A CHILD								
Acts of the accused associated with this Offense: The Defendant, Joanne Van Saun, during the spring of 2017, as the Director of Luzerne County Children & Youth Services ("LCCYS"), a person supervising the welfare of children under 18 years of age, Joanne Van Saun knowingly endangered the welfare of children by violating a duty of care, protection or support, by ordering LCCYS employees to submit false reports to PA DHS that allegations of child abuse and neglect received from PA DHS ChildLine had been investigated and deemed without merit, when that was not true.								

<input checked="" type="checkbox"/> 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 _____					
<input type="checkbox"/> Lead?	2	4958	(b.1)	of the	18 PA. C.S.A	1	M2	2609	90Z
PennDOT Data (if applicable)	Accident Number _____	<input type="checkbox"/> Interstate		<input type="checkbox"/> Safety Zone		<input type="checkbox"/> Work Zone			
Statute Description (include the name of statute or ordinance): OBSTRUCTION IN CHILD ABUSE CASES									
Acts of the accused associated with this Offense: The Defendant, Joanne, Van Saun, during the spring of 2017, as the LCCYS Director, with the intent to obstruct, interfere with, impair, impede or pervert the investigation or prosecution of child abuse, Joanne Van Saun ordered LCCYS employees to not investigate allegations of child abuse and neglect received from PA DHS ChildLine.									

<input checked="" type="checkbox"/> 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 _____					
<input type="checkbox"/> Lead?	3	4958	(b.1)	of the	18 PA. C.S.A	1	M2	2609	90Z
PennDOT Data (if applicable)	Accident Number _____	<input type="checkbox"/> Interstate		<input type="checkbox"/> Safety Zone		<input type="checkbox"/> Work Zone			
Statute Description (include the name of statute or ordinance): OBSTRUCTION IN CHILD ABUSE CASES									
Acts of the accused associated with this Offense: The Defendnat, Joanne Van Saun, during the spring of 2017, as the LCCYS Director, with the intent to obstruct, interfere with, impair, impede or pervert the investigation or prosecution of child abuse, Joanne Van Saun ordered LCCYS employees to submit false reports to PA DHS that allegations of child abuse and neglect received from PA DHS ChildLine had been investigated and deemed without merit, when that was not true.									



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AFFIDAVIT of PROBABLE CAUSE

At all relevant times, Defendant JOANNE VAN SAUN was the Director of Luzerne County Children & Youth Services (“LCCYS”). Under the Child Protective Services Law (23 Pa. C.S.A. §2301, *et seq.*, the “CPSL”), the LCCYS has the sole responsibility to investigate reports of child abuse and neglect within Luzerne County, and provide services to families at risk for those issues.

There are two types of cases referred to LCCYS: Child Protective Services (“CPS”) and General Protective Services (“GPS”) cases. CPS cases involve more serious child abuse, such as physical or sexual assaults. GPS cases include general neglect and abuse, parenting and housing issues, and health and welfare of children.

LCCYS learns about potential cases of child abuse or neglect from a variety of sources, including schools, police, healthcare providers, and citizens. These referrals are received in one of two ways: 1) a direct report to LCCYS; or, 2) a report through the ChildLine registry system. ChildLine is a statewide system to receive reports of child abuse or neglect, and then refer those reports to the appropriate county Children & Youth Services agency for investigation and action, if required. ChildLine is operated by the Pennsylvania Department of Human Services, 625 Forster Street, Harrisburg, Dauphin County, Pennsylvania.

Beginning in January 2015, ChildLine electronically transmitted CPS and GPS referrals to all the county CYS agencies via the Child Welfare Information System (“CWIS”). CWIS is a software program used by ChildLine to track reports received and communicate with the CYS agencies.

The CPSL mandates that a CYS agency must report the results of every CPS referral to ChildLine within 30 days. The results of every GPS referral must be reported to ChildLine within 60 days. Since January 2015, these outcome reports are transmitted electronically by the CYS agency back to CWIS.

When a GPS referral is received from ChildLine, the CPSL and CYS regulations require that it be evaluated by a certified caseworker. The caseworker must make one of three decisions: 1) “screen out” the referral, meaning no further action need be taken; 2) accept the referral for further assessment, or, 3) accept the referral for services. A screen out decision immediately and permanently terminates any further investigation of the ChildLine referral. The ultimate decision on what is done with the referral is known as the “outcome.” The outcome for each GPS referral must be transmitted digitally back to DHS via the CWIS system within sixty (60) days.

DHS publishes a report every year entitled the “Annual Child Protective Services Report.” This report details statistics for each of the 67 CYS agencies in the state, including the number of ChildLine referrals with outstanding outcomes (*i.e.*, referrals where no result of investigation was reported back to ChildLine). In early May 2017, DHS published the Annual Child Protective Services Report for the year 2016. This report showed that LCCYS received 3,837 GPS referrals in 2016, but still had not submitted outcomes for 1,388 of those referrals.

At the time the 2016 Child Protective Services Report was issued by DHS, Joanne Van Saun had been the Director of LCCYS for just over a year. Prior to that Van Saun had decades of experience as a caseworker and supervisor at LCCYS. Van Saun was thus highly experienced and knowledgeable about the operations of a county Children & Youth Services agency.



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The 2016 Child Protective Services Report was discussed in a May 4, 2017 Citizens' Voice newspaper article exposing the failure of LCCYS to timely evaluate 1,388 GPS referrals in 2016. The article noted that LCCYS accounted for 75% of the statewide GPS referral backlog. Van Saun had been interviewed for the article, and was quoted therein falsely stating that all 1,388 outstanding referrals had in fact been evaluated by LCCYS, but the results not transmitted back to ChildLine due to problems with CWIS. This article was publicly embarrassing for Van Saun as the LCCYS Director.

Rather than resolving the referrals in the ordinary course of business, Van Saun ordered a special team to be assembled and trained to eradicate the outstanding GPS referrals. Van Saun took these actions on the same day the Citizens' Voice article was published. This special team was known as the "CWIS Team," and was substantially comprised of LCCYS clerical and support staffers who were not properly trained, supervised nor qualified to evaluate ChildLine referrals.

The CWIS Team was led by three LCCYS senior-level employees, selected by Van Saun. Van Saun told the three leaders that she wanted the backlog eradicated immediately, and that she did not care how they did it. The three leaders trained and assisted the CWIS Team members to quickly eradicate the outstanding GPS referrals. This was accomplished by submitting "screen outs" to CWIS/ChildLine without any proper evaluation, and using fictitious screen out reasons. The clerical employees were deceived and manipulated by Van Saun and the three CWIS Team leaders into believing they were merely correcting errors in submissions, and that the referrals had already been properly evaluated by LCCYS caseworkers.

Many of the Team members thus did not realize the true effect of their actions in screening out referrals. Upon learning that their submissions were actually false, and had in reality permanently ended the ChildLine referrals without investigation, many CWIS Team members were shocked, angry and upset. They felt deceived by Van Saun and the three CWIS Team leaders into taking actions that placed children at risk of abuse and neglect.

Some of the CWIS Team members did understand the import of screening out ChildLine referrals, but did so anyway out of fear of retaliation from Van Saun. Van Saun was described by multiple LCCYS employees as a bully and a tyrant as the Director. LCCYS employees disregarded Van Saun at their peril. Van Saun warned employees that if they did not obey her, it would be reflected in their performance evaluations. Thus when Van Saun ordered the GPS outcome eliminated by illegal means, she was not questioned by many members of the CWIS Team.

At least 217 ChildLine GPS referrals were "screened out" by LCCYS clerical workers in May 2017. Following are some examples of the referrals that were deleted without evaluation:

- Child came to school with dirty clothes, lice, and asking for food. Child stated she was not fed at home. (Referral received from ChildLine on November 2, 2016).
- No heat in home, oven used for heat. Dog feces in home, no baths for days, children dirty. Mother threw cigarette out car window, came back in and burned child's face, mother did nothing. (Referral received from ChildLine on October 31, 2016).



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- Home is destroyed; no food, refrigerator or stove. Mice and dog feces in home. Mother abusing pain medications, has nodded off while driving with children in car. Adult in home verbally abusive and tells children to kill themselves. (Referral received from ChildLine on February 12, 2016).
- Two-year-old child complained of pain in legs with bruises caused by mother's paramour. Also one-year-old in home. Mother asks friends to buy her diapers and milk for children. Mother also abused by paramour, who has threatened her and the children not to go to authorities. (Referral received from ChildLine on November 14, 2016).
- Child [D] heard crying bloody murder, adult seen inserting his finger into child's rectum. Child [V] flea bites and busted lip caused by adult. Many people living in home, which has bad odor, garbage, dirty dishes, cat feces, and fleas. Enormous cloud of cigarette smoke. (Referral received from ChildLine on October 18, 2016).
- Home is filthy and has not had power for at least two weeks. Food still in refrigerator and dishes in sink for two weeks. No hot water. Mother has no money to feed the children. (Referral received from ChildLine on September 11, 2016).
- Child weighs 100 pounds, still using a diaper. Child angry and aggressive and has assaulted other children. Mother has threatened physical abuse of child. Mother and father are drug addicts who smoke and drink around the child, and are incapable of caring for the child. Reporting source called ChildLine numerous times. (Referral received from ChildLine on October 3, 2016).
- Mother is on all kinds of drugs and is passed out all the time while children outside running around. The house is filthy and baby has rashes and dirty diapers all the time. (Referral received from ChildLine on October 30, 2016).
- Child exposed genitals on bus, said his cousin taught him. Child said cousin pulls his pants down and puts their genitals together. Child said he told his mother, but cousin still does it. Multiple reports by child about cousin. (Referral received from ChildLine on September 15, 2016).
- Reporting source saw child at high school football game, child said "please kidnap me I don't want to go home." Child appeared fearful and grabbed onto waist of reporting source. Child was with adult not recognized as parent. Mother has history of attempted suicides and has been in and out of psychiatric hospitals recently. (Referral received from ChildLine on October 6, 2016).

All the ChildLine referrals referenced above were screened out by an LCCYS secretary who used the false screen out reason that the "referral did not allege abuse or neglect." These and hundreds of other ChildLine referrals substantially alleged child abuse and neglect. By ordering the summary deletion by screen out of these referrals, Van Saun directly placed the welfare of the subject children in danger.



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- 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 3.
- 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 that 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.)

(Date)

Kyatin D. M... S.A.

[Signature]
(Signature of Affiant)

AND NOW, on this date

7-6-21

I certify that the complaint has been properly completed and verified.

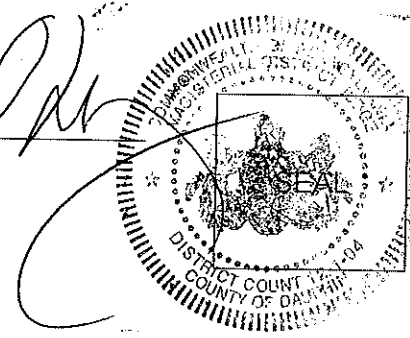
An affidavit of probable cause must be completed before a warrant can be issued.

12-1-04

(Magisterial District Court Number)

(Issuing Authority)

[Signature]





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Van Saun, by ordering LCCYS employees to not investigate allegations of child abuse and neglect received from ChildLine, intended to obstruct, interfere with, impair, impede or pervert the investigation or prosecution of child abuse.

Van Saun, by ordering LCCYS employees to submit false reports to DHS that allegations of child abuse and neglect received from Childline had been investigated and deemed without merit, when that was not true, intended to obstruct, interfere with, impair, impede or pervert the investigation or prosecution of child abuse.

Nothing further

I, KRISTIN D MERTZ & JIMMY MUMMAU, BEING DULY SWORN ACCORDING TO THE LAW, DEPOSE AND SAY THAT THE FACTS SET FORTH IN THE FOREGOING AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

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 THAT NON-CONFIDENTIAL INFORMATION AND DOCUMENTS.

Kristin D. Mertz, S.A.

Jimmy Mumma, S.A.

(Signature of Affiant)

Sworn to me and subscribed before me this 6 day of July 2021

7-6-21 Date

[Signature]
[Signature]

Magisterial District Judge

My commission expires first Monday of January, 2024

