

HOUSE OF REPRESENTATIVES
COMMITTEE TO INVESTIGATE THE ADMINISTRATION OF JUSTICE
Commonwealth of Pennsylvania
Harrisburg, Pennsylvania

MEMORANDUM

By Dale S. Thompson

Date May 6, 1974

FILE: Governor's Justice Commission

On May 6, 1974, Mr. FRED GILES was interviewed in the office of the Committee staff. He furnished the following information.

He is presently employed part-time as counsel to the Senate Judiciary Committee. His office is in Room 172, Main Capitol Building, telephone No. 787-4420.

He contacted J. SHANE CREAMER, who was Director of the Pennsylvania Crime Commission in 1969, and sought employment with the Commission. He became Chief Counsel and Deputy Director. He was also Acting Director for a short time during the transition from RINKOVICH to GODFREY. The Governor's Justice Commission was split off from the Pennsylvania Crime Commission and Mr. Giles continued with that organization. He left in early 1972.

When Rinkovich left as Director of the Commission, he recommended that Giles be made Director; however, Creamer finally decided to employ Dr. Godfrey. Giles said that he told Creamer he did not think the Director should be an attorney and he did not think that he, Giles, was the one to head the Commission; however, he stated he left the Commission when he was not made the Director.

Giles said he had discussed the possibility of being the Director with the Attorney General and telling how he would change the program thrust of the Commission and also change the personnel. Giles said he could not remember his specific recommendations in regard to how he would change the program of the Commission and he said he was reluctant to talk about his proposed changes in personnel without first clearing it with the present Attorney General. He said that if a more formal interview was conducted and the Committee wanted to issue him a subpoena, he would under such circumstances disclose his recommendations for a change in personnel. He said he thought it would be of no purpose to discuss such matters now.

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He was pressed to try and recall some of the recommendations of importance which he made to the Attorney General and he said he could just not recall them. He might have notes which would refresh his memory.

He said that the Commission did not have adequate personnel. They were working long hours, burdened with a lot of paperwork and state and federal regulations. It was really a problem trying to get the new program off the ground. There was also a problem of obtaining an overall view of the criminal justice program in the State of Pennsylvania and thus creating a statewide program.

When Giles left, the Department of Justice was given a grant by the Governor's Justice Commission to look at the overall drug problem in the State of Pennsylvania and come up with some recommendations. Giles worked at this on a full-time basis and then part-time until Dr. Richard E. Horman headed it up.

Mr. Giles was asked several times to try and recall the recommendations which he made to the Attorney General when he left the Commission. He continued to reiterate that he could not remember them.

He said that he did not know that the interrogator was with the Justice Committee, nor did he know that the questions were to be about the Justice Commission. He was informed that at the time the appointment was made, he was informed of the identity of the Committee and, specifically, the subjects to be discussed: namely, his activities with the Commission. He indicated he had continued his friendship and contacts with Dr. Godfrey over the years and mentioned that he had lunch with Dr. Godfrey last week, at which time the interrogator's name came up, however, Dr. Godfrey was not knowledgeable that the investigation of the Commission was continuing or that the interrogator was a part of it.

Mr. Giles indicated that "he had heard" that the Committee was unfair in connection with some of its interrogations. As an example: He said that the background of certain individuals was delved into when the Committee had promised not to take up such an issue.

It was quite apparent that Mr. Giles did not desire to furnish any specific information and many of his answers were contradictory to each other.

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On May 6, Mr. PAUL BRUBAKER, Auditor General's Office, advised that his office was responsible for auditing the Department of Justice. In accordance with this responsibility, his office would be responsible for making limited audits relating to the Governor's Justice Commission. His office would not be responsible for auditing all grants made by the Commission.

The LEAA had indicated that the State must conduct an audit of the Governor's Justice Commission (State Planning Agency) or federal funds would be cut off. The audit to meet federal standards would have to exceed the normal audit requirements at the State level.

As a result, the Department of Justice negotiated with the Auditor General for the latter to conduct an audit of the Governor's Justice Commission and would reimburse the Auditor General for audit activities which exceeded the normal State procedures. A copy of the memorandum of understanding is attached.

Mr. Brubaker advised that it is the responsibility of the auditors in the office of the Comptroller, Department of Justice, to audit the individual LEAA grants. He did indicate that his office had conducted audits of several grants as a special project. These could have been made to test the system used by the Commission to award grants or it may have been because of complaints made by legislators or taxpayers concerning these particular grants.

The proposed project begins on existing Legislative Route 167 (U.S. 209) in Middle Smithfield Township, Monroe County, about 1.5 miles southwest of the Pike County line. The alignment continues in a northeasterly direction through Lehman, Delaware and Dingman Townships in Pike County. The proposed route terminates with an interchange at Legislative Route 7, U.S. Route 6, in Dingman and Milford Townships, Pike County, about 1.5 miles west of the Milford Borough Line and immediately to the east of the Legislative Route 1012, I-84 interchange with Legislative Route 7, U.S. 6. Thirty-two structures are required along the 23-mile project. The estimated construction cost is 74 million dollars.

The ultimate roadway will consist of two 12-foot lanes in each direction with 10-foot paved shoulders on the outside and four-foot paved shoulders on the median side. Required average width of right-of-way is 360 feet, 150 feet on each side of a 60-foot median. Extra climbing lanes will be provided to accommodate slow-moving vehicles on major grades.

Six interchanges are proposed, one at each end of the project and four at intermediate locations.

The new facility will be built in two phases. The first will involve design and construction of a two-lane highway by the United States Army Corps of Engineers coincidental with the creation of the Tocks Island Recreation Area. The Pennsylvania Department of Transportation will construct the two additional lanes when traffic conditions warrant and adequate funds become available.

This will be a limited access facility with at-grade intersections being constructed in the first phase and grade-separated interchanges in the second phase.

Plans for the proposed project are available for review in the office of Thomas J. Harrington, District Engineer, Pennsylvania Department of Transportation, O'Neill Highway, Dunmore, Pa.

Any interested party may request that a public hearing be held to present testimony concerning the specific location and major design features of the proposed highway, including the social, economic, environmental, and other effects of alternate designs, by delivering or causing to be delivered a written request to the District Engineer on or before April 17, 1974.

In the event such request is received, a further notice of the time and place of the hearing will be published.

JACOB G. KASSAB,
Secretary of Transportation

[Pa. B. Doc. No. 74-548. Filed March 29, 1974,
9:00 a.m.]

GOVERNOR'S JUSTICE COMMISSION and DEPARTMENT OF THE AUDITOR GENERAL

Memorandum of Understanding

GOVERNOR'S JUSTICE COMMISSION and DEPARTMENT OF THE AUDITOR GENERAL

This Agreement is made this 14th day of March, 1974, by and between the Governor's Justice Commission (hereinafter "Commission") and the Department of the Auditor General (hereinafter "Auditor General").

Whereas, Paragraph 23 of Law Enforcement Assistance Administration Guideline Manual M 4100.1B requires that an annual audit must be performed of every State Planning Agency by or under the direction of the appropriate state audit agency; and

Whereas, at the present time, there are no procedures for the performance of the aforesaid annual audit responsibility.

Now, Therefore, it is mutually agreed that:

1. The Auditor General shall perform an annual audit of the Commission in accordance with the current requirements of relevant Law Enforcement Assistance Administration guidelines and policies.

2. A written report shall be prepared by the Auditor General upon completion of the annual audit and sufficient copies of the same shall be furnished to the Commission for its use and for transmittal to the Law Enforcement Assistance Administration.

3. The Commission shall reimburse the Auditor General, on an actual cost basis, an amount equal to the cost of the annual audit performed pursuant to the terms of this Memorandum of Understanding, to the extent such audit activities exceed the audit requirements contained in State statutes and regulations; provided, however, such reimbursement shall not exceed \$16,000. in any fiscal year.

4. This Memorandum of Understanding shall be effective upon execution by the duly authorized representatives of both Parties. It may be amended at any time by mutual agreement of the Parties in writing and may

be terminated by either Party upon giving 30 days' written notice.

Governors Justice Commission
ISRAEL PACKEL,
Chairman

Department of the Auditor General
ROBERT P. CASEY,
Auditor General

[Pa. B. Doc. No. 74-517. Filed March 29, 1974,
9:00 a.m.]

INSURANCE DEPARTMENT

Citations and Notices of Alleged Violations of Insurance Laws.

So long as there is adequate seating, any member of the public may be present at any of these specified hearings. On occasion, hearings may be continued or rescheduled without a notice being published in the *Pennsylvania Bulletin*. For up-to-date information call (717) 787-2567 or write the Insurance Department, Legal Division, 413 Finance Building, Harrisburg, Pa. 17120.

These formal administrative hearings will be held in accord with provisions of the Administrative Agency Law, Act of June 4, 1945, P. L. 1388, as amended (71 P. S. §§ 1710.1 *et seq.*) and the General Rules of Administrative Practice and Procedure, 1 Pa. Code §§ 31.1 *et seq.* and any other procedural provisions of Pennsylvania law that may be appropriate.

Any preliminary motions by Respondents must be made in writing and should be filed at least 10 days prior to the date of hearing.

Notice is hereby given to the following Respondent:

Samuel Jones
1524 North Broad Street
Philadelphia, Pa. 19130

You, Samuel Jones, are hereby ordered to appear before the Insurance Commissioner of Pennsylvania or his designated Hearing Officer in a formal hearing. This hearing will be held in Room 401, Finance Building, Commonwealth and North Streets, Harrisburg, Pa., on April 11, 1974, at 10 a.m.

Factual Allegations

It is alleged that the following facts are true and correct:

1. Respondent, Samuel Jones, is or has been engaged in the business of insurance as an agent or broker in the Commonwealth of Pennsylvania.

2. Respondent is or has been licensed as an agent for various insurance companies from December 1, 1956 to the present.

3. Respondent has been licensed as an insurance broker both as an officer

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On April 25, 1974, Mr. ARTHUR ELLIS, Bureau of Management Services, Office of Administration, Room 906, Health and Welfare Building, telephone No. 787-3475, furnished the following information.

Administrative Directive No. 72, dated August 12, 1970, covers the policy and practices relating to the employment of consultants, however, the types of consultants covered are limited by Item 2 entitled "Scope" in the directive. It covers consultants relating to administrative systems, organization studies, but does not cover fees paid to doctors, architects, engineers or evaluators, such as were used by the Justice Commission.

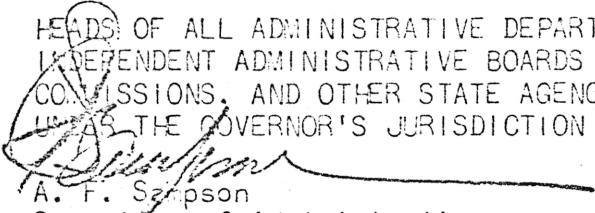
The Bureau of Purchases, Department of Property and Supplies, has policies and directives relating to the purchase of equipment, supplies and things. At the present time, there is no State directive which specifically covers the employment of individuals for personal services. This is a weak area in the procurement policy and guidelines of the State.

Attached is a copy of Administrative Directive No. 72 and a much broader issuance entitled "Guide for Procurement of Contractual Services."

January 20, 1969

SUBJECT: Contracting for Consulting Services

TO: HEADS OF ALL ADMINISTRATIVE DEPARTMENTS,
INDEPENDENT ADMINISTRATIVE BOARDS AND
COMMISSIONS, AND OTHER STATE AGENCIES
UNDER THE GOVERNOR'S JURISDICTION

FROM: 
A. F. Simpson
Secretary of Administration
and Budget Secretary

This Directive supersedes Administrative Directive No. 5, issued March 6, 1967, entitled, "Procedures to Use When Requesting Consultant Services."

This Directive describes the procedures to be used in securing consulting services in the areas of management systems, procedures, organization, electronic data processing, and similar processes. Agencies requesting consulting services are responsible for preparing a complete and thorough definition of the problem to be solved including a statement of the purpose and scope of the proposed study and for submitting this information to the Office of Administration for review.

The Bureau of Systems Analysis in the OA will take the following action on receipt of the problem definition and supporting data:

1. Determine whether the services requested can be performed by Office of Administration personnel or other Commonwealth employees.
2. Assign such personnel to perform the services if it is considered desirable to use their services.
3. If it is desirable to use independent consultants, formulate, in conjunction with the requesting agency, study specifications to be used in securing proposals.
4. Assist the requesting agency in locating qualified consultants who will be asked to submit proposals. Except where it is clearly not feasible to do so, proposals should be solicited from more than one consultant. An agency must fully justify the selection of a consultant on a "sole" source basis by submitting information explaining the unique capabilities of the consultant which indicate that a sole source award is appropriate.
5. Assist the agency concerned in the evaluation of proposals submitted by independent consultants in reply to the specifications.

6. Attend periodic progress meetings during the course of the study to evaluate the work of the consultants.
7. Follow up on the implementation of the approved recommendations made as a result of the study.

The following functions are to be performed by the agency when the services of an independent consultant have been determined to be necessary:

1. Request consultants selected in conjunction with the Bureau of Systems Analysis to submit proposals for the study on the basis of the specifications.
2. Form an evaluation committee and establish criteria to evaluate the proposals with assistance from the Bureau of Systems Analysis.
3. Select a consultant and submit the contract between the successful vendor and the agency to the OA for approval.
4. Assign a sufficient number of agency employees who understand the system to participate in the study to assure that maximum benefits are obtained from the study and to assist in the implementation of the recommendations after the consultants have left the scene.
5. Establish monthly progress report meetings with the consultant.
6. Furnish the Bureau of Systems Analysis with a copy of the final report of all consultant studies.

If the decision is made to use the services of Office of Administration personnel, the agency should immediately consult with such personnel to:

1. Determine the scope of the project.
2. Prepare a time schedule for the project.
3. Determine the number and the sources of personnel required to carry out the project.

In order to expedite the processing of paperwork for consulting services, please forward the requests to: Director, Bureau of Systems Analysis, Office of Administration, Room 520, Finance Building.

The Bureau of Management Information Systems will issue more detailed instructions relative to consulting contracts with an end product that is a prerequisite for or an integral part of automated information systems.

August 12, 1970

ADMINISTRATIVE DIRECTIVE NO. 72

SUBJECT: Acquisition of Consulting Services

TO: HEADS OF ALL ADMINISTRATIVE DEPARTMENTS,
INDEPENDENT ADMINISTRATIVE BOARDS AND
COMMISSIONS, AND OTHER STATE AGENCIES
UNDER THE GOVERNOR'S JURISDICTION

FROM: David O. Maxwell *(Signature)*
Secretary of Administration
and Budget Secretary

This Directive supersedes Administrative Directive No. 47, issued January 20, 1969, and Administrative Directive No. 48, issued February 10, 1969.

1. PURPOSE - To establish policy and procedures to be used by the addressees in securing either internal or private consulting services as defined below.
2. SCOPE - This directive applies to all consultant services desired in relation to problems in management systems, procedures, organization, electronic data processing and other associated areas of management.
3. POLICY - *Management Services -* The Bureau of Systems Analysis, Office of Administration, has been assigned the responsibility to act as the focal point for problem definition and evaluation to determine whether the problem should be solved within or outside the Commonwealth and to further act as the coordination and contract approval agency when the decision has been made to obtain services outside the Commonwealth.
4. PROCEDURES -
 - A. Agency heads considering the use of consulting services are responsible for preparing an outline of the problem to be solved and a thorough description of the results to be produced from these services. This information will be sent to the Bureau of Systems Analysis for preliminary review.

B. The Bureau of Systems Analysis will take the following action upon receipt of the problem outline and description of results:

1. Determine whether the services requested can be performed by Commonwealth employees.
2. Consult with Bureau of Management Information Systems when the services required are primarily those of ADP or data communications.
3. Arrange for the use and assignment of personnel to perform the services if it is considered feasible to perform the services internally.
4. Assist the requesting agency in the development of specifications for a Request for Proposal (RFP) when it is decided that the services of outside consultants are required. The contents of any RFP will be tailored to meet specific needs and will be approved by Bureau of Systems Analysis prior to release to vendors.
5. Assist the requesting agency in locating qualified private consultants who will be asked to submit proposals. Except where it is clearly not feasible to do so, proposals will be solicited from more than one consultant. An agency must submit a full justification in writing when a sole-source consultant has been selected. This justification must include an explanation of the unique capabilities of the proposed consultant that would negate the desirability of competition.
6. Assist the requesting agency in the evaluation of proposals submitted by private consultants in reply to the specifications.
7. Attend periodic progress meetings during the course of the study to evaluate the work of the consultants.
8. Follow-up on the implementation of the approved recommendations made as a result of the study.
9. Develop a library of completed projects consisting of the final reports, etc., submitted by internal and private consultants.

- C. The following functions will be performed by the requesting agency when services of a private consultant have been determined to be necessary:
1. Issue approved RFP's to consultants after their selection has been made by the agency and the Bureau of Systems Analysis.
 2. Form an evaluation committee and establish criteria to evaluate the proposals with assistance from the Bureau of Systems Analysis.
 3. Select a consultant based on the evaluation referred in (2), above, and submit a contract between the successful vendor and the agency to Bureau of Systems Analysis for approval.
 4. Assign a sufficient number of agency employees who understand the system to participate in the study and to assist in the implementation of the recommendations after the consultants have left the scene.
 5. Establish monthly progress report meetings with the consultant.
 6. Furnish the Bureau of Systems Analysis with a copy of the final report of all consultant studies and the implementation schedule.
- D. If the decision is made to use the services of Commonwealth personnel, the Bureau of Systems Analysis will immediately consult with such personnel and the agencies to:
1. Determine the scope of the project.
 2. Prepare a time schedule for the project.
 3. Determine the number and the sources of personnel required to carry out the project.

In order to expedite the processing of paperwork for consulting services, please forward all requests to: Director, Bureau of Systems Analysis, Office of Administration, Room 520, Finance Building.

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FILE: Governor's Justice Commission

On April 25, Mr. RAY FRANKENBURG was telephonically contacted and furnished the following information.

Reportedly, Mr. BERARD is on his way out of the Governor's Justice Commission, but exact details are not known.

Mr. Frankenburg was present at the time the Easton project was considered by the Commission. There were about 10 or 12 people present at the hearing, included were the Mayor, legislators, and others. Mrs. Reibman may have been there. There was a woman who spoke on behalf of the project. The Commission minutes will show what happened at the hearing.

JOHN NESBIT is presently the Assistant Director for Development at Mercyhurst College. He lives in Erie. His telephone number at work is 864-0681, extension 273.

Reportedly, HARRY E. RUSS, JR., Northeast Regional Director of the Commission, is on very thin ice with SNAVELY who is trying to get Russ out. According to Mr. Frankenburg, Russ rented a tuxedo out of planning funds. Thereafter, Berard took exception to this expenditure, but Frankenburg believes that Berard finally allowed the expense to go through or "covered it up."

DICK SNYDER was the former Regional Director at State College. He recently resigned and is now with the Pennsylvania Joint Council on the Criminal Justice System working on the national standards and goals project. This is under Lt. Governor ERNEST KLINE. It was funded first by the Governor's Justice Commission and the money was arranged for by GODFREY. This job is really "a plum" for Snyder because he jumped from a salary of about \$17,000 to \$23,000. He is supposed to coordinate goals within the State, but the Joint Council has no clout. Snyder is described as a good man, but a philosopher. He is clean; he is a flag-waver who thinks the Governor's Justice Commission has done a great job. His father is a judge in Somerset County.

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Mr. Frankenburg did not believe that he would be a good source of information against the activities at the Commission.

The attached copies of correspondence pertain to Snyder's leaving the Commission.

The Snyder project is not directly related to the Governor's Justice Commission; however, many people are of the opinion that ~~they are~~ there is a lot of duplication between the two.

Snavely does not like BOB FREDERICK. Accordingly, he put him in a liaison capacity to Snyder's project so there would be no duplication. Frederick is working at the project's offices, but is still on the Commission's payroll.