

**OFFICE OF THE DISTRICT ATTORNEY
BRADFORD COUNTY, PENNSYLVANIA**

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**Testimony and Exhibits Presented to
The Senate Law and Justice Committee**

June 7, 2012

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Conclusion:

The economic boom from the natural gas development led to a 40% increase in incidents, vehicle crashes, arrests and sentencing. The increase is permanent.

Bradford County will need an increasing proportion of State Police resources.

The increased activity and longer travel times in Bradford County will lead to increased need for the service of a helicopter unit.

**Daniel J. Barrett
District Attorney of
Bradford County**

Statement to the Senate Law and Justice Committee
June 7, 2012

The safety and law enforcement needs of Bradford County have grown dramatically over the past three years. The Bradford County portion of the State Police traffic and crime work continues to expand. At the same time, there are more traffic bottlenecks of the highways and bridges. It takes significantly more time to travel to or through Bradford County by ground vehicles.

At the February 2009 meeting of the county Prison Board, I suggested that we keep statistics of the impact of the gas boom on law enforcement resources. As far as I know, that was the first prediction of the burdens that came to encumber us.

One of our first lessons was that collecting statistics is more difficult than we expected. Those arrested are asked only their addresses and vehicle registration, their employment and work history are collected 6 months later for pre-sentence reports.

I do not oppose the gas boom or the many fine people who have come here to earn their livings. I welcome them. However, more people here mean more problems. Also, opportunities to make money honestly draw more people who seek the dishonest quick buck.

As far as State Police resources are concerned, my observations about Bradford County are:

- a) The criminal caseload increased by 40% over the two years 2009-2011 and the increase is permanent.

b) The highways, bridges and population dispersal of Bradford County have intensified and exacerbated the consequences of increased traffic. From the PSP station, any trip to the county line now takes thirty minutes longer than it did four years ago.

Bradford County demographics and geography:

Bradford County has particular demographics and geography that have made the gas boom impact more intense than it might be in other parts of the state. The surrounding counties are more rural than Bradford County, and the road connections are long and winding 2-lane roads to the more populated areas such as Scranton, Wilkes-Barre or Williamsport.

Bradford County has no population center. There are 37 townships, fourteen boroughs, 60,000 people, 1,167 square miles, seven municipal police forces. The population is well-dispersed throughout the county, except that (a)15,000 live in the Sayre/Athens area at the northern edge and (b) there is an area of about 150 square miles of game lands at the southwest edge.

The Susquehanna River cuts through the center of the county, crossed by six bridges. All the bridges end in T intersections. Each well drilling involves many heavy truck trips (we've heard industry estimates of 800 to 1200 trips.) That level of industrial transport has overloaded all highways and bridges. With the roads and bridges tied up we must allow extra time for police and emergency vehicles to reach any part of the county. Traffic on a bridge cannot pull over for police vehicles.

A decline in dairy farming and industrial employment overlapped the gas boom. The 100% rise in the cost of renting shows that that the rise in gas work has more than compensated for the decline in agriculture and manufacturing.

The gas boom:

The gas boom accounts for most of our increased caseload, so I'll cover the gas impact first.

The gas industry has its own demographics. In particular, many gas workers are not accompanied by spouses and families, and do not have time to develop more conventional interests. For them, alcohol is an attractive recreation and diversion.

The boom has also attracted people who have not been successful or law abiding.

We frequently find that a defendant with a local address and car registration is a gas worker who has become a resident. We also find that someone properly identified as a gas industry worker is a lifelong resident with some criminal history here.

Because of the cost of drilling, the nature of the work, and lack of long term employment, gas industry hiring is based on availability and work skills, and with less concern about personal problems such as lack of stability or a criminal record. We note that the industry employers prefer reliable workers, particularly for the risky and expensive parts of the program. We have never had a request for leniency for an employee from any of the major drilling companies. The subcontractors and support companies have lesser standards, as might be expected due to economic factors.

We cannot regard the gas boom as a fleeting experience. The level of permanent investment by the gas industry has been remarkable. Chesapeake constructed a 256 bed camp and training facility near Athens and is developing a forty acre site with industrial buildings nearby. For each well pad, six wells will be drilled, fracked, and refracked over the coming decades.

The gas industry money has certainly stimulated the supply of restaurant, hotel and housing resources. The criminal justice system is not self-funded. We have to rely on government funding.

The rising scourge of chemical abuse:

Our increased caseload can also be attributed to the misuse of MDPV ("bath salts") and other chemicals. The particular course of those substances is delusional and violent behavior. First distributed at retail locally – prior to legislation against them – they are available out of state, through mail and internet. Bradford County has never lacked drug users and suffered heavily from the home brewed meth epidemic in the early 2000's.

The exhibits:

I regret that time did not allow me to make exhibits specifically for this proceeding. I have enclosed a number of reports that show the increased criminal caseload. I particularly note (a) the comparisons of the caseloads of the stations in Troop P (b) the comparative drilling activity in the areas covered by the stations. The Towanda stations leads in both drilling activity and rising state police workload.

Respectfully submitted,

Daniel J. Barrett
Bradford County District Attorney

**Report to Senate Law and Justice Committee
June 7, 2012**

Exhibits

**When reviewing the numbers, the following need to be considered:
(1) the particular demographics of the county and the industry,
(2) the time frame for processing criminal cases,
(3) the difficulty in gathering data about offenders.**

1. **Abstract of incidents and arrests in PSP Troop P and at the Towanda Station of Troop P. 2009 – 2012.....Page 8**
2. **Abstract of data from Bradford County Court Administration and Bradford County Probation.....Page 14**
3. **List of Towanda Pa. Police Department arrests, stops, crashes in 2008 through 2010.....Page 15**

4. **Report to B.C. Commissioners from D.A. Re: case dispositions 2007-2011.....Page 16**
5. **Bradford County criminal disposition data 2007-2011....Page 18**
6. **Report on Bradford County Correctional Facility prison population on June 27, 2011 by type of commitment.....Page 19**
7. **1981 – 2006 comparison of DUI prosecution and fatalities. Page 21**
8. **Map of PA drilling activity as of May 2011, highlighting the counties in PSP Troop P.....Page 22**
9. **Bradford County Correctional Facility average daily population Jan. 2008 – May 2012.....Page 23**

TROOP P STATISTICAL REPORT

TOTAL INCIDENTS

The following information was provided by Corporal Robert Grimes, for the Pennsylvania State Police at Towanda.

Corporal Grimes presentation was for State Police use. I have tried to assist the readers who are not familiar with state police geography and practices.

The Towanda station covers Bradford County, population 60,000, area 1,100 square miles, located on the New York border 125 miles north of Harrisburg.

About 60% of the county residents reside in state police jurisdiction. There

are seven municipal police forces in Bradford County. Four cover the adjoining

municipalities in the Sayre-Athens area, about 17,000 people. The other three

boroughs are widely separated, and their departments do not cover the considerable population and commerce in the surrounding townships. (Towanda 3,000, Troy

1500, and Canton 1500.)

TROOP P STATISTICAL REPORT

TOTAL INCIDENTS

2009

2010

2011

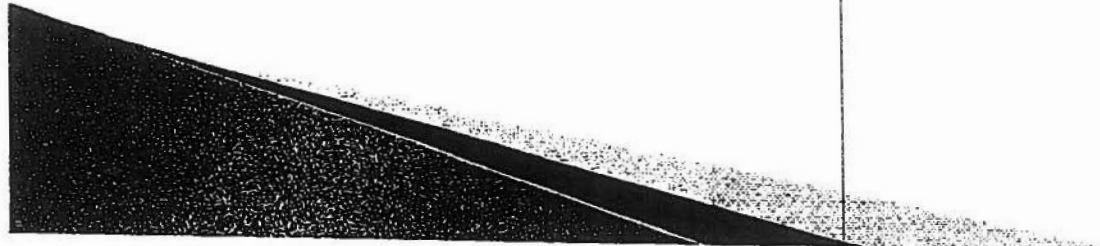
2012 YTD (5-25-12)

Station	Incidents
Wyoming	6310
Laporte	2324
Shickshinny	4825
Towanda	5595
Tunkhannock	3494

Incidents
6467
2814
5306
6513
3725

Incidents
6484
2188
4993
7089
4267

Incidents
2383
849
2183
2473
1434



TROOP P STATISTICAL REPORT CRIMINAL INCIDENTS / ARRESTS

Station 2009 2010 2011 2012YTD

Wyoming	969/672	876/544	829/549	198/129
Laporte	415/210	441/229	350/193	99/68
Shickshinny	700/687	683/385	593/281	195/95
Towanda	1903/1187	1867/1421	1835/1178	567/424
Tunkhannock	877/581	772/552	726/450	213/135

TROOP P STATISTICAL REPORT

CRASHES

Station 2009 2010 2011 2012YTD

Wyoming	803	713	672	259
Laporte	140	171	181	79
Shickshinny	284	284	281	125
Towanda	668	1018	1136	406
Tunkhannock	360	330	430	143

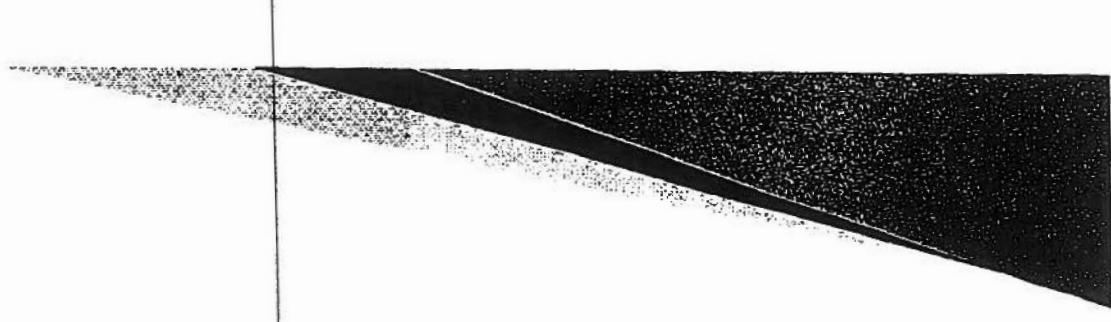
TOWANDA STATISTICAL REPORT
COMMERCIAL VEHICLE CRASHES

	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012 YTD</u>
Total Collisions	734	1038	1136	406
Traffic	463	626	686	253
Hit & Run	84	127	131	45
Private Prop.	12	14	11	13
Pedestrian	0	3	5	1
PSP Involved	6	2	5	0
Other	1	1	2	0
Gone On Arrival	34	21	32	9
Non-Reportable	133	244	271	85
Injury	145	204	207	88
Fatal	8	19	8	1
DUI	59	83	87	31
Commercial Vehicle	16	79	105	17

TROOP P STATISTICAL REPORT

DUI ARRESTS

Station	2009	2010	2011	2012 YTD
Wyoming	110	87	77	35
Laporte	29	31	33	10
Shickshinny	52	62	43	14
Towanda	136	216	293	57
Tunkhannock	116	111	74	20



TROOP P STATISTICAL REPORT TRAFFIC CITATIONS / WARNINGS

<u>Station</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012 YTD</u>
Wyoming	5820/1469	6713/866	4811/1080	1852/592
Laporte	1689/512	1984/583	2740/505	843/112
Shickshinny	2220/964	2303/983	2043/888	691/99
Towanda	4018/2346	5604/2141	5814/1728	2003/667
Tunkhannock	2015/488	1984/476	2253/340	810/230

Bradford County Pennsylvania Data from Court Administration/Probation Misdemeanors and Felonies

It takes about six months for a criminal case to proceed from arrest to sentence.

There was a steep rise in sentences imposed in 2010 compared to 2009. We decline to blame the gas development for the entire increase, since we have worked at eliminating logjams and delays in case handling.

	2006-2008	2009	2010	2011
Cases Sentenced	385	446	610	564
Cases resulting in the A.R.D. diversionary program	140	127	148	195
Total	525	573	758	759

Offense Type
Cases Sentenced/placed in A.R.D.

	2006-2008 Average	2009	2010	2011
DUI	230	202	256	291
Drug	48	52	78	82
Other Felonies	47	90	60	74
Other Misdemeanors	180	229	364	312
TOTAL	525	570	758	759

Population 3,000

Towanda Boro Data 5-1-2011

Towanda Boro Police Department

Towanda is the county seat, and the major roads intersect at Towanda. Towanda is between two adjoining townships/ The hospital, high school, three established industrial employers, motels, theater, and bars place a burden on the Towanda police that is higher than the population figure suggest

Category	Yearly Average 2008-2009	2010
Vehicle Crashes	52	73
Traffic Citations	400	427
Non-traffic Citations	101	104
Criminal Arrests	114	113
Warnings	140	215
DUI	31	30

❖ In four months of 2011, Towanda police made twenty DUI arrests for a projected 60 in 2011.

Towanda had a decline in DUI arrests from 2008 to 2009, dropping from 41 to 21, then rebounding to 30 in 2010.

One officer explained the low figure for 2009: "We aren't doing any DUI arrests when we're tied up with bar fights."

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To: Commissioners
Prison Board
2-24-12

At the recent CJAB meeting, the Probation Department provided data
on criminal case dispositions for the past five years.

I did the average data for 2007-2008 and compared it with the average
for 2010 and 2011, to get the three-year increase.

Dispositions are up 41% over the three years.

Total Dispositions (sentences imposed and ARD placements)

	Ave. 07-08	Ave. 10-11	Increase-3 yr.	Change
Yearly dispositions	539	759	220	up 41%
ARD	143	172	29	up 20%
Probation	108	189	81	up 75%
Int Pun	19	42	23	up 121%
BCCF	222	281	59	up 27%
State	52	75	23	up 44%

Disposition figures don't tell us how many days were spent at the BCCF before the sentences were imposed for the following reasons:

1. In many cases, a defendant had been in BCCF, but wound up placed on ARD or sentenced to probation.
2. In many cases, the sentence might have been "time already served, plus probation of xx months" but court rules make it impractical to impose a sentence in that form. As a result, the sentence only mentions probation.
3. Many placed on probation wind up in BCCF for violations.
4. An intermediate punishment sentence may involve some time in BCCF.
5. Most sentenced to state prison have put in many months in BCCF before sentencing.

* 2009-2010 is the dividing line

2011 Criminal Disp. 195
 ARD 176
 Probation 30
 BCCF 276
 SCI 82
 Total 759

2011 Offense type 291
 DUI 82
 Drug 74
 Other Felony 74
 Other Misd. 312
 Total 759

2010 Criminal Disp. 148
 ARD 202
 Probation 53
 BCCF 286
 SCI 69
 Total 758

2010 Offense Type %
 DUI 256
 Drug 78
 Other Felony 60
 Other Misd. 364
 Total 758

2009 Criminal Disp. 127
 ARD 136
 Probation 24
 BCCF 204
 SCI 82
 Total 573

2009 Offense Type
 DUI 202
 Drug 52
 Other Felony 90
 Other Misd. 229
 Total 573

2008 Criminal Disp. 139
 ARD 125
 Probation 12
 BCCF 223
 SCI 55
 Total 544

2008 Offense Type
 DUI 220
 Drug 47
 Other Felony 48
 Other Misd. 229
 Total 544

2007 Criminal Disp. 146
 ARD 92
 Probation 26
 BCCF 222
 SCI 48
 Total 534

2007 Offense Type %
 DUI 229
 Drug 47
 Other Felony 41
 Other Misd. 217
 Total 534

2010/2011 Percentage Change by Disposition
 ARD: +25%
 Probation: -22%
 IP: -49%
 BCCF: -4%
 SCI: +16%

2010/2011 Percentage Change by Offense
 DUI: +14%
 Drug: 4%
 Other Felony: +24%
 Other Misd.: -15%

* Data collected by Probation Department based on sentencing orders.

2007-2011 Comparison

Bradford County Correctional Facility Commitments

	2008	2009	2010	2011	AVE	# of Commits
January	126.940	131.290	157.290	135.350	175.61	116
February	132.110	129.040	141.320	138.040	180.72	108
March	140.520	121.390	147.350	131.000	173.65	110
April	151.470	123.700	142.470	135.970	172.93	119
May	146.580	127.710	144.290	140.610	175.14	25
June	151.300	139.770	131.970	152.530		
July	149.420	137.870	133.130	170.480		
August	151.000	145.130	138.260	173.000		
September	148.230	148.700	140.830	184.830		
October	143.160	154.450	141.900	185.160		
November	130.970	157.070	131.500	177.030		
December	131.190	154.100	135.650	172.290		

YEAR AVER	142.180	139.250	140.530	158.520	179.81 as of 7 May
# of Commits	895	1,002	1,065	1,173	478 as of 7 May

Diff between previous year ^107	^63	^108			-695
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As of 30 April we are averaging 3.61 bookings per day.
 At the rate of 3.61 we could reach 1318.709 inmates for the year 2012.

TO: Doug McLinko
Daryl Miller
Mark Smith

WARRDEN

FROM: Tom Schuster

MSMO

CC: Judge Smith

JAN

201

Judge Beirne
DA's Office
Public Defender's Office

RE: Jail Population

After my discussion with Doug and Daryl last Thursday regarding a grant concept paper, I did a quick assessment of the jail population based on the BCCF daily population data.

On Friday, January 27th, the population breaks down as follows:

BCCF

Bradford Co. Court: 84 (47%) *Sentenced*

Mag. District Courts: 65 (37%) *Pretrial*

Other Court: 2 (1%)

Bradford Co. Probation: 25 (14%) *Revocations*

State Parole: $\frac{3}{169}$ (1%)
Total

Tioga County

Bradford Co. Court: 7

Mag. District Court: 1

Bradford Co. Probation: $\frac{2}{10}$
Total

**Increase DUI Enforcement
in Bradford County, PA
1981 – 2006**

**Bradford County had a steady population of 60,000 from
1960 – 2010.**

The 1982 amendment to the Vehicle Code established the blood alcohol level of 0.10% as the standard for DUI convictions, supplementing the “under the influence” standard that was subjective and arguable. The limit is now 0.08% for most drivers.

	DUI arrests resulting in suspensions	Deaths
1981	30	11
2006	230	3

Conclusion:

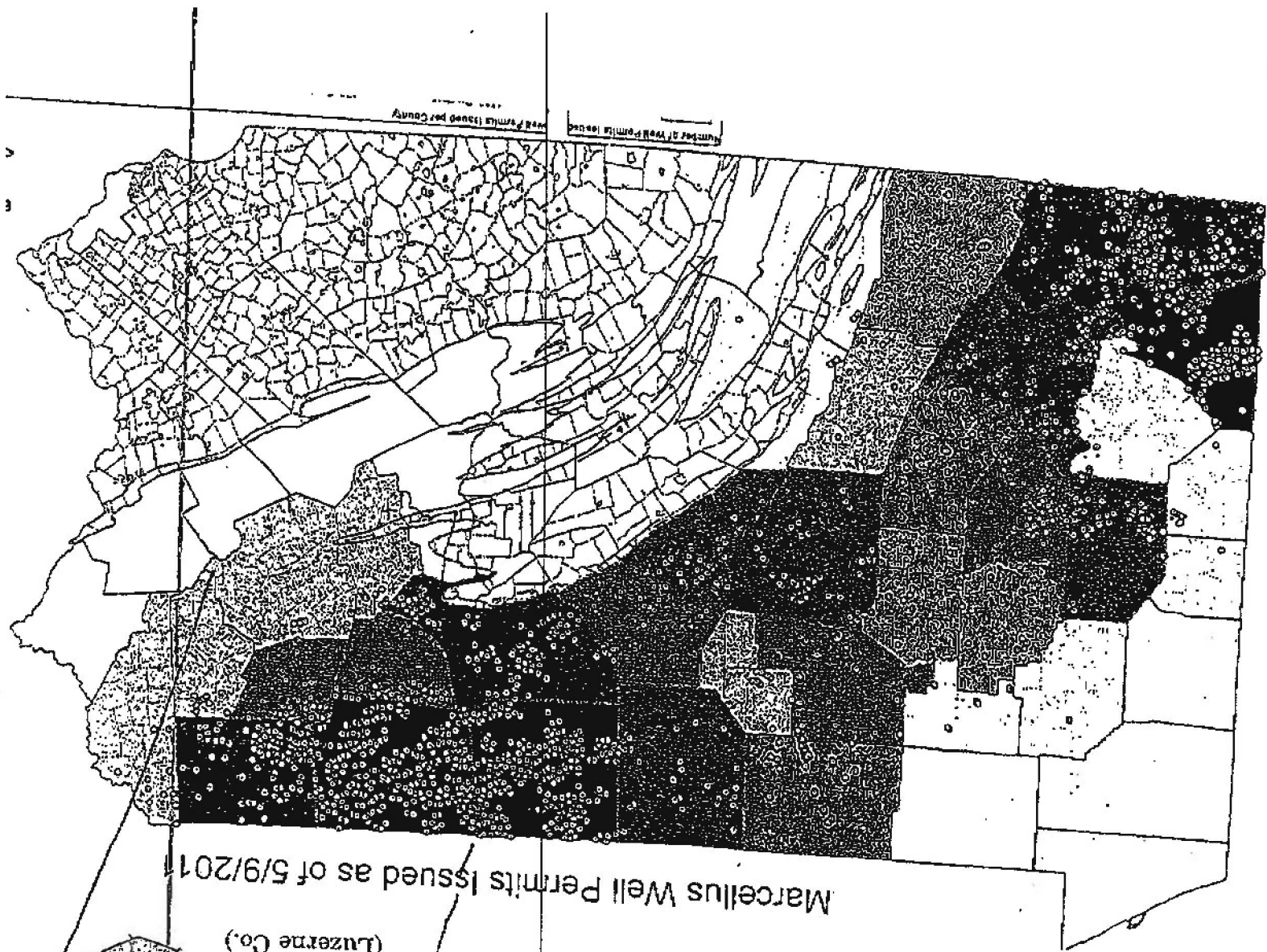
Increasing convictions by 200 reduced deaths by 8.

Note:

Since 2006, the natural gas boom caused a major shift in demographics and a higher level of DUI arrests and fatalities. That information will be collected and assessed.

The comparison of 1981 with 2006 illustrates the effect of modern DUI laws and more vigorous enforcement.

DUI
 2009 - 2010
 Wyo -20%
 Laporte +10%
 Shick +20%
 Tow +50%
 Tunk -5%



Marcellus Well Permits Issued as of 5/9/2011

Tunkhamock (Wyoming Co.)
 Shickshinny (Luzerne Co.)

Towanda (Bradford Co.)

Wyoming (Luzerne Co.)

Laporte (Sullivan Co.)

Total Incidents
 2009 - 2010
 Wyoming up 2%
 Laporte up 16%
 Shick up 10%
 Tow up 20%
 Tunk up 10%

**Bradford County Correctional Facility
Inmate Population
Jan. to May 2012 In-house and boarded elsewhere**

1	163	175+6	172+6+7	166+6+7	172+6+7
2	162	185+6	171+6+7	169+6+7	172+6+7
3	165	185+6	170+6+7	170+6+7	174+6+7
4	170	183+6	171+6+7	176+6+7	175+6+7
5	173	182+6	172+6+7	178+6+7	175+6+7
6	174	185+6	169+6+7	178+6+7	177+6+7
7	175	184+6	167+6+7	176+6+7	
8	183	179+6	173+6+7	175+6+7	
9	185	174+6	170+6+7	177+6+7	
10	185	182+6	169+6+7	179+6+7	
11	187	180+6	169+6+7	177+6+7	
12	185	180+6	175+6+7	167+6+7	
13	176+6	184+6	179+6+7	168+6+7	
14	176+6	185+6	178+6+7	166+6+7	
15	175+6	184+6	181+6+7	168+6+7	
16	176+6	181+6+7	177+6+7	169+6+7	
17	174+6	181+6+7	178+6+7	175+6+7	
18	175+6	182+6+7	178+6+7	176+6+7	
19	175+6	181+6+7	175+6+7	177+6+7	
20	173+6	182+6+7	172+6+7	180+6+7	
21	174+6	182+6+7	174+6+7	180+6+7	
22	178+6	176+6+7	168+6+7	178+6+7	
23	174+6	179+6+7	171+6+7	172+6+7	
24	172+6	175+6+7	172+6+7	166+6+7	
25	173+6	177+6+7	173+6+7	164+6+7	
26	171+6	176+6+7	172+6+7	166+6+7	
27	175+6	174+6+7	168+6+7	167+6+7	
28	176+6	173+6+7	171+6+7	168+6+7	
29	176+6	170+6+7	169+6+7	166+6+7	
30	177+6		169+6+7	172+6+7	
31	175+6		168+6+7		
JANUARY		FEBRUARY	MARCH	APRIL	MAY

Average Daily Populations

As of 24 April there is 6 inmates in Tioga PA that is not reflected in the ave daily population this is the "+6"

3 males on SIP evals

1 female on SIP eval

1 on furlough