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

MEMORANDUM

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By Dale S. Thompson

Date June 5, 1974

FILE: Governor's Justice Commission

Washington Justice Associates, Inc.

The following information was obtained from the records of the Governor's Justice Commission and from interviews with Commission personnel.

DS-310-73P

Approved October 2, 1972 for \$38,500.

Developing and implementing a new evaluation system for Governor's Justice Commission.

(October 1972 through September 1973)

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DS-330-73F

Approved January 16, 1973 for \$16,619.

(January 1973 - October 1973)

Having completed design of system, implement and operate system with additional personnel provided by grant.

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Governor's Justice Commission - 2  
June 5, 1974

DS-397-73/74P

Approved May 21, 1973 for \$164,584.

(June 1, 1973 - June 30, 1974)

Additional personnel to operate an effective evaluation system.

Budget later amended to \$160,889 with understanding present personnel would be placed on the Pennsylvania Civil Service no later than May 31 and Governor's Justice Commission assume liability for rent, telephone, etc. as of that date.

Personnel located in Philadelphia and Harrisburg.

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Interview with John T. Snavely

Mr. Snavely advised that LEAA did not have sole source requirements until April 1973 and that, accordingly, the work with the Washington Justice Associates, Inc. did not require competition and sole source justification. Neither he nor Berard had any part in developing this contract. It is Mr. Snavely's understanding that Arthur Trebach of the Washington Justice Associates had done some work for the Department of Corrections. Attorney General J. Shane Creamer was knowledgeable of this work and liked it and suggested that Trebach be used on the evaluation project. Godfrey investigated further and finally accepted Washington Justice Associates, Inc. as a contractor.



GOVERNOR'S JUSTICE COMMISSION  
DEPARTMENT OF JUSTICE  
COMMONWEALTH OF PENNSYLVANIA

Milton J. Shapp  
Governor

October 19, 1973

E. Drexel Godfrey, Jr.  
Executive Director  
(717) 787-2040

J. Shane Creamer  
Attorney General

Mr. Donald E. Santarelli - Administrator  
Law Enforcement Assistance Administration  
U. S. Department of Justice  
633 Indiana Avenue, N. W.  
Washington, D. C. 20530

Dear Mr. Santarelli:

I am writing to bring to your attention a matter which we can no longer ignore concerning the way in which (evaluation activities) of the state planning agencies are supported. As you know, a hard-nosed assessment of the progress and problems of the criminal justice system is long overdue, both at the state level and in LEAA's program as a whole. Such an assessment is needed not only as a yardstick with which to measure our progress, but also as an essential planning tool to identify weaknesses, problems, and promising methods and approaches.

To meet this need in Pennsylvania, we have established a comprehensive project evaluation system which provides for a rather sophisticated evaluation of all significant projects throughout their duration. Since sound project evaluation is merely the basis for a more complete information system which would include program evaluation and system-wide statistical monitoring which LEAA is encouraging, we were somewhat surprised to find that our attempts to expand our project evaluation efforts to these areas are thwarted by a ruling of LEAA's General Counsel.

The ruling in question, which stems from an interpretation of Congressional intent, prohibits the use of action (Part C) funds for evaluation unless these funds are allocated in each individual project budget. I am sure the intent was to make sure that each state built a permanent evaluation capability in their staff using Part B Planning funds, and not contract their evaluation responsibilities away with Part C funds. I wholeheartedly agree with this objective. However, the ruling does not take into consideration either the requirements of sound evaluation, the cost of such evaluation, or the constraints on our limited planning funds. //

As an example of the predicament we are in I offer the following facts:

- A very conservative estimate of the cost of evaluation is 5% of the total project cost
- If Pennsylvania were to evaluate projects totalling only 50% of the \$30 million in Federal funds we award, the evaluation cost would be almost \$1 million (5% of \$20 million total project costs consisting of \$15 million Federal funds and \$5 million local match)
- Since our central office planning funds amount to only \$1.5 million it is impossible to rely only on planning funds for evaluation. Therefore, we are forced to use action funds for evaluation while maintaining a five man professional staff to manage and supervise the evaluation effort.

During the past year we have been complying with the ruling of General Counsel and have been supporting our evaluation effort with funds allocated in each project budget. As an application for funds is developed, an Evaluation Plan is developed and an independent evaluator is selected by our office. While we have had great success with this approach, the project-by-project means of evaluation is inherently limited and faces severe substantive and administrative problems. For example:

1. Timing Problems - When funds for the evaluation are tied to each project budget, the evaluation must begin and end with the project. This does not fully allow for the planning of the evaluation as the project is being planned and certainly does not allow for an adequate follow-up period to determine the impact of the project over time. (It also precludes any meaningful recidivism or drug treatment studies.)
2. Problems of "Independence" - For an evaluation to be both objective and credible, the evaluator must be in an independent position with respect to the project. However, when the project director pays the evaluator, as is required by the ruling, his independence and objectivity, if not affected, are at least brought into question. We have had many complaints from evaluators that they are selected by the SPA to fulfill an SPA requirement, but are paid by the subgrantee. Subgrantees have also complained about having

to contract with the evaluator we select, to conduct an evaluation which they did not want.

3. Problems With Group Evaluations - Having to evaluate projects with funds tied to each project budget makes it very difficult to evaluate projects as a group. It is quite desirable to group similar projects together and evaluate them as part of a group with common objectives. This provides for (a) standardized evaluation criteria, (b) a comparative analysis of the project's relative successes, (c) a view of the overall impact of the projects as a group (the only true form of program evaluation) and (d) a much cheaper form of evaluation.

While this multi-project or cluster evaluation is highly desirable, the LEAA ruling means that the evaluator must negotiate a contract with each of perhaps ten different projects, with the evaluator getting paid from each project budget. This is unwieldy to say the least!

Your Regional Office in Philadelphia has been most helpful in answering questions on this matter. However, their response is limited by the ruling as much as our activities are. They suggested that, to comply with the ruling, we grant evaluation funds in each project budget but then have each applicant sign a waiver allowing the SPA to withhold these funds and contract directly with the evaluator we select. While this is feasible and would alleviate problems 2 and 3 above, it is quite cumbersome, raises questions of coercion (if the waiver is required as a condition of the award), and, according to our fiscal office, is impossible because of state rules. This procedure would also raise the question of who is responsible for the performance and expenditures of evaluators -- the SPA or the subgrantee?

Since many other states are facing the same problem, we are suggesting an alternative which preserves the intended effect of the ruling but avoids its pitfalls. Our suggestion is to allow all states that have already provided for a permanent staff evaluation capability with planning (Part B) funds to expand their evaluation efforts by using action (Part C) funds set aside in a category or program area specifically designated for evaluation purposes.

This would allow us to overcome the problems mentioned above. The independence of evaluations would be insured since the SPA would contract directly with the evaluator; timing problems would be overcome since the evaluations would no longer be tied to individual projects, and, most importantly, we could proceed to conduct true

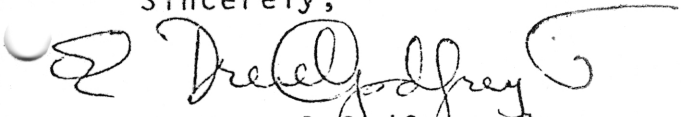
Mr. Donald E. Santarelli  
Evaluation  
October 19, 1973  
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program evaluation by contracting directly with evaluators to evaluate groups of projects having common objectives. The LEAA regional offices could review the states' annual comprehensive plans to insure that sufficient planning funds were allocated for evaluation purposes before allowing action funds to be set aside for evaluation.

Please excuse this lengthy letter. We are faced with an urgent problem. It is generally recognized that Pennsylvania and California have perhaps the most advanced project evaluation system of any state. Yet the evaluation efforts of both Pennsylvania and California are inhibited and limited by a ruling, the intended effect of which is just the opposite, to encourage evaluation.

I firmly believe evaluation should be one of our highest priorities at present and I hope we can find a more effective way to encourage proper evaluation without limiting its potential. Since I see some urgency in solving this problem I stand ready to meet with you and your staff at any time to discuss this issue.

Sincerely,



E. Drexel Godfrey, Jr.  
Executive Director

EDG:pab

cc: Thomas C. Berard  
Karl W. Boyes  
Keith M. Miles  
Chris Martin  
Neal Berg



GOVERNOR'S JUSTICE COMMISSION  
DEPARTMENT OF JUSTICE  
COMMONWEALTH OF PENNSYLVANIA

Milton J. Shapp  
Governor  
Israel Packel  
~~State Counselor~~  
Attorney General

September 11, 1973

E. Drexel Godfrey, Jr.  
Executive Director  
(717) 737-2040

Mr. Keith M. Miles, Director  
Evaluation Management Unit  
Governor's Justice Commission  
P. O. Box 1167  
Harrisburg, Pennsylvania 17120

Dear Mr. Miles:

Earlier this year we were able to inform you that an advance suggestion for funding from LEAA sources had been included in the 1973 Comprehensive Plan for the Improvement of Criminal Justice in Pennsylvania. We are now six months into the funding cycle under that Plan. A great number of projects have been funded but about 13% of the "State discretionary" monies are unawarded and not yet applied for.

We would like to urge you to submit your application by October 15. (If you can make it October 3, the application may be acted on in December.) While we are not especially eager to "get the money out" at all costs, we would like to make remaining funds available to applicants who can use them at a time when their projects can have the life of a full year.

We will appreciate your cooperation. Thank you.

Sincerely,

E. Drexel Godfrey, Jr.  
Executive Director

October 3, 1972

SUBJECT: Evaluation Management Unit

TO: All Hands

FROM: E. Drexel Godfrey, Jr. *E. D. Godfrey Jr.*  
Executive Director  
Governor's Justice Commission

As indicated in my August 17 memorandum concerning evaluation, we are in the process of organizing an Evaluation Management Unit in headquarters to coordinate and manage the Commission's evaluation effort. The Evaluation Management Unit, which will be responsible directly to me, will be headed by Keith M. Miles, an evaluation specialist, who has recently joined us in the Harrisburg office.

Within the next several weeks, Mr. Miles plans to visit the regional offices to discuss general evaluation strategy as well as any problems or questions which may have arisen concerning the implementation of the August 17 directive. Please give Mr. Miles your full cooperation.

mi



January 16, 1973

Dr. Arnold S. Trebach  
Principal Consultant  
Washington Justice Associates, Inc.  
P. O. Box 34206  
Washington, D. C. 20034

RE: DS-330-73P

Dear Dr. Trebach:

I am writing to inform you that on January 16, 1973 the Governor's Justice Commission awarded the following planning subgrant:

Project: "Evaluation Consultant Services"

Duration of Project: January, 1973 - October, 1973

Amount: \$16,619

Subgrant No. - DS-330-73P (Use on all correspondence)

This project has been approved to start effective with the date of award. Any funds that you may be required to advance to cover incurred costs that are allowed out of Federal expenditures, I shall allow you to reimburse yourself for that portion upon receipt of the first quarterly draw-down check of Federal funds. We anticipate being able to forward a check to you within five weeks of the official starting date.

A special condition which has been applied to this grant is that the project must be implemented and operative within 60 days from the official starting date of the award as so stated within this letter. It is respectfully requested that you report by letter within the 60-day period, the steps taken to initiate this project and confirm the fact that this grant is fully operative. If, within the first 60 days, you have not implemented the project

Dr. Arnold S. Trebach

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January 16, 1973

due to unforeseen reasons of delay, I will request a letter of justification for a 30-day extension wherein will be stated the steps that shall be taken within these remaining 30 days to implement this project and have it totally operational. However, within the aggregate of these 90 days if the project is neither implemented nor operational, the Governor's Justice Commission, by audit and review, has the right to cancel the award and make the funds available for future awards.

Concurrent with the 60 and 90 day period, the Governor's Justice Commission shall be auditing all subgrants as part of its mandated responsibility.

It is important that we receive a copy of the bank slip you will receive when a check is deposited. Mail it to Mr. Thomas C. Berard, Director of Administration, at our address. It is required that subgrantees maintain a separate fiscal accounting record for each project. This record must reflect the received and disbursed Federal funds.

I join the Commission in congratulating you on receiving this award.

Sincerely yours,

E. Drexel Godfrey, Jr.  
Executive Director

J-B

*First mile under contract for this company*

June 7, 1973

Israel Packel  
~~XXXXXXXXXX~~ Dr. Arnold S. Trebach  
Principal Consultant  
Washington Justice Associates, Inc.  
P. O. Box 34205  
Washington, D. C. 20034

RE: DS-397-73/74P

Dear Dr. Trebach:

I am writing to inform you that on May 31, 1973 the Governor's Justice Commission awarded the following Planning subgrant:

Project: "Evaluation Consultant Services"

Duration of Project: June 1, 1973 - June 30, 1974

Amount: \$164,584

Subgrant No. - DS-397-73/74P (Use on all correspondence)

This project has been approved to start effective with the date of award. However, should your project be scheduled to start after the award date, the date shown on your Subgrant Application will be the official starting date. Any funds that you may be required to advance to cover incurred costs that are allowed out of Federal expenditures, I shall allow you to reimburse yourself for that portion upon receipt of the first quarterly draw-down check of Federal funds. We anticipate being able to forward a check to you within five weeks of the official starting date.

A special condition which has been applied to this grant is that the project must be implemented and operative within 60 days from the official starting date of the award as so stated within this letter. It is respectfully requested that you report by letter within the 60-day period, the steps taken to initiate this project and confirm the fact that this grant is fully operative. If, within the first 60 days, you have not implemented the project

Dr. Arnold S. Trebach

-2-

June 7, 1973

due to unforeseen reasons of delay, I will request a letter of justification for a 30-day extension wherein will be stated the steps that shall be taken within these remaining 30 days to implement this project and have it totally operational. However, within the aggregate of these 90 days if the project is neither implemented nor operational, the Governor's Justice Commission, by audit and review, has the right to cancel the award and make the funds available for future awards.

Concurrent with the 60 and 90 day period, the Governor's Justice Commission shall be auditing all subgrants as part of its mandated responsibility.

It is important that we receive a copy of the bank slip you will receive when a check is deposited. Mail it to Mr. Thomas C. Berard, Director of Administration, at our address. It is required that subgrantees maintain a separate fiscal accounting record for each project. This record must reflect the matching expenditures and disbursed Federal funds.

I join the Commission in congratulating you on receiving this award.

Sincerely yours,

E. Drexel Godfrey, Jr.  
Executive Director