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COMMONWEALTH OF PENNSYLVANIA
HOUSE OF REPRESENTATIVES
COMMITTEE ON JUDICIARY

In re: Report to the Judiciary Committee by
the Office of Attorney General

* * * * *

Stenographic report of hearing held
in Room 418, Minority Caucus Room,
Main Capitol Building, Harrisburg, PA

Wednesday,
March 27, 1991
10:00 a.m.

HON. KEVIN BLAUM, ACTING CHAIRMAN
Hon. Gerard Kosinski, Subcommittee Chairman on
Courts

MEMBERS OF COMMITTEE ON JUDICIARY

Hon. Jerry Birmelin	Hon. Kenneth Kruszewski
Hon. Frank Dermody	Hon. David J. Mayernik
Hon. Gregory C. Fajt	Hon. Christopher McNally
Hon. Jim Gerlach	Hon. Jeffrey E. Piccola
Hon. David W. Heckler	Hon. Robert D. Reber

Also Present:

David Krantz, Executive Director
Galina Milahov, Research Analyst
Mary Woolley, Republican Counsel
Paul Dunkleberger, Republican Research Analyst
Mary Beth Marschik, Republican Research Analyst
Katherine Manucci, Staff

Reported by:
Ann-Marie P. Sweeney, Reporter

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1991-093

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1 ACTING CHAIRMAN BLAUM: Today we'd like
2 to welcome the Attorney General of Pennsylvania here
3 before the House Judiciary Committee. This is one in
4 an ongoing series of hearings that the Chairman
5 Caltagirone has called to brief new and more senior
6 members on the various agencies for which the Judiciary
7 Committee has oversight to become more and more
8 acquainted and more and more involved in what these
9 agencies do, how they function, what their
10 appropriations needs are, et cetera. So today it is
11 our pleasure to welcome the Attorney General of
12 Pennsylvania, Ernie Preate, here before the committee.

13 Mr. Attorney General, if you would like
14 to introduce your staff and perhaps make an opening
15 statement to give this committee some input on your
16 office, your operation and how we can be helpful, I'm
17 sure that the members would then have questions.

18 ATTORNEY GENERAL PREATE: All right.
19 Thank you very much, Mr. Chairman, and I am very
20 grateful for the opportunity to be here before the
21 House Judiciary Committee, and with me today is Walter
22 Cohen, my First Deputy, who is at the counsel table.
23 Many of you know Walter for his service as Consumer
24 Advocate and as the Secretary of Welfare under Governor
25 Thornburgh.

1 last but not least, the man who does such a wonderful
2 job of keeping me informed and I hope keeping you
3 informed, Kinch Bowman does all my budget work, and
4 Kinch is over there. I think I got everybody.

5 Lou Rovelli is not here, the head of my
6 Civil Division, and Mrs. Frances Cleaver, a friend of
7 yours for many, many years who was Matt Ryan's
8 assistant attorney and she's the head of my section on
9 Legislative Affairs. She and Lou are over in
10 Commonwealth Court today defending the enactment of the
11 legislature changing the Constitution or proposing to
12 change the Constitution of Pennsylvania. I spent 3 1/2
13 hours on the stand yesterday. The thing that comes to
14 mind most is the motion picture that was called
15 "Dancing With Wolves," and I did a lot of dancing
16 yesterday and I never saw so many lawyers facing me at
17 any one time, but I think we did a good job in trying
18 to defend the proposed constitutional amendment that
19 you folks have enacted.

20 ACTING CHAIRMAN BLAUM: Mr. Attorney
21 General, if I could interrupt one second,
22 Representative Kosinski has to be in Philadelphia
23 shortly and he would like to make a few comments before
24 you begin.

25 ATTORNEY GENERAL PREATE: Certainly.

1 REPRESENTATIVE KOSINSKI: I just want to
2 get something on the record, General Preate, and I've
3 dealt with your Consumer Protection Office both in
4 Philadelphia and here and I want to commend them
5 publicly for the work they've done with my constituency
6 in getting results. It's very nice to be able to tell
7 people that the first step in anything would be the
8 Attorney General's Office before they consider going to
9 small claims court or doing anything else. It's a much
10 better operation than the DA's unit in Philadelphia,
11 and we turn to you frequently for help and we do get
12 results.

13 ATTORNEY GENERAL PREATE: I appreciate
14 that. And I just want to, can I add one thing to that?
15 We handle 26,000 complaints, written complaints.
16 That's not counting the telephone calls that we get
17 from people saying, what do I do now? And, you know,
18 that's all we do is talk to them on the phone. But
19 26,000 actual written complaints are filed with our
20 office every year. We satisfy, through mediation,
21 approximately 75 percent of them.

22 Can I tell you where we really need some
23 help? People write to me all the time and they say,
24 can't you do more than mediation? See, the Consumer
25 Protection Law does not permit me to have any more

1 power except under very limited circumstances than to
2 just to try to mediate, and people are so frustrated
3 that if I could suggest some way in the consumer
4 protection area where you could give us the power to
5 come in on behalf of an individual consumer, the poor
6 widow, the elderly, the person on welfare that's been
7 ripped off, that they can't afford a lawyer and that's
8 what you need. We can't help them in mediation. What
9 happens is we have to say, look, you've got to go to
10 small claims court, you've got to go to the magistrate.
11 And if you go to the magistrate, he charges you money,
12 you know, you have to have papers served, you have a
13 hearing, and you may be fighting a car dealer who sold
14 you a lemon, and this costs money. They have a lawyer
15 on the other side and you're a poor consumer, and we
16 can't really represent them at that eventuality. And
17 I'd really like the ability to represent those folks at
18 a magisterial level. That's just a suggestion of where
19 we are. If you're thinking about what we can do to
20 help the consumers more, that's what I'd really like to
21 do.

22 REPRESENTATIVE KOSINSKI: I would be glad
23 to sit down with you and your office and sponsor such
24 legislation.

25 ATTORNEY GENERAL PREATE: Okay, thank

1 you.

2 REPRESENTATIVE KOSINSKI: Thank you.

3 ATTORNEY GENERAL PREATE: Thank you very
4 much for your kind comments, sir.

5 Well, Mr. Chairman, members of the
6 committee, I want to thank you for this opportunity to
7 talk about the overview of the Office of Attorney
8 General. We are, compared to other State agencies,
9 relatively small. We have 747 employees at this time
10 and a \$54 million total budget for the current fiscal
11 year.

12 That includes Federal funds, Kinch? That
13 does not include Federal funds?

14 MR. BOWMAN: Total.

15 ATTORNEY GENERAL PREATE: Total. It
16 includes Federal funds. But our duties are far more
17 wide-ranging than many other larger agencies. We not
18 only prosecute, arrest, investigate, prosecute drug
19 dealers, we also monitor charitable bequests, and you
20 probably saw, for example, in the Philadelphia Inquirer
21 this past Sunday the story that the Barnes foundation
22 is seeking to open up its gallery and sell some of its
23 paintings there and the Attorney General's Office has
24 got the ability to say "yes" or "no" to that request,
25 so that is a significant matter for the art world and

1 for the bequest of Mr. Barnes, who said that he wanted
2 the paintings to be never sold. So that's just a
3 smattering of the kinds of breadth we have.

4 We also conduct wiretaps and as we've
5 already talked about, conduct consumer education and
6 help out consumers. We prosecute polluters through our
7 Environmental Crimes Section, and we defend against
8 tort claims. In fact, we have approximately 30 lawyers
9 that are members of our Torts Section and we do an
10 enormous amount of work in tort claims.

11 For example, the numbers I received
12 today, we checked on this, is that we had 391 tort
13 cases last year. That's a lot of tort cases. And
14 that's when PennDOT is sued or the State Police are
15 sued or Welfare is sued or some State agency is sued
16 for a tort or a wrong. And we won, of those 391, we
17 won 372. That's an enormous, enormous winning record,
18 and in that period of time there was \$265 million at
19 risk for the Commonwealth. That means that had to be
20 set aside in case those cases were lost. And we saved
21 the Commonwealth all but about \$22 million of that
22 figure. So it's an enormous responsibility to sit
23 there and have to take these cases to court. You know
24 when you take a case to court you're rolling the dice,
25 but our lawyers are very good, very professional, and

1 very successful.

2 And we also investigate contract killers.
3 Up in Erie, as the Representative knows, we've
4 prosecuted an organized crime family up there and got a
5 conviction, first-degree murder. We just finished in
6 Beaver County another killer, prosecuted over the
7 weekend, got a conviction of first-degree murder there
8 of a multiple killer. And, of course, Anthony was up
9 in Wilkes-Barre in the Willsofer case. Mike Kane was
10 up in central Pennsylvania last year in another case in
11 one of the smaller communities and got another murder
12 conviction.

13 We review State contracts. And State
14 contracts are everything from bond issues to contracts
15 for paper clips for the legislature. We review
16 approximately 28,000 State contracts a year, and some
17 of those contracts have great import. For example, the
18 Philadelphia bailout of about two months ago had to be
19 reviewed by our office and approved before it could
20 actually be enacted. If I refused to put my signature
21 on it on the grounds that it was illegal, and there was
22 some question about it, it would have stopped. There
23 would have been no bailout of Philadelphia.

24 And so we also go into court in appeals,
25 particularly death penalty appeals. I have a death

1 penalty appeal section and it's a small one, a couple
2 of people in it, and in fact I argued the United States
3 Supreme Court case upholding Pennsylvania's death
4 penalty law in 1989. And we're always in court in our
5 Civil Litigation Section upholding the enactments of
6 the legislature, whether it be a tax question, a taxing
7 measure that you propound, or whether it's the abortion
8 statute. Frankly, that's going to be our biggest
9 challenge in either later this year or the early part
10 of 1992. That one is going up to the United States
11 Supreme Court.

12 So the import of our vast duties, I
13 think, is very, very significant on the people of this
14 Commonwealth when you think about it. For being one of
15 the smallest, if not the smallest of State agencies, we
16 can significantly affect the public policy of this
17 Commonwealth in what we do, and we try to do it in a
18 very professional way. I happen to be the leader of a
19 very good team of lawyers and administrators all the
20 way down -- and agents and secretaries, and all of what
21 we accomplish I certainly don't do alone. I have a
22 wonderful team behind me that helps us do it, and I
23 maintained most of those people from the time that I
24 took over as Attorney General two years ago from Roy
25 Zimmerman, who was the first elected Attorney General,

1 of course, in this State.

2 While our work in the fight against crime
3 and drugs receives most of the public attention, as I
4 said, critical to our citizens and our Commonwealth
5 coffers is our work in other areas. I mentioned that
6 of the \$265 million that we had at risk in those tort
7 cases last year, and it cost the Commonwealth about \$20
8 million, and some of them are legitimate, believe me.
9 The Johnstown flood cases that have been going around
10 for 10 years. Ten years. You know, DER was sued
11 because it didn't riprap the creek properly and it
12 caused the flood and killed people and wiped people out
13 in their homes. The Commonwealth was sued and we have
14 been negotiating that for a number of years now. We
15 are finally getting to settlement stages.

16 But we also brought in revenue. Also not
17 only did we save money for the Commonwealth but we
18 brought in revenue. I have about a \$54 million budget
19 and I bring in almost 50 percent of my budget in
20 revenue. Not too many people realize that. But we
21 have a Financial Collection Unit, in addition to a unit
22 that defends the Commonwealth's statutes when tax
23 liabilities are imposed, but we also have a Financial
24 Collections Unit that is headed by Steve Brandwene from
25 up in Kingston, and Steve has been a longtime State

1 employee in that unit, through aggressive collection
2 brought in \$23,103,000 last year. And that's, you
3 know, if every State agency was able to bring back
4 about 50 percent of its budget, you know, we would have
5 a very stable administration of State government here.
6 So I just want to point out to you, that 43 percent
7 return that you get in one year on your money is a very
8 good one.

9 You've asked my presentation touch on the
10 history of the office, and the Attorney General of
11 Pennsylvania has been, as an individual person or as an
12 office, has been around since 1643. It's one of the
13 oldest appointed -- it goes back to the King of Sweden
14 before William Penn. We've had an independent Attorney
15 General only since 1981 when Roy Zimmerman took office
16 in January of '81 when the Commonwealth Attorneys Act
17 went into effect separating the Office of General
18 Counsel and the Attorney General. The Attorney General
19 before that, for hundreds of years, was an appointee of
20 the Governor, he was the Governor's lawyer, he was the
21 head of what was then the Department of Justice which
22 had in it, I think, and I remember back in the early
23 '70's there was six lawyers in the Department of
24 Justice when I first got to be a lawyer in 1970 and
25 they had their office right here in the Capitol complex

1 down on the left side, what's that, the library, Walt?

2 MR. COHEN: Right next to where the House
3 is currently located with some offices.

4 ATTORNEY GENERAL PREATE: And that it had
5 the Bureau of Corrections in it. The Office of
6 Attorney General, Department of Justice, originally had
7 charge of the Bureau of Corrections. So lots of things
8 have happened in two decades to this office.

9 And in speaking with the AG's, and I've
10 gotten to the meet most of them over the last 20 years,
11 Bill Sennett, Bob Kane, Roy Zimmerman, Izzy Packel,
12 Charlie Friedman from the '60's, Harvey Bartle, Pete
13 Biester, in the last 20 years, they really have
14 endorsed the idea of an independent Attorney General,
15 that is one who does not take his orders from the
16 Governor and come up with advisory opinions that the
17 Governor wants, that he does independent review. And
18 because there was always this thought, and I spoke to
19 Henry Hager about this the other day that they wanted
20 an independent Attorney General so that somebody who
21 was independently elected of the Governor, in fact
22 didn't even run with the Governor in the same term, and
23 that that person be able to run his own office, his or
24 her own office, and that that person be someone who
25 could give professional advice to the various

1 departments in litigation. The General Counsel's
2 Office gives advice day to day. They have 400 lawyers
3 in the Office of General Counsel. Think about it. 400
4 lawyers in the Office of General Counsel, and they
5 don't try a single case. We have 175, approximately,
6 that try everything. We are lawyers for the
7 Commonwealth. Think about us as the lawyers for the
8 Commonwealth. Any time the Commonwealth is involved in
9 litigation, we have to go to trial.

10 The first step in creating the office was
11 the passage of a constitutional amendment in 1978. In
12 1980 the legislature implemented the change by passing
13 the Commonwealth Attorneys Act creating and defining
14 the duties of new office. The act dissolved the old
15 Department of Justice and created the Office of
16 Attorney General. Some of the Department of Justice's
17 responsibilities were shifted to the Office of General
18 Counsel, and the new Office of Attorney General
19 retained others such as, as I said, the responsibility
20 for defending the Commonwealth against all major
21 lawsuits.

22 In the area of criminal law, the Office
23 of Attorney General was assigned some new authority.
24 Most notably, the Attorney General's empowered for the
25 first time to investigate and prosecute organized

1 criminal activities statewide. As I said, the people
2 in the legislature created this office with a strong
3 expectation that we would be independent, that we would
4 be representing the people, that we would be aggressive
5 in the pursuit of organized crime and corruption, and
6 that there was a clear expectation that the Office of
7 Attorney General would be professional and particularly
8 nonpartisan in providing legal representation to
9 agencies under the Governor and in defending the
10 statutes you pass and in defending the Constitution
11 itself.

12 My goal as Attorney General is to meet
13 those expectations. It's a great challenge. I love
14 the job, I love going to work. As always, every day
15 there's a new challenge, every day there's a new
16 problem, there's a new situation you have to deal with.
17 And I reiterate that the challenge is one that's made
18 so much easier by having such a strong and highly
19 professional, experienced staff, including the senior
20 officials that I have with me today.

21 I'm going to stop right there and ask if
22 there are any particular questions. I could go on and
23 on and on. I've got 30 pages of material here that I
24 don't know whether you guys want me to go through or
25 not, but I would much rather hear from you and let's

1 see if we can't work it through that way.

2 You have my organizational chart in front
3 of you here. Let me just before, maybe this can
4 stimulate some of the questions. The chart, and it's
5 in your materials that have been provided, has the
6 Attorney General at the top; Walter Cohen, the First
7 Deputy; then the three offices that advise us, the
8 Policy Planning, Mr. Holste; it says Office of Press
9 Secretary, Mr. Holste, that's obviously wrong. That's
10 Mr. Gentzel, Robert R. Gentzel. And Office of
11 Legislative Affairs, Frances B. Cleaver. It's correct
12 on the board over there. It looks like a misprint
13 here. We do make mistake, obviously.

14 Drug Law Division, Criminal Law Division,
15 Civil Law Division, Public Protection, and Office of
16 Management Services.

17 The Drug Law Division, you met Mr.
18 Peters. We have it divided into two parts - Drug
19 Prosecution Section, which has approximately 19
20 lawyers; Bureau of Narcotics Investigation and Drug
21 Control has 181 agents.

22 Criminal Law Division, under Anthony
23 Sarcione, has a Prosecutions Section headed by M. L.
24 "Skip" Ebert from Cumberland County. He's the first
25 assistant over there. And how many lawyers do we have

1 in that?

2 MR. SARCIONE: Twenty-eight. Across the
3 State, about 28 lawyers in the whole division.

4 ATTORNEY GENERAL PREATE: Twenty-eight
5 lawyers in the entire division of Criminal Law. That
6 includes Prosecutions, Organized Crime, Child Abuse
7 Protection and Assistance, Appeals and Litigations,
8 Environmental Crimes, Medicaid Fraud, and Bureau of
9 Criminal Investigation. Twenty-eight lawyers to do all
10 of that. That's an enormous responsibility,
11 considering we have statewide implications. I think
12 the DA's office in Luzerne County has, for example,
13 Representative Blaum, you know, has about 20 lawyers.
14 The Philadelphia District Attorney's Office has over
15 250 lawyers. The Allegheny County DA's Office has over
16 100 lawyers. So we are not even -- we're just about a
17 medium-sized district attorney's office, and in the
18 State we'd be, in fact, I see Jim Gerlach here, we
19 probably have less lawyers in our Prosecutions Section
20 than the DA in Chester County. But we have this
21 enormous responsibility.

22 The Civil Law Division has most of our
23 lawyers. Most of our lawyers are in Civil Law. There
24 we have the Litigation Section, headed by John Knorr,
25 and that deals with the defense of the State's statutes

1 that are passed. The abortion statute, for example, is
2 part of that, the constitutional amendment gets
3 developed and prosecuted by the Litigations Section.

4 Then there's a section called Review and
5 Advice. That's the section that reviews all those
6 28,000 contracts. We do it with two lawyers. Two
7 lawyers to review 28,000 contracts. They happen to be
8 very good. They are speed readers.

9 Tax Litigation, Gene Anastasio has been
10 around a long, long time, 25 years here. He knows more
11 about Pennsylvania tax law than any other lawyer in the
12 State. He is from up in Peckville up in Lackawanna
13 County. He's here since the old Department of Justice
14 days. He can tell you whether something that you have
15 passed is going to fly or not going to fly and how much
16 revenue it's going to get.

17 Financial Enforcement, Steve Brandwene,
18 that's the section that goes after the people who don't
19 pay their State taxes.

20 Tort Litigation, Mark Garber is an
21 old-timer, been around a long time, knows more tort law
22 on his fingertips than most professors of law, and
23 knows how to try a case, too, besides that. That's why
24 those 30 lawyers in Tort Litigation are so successful.

25 John Shellenberger heads my Philadelphia

1 Regional Office of Civil Law, and that's over at the
2 State Office Building at Broad and Spring Garden right
3 now, and there are, I don't know, there's 100 people in
4 my Philadelphia office. One-hundred people there. And
5 some of them are lawyers and some of them are
6 administrative people. They are moving over to 13th
7 and Market under some appropriation that I requested
8 from the legislature and the legislature gave me two
9 years ago. It has taken us two years to make the move,
10 but we're going into a city building where we're going
11 to actually be paying the city some money and helping
12 them out. The Western Regional Office is headed by Don
13 Minahan, a longtime pro, former DA out there and one of
14 the distinguished lawyers in western Pennsylvania.

15 Public Protection, headed by Dan
16 Clearfield. Dan, as I said, was down in Consumer
17 Advocate and when Dave Barasch left Consumer Advocate I
18 moved Sonny Popowsky, who had been there for about 10
19 years, over to head Public Protection Division --
20 excuse me, over to head Consumer Advocate, and I moved
21 Danny Clearfield, who had been there about 12 years,
22 over to head my Public Protection Division. That's an
23 awful lot of responsibility because it includes the
24 Bureau of Consumer Protection, which is headed by
25 Renardo "Rick" Hicks, a very bright young man, and of

1 course they have the Consumer Protection offices all
2 over the State, and in addition to that we have an
3 outreach program that actually they go around the State
4 in the various rural areas and out-of-reach areas and
5 sit there in municipal buildings or courthouses where
6 we're not located once a month so that we can pick up
7 and help consumers in those remote areas.

8 We have an Antitrust Section of five
9 lawyers at the present time which does a remarkable job
10 considering its small staff, and what we've been able
11 to do a lot, even though we don't have an antitrust
12 bill. You've passed the antitrust bill here, it's
13 still in the works over in the Senate.

14 Charitable Trusts and Organizations,
15 headed very ably by Mollie McCurdy, who couldn't be
16 here, just had a baby girl. Some say boy, some say
17 girl.

18 MS. MADIGAN: She has two boys at home.
19 She now has a daughter.

20 ATTORNEY GENERAL PREATE: She now has a
21 daughter. Take it from a woman. She has a daughter.
22 And Mollie does a remarkable job. You folks have
23 passed a new revision to the Charitable Solicitations
24 Act, and some of you were involved in that, and that
25 has enabled us to do an enormous amount with four

1 lawyers. Four lawyers in that whole section.

2 Civil Rights Enforcement under Paul
3 Waters. Paul Waters comes from a distinguished
4 Harrisburg family and has long been active in civil
5 rights work. And something that we ought to think
6 about here is giving us some new tools to work in civil
7 rights. The Pennsylvania Human Relations Commission
8 has authority to investigate and look into civil rights
9 abuses ranging from police brutality to discrimination
10 in housing and everything in between. Unfortunately,
11 our civil rights laws of this State need to be
12 upgraded. I don't think we have the necessary tools to
13 do the job, and I would like to work with this
14 Judiciary Committee in coming up with some ability, at
15 least in our office, for some investigative and
16 enforcement power. And, of course, under Public
17 Protection, with a dotted line, is the Office of
18 Consumer Advocate, which is separate, independent by
19 statute from the Office of Attorney General. It's
20 carried under our Public Protection Division just for
21 administrative purposes, but while I appoint the
22 Consumer Advocate and the Senate of Pennsylvania
23 confirms the Consumer Advocate, once that happens, they
24 are pretty much cut off on their own and do their thing
25 independently.

1 Office of Management Services, Kinch
2 Bowman; ably assisted by Ed Bianco from our
3 Comptroller's Section, Bruce Sarteschi from Personnel.
4 Affirmative Action Unit headed by Dave Gibson. Office
5 Services, Lennie Bower. We have a Law Library, and we
6 have a Data Processing Section.

7 And so that pretty much completes the
8 oversight of the Office of Attorney General. I would
9 be happy to answer your questions now.

10 ACTING CHAIRMAN BLAUM: Thank you, Mr.
11 Attorney General, and I think your testimony is pretty
12 detailed and the members would like to ask questions
13 now.

14 BY ACTING CHAIRMAN BLAUM: (Of Atty. Gen. Preate)

15 Q. My first question you touched on at the
16 beginning of your testimony, and I think it's something
17 that probably concerns all the members, and that is the
18 fate of the constitutional amendment, the judicial
19 reform which is now being contested in the courts. I
20 don't know what you can say about that.

21 A. On the record or off the record?

22 Q. And the prospects, but it has many of us
23 concerned and if you could just give us the flavor of
24 what you felt yesterday and perhaps what you're
25 hearing. I don't want you to tell us, obviously,

1 anything you can't.

2 A. Right.

3 Q. And I know you won't, so whatever you can
4 talk about it, I think the members would be interested
5 in it.

6 A. Well, obviously, I support it. I think
7 you've taken a major step forward in the legislature to
8 try to get a handle on the costs that are associated
9 with the judiciary, and I think that's important.
10 Those of you who read the Philadelphia Daily News
11 yesterday saw the headline on the front page talking
12 about the fact that the city court system in
13 Philadelphia has a furniture shop. Did you see that?
14 I don't know whether you've seen it. It's outrageous,
15 that they do custom-built furniture for the judges in
16 Philadelphia. They have a payroll of half a million
17 dollars. I mean, theoretically, you could go out and
18 buy your furniture, have people bid on it and get it a
19 heck of a lot cheaper for your judges. But no, they
20 have to have their own furniture section. And, of
21 course, nobody under the present system, it seems to
22 me, has any authority to sit there and say, what are
23 you doing this for? Why are you doing that? Can't you
24 cut costs here? Can't you cut costs there? The
25 Supreme Court is trying to do it on its own right now

1 and running into tremendous opposition in Philadelphia.
2 I don't have any problem with people having nice
3 offices, and particularly judges, but, you know, you
4 have to and I have to and every other State agency has
5 to go before the appropriations process and through the
6 process and justify expenditures and try to help out in
7 making sure that the taxpayers' dollars are spent
8 wisely. This amendment tends to do that, and for that
9 I applaud you and I defend that.

10 There's also a matter of judicial
11 discipline as a part of that amendment and that, too,
12 is important. And I'll tell you why. Here we have a
13 very clear example prosecuted by my office. It's
14 called the case against the President Judge of Cambria
15 County, Judge O'Kicki. We've charged that man, through
16 the statewide Grand Jury, with felonies and
17 misdemeanors and abuse of office, corruption. We've
18 convicted him. He's facing up to 25 years in jail. In
19 fact, he's got a second trial that he's facing. And
20 even though it's been over a year since his conviction,
21 he still hasn't been removed from office by the
22 Pennsylvania Supreme Court. Outrageous. Outrageous
23 that the man still continues to collect an
24 \$80,000-a-year salary even though he's been proven by a
25 jury to be corrupt and his conviction has been upheld

1 by another independent judge. I mean, that should be
2 the end of it, at least. You know, I can understand
3 waiting to have the man's guilt or innocence
4 adjudicated by a jury and upheld in the first instance
5 by the Court of Common Pleas. Well, that's long gone
6 now. That's almost a year.

7 How long is it exactly?

8 MR. SARCIONE: Almost a year.

9 ATTORNEY GENERAL PREATE: Almost a year,
10 and he still continues to collect the State taxpayers'
11 money because you pay for the judges in the Courts of
12 Common Pleas. To me, you're looking for ways to cut
13 costs, you know, and that's something that I just don't
14 understand why you don't haul somebody in here and say,
15 what is going on? That's because the Judicial Review
16 and Inquiry Board has no teeth in it, and that's why
17 you need an independent board, you see, and that's what
18 this constitutional amendment will do. I think it will
19 bring in some outsiders into the process who will
20 actually be able to take those kinds of cases and make
21 the proper statements that have to be made.

22 BY ACTING CHAIRMAN BLAUM: (Of Atty. Gen. Preate)

23 Q. But after your experience yesterday of
24 three hours, do you feel that's in danger, the fact
25 that it may not even make the ballot? And we all know

1 where that decision is going to be made.

2 A. You know, the footprints are all over
3 this that, and I don't like what I sense out there,
4 that this attempt by the legislature to assert some,
5 not total, control over the judiciary, they're a
6 co-equal branch of government, but some appropriate
7 control over the judiciary in costs and budgets and in
8 discipline is going to be scuttled. I fear that
9 greatly, and I think that if it does happen I predict,
10 however, there will be and there ought to be a sense of
11 moral outrage in the chambers of this Assembly and all
12 across Pennsylvania because of the abuses that have
13 been exposed.

14 Q. During the Appropriations hearings I
15 asked you for an update on CHRIA and how that's being
16 implemented in the Attorney General's Office and across
17 Pennsylvania. I think that might be something that the
18 members of this committee would want to hear about.

19 A. The Criminal History Records Information
20 Act passed in the late '80's as a part of the overall
21 privacy protections and public protections. When the
22 Assembly passed the Wiretap Electronic Surveillance
23 law, the Grand Jury, the Immunity Act, and it's kind of
24 a balance put together, you see, you know, you can do
25 this but don't go too far in investigating peoples'

1 backgrounds and keeping records on people, and then of
2 course I think that what happened is lots of
3 well-meaning people took that pendulum a little bit too
4 far and actually hindered the development and didn't
5 even foresee the enormous and rapid growth of
6 technology in the computer age back in the late '70's
7 and early '80's, and so now in 1991 we have seen this
8 growth, we need to take advantage of it, we can do it,
9 and so consequently the legislature, on their bill that
10 I sent over here and worked with the legislature in
11 developing, both houses passed it, is now the law of
12 this State. It is a very important, very progressive
13 law, still gives rights to individuals, protects their
14 privacy but permits the State Police to use computers
15 in keeping track of individuals and their backgrounds,
16 their criminal records and cases that have been filed
17 against them and how they come out and that sort of
18 thing.

19 The problem is that there are many
20 repositories of criminal history - the courts, the
21 courthouses, the district justices, the district
22 attorney's offices, the State Police, the municipal
23 police department. I think we totaled up some 2,000
24 repositories of criminal records in Pennsylvania.
25 That's a lot of repositories, and of course the State

1 Police being the principal one over here in Harrisburg
2 at their headquarters, they store a lot of records in
3 there from all over the State. All kinds of
4 information is stored there, some pertaining to cases,
5 some just pertaining to background, informants, and
6 they are generally worked up into cases or they are
7 followed up or they are not because there are no more
8 leads, they have proven to be fruitless, there's no
9 substance to the charges.

10 Now, how do you make sure that all those
11 police agencies are not violating the right to privacy,
12 the privacy rights of individuals, the rights
13 guaranteed them under the Constitution of Pennsylvania
14 and the Federal Constitution? You've asked us to do an
15 audit. You've asked us to perform an audit at least
16 selectively. Certainly on the State Police every year,
17 but on these other agencies, municipal governmental
18 agencies, towns, boroughs, courts, District Justices,
19 you've asked us to do an audit on a sampling basis
20 every year. Unfortunately, that takes people to do an
21 audit. You need people to physically go out and check
22 the records to see what's being stored properly and
23 what's not being stored, and who has access to
24 determine whether or not it's been abused, if some
25 police officer or some public official that has a

1 grudge, is he getting access to information and being
2 used against the constituent, or whatever. Whatever.

3 And you name it. You know, you can
4 imagine any number of ways in which allegations can be
5 put into a piece of paper and then accessed by somebody
6 and used against somebody individually. It can blacken
7 your name, destroy your reputation, destroy your
8 reputation if it ever got public. You want me to audit
9 that to make sure that that doesn't happen. I love to
10 audit that. I think it's important; it's essential. I
11 don't have the people, however. I've asked for the
12 money. This is, I think, the third year in a row that
13 I have asked for the money to do this. You've mandated
14 that I do it, but you've got to help me out and give me
15 that money. And I have the numbers.

16 We have the exact numbers we've asked for
17 in appropriations, Kinch?

18 MR. BOWMAN: \$553,000.

19 ATTORNEY GENERAL PREATE: \$553,000 for,
20 let me see, it would require two deputy attorneys
21 general, six special agents, three auditors, four
22 secretaries - a total of 15 people to do this. I put
23 this down as one of my top priorities right after
24 drugs. Right after drugs. Where's the list I sent
25 over to Dwight Evans' committee? I sent a letter over

1 to Dwight. He wanted to know what my priorities were.
2 He said, if I have to fund, what do you really need?
3 What do you want? And I set forth my drug budget. I
4 think it's important we maintain that because so many
5 municipalities depend on us now to maintain that with
6 support. But the very next thing was CHRIA. That's
7 how important I view this. Ahead of death penalty,
8 ahead of torts, ahead of environment. This is vital.
9 This is vital. I just, you know, I don't want to be
10 caught in a bind and somehow something goes wrong four
11 or five years from now people are bringing lawsuits
12 against this Commonwealth and because we're mandated to
13 do audits, and we go into court, we're sued for \$5
14 million or \$50 million and somebody says, you're
15 mandated to do it. Why didn't you do it? And I have
16 to say, I put the requests in. I can't do audits
17 unless I get people that are specially trained in this
18 area. And then you get a judgment against you for
19 failure to perform your duties as a State. And we are
20 all together with this, you and I, and the State
21 Treasurer. That is why this is important. If somebody
22 makes a mistake and gets information out of those
23 computers that it shouldn't and damages their
24 reputation, you can just imagine how much they are
25 going to go after in the State budget. They know we're

1 negligent right now. Just think about it.

2 ACTING CHAIRMAN BLAUM: Representative
3 Fajt.

4 REPRESENTATIVE FAJT: Thank you, Kevin.

5 BY REPRESENTATIVE FAJT: (Of Atty. Gen. Preate)

6 Q. Mr. Attorney General, I've got several
7 questions on drug task forces. How many are there
8 currently around the State?

9 A. Let me see if I can refer you to the map
10 here.

11 Q. Sure.

12 A. There are 47 different task forces. Some
13 cover one county, some cover four counties, some
14 counties have more than one task force in them.
15 Luzerne has three, Allegheny County has six now, just
16 to show you.

17 Q. Right. How large do they have to be to
18 be called a task force?

19 A. Not large at all. Philadelphia is one
20 police department, and then we've had the largest one
21 is in Montgomery County which has 215 police officers
22 -- 240 police officers. It has, I think, 30-some
23 municipalities in it. Thirty-five municipalities in
24 it. That's the largest one.

25 Q. Okay.

1 A. And they get the largest amount of money
2 per month now.

3 Q. You mentioned Montgomery County and
4 Philadelphia. I take it then that you have task forces
5 where there are already task forces in place by the
6 other police departments in those areas, is that
7 correct?

8 A. We don't try to take over anybody else's
9 operations. We try to supplement those where they're
10 existing, and where they're not existing we actually
11 create one. For example, in Philadelphia there are a
12 number of task forces there, Federal and State and
13 local.

14 Q. Um-hum.

15 A. There's the JBM Task Force, which is a
16 joint Federal, local task force. There's the Violent
17 Traffickers Project, which is a joint Federal, local
18 police, DA, State Attorney General task force.

19 Q. I guess what I'd like to focus on maybe
20 is--

21 A. Maybe I'm missing your point, but we've
22 created a new task force for Philadelphia that involves
23 the Office of Attorney General, 30 people; 17 people
24 from the State Police; 16 people from the Philadelphia
25 Police Department; and liaison by a variety of Federal

1 agencies, and supplanted by technical and support
2 personnel from the -- not supplanted but supported by
3 the technical people from the Pennsylvania National
4 Guard.

5 Q. Okay. I guess what I'd like to focus on,
6 Attorney General, is the amount of money that's being
7 spent on independent Attorney General task forces in
8 areas where there are already other task forces by
9 those police departments. I mean, I'm getting at it
10 from a budget perspective, obviously, and in these
11 times of, you know, tight budget constraints, I think
12 we all need to look at that. And I am impressed, for
13 the record, by the fact that you have over 40 percent
14 of your money coming in from seizures that your
15 department has undertaken, but do you have independent
16 task forces separate and apart from other task forces
17 in counties like Philadelphia, Montgomery County that
18 are not joint?

19 A. They are all part of the police
20 structure. They are not independent. None of these
21 task forces are independent of anybody else's task
22 force.

23 Q. Okay, so they are all joint task forces?

24 A. They are all joint task forces with the
25 district attorney's office in most cases, but

1 absolutely with the police officers of those areas.
2 And we don't create a task force where there is one
3 already in being. If there is a task force that's
4 ongoing, we work to supplant or supplement that task
5 force. For example, in Montgomery County, the district
6 attorney has a NET team, a Narcotics Enforcement Team.

7 Q. Um-hum.

8 A. And his office has an ongoing enforcement
9 effort, and it's a good one. What we do is to work
10 with that NET team. In fact, our two BNI coordinators
11 are in the NET team office, but we have a task force of
12 240 municipal police officers that we pay their
13 overtime, we pay their benefits, we help to buy their
14 equipment and we give them buy money, pay their case
15 expense money, provide them hold harmless help so they
16 are not liable for their actions when they are working
17 together with us, but that's supplementing all the work
18 that's being done by police departments on their own
19 and the district attorney's office and whatever Federal
20 investigations are involved in there. So it's all part
21 of a coordinated scheme.

22 What it does is it puts the ability to
23 put more manpower out there without hiring any new
24 people, and it permits them to sit down at a table and
25 exchange information with one another and go out and do

1 the work that their municipal budgets would not permit
2 them to do because overtime costs a lots of money,
3 obviously. It's time and a half, and that can drive a
4 budget right out of balance.

5 Q. Right. I assume that you have reports on
6 the amount of overtime spent and the amount of drugs
7 that your task force has apprehended and so forth?

8 A. They are not my task forces. Stop right
9 there.

10 Q. Okay, well, the joint task forces
11 apprehend.

12 A. Okay, let me make it clear.

13 Q. You make the payments for the overtime
14 and the other things?

15 A. Right.

16 Q. What I'm trying to get at is do you have
17 reports that have and list the amount of overtime spent
18 and the amount of controlled substances that that
19 overtime has brought in?

20 A. One of the things that you get with the
21 Office of Attorney General running the task forces is
22 you get accountability to answer those questions. I
23 can tell you that we, and one of the things that's
24 hardest for people to swallow in the district
25 attorney's offices, for example, is that they want me

1 to give a blank check to them without any
2 accountability. I am not going to do that because
3 that's taxpayers' money. I want to be able to say,
4 when you ask me the question, document who worked
5 overtime, when, what did they do, was it pre-approved
6 by somebody so that it wasn't just a lark going off and
7 drinking in a bar and saying that's surveillance, and
8 that's happened in the past. I want to be able to tell
9 you that what was done was approved by one of our State
10 agents or a State Trooper; and two, there was a record
11 made to substantiate that event. In other words, the
12 police officer went to XYZ Bar, did a surveillance on a
13 drug dealer, spent so much money, this is what he
14 spent, this is how much time he spent there, and
15 there's a police report to back it up. Then it's
16 certified by that officer, certified then by the police
17 chief, that money is paid by his borough or township or
18 municipality, they then send us a voucher that they
19 have, in fact, found that that police officer worked
20 that time, spent that amount of money, and only then do
21 I pay it.

22 Those are the accounting standards that I
23 have put in place since I took office. And this is a
24 \$5 million program, not a big program, but it gets
25 tremendous bang for its buck. Why? Because I know and

1 that cop knows and the police chief knows that that
2 police officer is actually working drugs at that time.
3 It's not being thrown at -- the money is not being
4 thrown at the problem and disappearing. We know it's
5 being done, and the results are tremendous. In three
6 years we've gone from these task forces, there were
7 only a handful there when I started, we've gone from
8 under 50 arrests to now 1,350 in 1990. We've gone from
9 approximately 50 search warrants, am I right?

10 MR. COHEN: Nine. Nine search warrants
11 in '87.

12 ATTORNEY GENERAL PREATE: Nine search
13 warrants in '87 to 576 in 1990. I mean, think about
14 that. That's taking -- when those search warrants are
15 executed, they're actually taking drugs out of drug
16 dealers' hands, you see. And they are seizing
17 property, and then we convert that property. In 1989,
18 just in 1989 alone as a result of the seizures done in
19 1989, 1990 figures aren't in yet for forfeitures, but
20 we went from \$400,000, roughly, a little bit over
21 \$400,000 in seizures went to municipal police
22 departments, to \$690,000 in local forfeitures. It's up
23 \$212,000 from 1988 to 1989, in one year, you see?

24 So you can actually measure what we're
25 doing through these task forces really getting at the

1 root of the drug problem. For the first time police
2 officers are saying, hey look, we're getting on top of
3 the problem. Municipal police officials are saying,
4 we're getting help. We never had it before. We're
5 getting help.

6 Q. The reports that you referred to and the
7 amount of overtime and the amount of drugs that are
8 apprehended and so forth, can we get a copy of those
9 reports?

10 A. Oh, sure. Absolutely.

11 Q. Okay.

12 A. That's one of the reasons why--

13 Q. Who do I need to see them?

14 A. Right here. We'll give you a stack of
15 them. They're about this high (indicating).

16 Q. Okay. What is your name, sir?

17 MR. BOWMAN: Kinch Bowman.

18 REPRESENTATIVE FAJT: Okay. Thank you.

19 ATTORNEY GENERAL PREATE: If you want to
20 go through them, you can go through them. And let me
21 just tell you, they have been audited by Barbara Hafer
22 and spent a year looking at them, all right? And the
23 LBFC spent six months, the budget and finance committee
24 of this Assembly, went over them for six months and
25 endorsed this program. I think that's significant,

1 that we've had independent people go through this and
2 conclude the money is being spent, it's being spent
3 wisely, and it's a program that should continue to be
4 funded through the Office of Attorney General. In
5 fact, the Fraternal Order of Police, at their meeting
6 this spring, endorsed this program completely. These
7 are the actual guys who go out in the street day in,
8 day out. They endorsed it unanimously. Unanimously.

9 REPRESENTATIVE FAJT: Thank you very
10 much. Thank you.

11 ATTORNEY GENERAL PREATE: Okay.

12 ACTING CHAIRMAN BLAUM: Representative
13 Birmelin.

14 REPRESENTATIVE BIRMELIN: I don't have
15 any questions.

16 ACTING CHAIRMAN BLAUM: Representative
17 Gerlach.

18 BY REPRESENTATIVE GERLACH: (Of Atty. Gen. Preate)

19 Q. Following up with some questions by
20 Representative Fajt, first of all, where do you see,
21 with the PennFree situation standing as it is, where do
22 you see the drug fight from the Commonwealth's
23 standpoint going over the next year? Where do you
24 think the resources will be placed, what kind of
25 resources do you need to continue the fight, and where

1 do you project that fight going, as I say, over the
2 next year?

3 A. Well, Representative, we are now into the
4 third year, just going into the third year, of our
5 fight. It's actually less than that. It's probably,
6 I'd say, two years because PennFree didn't start until
7 July or August of 1988. Excuse me, 1989. July of '89.
8 So we are now approaching the second year of the
9 PennFree money being spent. And it has been very
10 productive. The money that we get, which is
11 approximately \$5 million, some of it's Federal, some of
12 it's State, is, I think, most effectively used. I can
13 demonstrate that. We can show you where these task
14 forces have been set up and how effective they're
15 going. The State Police also get money. They get
16 about \$4 million, almost the same as I do. In fact,
17 they get more. The State Police get more than I get
18 because they get additional money.

19 But the money is being spent on law
20 enforcement, being spent on treatment, being spent on
21 education, and it's being spent on community
22 organizations, and that's exactly where it's being
23 spent, and I think we ought to continue that same level
24 of funding because if we don't, the one thing that does
25 is send a message directly to law enforcement, directly

1 to the treatment community, directly to the education
2 community, directly to the community groups that are
3 out there, you know, with their hardhats and bullhorns
4 driving drug dealers off the street. You cut the drug
5 money, boom, message is, we're not getting support. I
6 don't care how much is sugar-coated, as soon as you
7 start dropping down the money they're going to say, we
8 knew this was going to happen. And I think that would
9 be a mistake now at the time when we have just put
10 together the team, the Desert Shield team, if I can use
11 that analogy, and now we're all built up to force on
12 law enforcement, we're building up in the educational
13 sphere, not quite there yet because the drug program
14 doesn't take effect, fully effect until September of
15 1991 in the school systems when mandatory drug
16 education kicks in, and treatment, which is just now
17 starting to come up to snuff, the Federal money has
18 been increased for treatment by the President of the
19 United States in his budget. The one area that has
20 been increased is treatment. \$60 million comes down to
21 this State from the Feds every year for treatment of
22 drug addicts. And it's well-spent, well-needed.

23 So we've got the program in place, and
24 that's why Pennsylvania has been recognized by the
25 President, by the Drug Czar, by anybody who has looked

1 at this program independently and says, you guys are
2 doing it right. Bill Bennett sat in his office in
3 October, just a month before he left, and he sat there
4 with eight attorneys general around a table down in the
5 Executive Office Building, and the guys from California
6 were there, all the big States, and he said, look, let
7 me tell you something. He said, if Pennsylvania can't
8 do it, it isn't going to be done, because you guys got
9 the program. He gave California a "C," New York a "D".
10 I mean, we've got it right here. We've got the right
11 mix, we've got the right programs of assistance to
12 municipal governments, of mandatory drug education,
13 we've got business communities, the business community
14 now participating through my Foundation for a Drug-Free
15 Pennsylvania. We've got the treatment community that's
16 getting the kind of dollars that it should get and
17 going to get more, and we've finally gotten the
18 community groups. This is important. We've finally
19 got the message down to the community groups that the
20 government of this Commonwealth is there to support
21 them.

22 Herman Rice is very successful in
23 Philadelphia in his Mantra Against Drugs and the 25
24 other groups in Philadelphia that are against drugs,
25 the tainted organizations in the projects. Why are

1 they successful? They've only blossomed in the last
2 year and a half. Why? Because we have provided them
3 with the police officers that they need to back up the
4 efforts that they can go out on the streets and we know
5 we can be there. We've put police officers there. Our
6 task forces have worked with them. And they can see,
7 they can see that the treatment community is getting
8 money, that the addicts are starting to get treatment.

9 We can see that kids going into schools
10 are starting to get that education now. Not all the
11 schools are at the level we want. There are 501 school
12 districts, and I'd say about half of them have
13 effective programs. Half of them. Student assistance
14 programs, for example, necessary programs in the
15 curriculum, only half of them have it. And the whole
16 idea of mandatory drug education is get them all up to
17 a level, every one of them. But the message is clear,
18 that we've got the program, the people are very
19 appreciative of it. Every place I go across the
20 Commonwealth people are saying, gee, it's about time,
21 we are finally getting money, we're finally getting a
22 program, we are getting help from the State. And to
23 take any money out of that program is going to just
24 puncture the balloon and people are going to be -- the
25 morale is going to sag, community groups are going to

1 say, see, I told you so.

2 Let me tell you what it means to be in
3 the community group, to go out there, and my people are
4 out there with these community groups, you see. Every
5 time there's a community group going out into a drug --
6 to a corner, one of my agents, Mike Lutz, who's a very,
7 very brave veteran police officer of the Philadelphia
8 Police Department who has now become a member of my
9 staff, and he goes out with Herman Rice to the street
10 corners. And to have somebody there from the Office of
11 Attorney General, to have Bob Armstrong and his people
12 there from the city of Philadelphia Police Department,
13 gives them, hey, look, we've got somebody here now.
14 And when they are talking to the drug dealers and say,
15 get off this street, stop selling drugs, they are there
16 to help them.

17 They wanted to board up a Crack house, a
18 whole group of Crack houses in west Philadelphia, in
19 the poorest of sections. They were using these
20 abandoned homes in Philadelphia. You know what? They
21 didn't have any money to put the boards on the windows.
22 The city of Philadelphia didn't have any money to do
23 it. So they came to our office, the people in the
24 community came to our office, said what can you do to
25 help us? I went out and gave them \$5,000 from our drug

1 forfeiture money so they could buy the plywood to nail
2 it up. And you know, they nailed up dozens of Crack
3 houses, closed them down with that plywood now. That's
4 wonderful. And they actually go out and clean up their
5 own neighborhood.

6 You see, that's the strength that they
7 sense is here in this Attorney General and in this
8 State. Don't destroy that now. Don't destroy that. I
9 mean, that's fragile. It just started. We've
10 replicated these community groups all across
11 Philadelphia and now across the State. We've got
12 Pennsylvanians Aware going, which is a kids' group.
13 Kids helping kids. I give \$25,000 a year to
14 Pennsylvanians Aware. You know the Governor didn't do
15 it this year, I did it. I gave them the money to hold
16 their conference, 400 some kids from all over the State
17 met in Hershey this last week, a week and a half ago.
18 These are kids helping kids, which the Rand Corporation
19 has found is the best kind of drug education - kids
20 telling other kids, the leaders, the football captain
21 and the academic head, the president of the class
22 setting the right example. And these are programs that
23 are just growing. It's only in its fifth year, but
24 it's amazing how it spreads through a school when they
25 have that kind of help coming to them from the State.

1 That's why I say it's fragile, let's
2 continue to do it, we've got the program. Everybody
3 else has been told to emulate us. I can tell you the
4 laws that you passed here in this legislature to fight
5 drugs and the package that we sent over two years ago -
6 Jim, you weren't here then but we passed almost 20 new
7 drug laws, some of them mine, some of them the
8 Governor's, some of them came from independently
9 thought through by the General Assembly. Wonderful
10 package. You know, that package has gone all over the
11 United States. There are States that ask me for it all
12 the time, AG's, legislators that say, what did you do?
13 Let me get this law from you. I want to pass it in our
14 State and get it going.

15 That's what's happening. So we've set
16 the example and that's why Bill Bennett and the
17 President have been so high on Pennsylvania.

18 Q. There has no doubt been a dramatic
19 increase in the number of drug arrests over the last
20 number years, a lot of it due to the efforts that
21 you're talking about. From that point forward, though,
22 the next issue of the courts and the prison situation
23 comes into play. What are your thoughts on those two
24 issues on what we do with this increased number of drug
25 arrests to try to put them through the criminal justice

1 system and deal with them from a Corrections
2 standpoint?

3 A. I think that you've touched on probably
4 the weakest link in our entire program. The weakest
5 link has been our court system, and particularly our
6 jails. We have a tremendous number of drug cases that
7 are run through our criminal courts across the
8 Commonwealth and we need more judges to help do that.
9 We need more judges to work harder, too. All right?
10 Philadelphia is our biggest problem. The Supreme Court
11 is doing its part to try to get that straightened out,
12 and you saw what happened. They sent Nelson Diaz, a
13 very able and courageous, articulate judge, put him
14 there in charge as administrator of the judges in
15 Philadelphia Court of Common Pleas, and what do they
16 do? His own judges, because he was very tough on them,
17 his own judges voted no confidence in him.

18 Now, I said to Nelson, you got to make
19 sure the Supreme Court backs you up here because they
20 put you there. The seven Justices have to back you up.
21 That has to be done, that the court system particularly
22 in Philadelphia must be reviewed, analyzed, and steps
23 taken to streamline it, taken to making sure that the
24 cases no longer have a two-year backlog, and then that
25 the necessary local county jails get built to house

1 people, because right now we have seven counties, seven
2 counties under Federal court order in this State, our
3 largest counties - Philadelphia, Allegheny, Lehigh,
4 Luzerne, just to name a few - that are under Federal
5 court order to build or renovate their jails.

6 Now, the problem is poor planning, just
7 an unbelievable avalanche of new cases they didn't
8 anticipate, just as a combination of factors. Some
9 communities, counties have built new jails already.
10 Dauphin County, for example, under the appropriation of
11 the legislature last year put over a million dollar
12 addition on with Federal drug funds and State money.
13 And this legislature has made available and through the
14 bond issue that was passed by the voters \$200 million
15 to local counties so that they could tap into that
16 fund, get the low-cost money to build those jails.
17 There should be no excuse now, no excuse now.

18 The only thing that's holding the program
19 up is we are still waiting to get the regulations from
20 the Department of Corrections to take that \$200 million
21 bond issue and make it available to the local
22 governmental communities. Those regulations are in the
23 process of being prepared by the Department of
24 Corrections. We have to approve them in the Office of
25 Attorney General. As you know, it's another thing we

1 do, not only approve contracts, we approve every
2 regulation that is submitted by an agency, and we now
3 hope that that money will be able to be tapped into
4 come midsummer.

5 Am I right on that, Joe? It looks like
6 we're on target for midsummer. So that, I mean, we're
7 not -- the whole process ought to be there so that any
8 county that wants money to build a jail can do it. The
9 State is also in the jail building business. We've got
10 two major projects that are ongoing right now. They're
11 talking about building two jails, one in the east, one
12 in the west. They are supposed to have the State jail
13 built either in Carbon or in Luzerne. Right, Kevin, I
14 know. And one down in Hazleton. They want one in
15 Hazleton. I think there are about a dozen counties in
16 line for two new jails. That's one.

17 And then there's another program that the
18 State has to build, I think, two or three more
19 correctional facilities this year under a separate
20 program. The Federal government is building new jails.
21 They are talking about putting a new Federal facility
22 in somewhere up in the Poconos, maybe another Federal
23 facility in out in western Pennsylvania. So that --
24 but the plans are there. The plans are there both
25 locally, State, and federally to meet the crisis. It's

1 going to take time. We're going to have to work
2 through it, though, because we're going to have to, you
3 know, we're in a crisis situation now because we're
4 about 18 months behind schedule, I think, in meeting
5 the demand. As fast as we're putting new cells on
6 line, more people are going to jail, so we're just
7 trying to keep the prison population. Statewide we're
8 about 160 percent of capacity. In other words, we're
9 60 percent over capacity. Many county jails are in the
10 same boat. We are just hoping that we can start to
11 bring that down as these new facilities come on line
12 the next couple of years.

13 Q. So you're satisfied that if the bond
14 issue program goes forth for the new construction or
15 expansion of existing facilities, that that will go to
16 a great extent to deal with the overcrowding situation
17 in both the county and State correctional system?

18 A. Yes, it will. Yes, it will. It will
19 have significant impact, but you're not looking at
20 fully having an impact there until maybe in the
21 mid-'90's.

22 Q. One other question, if I may.

23 A. Yeah.

24 Q. I was reading a U.S. News and World
25 Report yesterday, this week's edition, and there was an

1 article about river boat gambling in there, about
2 States such as Iowa and Illinois and Mississippi that
3 have passed such legislation to allow that kind of
4 thing in those areas.

5 A. Um-hum.

6 Q. As I understand, last session there was a
7 piece of legislation from an Allegheny County
8 legislator on that which has been or will be
9 reintroduced this session, and I was wondering if your
10 office might have a position on river boat gambling or
11 gambling, the expansion of gambling activities in our
12 Commonwealth?

13 A. We testified before, I don't remember the
14 name of the committee last year, on the video poker,
15 House Finance Committee, and there was a question or
16 two on river boat gambling. We did not take any
17 position on river boat gambling, we did not take any
18 position on the video poker bill. I didn't like the
19 video poker bill that was passed by the General
20 Assembly last year. I don't think it had the right mix
21 in it. It was kind of a disjointed bill, it was kind
22 of put together rather quickly.

23 I offered then and I offer to the
24 legislature today, I said, if you want to do this, and
25 you really have to deal with this problem of video

1 poker because you've got conflicting court decisions
2 out there and you have just a winking at it at all
3 levels of enforcement. It's just overwhelming. In
4 your county alone, or adjacent counties, Delaware
5 County, Philadelphia County, there's estimated to be
6 20,000, 30,000 of these machines and, you know, you try
7 to deal with them, but people say, well, what about
8 drugs? What about homicides? You know, violent crime
9 is up. People want you to do something about that, and
10 you're asking in a tight budget, where is your
11 priorities? Well, my priorities are violence and
12 drugs, et cetera, and corruption. That's where my
13 priorities are. But if you want to deal with this
14 issue, we have the resources for you that we can tap
15 into that can effectively look at this question. And
16 they are available from Nevada, which has a regulatory
17 scheme, from New Jersey, we have a good relationship
18 with the Attorney General and the people in the
19 enforcement side of the New Jersey Gambling Commission
20 and the New Jersey Crime Commission, and I think that
21 you can if you want, if you guys want to do it it can
22 be done, but it's got to be done right, and I think the
23 Governor vetoed the last bill and I think properly so
24 because I don't think it had the right mix. It was not
25 good enough regulatory wise and it didn't provide

1 enough money to go to a variety of different areas that
2 I think it should have, and I'd be happy to discuss it
3 in detail with you privately if you folks want to do
4 that.

5 That's an area that you can obtain a
6 tremendous amount of revenue, but you've got to be
7 careful. You've got to be careful. Organized crime
8 can come in on that. You've got to make sure you got a
9 regulatory scheme in place. That's why I wasn't too
10 happy with the bill last time because I think the
11 regulatory scheme was not a good one, and I didn't
12 think the money was going to the right place either.
13 There was too much going to this other special
14 interest.

15 Mississippi, let me tell you what they
16 did in Mississippi on riverboat gambling. They let it
17 up to the local counties. I think four or five
18 counties voted to have riverboat gambling, four or five
19 counties didn't. They voted not to. Well, just
20 telling you how bad legislation can be, the Attorney
21 General of Mississippi, Mike Moore, who is a very good
22 friend of mine, he said, Ernie, he said, they passed
23 this law, it was done rather quickly, and they made it
24 so loose that riverboat gambling in Mississippi doesn't
25 even have to have a riverboat. It doesn't even have to

1 have a motor. It could be a barge tied up in anchor at
2 the Vicksburg docks, and that's riverboat gambling. It
3 doesn't have to be a steamboat.

4 And, you know, we have, you know, some
5 very, very navigable waters in this State and you
6 could, besides the major river that we have in the
7 east, the Delaware, you have out west the Allegheny,
8 Monongahela, and Ohio which steamboats ply right now.
9 They go all the way from Pittsburgh to New Orleans.
10 And we have the paddle wheelers in Pittsburgh running
11 right now. Mr. Connally, who is a very good guy,
12 operates them, and so it's possible. You could do it.
13 You could even do it up in Williamsport. They have a
14 little turbine-powered paddle wheeler up there. They
15 got one right out here in the Susquehanna, it plies up
16 and down in the middle of the summertime here up and
17 down the Susquehanna. So it can be done, it can be
18 done, but you've got to make sure it's done right. I
19 mean, some people are philosophically opposed to
20 gambling and so they will be personally opposed to it
21 on any count, but there are others that say, well, you
22 know, if you give us a regulatory bill that's a good
23 one, maybe we can be for it. And that's the position I
24 take.

25 Q. Okay. Thank you.

1 A. You're welcome.

2 ACTING CHAIRMAN BLAUM: Representative
3 Dermody.

4 BY REPRESENTATIVE DERMODY: (Of Atty. Gen. Preate)

5 Q. Morning, Mr. Attorney General. How are
6 you?

7 A. Good morning. Nice to see you.

8 Q. Nice to see you.

9 I have a few questions regarding
10 budgetary matters and the Drug Law Enforcement. I
11 think in the Governor's proposed budget there is a line
12 item for drug law enforcement, \$14.3 million, right? I
13 think the way they broke it down or it's broken down it
14 would be towards--

15 A. You must be reading from something and I
16 don't know where you're reading from.

17 Q. I just did some preparation myself
18 looking it over. Is that about right, there's a line
19 item of \$14.3 million this year, I think?

20 MR. BOWMAN: For this year. State
21 appropriation this year.

22 BY REPRESENTATIVE DERMODY: (Of Atty. Gen. Preate)

23 Q. State appropriation for drug law
24 enforcement. Okay? And I just read a blurb where they
25 broke it down to the regional strike forces, the Drug

1 Law Division, the zone offices, intelligence unit, and
2 some additional agents statewide. Are you able to tell
3 me how all that's broken out, and I'm particularly
4 interested in the strike forces, what percentage of
5 that \$14.3 million would be going to strike forces?
6 Would you be able to tell me?

7 A. I don't have it with us how it's broken
8 down right now, and these are just summary numbers, but
9 what we've asked for we're actually a couple of million
10 dollars short. The Governor's budget doesn't quite
11 provide us all of what we need, particularly the
12 municipal task force program we're about a half a
13 million dollars short.

14 Q. Is that different from the regional
15 strike forces?

16 A. Yes. Yes.

17 Q. Okay. That would be separate?

18 A. Yes. I'm glad you made that point,
19 because the regional strike forces, there are nine of
20 them.

21 Q. Right.

22 A. The ninth is the newest one we created
23 this past 12 months, and that's in Philadelphia. There
24 was never a regional strike force. Incredible. When I
25 took office there was never a regional strike force in

1 Philadelphia. The closest regional strike force
2 headquarters, which is a combination of BNI agents and
3 State Police, the nearest one was Reading, 50 miles
4 away, 60 miles away. So the Governor and I, and this
5 is a bipartisan thing, Frank, so you understand where
6 I'm coming from, he and I sat down very early on and we
7 plotted out what we wanted to do with Commissioner Walp
8 from the State Police and Commissioner Sharpe, who was
9 then in command, and we actually decided we were going
10 to create a new region headquarters in Philadelphia.
11 We did that. And that's part of the -- that
12 headquarters is in southwest Philadelphia. We have 9
13 now, approximately 15 agents, 15 Troopers in each one
14 of those regional strike force headquarters. And they
15 do a variety of duties. Some of them are undercover,
16 some of them are administrative, some of them are
17 interdiction, some of them are mobile, but that's
18 basically the core of the State level of drug fighting.
19 The State level.

20 Q. That's right. That's what I want to talk
21 about.

22 A. That does the deeper kind of
23 investigations, the more organized level of
24 investigating. That's what those folks try to deal
25 with. They also assist local police in their efforts,

1 but predominantly the Troopers from the, quote, "vice
2 and narcotics units" at the local barracks help the
3 local police, and we help local police with our agent
4 who acts as a coordinator on the Municipal Task Force
5 Program. One of the 15 BNI agents, it's a part of the
6 regional strike force, is assigned the duty of a
7 particular task force totally, 24 hours a day. That's
8 our link to the region, that BNI agent, or in some
9 cases it's a State Trooper. Harrisburg it's a State
10 Trooper. In Lancaster, it's a State Trooper. In
11 Franklin, it's a State Trooper, Franklin County. And
12 they go back up their chain to that region, the region
13 has a lawyer there and a supervisor from BNI and the
14 State Police and they talk about what's going on down
15 there at that level and that municipal task force. The
16 vice unit of the barracks is supposed to talk to the
17 State Police, their chain of command.

18 Now, see, the problem was that vice,
19 barracks vice, went up a different chain. It by-passed
20 the regional strike forces and went up a different
21 chain operationally in the State Police to Harrisburg
22 here, so that the coordinating level in the State
23 Police between the vice and the regional strike force
24 was done basically down here in Harrisburg. That's
25 changing under Commissioner Sharpe and particularly

1 under Commissioner Walp. All the vice and the regional
2 State Troopers, part of the strike force, are supposed
3 to work together and everybody is supposed to be under
4 the head of the regional strike force commander right
5 now so that the barracks talks to the region and makes
6 sure that they are all coordinated.

7 Those are new things. There's problems
8 that have to be worked out internally in the State
9 Police, and I can tell you what some of those are. The
10 vice people say at the local barracks they're not
11 getting enough money to make drug buys so they have to
12 go to the DA or go to some other sources to get money
13 to make drug buys. You know, we have some problems
14 working out with DA's, we have some problems working
15 out with police officers. These are new programs,
16 they're new coordination things that have to be worked
17 through, and we're working through them, but by and
18 large I think they're going to be successful and the
19 results so far are very successful. And I think that
20 we now have 50 of my 181 agents, over 50 of my 181
21 agents are assigned specifically to task forces.

22 Q. Are they working within the strike force?

23 A. They've worked with the local municipal
24 police department, specifically with them. Day in, day
25 out. They're right there, right there with them. They

1 may be located in the municipal building, borough
2 building, township building, they could be located in
3 the sheriff's office in the county courthouse, they
4 could be located in the DA's office in the courthouse,
5 they could be located in an independent building that
6 the task force has. Lancaster County, for example, has
7 its own task force building. It has a building that
8 they bought with forfeiture money over the years and
9 all the State Troopers -- the State Trooper that runs
10 it, the agent from my office that coordinates it and
11 the paperwork and the DA's office and the Lancaster PD
12 and all the townships that participate in it, they all
13 congregate at this one building and from that they go
14 out and do their investigating. Now, that's an
15 independent, that's a whole unit.

16 And then there's others, Montgomery
17 County has its own task force building, for example,
18 and the DA's office runs its NET team out of there, we
19 run our BNI out of there, the State Police are in
20 there, too, so there's that coordination that's growing
21 and it's developing. That's the way they are set up.
22 But those 50-some agents report back to the people in
23 their particular region. You're from Pittsburgh?

24 Q. Yeah, I am from Allegheny County.

25 A. Where in Allegheny County?

1 Q. Northeastern Allegheny County.

2 A. Northeast.

3 Q. Oakmont, Allegheny Valley. Greensburg
4 would probably be the closest one, I think.

5 A. Our strike office covering northern
6 Allegheny would be out of Greensburg, Westmoreland
7 County. We have a task force over in that area, we
8 have a task force in Westmoreland County also. And
9 some of the agents from that region go over and work
10 with the police departments in your district.

11 Q. Right.

12 A. There they're assigned, what's the name
13 of the task force that's over there? The Eastern
14 Allegheny County Task Force.

15 Q. Is that coordinated through the strike
16 force?

17 A. Yes. It's coordinated on two levels.
18 One is the local level, all right? By having a task
19 force and having a board of chiefs run that, all right,
20 the board of chiefs sits down at a table like this.
21 They elect officers. Very democratic. That's who runs
22 those task forces. That's why I say it's not Ernie
23 Preate, the Office of Attorney General's task force, it
24 is the local police department's task force. They are
25 not called Attorney General's Task Forces, they're

1 called Lackawanna County or Luzerne County or
2 Montgomery County. They are run by the board of
3 chiefs. They actually elect a president, all that sort
4 of thing.

5 So they sit down and they discuss what
6 they're going to do, and they have a coordinator, they
7 have a State coordinator which is, in most instances, a
8 BNI agent from my office or a State Trooper, and those
9 people come from the region, the region strike force
10 headquarters at Greensburg, for example. They'll come
11 from there, so when they report back from that meeting
12 with the chiefs, the chiefs know what's going on,
13 coordinate it, and they're supposed to -- and if the
14 district attorney is a part of it, he's a part of the
15 planning of it but he certainly isn't brought in -- he
16 certainly is brought in when there's an investigation
17 that's about ready to be terminated because of an
18 arrest or search warrant, then the DA is brought in, if
19 he's not already a part of it. But the other level
20 that's coordinated is because those people go back to
21 their chains and they report, the BNI task force agent
22 reports to his supervisor in that BNI region, the State
23 Trooper reports to his supervisor in the State Police
24 region, and then it goes all the way up the chain to
25 our headquarters and over to State Police headquarters.

1 Now, what we've done as part of our
2 agreement, and this is important, you know, two years
3 we worked on this State Police agreement and in order
4 to coordinate it better at our level, at our level here
5 in Harrisburg, we've agreed to do a couple of things.
6 The State Police people who get the drug information
7 from their Troopers down in the field, whether it be at
8 the strike force level or at the barracks level, now
9 it's going to go over to, it goes -- their whole chain
10 of command is moving over to the Office of Attorney
11 General. All right? That's nine of them - majors,
12 captains, lieutenants, sergeants. Their command is
13 going to mix with Joe Peters and his command. They are
14 going to be, as a matter of fact, their offices are
15 going to be right next door to one another. All right?
16 That's how close it's going to be. We're taking our
17 Planning Operations and Intelligence Section over to
18 State Police barracks because they have the computers
19 and they have the necessary support personnel to do
20 that. All right? And so we'll be doing more and more
21 joint planning of operations with the State Police
22 blending the two organizations, which are independent,
23 but blending them operationally, which is what the
24 Crime Commission called for, which is what this General
25 Assembly has called for for years. So now we're

1 finally getting it under this State Police-Attorney
2 General's Office historic agreement. So I think you're
3 going to see the final part of the puzzle put together.

4 See, this is part of a plan. I'm sure
5 you can see it, Frank, that the level, street level is
6 coordinated elementarily right there at that municipal
7 task force with the district attorney. The other
8 broader organizational prosecutions, investigations,
9 are handled by the State Police and by our office at
10 the regional level, and that's where we communicate
11 with the Feds. That's where we communicate with the
12 Feds. And up here is where we're going to be planning
13 and seeing what's going out based on information
14 received where we ought to be going, where we ought to
15 be concentrating on, and that's where we also work with
16 the Feds in major investigations, so that there is the
17 plan there. That's one of the reasons why this has
18 been singled out by LBFC and by the Feds and anybody
19 that's looked at it says, that's the way it should be
20 done.

21 Q. Mr. Attorney General, will you be able to
22 get back to us with how that's broken out, that 14.3,
23 or how you propose to break it out?

24 A. Oh, yeah. Oh, yeah.

25 Q. You spent 12.6, I think, last year, \$12.6

1 million was the Drug Law Enforcement budget last year,
2 is that right?

3 MR. BOWMAN: Last year? Current year's
4 budget is 13.

5 REPRESENTATIVE DERMODY: This year. This
6 year is 12.6.

7 MR. BOWMAN: Current year is 13.92. It's
8 12.6 plus a million 3 rollover of the PennFree money
9 from the previous year, so it's 13.92.

10 REPRESENTATIVE DERMODY: Would it be
11 easier to indicate, can you tell us how much of that
12 went to the strike force?

13 MR. BOWMAN: Sure.

14 ATTORNEY GENERAL PREATE: Yeah, okay.

15 BY REPRESENTATIVE DERMODY: (Of Atty. Gen. Preate)

16 Q. And there's two more questions.

17 A. As a matter of fact, probably most of the
18 money goes to strike forces, you see, because I can
19 tell you that municipal task forces get in two-year
20 appropriation, two-year appropriation, Frank, was \$5.7
21 million. That's the PennFree appropriation for strike
22 forces. So it's actually basically about \$2 1/2
23 million, \$3 million each year. We upped it to \$5.4
24 million in our budget request this year. The
25 Governor's proposed to give us 4.9. We're asking for

1 that extra half a million because we project out as to
2 what these task forces are going to draw down based
3 upon historical information that we receive. 1988,
4 January, we paid out to task forces \$10,000 a month.
5 1989, we paid out \$70,000 a month. 1991, now, in
6 January, our average for three months is \$285,000 a
7 month, and growing. And growing.

8 As these new task forces come on, and we
9 have about seven or eight more new ones that come on
10 the next 12 months, and as, for example, we haven't
11 even received a bill yet from Philadelphia. We haven't
12 received a bill yet from Philadelphia overtime and
13 benefits and buy money, et cetera. Generally, there is
14 about a three-month lead time. So we started
15 Philadelphia basically February, late February they
16 came on line.

17 Q. The new task force as opposed to strike
18 force?

19 A. The new task force as opposed to strike
20 force. That's right. Philadelphia Task Force in the
21 Philadelphia Strike Force headquarters. All right?
22 But I can tell you dramatically what it's like, for
23 example, in Montgomery County.

24 Do you have the letter from Montgomery
25 County? Where is that? Bob, you have it. Where is

1 Holste?

2 I sent it over to Senator Tilghman. He
3 asked the same kind of question. We opened the
4 Montgomery County Task Force late October of '90. It
5 started out \$2,000, \$7,000, \$15,000, and the latest
6 figures we have for February are \$26,000. Now, that's
7 in four months. That's in four months we're paying
8 \$26,000 a month now to Montgomery County police
9 departments. You see, that just shows, now that's what
10 I have to anticipate. I'm going to have 55 task forces
11 around the State that I'm going to be passing through
12 your money to them, so I've got to anticipate what that
13 level is going to come in. That's why I project that I
14 will need for next year \$5.4 million as opposed to \$3
15 million that I have spent in 1990, based upon all these
16 huge new task forces coming on. One in Allegheny
17 County, the new one in Westmoreland County, the
18 Montgomery County, Philadelphia County, Northampton
19 that just came on board. You know, I mean, those are
20 going to be big task forces; big, big task forces.
21 They get a lot of money.

22 Q. Are you able to break out the arrests,
23 let's say, from the strike forces, how many people?

24 A. Oh, yeah.

25 Q. We had a large increase in the number of

1 arrests. How many arrests are attributable to the
2 strike force? What percentage of the total drug
3 arrests in the State, that type of thing? I don't
4 expect you have it right here.

5 A. No, I don't know whether I can because we
6 know with municipal police arrests, I can tell you what
7 they are.

8 Q. Their task forces or their total drug
9 arrests?

10 A. Their task forces. Okay, I can tell you
11 what they are. There are approximately 350 for 1990.
12 Now, when you get over to the State Police region and
13 BNI region people, there's going to be arrests there
14 that they make. I think we can break them down, at
15 least we can give you what our agents are doing in
16 those regions.

17 Q. Do you keep stats like for the strike
18 force?

19 A. Yeah.

20 Q. It sounds like they are administrative.
21 Do those agencies strictly attribute them to the strike
22 forces?

23 A. That are strictly doing BNI
24 investigations, that are not municipal task force
25 investigations. I can tell you, for example, wiretaps.

1 We may get some information out of a municipal task
2 force and the informant is then passed on to a State
3 Trooper or a BNI agent to work up the chain.

4 Q. But you would make that arrest
5 attributable to the strike force?

6 A. That would be attributable strictly to
7 the strike force. And those figures I think we have
8 available. I can't -- I don't know what the State
9 Police do in their accounting, whether they include in
10 their Troop vice stats into those regions or not. I
11 can't tell you that.

12 Q. My last question--

13 A. But those are, they're probably -- those
14 are more quality-oriented investigations. They are
15 longer term, they're organizational. Your big chunk of
16 arrests is going to be at your municipal police level
17 and your municipal task force level.

18 Q. So you can get back to me with those
19 numbers too?

20 A. I think we can come up with some of those
21 numbers, yeah.

22 So I just want to make you understand
23 that those arrests may not be as great in numbers as
24 the other municipal arrests--

25 Q. I understand.

1 A. --but they are more the wholesalers, the
2 people in the chain.

3 Q. The bigger people.

4 A. Yeah, bigger people. For example,
5 yesterday, up in -- who was it up in Northumberland
6 County? Northumberland County, a \$23 million meth deal
7 in one arrest. All right? But you're taking down a
8 guy that's enormously connected. Enormously connected.
9 We took him down, we were running a wire in Harrisburg
10 and we could hear on the wire in Harrisburg that the
11 supplier was just arrested and their supply is cut off.
12 Down here in Hershey, down here in Harrisburg. They
13 were talking and the guy is 60 miles up river. But
14 that's how much that guy was affecting what was going
15 on down here. That's why I say we're starting to get
16 on top of it now through the aggressive use of
17 wiretapping and we are able to trace assets now, we're
18 able to trace people. We are really starting to look,
19 instead of looking up at the problem, we're starting to
20 look down on it. And that's why we know we're being
21 effective for the first time.

22 Q. When you break out the arrests, last
23 question, do you have any standards, is there any
24 minimum level of involvement for you to classify it as
25 a local task force or a strike force arrest? Do you

1 have any criteria for that?

2 A. Well, it's who's the arresting agency.
3 If it's the local police task force that they run it
4 that way as a local arrest, they'll be classified as a
5 local. Even though we're a participant in it, it's
6 classified as their arrest. And that's important to do
7 it that way.

8 Q. That's what I think.

9 A. I mean, you want to let them take the
10 credit. You want to let them, you know, get the
11 benefit. You know, yeah, you've assisted them, you've
12 given them money, you've given them manpower. You may
13 even have provided them with the undercover police
14 officer or the undercover police agent. You may have
15 provided them with that person. But letting them do it
16 accomplishes two things: It increases morale, and it
17 increases their own confidence that they can handle it.
18 And it's great to see them, you just sit back and say,
19 boy, it's taken two years and we finally got these
20 people and they're well-trained and they're able to
21 spin off and run the task force, and that's precisely
22 what's happened, for example, up in Armstrong County.
23 They had a good county detective up there that put
24 together the Armstrong County Task Force, and he ran it
25 and after two years' worth of building and training, he

1 ran the task force. He ran it completely. And he was
2 so good that I hired him.

3 Q. They don't like that in Armstrong County.

4 A. Pardon?

5 Q. They don't like that in Armstrong County.

6 A. Well, now he's our agent in Armstrong
7 County to assist them and train somebody else, you see.
8 It's incredibly important that the more people you
9 train in this fight, the better off you are. Lee
10 Namey, the Mayor of Wilkes-Barre, is a perfect example
11 of this. I think you know Mayor Namey up there. We're
12 going to be training 58 Wilkes-Barre police officers
13 now. We are going to train them all, the whole
14 department that volunteered. I think about half the
15 department, Kevin?

16 ACTING CHAIRMAN BLAUM: Yup.

17 ATTORNEY GENERAL PREATE: Has volunteered
18 to be trained by our office. So you just don't have
19 four detectives running around investigating drugs in
20 the city of Wilkes-Barre, now you have a pool of 58
21 people who are trained and over a period of time will
22 get to be A certified so that they can do wiretaps,
23 some of them may want to even go, if they are capable
24 and we're confident that they can do undercover work,
25 can do undercover work.

1 That's what you want to do. You want to
2 build up that base of assets and resources at that
3 level, and that's what we are trying to do through our
4 agents - build them up.

5 REPRESENTATIVE DERMODY: That's all.
6 Thank you.

7 ACTING CHAIRMAN BLAUM: Representative
8 Heckler.

9 REPRESENTATIVE HECKLER: Thank you.

10 BY REPRESENTATIVE HECKLER: (Of Atty. Gen. Preate)

11 Q. General, one of the areas you testified
12 about caught my attention because we sat in this room
13 until fairly late on Monday hearing from a number of
14 citizens community groups primarily from Philadelphia
15 in connection with a couple pieces of legislation
16 pending now before the legislature by which they would
17 like to get a piece of the drug forfeiture money to
18 perform their various, what I'm inclined to think of as
19 valuable functions in the community. I gather from
20 what you've testified you are presently, with some of
21 the drug forfeiture money you receive, funding at least
22 some community activities in Philadelphia and possibly
23 other parts of the State?

24 A. Yes, and I have to, I'm sure that you
25 heard from some of the DA's that they said, look, our

1 State law requires us to use the drug forfeiture money
2 for drug law enforcement. It specifically says that.
3 We can't use it for community groups. But what we do
4 get is Federal drug forfeiture money. That you can use
5 for any purpose.

6 Q. Okay.

7 A. Okay? And that's where we -- so we take
8 from our Federal asset forfeiture money fund and use
9 that to fund community groups. We are prohibited by
10 State law from, and I must say this to you, that the
11 Federal money is small in comparison to the State
12 money. For example, in Philadelphia, do you have the
13 assets forfeiture book here? I don't know whether we
14 do, but let me just tell you, for example, District
15 Attorney Castille's office had \$2.5 million in State
16 forfeitures last year. \$2,549,339.17. That's one
17 year's State, in other words it came out of municipal
18 police, Philadelphia police arrests.

19 Q. Um-hum.

20 A. All right? They don't report, because of
21 the way the State law is written, they don't report
22 what money they receive Federally. And I know and you
23 know they receive Federal asset sharing money.

24 Q. Okay. Actually, that was discussed
25 peripherally, I think, in terms of some of the disputes

1 with the city police, but just, you know, not getting
2 into that, what -- this is not something I know about
3 -- what are the arrangements? You're saying if you're
4 involved in a Federal investigation or if a case goes
5 Federal--

6 A. Federally.

7 Q. There is a certain percentage of seized
8 assets that goes back to the local or State involved
9 agency?

10 A. That's correct. That's right.

11 Q. Okay.

12 A. And that's not reported. They're not
13 reported anywhere. If you went to the Federal
14 government right now and said, tell me how much money
15 you paid to the Philadelphia DA's office in asset
16 forfeitures last year, they can't tell you. What they
17 can tell you is they can give you a number that's by
18 district. The western district got so much money. And
19 that includes every DA's office that was participating,
20 every police department that was participating, and the
21 State Police that were participating, and the AG's
22 office that was participating, if it was. And the same
23 in Philadelphia. The Philadelphia region encompasses
24 several counties including Philadelphia. They can just
25 give you the number for that county, and that's it.

1 Q. And that's it.

2 A. Now, they would have to really go back
3 and bore into their books. The point being made is
4 that General Thornburgh is starting to do an audit now.
5 I just received a letter from the United States
6 Attorney saying that they are going to be doing an
7 audit of all the asset forfeiture monies that they have
8 collected and distributed to police. So we'll know.
9 And I must tell you, our State asset forfeiture monies,
10 I can tell you what they are, just to give you an
11 example.

12 Q. Well, you're talking about State. I'm
13 talking--

14 A. My Office of Attorney General.

15 Q. Right.

16 A. I can tell you how much we received
17 from--

18 Q. From the Feds?

19 A. From the Feds.

20 Q. Okay. That would be interesting.

21 A. Now, I keep those. I can do that.

22 That's one of the reasons I have, you know, you want
23 accountability, I can answer your question. Now, lots
24 of people can't do this, I want you to know that.

25 Last year, Federal forfeitures, we

1 received \$469,118 in Federal forfeiture money.

2 Q. Okay. And that would be distinct. The
3 State Police, as the funds flow back, they may get some
4 other number?

5 A. Oh, they'll get a big chunk, too.

6 Q. From that.

7 A. They'll get a big chunk.

8 Q. And then local prosecutors, police and
9 agencies, whatever?

10 A. Yeah. Now, we also, what we reported in
11 this book, pursuant to State law, see, you won't find
12 that figure in this book. We reported, page 2, first
13 page, is total cash and property obtained July 1, '88
14 to June 30, '89, one-year period, because these are the
15 last figures available, \$721,532.64. All right?
16 That's our State money. And you put our Federal money,
17 \$469,000, so we have approximately \$1.2 million. All
18 right? Now, Philadelphia DA's office, just for
19 example, which has \$2.5 million in State forfeiture,
20 they get more money than we do. They get almost four
21 times as much money, and let's see, you're in Bucks
22 County? Bucks County reported State forfeitures of
23 \$245,180.63 for that year. So they get a pretty good
24 chunk of money in Bucks County. And the DA puts that
25 to good use there, Alan Rubenstein.

1 Q. He sure does. Thank you. Let me--

2 A. Now, I don't know how much he received in
3 Federal forfeiture money, because that's not reported
4 in here. Community groups look at that as a pot of
5 gold.

6 Q. Sure.

7 A. They look at that as a pot of gold.

8 Q. Sure.

9 A. And the wise district attorney gives them
10 some money out of his Federal forfeiture account.
11 District Attorney Castille does that, I do that out of
12 my Federal forfeiture money. That's where I can give
13 my \$25,000 to Pennsylvanians Aware, that's where I give
14 my \$5,000 to Mantra Against Drugs, and I have a
15 mini-grant program that I give out. I have
16 mini-grants, thousand dollar mini-grants for schools
17 that need for their drug signs or something like that.

18 Mel Brown's home, what about Mel Brown?
19 How much did I give Mel Brown? That's charitable
20 trust. I didn't give him any money yet. I gave him
21 money out of Charitable Trusts. Now, there's a fellow
22 from the Steelers who's got a new home out in
23 Claysville for troubled youth, and he needed some seed
24 money to get started. He has a home down in Georgia
25 and he started one, remember the Ku Klux Klan was

1 fighting him, they didn't want him to have a place
2 there, and so what we did was to give him some seed
3 money. We gave him out of our Charitable Trusts
4 section we had some phony charity scam that we
5 discovered and made the guy pay some money in
6 restitution because he said the money was going to be
7 used to help underprivileged kids fight drugs, so we
8 said, oh, good. We didn't use Mel Brown, but we said
9 now that you're making restitution, this is where the
10 money is going, so we just channeled it right over to
11 Mel Brown. And that's where you can help out
12 voluntarily.

13 Q. Well, I think the sense, at least my
14 sense and I think probably a lot of the committee
15 members felt and feel that these organizations are
16 doing very worthwhile work. There is some concern with
17 taking those funds away from primary law enforcement
18 activities, but I'm happy to hear that at least some of
19 those forfeiture funds can legally be and are being
20 applied by you for that purpose.

21 A. Yes, they are. I can give you the amount
22 that I give to them, if you need that, Dave.

23 Q. That would be great. Again, I wasn't so
24 much in this area concerned about specific budget
25 numbers. I was happy to hear you touch on this because

1 it's something that this committee is--

2 A. One thing that you could do is to get
3 better accounting of that money. And I tell you this,
4 you've been a DA a long time, I've been in the business
5 21 years, and sooner or later somebody is going to
6 start looking at this stuff. Right now there are no
7 controls. There are no controls. Listen to me, no
8 controls.

9 Q. That's an interesting point. You're
10 talking about Federal forfeiture or the State?

11 A. Federal and State. These Federal funds,
12 I venture to say, these Federal funds are unaudited.
13 They're unaudited. The only audit that's required is
14 that by State law you have required that I collect
15 reports from the district attorneys as to their State
16 forfeiture.

17 Q. State forfeiture?

18 A. I call it State forfeiture money. It's
19 municipal forfeiture money.

20 Q. It's under State law.

21 A. Under State law, right, as opposed to
22 Federal law. And all they are required to do is state
23 how much they receive in a year and how much they
24 spent. For example, in Philadelphia they have one
25 line, received \$2.5 million. And then it says, "Use of

1 forfeited cash," and Philadelphia, two lines.

2 Q. Well, General, that's not a point that I
3 had really planned to explore, but it so happened that
4 we had testimony from the DA's here on Monday as well
5 and they were pointing out that their county
6 controllers require very detailed accounting and do
7 indeed audit their accounts on an annual basis and that
8 each check, and most of the DA's, I don't know about a
9 place the size of Philadelphia, but for instance I know
10 from experience in Bucks and I believe Mike Merino was
11 here from Montgomery County, he pointed out that only
12 he and one other person in his office were authorized
13 to sign checks, that he views himself as personally
14 accountable for those funds and that all of that
15 information is, you know, handled by his controller on
16 an annual basis. So that I would wonder if, you know,
17 it may be that that information isn't reported in the
18 book you prepared or that detailed information isn't
19 automatically sent to the Office of Attorney General?

20 A. Right.

21 Q. But have your folks looked to see if it's
22 available at the county level?

23 A. You can't get it.

24 Q. You can't get it? You've tried?

25 A. You cannot get it. For example, Joan

1 Specter in Philadelphia City Council wanted to look at
2 the audit. In fact, Jonathan Seidle wanted to see the
3 books. He can't get them. There's no authority to
4 have them look, except what is provided by the district
5 attorney. And let me just say, 99.9 percent of the
6 people who handle this money are going to be doing it
7 very carefully. But, in the last six months alone the
8 district attorney of Trenton was arrested, prosecuted
9 for misusing his forfeiture account; the police chief
10 of Detroit, a major story in the United States, just a
11 couple months ago, arrested for funneling money from
12 his drug forfeiture account over to his private, his
13 family and other interests out of State. So, and I'm
14 talking about big money now.

15 Q. Um-hum. Um-hum.

16 A. I am just telling you, those are in the
17 hundreds of thousands and millions of dollars.

18 Q. Aside from--

19 A. I think that you've got to look at this
20 as a potential because somebody, just as you've been
21 holding hearings on the asset forfeiture money,
22 somebody is going to, in the 1990's, sooner or later
23 say, where did all the money go?

24 Q. Sure.

25 A. You want to know? I keep my records. I

1 don't want to go to jail. I want you to be able to
2 come down and see where every single dollar came in and
3 went.

4 Q. Well, as I said--

5 A. Okay?

6 Q. As I say, it may be. I'm certainly no
7 expert on the city charter of the city of Philadelphia
8 as a Home Rule entity.

9 A. Right.

10 Q. I am pretty well satisfied that the
11 county codes require to make that information available
12 and make the district attorney accountable for it, but
13 it's something that we should certainly look at if
14 indeed the city charter doesn't allow the city
15 controller to hold the district attorney accountable
16 for that money.

17 MS. WOOLLEY: Excuse me.

18 ATTORNEY GENERAL PREATE: Yes, Mary.

19 MS. WOOLLEY: I thought that Charlie
20 Gallagher, who was here at the hearing, testified or
21 said prior thereto that he spent the previous week in
22 Seidle's office going through an audit, a five-day
23 audit on their forfeiture account.

24 REPRESENTATIVE HECKLER: Again, the
25 information we have is contrary to what--

1 ATTORNEY GENERAL PREATE: No, it's not
2 contrary. I said -- I qualified it that it's based
3 upon what information is provided by the district
4 attorney. Okay?

5 MS. WOOLLEY: But Seidle has no authority
6 in the charter to audit?

7 ATTORNEY GENERAL PREATE: He has no
8 independent access to delve in further into that. In
9 other words, you can present your checkbook - this is
10 what we took in, this is what we spent. The checks
11 were cashed. You know, how far do you go down? How
12 far do you go down in the accounting scheme? I mean,
13 that's what I think that, you'd have to talk to Joan
14 Specter about this, you'd have to talk to Seidle about
15 it because I know that in some instances they wanted to
16 go down further and determine, yeah, that we know where
17 the check was, did the person get the money? Was it
18 justified? Because there's been reports, for example,
19 in Philadelphia alone that drug forfeiture money was
20 being spent on ice cream, car washes, air conditioners,
21 stuff that wasn't related to drug forfeiture. Okay?
22 The purposes. And that's what I'm suggesting to you.

23 And it's something you can look into
24 quietly if you want to, you know, get with the people
25 and see how can we make sure everything is on the up

1 and up? Because there's just too -- the examples are
2 starting to surface now. I mean, we're talking about a
3 major city district attorney in Trenton, New Jersey,
4 right across the border, and we are talking about a
5 major city police chief in Detroit. You're not talking
6 about somebody from Podunk, America. Small town, small
7 county. Rural Pennsylvania. You're talking about big
8 money, big people. And that's something we ought to
9 look into.

10 I don't know the answers. How far, it's
11 possible like some of the people are getting -- they're
12 confidential informants and you don't want to have to
13 disclose the name of that informant, even to an
14 auditor, you see. And that's why Charlie Gallagher,
15 I'm sure, was there saying, now, this is the check and
16 we aren't going to let you see the guy's name, you
17 know. He may be doing something like that.

18 BY REPRESENTATIVE HECKLER: (Of Atty. Gen. Preate)

19 Q. Well, that would be -- that is a natural
20 concern.

21 A. Absolutely. And I would not let anybody
22 see the names of the informants that we paid.

23 Q. Well, I frankly would have assumed that
24 that would be a situation where the check would be made
25 payable to somebody besides the informant, you know, a

1 police officer who, you know--

2 A. No--

3 Q. --to pass the money through.

4 A. Well, as I said, I am not, as I said,
5 Walter wants me to emphasize the point that what
6 Charlie and Jonathan are doing is not inconsistent with
7 what I said because I think when I first said it I said
8 it's what the DA shows them, all right? And then it's
9 a depth level that how far can you get down to verify
10 all of that information? That's why if you want to
11 know where I spend my appropriation from you, I can
12 tell you what police officer got what for what case and
13 when and what were the results. That's how detailed I
14 can get with you. I can go right down to that
15 individual police officer in any town that you name and
16 I can tell you what he got from us and what he did with
17 it. And there's a voucher and an affidavit, basically,
18 a certification that backs it up from the municipal
19 police department that, yeah, that did happen.

20 Q. If we could go to that so that I
21 understand these, and now you're referring to the 47 or
22 more task forces that are where you're actually having
23 money flow through the Office of Attorney General to
24 these local police officers who are acting for the task
25 forces, what you get back in terms of the documentation

1 is something from their chief, presumably, or, you
2 know, administrative supervisor?

3 A. That's correct.

4 Q. Saying this guy was under my supervision,
5 I know that he was working on drugs, and these are the
6 hours he put in, this is what we paid him, this is what
7 we're asking for you to reimburse?

8 A. Precisely.

9 Q. Okay.

10 A. There's one step that goes before that,
11 and that is there's a pre-approval step that's done by
12 our agent there. When the police officer comes in and
13 says, I want to work on case ABC and go to XYZ Bar
14 because I know that's where the guy's going to be, the
15 informant just told me he wants to meet me there and
16 point him out to me, so I'm going to spend about two
17 hours there at the bar, all right? Agent says, okay,
18 makes a note, you can go ahead, all right, no problem.
19 And there will be a report that that police officer
20 will make as a part of his normal duties to his
21 superiors that it's a police report. He will also tell
22 his superiors in the department, I spent \$10 on drinks
23 and I paid the informant \$50 and I spent two hours
24 overtime and so I get \$75 in overtime and benefits, and
25 he submits that. That's passed up to the financial

1 people in the municipality. They pay that. The chief
2 certifies that that was work, and then it's passed on
3 to us and then as long as the chief certifies it and
4 the officer certifies it and we check our records that,
5 yeah, that was done, paid, 45-day turnaround.

6 Q. And when we're talking about these
7 officers working overtime, we're talking overtime in
8 terms of their contract they're getting paid time and a
9 half or whatever their contract calls for?

10 A. That's correct. We do not pay for the
11 base salary. We do not pay for the base salary. Some
12 of these police officers may be working traffic for
13 eight hours or they may be working burglaries, they may
14 be working homicides. It depends. They have to
15 volunteer, they have to want to do this.

16 Q. I will have to confess, as you noted,
17 we've both been around law enforcement a long time one
18 way or another, and whenever I start hearing numbers
19 and productivity I confess a certain amount of
20 dubiousness, let's say. Obviously, your task forces
21 are growing, these are local officers who are now out,
22 you know, on your nickel, in essence, doing these
23 various investigations which obviously we all hope will
24 lead ultimately to arrests, and you're talking about a
25 dramatic increase in the number of seizures and the

1 number of arrests by the task forces or under the
2 auspices of the task forces.

3 A. Of the task force.

4 Q. Have you or your people compared that or
5 attempted to relate whether the overall number of
6 arrests and seizures within that particular county or
7 jurisdiction is going up or whether we're just taking,
8 you know, the guy would have been making the same buy
9 anyway, maybe wouldn't have been out on the street
10 quite as many hours because his department wasn't
11 paying the overtime but now because there's a task
12 force there that's wrapped into the task force number?
13 I mean, obviously, we're concerned with overall
14 productivity of the whole enforcement system. I was
15 just wondering if somebody had a handle on it?

16 A. Right. Right. Are arrests up? Overall,
17 I can tell you arrests are up, overall. For example,
18 in Montgomery County, let's just use it, because you
19 don't have a task force in your county but the DA has
20 his task force there. Arrests still continue by a
21 local police officer. So they're still making arrests.
22 Philadelphia PD will make something like 7,000 arrests
23 in 1991 for drug violations. We anticipate that about
24 500 of those, give or take, will be as a result of our
25 task force activity. Hopefully, these will be people

1 that they couldn't get ordinarily, because most of the
2 Philadelphia PD arrests are highway stops, you know,
3 observation. They're arrested for some other offense,
4 they've got dope on them, and that's generally how
5 they're coming about.

6 Let me just use another example, all the
7 way to the other end of the State. Fayette County. We
8 put a task force together in Fayette County a year ago.
9 Within six months they made 80 cocaine arrests. They
10 never had 80 cocaine arrests in entire county history.
11 It's just some places it's dramatic.

12 Q. Yeah. Well, that's what I'm trying to
13 get at.

14 A. Some places it's absolutely dramatic,
15 Dave. I can't -- Joe, can you give us some, do we
16 break it down as to what they had before and what they
17 have now? I don't know whether we can. I just don't
18 know whether we can. The only thing I can do is give
19 you testimony of police departments, chiefs, who say we
20 never were able to do this before, now we're able to do
21 it. And as I said, the other value of the task forces
22 are that they spin up a lot of information that we then
23 take and utilize in developing of organizational
24 investigations and prosecutions in wiretaps. For
25 example, we went from 9 wiretaps in '88 to 30 to 35 in

1 one year. Jumped. Boom. Has kicked up because of
2 information coming from task forces, basically.

3 Q. And that work is done essentially by the
4 regional strike forces?

5 A. That's correct.

6 Q. And I made a note when you were speaking
7 before and I think I got it wrong, when you speak of
8 having roughly 50 agents under your auspices and 50
9 Troopers, that's not for each strike force? That's the
10 whole nine?

11 A. About 50 to 55 agents that are now
12 assigned full-time to municipal task forces.

13 Q. Regional? Municipal?

14 A. Municipal police department.

15 Q. Okay.

16 A. They came out of, Dave, they came out of
17 the Regional Headquarters, went down to work at the
18 street level with the police department.

19 Q. Okay.

20 A. They got -- we've got one or two BNI
21 agents who are attached, administratively and
22 operationally, to the strike force but they're working
23 day in, day out down here. And other BNI agents. Now,
24 if you took, I have 181 agents in BNI. If you took out
25 55 from that, you'd see I have about 130 agents that

1 are working non-municipal police task force cases, or
2 in an administrative capacity.

3 Q. Um-hum.

4 A. All right? And I've tried to eliminate
5 as many of the chiefs as I can and just give me bare
6 bones. I want bare bones. I don't want too many
7 chiefs, I want more indians. So I've got a chunk of
8 that, the biggest chunk of that is going to be indians,
9 people out in the street working the compliance and
10 undercover. And they're developing the cases against
11 organizations, along with the State Police.

12 Q. Okay. And do most of them, now putting
13 aside these 50 that I had in the wrong column here that
14 were task forces, most of the rest of them are working
15 through the 9 regional strike forces?

16 A. That's correct.

17 Q. Okay.

18 A. That's correct. They're right in the
19 same building. They're right in the same building.
20 For example, in Greensburg, this comes to mind right
21 off the top of my head, but, and in Wilkes-Barre, they
22 actually work in the same floor of the same building.
23 There's just a doorway between them. That's all, just
24 a door. And Philadelphia strike force, the State
25 Police and the BNI agents work in an open setting.

1 They work in a big room that's just got -- the only
2 thing that separates them is these little modular
3 cubicles that are just four or five feet high, and so
4 they are actually blended right there physically
5 working with one another at the strike force level.
6 You know, physically, but they are there. When we talk
7 about a regional strike force headquarters, you talk
8 about a building and you talk about BNI agents in it
9 and State Troopers in it. And we pay the rent, by the
10 way, for the State Police, we pay for the paper, we pay
11 for the phones, we pay for everything, the typewriters,
12 the secretaries. The State Police got a good deal.
13 They get a real good deal. Rent-free.

14 Q. Well, having remembered the days back in
15 Bucks County when happily one of the barracks
16 commanders was well enough off that he could contribute
17 one of his wife's businesses' leftover Xerox machines
18 because they were sending Troopers to drive five miles
19 down to the DA's office to Xerox things--

20 A. Right.

21 Q. --I know what you're talking about.

22 A. Yeah.

23 Q. Or at least it's good somebody is
24 providing it because it probably wouldn't get provided
25 otherwise.

1 I guess the other question that arises
2 then, we talk about the task forces, are there
3 productivity, are there ways of measuring the
4 productivity of these regional strike forces as far as
5 what they are doing, you know?

6 A. Strike force arrests. See, it's another
7 thing, we can do this for you.

8 Q. Great.

9 A. Total strike force arrests. This is BNI,
10 State Police combined, 2,300 in 1987; 3,100, 1988;
11 3,200 in 1989; 3,400 in 1990. I'd give you the exact
12 numbers, but that's roughly what it is. For example,
13 it's 1989, 3,231; 1990, 3,452.

14 Q. And this doesn't overlap with the task
15 force?

16 A. Not the task force. This is strictly the
17 regional strike force. We do not count municipal task
18 force in these numbers. We do not count.

19 Q. And does not overlap with, well, I assume
20 that arrests that the State Police make.

21 A. They're counted in here.

22 Q. Okay.

23 A. State Police numbers are counted in here.

24 Q. Okay. And that would include -- would
25 that only be, I mean, again, the State Police have --

1 you've got a fairly substantial base line of, you know,
2 neighbor calls up the barracks because they see
3 marijuana growing in the background of X, you know,
4 stop somebody on the turnpike, that kind of thing. Is
5 that included in those numbers?

6 A. The barracks, that's why I said to you,
7 the barracks' efforts are not counted in these numbers.

8 Q. Okay.

9 A. The barracks' efforts are not counted in
10 these numbers. For example, Trevoise, there's a
11 barracks at Trevoise in your county.

12 Q. Um-hum.

13 A. They would not be counted in these
14 numbers.

15 Q. Okay.

16 A. So anything that Trevoise barracks does is
17 not in these numbers.

18 Q. Right.

19 A. They're separate. They're under the
20 total State Police numbers. The State Police can give
21 you total State Police arrests. They'll be included
22 under total State Police arrests.

23 Q. But the strike force numbers are broken
24 out only with the situations in which either your
25 people or the State Police, mostly the two working

1 together are actually making arrests produced by
2 investigations that the strike force--

3 A. Yeah. Either we worked them separately
4 or the State Police have worked them separately or
5 we've worked them jointly together. What we're trying
6 to do is to do more joint work.

7 Q. Um-hum.

8 A. Pool information, pool resources. Why?
9 Because the State Police are diminished in their
10 numbers because of the retirements. Why? Because we
11 want to plan operations now, putting our two agencies
12 together to target, go aggressively after a target. We
13 know X has been a drug dealer for five years in a
14 certain county. We have not been able to get him.
15 Well, let's target him. Let's get what we can do. If
16 we put a task force together to work this guy, and
17 there are people just like that. There are people just
18 like that in every county, and you know that, too.
19 I'll bet if you sat around and listened to cops say
20 who's the drug dealer, and they'll say, gee, there's
21 this guy we've haven't been able to get but we're
22 trying here, trying there. You know, they keep trying
23 but just can't get them. And that's what we want to do
24 intelligence wise is to plan those kinds of operations,
25 target individuals that we know are involved in drugs.

1 Q. Okay. And that's really happening
2 through primarily through your investigative arm, BNI?

3 A. BNI. Bureau of Narcotics Investigation.

4 Q. With all this stuff--

5 A. I understand.

6 Q. You have a regional attorney who is
7 assigned to each one of these?

8 A. That's correct.

9 Q. And his or her role is oversight or legal
10 advice? What function do they perform?

11 A. Their role is to ensure coordination in
12 the strike force headquarters between BNI and the State
13 Police.

14 Q. Okay.

15 A. Historically, when I took over and I knew
16 as a DA, even though there was a regional headquarters
17 with BNI and State Police in the same building, they
18 weren't talking to one another. You knew that, I knew
19 that in the DA. You know why? State Troopers didn't
20 want to report to a BNI agent. BNI agents didn't want
21 to report to State Troopers. So you know what they
22 did? They didn't talk to one another. We worked it
23 out through the agreement with the State Police that
24 they would talk to somebody who is much more concerned
25 about coordination than turf, and that's that lawyer,

1 most of whom are -- they're all experienced, veteran
2 assistant DA's, 5, 10 years' worth of experience. And
3 so they understand the problem, and that person is to
4 ensure that there is coordination between BNI and the
5 State Police. That's one. Two, to answer any
6 administrative inquiries dealing with personnel for one
7 or both of the groups. Three, to give advice when
8 requested by BNI, by the State Police, or by municipal
9 task force. All right? That's their role. They are
10 not there to be prosecutors of cases except where
11 requested by the district attorney. That's where the
12 only time that they are to go in to court.

13 One other instance, and this is a rare
14 instance, where there would be a statewide Grand Jury
15 presentment that indicts some people for drug dealing
16 in a particular area, and in that instance it may be
17 the district attorney that wants it that we offer it to
18 them, do you want to prosecute it or do you want us to
19 prosecute it or do you want to do it jointly? And we
20 do it. It just depends on the district attorney.

21 Q. Do you always consult, and I'll tell you
22 right up front, as you know, I was very much involved
23 with the DA's Association.

24 A. Right.

25 Q. For years I had at least one DA who's

1 telling me that your folks, you know, snapped up a case
2 that their task force was working, ran it through the
3 Grand Jury in order for you folks to get jurisdiction.
4 Do you always consult with the local DA where there's--

5 A. In 99.9 percent of the cases you're going
6 to find that there is wonderful coordination between
7 the two. There's going to be a time when there's a
8 slip-up, but in most instances it's the district
9 attorney that prosecutes the cases. I mean, our
10 prosecutions, and the total number of prosecutions of
11 drugs in the State are infinitesimal. They're less
12 than 1 percent. I don't have the staff. I mean, I've
13 got, what, 19 lawyers? I mean, Ron Castille has 250
14 lawyers to prosecutes drug cases and all other cases.
15 I don't have the capacity to do that. So it's just
16 simply I can't do it. I just can't prosecute and I
17 don't want to prosecute, I don't intend to prosecute.
18 It's the DA's responsibility.

19 Now, having said that, out in western
20 Pennsylvania where there are tight budgets, the DA's
21 offices were cut back, one of the DA's has requested
22 that my regional attorney out there be cross-designated
23 as an Assistant DA for his county, so she prosecutes
24 all the drug cases in the county. He's got an
25 Assistant DA for drugs at no cost. Now, that's what we

1 can provide. And so she's also the regional, it's
2 Linda Barr, her name is, she's also the regional
3 attorney for five counties or six counties there in
4 northwestern Pennsylvania, but for this county, Mercer
5 County, she is the drug prosecutor, and that is because
6 the DA wanted her. He said, I'm stuck. I need help.
7 So, fine.

8 And over in Mike Eakin's county, for
9 example, we did the same thing not in the drug area but
10 in the prosecution of the Camp Hill cases. I had an
11 assistant that was cross-deputized over there and he
12 did prosecutions for Mike as an assistant DA. And
13 likewise, Dave, these regional attorneys get
14 cross-designated as AUSA's, Assistant United States
15 Attorneys. Several of my regional attorneys are now
16 cross-designated as AUSA's, and they actually present
17 cases to the Federal Grand Jury and prosecute in the
18 Federal court, so that the United States Attorney has
19 an Assistant Attorney General, and that insures
20 coordination of our investigations. So we can take a
21 case that's developed by one of our BNI agents or the
22 State Police, we can take it to the statewide Grand
23 Jury, we can take it to the Federal Grand Jury, we can
24 give it over to the State, to the local district
25 attorney for prosecution - he may decline, he may want

1 to do it - or we can go federally with it. So we get a
2 great deal of flexibility with this one individual
3 there.

4 Q. With regard to that, the agreement that
5 you've mentioned with the State Police, and in view of
6 the fact that DA's do prosecute the vast majority of
7 drug cases under the Commonwealth Attorneys Act, I'm
8 not quite clear on the import of the agreement as to
9 approval of search warrants, I guess in the case of
10 wires, affidavits, complaints. Is it the case that all
11 State Police, that any time the State Police want a
12 search warrant they are obliged to go through you folks
13 under this agreement or is this only in the strike
14 force context?

15 A. No, they can -- the State Police are
16 required to consult with us, all right?

17 Q. And that's all? That's at the barracks
18 level as well as strike force?

19 A. The barracks level as well as the
20 regional level, okay, the regional strike force level.
21 They're required to consult with us. And I don't have
22 the actual -- do you have the agreement here? I can
23 tell you what it says. Excuse me, just the strike
24 force.

25 Q. Oh, okay.

1 A. Do you have the agreement here?

2 It's not the barracks level, not, for
3 example, the Trevoise barracks, but generally where
4 they're working in the regional strike force office
5 they're required to consult, and that's the word, I
6 think it's the word, coordinate and consult with the
7 regional attorney, all right? Now, he does not have
8 powers to approve or disapprove that search warrant.
9 All that the State Police officer's required to do is
10 to bring and let him know. And that's for coordination
11 so that he might know, this regional attorney, might
12 very well know that, one, a BNI agent is working that
13 same case, be careful when you go in because somebody
14 might be in there with an informant, right? Two, that
15 a municipal police officer might also be working that
16 case. All right? That's his job.

17 Q. And so does he, does that regional
18 attorney then also coordinate with the local district
19 attorney?

20 A. Precisely. If the local district
21 attorney, in many instances these cases are already
22 working through the local district attorney. They're
23 working together. And so the local district attorney,
24 if he's not involved in it that particular time where
25 it's practical for confidentiality reasons or whatever

1 happens, there may be something that we cannot reveal,
2 just like the Feds don't tell the DA every time they
3 are executing a search warrant, all right? There may
4 be some very important reasons why this has to be kept
5 confidential. And he will call up or visit with the
6 DA, or he may have a prior arrangement with the
7 district attorney. And all these regional attorneys
8 are required to meet with the DA, develop a
9 relationship and work out how the DA wants to handle
10 it. In some instances the district attorney has said,
11 fine, go ahead and do it, just let me know after you've
12 done it and when we're having the press conference.
13 And fine. Others want to know, boom, the very minute,
14 I want to know beforehand, I want to know immediately,
15 whatever. It varies. There's 67 DA's. So they are
16 told to coordinate with the district attorney as per
17 the district attorney's desires in that particular
18 region.

19 Remember, there's a lot of part-time
20 DA's. In fact, the vast majority of them are part-time
21 and they welcome, they say, great. You know. There's
22 only 13, I think, full-time DA's, and the part-timers
23 say, gee, basically, go ahead and do it, just let me
24 know and keep me informed, et cetera, et cetera, and
25 that's all they do. But if the district attorney has

1 approval power under the criminal rules, as you know,
2 there's a rule that says the district attorney has to
3 approve every single whatever he desires. If they have
4 it, then it's the district attorney that's going to
5 approve it. But we try very hard to make sure that
6 wherever it's possible that to consult on search
7 warrants and clearly arrests. Clearly, before arrests
8 are authorized in the chain under the BNI chain or the
9 State Police chain, the district attorney is consulted.

10 Q. Well, you're saying definitely there is
11 that consultation, because frankly, that's not
12 necessarily what I'm hearing from the other end of it.

13 A. Well, you may be hearing from -- it's
14 very hard to put this in words, but there are certain
15 district attorneys that are not, frankly, willing to
16 work with us. And, you know, communication is a
17 two-way street. You've got to sit down and talk, and
18 if you just shut out people and say, I'm not going to
19 talk to you, get out of my office, and berate them and
20 throw them out, as some DA's have done, well, my
21 goodness. You know, it's very difficult to have proper
22 exchange under those circumstances. And I would -- but
23 in the vast majority of cases there is a good working
24 relationship.

25 Q. Um-hum. Specifically, if I could focus,

1 and I guess the concern that I come back to, having
2 gone through enough suppression hearings in my day with
3 documents that either were well-drawn or in some cases
4 weren't so well-drawn, if I'm going to take it into
5 court, I want to see it. I have, you know, a personal
6 concern that I not get stuck with somebody else's work
7 product. And I'm wondering, apparently this agreement
8 requires a review of those documents, consensuals,
9 complaints, search warrant affidavits by your regional
10 attorney.

11 A. That's correct.

12 Q. And if there's not some kind of, I mean,
13 the district attorney is not involved in this agreement
14 you've entered at all, any coordination with the
15 district attorney is on an all-point network.

16 A. It's only meant to be a State Police-AG's
17 Office, and the district attorneys come into the
18 picture when the regional attorney receives the
19 consultation of the State Police or is asked for his
20 advice.

21 Q. Well, if I could just--

22 A. And at that point he reviews what's been
23 submitted and at that point, depending on the case, he
24 is to call up the district attorney before the warrant
25 is approved, if he's to approve it by him, or to send

1 the Trooper over to the DA and say, the DA here wants
2 to approve all these search warrants. Go over and take
3 it to him now that it's prepared and see what he says
4 about it. But at least the police, the BNI agent, or
5 the Trooper has had some legal advice and input into it
6 by the regional attorney, could very well have been
7 done at the behest of the district attorney. The
8 district attorney could easily have said, go see the
9 regional attorney first and put it together and then
10 come back and see me.

11 Q. Absolutely. I mean, there's no question
12 that we have a wide diversity of counties in this State
13 and that there are some DA's that are going to value
14 any assistance they can get.

15 A. Right.

16 Q. There are also, you know, I come from the
17 perspective of Bucks County where you've got a pretty
18 fair size office with generally highly-trained people.

19 A. We don't have any -- you know, my two top
20 people were Alan Rubenstein's two top people.

21 Q. Okay.

22 A. Both of them, Andy Demarest, for example,
23 just left and he's the regional attorney for Bucks
24 County and Lehigh. And, I mean, so, you know, he's
25 there. He tried the cases, he approved the wiretaps,

1 he approved the search warrants when he was there as an
2 assistant DA. So he's the guy that's in the region,
3 and he works with Alan and a variety of different
4 things, but we don't have a municipal task force there
5 but we have these State Troopers there and we have our
6 BNI agents that are working in and around the county at
7 organizational levels.

8 Q. In the region.

9 A. And we just did a drug case over there
10 last year in which we did the drugs and Alan's doing
11 the homicide.

12 Q. Um-hum.

13 A. I mean, that's how it worked out. We
14 split it. I don't have any problem with Alan
15 Rubenstein.

16 Q. And I don't think he has any problem with
17 you.

18 A. No. I never heard of -- there are a
19 couple DA's down in the southeast that I've had a
20 problem with, frankly.

21 Q. Well, let me, putting personalities
22 aside, if the DA in all of these cases where your folks
23 are exercising this supervisory or advisory role--

24 A. Advisory. It's more advisory. Not to
25 supplant the DA at all.

1 Q. Well, the DA is going to have to
2 prosecute the case.

3 A. Absolutely.

4 Q. But have you folks considered whether at
5 least those provisions of the agreement you've entered
6 into violate the Commonwealth Attorneys Act beyond your
7 authority?

8 A. I can't see where advising the State
9 Police or advising my own BNI agents violates the
10 Commonwealth Attorneys Act. As you know, the State
11 Police have attorneys under the General Counsel's
12 office. Are you aware of that?

13 Q. (Indicating in the affirmative.)

14 A. And every wiretap, for example, every
15 wiretap application that is sought by the State Police
16 is brought first to the Office of General Counsel
17 attorneys. Then it comes to us. Then it comes to us.
18 Because we have authority under the Wiretap Electronic
19 Surveillance Act to approve wiretaps. But before it
20 gets to us, it goes to their attorneys for advice.
21 Now, they may turn it down. They may say it's
22 insufficient. Okay?

23 Q. If they do, does it get to you?

24 A. It never gets to us. They tell us it's
25 not approved. And if they say it's insufficient, they

1 may tell the State Police officer, go and do something.
2 Now, we certainly are going to find out about it
3 because the State Trooper is going to come back and
4 say, General Counsel has just told us that this is
5 insufficient. We may disagree with General Counsel,
6 all right? But they say we've got to get some more
7 information, we've got to work on it. And so we may
8 just have to go ahead and work on it.

9 But it's like different branches of
10 government, you know, we've got to work together, Dave,
11 and I don't want to violate the Commonwealth Attorneys
12 Act. I hope that these people that are advisors are
13 not going to be out there. They're there to coordinate
14 and to advise. The more people we have I think helping
15 the local police officer or the State Police to do a
16 better job in these days of very, very difficult
17 decisionmakings that have to be made under case law and
18 under statutes, wiretapping statutes, case law cases
19 that have come down. I mean, how can a State Trooper
20 know all the nuances of the newest laws? I mean, years
21 ago, yeah, it's possible, but now it's impossible. So
22 that's why this advisor is there.

23 This committee can be very helpful. If
24 you can help us work through this problem with the
25 district attorneys, because I think that they put up a

1 lot of boogeymen here. If you actually sit down and
2 work through it, you know, it can be done. Now, I'm
3 trying. We've had meetings, several meetings with the
4 DA's, and they've met with the State Police, they've
5 met with us, and we're trying to come up with a
6 proposal that would be acceptable to all sides. So
7 it's the kind of thing that's got to be worked out
8 in-house though. Do you know what I mean?

9 Q. Um-hum.

10 A. I mean, these are in-house. This is law
11 enforcement. The bad guys are the drug dealers, you
12 know. We should not be worried about turf. We should
13 be worried about working together. But if people take
14 an attitude that they don't want us, that they don't
15 want to hear, take a very strong attitude, we're not
16 going to accomplish those goals. You know, I like to
17 see every possible way we can work it out.

18 Q. Well, as I said, from my perspective the
19 issue is, you know, effectiveness in getting the
20 benefit of the dollar.

21 A. That's correct. And that's where I come
22 from, too.

23 Q. And the Chair has been extremely patient.
24 One question that came to my mind in
25 relation to some of your earlier comments, getting off

1 the drug law enforcement, you mentioned that you would
2 welcome or desire the ability to represent consumers in
3 small claims.

4 A. Yes.

5 Q. Have you, and I think Representative
6 Kosinski volunteered to sponsor that legislation or
7 whatever. I'd be very interested in seeing that as
8 well as some estimate of what costs would be entailed
9 in that and how you would separate the weak from the
10 chaff, as you will. In my years in private practice
11 I've had an awful lot more grumpy people who were
12 unhappy than had what I thought was a right to legal
13 recourse.

14 A. Okay.

15 Q. And it seems to me that you could be in
16 charge of, you know, of suddenly 10,000 lawyers--

17 A. 10,000 cases.

18 Q. --all to march into court.

19 A. Yeah, that's why I say to you, you know,
20 I hear both sides of this thing and what we're faced
21 with, basically, is we go into court where there's,
22 quote, "a pattern of abuse," unquote. But by that time
23 the guy's out of business or he's bankrupt. We get a
24 voluntary compliance, assurance of voluntary compliance
25 from the judge in Court of Common Pleas and he laughs

1 at you. He says, all right, I am bankrupt. What are
2 you going to do about me now? He just ripped off 15
3 homeowners and said he was going to put roofs over
4 their heads and he never did. That's what happens.
5 And by that time the problem is over. I want to be
6 able to get to him beforehand, and I can work with you
7 on that and it's going to have to be, you know, where
8 you very finely tune it so that we don't get into being
9 a new legal defender's society or legal aid society.

10 Q. Yeah.

11 A. I don't want to do that. But at the same
12 time I do want to have some tools that permit me to go
13 a little bit further and go into claims court, small
14 claims court for these people.

15 I can show you the letters, the
16 heartbreaking letters I just got this week from people
17 saying, what am I to do? I don't know anything about
18 small claims. The guy laughs at me and he's got his
19 lawyer laughing at me in claims court. He got a
20 judgment of \$500, but try and collect it now.

21 REPRESENTATIVE HECKLER: Thank you.

22 ACTING CHAIRMAN BLAUM: Okay. More
23 patient than the Chair has been Representative Chris
24 McNally, then I have Greg Fajt and Representative
25 Piccola, and then the Attorney General has to be on his

1 way out of town at 1:15, I'm told.

2 Representative McNally.

3 BY REPRESENTATIVE McNALLY: (Of Atty. Gen. Preate)

4 Q. I want to get into some new ground.
5 Hopefully we can cover it quickly.

6 The first, really a comment or request
7 I'd like to make is this year you will be involved and
8 we will be involved in the decennial exercise of
9 redistricting, and I want to see if your office might
10 be able to provide a memorandum or information or
11 summary of applicable case law and any statutory law
12 that could explain the limitations and guidelines for
13 redistricting and to make that available not only to
14 the members of the General Assembly but also to any
15 members of the public who would be interested.

16 A. Representative, I wish I could help you
17 in that but I don't know whether I can. A couple of
18 constraints. One is that we may be defending or
19 objecting to whatever the legislature does in
20 redistricting. And so I cannot be, at this point,
21 giving you the kind of advice that you might be
22 seeking.

23 Q. I'm not looking for advice.

24 A. You're going to set up a commission, as I
25 understand it, to study--

1 Q. First, let me explain to you what I am
2 asking. I'm not looking for advice, I'm just looking
3 for a summary of the existing case law on
4 reapportionment and redistricting. It's more
5 informative.

6 A. I think that this legislative staff here
7 is very capable of giving you that. Mary--

8 MS. WOOLLEY: Democratic staff. He needs
9 Democratic staff.

10 ATTORNEY GENERAL PREATE: Oh, Okay. But
11 I think that you can find they can give you that. I
12 give advice, by law, to the State, the government
13 agencies. That's where I give my advice. I can help
14 you in the preparation of legislation and help you on
15 things of that sort. As to information on this, I
16 think it's best that we work it through your staff,
17 okay?

18 Q. The second area I'd like to--

19 A. If your staff wants to know something
20 from us as to -- then let me work it through the staff
21 level.

22 Q. The second area where I'd like you to
23 comment on is yesterday we had an oversight hearing
24 with the Board of Pardons, of which you are a member,
25 and one of the thoughts that I had after that hearing,

1 given our budgetary problems, the Board of Pardons has
2 a proposed budget for the next fiscal year of \$243,000.
3 That represents a \$13,000 increase, a 5.65-percent
4 increase, and the civilian members of the board get a
5 salary of \$7,500 a year for nine meetings a year. That
6 comes out to somewhere over \$800 a day plus expenses.
7 And in spite of that budget, over the last four years
8 only 21 people have received commutations from
9 incarceration and a relatively small number of people
10 have been granted commutations of any other kind. I
11 wonder if you think there's sufficient justification
12 for that level of funding for that particular agency,
13 as I say, given today's fiscal problems?

14 A. I think that the Board of Pardons, which
15 is a constitutional body, that means it's fixed not by
16 statute but by Constitution to do this work, chaired by
17 the Lieutenant Governor, does a very, very admirable
18 job. We review approximately 300 cases a year and
19 maybe we review more than that. We gave, I think,
20 hearings to about 40 percent of the people that seek to
21 have their cases reviewed, and we approve roughly about
22 20 percent of the people who seek pardons or
23 commutations. We're very tough on giving lifers
24 commutation. Okay? Gone are the days where you're in
25 jail in Pennsylvania and out in 12 1/2 years on a

1 first-degree murder life sentence. The average now is
2 about 23 1/2 years. That's pretty good. The Governor
3 is very tough on it, Governor Thornburgh was very tough
4 on it, doesn't sign too many commutations for life
5 sentences. Life means life in Pennsylvania, in other
6 words.

7 And everything else I think that we
8 exercise a very good degree of judgment. And they are
9 all judgment calls, and it's based upon the person's
10 crime, the record, objections from the DA, the court,
11 the victim, the family, the rehabilitation that's taken
12 place and the prospects for continued rehabilitation
13 and law-abidingness, and we have to make judgments on
14 those and I even made some pretty good ones, and it
15 takes a lots of time and effort. I spend two days a
16 month of my time doing nothing but pardons work. Two
17 days a month. And that's a significant amount of time,
18 and so do these other folks that are on the board. We
19 take our jobs seriously.

20 Q. But assuming that the other civilian
21 members spend the same amount of time, that still comes
22 out to about \$300 a day. Do you think that's maybe a
23 little excessive?

24 A. Hey, listen. I don't get any expenses.
25 You guys get expenses. Okay?

1 Q. I'm not questioning--

2 A. You get per diem. I don't get anything,
3 all right? I'm not going to criticize anybody for
4 getting any expense money, but I just want to point out
5 to you that there are some people that I think should
6 recognize that it costs a lot of money to do State work
7 and it's not free. It takes time from other jobs and
8 everything else and it costs money. From your jobs,
9 every time you're down here, today you're getting per
10 diem. Well, those folks that are on the Board of
11 Pardons that is a lawyer in Philadelphia, is a warden
12 in Chester County, is a psychiatrist over here in the
13 midstate, I mean, they're taking time from their duties
14 that they could be earning money at and they're not
15 getting paid for that. I mean, they are working for
16 the State, now they're getting paid for it. They get
17 paid a salary and expenses. I don't get any of that.

18 Q. Well, you know, I didn't mean to suggest
19 that you--

20 A. So, you know, it's a sore subject with
21 me, okay? Very sore subject with me.

22 Q. The final area I'd like to ask you about
23 concerns you had mentioned the review of contracts that
24 your office performs, and you do have a very productive
25 workload in that area, but we also have, whether it be

1 for bonds or for other, but I'm thinking particularly
2 of bond issues, there are private counsel involved in
3 those activities and one idea that has been mentioned
4 in this regard over the years has been competitive
5 bidding for professional services, and I wonder if you
6 have any thoughts on that particular subject. You
7 know, I think some people, especially since we've been
8 talking about lobbying registration reform and campaign
9 finance reform and raising the level of ethical
10 standards in government, I think a lot of people
11 perceive this kind of work right now as being a kind of
12 in-strike patronage, and I wonder whether, as I say, if
13 you have any thoughts on competitive bidding for these
14 professionals?

15 A. Well, I don't know whether that's going
16 to get the best results for the State when it issues
17 its bonds or when -- and all I can tell you is from the
18 State side. There's only maybe a handful of people
19 that know how to put together a bond issue in
20 Pennsylvania and get it to market and get good interest
21 rates for the State. Maybe two handfuls. I'm not
22 involved in the process. There's a board that deals
23 with all of this that's put together with the Governor,
24 the Auditor General and the Treasurer and the agencies,
25 and I just approve the bond issue.

1 REPRESENTATIVE McNALLY: Okay, thank you.

2 ACTING CHAIRMAN BLAUM: Representative

3 Fajt.

4 REPRESENTATIVE FAJT: Thank you, Mr.

5 Chairman.

6 BY REPRESENTATIVE FAJT: (Of Atty. Gen. Preate)

7 Q. I will also change the subject a little
8 bit, Mr. Attorney General.

9 A. Yes, sir.

10 Q. And move into your brochure on page 20,
11 the Environmental Crimes Section, and I will make this
12 brief, I promise you.

13 A. Page 20. Okay.

14 Q. You talk there about what you're doing in
15 the waste area and the environmental protection area.
16 What specifically is your office doing in the way of
17 coal and nuclear waste? Do you have any programs or do
18 you have any investigations in those two specific
19 areas? I know you mentioned the chemical waste at NGK
20 Metals in Berks County.

21 A. Yes. Remember, we are not the program
22 agency. The program agency is DER.

23 Q. Right. Right. I saw that.

24 A. All we do is prosecute the criminal case
25 that is referred to us under the Commonwealth Attorneys

1 Act from DER.

2 Q. Um-hum. Are there anything--

3 A. So if DER doesn't refer me anything, I
4 don't get a case.

5 Q. Okay.

6 A. One of the reasons why I've asked this
7 legislature to give me original jurisdiction is so that
8 I could be more aggressive in the area or at least
9 concurrent jurisdiction so that I could be more
10 aggressive in going after environmental polluters, but
11 right now I am at the mercy of DER. Unless DER refers
12 it to me, I don't get to do it. I have had people from
13 municipalities calling me up and say, I want to report
14 an environmental pollution case. I say, I can't do it,
15 you've got to go to DER. I'm forbidden even to talk to
16 them about it. I've got to refer it to DER, then DER
17 does an investigation, and then DER decides whether
18 they're going to handle it criminally or whether
19 they're going to handle it civilly.

20 Q. Um-hum.

21 A. And in 99.9 percent of the cases, the
22 vast majority of them are handled internally civilly in
23 DER in administrative proceedings.

24 Q. I see.

25 A. Very few of them ever get to go

1 criminally, and that's my beef, because some of them
2 ought to be. More of them ought to be coming to us for
3 criminal prosecution.

4 Q. Um-hum.

5 A. And the thing that gets me is we're going
6 after a guy that's got a couple barrels stored on his
7 property, that's what DER refers to us, and they let go
8 the major oil polluters of waterways and fish kills.
9 They don't get prosecuted criminally. They don't refer
10 them to us. They settle it civilly.

11 Q. Um-hum. Okay.

12 A. Now, that's why I want original
13 jurisdiction.

14 Q. Okay. You talked, you go on to talk on
15 page 21 about Lois Hagarty's bill.

16 A. That's it.

17 Q. And what all does Lois' bill do, if you
18 could just give me a quick--

19 A. Just what I said. Legislation was
20 introduced last year, House Bill 1175, that gives us
21 original jurisdiction so that we can take a complaint
22 from a municipality or we could get a complaint from a
23 private citizen and go do an investigation.

24 Q. Okay. So you will have investigative
25 powers?

1 A. I have the people. I just need to get
2 the ability to get to the cases. They get diverted all
3 the time, Representative. That's it. I mean, I just
4 cut out of the paper the other day a water pollution
5 case that DER settled for \$125,000 in what was it,
6 Ohio, on the Ohio River? Just two weeks ago out in
7 Pittsburgh. It never got to us criminally, yet they're
8 making us prosecute somebody for dumping a barrel of
9 oil behind their service station. Come on. I mean,
10 that's what's happening. And I went to the Secretary
11 of DER, I said to him just a month or two ago, Arthur
12 Davis, you do a nice job and all, but let me tell you
13 something. We have to be involved in these cases. We
14 have to get involved in the decisionmaking that takes
15 the case away from the criminal prosecution side and
16 only treats it as an administrative hearing or a civil
17 settlement on the civil side of things. That's wrong
18 that these polluters are getting away with all this
19 without criminal prosecution.

20 Q. One last question. How many cases are
21 you currently involved in with the DER as far as the
22 criminal prosecution? And secondly, any idea on the
23 number of cases that you pass up because of their
24 failed investigations?

25 A. We get four referrals a week from them,

1 approximately.

2 Q. From the DER?

3 A. Four referrals a week, and as I said,
4 none of the big cases.

5 Q. Um-hum.

6 A. Unless we start to work them up ourselves
7 and unless somehow DER gets pressured by a community.
8 NGK, that's how that happened. They got pressured by
9 the community to turn it over to us.

10 Q. Thank you very much.

11 A. You're welcome.

12 ACTING CHAIRMAN BLAUM: We have five more
13 minutes.

14 Representative Piccola.

15 REPRESENTATIVE PICCOLA: Thank you, Mr.
16 Chairman.

17 BY REPRESENTATIVE PICCOLA: (Of Atty. Gen. Preate)

18 Q. General?

19 A. Jeff.

20 Q. Returning to the drug task force issue
21 and following up what Mr. Heckler, or one of your
22 responses to Mr. Heckler, did I understand you to say
23 that the drug task forces are simply advisory and they
24 are not involved in the investigation of criminal
25 offenses, or did I misunderstand your answer?

1 A. No, the drug task forces? No, regional
2 attorneys. My regional attorneys--

3 Q. Are advisory?

4 A. --are advisory to the task forces,
5 they're advisory to the district attorney, they're
6 advisory to the State Police, they're advisory to BNI.
7 If they want somebody to prosecute, they can do it if
8 they're requested to do it. That's basically it. They
9 are advisory coordinators and advisors. I mean, if
10 I've got one regional attorney for the entire central
11 Pennsylvania area, I mean, he can't possibly -- or she,
12 it's a she, she can't possibly be in five different
13 counties prosecuting at any time. She can't. That's
14 the DA's job.

15 Q. But the task forces are involved in
16 criminal investigations?

17 A. Oh, of course. They're involved in drug
18 criminal investigations. Municipal drug task forces.

19 Q. Right. And the way they are structured,
20 and I've read the agreement or portions of the
21 agreement. As I understand it in talking to the
22 district attorneys, the way they're structured is that
23 the line of authority runs from the task forces up
24 through the regional attorney to Mr. Peters. Is that
25 accurate?

1 A. No.

2 Q. Okay. Could you explain what the line of
3 authority is?

4 A. Okay. The municipal police--

5 Q. In other words, who directs the municipal
6 task forces?

7 A. The Board of Chiefs.

8 Q. And who directs them?

9 A. The Board of Chiefs. The district
10 attorney working with the Board of Chiefs in his
11 locality. That's who directs them. I don't tell them
12 anything.

13 Q. Okay.

14 A. I don't tell them anything.

15 Q. So that if the--

16 A. That's why, Jeffrey, there's this
17 misinformation that Harrisburg tells the municipal task
18 force what to do. Not so. They have a democratically
19 elected Board of Chiefs with officers and a board of
20 directors that run the task force, and the district
21 attorney has a seat at that board if he so chooses; if
22 he or she so chooses. Now, the district attorney can
23 play an important coordinating role himself or through
24 his own county detective or his own assistant DA. And
25 the basic decisions are made on investigations and

1 prosecutions at that level.

2 I don't -- I mean, I can't tell you what
3 any one of those task forces are doing, and neither can
4 Mr. Peters tell you what they are doing today, who
5 they're investigating and what they're investigating.
6 That's all kept down at that local level. It's all
7 down there. Yeah, there's people that are in a chain,
8 like anything else is in a chain, but we don't decide
9 who to investigate and who not to investigate. That's
10 done at that level. At the local chief's level, 99
11 percent of their decisions are made down there by the
12 chiefs, by the coordinator, by the district attorney as
13 to who is going to investigate and what they're going
14 to do.

15 Q. What about the other 1 percent? Where
16 are they made?

17 A. They may be, because they referred the
18 case up the chain or we're involved in it because it
19 might go to a wiretap or it might go to an organized
20 crime prosecution or it might be necessary to
21 coordinate with the Feds, it might be necessary to
22 coordinate with the State Police, which have an
23 investigation, or another State which has an
24 investigation.

25 Q. What chain? You just said it went up the

1 chain. What chain are you referring to? I thought you
2 said there was no chain.

3 A. The chain is the BNI agent that's
4 assigned from that strike force, he is a part of a
5 group called the BNI region. He is in the -- he is a
6 part of the 15 members that we have in each one of the
7 regions. His chain of authority is to his supervisor,
8 there's a regional director of the BNI.

9 Q. But how is he involved with the task
10 forces, the municipal task forces?

11 A. He is assigned by the regional director
12 of BNI. He is assigned by the regional director of
13 BNI, who is a BNI agent. In Harrisburg, it's Greg
14 Sharp, all right? He is my regional director. Not my
15 regional attorney. That's Kathryn Slade. But Greg
16 Sharp is in charge of my region here, and he finds out
17 which agent is the best one for that municipal task
18 force. And some of them actually request a specific
19 agent to work with. Mike Eakin requested specifically
20 Ron Diller to work with his Cumberland County Task
21 Force, wrote me a letter on it. So I assigned through
22 the chain Ron Diller goes over to work for Mike Eakin's
23 Tri-County Task Force. And I don't know what Mike
24 Eakin is doing with my guy. I could care less. As
25 long as he's using him and they're pumping out the

1 arrests and they're getting the job done, that's all
2 I'm concerned about. That's why I say that this thing
3 is a lot of boogeymen that people put up. I don't
4 care, you know, who's getting the credit or what.
5 Look, Mike requested Ron Diller, he got Ron Diller.
6 He's his man. As far as I'm concerned, he is TAD.

7 Q. And Ron Diller is a BNI agent?

8 A. Ron Diller is a BNI agent. And he comes
9 back and he tells Greg Sharp what he's doing. Okay?
10 Ron Diller also does the paperwork to make sure that
11 Police Officer X from Hampden Township is in fact on
12 surveillance, he's got a pre-approval, that Police
13 Officer X from Hampden can go ahead and do this
14 surveillance. Yeah, that's done for accounting
15 purposes. And then Hampden Township submits the
16 paperwork back through Diller to Greg up the chain to
17 eventually to this guy (indicating Mr. Bowman) and the
18 check is cut to reimburse Hampden Township. That's how
19 it works.

20 Q. But do I understand that you're saying
21 that in theory, at any rate, there should be absolutely
22 no criminal investigation by any of these task forces
23 unless the local district attorney has either signed
24 off on it or approved it or has de facto acknowledged
25 that they can go forward and--

1 A. That there should be no investigation
2 unless the DA approves it?

3 Q. Right.

4 A. Oh, boy. Listen to what you're saying
5 now.

6 Q. By the task force. By the local task
7 force.

8 A. It may not be so. It may not be so.
9 Board of Chiefs has a lot to say about what they're
10 doing, see, because I tell you this, all right, Board
11 of Chiefs say, we don't want to tell the DA everything.
12 He's got friends, he's got political contributors.
13 We're investigating some of them. Okay? They may be
14 very careful about it, and I've had this happen where a
15 Board of Chiefs says, we don't want to work with the
16 DA. We don't trust them. I won't tell you where they
17 are, but I'll tell you they do exist. And so I have to
18 deal with that issue. So I say to the Board of Chiefs,
19 I say, look, you work it out with the district attorney
20 down there and you see if there's anything that's done
21 toward them. Of course, we'll have to deal with that,
22 but you have to work it together.

23 Now, in some counties the district
24 attorney is not a member of the task force, is not a
25 member but is still involved in the coordination role.

1 And I'll tell you where that exists - Philadelphia,
2 Montgomery County, and in Westmoreland County. The
3 district attorneys there have chosen not to be a part
4 of the task forces, but we still coordinate with them.
5 We still coordinate with them. I mean, even though
6 Mike Merino is not signed on as a part of the
7 Montgomery County Task Force, my two BNI agents are
8 right in his office. Okay? So, I mean, he's telling
9 my guys what to do.

10 Q. Well, I don't want to pursue this because
11 I know we have time constraints, but I have some
12 difficulty, given the way the task forces have been
13 structured and understanding how you can justify that
14 structure and still believe that you're in compliance
15 with the Commonwealth Attorneys Act, because I go back
16 long enough to have been here when we wrote the
17 Commonwealth Attorneys Act, and I know we wrestled with
18 this question in terms of the district attorney's
19 authority and the Attorney General's authority and we
20 simply did not want the Attorney General to be a
21 super-district-attorney or for the district attorneys
22 to be working for the Attorney General, and in fact we
23 specifically set forth in the act that the District
24 Attorneys shall be the chief law enforcement officer
25 for the county in which he is elected, and we

1 specifically said and limited the investigative powers
2 of the Attorney General to those areas which he has the
3 power to prosecute under the prior section, which is
4 Section 205 under criminal prosecutions.

5 I'm not suggesting that we're in
6 violation in terms of the way we've structured these
7 task forces, but I think we are, at the very least, in
8 a very gray area.

9 A. Well, how do you deal with Section
10 732-206 which says that the Attorney General shall
11 continue existing programs related to drug law
12 enforcement? And those programs that I am talking
13 about were there before I got there and before you got
14 there. They were there since 1973.

15 Q. Well, the programs were there but the
16 structure that we've instituted with these task forces
17 are new, and without belaboring this dialogue anymore,
18 if I could have some kind of a written justification in
19 terms of why you believe you're in compliance with the
20 Commonwealth Attorneys Act, I would appreciate it.

21 A. Well, I am in compliance with the
22 Commonwealth Attorneys Act, in my judgment. I tell you
23 that right now. I have authority under the
24 Commonwealth Attorneys Act, which makes me the chief
25 law enforcement officer of the Commonwealth, which

1 gives me prime jurisdiction to prosecute RICO cases,
2 and any one of these drug cases can turn out to be, and
3 you know they are, you know they are, they're not --
4 these drug cases are not like the garden variety
5 homicide that's between a husband and wife that there's
6 a shooting there. They don't grow cocaine in Dauphin
7 County. They grow it outside of the United States.
8 There's a chain of command. It's an organized crime
9 network. So I have authority under the Commonwealth
10 Attorneys Act to investigate it because they're part of
11 an organized criminal network. That I have prime
12 jurisdiction of.

13 In addition to that, under the
14 Commonwealth Attorneys Act I am to continue the
15 existing programs related to drug law enforcement.
16 Assistance to local police was here before you became a
17 lawyer by the Office of Attorney General. It was
18 called the Department of Justice. They did that when I
19 was an assistant DA in Lackawanna County, the
20 Department of Justice helped me out. And all we've
21 done is structured that. Yeah, maybe it's across the
22 State now and maybe we call it municipal task forces,
23 but we have adequate bases in the law to continue that
24 assistance to local police departments that was there
25 for a long, long time, that the Department of Justice

1 was providing long before the Commonwealth Attorneys
2 Act came into being. In fact, they adopted it. They
3 said, he shall continue -- they use the word "he" --
4 shall continue the existing programs related to drug
5 law enforcement. And that's what we were providing.
6 They had regional strike forces, Jeff, they had
7 regional strike forces since 1973. There were BNI
8 agents and State Troopers since 1973 in eight regional
9 headquarters, so that's something, and they were
10 providing assistance to local police departments before
11 the Commonwealth Attorneys Act came in.

12 So that's the basis for my authority.
13 And it's only in this drug area. Now, if you ask me,
14 can I do the same thing for murders, robberies? Nope.
15 Can't do it. Only when I'm requested by the district
16 attorney for assistance. That's different. I agree
17 with you. That is different. And I have to get
18 requested by the district attorney and he has to
19 advance either conflict of interest or lack of
20 resources as his basis to do it.

21 Q. Well, I think there is a difference and
22 the difference is -- the biggest difference is there's
23 a lot of money now available for drug enforcement, and
24 I guess my concern is not that we, and we have some
25 information here from various district attorneys and

1 the implication of it is that there's some duplication
2 of effort out there and some areas where there is some
3 inefficient use of some of the funds, and I think
4 that's what we want to get a handle on, and I think
5 those are the kinds of issues that Mr. Heckler was
6 attempting to raise and which I am concerned about, and
7 I don't think that when we wrote the Commonwealth
8 Attorneys Act we visualized that there was going to be
9 those kinds of resources available in any one given
10 area. If somewhere down the road because of, and you
11 read it on the cover of all the national news magazines
12 that there is an increase in violent crime and the
13 State and the Federal government start to appropriate
14 money for law enforcement in this area, you could very
15 well be involved in it for murders and assaults and
16 those kinds of things.

17 A. No, I can't. I can't. I tell you, I
18 can't. I can't. I mean, you say that and I'm a lawyer
19 and you and I could disagree, you know, but the fact of
20 the matter is I can't. I cannot be involved in murder
21 investigations and robberies, the run-of-the-mill
22 prosecutions that DA's do because I don't have
23 jurisdiction. He's the chief law enforcement officer
24 in his county. He prosecutes them. The only way I get
25 to do anything in that area is by referral from him for

1 reasons stated: One, that he doesn't have resources;
2 or two, he's got a conflict of interest.

3 Now, the only way that I can get into a
4 murder prosecution, for example, out of the drug area,
5 the only way is that if it's part of an organized
6 criminal network that I'm doing that I can do an
7 investigation as part of under the RICO statute. Which
8 gives me -- that's where I have my primary authority to
9 do it. But it has to be part of some organized
10 criminal network in its broadest sense, and that's the
11 only way. And that's few and far between. That's few
12 and far between. I tell you that. It may be three
13 cases a year for murder that I would do that way. But
14 in the drug area, I have two bases for authority: One,
15 the Commonwealth Attorneys Act; and the other is this
16 section that says that the Attorney General shall
17 continue the existing programs relating to drug law
18 enforcement which were there. Since 1973 regional
19 strike forces have been there and we've been aiding
20 police. Yeah, we've put it into a structured program
21 now and, yeah, there's more money there, but it's still
22 the same program. It's a municipal police assistance.
23 That's all it is.

24 Now, the other alternative is that you
25 write a blank check and you give it to the district

1 attorney, okay? Now, you didn't intend to do that in
2 the Commonwealth Attorneys Act. I never saw that
3 written here that this State is going to pick up the
4 funding of municipal police departments and going to
5 pick up the funding of the district attorneys. You're
6 already trying to face that question, my friend, with a
7 \$500 million court case. Now, you want to open the
8 door to that?

9 Q. Well, maybe this is a way out of that.

10 A. Well, this is a way, Jeffrey, this is a
11 way for us to assist the locals without dealing with
12 the question of how the funding is going to take place.
13 Okay? I mean, I'm willing to work at the coordination
14 things, and I agree with you that, yes, from time to
15 time there's going to be some problems in any program.
16 Remember, this is a relatively, this municipal task
17 force program is only about four or five years old.
18 It's growing. There's going to be some adjustments to
19 it along the way and coordination problems, but
20 basically, have you ever seen a State program that
21 didn't have some problems in coordination with the
22 locals? I'm sure you've heard about all of them, and
23 this one has its share and we're going to continue to
24 work at it, but we've done a remarkably good job in it,
25 and the best evidence is look at people who have

1 reviewed it - your own LBFC, the Federal Drug Czar's
2 office, the police that are out on the street, the
3 chiefs, the mayors, the township supervisors, the cop
4 on the beat. They all love the program. I mean, yeah,
5 and most of the DA's, if you asked them privately
6 without the organization around, say I don't have a
7 problem. Okay?

8 Q. Well, I have, and they don't quite agree
9 with you, but let's go onto another subject.

10 A. But I am saying to you, Jeffrey, I hear
11 it. I can show you some of the letters I get.

12 ACTING CHAIRMAN BLAUM: Again, we've been
13 notified the Attorney General has to get on the road to
14 Philadelphia. I have let this go because of his
15 eagerness to answer the questions.

16 ATTORNEY GENERAL PREATE: You have one
17 more question, Jeff?

18 REPRESENTATIVE PICCOLA: I have two more
19 questions.

20 ATTORNEY GENERAL PREATE: Okay.

21 BY REPRESENTATIVE PICCOLA: (Of Atty. Gen. Preate)

22 Q. Prison overcrowding.

23 A. Right.

24 Q. Did I understand you to say that once we
25 got through our building program of the additional

1 cells that would solve our prison overcrowding? I
2 didn't think you said that.

3 A. No. No, I said that we're still in a
4 deficit situation.

5 Q. Right.

6 A. What we want to do is build down the
7 deficit, okay, to get it to about 30 percent
8 overcrowding. That's basically where we're going to
9 come out. If we build all the jail cells that we have
10 right now, we'd be, and maintain the same level of
11 input, we'd get down to 30-percent overcrowding by
12 1994-95 I think.

13 Q. Well, the figures that I have, in this
14 year we're at about 14,000 capacity with a population
15 of about 22,500. In '94, if we put the 9,000 cells on
16 line that we have planned--

17 A. Right.

18 Q. --and have authorized, we would be at a
19 little over 24,000, with a projected population of
20 almost 30,000. Still a major deficit. And in '95,
21 we'd still have the same 24,000 cells but the
22 projections now are over 31,500. Do you disagree with
23 any of those numbers?

24 A. Well, I mean, I'm not in the business.
25 You ask Al Blumstein stuff like that. But, you know, I

1 can accept whatever they say. And that's correct.
2 That's Joe Lehman. Talk to Joe or talk to Al
3 Blumstein. They can tell you what numbers they have.
4 But I'm just hoping, as I understand the goal to be to
5 get us into a situation where we build down the deficit
6 to something that's manageable. We can manage at 30
7 percent over capacity. At 60 percent it's really
8 tough.

9 Q. One final question, philosophical
10 question. You've testified about your desire to have
11 more power for consumer protection activity. You have
12 come to the General Assembly for more antitrust powers.
13 You're asking, through House Bill 1175 from last
14 session, more environmental criminal powers, the
15 ability to act independently.

16 A. Right.

17 Q. Given that, what is your view of the role
18 of an elected Attorney General in State government
19 relative to the other executive branch officials?

20 A. I have to work professionally with the
21 Office of General Counsel and the various departments,
22 and we do a very good job at that. I must say that our
23 lawyers at the staff level and even in our level we
24 meet regularly, Jim Brown and Jim Haggerty and myself
25 and Walter, the four of us sit down in a room for two

1 or three hours and talk about the major policy things
2 that are coming up that affect the government that's
3 run by the Governor and that which we have to do in
4 litigation as we defend governmental decisions or
5 budget decisions or policy decisions. They ask us
6 advice on policy, too, and that's pretty good that we
7 have that kind of professional exchange. We disagree
8 on other issues. Fundamentally, Republican and
9 Democrat issues we may be apart on them. Some we
10 agree, some we don't agree. Just like in the
11 legislature.

12 My view is that you try to work out your
13 differences, just like I've tried to work them out with
14 the people in the antitrust area to get the business
15 community away from opposition to neutrality. I mean,
16 that was a very, very difficult position. It took two
17 years' worth of work. I didn't succeed in convincing
18 you that this was a good bill, but, you know, I
19 convinced 185 other Representatives that it was a bill
20 that ought to be passed, and I will continue to work on
21 it because I think you're going to be one of the guys
22 that's going to say, Ernie, go after this guy that's
23 ruining somebody in my district in unfair competition.
24 And I want to do that. I want to be able to do that,
25 work with you and the legislature and work with the

1 people in the State government. That's what I want to
2 do. And I think I've demonstrated that work with
3 Democrats as well as Republicans.

4 ACTING CHAIRMAN BLAUM: Thank you,
5 General.

6 Believe it or not, it's been 3 1/2 hours.

7 ATTORNEY GENERAL PREATE: It has been an
8 enjoyable three. I have not danced with wolves.

9 ACTING CHAIRMAN BLAUM: That's amazing.
10 Two minutes ago I was thinking that was the fastest 3
11 hours I sat through, and this was a pretty fast 3 1/2
12 hours. It could go on and on, I'm sure, because the
13 members of the committee enjoy the exchange and having
14 this intimate opportunity. We hope we can do it again
15 and we hope that it won't be too long.

16 (Whereupon, the proceedings were
17 concluded at 1:30 p.m.)

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I hereby certify that the proceedings
and evidence are contained fully and accurately in the
notes taken by me during the hearing of the within
cause, and that this is a true and correct transcript
of the same.

Ann-Marie P. Sweeney

ANN-MARIE P. SWEENEY

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