



## OFFICE OF THE DISTRICT ATTORNEY

**KEVIN R. STEELE**

DISTRICT ATTORNEY

**EDWARD F. McCANN, JR.**

FIRST ASSISTANT DISTRICT ATTORNEY

### COUNTY OF MONTGOMERY

COURTHOUSE

P.O. BOX 311

NORRISTOWN, PENNSYLVANIA

19404-0311

**SAMUEL J. GALLEN**

CHIEF COUNTY DETECTIVE

**JESSE S. KING**

CHIEF OF STAFF

**DISTRICT ATTORNEY'S OFFICE**

**DISTRICT ATTORNEY'S FAX**

**COUNTY DETECTIVE BUREAU**

**(610) 278-3090**

**(610) 278-3095**

**(610) 278-3368**

FOR IMMEDIATE RELEASE

Contact: Kate Delano 610-278-3148

### **CHEMIST RICHARD O'ROURKE OF WARRINGTON ARRESTED FOR STEALING POTASSIUM CYANIDE FROM MERCK & CO.**

NORRISTOWN, Pa. (Feb. 13, 2018) — Montgomery County District Attorney Kevin R. Steele, Bucks County District Attorney Matthew Weintraub, Upper Gwynedd Township Police Chief David Duffy and Warrington Township Police Chief Daniel Friel, along with the FBI, announce the arrest of Richard O'Rourke, 60, of Warrington, Pa., on charges of Causing or Risking Catastrophe, Theft, Receiving Stolen Property and Recklessly Endangering Another Person related to the theft and disposal of 219.79 grams of potassium cyanide stolen from the Merck & Co. laboratory in Upper Gwynedd Township. At the time of the theft, O'Rourke was employed as a senior analytical chemist at Merck & Co.

Upper Gwynedd Township Police were notified on Dec. 16, 2017, by Merck & Co. that O'Rourke may have stolen potassium cyanide from a Merck laboratory. Due to the nature of the crime, Upper Gwynedd Township Police were joined in the investigation by the Montgomery County Detective Bureau, Bucks County Detective Bureau, the FBI, Warrington Township Police, and the Pennsylvania Department of Environmental Protection [PADEP]. The investigation revealed that another longtime senior analytical chemist at Merck & Co. witnessed O'Rourke pouring potassium cyanide, taken from the poison cabinet, into a beaker and then into a Nalgene bottle on Dec. 14, 2017. O'Rourke, who was not required to handle potassium cyanide as part of his work responsibilities, was then observed leaving the building. The investigation revealed that the defendant was planning to use the cyanide to poison rodents on his property, but when he found out there was an investigation, he dumped the chemical into a stormwater inlet in the area of County Line Road and Street Road, between Easton Road and Second Street Pike on Dec. 15, 2017.

The PADEP, contacted by Merck & Co. on Dec. 15, 2017, immediately attempted to locate the dumpsite of the potassium cyanide and began monitoring the water supply for signs of the chemical and toxicity. Both Aqua PA and the Philadelphia Water Department maintain intake facilities that could have been affected by the chemical dump, depending on exactly where the potassium cyanide was disposed of. Aqua Water and the Philadelphia Water Department began testing and monitoring water samples from their intake systems.

"The immediate and decisive action by the Pennsylvania DEP and the collaborative efforts by law enforcement agencies were key to assuring that no one was

harmful by the cyanide dump. The significant rainfall helped as well," said Steele. "It is concerning that someone was able to remove such a poisonous chemical, but thankfully through an immediate and swift response by many people, nobody was hurt."

PADEP and the water departments remained on high-alert status for two weeks, through Dec. 29, 2017. After two weeks of intensive testing, assessing and monitoring stormwater systems, outfalls, retention basins, waterways and their tributaries, no evidence was found of a toxic impact. At no time was cyanide detected at the drinking water intakes nor from any samples collected and analyzed by Aqua PA and the Philadelphia Water Department. According to PADEP, a significant rainfall occurred several days after the dumping of the potassium cyanide. That rain should have been sufficient to flush the potassium cyanide out of any stormwater inlet, leading the agency to determine that the chemical had been diluted and washed out.

O'Rourke was arraigned before Magisterial District Judge Suzan Leonard, who set bail at \$35,000. The defendant posted bail and was released. A preliminary hearing is scheduled for noon on March 6, 2018, before Judge Leonard.

Approved for release:



Kevin R. Steele

*CRIMINAL CHARGES, AND ANY DISCUSSION THEREOF, ARE MERELY ALLEGATIONS AND ALL DEFENDANTS ARE PRESUMED INNOCENT UNTIL AND UNLESS PROVEN GUILTY.*

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF **MONTGOMERY**

Magisterial District Number: **38-1-21**

MDJ Hon. **SUZAN LEONARD**

Address: **653 SKIPPACK PIKE RT 73  
BLUE BELL, PA 19422**

Telephone: **(215)646-8201**



**POLICE CRIMINAL COMPLAINT**  
**COMMONWEALTH OF PENNSYLVANIA**

**VS.**

**DEFENDANT:**

(NAME and ADDRESS)

**RICHARD L O'ROURKE**  
First Name Middle Name Last Name

**2846 HIGHLAND RD  
WARRINGTON, PA 18976**

**COPY**

**NCIC Extradition Code Type**

- ☐ 1 - Felony Full ☐ 5 - Felony Pend. ☐ C - Misdemeanor Surrounding States ☐ Distance: \_\_\_\_\_  
☐ 2 - Felony Ltd. ☐ 6 - Felony Pend. Extradition Determ. ☐ D - Misdemeanor No Extradition  
☒ 3 - Felony Surrounding States ☐ A - Misdemeanor Full ☐ E - Misdemeanor Pending  
☐ 4 - Felony No Ext. ☐ B - Misdemeanor Limited ☐ F - Misdemeanor Pending Extradition Determ.

**DEFENDANT IDENTIFICATION INFORMATION**

Docket Number <b>02-30-18</b>	Date Filed <b>02/12/2018</b>	OTN/LiveScan Number <b>U553 762-6</b>	Complaint/Incident Number <b>20171216M8114</b>	SID	Request Lab Service? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
GENDER <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	DOB <b>08/21/1957</b>	POB	Add'l. DOB	Co-Defendants? <input type="checkbox"/>	
<p><b>RACE</b> <input checked="" type="checkbox"/> White <input type="checkbox"/> Asian <input type="checkbox"/> Black <input type="checkbox"/> Native American <input type="checkbox"/> Unknown</p> <p><b>ETHNICITY</b> <input type="checkbox"/> Hispanic <input checked="" type="checkbox"/> Non-Hispanic <input type="checkbox"/> Unknown</p> <p><b>HAIR COLOR</b> <input type="checkbox"/> Gry (Gray) <input type="checkbox"/> Red (Red/Auburn) <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 checked="" type="checkbox"/> XXX (Ink./Bald) <input type="checkbox"/> GRN (Green) <input type="checkbox"/> PNK (Pink)  <input type="checkbox"/> Bln (Blonde / Strawberry)</p> <p><b>EYE COLOR</b> <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)</p>					
Driver License	State <b>PA</b>	License Number <b>17 942 682</b>	Expires <b>08/22/2021</b>	WEIGHT (lbs.) <b>175</b>	
DNA	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO DNA Location				<b>6</b>
FBI Number	MNU Number			FT. HEIGHT in. <b>00</b>	
Defendant Fingerprinted	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO				<b>6</b>
Fingerprint Classification					

**DEFENDANT VEHICLE INFORMATION**

Plate # <b>YXY5160</b>	State <b>PA</b>	Hazmat <input type="checkbox"/>	Registration Sticker (MM/YY) <b>02/18</b>	Comm'l Veh Ind. <input type="checkbox"/>	School Veh. <input type="checkbox"/>	Oth. NCIC Veh. Code	Reg. Same as Def. <input type="checkbox"/>
VIN <b>1FTSX2B51AEB33086</b>	Year <b>2010</b>	Make <b>FORD</b>	Model <b>F250 SUPERCAB (</b>	Style <b>PK</b>	Color <b>RED</b>		

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

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

(Name of the attorney for the Commonwealth - Please Print or Type)

(Signature of the attorney for the Commonwealth)

(Date)

I, **DET RAYMOND ROYDS**

(Name of the Affiant)

**47/30493**

PSP/MPOETC - Assigned Affiant ID Number & Badge #

of **Upper Gwynedd Township Police**

(Identify Department or Agency Represented and Political Subdivision)

**PA0462800**

(Police Agency ORI Number)

do hereby state:

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 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 [ **113** ] **UPPER GWYNEDD**

**MERCK & CO.; 770 SUMNEYTOWN PK; UPPER GWYNEDD TOWNSHIP**

in **MONTGOMERY** County [ **46** ] on or about **12/14/2017 19:00 to 12/29/2017**

(County Code)

(Offense Date)

**POLICE CRIMINAL COMPLAINT**

Docket Number	Date Filed <b>02/12/2018</b>	OTN/LiveScan Number	Complaint/Incident Number <b>20171216M8114</b>
Defendant Name	First <b>RICHARD</b>	Middle <b>L</b>	Last <b>O'ROURKE</b>

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 §§ 213. - 213.7.)

<b>Inchoate Offense</b>	<input type="checkbox"/> <b>Attempt</b> 18 901 A	<input type="checkbox"/> <b>Solicitation</b> 18 902 A	<input type="checkbox"/> <b>Conspiracy</b> 18 903	Number of Victims Age 60 or Older <u>0</u>					
<input checked="" type="checkbox"/> <b>Lead?</b>	<b>1</b>	<b>3302</b>	<b>B</b>	<b>of the</b>	<b>18</b>	<b>1</b>	<b>F3</b>	<b>2099</b>	<b>200</b>
Offense #		Section	Subsection	PA Statute (Title)		Counts	Grade	NCIC Offense Code	UCR/NIBRS Code
<b>PennDOT Data (if applicable)</b>	<b>Accident Number</b>			<input type="checkbox"/> <b>Safety Zone</b>		<input type="checkbox"/> <b>Work Zone</b>			
Statute Description (Include the name of statute or ordinance): <b>CAUSING OR RISKING CATASTROPHE</b>									
Acts of the accused associated with this Offense: <b>RISKING CATASTROPHE</b>									

<b>Inchoate Offense</b>	<input type="checkbox"/> <b>Attempt</b> 18 901 A	<input type="checkbox"/> <b>Solicitation</b> 18 902 A	<input type="checkbox"/> <b>Conspiracy</b> 18 903	Number of Victims Age 60 or Older <u>0</u>					
<input type="checkbox"/> <b>Lead?</b>	<b>2</b>	<b>3921</b>	<b>A</b>	<b>of the</b>	<b>18</b>	<b>1</b>	<b>M1</b>	<b>2308</b>	<b>23D</b>
Offense #		Section	Subsection	PA Statute (Title)		Counts	Grade	NCIC Offense Code	UCR/NIBRS Code
<b>PennDOT Data (if applicable)</b>	<b>Accident Number</b>			<input type="checkbox"/> <b>Safety Zone</b>		<input type="checkbox"/> <b>Work Zone</b>			
Statute Description (Include the name of statute or ordinance): <b>THEFT BY UNLAWFUL TAKING OR DISPOSITION</b>									
Acts of the accused associated with this Offense: <b>THEFT BY UNLAWFUL TAKING OR DISPOSITION</b>									

<b>Inchoate Offense</b>	<input type="checkbox"/> <b>Attempt</b> 18 901 A	<input type="checkbox"/> <b>Solicitation</b> 18 902 A	<input type="checkbox"/> <b>Conspiracy</b> 18 903	Number of Victims Age 60 or Older <u>0</u>					
<input type="checkbox"/> <b>Lead?</b>	<b>3</b>	<b>3925</b>	<b>A</b>	<b>of the</b>	<b>18</b>	<b>1</b>	<b>M1</b>	<b>2804</b>	<b>280</b>
Offense #		Section	Subsection	PA Statute (Title)		Counts	Grade	NCIC Offense Code	UCR/NIBRS Code
<b>PennDOT Data (if applicable)</b>	<b>Accident Number</b>			<input type="checkbox"/> <b>Safety Zone</b>		<input type="checkbox"/> <b>Work Zone</b>			
Statute Description (Include the name of statute or ordinance): <b>RECEIVING STOLEN PROPERTY</b>									
Acts of the accused associated with this Offense: <b>RECEIVING STOLEN PROPERTY</b>									

<b>Inchoate Offense</b>	<input type="checkbox"/> <b>Attempt</b> 18 901 A	<input type="checkbox"/> <b>Solicitation</b> 18 902 A	<input type="checkbox"/> <b>Conspiracy</b> 18 903	Number of Victims Age 60 or Older <u>0</u>					
<input type="checkbox"/> <b>Lead?</b>	<b>4</b>	<b>2705</b>		<b>of the</b>	<b>18</b>	<b>1</b>	<b>M2</b>	<b>1399</b>	<b>90Z</b>
Offense #		Section	Subsection	PA Statute (Title)		Counts	Grade	NCIC Offense Code	UCR/NIBRS Code
<b>PennDOT Data (if applicable)</b>	<b>Accident Number</b>			<input type="checkbox"/> <b>Safety Zone</b>		<input type="checkbox"/> <b>Work Zone</b>			
Statute Description (Include the name of statute or ordinance): <b>RECKLESSLY ENDANGERING ANOTHER PERSON</b>									
Acts of the accused associated with this Offense: <b>RECKLESSLY ENDANGERING ANOTHER PERSON</b>									



# POLICE CRIMINAL COMPLAINT

Docket Number	Date Filed <b>02/12/2018</b>	OTN/LiveScan Number	Complaint/Incident Number <b>20171216M8114</b>
Defendant Name	First <b>RICHARD</b>	Middle <b>L</b>	Last <b>O'ROURKE</b>

2. 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.
3. 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.C. 4904) relating to unsworn falsification to authorities.
4. This complaint is comprised of the preceding page(s) numbered 1 through 2.

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 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.)**

FEBRUARY 12, 2018  
(Date)

Rafael V. [Signature]  
(Signature of Affiant)

AND NOW, on this date February 12, 2018 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.

38-1-21  
(Magisterial District Court Number)

Susan Leonard  
(Issuing Authority)

SEAL



# POLICE CRIMINAL COMPLAINT

Docket Number:	Date Filed <b>02/12/2018</b>	OTN/LiveScan Number	Complaint/Incident Number <b>20171216M8114</b>
Defendant Name	First <b>RICHARD</b>	Middle <b>L</b>	Last <b>O'ROURKE</b>

## AFFIDAVIT of PROBABLE CAUSE

Your affiant, Det. Raymond T. Royds, being duly sworn according to law, depose and say the following:

### Training and Experience of Detective Raymond T. ROYDS

I, Upper Gwynedd Township Detective Raymond T. Royds, am currently a member of the Upper Gwynedd Township Police Department and a special detective assigned to the Montgomery County Drug Task Force. I have been employed as a police officer with the Upper Gwynedd Township Police Department since July 2001 and was promoted to detective in July 2004. Since then, I have received both formal and informal training in the areas of all major crimes to include but not limited to homicide, robbery, burglary, theft, fraud, forgery, sex crimes, illegal drug trafficking and detection, and drug identification and investigation. Formal training has been received through the Allentown Police Academy, Federal Bureau of Investigation (FBI), United States Postal Inspection Service, Pennsylvania State Police (PSP), Montgomery County District Attorney's Office, National Drug Intelligence Center, Montgomery County District Attorney's Office Narcotics Enforcement Team, MAGLOCLIN, and the National Center for Missing and Exploited Children. Your affiant also has formal training in the area of Cell Phone Technology and Forensic Data.

I, DET. RAYMOND ROYDS (47), 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.

(Signature of Affiant)

Sworn to me and subscribed before me this 12th day of February, 2018  
Date Suzan Leonard, Magisterial District Judge

My commission expires first Monday of January, 2024

SEAL



**POLICE CRIMINAL COMPLAINT**

Docket Number	Date Filed <b>02/12/2018</b>	OTN/LiveScan Number	Complaint/Incident Number <b>20171216M8114</b>
Defendant Name	First <b>RICHARD</b>	Middle <b>L</b>	Last <b>O'ROURKE</b>

**AFFIDAVIT of PROBABLE CAUSE CONTINUATION****Overview**

On Saturday, December 16, 2017 at 1046 hours, the Upper Gwynedd Township Police Department was notified by Merck & Co., 770 Sumneytown Pike, West Point, PA 19486, Montgomery County, that a laboratory chemist named Richard O'ROURKE may have stolen approximately 200 grams of potassium cyanide from their laboratory. Police investigation showed that O'ROURKE took the potassium cyanide without permission on Thursday, December 14, 2017 at approximately 1900 hours. On Friday, December 15, 2017 at approximately 1600 hours, O'ROURKE disposed of the potassium cyanide by dumping it into a stormwater inlet.

On December 15, 2017, the Pennsylvania Department of Environmental Protection [PADEP] was informed of O'ROURKE's actions and took immediate steps to ensure the safety of the public and wildlife. After a two-week "high alert" status, the PADEP found no evidence of toxic impact on humans or wildlife. PADEP continues to monitor the area.

**Merck & Company**

Merck & Co., Inc. is a global healthcare company working in the fields of prescription medicines, vaccines, biological therapies, and animal health products. Merck & Co. has a campus in Upper Gwynedd Township, Montgomery County, Pennsylvania. This campus includes offices, laboratories, and manufacturing facilities.

**Investigation**

On Saturday, December 16, 2017 at 1046 hours, Det. Sgt. Theodore Caiola was notified by Merck & Co. that a laboratory chemist named Richard O'ROURKE may have stolen approximately 200 grams of potassium cyanide from their laboratory. The theft was believed to have occurred on Thursday, December 14, 2017 at approximately 1900 hours.

  
(Signature of Affiant)

**POLICE CRIMINAL COMPLAINT**

Docket Number	Date Filed <b>02/12/2018</b>	OTN/LiveScan Number	Complaint/Incident Number <b>20171216M8114</b>
Defendant Name	First <b>RICHARD</b>	Middle <b>L</b>	Last <b>O'ROURKE</b>

**AFFIDAVIT of PROBABLE CAUSE CONTINUATION**

Richard O'ROURKE resides at 2846 Highland Road, Warrington, Bucks County, Pennsylvania. He has been employed by Merck & Co. since April 1990 and is a Senior Analytical Chemist.

Due to the nature of the theft, the Upper Gwynedd Township Police Department notified the Federal Bureau of Investigation, Montgomery County Detective Bureau, Bucks County Detective Bureau, Warrington Township Police Department, and the Pennsylvania Department of Environmental Protection [PADEP]. It was learned that Merck & Co. notified PADEP on December 15, 2017.

On Saturday, December 16, 2017 at approximately 1245 hours, Det. Sgt. Caiola and I met with Jeff Torres and Todd Williams at Merck & Co. Torres is the Regional Security Lead for Site Services and Williams is the Director to Quality Operation for Merck's laboratories. Williams is also familiar with O'ROURKE.

Williams advised us that an eyewitness saw O'ROURKE pouring potassium cyanide from its bottle into a 150ml beaker. This took place on December 14 at approximately 1900 hours within room 1023. The eyewitness also saw O'ROURKE retrieve a nalgene bottle in order to store the potassium cyanide that had been poured into the 150ml beaker. The eyewitness advised that fifteen minutes transpired and then the eyewitness observed O'ROURKE standing in front of the "poison" cabinet within room 1017. At that point, O'ROURKE was holding a bottle of potassium cyanide and was wiping it down with a chem-wipe. Laboratory rooms 1023 and 1017 are adjacent to one another with access to and from via a shared door.

According to Torres and Williams, O'ROURKE has no job responsibilities that require him to be in the vicinity of the "poison" cabinet, nor does he have processes that require him to ever handle potassium cyanide.

The eyewitness reported that on December 14, the eyewitness confronted O'ROURKE and asked if he was taking the potassium cyanide home with him and O'ROURKE responded that he was not taking it home.

O'ROURKE left at 2003 hours on Thursday, December 14, 2017.

  
(Signature of Affiant)



**POLICE CRIMINAL COMPLAINT**

Docket Number	Date Filed <b>02/12/2018</b>	OTN/LiveScan Number	Complaint/Incident Number <b>20171216M8114</b>
Defendant Name	First <b>RICHARD</b>	Middle <b>L</b>	Last <b>O'ROURKE</b>

**AFFIDAVIT of PROBABLE CAUSE CONTINUATION**

On Friday morning, December 15, 2017, both O'ROURKE and the eyewitness returned to Merck & Co. for their regularly scheduled shifts. At approximately 1100 hours, the eyewitness notified the shop steward of what was witnessed the prior evening.

On December 15, at approximately 1200 hours, the eyewitness again confronted O'ROURKE in order to advise him that the eyewitness notified management of what was witnessed the night before. The eyewitness stated that O'ROURKE said he had a "coon" problem at his home. With the permission of Merck & Co. representatives, O'ROURKE left the site at 1351 hours.

On Friday evening, December 15, an audit was performed on the potassium cyanide by Merck officials. It was determined that 219.79 grams of potassium cyanide was missing. The total value of the potassium cyanide is \$540.00.

On Saturday, December 16, 2017 at 1648 hours, FBI S/A Michael Dixon, BCDB Detective David Hanks, and WTPD Detective Bernard Schaffer made contact with O'ROURKE at his residence in Warrington Township. O'ROURKE freely admitted to taking approximately 200 grams of potassium cyanide from Merck & Co. on Thursday, December 14, 2017. O'ROURKE advised that he dumped the entire contents down a stormwater inlet early Friday evening, December 15; after Merck became suspicious he'd taken it.

On two separate occasions (December 16 and December 17), O'ROURKE, along with law enforcement officials, attempted to locate the precise stormwater inlet where he disposed of the potassium cyanide. O'ROURKE reported that, because it had been snowing on December 15, he could not recall the exact location where it was disposed. O'ROURKE reported that he dumped the potassium cyanide in the area of County Line Road and Street Road, between Easton Road and 2<sup>nd</sup> Street Pike, an approximate 7.60 square mile area.

O'ROURKE's cell phone records indicate that on December 15 between the hours of 3:53:54 PM and 4:42:53 PM, his cellular telephone accessed six cell phone towers in the area of County Line Road between 2<sup>nd</sup> Street Pike (Route 232) and Easton Road (Route 611), travelling in a westerly direction.

(Signature of Affiant)



## POLICE CRIMINAL COMPLAINT

Docket Number	Date Filed <b>02/12/2018</b>	OTN/LiveScan Number	Complaint/Incident Number <b>20171216M8114</b>
Defendant Name	First <b>RICHARD</b>	Middle <b>L</b>	Last <b>O'ROURKE</b>

### AFFIDAVIT of PROBABLE CAUSE CONTINUATION

On Saturday, December 16, 2017, a Search Warrant for O'ROURKE's home was signed by Bucks County Magisterial District Judge Finello. On location for the search were various agencies to include HAZMAT and Hazardous Incident officials. The potassium cyanide was not recovered.

#### Interview of Eyewitness

On Monday, December 18, 2017, your affiant interviewed the eyewitness. The eyewitness is also a Senior Analytical Chemist who has been employed by Merck & Co. for twenty years. The eyewitness has a Master's degree in Chemistry. The eyewitness stated he/she passed by O'ROURKE while O'ROURKE was at his workbench within room 1023 on December 14 at approximately 1905 hours. The eyewitness saw him pouring potassium cyanide from its bottle into a 150ml beaker; the beaker was almost full. The eyewitness knew O'ROURKE was handling potassium cyanide due to its distinctive bottle. In addition, O'ROURKE was not wearing any protective gloves, nor was he under the fume hood.

The eyewitness indicated that O'ROURKE had no reason to handle the potassium cyanide, had no reason for being in proximity to the "poison" cabinet within room 1017, and had no job responsibilities that require him to remove any chemical from the "poison" cabinet.

#### Interview of Richard O'ROURKE

On Tuesday, December 19, 2017 at 0920 hours, your affiant met with Richard O'ROURKE at the Upper Gwynedd Township Police Department. During the interview, O'ROURKE admitted to filling a beaker "almost to the top" with potassium cyanide, placing the potassium cyanide into a Nalgene bottle, and admitted to taking it home on Thursday, December 14, 2017. O'ROURKE was aware that potassium cyanide is toxic and stated his purpose was to "use it as a rodenticide." O'ROURKE stated he "wasn't using it to hurt anybody so I didn't think it would be that big of a deal." He left Merck & Co. on December 14, 2017 at 2003 hours.

(Signature of Affiant)

**POLICE CRIMINAL COMPLAINT**

Docket Number	Date Filed <b>02/12/2018</b>	OTN/LiveScan Number	Complaint/Incident Number <b>20171216M8114</b>
Defendant Name	First <b>RICHARD</b>	Middle <b>L</b>	Last <b>O'ROURKE</b>

**AFFIDAVIT of PROBABLE CAUSE CONTINUATION**

O'ROURKE advised he returned to work on Friday, December 15 and was told to leave the plant site after Merck became aware of what had transpired. O'ROURKE left Merck & Co. on December 15 at 1351 hours. He returned home, retrieved the Nalgene bottle containing the potassium cyanide from his basement, and proceeded to drive around in an effort to dispose of the potassium cyanide. Due to the heavy snowfall at the time, O'ROURKE was unable to remember the precise location of the stormwater inlet where he dumped the potassium cyanide. O'ROURKE was under the opinion that dumping the potassium cyanide into a stormwater inlet was safe as he believed the water would dilute the chemical. O'ROURKE advised he has no knowledge of how stormwater inlets work, nor did he know where the water went once it entered the stormwater inlet.

**Risk of Widespread Injury and Damage and PADEP Involvement**

The Pennsylvania Department of Environmental Protection [PADEP] undertook substantial efforts to locate the dump site of the potassium cyanide and monitor the water supply for signs of toxicity.

On January 25, 2018, Thomas Magge, Environmental Group Manager of the Pennsylvania Department of Environmental Protection, Bureau of Clean Water, provided a report to your affiant regarding the response to the Defendant's December 15, 2017 release of potassium cyanide.

Mr. Magge reported that "[potassium cyanide] is...highly toxic. It is highly soluble in water and once wet; the solid emits hydrogen cyanide (HCN). HCN ...interferes with the normal use of oxygen by nearly every organ of the body. Exposure to hydrogen cyanide can...be rapidly fatal."

Mr. Magge opined that, "[d]epending on the exact area where the material was disposed of it would be discharged to either the Neshaminy Creek or the Pennypack Creek. The Neshaminy Creek is used by Aqua PA as a water supply at their Neshaminy plant and the Pennypack Creek discharges into the Delaware River directly below [the Philadelphia Water Department's] Baxter plant.

The PADEP asked the Delaware River Basin Commission to run models for worst case scenarios. PADEP reported: "From these results and comparisons with the toxicity data obtained for

(Signature of Affiant)



## POLICE CRIMINAL COMPLAINT

Docket Number	Date Filed <b>02/12/2018</b>	OTN/LiveScan Number	Complaint/Incident Number <b>20171216M8114</b>
Defendant Name	First <b>RICHARD</b>	Middle <b>L</b>	Last <b>O'ROURKE</b>

### AFFIDAVIT of PROBABLE CAUSE CONTINUATION

human health and aquatic life, PADEP made the determination that depending on the location where the material was disposed of; there was a real threat to the downstream drinking water intakes and aquatic life."

Mr. Magge further reported that "Although concentrations for cyanide toxicity in aquatic life varies from species to species, it is generally toxic at concentrations in the micrograms per liter (mg/L)...whereas toxicity in humans is reported in milligrams per liter (mg/L). The models provided by the Delaware River Basin Commission showed in stream concentrations in mg/L and at these concentrations, there was a concern of toxicity for human health and aquatic life." Mr. Magge indicated that the computer models indicated the possibility of these toxic levels of cyanide at the point of intake for water treatment plants servicing Philadelphia and Montgomery Counties. The PADEP advised all water treatment facilities to take precautionary measures and monitor raw water intake for any signs of toxicity or cyanide.

Both Aqua PA and the Philadelphia Water Department maintain intake facilities that could have been affected due to the uncertainty of exactly where the potassium cyanide was disposed. In fact, Aqua PA was able to shut down their Perkiomen water intake and their Neshaminy water intake remained on high alert. Curt Steffy, Vice-President of Production with Aqua PA, advised they [Aqua PA] increased security, testing, and water samplings while they remained on high-alert status. As a precaution, Mr. Steffy advised Aqua PA physically removed their operators from their building where chlorine is mixed with raw water intakes. In its initial stages, chlorine is used to remove harmful pathogens from the raw water intake. Mr. Steffy advised that potassium cyanide is highly toxic. Potassium cyanide, once mixed with chlorine, emits cyanogen chloride [CNCL]. CNCL is a highly volatile and toxic chemical asphyxiant that interferes with the body's ability to use oxygen. Exposure to cyanogen chloride can be rapidly fatal.

The PADEP deployed staff into the area where O'ROURKE said he dumped the potassium cyanide in an attempt to identify the source of the potassium cyanide. Also, Aqua Water and Philadelphia Water Department continued to test water samples from their intake systems. PADEP remained on high alert status for a two-week period, ending Friday, December 29, 2017 at 1149

  
(Signature of Affiant)

**POLICE CRIMINAL COMPLAINT**

Docket Number	Date Filed <b>02/12/2018</b>	OTN/LiveScan Number	Complaint/Incident Number <b>20171216M8114</b>
Defendant Name	First <b>RICHARD</b>	Middle <b>L</b>	Last <b>O'ROURKE</b>

**AFFIDAVIT of PROBABLE CAUSE CONTINUATION**

hours. After two weeks of intensive testing, searching, assessing, and monitoring of stormwater systems, outfalls, retention basins, waterways and their tributaries, PADEP found no evidence of a toxic impact. At no time was cyanide detected at the drinking water intakes nor from any samples collected and analyzed by Aqua PA and Philadelphia Water Department.

Several days after the dumping of the potassium cyanide, a significant rainfall event occurred. According to PADEP, this rainfall should have been sufficient to flush the potassium cyanide out of any stormwater inlet and it was determined that the chemical had been diluted and washed out.

**Conclusion**

Richard O'ROURKE had no permission to remove or dispose of the 219.79 grams of potassium cyanide, which was the property of Merck & Co. O'ROURKE reckless action of dumping the potassium cyanide into a stormwater inlet placed many people and wildlife at significant risk of injury and death.

Your affiant, Det. Raymond T. Royds, requests Richard O'ROURKE be brought forth to answer to the charges contained in this criminal complaint.

(Signature of Affiant)