

County of Bradford



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CLINTON J. WALTERS
CHIEF DEPUTY

July 28, 2006

David B. Farney, Assistant Counsel
Department of Corrections
Office of Chief Counsel
55 Utley Drive
Camp Hill, Pa. 17711

Dear Mr. Farney,

I am writing in my capacity as the chairman of the Bradford County Prison Board regarding the proposed rulemaking published in the June 24, 2006 edition of the Pennsylvania Bulletin. The Revisions to 37 Pa. Code Chapter 95 are potentially devastating to County Correctional Institutions. I would dispute the proposal as published that the rulemaking... "is not expected to have significant negative fiscal impact." These rules are replete with minimum requirements that are more costly. For example 95.230 (b)(6) Food Services states "more than one type of food may not be served in a non compartmented container during normal feeding operations," I regularly attend social functions where meals are served on a plate actually allowing different foods to touch each other.

Section 95.229 (a)(5)(6) state that..."Mattresses shall have a waterproof and fire resistant cover...and "Pillows shall have a waterproof and fire resistant cover.." The Bradford County Correctional Facility is a masonry entirely non-smoking facility. This mandate is more restrictive and costly than when we stay in hotels with smoking rooms. We as private, law abiding citizens do not have the Department of Corrections creating additional "rights" for us that are paid for by our hard hit tax payers.

In reviewing these proposed rules, the use of force "shall be restricted to the following situations." It goes on to state only: to prevent escapes, self-defense, or prevent serious destruction of property. If an inmate has to be physically removed from a cell and resists, force is not permitted under these regulations. It should not take long for inmates to discover this, as County Jails are also required to maintain a full and current law library.

It is not surprising that County Jails experience such a high recidivism rate. In my 15 years as Sheriff, I have personally witnessed the total lack of concern of many defendants incarcerated in our County Jail. They are "at home" playing cards and

watching television. Often they chose to serve their entire sentence and leave jail with no parole restrictions.

I find it appalling that taxpayers are forced to pay for a more comfortable life for inmates than that afforded to our military fighting for our Country. My counterpart in Maricopa County, Arizona can house his overcrowded inmates on cots in a tent in the desert and require participation in work details. Arizona is in the United States of America and must still comply with our Constitution. Fortunately for Arizona they require that food, shelter and clothing needs are the minimum requirement for law breakers.

If the Commonwealth of Pennsylvania has to dictate County Correctional life with such detail and create the authority to declassify a County Jail they should just take over County Jails, further adding to their ever-increasing empire.

I propose that these regulations not be approved and that instead a commission be empowered to determine how Pa's County Jails can fairly become places not to want to be in, less user friendly. Remember the old adage- Crime equals Punishment. I believe we have come to Crime equals well-protected comfortability



Steven A. Evans
Bradford County Sheriff

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