

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF:BUCKS



**POLICE CRIMINAL COMPLAINT  
COMMONWEALTH OF PENNSYLVANIA  
VS.**

Magisterial District Number: 07-2-01  
MDJ: Hon. LEONARD J. BROWN  
Address: 60 TOWNSHIP ROAD  
RICHBORO PA 18954  
Telephone: (215)322-0144

DEFENDANT: (NAME and ADDRESS):  
ASHLEY MARIE HARKER  
First Name Middle Name Last Name Gen.  
398 LEROY STREET  
PHILADELPHIA, PA 19128

**NCIC Extradition Code Type**

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

**DEFENDANT IDENTIFICATION INFORMATION**

Docket Number <u>CR-133-22</u>	Date Filed 05/18/2022	OTN/LiveScan Number <u>R292233-4</u>	Complaint Number	Incident Number 210826M21	Request Lab Services? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
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GENDER <input type="checkbox"/> Male <input checked="" type="checkbox"/> Female	DOB 04/23/1985	POB <u>PA</u>	Add'l DOB / /	Co-Defendant(s) <input checked="" type="checkbox"/>
	First Name	Middle Name	Last Name	Gen.

RACE <input checked="" type="checkbox"/> White <input type="checkbox"/> Asian <input type="checkbox"/> Black <input type="checkbox"/> Native American <input type="checkbox"/> Unknown	ETHNICITY <input type="checkbox"/> Hispanic <input checked="" type="checkbox"/> Non-Hispanic <input type="checkbox"/> Unknown
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HAIR COLOR	<input type="checkbox"/> GRY (Gray)	<input checked="" type="checkbox"/> RED (Red/Aubn.)	<input type="checkbox"/> SDY (Sandy)	<input type="checkbox"/> BLU (Blue)	<input type="checkbox"/> PLE (Purple)	<input 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.) 170
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FBI Number	MNU Number	Ft. HEIGHT In. 5 6
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<b>DEFENDANT VEHICLE INFORMATION</b>									
Plate #	State	Hazmat <input type="checkbox"/>	Registration Sticker (MM/YY)	Comm'l Veh. Ind. <input type="checkbox"/>	School Veh. <input type="checkbox"/>	Oth. NCIC Veh. Code	Reg. same as Def. <input type="checkbox"/>		
VIN	Year	Make	Model	Style	Color				

Office of the attorney for the Commonwealth  Approved  Disapproved because: \_\_\_\_\_

(The attorney for the Commonwealth may require that the complaint, arrest warrant affidavit, or both be approved by the attorney for the Commonwealth prior to filing. See Pa.R.Crim.P. 507).

BENJAMIN MCKENNA 05/18/2022  
(Name of the attorney for the Commonwealth) (Signature of the attorney for the Commonwealth) (Date)

I, SA C. GUSS & DET J SCHIRMER BADGE # 605 & #45  
(Name of the Affiant) (PSP/MPOETC -Assigned Affiant ID Number & Badge #)

of PA OAG & UPPER SOUTHAMPTON POLICE PA0092000  
(Identify Department or Agency Represented and Political Subdivision) (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 [225] UPPER SOUTHAMPTON TWP  
1160 STREET ROAD, THE LANDING OF SOUTHAMPTON (Subdivision Code) (Place-Political Subdivision)

in BUCKS County [09] on or about JULY 22, 2021 TO AUGUST 31, 2021  
(County Code) (Offense Date)

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 07-2-01



# POLICE CRIMINAL COMPLAINT

Docket Number: <i>CR-133-22</i>	Date Filed: 05/18/2022	OTN/LiveScan Number	Complaint Number	Incident Number 20210826M0021
Defendant Name	First: ASHLEY	Middle: MARIE	Last: HARKER	

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.

<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 3				
<input checked="" type="checkbox"/> 1	2713	A3	of the 18	4	F3			
Lead?	Offense#	Section	Subsection	PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code
<b>PennDOT Data (if applicable)</b>	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): Neglect of a Care-Dependent Person								

<input type="checkbox"/> Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input checked="" type="checkbox"/> Conspiracy 18 903	Number of Victims Age 60 or Older 3				
<input type="checkbox"/> 2	2713	A3	of the 18	1	F3			
Lead?	Offense#	Section	Subsection	PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code
<b>PennDOT Data (if applicable)</b>	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): Conspiracy to commit: Neglect of a Care-Dependent Person								

<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 3				
<input type="checkbox"/> 3	2705	A	of the 18	4	M2			
Lead?	Offense#	Section	Subsection	PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code
<b>PennDOT Data (if applicable)</b>	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): Recklessly Endangering Another Person								

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.

Acts of the accused: See additional crimes and acts of the accused on next page

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# POLICE CRIMINAL COMPLAINT

Docket Number: <i>CR-133-22</i>	Date Filed: 05/18/2022	OTN/LiveScan Number	Complaint Number	Incident Complaint 202100826M0021
Defendant Name	First: ASHLEY	Middle: MARIE	Last: HARKER	

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.

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input checked="" type="checkbox"/> Conspiracy 18 903	Number of Victims Age 60 or Older 3					
<input type="checkbox"/>	4	903 - 2705	A	of the	18	1	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): Conspiracy to commit: Recklessly Endangering Another Person									

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 3					
<input type="checkbox"/>	5	10225-706	B1	of the	35	3	M3		
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): Failure to Report Abuse									

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input checked="" type="checkbox"/> Conspiracy 18 903	Number of Victims Age 60 or Older 3					
<input type="checkbox"/>	6	903-10225	706B1	of the	18 35	3	M3		
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): Conspiracy to commit: Failure to Report Abuse									

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.

Acts of the accused: See following page for additional crimes and acts of the accused

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# POLICE CRIMINAL COMPLAINT

Docket Number: <i>CR-133-22</i>	Date Filed: 05/18/2022	OTN/LiveScan Number	Complaint Number	Incident Complaint 202100826M0021
Defendant Name	First: ASHLEY	Middle: MARIE	Last: HARKER	

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.

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 3					
<input type="checkbox"/>	7	10225-706	<i>C 411A</i>	of the	35	3	<i># M3</i>		
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): Failure to Report Abuse									

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"/>				of the					
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):									

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"/>				of the					
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):									

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.

Acts of the accused:

During July and August of 2021, the defendant, acting in concert with a co-defendant and while working as the administrator of The Landing of Southampton, a residential personal care home located at 1160 Street Road in Upper Southampton Township, Bucks County, Pennsylvania, intentionally, knowingly or recklessly endangered the welfare of multiple care dependent persons, specifically residents PE, LF, TG and other female residents of the memory care unit, for whom she was responsible by failing to provide treatment, care, goods or services necessary to preserve the health, safety or welfare of the care-dependent persons, in doing so, the defendant and co-defendant recklessly engaged in a course of conduct which placed or may have placed multiple people in danger of death or serious bodily injury. Additionally, the defendant intentionally and willfully failed to comply with her legally mandated responsibility to report suspected abuse to appropriate outside agencies.

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# POLICE CRIMINAL COMPLAINT

Docket Number: <i>CR-133-22</i>	Date Filed: 05/18/2022	OTN/LiveScan Number	Complaint Number	Incident Number 20210826M0021
Defendant Name	First: ASHLEY	Middle: MARIE	Last: HARKER	

- 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 5.
- 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.)**

18TH DAY OF MAY                      2022  
(Date)    (Year)

*[Handwritten Signature]*  
(Signature of Affiant)

AND NOW, on this date 05-18-2022 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.

\_\_\_\_\_  
(Magisterial District Court Number)

*[Handwritten Signature]*  
(Issuing Authority)



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07-2-01



# POLICE CRIMINAL COMPLAINT

Docket Number: <i>CR-133-a2</i>	Date Filed: 05/18/2022	OTN/LiveScan Number	Complaint Number	Incident Number 20210826M0021
Defendant Name	First: ASHLEY	Middle: MARIE	Last: HARKER	

## AFFIDAVIT of PROBABLE CAUSE

Your Affiant, Colleen Guss, Badge #605, is a sworn Special Agent with the Pennsylvania Office of Attorney General (PA OAG), Bureau of Criminal Investigations, Medicaid Fraud Control Section, located at 1000 Madison Avenue, Suite 310, Norristown, PA 19403.

Your Affiant, James Schirmer, Badge #45, is a sworn Police Detective with the Upper Southampton Township Police Department, located at 939 Street Road, Southampton, PA 18966.

On May 3, 2022, the 47th Statewide Investigating Grand Jury issued Presentment No. 11 recommending the arrests of Ashley Harker and Joy Alfonsi for violations of the Pennsylvania Crimes Code. The aforementioned Presentment was accepted by the Honorable Lillian Harris Ransom, Supervising Judge of the 47th Statewide Investigating Grand Jury by order dated May 5, 2022. A copy of the Presentment and the Order accepting the Presentment are attached hereto and incorporated herein by reference.

Having read and reviewed the Presentment, and after having participated in this investigation and considering all the facts and circumstances, your Affiants are adopting the presentment and incorporating it into this Affidavit of Probable Cause. Your Affiants aver that the testimony of the individuals who appeared before the 47th Statewide Investigating Grand Jury is consistent with the information contained within Presentment No. 11 and the information developed within the course of the investigation specified herein. Furthermore, Presentment No. 11 shows on its face that it is based upon evidence which the 47th Statewide Investigating Grand Jury reviewed and evaluated which included sworn testimony of witnesses appearing and physical evidence presented to it. Your Affiants reviewed the evidence presented before the 47th Statewide Investigating Grand Jury and find that it comports with the findings of the general investigation.

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I, SA COLLEEN GUSS & DET JAMES SCHIRMER, 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 THAN NON-CONFIDENTIAL INFORMATION AND DOCUMENTS.

  
\_\_\_\_\_  
(Signature of Affiant)

Sworn to me and subscribed before me this 18TH day of MAY, 2022

\_\_\_\_\_  
Date  , Magisterial District Judge

My commission expires first Monday of January,



## INTRODUCTION

We, the members of the Forty-Seventh Statewide Investigating Grand Jury, having received and reviewed evidence pertaining to violations of the Pennsylvania Crimes Code and the Older Adults Protective Services Act occurring in Bucks County pursuant to Notice of Submission of Investigation Number 49, hereby make the following findings of fact and recommendation of charges.

## FINDINGS OF FACT

### **I. OVERVIEW**

The Forty-Seventh Statewide Investigating Grand Jury conducted an investigation into the sexual abuse and neglect of three care-dependent residents with dementia that occurred at The Landing of Southampton (“The Landing”), a personal care home located in Bucks County, in July 2021. It was determined that despite receiving eyewitness accounts of the abuse, The Landing’s General Manager, Ashley Harker (“Harker”), and its Director of Health and Wellness, Joy Alfonsi (“Alfonsi”), made a conscious decision not to report the abuse to the Bucks County Area Agency on Aging (“BCAAA”), the Pennsylvania Department of Human Services (“DHS”) and law enforcement as required by law. Both Harker and Alfonsi were responsible for the safety and well-being of the care-dependent residents, yet they failed to conduct an internal investigation, failed to properly document the incidents of sexual abuse internally, and failed to notify the victimized resident’s family members/designated representative of the sexual abuse. To the contrary, the Grand Jury found that Harker and Alfonsi actively took steps to minimize and conceal the incidents of sexual abuse, endangering The Landing’s other care-dependent residents of enduring the same fate.

**A. Mandatory Abuse Reporting and Related Documentation for Personal Care Homes**

The Landing is located at 1160 Street Road, Upper Southampton Township in Bucks County. It is owned by Leisure Care, a company based in Washington. As a personal care home, The Landing is licensed by DHS. DHS defines personal care homes as “residences that provide shelter, meals, supervision and assistance with personal care tasks, typically for older people, or people with physical, behavioral health, or cognitive disabilities who are unable to care for themselves but do not need nursing home or medical care.” The Landing can house up to 106 residents, including 36 in the memory care unit (also referred to as the “Opal Unit”). The Opal Unit provides care for residents with dementia and has specific policies and procedures designed to ensure their safety and welfare.

The Grand Jury learned that under Pennsylvania law, employees and administrators of personal care homes are required to immediately report suspected abuse to protective services. 35 Pa. Stat. Ann. § 10225.701. “Abuse” includes sexual harassment, rape or sexual abuse. 35 Pa. Stat. Ann. § 10225.103.<sup>1</sup> For a personal care home such as The Landing, mandatory reports of suspected abuse must be made to the BCAA. The BCAA then refers the allegation to either Older Adult Protective Services (“OAPS”) for victims 60 years or older, or Adult Protective Services (“APS”) for victims who are younger than 60 years old. When sexual abuse is suspected, the employee must also immediately contact law enforcement. 35 Pa. Stat. Ann. § 10225.701.

Additionally, in order to maintain licensure, personal care homes must report all suspected abuse to DHS within 24 hours. *See* 55 Pa. Code § 2600.16(c). DHS requires facilities to investigate the suspected abuse, create a plan of correction, and generate a final report to be submitted to DHS.

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<sup>1</sup> Sexual abuse is defined as “intentionally, knowingly or recklessly causing or attempting to cause rape, involuntary deviate sexual intercourse, sexual assault, statutory sexual assault, aggravated indecent assault, indecent assault or incest.” 35 Pa. Stat. Ann. § 10225.103.



55 Pa. Code § 2600.16(d). The personal care home must also notify the affected resident's designated report person (typically a family member and/or power of attorney) of the suspected abuse. 55 Pa. Code § 2600.15(d). Failure to comply with these requirements can result in the personal care home losing its license.

In addition to these requirements under Pennsylvania law, The Landing required its employees to document suspected abuse in a "Resident Incident Report" form (commonly referred to as "incident reports"). The Landing used software called "Eldermark" to create and maintain incident reports. Incident reports have two sections: "Initial Record of Information" and "Incident Investigation." Both sections can be electronically signed by the employee writing or approving the form. Furthermore, documentation of abuse or other significant incidents may be contained in the resident's progress notes or 24-hour/Alert Charting Report ("24 hour report"). Progress notes document anything significant regarding a resident's care, such as medication changes, medical appointments, interactions with family members. The 24 hour report is used by The Landing's staff to communicate important notes between shifts.

### **C. Staff and Management Organization of The Landing**

In July and August of 2021, Harker was the General Manager of The Landing. As the General Manager, Harker was the highest authority in The Landing's managerial hierarchy that regularly worked in the facility. Alfonsi, a nurse and The Landing's Director of Health and Wellness, answered directly to Harker. Alfonsi supervised numerous professionals, including med techs and caregivers. Alfonsi and Harker were directly responsible for submitting mandatory reports to protective services and DHS.

The Grand Jury learned that med techs are certified by the state as being trained and qualified to administer medications. Caregivers, however, do not require any certification and

cannot administer medications. Both med techs and caregivers provide direct care to residents, including assistance with bathing, eating, toileting, and they are responsible for documenting incidents and changes in the residents' condition. The med techs act as supervisors of the caregivers.

The Landing also employs "Program Directors"/"Activities Directors" that plan social events, activities and programs for the residents.

## **II. SEXUAL ABUSE OF RESIDENTS AT THE LANDING**

On February 10, 2020, 88-year-old R.E. was admitted to The Landing. He was diagnosed with dementia. He initially resided in the personal care section of the facility, but was transferred to the Opal Unit on July 15, 2021 after his cognitive abilities declined. Seventy-five-year-old P.E., 75-year-old L.F., and 57-year-old T.G., each of whom suffered from dementia, also resided in the Opal Unit. The Grand Jury heard evidence that all three of these residents were victims of sexual abuse by R.E. and that The Landing failed to report to protective services, DHS or law enforcement, despite being fully aware of the abuse.

### **A. Unreported Sexual Abuse of P.E. – July 22, 2021**

The Grand Jury learned that The Landing failed to do the mandatory reporting after one of its employees witnessed R.E. sexually abuse P.E. just one week after he was transferred to the Opal Unit.

On July 22, 2021, [REDACTED] DC [REDACTED] ("DC [REDACTED]") was working as the activities director for the Opal Unit. She testified that while she was leading an activity, DC [REDACTED] saw R.E. with his hand up P.E.'s dress, penetrating her vagina with his fingers. P.E., who is non-verbal (in addition to suffering from dementia) cannot make decisions for herself and is incapable of consenting to sexual activity. DC [REDACTED] immediately separated R.E. and P.E. and told R.E. that

his conduct was inappropriate. DC then directed her attention to another resident. When DC attempted to return to the activity she was coordinating, she noticed that R.E. was again penetrating P.E.'s vagina with his fingers. DC separated them a second time.

DC told the Grand Jury that she reported the incident to Alfonsi within minutes. CN ("CN a med tech working with Alfonsi, was also present during this conversation. CN recognized that the event reported by DC was serious and required a report to the state and needed to be documented in an internal incident report. CN volunteered to write the incident report, but Alfonsi instructed her not to write anything. Alfonsi stated that she would handle the situation herself and CN assumed the matter would be handled appropriately.

Later that day, Alfonsi directed CN to place a note in the 24 hour report to "keep an eye" on R.E. Alfonsi further instructed CN not to write anything in the note regarding sexual activity, supposedly out of concerns for resident privacy. The Grand Jury reviewed the note which read: "Please do frequent checks on [R.E.] as he settles into new environment!"

DC also reported the sexual abuse of P.E. to Harker that same day. Harker instructed her not to write an incident report at all, claiming she and Alfonsi would "take care of it." Afterwards, DC took it upon herself to document the incident for her own records. She memorialized the events in a handwritten note that same date.

Despite Alfonsi's and Harker's assurances to DC that they would address the incident, neither of them completed an incident report, conducted an investigation or notified P.E.'s daughter (her power of attorney) of the abuse. There was no notation of the sexual abuse in the records for P.E. and R.E. Moreover, Harker and Alfonsi failed to fulfill their mandatory reporting obligations in that they never contacted protective services, DHS or law enforcement

regarding the sexual abuse of P.E. To the contrary, they took efforts to conceal that the abuse had occurred.

**B. Sexual Abuse of L.F. – July 24, 2021**

On the morning of July 24, 2021, just two days after the sexual abuse of P.E., [REDACTED] KL (“[REDACTED] KL”) The Landing’s lead food server, witnessed a second incident of sexual abuse involving R.E.<sup>2</sup> [REDACTED] KL entered the common area of the Opal Unit and saw R.E. on the floor with L.F. L.F.’s nightgown was pushed up, her diaper was removed and R.E. was penetrating her vagina with his fingers. [REDACTED] KL heard L.F. repeating, “What’s happening? What’s happening?” L.F. suffered from dementia and could rarely communicate with coherent sentences. She was not capable of consenting to sexual activity.

When [REDACTED] KL rushed to find help, she encountered Opal Unit med tech [REDACTED] ME (“[REDACTED] ME”) just outside the common area, transporting a wheelchair bound resident. [REDACTED] KL told [REDACTED] ME what she saw and [REDACTED] ME followed [REDACTED] KL back into the common area. R.E. and L.F. were still on the floor together. [REDACTED] ME took control of the situation and [REDACTED] KL left to assist the resident [REDACTED] ME had been transporting.

When Alfonsi arrived at the facility about an hour later, [REDACTED] KL reported the sexual abuse to her. Alfonsi reacted with exasperation and went to talk to [REDACTED] ME. When [REDACTED] KL returned from vacation ten days later on August 3, 2021, she asked Alfonsi about writing a statement for the incident report. Alfonsi told her she did not have to write a statement.

[REDACTED] DC told the Grand Jury that she witnessed the very end of this incident. She stated that when she entered the common area of the Opal Unit, she saw [REDACTED] ME leading R.E. away from

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<sup>2</sup> [REDACTED] KL testified before the Grand Jury that she witnessed this incident on either July 21, 2021 or July 22, 2021. However, she later confirmed with OAG Special Agent Colleen Guss that it actually occurred on July 24, 2021. [REDACTED] KL testified that she knew the incident occurred on the day before she left for vacation. The Landing’s staff schedule and [REDACTED] KL flight records revealed that date was July 24, 2021.

the room and other staff members attending to L.F. ME told DC that R.E. had “attacked” L.F. DC saw a fresh blood stain on R.E.’s right shirt sleeve.

After seeing this second incident involving R.E. within a span of days, DC told Alfonsi that something needed to be done about him. Alfonsi said she would talk to R.E.’s doctor about prescribing an estrogen patch. DC also informed Harker about the blood on R.E.’s shirt and told Harker she should see it for herself.

Alfonsi and Harker never reported the sexual abuse of L.F. to DHS, protective services or law enforcement, as required.

While Alfonsi wrote an incident report and progress note for L.F., it omitted critical information. The incident report described the event occurring on July 24, 2021 at 7:30 a.m. in the common area of the Opal Unit as follows: “[R]esident was found on the floor with another resident. Resident was anxious, showing sexually inappropriate behaviors. Staff was able to assist resident up and redirect. Small skin tears noted to left elbow and right shin.” Alfonsi wrote that no witnesses were present (although there were) and the report did not identify the other resident on the floor (although his identity was known). The “investigation” section of the incident report reflected that the incident was treated as a fall, not as sexual abuse and the report contained notations about fall precautions and prevention. Harker signed the incident report on August 10, 2021. Alfonsi entered a nearly identical description of the event into L.F.’s progress notes on July 24, 2021.

In a recorded interview with Detective James Schirmer (“Detective Schirmer”) of the Upper Southampton Police Department, Alfonsi admitted it was R.E. on the floor with L.F. Alfonsi, however, never wrote an incident report documenting the sexual abuse for R.E.’s file.<sup>3</sup> In

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<sup>3</sup> Alfonsi did write an incident report for R.E. for an event that supposedly occurred on July 24, 2021, but at 2:30 p.m. In this report, Alfonsi described the incident as “resident was masturbating with another resident present.” According

fact, the Landing never generated any documentation at all specifically identifying R.E. as the other resident on the floor abusing L.F.

Similarly, the progress note that Alfonsi prepared for R.E.'s file significantly minimized the incident that had occurred on July 24, 2021. The entry stated: "[R]esident with sexually inappropriate behaviors, staff able to redirect." That same day, after consultation with R.E.'s physician, R.E. was prescribed an estrogen patch in an effort to reduce his hyper-sexuality.

**C. Sexual Abuse of T.G. – July 26, 2021**

Two days after the abuse of L.F., two caregivers at The Landing witnessed R.E. sexually abuse a third Opal Unit resident, T.G.

On the morning of July 26, 2021, caregiver [REDACTED] TE ("TE [REDACTED] saw R.E. standing next to T.G. in the dining area of the Opal Unit. T.G.'s breasts were exposed and her pants were unzipped and partially pulled down. R.E.'s pants were down. TE [REDACTED] testified before the Grand Jury that R.E.'s "hand was in her pants fingering her and his other hand was on her breast." TE [REDACTED] yelled for caregiver [REDACTED] EO ("EO [REDACTED] to help. EO [REDACTED] came to TE [REDACTED] assistance and saw TE [REDACTED] removing R.E.'s hand from the area of T.G.'s lap. The caregivers separated R.E. and T.G. and attempted to dress T.G.

Despite the caregivers' efforts to get R.E. under control, he immediately began rubbing P.E., who was in the dining area at the same time, and attempted to kiss her. EO [REDACTED] intervened and moved R.E. again. R.E. then began to rub the back of another female resident in the dining area. EO [REDACTED] then moved R.E. for a third time so he could not touch anyone.

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to the report, the incident occurred in the Opal Unit's common area with no witnesses present. The investigation section of that form was entirely blank. It is possible this report referred to an entirely separate episode or was simply a fabrication. No witness interviewed by Detective Schirmer recalled the event that Alfonsi described in the report.

After separating R.E. from the other residents, EO [REDACTED] immediately reported what had happened to DL [REDACTED] (DL [REDACTED] who was the only manager on duty that early in the morning. DL [REDACTED] instructed EO [REDACTED] to report the incident to Alfonsi. EO [REDACTED] in the presence of TE [REDACTED] called Alfonsi and told her what happened with R.E. and the other female residents. EO [REDACTED] also spoke to Alfonsi in more detail after she arrived at the facility.

Later that same day, DL [REDACTED] followed up with both Alfonsi and Harker to ensure they were aware of the situation. Alfonsi told DL [REDACTED] she was aware and planned to contact the families of the residents involved. When DL [REDACTED] met with Harker, he reminded her that the incident was "state reportable" and Harker assured him that she was handling the matter.

After Harker spoke with DL [REDACTED] Harker summoned EO [REDACTED] to her office. There, Harker scolded EO [REDACTED] for reporting the incident to DL [REDACTED] as he was not a manager of the Health and Wellness Team. Harker, assisted by Alfonsi, subsequently held an impromptu meeting at 3:00 p.m. about the Health Insurance Portability and Accountability Act. Harker instructed the staff not to discuss the residents' personal business with employees outside the Health and Wellness Department, and threatened to fire anyone who was caught "gossiping." Both EO [REDACTED] and TE [REDACTED] believed this meeting was in response to the event they had witnessed that morning involving R.E. and the other female residents.

After the meeting, EO [REDACTED] met with Alfonsi and Harker in the office of the Opal Unit. EO [REDACTED] explained she reported the abuse to DL [REDACTED] because he was the only manager on duty at that time and asked if she should write up the incident in the 24-hour report. Both Harker and Alfonsi told her that the incident had to be reported to the state so they would handle the documentation.

Despite Harker and Alfonsi's statement that they would handle the reporting documentation, protective services and DHS never received the mandatory report regarding the sexual abuse of T.G. or the other female residents involved in the incident. Harker and Alfonsi also failed to generate any incident reports or conduct any internal investigation regarding the sexual abuse of T.G. Neither EO [REDACTED] TE [REDACTED] nor DL [REDACTED] were ever asked to write statements about the sexual abuse of T.G.

Although Alfonsi made an entry in R.E.'s progress note on July 26, 2021, it did not mention his sexual abuse of T.G. Rather, at 3:12 p.m., Alfonsi wrote: "Resident continues to be sexually inappropriate, call placed to PCP, new orders noted to increase Estrdiol [sic], D/C Zolft, and add Depakote. POA updated." A similar note was entered in R.E.'s Resident Assessment for July 26, 2021, though not in Alfonsi's handwriting.

In an entry in T.G.'s progress note on July 26, 2021 at 3:36 p.m., Alfonsi wrote: "This writer spoke with [T.G.'s] wife, [REDACTED], discussing disease process and how it affects decision making as well as appropriate sexual behavior. No other concerns noted at this time."

### **III. PROTECTIVE SERVICES, DHS AND LAW ENFORCEMENT INVESTIGATION OF THE SEXUAL ABUSE AT THE LANDING**

While Harker and Alfonsi failed to make the required mandatory reports of abuse, several employees of The Landing, including KL [REDACTED] and DC [REDACTED] eventually made anonymous reports to protective services when they realized that management was not properly handling the situation.

On August 17, 2021, APS received an anonymous report regarding the sexual abuse of T.G. and dispatched investigator Amanda Vogel ("Vogel") to The Landing the next day. Vogel collaborated with investigators from OAPS and DHS who were also on scene. On August 26, 2021, Vogel enlisted the help of Upper Southampton Police Department and Detective Schirmer was assigned the case. Protective services ultimately substantiated the allegations of abuse against



T.G. and DHS mandated that R.E. be placed on "one to one" supervision (meaning one staff member was specifically tasked with supervising R.E. at all times) until he was relocated to a different facility.

Vogel testified before the Grand Jury regarding her investigation of The Landing. When Vogel questioned Alfonsi and Harker, both insisted that the complaints must have come from disgruntled employees and there was no reason for concern. Vogel sensed that the staff of The Landing did not feel free to talk to her. Alfonsi always remained within eyesight when Vogel attempted to interview staff members. Vogel found that staff members were only willing to talk to her outside of work.

Detective Schirmer recovered text message exchanges between Harker and Alfonsi wherein they discussed the ongoing investigation. On September 16, 2021, Alfonsi complained to Harker that DC ██████ requested to speak to the state through another employee named ██████. Harker responded, "You need to talk to ██████ and remind her that she shouldn't be getting involved and if a team member wants to talk to them they can but they need to do it themselves." On September 19, 2021, Alfonsi texted Harker that DHS's investigator requested incident reports and internal investigations and threatened to cite the facility if the documents were not provided. Harker texted back, "We don't provide incident reports," and "I'll take the citation." Later that day, Alfonsi and Harker rejoiced with celebratory emojis when they learned DC ██████ quit her job.

On September 29, 2021, Detective Schirmer, Vogel, and OAPS investigator Leah Schofield interviewed Alfonsi at The Landing. Alfonsi indicated she was aware that R.E. and L.F. were found on the floor together, but claimed she could not remember who reported it to her or in what way the incident was "sexually inappropriate." She suggested it may have been "holding

hands” or “talking.” Alfonsi also recalled being told R.E. “pleasured himself” in the dining room with T.G. present, but stated she did not remember who reported that to her. Alfonsi told the investigators that the incident with P.E. only involved R.E. touching P.E.’s knee and did not recall who reported that to her. Alfonsi denied that she was ever directly told about R.E. touching another resident in a sexually inappropriate manner.

Following its investigation, DHS cited The Landing with several regulatory violations including: Abuse, failing to report suspected abuse to protective services, failing to notify the resident’s designated person of suspected abuse, and, denying DHS access to resident records. As a result of these violations, on April 12, 2022, DHS revoked The Landing’s certificate of compliance and placed the facility on a provisional license (valid from April 12, 2022 to October 12, 2022). The Landing must create and implement a plan to correct these violations or DHS could revoke the provisional license, as well.

#### **IV. CONCLUSION**

The evidence presented before the Grand Jury shows that both Harker and Alfonsi were aware of the sexual abuse of three care-dependent residents between July 22, 2021 and July 26, 2021, but failed to take appropriate action to prevent further abuse from occurring. Instead, Harker and Alfonsi minimized or concealed the abuse by refusing to document the abuse accurately or at all, instructed subordinates not to document the incidents, failed to investigate the abuse, disregarded mandatory reporting requirements to DHS, protective services and law enforcement, and, discouraged witnesses from being candid with investigators and other managers. If Harker or Alfonsi had responded lawfully to the sexual abuse of P.E. on July 22, 2021, protective services and/or DHS could have recommended or mandated precautionary steps that would have prevented the subsequent sexual abuse of L.F. and T.G. Aside from obtaining an Estodial patch from R.E.’s

doctor, Alfonsi and Harker did nothing to protect the other residents of the Opal Unit from R.E.'s sexual abuse.