

# Office of the District Attorney

## County of Lebanon

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*Pier Hess Graf*  
District Attorney

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*Jonathan Hess*  
Chief County Detective

**May 17, 2022**

This correspondence serves as a formal response to the New York Times inquiry for information, dated May 16<sup>th</sup> of 2022.

The first question posed asked whether I considered any potential conflicts of interests with respect to the Officer Involved Shooting of Ms. Charity Thome. During my transition period from Senior Deputy District Attorney to the elected District Attorney, I identified that a potential conflict of interest could arise if my Office received criminal charges or investigations which involved my husband, Corporal Christopher Graf. My First Assistant and I researched relevant case law which pertained to conflicts. We then met with our President Judge and collectively determined a policy which governs when my Office possesses a conflict due to my husband's career. The policy was memorialized in writing and circulated to President Judge John C. Tylwalk. The policy states if my husband is a material witness or the affiant to criminal charges, my Office possesses a conflict and thus must refer the case for prosecution by the Attorney General. In the OIS which involved Ms. Thome, my husband was not on duty and had no involvement with the matter. He had no factual information as to the shooting, the circumstances which led to the shooting, or the investigation which immediately started thereafter. As such, per the policy, no conflict existed and my Office investigated the incident.<sup>1</sup>

The Times' email inferred it received information that the Pennsylvania State Police suggested I, and my Office, recuse itself from investigation the Officer Involved Shooting of Mr. Andrew Dzwonchyk. The State Police called me to the scene in the early morning hours after the shooting occurred. The investigation by our Lebanon County Detective Bureau commenced at that time and remains active to this day. All investigative steps done by my Office are handled by the County Detectives under the supervision of Chief Jonathan Hess. Any legal questions or steps in the investigation are handled by me and my First Assistant, Nichole Eisenhart. At no point did the State Police ask or suggest my Office, or me personally, to conflict the case out. The State Police confirmed with me directly that the Times' inference is patently false.

An additional question asked whether a timetable exists for the final determination of whether the Officer Involved Shooting of Mr. Dzwonchyk was justified. The investigation is ongoing. We have not reached a final decision. Whether an investigation involves a simple Misdemeanor or a fatal act of violence, we take every step available to locate evidence. We cannot rush the process, nor do we delay the process if the investigation is complete.

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<sup>1</sup> Please note Corporal Graf transitioned employment in the summer of 2021. As a result, Corporal Graf has not been a member of Lebanon County law enforcement since that time. While the conflict policy still exists and governs any future investigations, he is no longer actively patrolling within the County, investigating cases, or filing charges.

The Times' inquiry further asked for confirmation on the number of Officer Involved Shootings since I became District Attorney. In total, my Office investigated four shootings. In each case, our County Detective Bureau did a thorough investigation. As stated above, the length of time for these investigations varies on a case-by-case basis. Locating potential witnesses, forensically testing certain evidentiary items and interviewing the parties are all necessary steps to every case.

Multiple questions asked about my involvement with charitable endeavors and our local Fraternal Orders of Police. I started an annual fundraiser named 'Back the Blue' many years ago. The funds raised benefit Pa. C.O.P.S. Notably, this charity does not directly benefit active law enforcement. The volunteer run organization exists to provide services and funds to families of Officers killed or injured in the line of duty.

I created Back the Blue before I became District Attorney and prior to my marriage. Raising funds for survivors is a worthy cause. Neither my current job title nor marital status changed my position on the matter.

Over the years, I donated both funds and time to various organizations. Cancer research, cancer foundations, local women's and children's shelters, Toys for Tots, and law enforcement affiliated groups are among the recipients. If someone asks for my help, I give it when able.

My memberships with local law enforcement organizations began when I took over as District Attorney. My predecessors were all invited to join the Lebanon County Chiefs of Police Association and both local Fraternal Orders of Police. All of these groups extended the same invitation to me. I pay nominal dues and attend meetings if able. My involvement largely exists to update the police on new legal precedent, any changes to procedures of our local Courts, and answer any questions they may have. Service with these groups ensures police receive updated and accurate information on the law and it benefits our community as a whole.

The Times asked if I had any other statements for its pending article. When I swore my oath as District Attorney, I promised to uphold the law and do the right things for the right reasons. In my twelve-year career as a prosecutor, I tried over one hundred (100) cases with a near ninety (90) percent conviction rate. My caseload encompassed rapes, child abuse, robberies, domestic violence, and murders. Most recently, I tried a mother who tortured, starved, and beat her stepson to death over the course of a decade. We secured a First-Degree conviction in that trial; the jury rendered its verdict in less than an hour. I am proud of my career and the work our Office does to keep our community safe.

When I attend District Attorney conferences, I am always struck at the sheer lack of women who occupy the seat of elected District Attorney. I am only the second female DA in the history of Lebanon County. In all my years with this job, I never once witnessed any of my male colleagues be questioned or vilified based on their spouse's career. The entire tone of the New York Times' inquiry and prior article implies I am somehow incapable of issuing appropriate, professional, correct decisions based on my own mind. In 2022, it astonishes me this still occurs. To anyone who knows or has worked with me, the notion I am incapable of making up my own mind or following my own beliefs is laughable. I was a prosecutor before my marriage; I remain a prosecutor after my marriage. While I respect and love my husband dearly, who I happen to go home to after work never has impacted my capabilities at work.

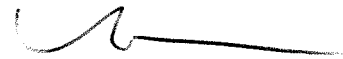
Lastly, the Times' inquiry touched on my Office's involvement with the William D. Lebo Memorial Foundation. On March 31, 2022, Lieutenant William Lebo sacrificed his life in the line of duty. When faced with a hail of gunfire, Lt. Lebo acted to protect our community and his

brothers. He and the other officers involved that day acted with immeasurable bravery; two of the wounded are still recovering at this time. The investigation revealed a brutal assault on law enforcement. The men involved had no time to react or initially defend themselves. Our Office is not affiliated with the Memorial Foundation in any way. When fundraising efforts became available, and the family of the fallen asked if we would help share those efforts, I did not hesitate. I sat with the family the night Lt. Lebo was killed. I saw the tears and the grief firsthand. When I spoke publicly on the matter, I asked our community to focus not on the killer but to remember the man who sacrificed his life in the line of duty for all of us. I asked our community to not let this shooting define us. I asked our community to choose hope.

My line of work unfortunately shows me the evil humanity is capable of on a near-daily basis. We see the worst of what society has to offer. While the job changed me, it does not define me. I am proud of the daughter my parents raised, of the wife I am to my husband, and of the community I am fortunate enough to serve. I answer to the people of Lebanon County, who have placed their continued faith in me by reelecting me into office. I will continue to use my best judgment to reward their trust and serve my community.

Should any questions arise as a result of the above, please do not hesitate to contact me directly.

Respectfully,

A handwritten signature in black ink, appearing to read 'Pier Hess Graf', followed by a horizontal line extending to the right.

Pier Hess Graf  
District Attorney