

COMMONWEALTH OF PENNSYLVANIA
 COUNTY OF LANCASTER
 Magisterial District Number: 02-2-02
 MDJ: Hon. Bruce A. Roth, Esq
 Address: 150 N. Queen St.
 Suite 120
 Lancaster, PA 17603-3789
 Telephone: (717)295-2000



POLICE CRIMINAL COMPLAINT
COMMONWEALTH OF PENNSYLVANIA
VS.

DEFENDANT: (NAME and ADDRESS):
JOHN E BURKHART
First Name Middle Name Last Name
 317 Faulker Drive
 Lancaster, PA 17601

NCIC Extradition Code Type

<input checked="" type="checkbox"/> 1-Felony Full	<input type="checkbox"/> 5-Felony Pending Extradition	<input 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

Booklet Number CR-58-22	Date Filed 03/15/2022	QIN/LiveScan Number R 258274-2	Complaint/Incident Number PCS-20-0006	Request Lab Services? <input type="checkbox"/> YES <input type="checkbox"/> NO
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GENDER	DOB 05/18/1965	POB	Add'l DOB / /	Co-Defendant(s) <input type="checkbox"/>
<input checked="" type="checkbox"/> Male	First Name	Middle Name	Last Name	Gen.
<input type="checkbox"/> Female	AKA			

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"/> RED (Red/Aubn.)	<input type="checkbox"/> SDY (Sandy)	<input type="checkbox"/> BLU (Blue)	<input type="checkbox"/> PLE (Purple)	<input checked="" type="checkbox"/> BRO (Brown)
	<input type="checkbox"/> BLK (Black)	<input type="checkbox"/> ONG (Orange)	<input type="checkbox"/> WHI (White)	<input type="checkbox"/> XXX (Unk./Bald)	<input type="checkbox"/> GRN (Green)	<input type="checkbox"/> PNK (Pink)
	<input type="checkbox"/> BLN (Blonde / Strawberry)					
Eye Color	<input type="checkbox"/> BLK (Black)	<input type="checkbox"/> BLU (Blue)	<input checked="" type="checkbox"/> BRO (Brown)	<input type="checkbox"/> GRN (Green)	<input type="checkbox"/> GRY (Gray)	
	<input type="checkbox"/> HAZ (Hazel)	<input type="checkbox"/> MAR (Maroon)	<input type="checkbox"/> PNK (Pink)	<input type="checkbox"/> MUL (Multicolored)	<input type="checkbox"/> XXX (Unknown)	

DNA	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	DNA Location	WEIGHT (lbs.)
FBI Number		MNU Number	195
Defendant Fingerprinted	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		Ft. HEIGHT In.
Fingerprint Classification:			5 10

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: _____

(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 MEGAN MADAFFARI (Name of the attorney for the Commonwealth)
 _____ (Signature of the attorney for the Commonwealth)
 _____ 3/15/22 (Date)

I, SA PAUL DORMER AND SA MICHAEL CARLSON (Name of the Affiant) 803 / 796 (PSP/MPOETC -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 _____

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] Lancaster City (Subdivision Code) (Place-Political Subdivision)

in LANCASTER County [36] on or about JANUARY 2014 THROUGH FEBRUARY 2020 (County Code)

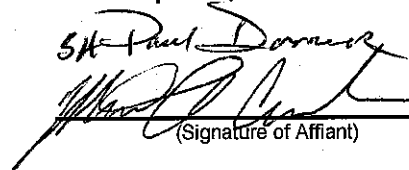


POLICE CRIMINAL COMPLAINT

Docket Number:	Date Filed: 03/15/2022	OTN/LiveScan Number	Complaint/Incident Number PCS-20-0006
Defendant Name:	First: JOHN	Middle: E	Last: BURKHART

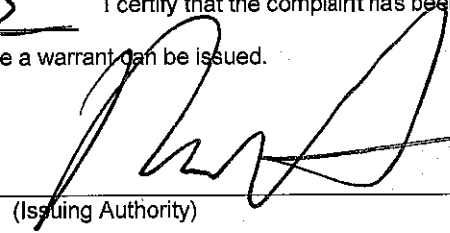
- I ask that a warrant of arrest or a summons be issued and that the defendant be required to answer the charges I have made.
- I verify that the facts set forth in this complaint are true and correct to the best of my knowledge or information and belief. This verification is made subject to the penalties 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 4.
- 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.)

_____ 
 (Date) (Year) (Signature of Affiant)

AND NOW, on this date 3/15/22 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.

02-2-02
 (Magisterial District Court Number)


 (Issuing Authority)





POLICE CRIMINAL COMPLAINT

Docket Number:	Date Filed: 03/15/2022	OTN/LiveScan Number	Complaint/Incident Number PCS-20-0006
Defendant Name:	First: JOHN	Middle: E	Last: BURKHART

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 _____
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<input checked="" type="checkbox"/>	1	3921		of the	18 PA.C.S.	1	F2		
Lead?	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): **THEFT BY UNLAWFUL TAKING OR DISPOSITION**

Acts of the accused associated with this Offense: In that the Defendant took or exercised unlawful control over movable property of another, with the intent to deprive him thereof. TO WIT: the Defendant, John Burkhart, while employed as the Officer in Charge of the Lancaster County Drug Task Force, unlawfully took and/or exercised unlawful control over approximately \$150,000 in cash seized in drug investigations throughout Lancaster County.

<input 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 _____
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<input type="checkbox"/>	2	3922	(a)(1)	of the	18 PA.C.S.	1	F3		
Lead?	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): **THEFT BY DECEPTION**

Acts of the accused associated with this Offense: In that the Defendant intentionally obtained or withheld the property of another by creating or reinforcing a false impression, including false impressions as to law, value, intention or other state of mind. TO WIT: the Defendant, John Burkhart, while employed as the Officer in Charge of the Lancaster County Drug Task Force, provided false deposit amounts to the Lancaster County Treasurer's Office in order to intentionally withhold approximately \$55,000 in cash forfeited from drug investigations intended for deposit and designated for use by the Lancaster County Drug Task Force.

<input 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 _____
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<input type="checkbox"/>	3	3927		of the	18 PA C.S.A.	1	F3		
Lead?	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): **THEFT BY FAILURE TO MAKE REQUIRED DISPOSITION OF FUNDS**

Acts of the accused associated with this Offense: In that the Defendant obtained property upon agreement, or subject to a known legal obligation, to make specified payments or other disposition, whether from such property or its proceeds or from his own property to be reserved in equivalent amount, and intentionally dealt with the property obtained as his own and failed to make the required payment or disposition. TO WIT: the Defendant, John Burkhart, while employed as the Officer in Charge of the Lancaster County Drug Task Force, cashed checks from the Lancaster County general fund bank account and failed to place the cash in Lancaster County Drug Task Force safe.



POLICE CRIMINAL COMPLAINT

Docket Number:	Date Filed: 03/15/2022	OTN/LiveScan Number	Complaint/Incident Number PCS-20-0006
Defendant Name:	First: JOHN	Middle: E	Last: BURKHART

<input 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 _____
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<input type="checkbox"/>	4	4104	(a)	of the	18 PA C.S.A.		M1		
Lead?	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			

Statute Description (include the name of statute or ordinance): **TAMPERING WITH RECORDS OR IDENTIFICATION**

Acts of the accused associated with this Offense: In that the Defendant, knowing that he had no privilege to do so, falsified, destroyed, removed or concealed any writing or record, or distinguishing mark or brand or other identification with intent to deceive or injure anyone or to conceal any wrongdoing. TO WIT: the Defendant, John Burkhart, while employed as the Officer in Charge of the Lancaster County Drug Task Force, knowingly falsified deposit amounts on county Interdepartmental Receipt Forms with the intent to deceive Lancaster County as to the true amount of forfeited funds that should have been deposited.

<input 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 _____
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<input type="checkbox"/>	5	4910	(1)	of the	18 PA C.S.A.		M2		
Lead?	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			

Statute Description (include the name of statute or ordinance): **TAMPERING WITH OR FABRICATING PHYSICAL EVIDENCE**

Acts of the accused associated with this Offense: In that the Defendant, believing that an official proceeding or investigation is pending or about to be instituted, altered, destroyed, concealed, or removed any record, document or thing with intent to impair its verity or availability in such proceeding or investigation. TO WIT: the Defendant, John Burkhart, while employed as the Officer in Charge of the Lancaster County Drug Task Force, knowing that there had been a discovery that money was missing from the DTF safe, altered evidence envelopes purporting to obtain the missing funds.

<input 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 _____
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<input type="checkbox"/>	6	4101	(a)(2)	of the	18 PA C.S.A.	1	F3		
Lead?	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			

Statute Description (include the name of statute or ordinance): **FORGERY**

Acts of the accused associated with this Offense: In that the Defendant did, with intent to defraud or injure anyone, or with knowledge that he was facilitating a fraud or injury to be perpetrated by anyone, made, completed, executed, authenticated, issued or transferred any writing so that it purported to be the act of another who did not authorize that act, or to have been executed at a time or place or in a numbered sequence other than was in fact the case, or to be a copy of an original when no such original existed. TO WIT: the Defendant, John Burkhart, while employed as the Officer in Charge of the Lancaster County Drug Task Force, signed the name of another detective on an evidence envelope, without authorization, and where the envelope contained stolen funds from a previous drug seizure.

INTRODUCTION

We, the members of the Forty-Ninth Statewide Investigating Grand Jury, having received and reviewed evidence regarding violations of the Pennsylvania Crimes Code occurring in Lancaster County, Pennsylvania, pursuant to Notice of Submission of Investigation No. 7, do hereby make the following findings of fact and recommendation of charges.

FINDINGS OF FACT

The Lancaster County Drug Task Force (DTF) is a law enforcement entity operated by the county's district attorney's office to investigate and interdict narcotics trafficking in the jurisdiction. The DTF, like similar entities around the state, is empowered by law to seize the proceeds of this trafficking, including large quantities of cash. The money is held as evidence pending prosecution, and is often legally forfeited, at which point it may be used to support enforcement of the laws governing controlled substances. The Grand Jury investigated allegations that the Officer in Charge (OIC) of the DTF, John Burkhart, was for years secretly pocketing money and diverting it to his own use. After reviewing voluminous internal documents, bank records, and grand jury testimony, the Grand Jury has concluded that Burkhart in fact stole over \$200,000 of the money that was supposed to be held by the DTF as evidence or deposited with the county as forfeited funds. He used it to support his own lifestyle rather than the law enforcement functions he was sworn to uphold.

Burkhart, a retired Lancaster City police officer, was hired by Lancaster County and officially began his employment on January 18, 2011. As the OIC of the DTF, Burkhart was responsible for the day-to-day operations, oversight of case investigations, and personnel matters within the unit. All of the detectives in the DTF, which was comprised of municipal officers from departments throughout Lancaster County, reported directly to Burkhart. This included the second

in command, Detective Gregory Macey, who was the only other officer exercising any type of authority over the task force. Although assistant district attorneys were assigned to the DTF to approve search warrants, assist with legal questions, and handle forfeiture filings, all actions by the DTF - whether they were administrative or investigatory - ran through Burkhart. A significant portion of Burkhart's work involved the administration of monetary forfeitures as a result of drug investigations for all police departments in Lancaster County.

While Burkhart ultimately reported to the Chief County Detective – who was not a member of the DTF – and to the District Attorney, all county employees outside of the unit had very little direct involvement with its operation. In fact, the DTF offices were housed in a separate location from the rest of county law enforcement. Because the DTF was historically set up in such a way that the OIC was given carte blanche, Burkhart's conduct went undetected for many years.

However, on March 2, 2020, after an unrelated internal investigation by the Lancaster County District Attorney's Office, Burkhart was fired. The investigation stemmed from allegations that Burkhart conspired with another law enforcement officer to provide false or misleading information in a search warrant and later amended an official report of a DTF detective, without that detective's knowledge, in order to bolster false information in the warrant's affidavit of probable cause. The Grand Jury learned that the search warrant at the heart of the internal investigation was part of a much larger case into illegal narcotics distribution by Jordan Morales. After a multitude of search warrants were executed on Morales' properties, the DTF seized cash, personal property, and funds in a bank account belonging to Morales. Although Morales was arrested at the conclusion of the drug investigation, the District Attorney's Office ultimately had to withdraw the charges as a result of Burkhart's suspected actions.

Detective Adam Weber, who was named as the Acting Officer in Charge of the DTF after Burkhart's dismissal, testified that he learned that the District Attorney's Office was dismissing Morales' charges on April 20, 2020. That same day, Detective Weber, operating under the assumption that Morales would be in touch with the DTF immediately upon his release from incarceration to retrieve his seized property, accessed the DTF safe that held the seized monies. Detective Weber testified that, after locating an envelope containing money seized from Morales, he immediately became concerned because it did not appear as if all of the seized funds listed on the seizure reports were in the proper location. While one of the envelopes listed on the seizure report was inside of the safe – an envelope containing \$912.00 – there were three others that were unaccounted for. According to the Morales case file, in addition to the \$912.00 seizure, there was a \$9,000.00 cash seizure, a \$6,000.00 cash seizure, and seized bank funds of \$6,486.69. After he conducted a cursory search of the safe and was still unable to locate the missing envelopes, Detective Weber obtained the assistance of Detective Jesse Zimmerman. Together, they pulled out all of the envelopes in the DTF safe – a large floor safe approximately six feet in height – and continued to search. After it became clear that the remaining funds seized from Morales were not in the safe, they began to search fruitlessly throughout the DTF offices, including inside desks, ceiling panels, and cabinets.

Detective Weber testified that he then contacted Detective Macey, the second in command. Upon hearing the news, Detective Macey contacted Burkhart to see if there was perhaps some explanation as to where the missing money might be. In the presence of Detective Weber, Detective Macey had a telephone conversation with Burkhart, in which Burkhart denied any knowledge as to the whereabouts of the envelopes, simply stating that they should be in the safe. Seemingly unconcerned, Burkhart also confirmed that the monies from the seizure of Morales'

bank account should be in the safe in cash form. Clearly, this was not the case. Because the procedure for bank account seizures was more involved than regular cash seizures, Detective Weber began to examine active cases where bank accounts had been seized. After seeking the assistance of the DTF administrative assistant, Diane Robinson, Detective Weber discovered that the funds seized from another defendant, Eric Whittington, were also missing from the safe. To Detective Weber's surprise, although there was a separate cash seizure of \$787.00 in the safe, \$19,266.77 in cash seized from Whittington's bank account was nowhere to be found. Detective Weber then alerted the Chief County Detective and the District Attorney of the issue and went to the DTF warehouse. The warehouse, which is a separate facility located off-site, typically houses vehicles as well as drug paraphernalia, electronics, and other miscellaneous seized items. Although money was never stored in the warehouse and doing so would be highly unusual, Detective Jeffrey Krause, the evidence technician for the DTF, and Detective Weber, performed a perfunctory search of the warehouse with the hope that perhaps the missing money had been mistakenly stored there. After failing to find any money at the warehouse, Detectives Krause and Weber returned to the DTF office. At that point, Detective Weber asked Robinson to provide a list of all of the large seizures that should be in the safe, and discovered that several cases had seized funds that were unaccounted for.

After Detective Weber's preliminary determinations, the District Attorney's Office directed the undertaking of a full audit and inventory of all DTF evidence. Lancaster County Detective Jeffrey Bell was assigned to audit all DTF evidence. The entire process spanned from May 14, 2020 until September 25, 2020. The Grand Jury examined not only the relevant portions of the internal audit, but also the DTF processes and procedures for both the seizure and forfeiture

of drug money. It was through this process that the Grand Jury was able to unravel the evidence that pointed to years of criminal conduct.

Ultimately, the Grand Jury determined that, for more than half of his tenure at the DTF, Burkhart engaged in a pattern of theft of seized drug money in which he utilized two separate schemes: (1) seized cash – adding up to almost \$150,000 – was regularly stolen from the DTF safe, and (2) cash deposits from DTF to the county treasurer, which Burkhart was solely responsible for recording and delivering, were routinely “skimmed” before the treasurer could count and confirm the total. In this manner Burkhart pocketed an additional \$50,000. In total, approximately \$200,000 was stolen from the task force by Burkhart.

DRUG TASK FORCE SEIZURE PROCEDURE

The Grand Jury reviewed DTF search warrants, asset seizure reports, evidence logs, and witness testimony to obtain a clear picture of the practices of the DTF when seizing money pursuant to criminal drug investigations. When the DTF executed a search warrant and seized cash, the money was counted at the scene and secured in an envelope. After the search warrant was complete, the seized funds were taken back to the DTF office for processing. The money was then counted for a second time by either Detective Macey or Burkhart in the presence of the line detective assigned to the case. Once the amount was confirmed, the envelope was sealed with evidence tape, dated, and signed by Burkhart or Macey. The envelope was also affixed with an asset seizure report prepared by the affiant assigned to the investigation. The report contained the case name and number, the amount of seized funds inside of the envelope, and a description of the location from which the money was seized. Detective Jeffrey Krause, a retired Lancaster City police officer who was hired as the evidence technician for the DTF in October 2016, testified that he was given a copy of the asset seizure reports so that he could enter the cash into the BEAST

system. The Grand Jury learned that BEAST (Bar-coded Evidence Analysis Statistics and Training), an evidence management system manufactured by Porter Lee Corporation, was the software used by the DTF to log and track all evidence. Detective Krause's entry generated a sticker with a labeled barcode that was later affixed directly to the envelope. Although Detective Krause was responsible for inputting the data into the log, he did not have access to the safe. Prior to Burkhart's dismissal, access to the safe was restricted to Detective Macey and Burkhart alone. Under no circumstances were other detectives or staff members permitted to access the safe, nor was there any evidence that this had ever occurred. Detective Krause only had physical contact with money in very rare circumstances. Even in those cases, the money was already in a sealed envelope. Because he did not have access to the money safe, Detective Krause would simply provide the barcode sticker to Burkhart so that he could affix them to the envelopes himself.

The testimony of multiple witnesses confirmed that the only individuals who had the combination to the DTF money safe were Burkhart and Detective Macey. The large safe, which housed all of the seized money and smaller valuables such as jewelry, was located in the DTF office in a large open closet outside of the offices of Detective Macey and Burkhart. Detective Macey testified that he rarely accessed the safe as he was uncomfortable dealing with the funds unless absolutely necessary. Former Assistant District Attorney (ADA) Cheryl Ondechek, Detective Weber, Detective Krause, and Diane Robinson all separately confirmed Detective Macey's assertion, even stating that at times he would request that detectives refrain from any need to access the safe until Burkhart was available to facilitate the request.¹ In fact, the Grand Jury learned that, because Burkhart accessed the safe with regularity, he had the combination

¹ This most commonly occurred when detectives would need money for controlled drug buys or case investigations. The safe contained a bank envelope with cash received from the controller for these operational expenses. All expenditures were documented with receipts and the funds were tracked in QuickBooks. These expenses are not relevant to this investigation.

memorized. Detective Macey, on the other hand, had to refer to a slip of paper that he kept in his wallet each time he accessed the safe. Detective Macey denied ever sharing the combination with any other DTF member. There was no log of when or by whom the safe was accessed, nor was there security surveillance in the location of the safe. The Grand Jury was unable to find any evidence that the combination was shared or that the safe was ever accessed by anyone other than Detective Macey or Burkhart.

The day after it was discovered that money was missing from the safe, Detective Macey received a phone call from Burkhart. This time, instead of asserting (as he had the day before) that cash from seized bank accounts should be in the DTF safe, Burkhart now claimed that the procedure had changed and that the bank seizures were deposited into a separate bank account. Despite Burkhart's attempt to explain away the missing money, the Grand Jury was unable to find any evidence to corroborate his claim.

Rather, when the DTF executed a search warrant to seize a bank account containing drug money, the respective bank issued a check to the DTF. Most commonly, the checks were made payable to the "Lancaster County Drug Task Force" and mailed to the office. Although bank seizures were less common than regular cash seizures, the procedure remained consistent. Then-County Controller Brian Hurter testified that these checks were brought to the Lancaster County Treasurer for deposit into the Lancaster County general fund. Next, the DTF and District Attorney's Office would fill out and provide internal paperwork to the Controller requesting a check in the identical amount as the deposited bank seizure. Because seized funds could not be used for operating expenses until they were forfeited by court order, the Controller's office would then issue a check made payable to the DTF in care of John Burkhart. Burkhart was responsible for cashing the check at the bank and, presumably, placing the funds into the DTF safe. According

to Controller Hurter, the reason for including Burkhart's name was that, because there was not a signor for the DTF on the county account, the bank would require an individual name listed on the check in order to cash it. Thus, Burkhart alone possessed the ability to cash the checks from seized accounts. Once the check was cashed, Burkhart was solely responsible for placing the money into an envelope, sealing it with evidence tape, signing it, filling out and attaching an asset seizure report, and securing the envelope in the safe.

Once an evidence envelope of seized money was placed in the safe, the circumstances under which the funds were physically accessed were very limited. Although infrequent, envelopes were occasionally removed from the safe to determine if they contained "buy money" used by undercover agents or confidential informants to make drug purchases, or if the money was needed as evidence in a criminal trial. However, under these scenarios, the envelopes were still re-sealed and signed using the same procedure as when the funds were initially seized and could only be removed and re-sealed by either Burkhart or Macey. In most cases, the money simply remained in the safe until the forfeiture process was complete or the property was returned to the owner.

THEFT OF SEIZED MONEY

Unfortunately, the initial discovery in April 2020 that money was missing from the safe was only the beginning. Even before the formal audit process began, it became clear that the issues surrounding the DTF seizures were much bigger. On May 13, 2020, while preparing forfeited funds for deposit, Detective Weber and Detective Jesse Zimmerman, who had taken over all supervisory roles in the DTF, discovered that \$1,980.00 seized and forfeited from suspect Carlos Marrero was not in the safe. As they continued to count and prepare forfeited funds for deposit, they also learned that one of the envelopes containing forfeited funds of suspect Damien Carpenter-

Krister was \$1,000.00 short. The envelope, which should have contained \$2,269.00 according to the asset seizure report, was also unsealed and torn at the top. Detective Weber noted that the money was not organized, had mixed denominations, and some of the bills were folded. He then contacted the case agent, Detective Ziegler, who stated that although he did not have specific recollection of seizing those particular funds, he never would have placed cash inside of an evidence envelope in that manner. Once again, Detective Weber informed the Chief County Detective of the missing money.

The following day, May 14, 2020, Lancaster County Detectives Jeffrey Bell and Chief Deputy Detective Charles Schmidt conducted a full audit of the money safe. After identifying and creating a list of all of the active or open investigations in which cash had been seized, they removed every item from the safe and cross-checked them with all pending seizures. Each envelope was opened and counted to confirm that the amounts listed on the seizure reports were consistent with the envelope contents. Ultimately, it was determined that \$151,033.97 in cash seizures, as contained in Table 1 below, were entirely unaccounted for:

TABLE 1 – DTF SAFE MONEY

DEFENDANT	AMOUNT	SEARCH WARRANT#	SEIZURE DATE	TYPE	AFFIANT
Jordan Morales	\$9,000.00	TF-0240-19J	10/3/2019	Cash	Vance
Jordan Morales	\$6,000.00	TF-0240-19C	9/11/2019	Cash	Vance
Jordan Morales	\$6,486.69	TF-0240-19G	9/13/2019	Converted Check	Vance
Paul DiCicco	\$12,495.12	TF-0282-18B	12/14/2018	Converted Check	Cleland
Paul DiCicco	\$20,673.10	TF-0282-18C	12/14/2018	Converted Check	Cleland
Eric Whittington	\$19,266.77	TF-0278-18G	1/24/2019	Converted Check	Weber
Dwayne Ross	\$15,661.00	TF-028-17	11/1/2017	Cash	Weber
Hector Morales	\$23,690.00	TF-0057-18	5/4/2018	Cash	Weber
Tyler Landis	\$12,000.00	TF-0039-19B	3/21/2019	Cash	Grego

Milton Jones	\$19,590.29	TF-0231-19B	12/11/2019	Cash	Deshong
Jose Gonzalez ²	\$3,191.00	TF-0078-16B	6/14/2016	Cash	Zimmerman
Carlos Marrero Jr.	\$1,980.00	TF-0019-19D	2/7/2019	Cash	Sensenig
Damien Carpenter-Krister	\$1,000.00	TF-0177-18B	8/13/2018	Cash	Ziegler

The Grand Jury reviewed the asset seizure and chain of custody report for search warrant TF-0240-19C in which multiple items, including jewelry, cellular phones, documents, and \$6,000.00 cash, were seized from Jordan Morales on September 11, 2019. All of Morales' property seized from this search warrant, with the exception of the cash, was located and returned to Morales after the District Attorney's motion to withdraw the criminal charges. While the chain of custody documented the date of original collection of the items as well as the alleged location of the cash in the DTF safe, Detective Krause testified that the tracking and documentation of that information was based upon information that he received in the asset seizure reports. Detective Krause was not required to confirm that the seized cash was in the location indicated on the report, nor was he even granted the ability or access to confirm that information. Thus, at least in regards to the cash seizures, the chain of custody reports provided little if any insight into the whereabouts of the missing assets for each individual case.

Unlike the cash seizures, the nature of the procedure in place for the seizure of the bank accounts allowed the Grand Jury to review information pertaining to the tracking of those assets, at least until Burkhart had the cash in hand. The Grand Jury obtained an email from Burkhart dated November 1, 2019. In the email, Burkhart stated that he was depositing a Citadel Bank check, and requested that the recipient – a staff employee in the District Attorney's Office –

² Although the Gonzalez case was forfeited in October 2017 and presumably should have been deposited, Detective Schmidt was unable to find evidence verifying that the deposit actually occurred.

prepare a voucher requesting a check in the same amount so that he could “*cash it at Fulton Bank and put the cash in our safe until there is a disposition on the seizure.*” Documentation provided by the Controller confirmed that the original Citadel Bank check in the amount of \$6,486.69 from Morales’ account was deposited into the general fund account by the DTF on November 4, 2019. Additional documentation showed that a check from the general fund account for \$6,486.69 payable to John Burkhart was endorsed by Burkhart and cashed at Fulton Bank on November 15, 2019, in direct contradiction to Burkhart’s earlier assertion to Detective Macey that the missing check was deposited into a bank account due to a “new procedure.”

Similarly, a check from the general fund account payable to John Burkhart in the amount of \$19,266.77 – the amount seized from Eric Whittington’s bank account – was cashed at Fulton Bank by Burkhart on March 5, 2019. The Grand Jury learned from Detective Weber, who was the assigned detective on the Whittington case, that Whittington had continuously expressed his desire to voluntarily forfeit the money in exchange for the return of a vehicle that had also been seized. In approximately December of 2019, Detective Weber approached Burkhart about Whittington’s willingness to voluntarily forfeit the funds. Detective Weber testified that voluntary forfeiture was always the preference, and would allow the DTF to deposit the money into the general fund so that it could be used for expenses. In this particular case, the vehicle was old and in poor condition, so the forfeiture of nearly \$20,000.00 would certainly be beneficial to the DTF. Curiously, although Detective Weber went to Burkhart about the voluntary forfeiture on at least three separate occasions, Burkhart was not responsive to Weber and never followed up with him or took any action related to this seemingly beneficial forfeiture offer. According to Detective Weber, he was surprised by Burkhart’s failure to act as the practice had always been to act quickly once a

defendant agreed to voluntarily forfeit money. He further testified that this was particularly unusual because at that time it was public knowledge that the DTF was financially unstable.

The remaining bank account seizures missing from the DTF safe, two accounts belonging to Paul DiCicco, were converted to cash using the same procedure as the Morales and Whittington cases. In this case, Burkhart endorsed and cashed a check at Fulton Bank for \$33,168.22 on January 30, 2019. Once again, this money never made it back into the safe.

While this initial amount discovered to be missing from the safe was approximately \$150,000.00, the Grand Jury learned that that amount would decrease as a small number of the cash seizures were eventually found. However, rather than provide some reasonable explanation for the missing cash, the inexplicable recovery only served to heighten suspicion.

WAREHOUSE AUDIT

With the completion of the internal audit of the money safe, Detective Bell continued to audit other aspects of the DTF evidence.³ The final area to be audited was the task force warehouse. The Grand Jury learned that the offsite warehouse required key access and was also controlled by an alarm system, but had no video surveillance system. The warehouse is divided into three areas. A main storage area contains confiscated vehicles, motorcycles, boats, ATVs and other large items; the west side contains wooden shelving holding large boxes and bulky items such as tires and lighting fixtures; and the southeast section of the warehouse contains large metal shelving units with oversized boxes and paperwork. A separate room located just inside the main door of the warehouse contains smaller shelving units with small boxes, envelopes, and paper bags. All shelves and locations contain descriptors for entry into the BEAST system.

³ Other locations and evidence were also included in the audit, such as separate locations within the DTF office for storing guns and narcotics. These inquiries did not result in evidence relevant to this investigation.

On June 15, 2020, Detectives Bell and Krause made a surprising discovery: some of the money that was missing from the DTF had somehow been spirited into the warehouse, where seized funds were never stored. While sorting through the evidence on the small shelving unit near the main door, Detective Krause discovered three evidence envelopes bearing the names of Jordan Morales and Eric Whittington. Detective Krause was immediately concerned as the evidence was not only out of place, but also contained the names of the defendants whose seized funds were missing from the safe. He alerted Detective Bell, who photographed the envelopes. The first envelope was affixed with an asset seizure report for Eric Whittington, listing one vehicle and two cash seizures, one for \$787.00 and another for \$19,266.77.⁴ Because the \$19,266.77 was highlighted on the envelope, consistent with the common practice for asset seizure reports, that amount of money was supposed to be inside.

The second envelope was affixed with an asset seizure report for Jordan Morales. The report listed the contents of the package as one Citadel Bank check in the amount of \$6,486.69. A third envelope, attached to the Morales Citadel Bank envelope, contained handwritten information with Morales' name, the case number, the affiant Detective Vance, and the supposed contents as "\$6,000," but no asset seizure report. The BEAST barcode sticker on the envelope appeared to have been cut off of another envelope and reapplied to the envelope with Scotch tape. The Grand Jury heard testimony from Detective Weber, Detective Krause, Detective Bell, and Detective Macey that it was strange for a barcode to be affixed in that manner. Because they were printed as stickers, there was no need to use Scotch tape, which may be susceptible to damage under some storage conditions. Detective Krause testified that during Burkhart's time as OIC, only he and Burkhart had computer access to generate evidence labels in the BEAST system. However, he did

⁴ The vehicle and the \$787.00 cash seizure were not missing; they were located in the warehouse and the DTF safe, respectively.

not recall Burkhart ever entering or tracking evidence into the system because he, Krause, was the evidence technician. It was further noted that the BEAST system would record the name of the user inputting information into the system. Detective Krause noted that, if anyone needed another barcode due to damage, they could simply notify him and he could re-print one.

The envelope was also sealed with tape and signed. Upon reviewing the signature – which purported to be that of Detective Macey – Detective Krause immediately recognized that the signature was not Macey's. Detectives Krause and Weber both testified that they had viewed Detective Macey's signature on hundreds of evidence envelopes and that he had a particular way of signing and dating them, which was not consistent with the manner in which this envelope had been signed. The Grand Jury also reviewed examples of envelopes that Macey had signed and they were clearly inconsistent with the envelope found in the warehouse. Detective Macey testified that the signature on the envelope was a forgery.

At this point, Detective Bell opened the envelope bearing the signature purporting to be Macey's in order to verify the contents. Detective Bell discovered that the envelope contained loose cash. The Grand Jury learned that this was also somewhat unusual, as it was common for cash seizures to be organized into a sealed plastic bag prior to being placed into the envelope. After he determined that there was in fact cash in the envelope, Detective Bell immediately contacted Chief County Detective Switzer and Deputy Chief Schmidt. The other envelopes were ultimately opened and it was confirmed that they contained the Whittington seizure of \$19,266.77 in cash as well as two of the three missing Morales seizures of \$6,000.00 cash and \$6,486.69. Detective Krause testified that, since he began employment with the task force in 2016, he had never stored money in the warehouse and was not aware of any circumstances under which this would occur. Detective Krause did note that there may be occasions in which a small amount of

money is mistakenly included inside other items in the warehouse, such as a \$20 bill inside of a wallet, but that actual cash seizures were never stored there. Detective Bell testified that the entire warehouse was searched for loose cash or envelopes, including inside all of the seized vehicles and evidence packages. No additional money was found. With a combined \$31,753.46 in cash recovered from the warehouse (under highly unusual and suspicious circumstances), \$119,280.51 remained unaccounted for.

As the audit process continued, on the following day, June 16, 2020, while checking through a large paper trash bin at the warehouse, Detective Krause discovered an unsealed envelope near the bottom of the bin. The envelope contained the case number and name of yet another suspect whose seized funds were missing from the safe – Paul DiCicco. The amount written on the envelope was \$33,168.22, which was the combined amount of the checks Burkhart had cashed on January 30, 2019, but had never deposited into the DTF safe. The envelope was not affixed with a barcode. Detective Bell testified that he examined the envelope, and discovered all the paperwork showing the steps Burkhart had taken with the money, including a copy of the check from the general fund account issued to Burkhart, an empty bank envelope, and a copy of a receipt dated January 30, 2019, for \$33,168.22, documenting that the check had been cashed on January 30th. The receipt also contained the handwritten initials “JB.” The cash itself, however, was nowhere to be found. Detective Krause, who was responsible for emptying the trash can, testified that it was rarely cleaned out. Both Detectives Krause and Bell testified that the discovery of this paperwork was odd, not only because it was buried at the bottom of a trash can, but because documents with case information were typically shredded, not thrown in the garbage.

The Grand Jury learned that, while Burkhart was the OIC, the only individuals who had a key and four-digit code to access the warehouse were Burkhart, Detective Krause, Detective

Macey, and a county detective who assisted with processing auction items. Detective Krause testified that, prior to his departure, Burkhart was in charge of the security system for the warehouse and administered the access codes. When Detective Krause first started at the DTF, Burkhart gave Krause his (Burkhart's) code to use until he got around to generating a new one. Detective Krause testified that he shared that code with Burkhart for quite some time. Detective Macey confirmed that the codes were the last four digits of the user's social security number. Detective Macey also confirmed that he knew that Burkhart knew his (Macey's) code and was aware that he had used it in the past. Although Burkhart's access code was deactivated the same week that he was dismissed, it appeared that he had never turned over the warehouse key, nor had he left it in his former office. Further, testimony established that the warehouse was not routinely staffed but was accessed as needed. With the key and Macey's access code, Burkhart would have had access to the warehouse from the time of his termination up until May 18, 2020, the date the locks on the warehouse were changed.

On July 14, 2020, as Detective Bell continued with the arduous task of the audit, he examined a BEAST report that listed a large cash seizure as being stored in a temporary locker, which was strange. Detective Bell asked Robinson, the administrative assistant for the DTF, to verify whether or not the seizure had been forfeited, since Detective Bell knew that it was not in the safe based upon the audit. Robinson verified that the funds had in fact been forfeited and deposited. However, after looking at the documentation for the entire deposit, Robinson was alarmed that the deposit amount seemed to be considerably less than the amount that was actually seized. She immediately notified Detective Weber. After examining the cases and paperwork accompanying the forfeiture deposit, it was confirmed that the amount that should have been deposited into the account was short by nearly \$30,000.00. Now, in addition to money missing

from the safe, it became apparent that the theft included forfeited funds and was much larger than originally anticipated.

DRUG TASK FORCE FORFEITURE PROCEDURE

The Grand Jury heard extensive evidence about the manner in which seized drug money in Lancaster County is forfeited to the public for use in law enforcement. This evidence revealed how Burkhart was able to exploit the process to siphon off tens of thousands of dollars of funds after they were forfeited and before they were deposited into the bank. The Grand Jury learned that when money is initially seized in a criminal case, it is essentially no different than any other type of evidence. The seizure in and of itself does not give a law enforcement agency the ability to spend the money on expenses or use it for investigations. In order to actually use the money, seized funds must go through a civil forfeiture process, in which the government must establish that the property represents the proceeds of illegal activity, *i.e.*, drug money. If the government meets that burden, the law allows police to use the money for law enforcement purposes. These forfeiture proceedings are separate from any criminal charges brought against the person from whom the money was seized. Diane Robinson and ADA Cheryl Ondechek were responsible for many of the administrative tasks related to forfeiture proceedings, and explained the process to the Grand Jury at length.

First, after a seizure occurred and the cash was counted, sealed, signed for, and placed into the safe with the asset seizure report, Robinson would get a copy of the seizure report for the forfeiture file. After she received the report, she would use the information in the report and case file to draft a forfeiture petition to be filed with the court. During the time period that Burkhart was the OIC, the procedure of the District Attorney's Office was to refrain from filing forfeiture petitions until any related criminal case was disposed of. Because there is a two-year statute of

limitations to file a forfeiture petition after the seizure, however, there were some instances where petitions were filed prior to the ultimate case completion of the criminal case, but that was infrequent. For seizures of \$100.00 or less, no formal forfeiture petition was used; these smaller amounts were deposited directly into the county's account once the criminal case was disposed of. For all other cases, once there was a final disposition of the criminal charges, Ondechek reviewed and signed the forfeiture motion. The motion was then filed with the court and served on the property owner. The court would then rule on the matter and issue a final order.

ADA Ondechek testified that, once she received the final order, she would record the matter on a forfeiture list or memo. According to ADA Ondechek, the list was kept on her computer, as a running word processing document. Once the funds were legally forfeited, the money would then be prepared for removal from the DTF safe and deposit into the Lancaster County general fund bank account. Once ADA Ondechek determined that her list had a sufficient number of cases that were ready for deposit, she would provide a copy of the list to Robinson and Burkhart and schedule a day to verify and count the funds for deposit. ADA Ondechek testified that there were no set guidelines for when that occurred. Because the count often took several hours, it was something that was always scheduled in advance.

This process applied not only to DTF investigations, but to cash seizures for all drug investigations conducted by municipal police departments throughout Lancaster County. Lancaster City Police Department (LCPD), for example, conducted a large number of cash seizures. The Grand Jury learned that, for seizures conducted by these other municipal departments – most notably LCPD – Ondechek kept a separate list. The Grand Jury reviewed internal memos that Ondechek provided to the evidence custodian at LCPD. The memos operated in the same manner as the forfeiture lists that she kept for DTF cases. Once LCPD received the

memo, it would provide evidence envelopes with the cash seizures to DTF so that they could be forfeited. Once DTF took possession of the envelopes, Burkhart would place them inside of the safe, where they were to remain until the scheduled count occurred.

ADA Ondechek stated that she provided forfeiture lists to Burkhart and Robinson several days in advance of the count. On the day and time of the scheduled count, Burkhart would remove the envelopes from the safe and place them on a table in a large conference room. According to Robinson, Burkhart would typically pull the cases on the forfeiture list the day before the count and group them together in a box inside the safe. However, there were also times where he pulled them the day of the count. ADA Ondechek would start with the first case on the list, open the envelope with a letter opener, and count the contents. If it matched the amount on the asset seizure report or envelope, it was placed in the middle of the table. If it did not match it was re-counted by ADA Ondechek. For DTF cases, Robinson prepared a receipt in advance. The receipt listed the property owner's name, the forfeiture amount, and the case number. After ADA Ondechek verified the amount in the envelope, she signed the receipt. She then passed the receipt to Burkhart to sign and date as a witness. ADA Ondechek would then move to the next envelope and move down the list accordingly. The municipal cases were also counted at this time, but the receipt process was different. For those cases, once the amount in the envelope was verified, the money was placed in the middle of the table and ADA Ondechek gave Robinson either the attached report, if one existed, or the envelope itself. At a later date and time, Robinson generated receipts using the report or envelope. Those receipts were then signed by both ADA Ondechek and Robinson. According to ADA Ondechek, if her name was signed on a receipt, then that money was there at the time of the count and was – or should have been – deposited with the county. The original receipts were placed in the corresponding forfeiture files.

ADA Ondechek, who handled the forfeitures from well before Burkhart became the OIC until her retirement in November 2019, testified that she could not recall a single instance when the funds inside of a DTF envelope did not match the asset seizure report. Both Robinson and ADA Ondechek testified that there were some occasions where municipal police departments' counts were off, but these discrepancies were usually *de minimus*. In fact, when there was a discrepancy, the envelope regularly had a slight surplus as opposed to being short. Once all of the cases on the list were counted, the money was sorted and wrapped by denomination and placed in a larger envelope or box. The municipal cases and the DTF cases were usually placed in separate envelopes. Burkhart then took possession of the cash in order to deposit it with the county. Both Robinson and ADA Ondechek testified that they were not involved in the calculation of the total amount of these deposits. Although Robinson recalled instances in which Burkhart would write a total on the outside of the large envelope or box at the conclusion of a count, neither Robinson nor ADA Ondechek ever recorded or otherwise documented the amount of the deposit total. While Robinson assumed that Burkhart then secured the envelopes in the safe until they were ready for deposit, she did not pay specific attention or physically witness him doing so. ADA Ondechek, who had been assigned to civil forfeitures in the office for over 30 years, also testified that these forfeiture procedures pre-dated Burkhart and had been in place under previous administrations.

The deposit of the forfeiture funds into the county account was facilitated through the Lancaster County Treasurer's Office. The Grand Jury reviewed e-mails between Burkhart and Treasurer's Office employees in which Burkhart scheduled a time in advance to bring the funds to the office. These e-mails from Burkhart were usually sent several days after the money was counted in the DTF office. Additionally, the appointment was normally scheduled several days to a week after the original e-mail request in order to accommodate the parties' respective schedules.

Deputy Treasurer Matthew Acker testified that Burkhart provided “ballpark estimates” of the deposit totals in the e-mails. A review of the e-mails showed that, while he did in fact provide general estimates, he never provided an exact number. At the agreed upon date and time, Burkhart brought the money to the Treasurer’s Office. He also provided an Inter-Departmental Receipt Form (IDRF), a carbon copy county form that documented the deposit total. This was the DTF’s only formal recording of the total deposit amount and was the responsibility of Burkhart alone. Deputy Treasurer Acker testified that Burkhart always had the form filled out prior to arrival in the office. The IDRf recorded the date, general description of the deposit, and deposit amount, and was signed by Burkhart. In many cases, there was a line item for “LCDTF Asset Forfeitures As Per Court Order” and a separate line item for “LCPD Asset Forfeitures As Per Court Order,” as well as a grand total at the bottom of the form. The forms did not list specific case information or individual case forfeiture amounts. According to Acker, the money was counted and totaled with an adding machine. When the IDRf had two separate line items for county and municipal deposits, they were stored in separate envelopes. Acker testified that in those cases each envelope would be counted and totaled. He further noted that, although the cash was often wrapped in increments by denomination, the wrappers were removed and all cash was recounted.

After it was counted, the deposit was cross checked with the amount Burkhart had filled out on the form. Robinson and ADA Ondechek both testified that they did not assist in filling out the IDRf, they never observed Burkhart filling out the form, nor was it reviewed by them prior to deposit. Acker testified that the cash total was usually an exact match to the amount on the form, although there were occasional minor discrepancies as well as instances where the cash would have to be re-counted more than once. In these rare cases, the amount was changed directly on the IDRf. The IDRf was then signed as received by the Treasurer’s Office. The only Treasurer’s

Office employees who could verify and participate in the count were Deputy Treasurer Acker and Assistant Deputy Treasurer Donna Haley. Burkhart would then leave and maintain the top sheet of the IDRF, while the Treasurer's Office kept the other two carbon copy sheets. One was maintained in their file, and the other was provided to the Controller's Office. The forms were included with a daily cash sheet that the Treasurer's Office provided to the Controller with all of the county-wide deposits for that day. Acker stated that the Treasurer's Office had no knowledge of or involvement in the counting of funds or what should or should not be deposited at any point prior to Burkhart bringing the money into the office. Their job was to simply verify that the amount of cash matched the amount written on the form by Burkhart.

Next, Acker or Haley brought the money to the bank for deposit along with the adding machine tape used to verify the total. Burkhart did not accompany them to the bank, although they would frequently request an escort from a Sheriff's Deputy if one was available.⁵ Once the money was at the bank, the bank did an independent count to verify the figure stated on the deposit slip. Sometimes, there would be a discrepancy. Again, as with other counts, those discrepancies were insignificant and rarely occurred. In some cases, a counterfeit bill was discovered and removed from the deposit total. When this happened, the bank would notify the Treasurer's Office of the corrected deposit amount. The Treasurer's Office would then notify Burkhart and the Controller's Office so that the internal tracking of the deposits coincided with the actual amount going into the bank account. Additionally, the Controller's Office reconciled the bank deposits at the end of the month with the information provided directly from the bank.

⁵ Acker testified that in late 2019 he requested that the procedure be changed as he was short staffed and it was a time consuming process. The new procedure was for Acker or Haley to meet Burkhart directly at the bank where the money would be counted. This also eliminated their need for a deputy escort.

Acker, an 18-year veteran of the Treasurer's Office, testified that these procedures had been in place as far back as he could recall. He also testified that, while Burkhart occasionally had another detective with him, he was commonly alone. Acker could not recall a time during Burkhart's county employment where any other member of DTF was responsible for the IDRf or forfeiture deposit.

THEFT OF FORFEITED FUNDS

After Detective Bell's inquiry broadened the scope of the investigation, the Grand Jury reviewed documents cross-referencing the forfeiture list with the information that Burkhart had provided on the IDRfs for deposit. The first case reviewed involved a large forfeiture in 2018 from suspects James and Kelli Morant. After a forfeiture hearing and pursuant to a forfeiture agreement documented by court order dated May 1, 2018, James Morant agreed to forfeit \$205,726.27 in exchange for the return of \$10,138.30 to Kelli Morant. Based upon multiple signed receipts, the Grand Jury determined that the count for the deposit that included the Morant forfeiture occurred on June 22, 2018. The Grand Jury examined two receipts, both dated June 27, 2018. Robinson explained that the Morant case may have been counted separately as the amount was unusually large, although she was unable to specifically recall why receipt dates for the Morant money were different from the other DTF cases included in the deposit. The receipt in the forfeiture file listed \$205,726.27 as the Morant deposit amount, but that number was crossed out and \$206,007.57 was handwritten onto the receipt. Receipt amendments were not unusual, as sometimes the amount on the receipt contained a typo or was slightly higher or lower than the envelope contents. On June 27, 2018, Burkhart e-mailed Assistant Deputy Treasurer Haley, indicating that he had "approximately \$250,000.00" to deposit. The deposit was scheduled for the following day. The IDRf was signed by Burkhart and Haley and dated June 28, 2018. The grand

total listed was \$237,980.43. Documentation from the Controller's office confirmed that the amount deposited into the general fund account pursuant to the IDRFB was \$237,980.43. On June 29, 2018, Burkhart e-mailed Haley, stating: "*I am safe to assume our deposit amount was right on? Let me know. Thanks.*" The Grand Jury reviewed multiple e-mails in which Burkhart corresponded with Haley or Acker to schedule a time to bring money in for deposit preparation. However, this was the only e-mail reviewed by the Grand Jury in which Burkhart asked for confirmation that the count at the bank was consistent with the IDRFB total. All of Burkhart's prior IDRFBs, from 2011 through 2017, listed Lancaster City and DTF forfeitures as separate line items on the IDRFBs, with a grand total combination of the two at the bottom. Inexplicably, although there were only three separate forfeiture deposits in 2018, those IDRFB forms did not separate the Lancaster City and DTF totals and listed only a grand total.

According to the forfeiture lists, signed receipts, and court orders, the grand total for the cases included in the June 28, 2018 deposit should have been \$268,093.68. Burkhart's total – and the deposit - was \$30,113.25 short.

Finding no reasonable explanation why this deposit was so severely short, the Grand Jury reviewed documentation for all deposits, beginning in 2010 prior to Burkhart's employment and through his last deposit as OIC in 2020. The total amount skimmed from the deposits in 2018, which was by far the highest, was not an anomaly. From 2010 through 2013, deposits were relatively consistent with the actual seized amounts (with expected margins of acceptable error). While there was a shortfall in 2014, much larger and more consistent discrepancies began in 2015 through the end of Burkhart's employment. Calculation or administrative errors cannot explain

these deficiencies. An examination of the forfeiture lists, receipts, and IDRFs, as evidenced in Tables 2 – 5 below, showed an obvious pattern of theft of forfeited funds prior to their deposit.⁶

TABLE 2 – 2015 FORFEITURE DEPOSITS

Dept.	LIST TOTAL	IDRF TOTAL ⁷	ADJ.	DIFFERENCE	IDRF#	IDRF Date
LCPD	\$4,561.28	\$4,062.28		-\$499.00	119371	2/27/2015
DTF	\$29,021.20	\$29,021.20		\$0.00	119371	2/27/2015
LCPD	\$10,700.06	\$9,700.06		-\$1,000.00	119374	5/19/2015
DTF	\$26,631.00	\$26,631.00		\$0.00	119374	5/19/2015
LCPD	\$28,552.24	\$25,492.24	\$30.00	-\$3,030.00	119375	7/21/2015
DTF	\$48,984.00	\$48,984.00		\$0.00	119375	7/21/2015
LCPD	\$20,690.43	\$20,170.43		-\$520.00	119377	10/6/2015
DTF	\$29,969.09	\$29,969.09		\$0.00	119377	10/6/2015
				-\$5,049.00		

TABLE 3 – 2016 FORFEITURE DEPOSITS

Dept.	LIST TOTAL	IDRF TOTAL	ADJ.	DIFFERENCE	IDRF#	IDRF Date
LCPD	\$12,221.40	\$11,321.40		-\$900.00	119378	1/12/2016
DTF	\$64,616.66	\$60,616.66		-\$4,000.00	119378	1/12/2016
LCPD	\$14,937.95	\$14,037.95		-\$900.00	119379	5/10/2016
DTF	\$30,395.45	\$30,395.45		\$0.00	119379	5/10/2016
LCPD	\$10,731.00	\$9,729.00		-\$1,002.00	119381	8/5/2016
DTF	\$79,808.10	\$78,808.10		-\$1,000.00	119381	8/5/2016
LCPD	\$13,588.17	\$12,588.17		-\$1,000.00	117263	11/10/2016
DTF	\$14,490.13	\$14,491.04	\$40.00	\$0.91	117263	11/10/2016
LCPD	\$22,207.00	\$21,707.00	\$50.00	-\$500.00	119384	12/29/2016
DTF	\$53,210.27	\$53,210.57		\$0.30	119384	12/29/2016
				-\$9,300.79		

TABLE 4 – 2017 FORFEITURE DEPOSITS

Dept.	LIST TOTAL	IDRF TOTAL	ADJ.	DIFFERENCE	IDRF#	IDRF Date
DTF	\$80,128.50	\$80,128.50		\$0.00	119386	4/18/2017
LCPD	\$5,283.38	\$3,283.38		-\$2,000.00	119386	4/18/2017
DTF	\$45,039.75	\$45,039.75	\$20.00	\$0.00	119387	7/25/2017
LCPD	\$12,739.70	\$12,139.70		-\$600.00	119387	7/25/2017
DTF	\$47,934.63	\$47,944.73		\$10.10	119389	11/22/2017

⁶ It should be noted that the subpoenaed documents did not contain a receipt for every individual case on the forfeiture list, including multiple deposits in which there was no evidence of theft.

⁷ The Grand Jury reviewed the IDRF totals as well as documentation from the Controller verifying the amount of the deposit. Any adjustments are noted in the table. Thus, the "IDRF" total is representative of the confirmed deposit amount.

LCPD	\$18,930.25	\$17,777.25		-\$1,153.00	119389	11/22/2017
				-\$3,742.90		

TABLE 5 – 2018 FORFEITURE DEPOSITS

Dept.	LIST TOTAL	IDRF TOTAL	ADJ.	DIFFERENCE	IDRF#	IDRF Date
COMBO	\$121,007.70	\$118,632.70	\$200	-\$2,375.00	119390	3/6/2018
COMBO	\$268,093.68	\$237,980.43		-\$30,113.25	119402	6/28/2018
COMBO	\$76,195.27	\$75,044.27		-\$1,151.00	119401	10/30/2018
				-\$33,639.25		

Although to a lesser degree than in the preceding years, the 2019 and 2020 deposits remained short – approximately \$900 and \$1,500, respectively.⁸ Ultimately, the Grand Jury determined that between 2014 and 2020, John Burkhart skimmed approximately \$55,000.00 off of the DTF forfeiture deposits.

The deposit analysis was not the only evidence that the Grand Jury considered while investigating the theft of the forfeited money. Burkhart’s failure to move forward with Whittington’s request for a forfeiture agreement in December 2019 was particularly unusual circumstances at the time. Although there were other years when DTF had budget problems, the Grand Jury heard testimony that 2019 was unusually fiscally challenging. Assistant District Attorney Ondechek testified that, even though the procedure had always been to wait until the underlying criminal case was disposed of before filing a forfeiture petition, the District Attorney’s Office changed the procedure in 2019 in an attempt to shorten the timeframe for forfeiture because DTF was so low on funds. The Grand Jury learned that DTF personnel clearly understood that they must process and deposit forfeited funds promptly in order to provide desperately needed cash for law enforcement activities. In fact, a second ADA was assigned to assist with filing forfeitures so they could be done as quickly as possible. Yet, the Grand Jury learned that around

⁸ Burkhart conducted one deposit in 2020 before he was fired. Although this was the first deposit under a new administration, the procedure remained intact. However, the Grand Jury learned that after Burkhart’s thefts were discovered, DTF implemented several procedural changes in the forfeiture process.

this same time Burkhart had asked Diane Robinson to “slow down” on drafting the forfeiture petitions. The Grand Jury notes that, had Whittington’s settlement offer been accepted by DTF, Burkhart would have had to produce a large amount of cash from the safe within a relatively short period of time. As noted on Table 1 (page 11), the money seized from Whittington was in fact among the funds determined to be missing from the safe.

While the evidence of the missing safe money, skimmed forfeiture deposits, Burkhart’s nearly exclusive control and access to cash, and his suspicious conduct clearly establish that Burkhart defrauded the Drug Task Force as well as Lancaster County, additional evidence concerning Burkhart’s personal finances further demonstrates his criminal behavior.

BURKHART FINANCIAL HISTORY

Burkhart retired from the Lancaster City Police Department on June 19, 2009. Because he retired prior to reaching 25 years of service, he was not eligible to collect his pension until 2013. On April 26, 2010, Burkhart and his then-wife, Jodelle Burkhart, legally separated. Commencing October 1, 2010, Burkhart was required to pay support of approximately \$1,400.00 per month, which was garnished from his paycheck. Later that month, Burkhart opened a Wells Fargo bank account, which became his primary account. A review of the records showed that, throughout his time at DTF, all ordinary household expenses came out of this account (mortgage payments, utility bills, grocery and food bills, gas, etc.) Burkhart, who was employed outside of law enforcement for a short time after his retirement, officially began at DTF on January 18, 2011. After his wages were garnished approximately \$650.00 per paycheck for support payments, his bi-weekly pay from Lancaster County was approximately \$700.00. Burkhart’s divorce became official on July 6, 2012. But he was still required to make support payments. On May 16, 2013, Burkhart began receiving

his lifetime monthly pension benefit of \$3,379.67 from Lancaster City. However, his net benefit was only \$2,256.52, as his ex-wife received \$767.77 monthly.

On January 21, 2016, Burkhart added Jane Rhoads to his Wells Fargo account. They were married on October 8, 2016. The Grand Jury reviewed payroll records, bank records, and documents from the Pennsylvania Department of Labor and Industry showing that Burkhart and Rhoads each had only one source of payroll income. After Rhoads was added to the account, the bank records showed that both parties received their entire bi-weekly paychecks via direct deposit into the account. Those records also revealed that there was never a surplus of cash in the account, with the account barely breaking even at the end of each month. Additionally, several witnesses testified that Burkhart often complained about being in debt and discussed the fact that he was financially strained.

Thus, the Grand Jury's review of Burkhart's bank account provided obvious motive to corroborate the already-abundant evidence of Burkhart's pattern of theft. Unfortunately, while bank records from 2010 through a portion of 2014 provided little deposit detail (Table 6), beginning in 2014 the records are striking. Although Burkhart (and later Rhoads) received his paycheck and pension via direct deposit, there were constant cash deposits into his account. Often times, these deposits were merely days apart, in increments of hundreds, and sometimes thousands, of dollars. The Grand Jury found no evidence that Burkhart had a legitimate source of supplemental cash income.

In 2015, Burkhart made 33 cash deposits ranging from \$200.00 to \$4,000.00. In July 2015 alone, Burkhart made five separate cash deposits totaling over \$8,000.00. As evidenced in Table 6 below, Burkhart made 33 cash deposits in 2016, most frequently in \$2,000.00 increments.⁹ From

⁹ Burkhart also made cash deposits of what appeared to be wedding gifts. Those deposits are not included in this number.

July through September of that year Burkhart made nine cash deposits of \$2,000.00, many of which were less than one week apart. In both 2017 and 2018 there were 37 cash deposits in various increments, most frequently in the thousands. While the number of separate deposits in 2019 decreased by over half from the previous years, the deposit amounts grew. Between January and March of that year, although there was only one deposit per month, the deposit amounts were \$4,000.00, \$4,700.00, and \$5,000.00.

A snapshot of Burkhart’s suspicious deposit history is evidenced in the 2016 deposits in Table 6 below. Burkhart deposited over \$40,000.00 in cash that year.

TABLE 6 – BURKHART CASH DEPOSITS

Deposit Date	Deposit Amount
1/11/2016	\$600.00
1/20/2016	\$300.00
1/25/2016	\$500.00
2/2/2016	\$500.00
2/9/2016	\$300.00
2/16/2016	\$1,200.00
2/22/2016	\$500.00
2/29/2016	\$1,000.00
3/8/2016	\$1,000.00
3/14/2016	\$1,500.00
3/21/2016	\$500.00
4/4/2016	\$1,000.00
4/11/2016	\$1,000.00
4/19/2016	\$1,000.00
4/22/2016	\$900.00
4/28/2016	\$1,000.00
5/9/2016	\$2,000.00
5/18/2016	\$1,900.00
6/15/2016	\$600.00
6/20/2016	\$200.00
7/1/2016	\$2,000.00
7/14/2016	\$2,000.00
7/28/2016	\$2,000.00

8/12/2016	\$2,000.00
8/23/2016	\$2,000.00
9/13/2016	\$2,000.00
9/27/2016	\$2,000.00
9/30/2016	\$2,000.00
10/6/2016	\$2,000.00
10/27/2016	\$940.00
11/14/2016	\$1,900.00
12/7/2016	\$2,000.00
12/23/2016	\$350.00

The total cash deposits and those presumed to be at least partial cash deposits in earlier years, as outlined in Tables 7 and 8 below, are staggering. Additionally, Burkhart's bank records show that he relied a great deal on the cash deposits for his daily expenses, as they were equal to, and often times less than, the money being spent.

TABLE 7 – BURKHART UNVERIFIED CASH DEPOSITS¹⁰

	2010	2011	2012	2013	2014
UNVERIFIED CASH	\$3,183	\$5,715	\$20,986	\$10,043	\$4,125

TABLE 8 – BURKHART CASH DEPOSITS

	2014	2015	2016	2017	2018	2019	2020
CASH	\$5,660	\$28,220	\$40,690	\$29,875	\$21,940	\$30,260	\$7,775

The only time that there is any clear break in the frequency of the cash deposits from 2015 on is in 2020. On March 3, 2020, the day after Burkhart was fired, he deposited \$1,600.00 in cash into his account. Then, he deposited \$400.00 in cash on March 6th, and \$400.00 again on March 10th. Two days later he deposited another \$450.00 in cash. On March 19, 2020, he deposited cash

¹⁰ While many of the unverified deposits appear to be cash, they are examined in a separate table due to the lack of deposit detail in the bank records.

in the amount of \$340.00. From 2014 through 2021, Burkhart deposited \$169,406.00 in cash into his bank account.¹¹

CONCLUSION

Law enforcement officers working to combat the sale and distribution of illegal narcotics occupy a position of the utmost importance, as communities throughout the Commonwealth struggle with substance abuse and overdose deaths. John Burkhart abused his position of authority in order to scam and defraud the citizens of Lancaster County and the Lancaster County Drug Task Force out of desperately needed funds. The Grand Jury finds that Burkhart engaged in a deceitful and illegal course of conduct over many years. Not only was it determined that Burkhart stole nearly \$150,000.00 in money from drug seizures, but he also stole an estimated \$55,000.00 in money that had been forfeited by court order. All of that money should have been destined for deposit so that it could have been used to help battle the drug epidemic. Instead, it went into John Burkhart's pocket.

¹¹ This amount does not include the approximately \$40,000.00 of unverified deposits from 2010 through mid-2014.