



Elwyn sued for alleged rape of disabled client

By **Alex Rose**, Delaware County Daily Times

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MEDIA COURTHOUSE >> The father of a woman with severe mental disabilities who was allegedly raped by a former Elwyn employee in March has filed a civil suit against the institution for negligence.

The complaint, filed in Philadelphia Court of Common Pleas by attorneys Thomas R. Kline and David K. Inscho on behalf of the father, claims Elwyn Inc. and the Elwyn Foundation negligently hired Johnson Nyema Porka without conducting a proper background screening and failed to implement or enforce policies for checking on residents.

“This was a heinous sexual assault upon a vulnerable woman that was entirely preventable had Elwyn followed its own safety policies and enforced proper supervision at its facility,” said Inscho in a release.

Regina MacKenzie, Elwyn’s in-house counsel, did not return a call for comment Wednesday.

Porka, 59, of the 300 block of Poplar Street in Darby Borough, was arrested by state police after a coworker allegedly caught him in the act of the assault inside the 38-year-old woman’s room and reported him to a supervisor.

Porka is facing felony charges of sexual assault, institutional sexual assault, aggravated indecent assault, and rape of a mentally disabled person, as well as misdemeanor offenses of indecent assault of a person with mental disability and indecent assault without consent.

Porka, represented criminally by defense attorney Kevin Wray, was working the overnight shift at Elwyn’s Smith Hall residence on March 5 and 6 when the alleged assault took place, according to the civil suit.

The complaint says Porka entered the woman’s room and closed the door to prevent anyone seeing in from the hallway. The door was allegedly closed for about one hour between 11:30 p.m. and 12:30 a.m.

The affidavit for Porka’s arrest indicates a fellow staffer there noticed the closed door and checked the room by entering through an adjoining door to another patient room.

The witness said he saw Porka with his pants down “kneeling on top” of the woman, whose pajama bottoms were pulled down, and holding her naked legs in the air.

The coworker allegedly yelled out to Porka, who quickly left the room and apologized to the witness, according to the complaint. Porka asked the witness not to report the incident and told him, “The devil made me do it,” the complaint states.

The alleged victim was taken to Riddle Memorial Hospital, where a forensic examination revealed evidence of sexual assault, including lacerations inside her vagina, according to the complaint.

Porka has denied sexually assaulting the victim, according to the affidavit. He is scheduled for trial Oct. 18 before Delaware County Court of Common Pleas Judge Richard M. Cappelli.

The suit says the woman has suffered severe and permanent injuries and is likely to have sustained additional damages that have not yet manifested. She has been removed from the facility and is now living at home with her father.

The complaint alleges claims for negligence, negligent supervision, negligent hiring and retention, premises liability, battery, negligence per se and vicarious liability.

The suit claims Elwyn was aware of a history of employees engaging in sexual abuse of its clients, who are particularly vulnerable to such attacks due to intellectual disabilities or mental health issues, but failed to properly evaluate Porka's background.

Porka's name does not come up on the Pennsylvania Megan's Law website and the criminal case involving this alleged incident appears to be his sole infraction in the five-county area.

The complaint also says Elwyn failed to implement or enforce various other rules and policies including regular observation of patients and proper staff oversight.

"This suit will hold accountable a health care center that enabled a terrible act to occur," said Kline in the release. "We intend to bring the responsible parties to justice and help ensure this kind of tragedy will never occur again."