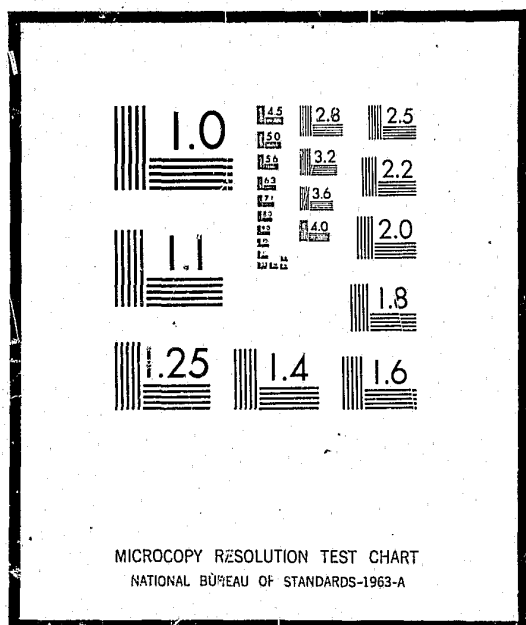


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Evaluation

EVALUATION REPORT

OF THE

Dept of Justice
BUREAU OF INVESTIGATIONS
DEPARTMENT OF JUSTICE
COMMONWEALTH OF PENNSYLVANIA

Conducted from
July 10, 1973 to September 30, 1973

By

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1320 19th Street, N. W.
Washington, D. C. 20036

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SUMMARY

Subgrant DS-328-72A in the amount of \$100,000 was awarded to the Department of Justice, Bureau of Investigations on February 5, 1973. The purpose of this grant is to increase the capacity of the Bureau to handle an increased case load in fraud, bribery, corruption and related matters.

Start up problems delayed implementation of the grant. By September 30--the end of the grant period--six employees had been hired, automobiles purchased and investigative work on designated federal cases was underway. Lapsed funds permitted an extension of the grant period.

The increased work load envisioned in the grant application has materialized and the 30% increase in the capacity of the Bureau is a measurable impact of the grant funds. Other impact cannot be determined at this time since accomplishments will not be ascertainable until investigations are completed and prosecutive or administrative action taken. The cost of investigations financed by the grant is comparable to the cost to the state of regular investigative operations.

Findings and recommendations which can be implemented currently include

--Continue on-the-job training, attendance at specialized schools in other agencies and plan a formal training course.

--Codify existing policy memoranda and prepare manuals for investigative and clerical employees.

--Reduce detailed supervision as employees become better qualified and use supervisory talent on policy and program development.

--Record Bureau accomplishments in a more organized manner.

--Obtain dictation equipment and have investigators dictate reports.

--Employ additional clerical employees when funds are available.

--Maintain exact records of investigators' activities.

Long-Term action

--Establish jurisdiction of Bureau by statute.

--Issue guidelines as to criminal vs. administrative investigations.

--Consider giving investigators Civil Service status.

--Extend coverage to organized crime cases intended for prosecutions.

--Enter into agreements to obtain needed technical services.

--Appoint a permanent Director of the Bureau.

Project Description and Status

Subgrant DS-328-72A was made to the Department of Justice, Bureau of Investigations on February 5, 1973. The period of the subgrant was January 1, 1973, to September 30, 1973. The \$100,000 so granted was intended to finance principally the compensation, travel, equipment, supplies and clerical assistance necessary to add five investigators to the Bureau's staff. Three of these investigators were hired in late March, one in May, and one in August. The principal equipment required consisted of motor vehicles which were delivered in July and August.

Of the 73 cases opened by the Bureau between January 1 and June 30, 1973, 56 were designated as cases falling within the purview of the subgrant. These are being investigated by Bureau investigators hired under the grant and those whose services were dedicated to the project as a matching fund requirement supplemented where required by other regular investigators.

As of the time of the evaluation, the project was underway and in the process of being fully implemented. However, the normal time required to investigate cases precluded complete review of accomplishments of the investigators employed through grant funds as of the date of the evaluation.

Evaluation Approach and Methods

Since the objective of this grant is to increase the effectiveness of the Bureau of Investigations in discharging its responsibilities as the investigative arm of the Department of Justice by adding to its resources, the main thrust of the evaluation has been toward the Bureau as an operational unit. While the Bureau has identified certain specific cases as being within the scope of the grant, this selection has necessarily been an arbitrary one as the major part of the Bureau's work is within that category of investigations -- Fraud Against the Government, Bribery, Corruption of Local and State Officials, etc. -- which are covered by the grant.

Accordingly, the first task has been to evaluate the Bureau as a whole. Its organization, workload, personnel, facilities, management, and investigative operations have been examined in detail. This has been accomplished through

interviews with personnel and a review of files incorporating the results of investigations, both past and present. The thoroughness and effectiveness of the Bureau's business has been analyzed in relation to cost and the standards of other investigative organizations, both Federal and State. This approach has been necessary in view of the sketchy nature of records of Bureau accomplishments in prior years.

Particular emphasis has been placed on personnel and equipment secured by grant funds and the analysis of investigative cases designated as falling under this project. This has not been particularly meaningful, however, in view of the time lag caused by employment and procurement procedures which were not completed until the evaluation was almost finished. The short period of time the additional assets provided by the grant have been available has precluded detailed substantiation of their value.

The Acting Director of the Bureau has been kept informed of evaluation findings as they were developed and discussions have been held as to revised or additional steps which the Bureau should consider in the months and years ahead.

History and Jurisdiction

Evaluation of the Bureau requires an understanding of its history and jurisdiction. The Bureau actually began as an investigative capability for the Attorney General in February 1956 and was formally created by Executive Board resolution dated May 28, 1956. This resolution, however, merely authorized a line unit within the Office of the Attorney General and was silent as to what jurisdiction or responsibility devolved on the new organization. To the present date the only jurisdiction which the Bureau possesses is that which the Attorney General may elect to delegate on the basis of his statutory authority under Section 904 to enforce the laws of the Commonwealth.

Executive Board resolution of November 20, 1957 added responsibility for protection of civil rights to the Bureau's jurisdiction although such jurisdiction over all civil rights matters other than false arrest, police brutality and fraudulent voting practices was subsequently transferred to the Human Rights Commission on September 19, 1961.

The investigative unit of the then Department of Highways was merged into the Bureau on February 6, 1959. At that time, according to memoranda in Justice Department files, this was a first step in a long-range goal to centralize all state investigative functions in the Bureau. There is no evidence this goal was ever pursued and ultimately the highway investigative responsibility was divorced from the Bureau and returned to the Department of Transportation on July 1, 1971. The status of the Bureau thus is the same today as at the time of its creation more than seventeen years ago.

Organization

The Bureau has a headquarters office located in the building housing the Department of Justice in Harrisburg. It is staffed with an Acting Director, an Administrative Assistant, a Special Assistant to the Director who supervises all investigative operations and three clerical employees who maintain central file operations. There are three field offices which conduct actual investigations. One is located in Philadelphia and one in Pittsburgh, which cover those metropolitan areas, and one in Harrisburg, which handles investigations there and in the middle section of

the state. Each field office is under the direction of a special agent in charge. As of the date of the evaluation survey, eleven special investigators were assigned to the Harrisburg Field Office (with one of these on special detail to the Crime Commission), seven at Philadelphia and two at Pittsburgh. One secretary is assigned to the Philadelphia office, and a secretary is on duty on a part-time basis at Pittsburgh.

The assignment of personnel and the degree of supervision afforded their activities is equitably divided in accord with the work load.

Work Load

It is difficult to measure the amount of investigative work which the Bureau must perform because of the differences in complexity in individual cases. In any event, the Bureau has no control over its work load since it is empowered to investigate those cases and only those cases which the Attorney General or one of his designated assistants instructs the Bureau to handle. Practically all the cases are serious and sensitive. The case load is not enlarged by a volume of routine matters such as applicant inquiries or simple criminal violations. Comparison with case loads of other investigative organizations such as the Pennsylvania State Police or federal

agencies is therefore not feasible. The lack of routine investigations is a disadvantage since it is sometimes difficult to keep investigators fully occupied in periods between major cases. This has been no problem for the Bureau to date because of the restricted manpower available and the need for time for training programs. Continued efficient operation of the Bureau in the future requires that it be given more authority over its work load.

Available records reveal that the Bureau opened 142 cases in the calendar year of 1971, 110 in 1972 and 73 in the first half of 1973. The decrease in cases in 1972 as against 1971 is obviously due to the split off of Penn-DOT investigations on July 1, 1971. The number of cases open in the first half of 1973 supports the increased work load forecast in the grant application.

Facilities and Equipment

Bureau operations utilize office space in Harrisburg and Philadelphia in government buildings. In Pittsburgh space is rented in a privately-owned building in conjunction with other Department of Justice activities. The offices are all functional and on a par with those of other units of State government. They are neatly maintained, well organized, and

appear adequate, but certainly not excessive to the Bureau's needs. In fact, in all three locations more space could be efficiently used primarily for interviews and other investigative purposes. As additional personnel are acquired, more office space must be secured.

The equipment available to the Bureau is minimal considering its investigative responsibilities. It consists principally of photographic and automotive facilities and is not sufficient to support investigative operations of a sophisticated nature. Communications capability, for example, is practically non-existent. What equipment there is, however, is afforded proper care and is kept in a secure, orderly manner. The automobiles financed by grant funds were secured during the course of the evaluation and are suitable for investigative operations.

Personnel

As of the time of the evaluation survey, the Bureau had three professional and three clerical employees assigned to headquarters, 24 investigative and 2 full-time plus one part-time clerical employee in the field. The ratio of the professional to the clerical staff at headquarters is satisfactory. In the field, however, there is

a serious deficiency in clerical and stenographic personnel. When the field ratio falls below one clerical to two investigative employees, there is no alternative to professional employees performing some clerical duties. It is hardly efficient for the Commonwealth to pay investigators to spend time on tasks a clerk is fully qualified to do. It has been an accepted practice for years for investigative agencies to utilize resident agents in localities where the volume of work justified full-time investigative services of one or two agents. Such investigative employees could travel to headquarters on a regular basis and utilize support services of clerical employees there. On the other hand, if the work load justified more investigators in one area -- particularly if much travel time to headquarters is involved -- then efficiency requires furnishing clerical support in that area thus reducing travel time of investigators and increasing their productivity. This is particularly desirable when, as here, proper supervisory personnel to direct the activities of the clerical employees and suitable office space is available.

A minimum of one additional clerical employee is required at Harrisburg and one in Philadelphia and the part-time stenographer at Pittsburgh should be full time if efficient use of personnel is to be achieved.

Interviews with Bureau personnel plus a review of both substantive and personnel files establish that present employees, with some exceptions of which the Acting Director is aware, are fully qualified and performing their tasks efficiently in relation to their experience. Comment on personnel hired to implement the grant being evaluated is set forth subsequently in this report.

It is noted that Bureau investigators have no tenure of any kind. This disrupts morale and makes selection of dedicated career employees difficult. Impartiality of investigations requires non-partisan personnel. Investigators have joined a union composed of State employees to gain some sort of job protection. This is a potential conflict of interest since such employees are often the subjects of Bureau investigation. Civil Service status for investigators, excluding the Director, would be much better and yet would still make the Bureau responsive to the policy direction of elected officials.

Supervisory Operations

The Bureau has three supervisory and administrative officials at the headquarters level -- the Acting Director, a Special Assistant to the Director, and an Administrative Assistant plus a Special Agent in Charge of each of three

field offices. Because of the limited number of agents and clerical employees in the field, Special Agents in Charge often engage directly in investigative operations. This is valuable, not only from a production point of view, but also as a training aid for new investigators. An examination of case files establishes the substantial amount of investigative work performed by Special Agents in Charge. For example, so far this year SAC Nolan in Philadelphia personally assigned to himself two particularly sensitive investigations.

Case files reveal that supervisors regularly follow the work of their investigators and insist on timely, competent performance. SAC's and even the Director are obviously so well acquainted with the details of all cases under current investigation that the lack of sophisticated administrative aides can hardly be criticized. As the Bureau grows, supervisory practices will of necessity expand. If any fault exists at the present time, however, it falls on the side of too much rather than inadequate supervision. In monitoring conferences between investigators and supervisors, it seems that guidance and direction may be so detailed that individual initiative on the part of the investigator may be stifled. This is not a major deficiency at the present time, but eventually training and experience should expand the

abilities of the investigators. This should enable supervisors to devote more time to establishment and implementation of policies and programs as hereinafter detailed.

A review of case files indicates that the supervisory staff is implementing a planned follow-up system and regularly requires that investigation be conducted and reports submitted. Results are secured. In 1971 only 29 cases were not completely investigated within 90 days; in 1972 there were only 22 such cases. Considering the complexity of the average investigation, this is a satisfactory record. In 1972 the Bureau closed an average of 6.6 cases per investigator. There is no standard against which to measure this record but continued maintenance of such figures may provide some indication of investigative efficiency.

Regular squad conferences are held with investigators by field supervisors once a week to cover general administrative and policy matters.

Investigative Operations

As has been indicated investigative operations of the Bureau are handled by 21 investigators, one of whom is temporarily unavailable because of an assignment on the

Crime Commission staff. The projected work load for 1973 of 150 cases reveals that each investigator on the average will have 7.5 cases. This compares favorably with the 6.6 cases closed per investigator in 1972 assuming an equal number of cases carried over in a pending status from one year to the next. Obviously many, if not most, of the cases investigated involve complicated factual situations, detailed examination of books and records and numerous interviews. These cases therefore require the assignment of more than one investigator. Fraud investigations generally fall in this category and a large percentage of the work load is made up of cases of this type. If a record were maintained as to the number of work-days of investigative work performed on each case as contrasted to work-days devoted to report-writing, administrative matters, training, etc., a more meaningful status could be determined.

Under the circumstances, the evaluation of investigative operations has largely been a subjective one. On-site monitoring of actual interviews is not desirable and might interfere with the investigation. The result would still be subjective. A review of practically all pending cases and a representative number of closed ones

indicates the following. Reports are written in a clear, concise and professional manner. They compare favorably with those prepared by Federal investigative agencies and are superior to those of most state and local law enforcement organizations. The reports properly reflect the information supplied by those interviewed or the results of other investigative activity having an informative or an evidentiary value. In so far as the reports indicate, witnesses are interviewed in depth where required and the number of unanswered questions in the mind of the reader are minimal. All in all the reports reflect results ordinarily obtained by capable investigators.

Interviews with those investigators readily available during the evaluation disclosed that they were knowledgeable about the cases on which they were working. Those with several years' experience indicated a good grasp of investigative procedures and methods. Practically all investigation consists of interviews with persons who logically might be expected to possess pertinent information. The lack of manpower and equipment has precluded the use of more sophisticated techniques. As an example, if the whereabouts of a person wanted for interview is unknown,

the Bureau has great difficulty in conducting physical surveillances to accomplish this objective, particularly at nighttime and in dangerous neighborhoods because of a lack of proper communications facilities. Such techniques are also expensive in manpower utilization. Investigators recognize the possibilities that exist in scientific examination of physical evidence but are dependent on the cooperation of other agencies. Plans are underway, however, to train two experienced agents in the use of the polygraph and such equipment is to be acquired in the near future. This will add an important investigative capability to the Bureau.

Policies and Programs

The repeated changes in the Bureau have prevented the development of long-range policy direction. An operations manual was issued about 1968 but this has not been kept current and is now out of date and of little value. Policy is largely determined on a case-by-case basis. The acting director has done the best possible to supplement this by preparing policy memoranda from time to time as circumstances required. For example, policy directives have been issued

to all investigative personnel with reference to the use of firearms, leave, report-writing, indexing, handling of evidence, administration of oaths and Department of Revenue investigations. Because of the small size of the Bureau, these are a satisfactory substitute for a manual for the time being. On a long-range basis, however, these memoranda must be codified and a manual of policy and procedures prepared and kept current. Only with such an aid will all personnel be able to exercise initiative and carry out their duties with a minimum of supervision. Policy direction on a case-by-case basis is inefficient and the possibilities of embarrassing mistakes are enhanced when an investigator does not recognize a situation that requires policy considerations or is unaware of policy decisions in earlier cases.

Similarly, Bureau programs of a formal nature are minimal. There is a rudimentary training program for new investigators. Generally, however, the Bureau responds to a request for investigation or as developments in a case dictate. This is reaction rather than action and does little to advance the overall mission of the Bureau. Frankly, until the jurisdiction of the Bureau is fixed, it is difficult to see how effective substantive programs can be implemented. Such offenses as corruption of government and

organized crime are not the type of crimes where a victim ordinarily will approach the authorities with information. Such offenses are too serious to allow their discovery to come about by chance. If definite guidelines were to be developed as between administrative and criminal type investigations and if criminal jurisdiction were fixed in the Bureau then meaningful programs to ferret out such violations, establish a criminal intelligence operation and develop sources of information which could assist would be possible.

Administration of Project

1. Grant Provisions

The objective of this grant is to enable the Bureau of Investigation to increase its service to the Commonwealth by financing the employment of five additional investigators and one clerical employee for a nine-month period ending September 30, 1973. These additional employees and four regular investigators are to be used in connection with investigations relating to organized crime, contract frauds, embezzlement, extortion, bribery, charity frauds, and official corruption. Principal budgetary items in this \$100,000 grant are salaries, travel and equipment.

2. Progress in Implementation

The conclusion is evident that there has been substantial implementation of the grant provisions although somewhat delayed because of "start up" problems. All employees financed by the grant have been hired and were performing their duties as of the end of the evaluation. The first three were hired in March, one in May and two in August.

The Acting Director has exercised good judgment in selecting the five new investigators. One is an older, experienced police officer. The remaining four all have college degrees in the criminal justice academic area and two of these men also have had some limited law enforcement experience. With additional training and experience all four should provide many years of valuable service. The new clerical employee has been assigned to the field office in Philadelphia where her services are vitally needed.

The principal item of equipment is automotive and was acquired late in the grant period.

In order to identify that part of the Bureau's work which is to be paid for by grant funds, a system was devised to classify certain investigations as "F Cases." As of July 1, 1973 there were 56 cases so classified. While all of these investigations involve matters covered in the grant, i.e., fraud, corruption, etc., the selection is an arbitrary one as almost all cases which the Bureau handles are in this category. The designation serves no useful purpose. The Acting Director cannot divide his small staff into two parts and operate efficiently. The work of any investigative agency ebbs and flows. Some

cases require more immediate and intensive effort than others. Such pressures may vary in a large state like Pennsylvania from one geographical area to another.

The number of "F Cases" opened in the first six months of 1973 constitutes approximately two-thirds of the Bureau's work load. Obviously some "F Cases" must be assigned to investigators other than those supported by the grant. There is nothing wrong with this. In fact, there is no alternative if the work is to be performed on a timely basis. Since the purpose of the grant is to improve the overall capacity of the Bureau, there seems no justification for segregating a part of its case load.

3. Impact of the Grant

It is much too soon to measure the impact of the work of the Bureau's additional personnel. Two of these will have been on duty less than two months at the end of the grant period and the first three hired have served only about six months. Accomplishment of an investigative agency is ordinarily measured in terms of cases prosecuted, administrative matters initiated, recoveries effected and savings to the government arising from investigative efforts.

Naturally, the courts or other agencies of government must take action after the investigation is completed before these accomplishments become finalized. Almost all the cases financed by grant funds are still under investigation or have been completed so recently that there has not been time for further processing and the identification of ultimate results.

An impact that can be measured at this time, however, is the increased capability of the Bureau to conduct investigations. The capacity of the Bureau in this regard was more than thirty percent greater at the end of the grant period than it was at the beginning. Assuming that this added capacity will permit performance on an average with the regular staff, then the overall accomplishments of the Bureau should indicate the impact which the grant-supported capabilities will have, once the results are known.

4. Cost Effectiveness

The grant made to the Bureau of Investigations was in the amount of \$100,000 for a nine-month period. The most recent State budget figures (for the fiscal year ending June 30, 1973) reveal a total operation cost of the

Bureau of \$446,980. This does not include normal State support items such as office space, etc., but the total is comparable to some degree to the purposes of the grant funds. State funds therefore allot slightly more than \$21,000 per investigator for a nine-month period. In comparison, grant funds support five new investigators and one clerical employee. As a matter of fact, grant funds are not fully supporting the additional employees as State resources are expended for supervision, training, and other costs. The conclusion is apparent, however, that investigative services are being provided at a dollar figure which is strikingly close to that which the State has incurred in the recent past. It will require at least a year's experience to warrant a comparison of the cost of the work product of new investigators in relation to that of older State employees.

Findings and Recommendations

Current

1. On-the-job training plus participation in law enforcement courses available through other agencies is a satisfactory vehicle for qualification and improvement of the small investigative staff for the present and should be continued. If the Bureau continues to grow, a more formalized training program will be required.

2. Continued efforts should be made to have investigators participate in specialized training courses such as the polygraph course which two seasoned investigators are now attending.

3. Training for clerical employees of the on-the-job variety now employed is satisfactory for the foreseeable future.

4. Existing policy memoranda should be codified and furnished to all employees as a training and operational tool. These are no substitute for manuals of rules and regulations, investigative procedures, etc., and such manuals should be prepared as soon as possible.

5. As training programs progress, the initiative of investigators will increase and detailed step-by-step supervision will no longer be required. Since supervisory employees will have less personal knowledge of the particulars of investigations, a system of supervisory procedures should be developed to insure quality and productivity in investigative and report writing operations. Officials and supervisors will then have time to devote to policy and program development. Major progress in curtailing fraud and corruption in government will come about only as a result of implementation of programs specifically designed to uncover and investigate these crimes.

6. An increase in case load will require a more organized procedure to insure that statistical and other accomplishments of the Bureau are properly recorded. These are a more exact measurement of efficiency and impact of Bureau operations. Cases should remain in a pending status and concerted efforts made to follow up and obtain prosecutions, administrative determinations, recoveries, etc.

7. Discontinue classification of "F Cases" in the absence of advice from the Governor's Justice Commission that this is necessary for the Commission's use.

8. Obtain equipment and insist that investigators dictate reports, letters and other communications instead of writing them in long hand or rough drafting on a typewriter. This is a more efficient use of the time of investigators and expedites the reporting process. In emergencies, reports can be dictated over the telephone, thus saving considerable time.

9. When finances permit, employ additional clerical employees, thus increasing the productivity of the investigators.

10. Maintain monthly records of the time spent by investigators on their primary duty of investigating in contrast to report-writing, office administrative matters and travel. This will permit the establishment of standards, provide better supervision, increase efficiency through reassignment of personnel, etc.

Long Term

1. The jurisdiction of the Bureau should be fixed by statute. The authority of investigators to arrest, serve process and carry firearms should be included, if not already covered by state law. Consideration should be given to including authority for the Bureau to conduct administrative-

type investigations for the Attorney General and the Governor within the Bureau's jurisdiction.

2. Once this is done, or even before, the Office of the Attorney General should establish guidelines as to the circumstances which warrant criminal investigation as opposed to an administrative investigation. All departments of state government with possible exceptions such as the State Police, should be required to refer criminal matters to the Bureau for investigation.

3. Action should be taken to secure Civil Service status for all Bureau employees -- investigative and clerical -- except the Director and possibly one other position such as Administrative Assistant to the Director.

4. As the capability of the Bureau increases, more sophisticated equipment and additional facilities will be required.

5. When the Bureau acquires the expertise to perform in this area, jurisdiction of all organized crime cases intended for prosecution as contrasted to the intelligence and educational authority of the Crime Commission should be granted to the Bureau.

6. The Bureau should enter into specific agreements to obtain needed technical services, i.e. scientific laboratory,

latent fingerprint, etc., from other state organizations. Such agreements are required so the Bureau will know where and when such services can be acquired and not be dependent on the mere possibility that the work load of another agency may permit cooperation from time to time. Ultimately, of course, such expertise should be contained in the Bureau itself.

7. The position of Director of the Bureau should be filled as soon as possible. While the record shows the Acting Director has performed in a most capable manner, stability of efficient operation can best be secured by filling the position on a permanent basis. The Bureau must be responsive to the policy of the Attorney General, and this should be accomplished by appointing an experienced investigator and administrator. It is submitted that Bureau efficiency will reach the highest level only if the Director has these qualifications.

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Project or Program being Evaluated:

Grant Title: DS-328-72A Justice Bureau of Investigations
(include grant number)

Grantee: Dept. of Justice

Brief Description: to increase staff for investigations bearing
(both project and evaluation effort)
on organized crime.

Scheduled date of final Evaluation Report: 9/73

Person to contact concerning the Evaluation:

Christine A. Fossett, Chief, Evaluation & Monitoring Unit
(name)
Governor's Justice Commission, Department of Justice
(address)
Box 1167, Harrisburg, PA., 17120
717-787-1422
(telephone)

If completed, is Evaluation Report on file with NCJRS? yes no

✓ Please mail completed form to:

Keith Miles
Office of Evaluation
LEAA-NILECJ
Department of Justice
Washington, D.C. 20530

file

DS-328-72A

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September 25, 1973

Mr. Dean V. Sheaffer
Bureau of Investigations
Department of Justice
Room 203, Capitol Annex
Harrisburg, Pennsylvania 17120

Dear Dean:

Enclosed herewith is the final report of the evaluation of the Bureau. With the exception of the summary which I have added on pages i and ii, the report is identical to the draft I left with you last Wednesday. For your information, I discussed this report briefly with the Attorney General in Philadelphia on Thursday morning.

With best regards,

Sincerely,

Courtney A. Evans

CAE/fd

Enclosure

✓ cc: Mr. Keith M. Miles