

1 COMMONWEALTH OF PENNSYLVANIA
2 HOUSE OF REPRESENTATIVES
3 STATE JUDICIARY COMMITTEE

4 In re: Public Hearing - Oversight of Pennsylvania
5 Commission on Crime and Delinquency

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8 Stenographic record of hearing held in
9 Room 140, Main Capitol, Harrisburg,
10 Pennsylvania

11 Monday, August 23, 1993 - 9:33 a.m.

12
13 HON. THOMAS R. CALTAGIRONE, CHAIRMAN

14
15 MEMBERS OF COMMITTEE

16 Hon. Al Masland
17 Hon. Jerry Birmelin
18 Hon. Andrew Carn
19 Hon. Peter Daley

20 ALSO PRESENT:

21 Mary Beth Marschik, Research Analyst
22 David Krantz, Executive Director of Committee

23 Reporter by:
24 Heather L. Boyer, RPR

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Phillip Renninger, Dir. Bureau Policy & Statistics	23
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1 CHAIRMAN CALTAGIRONE: This is the house
2 Judiciary Committee taking testimony from the
3 Pennsylvania Commission on Crime and Delinquency.
4 I'm Chairman Tom Caltagirone from Berks. And the
5 members of the panel that are here right now, if they
6 care to introduce themselves for the record.

7 REPRESENTATIVE MASLAND: Thank you, Mr.
8 Chairman. Al Masland from Cumberland County.

9 REPRESENTATIVE BIRMELIN: Jerry Birmelin,
10 Wayne County.

11 MS. MARSCHIK: Mary Beth Marschik,
12 research analyst.

13 MR. KRANTZ: David Krantz, Executive
14 Director of Judiciary Committee.

15 CHAIRMAN CALTAGIRONE: And if the four
16 members that are here present from the commission, if
17 they would identify themselves for the record, then
18 we'll start.

19 MR. THOMAS: My name is James Thomas, the
20 Executive Director of the Pennsylvania Commission on
21 Crime and Delinquency.

22 MR. REESER: Good morning. I'm Richard
23 Reeser. I'm the Director of the Bureau of Program
24 Development for the Commission on Crime and
25 Delinquency.

1 MR. PATEL: Good morning. My name is
2 Emanuel Patel. I'm the Director of the
3 Administration and Finance.

4 MR. RENNINGER: Bill Renninger, Director
5 of Bureau Statistics and Policy Research.

6 CHAIRMAN CALTAGIRONE: Okay.

7 MR. THOMAS: Thank you very much, Mr.
8 Chairman. As you can see by the materials that we've
9 provided you that we're looking to give you an
10 outline and facilitate a discussion or a dialogue
11 with the Committee this morning rather than simply a
12 written statement.

13 If you'll look at the annual report as a
14 first document, I refer you to two pages that might
15 be useful to scan. One would be the Table of
16 Contents. Just by looking at the topics you can see
17 the breadth of the Commission's activities. And if
18 you reference pages 13 and 14 -- 13, 14 and 15
19 really, you can get a scope of the types of funding
20 activities that we're involved in; page 14, a listing
21 of selected publications; and then as go into 15, the
22 actual grants that the Commission has made during
23 that -- during 1992.

24 If you'll look at the outline -- and I'll
25 make brief commentary on each of our activities and

1 then open it to some questions and answers,
2 dialogue -- the Commission on Crime and Delinquency
3 is about 14 years old, created in 1978 and was a
4 successor agency to the Governor's Justice
5 Commission. We had a very broad mandate to plan and
6 to facilitate improvements across the criminal
7 justice system, and so therefore we are dealing with
8 prosecutors and police officers and victim service
9 coordinators and prisons and probations and juvenile
10 efforts. It's really a mandate that expects us to be
11 involved through the -- across the system; provide
12 training and coordination, technical assistance, and
13 policy research.

14 I think if I were to guess at a percentage
15 of the staff resources and the time that's spent
16 between our funding activities and the research and
17 training and technical assistance that we do, I'd
18 probably put it at 50/50 or 60/40 with the heavier
19 side on the grants, but a very strong commitment in
20 terms of our resources that are not specifically
21 grant related.

22 The Commission is semi-independent. We're
23 attached to the Governor's executive offices for
24 administrative purposes of the leadership. And the
25 General Assembly makes appointments of six members,

1 the Governor appoints all remaining members and by
2 the statute. The cabinet office -- officers,
3 criminal justice cabinet officers are on the
4 Commission as well as representatives of local law
5 enforcement, local prosecution, local jails. And so
6 that we do have every facet of the criminal justice
7 system represented on the Commission itself.

8 It's a civil service. The staff positions
9 are civil service. They're -- the operating budget,
10 as you can see, is about 2.3 million dollars. And we
11 administer about 24 million dollars of -- in federal
12 funds last year and close -- approximating 2 million
13 dollars of state victim witness funds.

14 About 9 or 10 major activities that we
15 have, ongoing activities though there's numerous
16 issues that we're involved in at any one time, but
17 the major activities are outlined for you. And it's
18 our policy search and statistical responsibilities
19 that Mr. Renninger is in charge of. Here we respond
20 to the Governor, respond to the operating agency,
21 respond to members of the General Assembly as they
22 have particular issues that they want to know
23 something more about. We're quite open to those
24 requests and try to be as responsive and as timely as
25 we can to those requests.

1 Clearly as it's coming from the members of
2 the General Assembly or from the Governor's office
3 where it may have legislative impact, it's most
4 useful if we can anticipate the issue prior to the
5 beginning of the session as opposed to when it
6 surfaces on the floor. But we are ordinary --
7 ordinarily do get calls in the afternoon and respond
8 before the close of business, as you are on the floor
9 and need specific information.

10 One of the areas that, you know, that
11 we're particularly proud of is our -- is our
12 facilitating the automation of local criminal
13 justice. The first bullet on page 2 you can see
14 where we're speaking to our effort to automate small
15 and medium size police departments and make it cost
16 affordable.

17 The key here from a state perspective is
18 that we're standardizing the information that's
19 collected at the local level and it's able to report
20 electronically into the State Police and into the UCR
21 program. Beyond that, we're now automated. The
22 county jails are in the midst of automating. The
23 county prosecutors' office, adult probation, and
24 we're currently working with the juvenile probation
25 officers and the victim witness coordinators all in

1 the sense of providing them standardized software at
2 an affordable price so that they are able to come
3 into line with the -- with the rest of the system.

4 One of the areas that -- of -- that we've
5 been focusing on for -- for a number of years is the
6 prison and jail overcrowding problem. One of the
7 things that clearly you need is good -- is accurate
8 projections of what the county jails and the state
9 prison population will be in the future. That's
10 certainly dependent on what current -- what the
11 policies are both now and in the future. But a
12 committee which Mr. Renninger chairs composed of the
13 executive Director of the Sentencing Commission, the
14 Department of Corrections, the Board of Probation and
15 Parole, and the Governor's Budget Office is
16 responsible for providing the General Assembly with
17 projections of the prison populations. Needless to
18 say, I believe with this group that line is
19 continuing to march upward in a very dramatic
20 fashion.

21 One of the things that we've instituted
22 about two years ago was the computer lab training
23 center and we actually have a room dedicated in our
24 offices that local practitioners can come in and
25 familiarize themselves with both with the hardware

1 and also different software packages in a kind of a
2 nonbiased environment. We're not there to try and
3 sell anyone anything, but try to educate and let them
4 take -- take their choices as to what the software
5 might provide them.

6 One of the things that we -- we think's a
7 good idea is to enact legislation which would require
8 a prison population impact assessment prior to --
9 prior to the General Assembly Commission having
10 consideration. That is something that former
11 Representative Gorden Linton sponsored, I believe,
12 for three sessions. We haven't had much progress in
13 actually having that enacted.

14 You may be familiar with our victim
15 witness program. There's two phases to it. Both the
16 state funding stream, which is -- which is financed
17 through a penalty assessment on every conviction and
18 guilty verdict. It's now \$15 a conviction. And that
19 will have a fund of about 3 million dollars,
20 principally for state criminal justice services. So
21 here we'll be doing the witness -- victim witness
22 orientation, the case status notification, and
23 helping the victim deal with the criminal justice
24 system.

25 A side -- another side to our program is a

1 federal fund. It comes from the Federal Victims of
2 Crime Act. And here we'll deal mainly with the
3 counseling and the social service aspect of victim
4 services. And that fund also is about 3 million
5 dollars. A major responsibility there is training
6 and technical assistance. And we are on the road in
7 the counties probably about half the time during any
8 one month.

9 Something that has got a good bit of
10 attention nationally is to provide the victims rights
11 through a Constitutional Amendment providing that
12 level of status to the victim. It's something that I
13 believe in the next couple years we'll be hearing
14 much more about.

15 We have a very active and aggressive
16 Community Crime Commission program. We've won two
17 national awards for the -- for the state program. We
18 train police officers in a full five day course in
19 the basics of crime prevention and how to target a
20 community, the difference between residential and
21 commercial strategies. We also do a number of
22 special trainings. The most recent one was dealing
23 with campus sexual assault where we've provided 12
24 different training sessions pulling in about 35
25 universities where they would bring teens into the

1 training course to develop a protocol and a strategy
2 for their campus in preventing sexual assault on the
3 campus.

4 We're mandated to train all the
5 commonwealth's deputy sheriffs, that's provided --
6 the financing for that is provided out of a \$2
7 service fee. Currently we're providing a hundred and
8 sixty hours of basic training as well as sixteen to
9 twenty hours of in-service training every two years.

10 We -- through contract we use the
11 Dickinson School of Law to provide the basic training
12 and Temple School of Criminal Justice to provide the
13 in-service training. And we take care of the
14 scheduling of the assessments and the overall
15 monitoring and oversight of the program.

16 A difficulty with that program, we've
17 talked before in this Committee, is that by rule of
18 the Supreme Court the -- Philadelphia does not -- no
19 longer service -- Philadelphia deputy sheriffs no
20 longer service papers within the city, but any
21 competent adult within that city can service papers.
22 That is costing our fund about a hundred and ninety
23 thousand dollars a year. And we believe that next
24 year is really the time where we'll have to start
25 cutting back on the training that's provided because

1 of that shortfall in the fund.

2 Now, there is a legislation that's been
3 introduced that would do a fix to that fund. And the
4 simplicity of it is simply within the City of
5 Philadelphia to change the point of collection from
6 the sheriff to the prothonotary. Thereby we're not
7 arguing with the Supreme Court as to who can service
8 papers in Philadelphia; however, they would be
9 expected to charge -- the prothonotary would charge
10 the \$2 fee rather than the -- rather than the
11 sheriff's office. And we have actually raised that
12 fee to two and a quarter is it, Rick? So that the
13 prothonotary has no -- no cost in terms of their
14 administrative expense. It is a fix to the system.

15 We've had difficulty moving it all the way
16 to -- through the General Assembly to the Governor's
17 desk. Part of the difficulty is that when -- on the
18 floor of the House the amendments are offered which
19 changes the make-up of the board, changes the way the
20 board would operate. The sheriffs' association, as
21 well as the board itself, opposes those changes. And
22 consequently, though I think the last time it
23 actually passed the House, it was defeated. It was
24 not moved in the Senate because of those other
25 amendments. It would certainly be our hope that we

1 could move the very simple legislation forward to the
2 Governor's desk for signing and deal with any other
3 changes to the board in a more deliberative manner.
4 There is a hearing that you've scheduled on the
5 deputy sheriffs training board so we can go into it
6 perhaps in more detail.

7 CHAIRMAN CALTAGIRONE: This has gone --

8 MR. THOMAS: Pardon.

9 CHAIRMAN CALTAGIRONE: Do you know -- do
10 you recall what bill number it is this session?

11 REPRESENTATIVE BIRMELIN: It's House Bill
12 411, which has been reported out of this Committee.
13 You've taken action on it. It's now in the House
14 Appropriations.

15 CHAIRMAN CALTAGIRONE: Just a note for the
16 executive director to make sure that we ask the
17 leadership to see about getting that Bill moved
18 forward hopefully in the fall session. Something
19 like that 27, toward the end of September.

20 MR. THOMAS: That would be very helpful if
21 we can move it from the House over to the Senate when
22 they return. That would be quite helpful. Thank
23 you.

24 The next activity the Chairman is quite
25 familiar with, the Constables Education and Training

1 program. That is actually a mandate that was on the
2 Commission for -- for over a year now. That was
3 passed before the summer's recess last year. The
4 difficulty with that Bill had to do with the
5 structure of the board as well as some liability
6 concerns of the County Commissioners and a -- in the
7 passage of the original act it was understood that
8 the Governor had reservations as well as members of
9 the General Assembly had reservations. And there was
10 an agreement to enact the Bill so as to increase
11 the -- to restore the fees that the constables were
12 collecting with the understanding that then
13 amendments would be introduced and passed so that we
14 could make the training program functional. That
15 compromise has been developed through the leadership
16 of the Chairman. It is now -- that bill has passed
17 the House and is waiting for Senate action. And
18 we're quite hopeful that the Senate will act on it
19 before -- before Christmas.

20 We do a great deal in the area of criminal
21 justice training. As you may realize in that, though
22 the operating agencies do train in basics in their
23 particular field, but there is not any one source of
24 training for those activities which cut across the
25 field and very limited resources for any advanced

1 training. The Commission on Crime and Delinquency
2 using the federal funds that we have available have
3 taken on that role as being the source for training
4 within the state.

5 We have Juvenile Justice and Delinquency
6 Prevention program. It's currently operating at
7 about 2 million dollars of federal funds per year.
8 We are expecting a slight increase in that when
9 Congress passes the federal fiscal year '94
10 appropriation. Our activities within that fund
11 concentrate on the serious juvenile delinquency as
12 well as family focus prevention activities.

13 The largest funding program that we have,
14 the largest funding stream that we administer is the
15 Direct Control Assistance Improvement program, for
16 the last several years has averaged about 18 million
17 dollars per year. It's a broad-based funding
18 program. In the early years of the stream a lot of
19 the activities focused on drug control. For the last
20 several years the focus of the Commission has been on
21 system improvement. You can see the priorities
22 listed in the second bullet under that area.

23 One of the advantages as to the way the
24 Commission administers that program is to hold to a
25 strict seed money concept. And that is, if we fund

1 a -- we'll make a three year commitment to a program
2 and fund it for the first year at a 25 percent match,
3 the second year expect a 50 percent match, the third
4 year 75 percent match, and the fourth year we expect
5 the county or the city to operate the program in its
6 full.

7 We have been quite successful using that
8 type of graduated cost assumption. It's a lot easier
9 for a municipal or county to continue a program if
10 they already have a 75 percent stake in then if we
11 would try to jump them right from a 25 percent right
12 to a full cost of the program. It's an exciting
13 program in the sense of we can address current and
14 emerging issues within the criminal justice system
15 with very little restrictions on that funding stream
16 from the federal government.

17 I must say, however, that the current
18 action in the US Congress looks as though this
19 program -- well, if the House version would pass we
20 would lose about 5 million dollars in -- for next
21 year. If the Senate version would pass we'd lose
22 about 2 million. So that we're -- the funding stream
23 is going down next year. We'll have to wait till the
24 conference committee in September to see what the
25 final figure would be.

1 As an aside, I can tell you that the
2 reason that cut occurred isn't because of any
3 dissatisfaction with the program. In fact, it's a
4 very popular program in Congress and it has very
5 strong supporters. However, the president made a
6 commitment to put more police officers on the street,
7 a hundred and fifty million dollars has been
8 appropriated out of the same funding stream that this
9 formula grant comes to the state. It is called the
10 Edwin Bern Memorial Fund.

11 I think the rationale that some members of
12 Congress have used, well if the program is increasing
13 by a hundred and 50 million, well then it can also
14 take a cut of over a hundred million. And
15 unfortunately what happens for the net result in the
16 state is that we end up with more moneys going for
17 the hiring of police officers, less moneys for hiring
18 of prosecutors or work release coordinators or
19 juvenile prevention specialists. And we don't -- we
20 don't think it's a very good trade off.

21 A major activity within the Commission is
22 the intermediate punishment program passed in 1990
23 where we set up a responsibility in the Commission to
24 promote intermediate punishments, training, technical
25 assistance of developing of intermediate punishment

1 plans. One of the difficulties in that legislation
2 was that there was no appropriation made to it. The
3 counties were expecting a subsidy program so that as
4 they would develop intermediate punishments there
5 would be an on-going state funding stream for that.
6 That's what the legislation envisioned. In the
7 absence of that state funding stream, the Commission
8 has allocated federal seed moneys to intermediate
9 punishments. Our total commitment, once all the
10 three year projects are completed, our total
11 commitment will approach about 12 million dollars
12 that we've put into that program.

13 I must say relative to that effort, that
14 there's a limit to what the counties can absorb in
15 seed money. And the 12 million dollars is certainly
16 approaching that limit, meaning that the count --
17 that we have done a very good job of getting an
18 infrastructure established in the counties.
19 Intermediate punishments are becoming well accepted
20 in counties particularly those that are having --
21 experiencing severe overcrowding problems. But in
22 the absence of state subsidy funds I don't think we
23 can reach the potential that's there or satisfy the
24 need that's in the counties.

25 The final page, I guess a summary of the

1 page that is in the annual report but it would be
2 more updated, and as we simply walk -- walk down
3 through from the top -- top of the chart you can get
4 a sense of what the JJDP funding is used for and the
5 range of the grants and our state victim witness
6 program -- and as I mentioned that program will be
7 increasing to about 3 million dollars, Federal
8 Victims of Crime Act Program. Both the victims
9 programs are subsidy programs; that is, once we fund
10 a project we continue funding it as long as it's
11 performing its needed service, it's paying for the
12 operating costs of the -- of these programs in the
13 counties. Both the Juvenile Justice Delinquency
14 Prevention program and the Drug Control Assistance
15 Improvement program, however, are seed money and
16 therefore we fund something, prove it, get it onto
17 another funding stream and then use the funds to
18 start something else that's new.

19 As you -- as you can see, we have brought
20 the respective bureau directors with me hoping to be
21 able to get into any dialogue in having the
22 background that these gentleman bring would hope to
23 be able to answer any questions that you might have
24 in some depth. And it's your pleasure, Mr.
25 Chairman. We'll be happy to answer any questions. I

1 do want to welcome you to the Commission, being the
2 newest appointee to the Commission, and
3 Representative Masland also being a new member to the
4 Commission. We welcome that legislative involvement
5 in activities.

6 CHAIRMAN CALTAGIRONE: Thank you. I would
7 like to first ask who your total complement of
8 employees, the last page on the booklet, it lists all
9 of the employees. But is that your total complement.

10 MR. THOMAS: That's -- the book would be
11 out of date by a few positions. The total complement
12 is 55 --

13 CHAIRMAN CALTAGIRONE: 55.

14 MR. THOMAS: -- with 54 filled currently
15 and one vacancy. Is that correct?

16 MR. PATEL: Correct.

17 CHAIRMAN CALTAGIRONE: I do have several
18 questions, but I'll defer to the representative
19 members of the Committee first. Representative Carn.

20 REPRESENTATIVE CARN: Thank you, Mr.
21 Chairman. I notice in your report you say there was
22 317 subgrant awards. I presume that list in the back
23 is part of that? I notice this list. Is that part
24 of that 317?

25 MR. THOMAS: That would be part of it,

1 right.

2 REPRESENTATIVE CARN: I see there's only a
3 hundred and forty-five. Where are the rest of them?

4 MR. THOMAS: We'd have to actually review
5 each of those awards and compare it with whatever the
6 figure for 317 comes. But I would imagine its
7 continuation grants is what I would expect is the
8 difference between the two. So that what you would
9 have there is a listing of a grant. But as I was
10 mentioning, we would fund the same grant two more
11 times and so we would only be listing it there one
12 more time.

13 REPRESENTATIVE CARN: Okay. That's how
14 you view that. That you, Mr. Chairman.

15 CHAIRMAN CALTAGIRONE: Certainly.
16 Representative Birmelin --

17 MR. THOMAS: Mr. Reeser informs me also
18 the page you're looking at would not have all the
19 victim witness grants. These are the subsidy grants
20 I was speaking to that goes to the counties.

21 REPRESENTATIVE CARN: I really would like
22 to see all of those, a listing of all those grants,
23 if possible.

24 MR. THOMAS: Be happy to. It's something
25 we prepare annually for the budget process and so

1 we'd be happy to provide you what we submitted last
2 year, last spring in the appropriations processes.
3 And if you have any other detailed question we'll be
4 happy to answer you.

5 REPRESENTATIVE CARN: I sit on
6 appropriations also, so I would like to get that.

7 MR. THOMAS: Be happy to.

8 REPRESENTATIVE BIRMELIN: I'm
9 Representative Birmelin. We first met, I think,
10 about a year, year and a half ago when you
11 entertained us over in your offices over a few blocks
12 from here.

13 MR. THOMAS: In the Executive House,
14 right.

15 REPRESENTATIVE BIRMELIN: I forget when it
16 was, but I remember we sat and talked with you folks
17 for quite a while. And I'd like to walk through your
18 notes here if I could, 'cause I wrote down several
19 questions and maybe point them out to you as I do.

20 On page 2, the third paragraph, it says
21 here you provide criminal justice computer laboratory
22 and training center. Does that get into the
23 substance of what the computers can do or is that
24 just in the mechanics of the computer programming and
25 hardware?

1 MR. THOMAS: I'd like to defer to Mr.
2 Renninger on talking about the computer lab.

3 MR. RENNINGER: The intent there is wide,
4 so yeah, depending on the needs of the community we
5 might do very basic PC concept type courses. We
6 might do courses on hardware. We'll do new
7 technology that's being released by vendors, maybe
8 police department might be interested. We'll do
9 software training and that might be very basic, very
10 complex; on-going kinds of applications that
11 prosecutors, police departments, whatever might use.
12 So it's across-the-board and based primarily on what
13 the needs of the criminal justice community might be
14 at the time.

15 REPRESENTATIVE BIRMELIN: What's the
16 normal length of these training sessions?

17 MR. RENNINGER: It might be a half a day.
18 Or for instance, we just finished course last week
19 which was held in Philadelphia area which was on
20 computer crime and how police departments might deal
21 with computer crime, meaning they bust in on a drug
22 dealer and there's a PC sitting in the room, what do
23 they do with that PC. That was a five day training
24 course, so it -- depending on the material, the
25 complexity, it can vary from a couple hours to a

1 week.

2 REPRESENTATIVE BIRMELIN: On that same
3 page in the last paragraph under your victim and
4 witness program it says federal program under Victims
5 of Crime Act uses penalty assessment fees to provide
6 funds for support of direct services. From my
7 reading of this it sounds like you're a referral
8 agency primarily in this regard. Is that true,
9 referring to local victim programs or --

10 MR. THOMAS: As far as our role, we're
11 more the funding, training, and technical assistance
12 role of the people who actually provide the service.
13 And the victim witness coordinators actually work
14 hands-on with the victim to explain the criminal
15 justice system, explain when they -- when they need
16 to be at a certain proceeding, give them the
17 notification of the status of their case, really be
18 that communication link between the district attorney
19 and the victim.

20 REPRESENTATIVE BIRMELIN: So you train
21 people who deal with the victim?

22 MR. THOMAS: That's right. We both pay
23 for their salary as well as train them.

24 REPRESENTATIVE BIRMELIN: You don't have
25 direct contact with the victims?

1 MR. THOMAS: No.

2 REPRESENTATIVE BIRMELIN: The next page,
3 the first paragraph is an issue where you talk about
4 the elevation of victims status to the constitutional
5 level. I'm not really sure what you're saying
6 there. I appreciate you responding on that a little
7 better.

8 MR. THOMAS: Sure. Though it's -- the
9 victim's rights are in legislation, it doesn't really
10 provide the victim with a standing in order to
11 enforce those rights. What I believe -- is it seven
12 states, Rick, that have now moved to putting their
13 victim's rights within their Constitution? They've
14 either done it or they're in the process for doing
15 it. And it's something we'd like to explore further
16 with the General Assembly and to see whether or not
17 that would be an idea worth pursuing in the state.
18 The -- I'm trying to think of -- they call it SEVA.
19 What's that stand for, the organization?

20 MR. RESSER: It's an organization of
21 service providers.

22 MR. THOMAS: An organization of all the
23 victim service providers is taking the lead on that
24 effort.

25 REPRESENTATIVE BIRMELIN: Talking about

1 amendments to the State Constitution would assume to
2 be some sort of brief statement to address this
3 issue?

4 MR. THOMAS: Yes.

5 REPRESENTATIVE BIRMELIN: Have you got a
6 model statement for knowing that it needs to be
7 approved by referendum of the voters? Do you have
8 something like that?

9 MR. THOMAS: We have the examples of
10 what's been used in other states. It's something
11 we'd have to tailor for Pennsylvania.

12 REPRESENTATIVE BIRMELIN: On page 4 the
13 constables education and training probably is a
14 question that I would ask in conjunction with your
15 other training, particularly your deputy sheriffs.
16 It's my understanding -- and I think I asked this
17 question when we met last, some time ago -- but to
18 refresh my memory, you do hold those training
19 sessions in Harrisburg; is that correct? Or do you
20 have them in other areas of the state as well.

21 MR. THOMAS: With constables training, we
22 are not training constables. That has not been --
23 that program has not been established. The deputy
24 sheriffs training --

25 REPRESENTATIVE BIRMELIN: Well, you're set

1 up for it, I mean.

2 MR. THOMAS: Not really.

3 REPRESENTATIVE BIRMELIN: Weren't you
4 originally with the legislation that was later
5 determined to be unconstitutional? Weren't you doing
6 that? Weren't you the agency that was doing that?

7 MR. THOMAS: No. That was the
8 administrative office of Pennsylvania courts.

9 REPRESENTATIVE BIRMELIN: Well, then let's
10 apply this question then to deputy sheriffs only.

11 MR. THOMAS: Deputy sheriffs, we train the
12 deputies in their basic training a hundred sixty hour
13 course down in Carlisle at the Dickinson School of
14 Law. We hold two sessions in each summer, four week
15 duration each, about 70 attendees per each session.
16 During the course of the year we hold our in-service
17 training in sites across the state. We regionalize
18 it and bring in the surrounding counties so we're in
19 Erie and Pittsburgh and Philadelphia.

20 REPRESENTATIVE BIRMELIN: Are these like
21 brush-up courses basically, is that what you're
22 talking about?

23 MR. THOMAS: Refresher?

24 REPRESENTATIVE BIRMELIN: Yeah.

25 MR. THOMAS: Yes. We service the sheriffs

1 offices to get our calender of training offerings.
2 If -- we can be refresher of both the basic courses,
3 so we can cover any one of the -- any of the topics
4 that would be in basic course as well as some
5 course -- issues that are percolating that -- that
6 weren't even thought of whenever the basic course was
7 developed, like AIDS training and how to treat and
8 transport AIDS patients and what precautions to
9 take. So it's -- we try to keep the topics very
10 relevant and meaningful to the deputies.

11 REPRESENTATIVE BIRMELIN: Would people
12 like myself be able to sit in on one of these
13 training sessions just to see what goes on?

14 MR. THOMAS: Certainly.

15 REPRESENTATIVE BIRMELIN: I'd appreciate
16 the opportunity to do that. And I don't know how we
17 can arrange to do that. It sounds to me like you're
18 training in Carlisle is finished for this year. Is
19 that an accurate statement?

20 MR. THOMAS: Training in Carlisle is
21 finished for this year.

22 REPRESENTATIVE BIRMELIN: So we're looking
23 at the possibility of maybe one of these areas on
24 refresher courses that I might be able to attend.

25 MR. THOMAS: Be happy --

1 REPRESENTATIVE BIRMELIN: Then maybe next
2 summer spend a day in Carlisle perhaps. But I'm
3 interested in knowing, you know, what you're
4 providing, what are these officers learning, what
5 exactly is it that they're doing with them in the
6 training session that they go out in the field and
7 apply. Chairman Caltagirone is also a supporter as I
8 am of giving more arrest powers to our sheriff, which
9 of course would also accrue to their deputies. And
10 I'd like to know what they're doing now as to, you
11 know, their particular training and then see how we
12 can improve upon that.

13 MR. THOMAS: Very good.

14 REPRESENTATIVE BIRMELIN: So I'd
15 appreciate it. I'm Representative Birmelin, if you
16 would somehow or other let me know. I'm in the
17 northeast, so don't send me to Erie, but if you have
18 a training refresher course of some sort, some sort
19 of a -- something within the northeast part of
20 Pennsylvania that I could attend I'd appreciate going
21 there. That's all the questions I have. I just want
22 to thank you, gentlemen, for what I consider to be a
23 very professional organization. And any contacts
24 I've had with you, some very straightforward and
25 informative answers to my questions. Thank you.

1 MR. THOMAS: Thank you.

2 CHAIRMAN CALTAGIRONE: Representative
3 Masland.

4 REPRESENTATIVE MASLAND: Thank you. I'd
5 like to invite Jerry to come to Carlisle and we'll
6 take you out to dinner and work that out. Carlisle,
7 we do have very plenty of people walking around in
8 uniform in the summer, between the deputy sheriffs
9 and Washington Redskins.

10 One question here, if you can maybe
11 clarify as to -- and I know you do a lot with victim
12 and witness programs and then there's also the victim
13 witness compensation board, and I believe that
14 Maryanne McManus is chairman of that board, is on
15 PCCD or does she just sit in on that? What kind of
16 relationship do you have with them?

17 MR. THOMAS: Very close working
18 relationship. And Maryanne is on our advisory
19 committee on victim services that Judge Bean from
20 Bucks County chairs a committee of the Commission
21 that oversees our victim services efforts. And Mrs.
22 McManus is a member of that Committee.

23 We will involve the crime victims
24 compensation board in our trainings. Some of the --
25 one of the things that a new victim witness

1 coordinator needs to know is that there is a
2 compensation board and that there's a way of getting
3 out-of-pocket losses fulfilled.

4 REPRESENTATIVE MASLAND: So you actually
5 train them and basically refer them onto the crime
6 victim compensation board?

7 MR. THOMAS: That's right.

8 MR. REESER: Part of a victim witness
9 coordinator's job in a district attorney's office
10 historically develops into how do I fill out a crime
11 victim's compensation claim, where do I get money.
12 So as Mr. Thomas said, they obviously have to be
13 trained on the compensation process to some degree
14 and how to proceed.

15 REPRESENTATIVE MASLAND: Just one other
16 question. I just wanted to know -- I know that we --
17 we had some funding grants at the last meeting for
18 the -- I think we call it school based probation.
19 Are they going to be up and running now, this fall,
20 and have you been working closely with those various
21 districts?

22 MR. THOMAS: They will be up and running
23 this fall. We are working very closely with them.
24 We're working very closely with the Juvenile Court
25 Judges Commission and the Juvenile Research and

1 Training Center out of Shippensburg to provide that
2 oversight and training. We've met this month up in
3 State College with all of the -- with representatives
4 from each of those probation departments that has one
5 of our grants. We'll be meeting again in September
6 and once in November so that we're trying to give
7 them the benefit of the experience of the programs
8 that were already started in Allentown and in
9 Doylestown but then as well get them to share the
10 experiences between themselves.

11 REPRESENTATIVE MASLAND: Have you gotten
12 any feedback from the local communities, any concerns
13 expressed about having probation officers in the
14 schools? I talked to, you know, a few
15 representatives who are in south central Pennsylvania
16 and represent areas that are going to have these.
17 They were happy that I could inform them of this, but
18 otherwise they would not have known about it. And I
19 just didn't know whether this is something that
20 you've gotten any backlash anywhere, having these
21 probation officers in school?

22 MR. THOMAS: I haven't.

23 REPRESENTATIVE MASLAND: I would hope not.

24 MR. THOMAS: Virtually no letters and no
25 phone calls. I think it's for the probation

1 department to actually come in with a green
2 application. A lot of that ground work had to be in
3 place for them to even get the ability to apply for
4 the funds. They had to have the school district on
5 board and that meant community meetings and dealings
6 with the faculty and what have you. I can say it's a
7 very popular program. I would expect that we will be
8 seeding another five or six programs maybe by as
9 early as December. We have more takers than we had
10 money at the time.

11 REPRESENTATIVE MASLAND: I think it's a
12 good program. I was just wondering. Thank you.
13 Thank you, Mr. Chairman.

14 CHAIRMAN CALTAGIRONE: Sure.
15 Representative Daley?

16 REPRESENTATIVE DALEY: No questions.

17 CHAIRMAN CALTAGIRONE: I'd like to get
18 into the area about the juvenile justice situation,
19 because I've taken this Committee to just about every
20 facility, every juvenile detention facility in the
21 state that's state operated. We recently just went
22 to Glenn Mills. We were very, very impressed with
23 their operation there.

24 Surprisingly -- and that's privately
25 operated. Chairman Piccola came with us and members

1 of the staff. I'm not sure if any of the members
2 here were present. They operate at a substantially
3 reduced rate from the state facilities. And one of
4 the particular interests that I have is whether or
5 not they're making a difference because we can
6 continue to throw money at these problems and the
7 problems are still there.

8 They have a 40 percent recidivism rate,
9 while the state facilities have 80 percent recidivism
10 rate. So, you know, the conclusion that I think one
11 would have to draw is that they're doing something
12 pretty good there, evidently, because kids aren't
13 coming back into the system.

14 Any comments on -- on the problems? You
15 know, we've looked -- I think just recently this
16 summer there was another outburst or incident or what
17 was it, Loysville. And we've begun to -- where was
18 that they had those problems, Dave?

19 MR. KRANTZ: Vision Quest.

20 CHAIRMAN CALTAGIRONE: No, we've toured
21 Vision Quest. We're going up to the boot camp. But
22 the one where they had --

23 MR. CARN: What do you call it?

24 MR. KRANTZ: Salem.

25 CHAIRMAN CALTAGIRONE: That's Ben Salem.

1 You know, something's wrong. Something's drastically
2 wrong. And I think it's about time that we turn this
3 situation upside down. And I'm almost to the point
4 where we ought to throw the whole book out and
5 rewrite it, because we are doing a terrible job.
6 This state is doing an absolutely dismal job as far
7 as trying to do something to correct the conditions
8 with the juveniles in this state.

9 Do you have any comments on that aspect,
10 first of all?

11 MR. THOMAS: Well, we certainly have a
12 very active and important private sector involvement
13 in the juvenile justice system. You've mentioned a
14 couple programs that you've looked at. I'd recommend
15 that you look at alternative rehabilitations --
16 rehabilitative communities. ARC is what it goes by.
17 Dan Elby is the president. He's also a fellow
18 commission member.

19 Dan started his program about 20 years ago
20 with the closing of Camp Hill. And because of the
21 success he's had with serious, hard-core juvenile
22 offenders he's expanded that operation I believe to
23 five different facilities throughout the south
24 central area. Very effective program. There's --
25 and I believe that he would be most happy to

1 entertain your visit.

2 I think that private sector involvement
3 needs to be encouraged and maintained. I really am
4 not in -- not knowledgeable within what the state is
5 doing within the YDCs.

6 Well, the reason why I'm saying that,
7 we've got to be a little bit more cost-effective in
8 our delivery of services. And that's almost like the
9 catch word anymore today with shrinking resources and
10 demands continuing to grow. You have to look at
11 these alternatives. And I was very, very impressed
12 with the operation. And they have about 793 young
13 lads down there, half of which are from the State of
14 Pennsylvania. And you have these professional
15 bureaucrats at the Department of Welfare sitting up
16 on high up here trying to make the mandates and
17 trying actually to take control of the operation of
18 that program.

19 Well, the operator of the program said
20 point-blank if that's what the state wants to do,
21 we're going to stop taking kids from Pennsylvania
22 because we can take them in from all over the
23 country. And they certainly do and they've been very
24 successful, at least from the comparison of what
25 we're doing in the state system. And I think that

1 when you talk about the criminal justice system,
2 you've got to look -- just like with anything else,
3 when you start analyzing a problem -- I mean, adult
4 criminals don't all of a sudden become adult
5 criminals. I mean, they don't go to a school or they
6 don't just pop up on us and say well now I'm an adult
7 criminal and here I am, I've arrived on the scene.

8 And I'm going to continue to strongly
9 advocate for changes within that system. And I think
10 that the state system and if you, you know, do some
11 checking into this because there's certain amounts of
12 money that you can pour into the counties for various
13 programs for juvenile offenders. And with that I'm
14 going to mention also that we've worked on
15 legislation. We do have -- we did have support from
16 the two appropriations chairs in the House and the
17 Budget Secretary to at least consider increasing the
18 funding in juvenile probation and programs,
19 designated programs, earmarked money, no blank checks
20 to any county commissioners. It's earmarked for
21 specific programs that would be available.

22 When you compare the funding levels that
23 we put into adult probation the juvenile probation
24 and those types of programs, it's so out of balance
25 it's not funny. And we're talking about 2 million

1 dollars roughly compared to, what, several millions
2 in adult.

3 If we want to effectuate behavior you've
4 got to do it while they're young, at the other end of
5 the spectrum. But of course they don't have any
6 advocates. You know, they have all these other
7 groups that are well organized at that spectrum. At
8 this spectrum, the juveniles have no one speaking for
9 them basically. And trying to get that turned
10 around -- because in all of the studies that I've
11 read and I have a staff person who was a former dean
12 of a labor college who has been working with me on
13 this project for the last year -- we know that if the
14 state were to put additional funds with the juvenile
15 probation and programs and earmark that money, and
16 increase it over a three year time span -- we're not
17 saying put it all in at once, we're only talking
18 about an incremental amount of about 2 to 3 million
19 dollars a year for the next three years -- we feel
20 that there will be a dramatic decrease of the adult
21 offenders given time. And we can impact on the
22 numbers that are being incarcerated in the state
23 facilities if we have more resources available at the
24 other end. But trying to make believers and convince
25 people at the highest levels of government up here

1 has not been an easy thing.

2 Do you agree or disagree with that
3 assumption and what can be done to drive that home so
4 that the policymakers other than those in the General
5 Assembly, although we're key players, we need budget
6 office, other administration officials, and other
7 people that play an integral role in what goes on in
8 state government up here jumping on the band wagon.
9 And what, you start with the budget process,
10 September, October, November, preparing --

11 MR. THOMAS: That's correct.

12 CHAIRMAN CALTAGIRONE: -- and they pretty
13 well have the budget sowed up by the time January,
14 February come around, the presentation is --
15 everything's locked in and we're ready to go for the
16 next year. So if you don't get it in now, forget
17 it. It ain't going to happen.

18 MR. THOMAS: Well, no. The Commission
19 went through a rather fascinating planning exercise
20 the summer -- last summer where they really wanted to
21 take an assessment about where their -- where their
22 emphasis was going within the -- within the funding
23 programs that they have. It was a round table -- two
24 day round table that we had. We had law enforcement
25 strongly represented within that -- within that round

1 table, US attorneys, district attorneys, judges, as
2 well as other professionals across the -- across the
3 field. That's to say that we really had the best
4 knowledge available to us on criminal justice sitting
5 at the same table dealing not with a funding request,
6 but where should we be going within the state and
7 where, therefore, should we be using these limited
8 federal funds.

9 The conclusion of that process was that we
10 ought to be putting our emphasis into prevention,
11 into juvenile working with the troubled adolescent
12 and the serious juvenile offender and in dealing
13 within the schools. What Representative Masland
14 referenced, our inn-school probation is coming --
15 that effort, that major effort that we're doing is a
16 direct result of the Commission's planning of last
17 year and it was a recognition that unless we're
18 dealing with the juvenile offender and preventing
19 further delinquency, then we are simply going to have
20 the problem as an adult.

21 I might say that that -- the -- that drug
22 control system improvement program has largely been
23 devoted to the adult side of the system, both in this
24 state as well as nationally. Our Commission is
25 really the first within the nation to say we have to

1 start taking those resources and devoting it into the
2 juvenile system. The 2 million dollar funding stream
3 that we have simply wasn't sufficient, so the
4 Commission allocated another 2 million dollars to
5 emphasize this -- those juvenile programs. The
6 Commission clearly as a group agrees with the
7 sentiments that you've expressed.

8 The one item that you were -- that you
9 were speaking of in the control from the state of the
10 private providers and the private providers choosing
11 to go outside the state in order to get their
12 clients, that is a very significant concern to the
13 state. Should be a very significant concern to the
14 state, is a very significant concern to our juvenile
15 advisory committee and they've gone on record as to
16 wanting to influence whatever final financial
17 regulations do come out from the Department of Public
18 Welfare. It's very much of a very serious concern.

19 We do know that the specialized treatment
20 services up in Mercer County who deal -- who has a
21 very effective track record in dealing with sex
22 offenders, now has taken their -- all their clients
23 are now coming from outside of the state because of
24 the disincentives for working within the state.
25 That's very disturbing to us in that we were the seed

1 money to get STS started about ten years ago.

2 CHAIRMAN CALTAGIRONE: Well, you know, the
3 other problem is that the total number of beds in
4 Glenn Mills equals the total number that we have in
5 the state system. I mean, their operation is a
6 campus type operation; no fences, no guards, no
7 security, and basically no problems.

8 Now, when you see an operation like that
9 you've got to say to yourself they're doing something
10 that's worth it. And yet, you know, we turn our
11 heads away and say, well, we're going to do it our
12 way; that is, the way the state wants it done. It
13 doesn't make a lot of sense.

14 REPRESENTATIVE CARN: Mr. Chairman, a
15 question. What is your means of testing for
16 determining whether or not or how effective PCCD is?
17 How do you determine your effectiveness in your
18 roles?

19 MR. THOMAS: That's a good -- certainly a
20 good question. I guess it's getting feedback from
21 the parts of the system that we're trying to --
22 trying to help.

23 REPRESENTATIVE CARN: There's no numerical
24 objectives or there's no means to testing that you
25 have to try to acquire?

1 MR. THOMAS: I guess ultimately if we
2 could eliminate crime and we had some piece of that,
3 then that would be a good --

4 REPRESENTATIVE CARN: How are you making
5 an impact at that effort? Is there any way that you
6 do that or you don't do it or it's not important or
7 what?

8 MR. THOMAS: We do not measure our
9 effectiveness on a numerical sense on projects that
10 we fund. We do both assess those projects through
11 data collection, through setting up very specific
12 objectives that the projects are to meet and then
13 monitor those projects to see if they're meeting
14 those objectives. And we do provide some more
15 thorough evaluation of some types of projects so that
16 we can -- we do provide those sorts of standards to
17 the activities that we're doing.

18 But when you asked the question overall of
19 how does the Commission know whether it's effective,
20 one of the best measure, I guess, is if -- if we're
21 healthy financially, is the General Assembly willing
22 to support the program, is the General Assembly
23 willing to make various assignments to the -- to the
24 Commission on Crime and Delinquency. And we've had a
25 very -- in that sense of measurements we've been very

1 effective. We have been a very Popular agency with
2 the General Assembly and through two
3 administrations -- through different -- two different
4 administrations assigning us increased
5 responsibilities and mandates.

6 So I think we're doing something --
7 something right in how we meet those mandates.

8 REPRESENTATIVE CARN: Thank you, Mr.
9 Chairman.

10 CHAIRMAN CALTAGIRONE: Getting --

11 MR. THOMAS: I did have another thought,
12 Mr. Chairman. I wouldn't -- certainly wouldn't want
13 to presume to speak for George Taylor, the Deputy
14 Secretary for Children Youth and Families in Welfare
15 who has the YDCs under him, but I do know he's raised
16 the same -- the same question that you're raising,
17 whether or not the state should be in the business of
18 providing that care or should it all, should it be
19 totally private. You might want to follow through
20 with your dialogue with Secretary Taylor.

21 CHAIRMAN CALTAGIRONE: Yeah, I plan to do
22 that because I think that something has to be done
23 here to make the change.

24 To follow up on the line of questioning of
25 Representative Carn was inquiring your agency, but

1 getting very specific as to how you use your
2 oversight or auditing experience on the governmental
3 units that access and are successful in getting
4 grants awarded to them, to be a little bit more
5 specific, if a grant is awarded to a district
6 attorney's to investigate and/or to document child
7 abuse and they are successful in receiving that
8 grant, I'd like you to walk us through how that
9 happens and what oversight or follow-up in auditing
10 you exercise and are successful in also, say, getting
11 roughly a hundred thousand dollars a year for three
12 years.

13 MR. THOMAS: I think there's two parts of
14 your question; one, we have to look at the program
15 side, and as well as the financial stewardship of the
16 dollars. And perhaps Mr. Reeser and Mr. Patel could
17 walk you through our process as we would review a
18 grant, as well as monitoring the grant.

19 MR. REESER: I would take the case that
20 you're talking about, for example, if we solicit
21 state-wide for grants in the child abuse prosecution
22 area, and it is a competitive process basic --
23 usually we have more takers than we have money
24 available. As the grants come in and are reviewed,
25 each project sets up -- going back to what

1 Representative Carn asked -- a specific series of
2 goals and objectives which they say they're going to
3 meet, might be numbers of investigations, it may be
4 numbers of successful prosecutions -- or maybe
5 numbers of prosecutions -- I shouldn't say successful
6 necessarily -- and give us a full-fledge budget as to
7 how they want to spend the money that they are
8 proposing to spend at a 25 percent match.

9 That grant is -- is reviewed both from a
10 programs standpoint to see whether it makes sense,
11 does it comply with federal guidelines, does it
12 comply with the solicitation we put out. It is
13 reviewed from a legal standpoint by legal counsel.
14 And it is reviewed from a financial standpoint, does
15 the budget make sense, is it within federal and state
16 guidelines, are the costs allowable, are they
17 reasonable, et cetera.

18 Assuming all of that is favorable, it goes
19 forward to the Commission for a decision. And
20 assuming, again, that the Commission approves the
21 grant, from that standpoint -- let me add one -- one
22 additional point. Every one of our projects requires
23 an independent audit of the funding.

24 CHAIRMAN CALTAGIRONE: Who does that?

25 MR. REESER: It's general.

1 MR. PATEL: The CPAs audit.

2 CHAIRMAN CALTAGIRONE: You hire a CPA
3 firm?

4 REPRESENTATIVE CARN: Each agency hires
5 their own CPA? Is that what you're saying?

6 MR. PATEL: It's a federal requirement
7 that if they get a hundred thousand or more federal
8 money they have to have an independent auditor review
9 their fundings.

10 CHAIRMAN CALTAGIRONE: Do you ever find
11 discrepancies?

12 MR PATEL: Once in a while we do see some
13 discrepancies. And we also -- what we do is we have
14 a couple auditors on our staff and usually when we
15 have a new sub grantee then we send them out, we call
16 that entry audit, and the main purpose of entry audit
17 to see whether they settle the books and audit
18 requirements properly or not. And that's how we
19 avoid them getting big problems.

20 CHAIRMAN CALTAGIRONE: Just is the
21 statistical work that's done in preparing a grant
22 application, if it's brought to your attention that,
23 in fact, there is evidently some discrepancies in the
24 numbers that were submitted and cannot be, in fact,
25 then validated, how do you adjust that or that

1 problem? How do you look into that problem and what
2 specifically do you do to resolve that problem if
3 it's, in fact brought to your attention.

4 MR. THOMAS: That's probably more on the
5 program side. The question -- we really haven't
6 experienced that type of problem. But I think it
7 would depend on whether or not the data that was
8 provided was essential to pass the threshold of
9 invitation. I mean, if you were documenting your
10 problem and the criteria that we set up said, well,
11 we're only going to fund those entities that have a
12 certain severity of a problem and we've found that
13 the -- that there was some shenanigans going on in
14 that in terms of that documentation, we certainly
15 would bounce the project out.

16 CHAIRMAN CALTAGIRONE: Well, let me
17 make --

18 MR. THOMAS: I'm trying to --

19 CHAIRMAN CALTAGIRONE: -- mention of who
20 I'm talking about so we can put it on the official
21 record, and then make you officially aware of it
22 publicly.

23 This is an oversight hearing that we are
24 conducting on the operation of the government and
25 taxpayers' money, whether it's federal or state or

1 local, and it's Berks County District Attorney's
2 office who made the application under District
3 Attorney, I guess, Mark Baldwin. And that money was
4 approved based on the assumption of the figures that
5 were given to them by the Berks County Children and
6 Youth Services Agency.

7 A county detective who had been a former
8 Reading Police Department official for 22 years with
9 outstanding service and meritorious conduct was hired
10 the beginning of this year to do the statistical
11 analysis report that I think I had shared with Mr.
12 Reeser in my office a few weeks back and indicated
13 that these figures were, in fact, phony. They were
14 ballooned.

15 And the original figures that were
16 submitted to PCCD for consideration of the funding
17 grant that was eventually awarded could not, in fact,
18 be documented and/or substantiated. They had counted
19 the actual number of cases. It went from 400- or 446
20 down to actually 144. And those that were actually
21 prosecuted were 17.

22 So somebody was playing pretty hard and
23 fast with the figures. And when you look at
24 situations where Berks County's supposed to rank
25 third in the state, and I've been saying that's BS.

1 It cannot be substantiated. They've been ballooning
2 their figures. They've been doing all sorts of
3 unethical, if not illegal, types of activities in
4 that county, I think we've seen it in some other
5 counties which we're going to be documenting, we've
6 had three state-wide hearings and one closed door
7 hearing, one in the Berks -- in the Reading area with
8 the Berks delegation both Democrats and Republicans
9 of which we heard some very startling revelations by
10 former employees and current employees.

11 I might add at the state level someone has
12 provided us with information which has all been
13 turned over to the Inspector General, the Attorney
14 General for prosecution, because I am convinced that
15 there have been violations of federal and state
16 laws.

17 In this particular case I think phony
18 numbers were submitted and a grant was accessed and
19 it cannot now be substantiated that those numbers
20 are, in fact, correct. What do you do in a situation
21 like that?

22 MR. THOMAS: Well, certainly that would --
23 that's -- your statements concern me a great deal if
24 they were deliberately inflated by the person who put
25 the grant through by coming from the district

1 attorney. That certainly concerns us of something to
2 look into. However, the -- those figures would not
3 have entered into a decision on whether or not the
4 grant would have been funded or not. What we're
5 trying to do is --

6 CHAIRMAN CALTAGIRONE: Well, let me expand
7 on the reason why I think it does have a direct
8 correlation with what we're talking about. Certain
9 people in Berks County, the Executive Director of
10 Children and Youth Services George Kovarie prides
11 himself in the fact we now rank third -- I don't know
12 why he should be so proud of that if that is true,
13 which I don't think it is true -- third in the state
14 behind Philadelphia and Allegheny County on the
15 number of incidences of child abuse. Our county
16 ranks 11th or 12th in population. It's almost
17 impossible that we would rank that high.

18 But, in preparing numbers he's advertising
19 on buses in Berks County how Berks County children
20 abuse up 33 percent. I mean, what's he running, some
21 kind of a foot race here at our expense, okay.

22 Now, Karen Snyder at Welfare, I tried to
23 get this across to her too. And, you know, sometimes
24 they are not playing with full decks around here. I
25 tell them how are these agencies expanding at our

1 expense because we give them a blank check for
2 whatever they want, you know, needs based outcome.
3 You know, here it is. Come on. How many cases are
4 you dealing with? Well, we delt with 1500 last
5 year. Hum. 1500, 1500, interesting, 1500.
6 Justifying additional employees. We got a case load
7 of 1500 and growing. You know, everybody in Berks
8 County, everybody in the southeast will be child
9 abusers at the rate this disease is growing, right.

10 What nonsense. What utter activist
11 garbage that's being perpetrated on us in this
12 Commonwealth.

13 They received a very substantial increase
14 in their budget this year, which I think is utter
15 nonsense. And I'm asking for an investigation of
16 that whole unit up here under the Department of
17 Welfare because I don't think anybody's looking at
18 it. And we give them more grants, more moneys for
19 DAs, more moneys for this, that, and the other
20 thing. And I think it's just utter nonsense. It's
21 an industry and we're perpetuating it. And we're all
22 part of it, because nobody has lift up the rock to
23 see what's underneath it.

24 And I've said to Secretary Snyder, as I'm
25 saying to you, start looking at these figures, start

1 looking at what they're submitting to you. Because I
2 think a lot of it is phony nonsense. They even claim
3 out of their own mouths that 70 to 80 percent of them
4 are unfounded. So what does that say? That there's
5 something wrong with the system. They want
6 employees, they want funding. So, you know, if you
7 don't have the cases, you don't have the staff, you
8 don't get the funding. The figures that we're
9 submitted to your agency came from Children and Youth
10 Services.

11 That county detective in doing his work,
12 his research work for statistical analysis work to
13 document that those cases actually in fact existed,
14 counted every case in the file and could only come up
15 with 144. And I think if you check the application
16 for which they had submitted this grant, it was
17 either 446 or 546. I don't recall the exact number.
18 Demonstrating that they had a very high incidence of
19 child abuse reported by police departments. The
20 figure was totally inaccurate. But when you see a
21 figure like that, and I'm sure when your people
22 review that they think, oh, my God, that's terrible.
23 What's going on in that county. They do need some
24 help, maybe we better give them that money. They can
25 put three more people on at a DA's office to

1 investigate what's going on there, because that's
2 terrible. That's got to stop.

3 I agree, if it were true. But what we're
4 finding out in the hearings that we've held with this
5 Committee throughout the state are indicating that
6 quite the reverse is true. They are tearing families
7 apart in this state and we're sanctioning it. And to
8 make matters worse we give them grants to do more of
9 the same from various agencies of government. And
10 they've duped all of us. And all I'm suggesting to
11 you is take a better look at what's going on there.
12 Because I think they got your money and ran with it
13 and cannot now substantiate those actual figures.

14 MR. THOMAS: Well, let me respond that the
15 funding programming of the Commission on child abuse
16 prosecution was to -- is to increase the capacity and
17 wherewithal of district attorney's offices to deal
18 with a very difficult prosecution, and that is
19 relative to child abuse; both in treating of the --
20 in developing the case against the offender as well
21 as being sensitive to the needs of the victim. And
22 that is -- that's the main thrust of the program. So
23 that the numbers that were submitted, if they're --
24 if they're phony certainly concerns me and I would
25 certainly want to know why anyone would be lying on a

1 grant. I mean, it's something we need to pin down.
2 But it would not have made a difference in terms of
3 the Commission's funding decision whether or not it
4 was the figure your suggesting or half that figure.

5 CHAIRMAN CALTAGIRONE: If I may interrupt
6 you. Let me just tell you how far it goes. This is
7 what really concerns me as a government official, as
8 Chairman of this House Judiciary Committee, as a
9 lawmaker. When I'm told -- and they keep saying back
10 home these are just disgruntled employees -- when we
11 met and I've had Representatives Sam Rohrer,
12 Representative Dennis Leh, Sheila Miller, Dante
13 Santoni, myself, Paul Semmel, meet with these people
14 on different occasions, some at my office, but always
15 in the presence of several attorneys to make sure
16 that what was being said wasn't going to be
17 misconstrued later on because after talking with the
18 two year employee, a four year employee, ten year
19 employee, a fourteen year employee, a current -- I
20 should say several current employees from up here in
21 Harrisburg, Department of Welfare in this particular
22 area, they've all been indicating to us that it's
23 outrageous what is being done, how things are being
24 handled, the lying that's going on, how you're being
25 told to lie in court, in juvenile court, lying on the

1 stand under oath -- employees being told this -- how
2 to present and document false and fictitious
3 allegations, false reporting. I mean, we were
4 sitting there and nobody could believe we were
5 hearing this. Now, how many agencies are practicing
6 that way across this Commonwealth to build their case
7 load to justify their existence --

8 REPRESENTATIVE CARN: Yes, indeed.

9 CHAIRMAN CALTAGIRONE: -- to get more
10 money? What are they doing to us? What are they
11 doing to us as a society, as a state, you know?
12 They're trying to perpetrate a fraud on us and what
13 we've uncovered is quite the reverse that I might
14 add. There is child abuse committed by these
15 agencies with children in their care.

16 It concerns me when a 14 year employee
17 tells me that under the auspices of the agency that
18 had taken children out of homes and placed them in
19 foster care -- and that's another industry -- in
20 foster care, four children died within a four month
21 period. And the executive director of the agency and
22 the line supervisor indicated that those children
23 brought on their own deaths. I mean, what garbage.
24 Those children brought on their own deaths, the
25 agency has no responsibility.

1 And when three young girls are raped, ages
2 6, 11, and 14, placed by the agency in foster care
3 because the mother was drug addicted, and after the
4 14 year employee said to the supervisor, I fear for
5 these girls being placed in this situation because
6 the paramour, the live-in lover was not checked out
7 thoroughly. She was overruled and the 14 year old
8 girl was raped. You would have thought common sense
9 would have dictated to you that the other two younger
10 girls would have been pulled out of that home, out of
11 that situation, taken out of harm's way. No. They
12 were left there and they were both also sexually
13 molested.

14 I start to wonder what's going on with
15 these agencies and they're cloaked in the secrecy of
16 juvenile court proceedings, without benefit of the
17 press or the public to watch. And then they play
18 with these numbers and they generate this
19 groundswell. Well, who could be for child abuse?
20 Well, nobody in their right mind's for child abuse,
21 poor abused children. But they have blinded your
22 agency as well as most of the General Assembly as to
23 the truth as to what's been going on in most of these
24 county departments because nobody wants to take a
25 real good look at what they're doing.

1 Maybe you ought to set up a grant for an
2 independent agency of state government like the
3 inspector general's office -- and we've supplied them
4 with everything, my entire file, all the hearings,
5 proceedings, all the private letters, everything,
6 because we want cleansing. We want it out in the
7 open. We want to deal with this publicly, not
8 privately behind closed doors, publicly. And maybe
9 you guys ought to seriously think about taking a look
10 at these agencies and their operations as to whether
11 or not they're operating in the best interest of the
12 Commonwealth and for the funding that we give them.

13 REPRESENTATIVE CARN: Here, here.

14 MR. THOMAS: I think in response to your
15 last suggestion, I think that would be far beyond the
16 scope and mandate of the Commission on Crime and
17 Delinquency. We are concerned about --

18 CHAIRMAN CALTAGIRONE: Aren't they
19 committing crimes though? Aren't they committing
20 crimes by what they're doing, these agencies? Who
21 holds them accountable for what they're doing?

22 MR. THOMAS: I take it through your
23 oversight hearing that you are playing that role and
24 that you're dealing --

25 CHAIRMAN CALTAGIRONE: But not with

1 prosecutions. And we've asked the governmental
2 agencies to come in and do the prosecutions because
3 we feel -- and not just me, the representatives that
4 I've mentioned and others that are aware of these
5 situations -- do feel that criminal violations have
6 occurred and civil violations have occurred. And
7 what I'm saying is I think it's more on a statewide
8 basis in many of these county agencies than we can
9 even begin to realize. We've had testimony from
10 doctors, attorneys, business people and all -- the
11 whole range of spectrum of people in this
12 Commonwealth, the number of poor people that have
13 been abused by these agencies, whether they're black,
14 white, or Hispanic, I mean it covers the whole
15 rainbow.

16 And there are many of us that are
17 concerned about the abuse of this authority that
18 these people have and how it impacts on every citizen
19 in this Commonwealth and our budget. You talk about
20 budget, you look at what that budget is growing to be
21 over there. And everybody says well child abuse,
22 it's a terrible thing. Yeah, it is. But what about
23 the abuse that these agencies are committing?
24 Doesn't anybody think that they should be looked at?
25 I mean, you know, it's always interesting, we want to

1 look at the criminals and some of the aspects of the
2 criminal behavior. Some of this behavior that -- I
3 might add that we've uncovered I think is criminal.
4 I personally think that some of these people should
5 end up in jail for their actions or lack thereof.

6 Now, I'm seriously suggesting that maybe
7 it's about time -- you're saying well, you know, we
8 don't look into that, we don't provide grants or
9 funding for that. I'm saying that maybe we ought to
10 take a look at what these specific agencies of
11 government -- you talk about monsters like Welfare,
12 Department of Welfare in this state is, what? 9
13 billion dollars? Everybody's afraid to take them
14 on. It's just like I had suggested last week with
15 the Attorney General's office. Maybe it's time we
16 split away the office of Consumer Protection from the
17 Attorney General and let it stand on its own. And
18 maybe we ought to do more of that with the Department
19 of Welfare and chop up some of these monsters that we
20 have up here so that they can relate more to
21 government and what they're supposed to be doing to
22 help people.

23 They've just run so tremendously large.
24 And I've seen these secretaries come and I've seen
25 them go over 17 years. And I'm saying to you as a

1 charge, personally to your operation, maybe it's time
2 we start taking a look at whether or not they're
3 effective -- and I know that you certainly can do
4 that -- and whether or not we should put some of them
5 out of existence, because I think some of them have
6 outlived their usefulness and when they start to
7 abuse people's rights -- and this is the business
8 that we're all in by the way -- then maybe we should
9 bring them in a little. And you certainly can help
10 to do that with your agency.

11 You will get everything under the sun.
12 You're an arm basically of the General Assembly, a
13 funnel where we create programs, provide funding,
14 send it down to you and you disperse it around the
15 state for those that apply for those funds.

16 Now, however we can best accomplish that I
17 think we ought to. At least we owe it to ourselves
18 to take a look at it. Because I think they've been
19 making fools of us, because nobody looks at what
20 they're doing.

21 MR. THOMAS: I think from the -- if we
22 look at the responsibilities and the mandates, the
23 authorities of the Commission on Crime and
24 delinquency, what you're suggesting as a role for the
25 Commission would be foreign to that -- to those

1 mandates. We're not an investigative agency. We're
2 a prosecution agency.

3 CHAIRMAN CALTAGIRONE: No. I understand
4 that.

5 MR. THOMAS: And I think the Inspector
6 General is an appropriate place. I think the
7 Attorney General is an appropriate place to make the
8 information that you've developed available.

9 The Commission is very concerned about
10 effectively prosecuting those that abuse children in
11 any fashion, and particular in the sexual abuse.
12 Very, very difficult cases to prosecute, very
13 difficult in dealing with the emotional status of
14 children. And the program that the Commission
15 launched is now within ten counties of trying to get
16 that trained category within a prosecutor's office.
17 Even if the -- just accepting from what the
18 chairman's saying, that the figures on child abuse
19 are inflated beyond what's reality, the Commission
20 would still be very concerned about any case, any
21 child abuse case being effectively prosecuted and
22 having a sensitivity to those children.

23 We're working in very much partnership
24 with the district attorney's association, have a
25 training programming established within that

1 association for training of prosecutors. And then
2 our piece of it has been to fund the salaries of a
3 prosecutor or investigator. And I would expect that
4 the Commission is thoroughly behind continuing that
5 sort of effort.

6 CHAIRMAN CALTAGIRONE: You missed the mark
7 completely. And I'm going to bring it up to the PCCD
8 meeting that I come to, the first one. So be
9 prepared. I want to know -- maybe you'll have an
10 answer for me at that time -- how you conduct either
11 your audits or how you handle informations on grants
12 and applications that are applied for through PCCD
13 when, in fact, the basis of that information that was
14 supplied in that grant information -- and it just so
15 happens -- I'll tell you how fate works in mysterious
16 ways. The woman that wrote the grant that was
17 finally approved happens to work in my district
18 office in Reading. She is a retired dean of a
19 college. She's working for me. She wrote the grant
20 that you guys approved based on the information that
21 was given to her by Children and Youth Services in
22 Berks County. I didn't know it at the time. And
23 when I got into this area she said, Oh, my God, Tom.
24 I'm the one that wrote the grant that was finally
25 approved. Where did you get the figures? Children

1 and Youth services, Berks County.

2 They were wrong. They were phony. They
3 weren't accurate. She didn't know it. She was only
4 using what was given to her.

5 I'm saying to you that you need better
6 checks and balances and in fact that those figures
7 were wrong, because I saw what she compiled and how
8 it was submitted to your people for approval. And
9 that certainly was one of the considerations: How
10 many cases were being handled to justify the hiring
11 of three full time people in Berks County in that
12 unit.

13 MR. THOMAS: No, sir. The number of cases
14 would not have been the basis for the decision to
15 fund it. It would not have been. The judgment was
16 made was to try and create a specialized unit for
17 child abuse prosecutions and it is a configuration of
18 staffing that would lead to that effective
19 prosecution. And if the numbers were half of what
20 was submitted, it would still --

21 CHAIRMAN CALTAGIRONE: How do you mean
22 half?

23 MR. THOMAS: It would not have made a
24 difference in terms of the commission's judgment.
25 They were trying -- they are attempting to develop

1 that program in a number of counties that will have
2 more professional prosecution of child abuse cases.

3 CHAIRMAN CALTAGIRONE: It was devastating
4 to the agency to be put on the spot of having
5 submitted numbers that were totally inaccurate. And
6 that staffer who was doing statistical analysis work,
7 that's what he was hired for, to prepare reports for
8 PCCD on a quarterly basis. I have his first report
9 from the beginning of this year that was submitted.
10 And he asked specifically are these figures
11 accurate? They weren't because he went into the DA's
12 file in this county and actually counted the number
13 of cases, which totalled 144.

14 Now, there were a lot of other things. I
15 don't know if you've -- I'm sure you've shared with
16 the executive director of concerns that were raised
17 by that individual concerning that specific grant,
18 which I don't have to get into publicly at this time,
19 but there were other considerations that were also
20 being raised by that individual because he's an
21 honest, sincere guy. He was trying to do his job.

22 All right. We'll continue this in the
23 meeting that I'll be attending I'm sure. Do you have
24 any other comments that you'd like to make?

25 MR. THOMAS: No, I don't.

1 CHAIRMAN CALTAGIRONE: All right. We'll
2 adjourn this meeting. Thank you.

3 (Whereupon, the hearing was concluded at
4 10:58 a.m.)

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

Heather L. Boyer
Heather L. Boyer, RPR
Court Reporter-Notary Public