

## CHAPTER 19

### ARAPAHOE COUNTY JAIL

#### 31 DAYS

**By  
Jim Burneson**

Jim Burneson (67 years old) was sentenced to the Arapahoe County Jail for violating a Permanent Protection Order (PPO) by calling the President of the Dam East Homeowner Association a "TORT TWISTER." This jail sentence was arranged by the HOA President Jake Hummel Esq. and Jeffrey Lane of Patterson, Nuss & Seymour, P.C. The legal fees for this action paid to Jeffrey Lane cost The Dam East Homeowner Association \$30,000. The Permanent Protection Order was arranged by Mr. Jeffrey Lane with the cooperation of Arapahoe County Judge Cross and Chief Judge Leopold of the 18<sup>th</sup> District Court in an effort to censor Mr. Burneson. The original sentence was set for 60 days by Senior Denver County Judge Ettenberg who suspended this sentence, subject to Mr. Burneson's appeal based on Constitutional issues which Judge Ettenberg was unable to rule on. This is a misdemeanor inmate wears a blue jumpsuit not orange.

On September 1 day of court hearing before Judge Ettenberg started at 8:00. I got to address the court by 9:15 am. I was during my address with my defense I noticed there were three Sheriffs Deputies at the back of the court. When I completed my defense the Judge took sometime to give his reasons for sending me to jail when these three Deputies handcuffed me and took me to a holding. There presents had to be arranged by the judge at the beginning of the court hearing at 8:00 am so the decision to send me to Jail was decided long before I was allowed to give my defense. Another Choo Choo train trial in 18<sup>th</sup> County Court.

Judge Ettenberg expected the appeal to be granted, however an ex parte request by Chief Judge Leopold of Appellant Chief Judge Davidson denied the appeal. The Supreme Court refused to hear the case for the same reason given by the Appellant Court, except for the fact that Supreme Court Justice Mullarkey had formed an extreme prejudice against Mr. Burneson. (See letters at end of this website addressed to Chief Judge Mullarkey) Mr. Burneson requested that Chief Justice Mullarkey announce to the public that perjury is not enforced in our civil courts which she refused.

Mr. Burneson discovered that perjury is not enforced in our civil courts and published this fact to the general public. See Chapter 1 of this website. With appeals denied, the sentence was imposed and reduced from 60 days for good time to 42 days. Judge Ettenberg then reduced the sentence by 10 days for a total of 31 days served.

Mr. Burneson is the first known political prisoner due to the actions of an HOA in the 18<sup>th</sup> District Court of Arapahoe County. More on this subject can be found on this website at [www.court-house.com](http://www.court-house.com).

**This review by Mr. Burneson involves the following areas within the jail's operations.** The opinions expressed herein are solely those of the writer. This statement is a correction along with other corrections made within this chapter was as of February 13, 2007. Any copies provided before February are to be discarded and not passed on. A corrected copy can be downloaded at [www.court-house.com](http://www.court-house.com) Chapter 19.

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**1. DEPUTY SHERIFFS.**

For the most part the Deputy Sheriffs were professional and provided security for all inmates. Requests by inmates were answered promptly and I observed no mistreatment of any inmate. There is one example of a Deputy Sheriff that should not be allowed to be a guard at any jail. This individual is named Trujillo and displayed the maturity of 12 years old in a Deputy Sheriff uniform with a badge.

This Deputy Sheriff harasses inmates for no reason other than to indicate he is better than they are. It's like teasing a dog on a short lease. He would stand in an inmates face, belch and then demand to be told what he ate for lunch. Deputy Sheriff Trujillo would go out of his way to pick on an inmate for the sole purpose of seeing if he could be intimidated. His whole day appeared to focus on his enjoyment of ridiculing a select inmate and proceed to push him around to prove he is in charge. This Deputy Sheriff's action shows he has the type or demeanor that he should never have been given a badge or uniform to have the authority over anyone.

His conduct is observed by other deputies, who did nothing to correct his actions. Thus his actions reflect on the entire Corp. of Deputies which rates them on the same scale as

Trujillo. The deputies are the only ones who can stop individual misconduct by a fellow deputy and when they don't take corrective action, they are just as bad as Deputy Trujillo. So my early compliment to the Deputies conduct is tainted by allowing Trujillo to continue his wrongful conduct against inmates at the county jail.

## **2. FOOD AND KITCHEN OPERATION.**

**A.** This area is one that can fill two or three chapters. The food is horrible beyond description. I have experienced all kinds of large kitchen cooking fare for high numbers of personnel. Nothing can compare to what I was served for 31 days at the County Jail. I lost 14 lbs in 31 days because the meals were uneatable. During this entire time I had one meal that could be called good, and that was a hamburger burrito.

**B.** Breakfast consisted of powdered eggs in water, not drained before being served; porridge and reconstituted undercooked sliced potatoes. Sometimes there was a slice of bread and maybe an orange. There was a substitute for sausage that was boiled and still unknown as to what meat it represented. Every morning the same items were improperly cooked. The morning drink consists of old tea mixed with some coffee grounds.

**C.** Lunch consisted of a (baloney, turkey or tuna) rolled in Saran wrap with bread or a roll and a banana, apple or an orange. Sometimes it was a tablespoon of tuna fish in a Styrofoam cup with no mayonnaise. This was disgusting, you should try it sometime. Other times it was baloney with bread and some mustard without mayonnaise.

**D.** Dinner consisted of some unrecognizable form of meat, the same under cooked reconstituted sliced potatoes, applesauce, and slice of bread maybe jello. Once we had a meal of spaghetti that was OK. Another meal was a soupy mixture of rice that had a few pieces of chicken; at least I thought it could be chicken. I'm still unsure what it was.

**E.** Most inmates with money supplement their diet with items bought from the (Bob Barker) Commissary. The Japanese Ramen soup of noodles most popular and the means of currency used since cigarettes have been stopped.

The other meals called Diets and Kosher appear to be better but must be approved by staff. These are also traded between inmates as currency. I was served a diabetic meal that wasn't better, it just lacked any sugar. An orange or canned pineapple in heavy syrup is usually forbidden for diabetics, but was still served as a diabetic meal.

**F.** I never saw the kitchen but talked to many inmates who worked as trustees, they said the less you know the better. One inmate trustee told me he moved a metal table from the wall in the produce cooler and found a black fungus growing under the table and the wall. He showed it to the kitchen staff who ordered him to scrape it off with a knife. When he did the spores exploded and he unknowingly inhaled them which caused nasal problems and a horrible lung infection. He had a fever and felt sick the next morning and reported to the doctor. After an examination by the nurse determined he was OK for duty in the kitchen and was sent back for work. He was ordered to wrap lunchmeat in Saran

wrap which he refused to do, due to his nasal drip and his undiagnosed and untreated symptoms. He requested a different job and suggested packing apples in the lunch bags and was refused. He then quit and by doing so was no longer a trustee.

He was in the kitchen when it passed the food inspections by TRI County Health. This is one inspection that will always pass no matter how bad the jail kitchen is. Tri County Health has to pass the inspection no matter what they find.

**G.** Since leaving prison I contacted the TRI County Health Department and questioned several staff members about the process of inspection of the County Jail. In these modern times the inspection results can be viewed on-line over the Internet. That doesn't mean their inspections caused a raise in health conditions. The location of the black fungus was in the produce cooler, which is very moist, which facilitates the fungus growth. The inmates who were there during the inspections claim there were two failed previous inspections and the third inspection passed due to good old fashioned bribery. Now who can trust the inmate's opinion who was rewarded with two-day-old pizza or is this another example where jails are above the law?

A kitchen at a jail can't be closed for any violation of health. If this happened the entire jail would have to be closed, so health concerns or conditions doesn't really count in these inspections. Any violations will be minimized to prevent the closing of the jail kitchen. The threat of closure prevents health standards from being demanded of a jail kitchen. Can you imagine what would happen if the jail was closed? Overlook all violations of health standards and don't look too hard for violations. For God sake don't move a table or look under it a black fungus might be found.

I asked the staff members at Tri County Health what danger black fungus would present in the jail kitchen. Tri County Health never replied regarding Black Fungus.

**H.** The main cause of horrible food served at Arapahoe County Jail is due to the cheap contract for food services and the fact there is no oversight by a civilian committee of what food is being served the inmates. The Sheriff of Arapahoe County and Arapahoe County Commissioners are accountable for the conditions at this jail. First, second and third in command at this Jail need to be fired immediately. How long these conditions have been in existence is unknown but even two months is too long.

The other cause is the Arapahoe County Commissioners who authorize the contracts for medical and food services, do not perform, unannounced inspections of the facilities to determine how bad the county inmates are being treated under their watch. The terrorist at Guantanamo Bay get far better treatment than Arapahoe County Jail inmates. Why? Because no one cares and no one in the news media would spend 31 days to write this report.

### **3. MEDICAL TREATMENT AND STAFF.**

**A...** When I first arrived after being checked in, photographed and finger printed, I was asked to see the nurse. A male nurse reviewed my medicine and dosage. On one of my medicines he said the prison doctor had ordered that I be weaned off it. I had been on this medicine for over 12 years. Yet this doctor, who has never seen me before; doesn't know my medical history, or got familiar with my medical records, decides arbitrarily that I'm to be weaned off a prescription from my family doctor of 25 years had prescribed. I was told a Doctor Moser had ordered this reduction in medicine and he did so without a physical before deciding to wean me off medicine. I suspect the male nurse made this decision because he really got upset when I objected to his decision not some Doctor named Moser.

A week later a Korean doctor gave me a "physical" which consisted of listening to my heart, taking my blood pressure and asking how I felt. I told him that Dr. Moser ordered the reduction of one of my medicines and asked to see him. All I got was a disingenuous smile and nothing else.

I was told when an inmate is admitted his medicine is reviewed and if it was a newer type medicine (2003 or earlier) the prison psychiatrist, would cancel the latest prescriptions and substitute them with a cheaper, older version that he was familiar with. This means the level of medical treatment is set at the year 2000 instead of 2006. Changing the new for the old medicine must be due to the cheaper cost of older medicine and a major lack of knowledge of new medicines.

I put in what is called a "Kite" request to see this psychiatrist Dr. Moser and was told by the inmates he will not see me unless I try to commit suicide or worse. What could be worse?

**B...** I got a cold the second week due to the continuous cold air being pumped into the Pod (main area for all inmates to congregate and watch TV.) Most of the inmates of an older age were always wrapped in a blanket around themselves to watch TV in the Pod. I thought it was unusual until I saw one of Deputies pull his trouser leg up to tighten his boot laces and saw he was wearing long underwear. The Deputies have to wear long underwear in the summer inside the jail because it's that cold. Inmates are walking around wearing something next to pajamas in color.

**C.** I asked for medicine for my cold and was prescribed Tylenol for a \$5.00 charge for a 7-day supply. If you don't complete all 7 days you lose the balance of tablets not taken. A month later my cold came back because of the cold drafts in the Pod and I asked for the remainder of my prescription of Tylenol and was told pay another \$5.00 for a new 7 day supply. Who is pocketing miscellaneous unrecorded charges? If you ask to change anything on your records like a drop of a medicine it's another \$5.00 charge for administrative changes.

**D. One of the inmates told me he was diagnosed with cancer (Hodgkin's Lymphoma 3<sup>rd</sup> grade).** He needed treatment and was not getting any medical treatment from the Prison Doctors. He mentioned it to the Judge when he was in court. The Judge told him she had the very same cancer and was cured. The Judge told the Deputy who was guarding this inmate to tell the doctors at the Prison to get this inmate treatment immediately. Two weeks later nothing had been done to treat the inmate's cancer. Then the inmate was told to see the doctor who is known as the Korean doctor. When the inmate came back from his meeting with the doctor I asked him when the treatment will begin for his cancer. He laughed and said the Korean doctor felt the tumors on his side of his arm and back and was told those were just tight muscles and prescribed a muscle relaxant to reduce the knots. That's the level of medial treatment the inmates are given and they have nowhere to complain about this treatment. I told him to write a Kite requesting treatment and soon after he was taken to Denver General for another physical by a knowledgeable, practicing doctor.

The cancer was confirmed and chemotherapy treatment was ordered. The doctor at Denver General couldn't believe a doctor at the prison had prescribed a muscle relaxant for Hodgkin's Lymphoma 3<sup>rd</sup> grade. I have since learned the inmate is getting his chemotherapy at the Denver General hospital but was returned to the County Jail after treatments to suffer the reactions of chemotherapy treatment along with two other inmates. Then I learned the Deputy Sheriffs were not scheduling his return visits to Denver General for his weekly treatment. Treatments can't be missed but they will be from Arapahoe County Jail to Denver General.

The inmate was confined for not registering as a sex offender from a conviction when he was 14 years old. I have since reported this incident to the Sheriff of Arapahoe County and the Arapahoe Commissioners. Is it necessary for this inmate to be confined during his chemotherapy? Is it considered a loss of money if an inmate is sent to the Denver General jail full time during confinement? Within two days after my report of this inmate, his treatment, several blood tests and daily checkups were given by the nurses. He has since been transferred again to Denver General, for full time treatment. Four weeks later he returned to this POD in much better condition than before my complaint on his behalf. He was given multiple blood transfusions and 24 hours medical treatment at a hospital, not a jail cell. He has been sentenced to 3 years in a half-way house where he can get continued treatment from Denver General.

My thanks to whoever made the changes necessary his recovery. It's the proper action that should have been taken by a society that is supposed to be above a third world jail system.

What would happen if I hadn't reported this problem outside of the medical services as not being performed at this jail? This inmate could have died and the death would be reported that he died of cancer. No report would have been made that the treatment of prescribing muscle relaxants didn't put his cancer in remission. Anyone sentenced to Arapahoe County Jail for any time over a year could receive a death sentence because of

the non-existent or horrible medical treatment contracted by the Arapahoe County Commissioners.

**E.** In the future any inmate who dies while under medical treatment by any medical personnel at this jail should have an inquest which must be held with a full review of all medical treatment or non-treatment as the cause of the death. Wrongful death is grounds for malpractice lawsuits against all involved including the County Commissioners. Remember, inmates serve their time and are released, upon this release they have served their time and once again can become in time a citizens. If their life is wrongfully terminated, then their right as a future citizen who has paid his debt to society has been denied by the non-Medical treatment at Arapahoe County Jail.

A civilian committee must be empowered to have the final word on any complaints by inmates of medical treatment or any death of an inmate under the control of personnel at Arapahoe County Jail. There was a death there recently which was claimed to be caused by a Taser gun which is not true. There were witnesses that were threatened if they ever told what they saw it would be "over" for them. my understanding that the victim was strangled. The County Jail has been able to deny this action until now.

#### **4. OPERATIONAL COSTS**

##### **A MEDICAL CONTRACT**

The medical contract is woefully under funded and does not provide adequate medical treatment to the number of inmates at this jail (Claimed average number of inmates per day 1,314 average). The bean counters that negotiated the contract for 2006 should be praised for the price but the amount capped at \$434,552 prevents legitimate medical care being provided. To provide medical treatment for 1,314 average population can't be considered adequate. The number of inmates is not to exceed 1,160 as per the capacity of the jail. The purpose of this contract is not to provide real medical treatment but to give the image the inmates are receiving medical treatment and they are not.

The two Doctors who were on duty for 2006 must be relieved from any further involvement in this Jail. Some of the nurses also should be relieved due to their attitude and over all incompetence in performing their duties.

An inmate had sustained major injuries in an auto accident in his youth. The injuries were corrected by metal implants in his spinal cord in his neck and lower back. He had been in pain due to these implants aging and he knows corrective surgery will be necessary. During a court hearing he was involved in an altercation when restrained, and one of the guards unaware of his condition put his boot on his neck as a restraint. This caused damage to his neck and he was taken to a local hospital for x-rays. The doctor who examined him said he was glad it wasn't his neck. He reviewed the inmate's condition and reported what the future symptoms will be of pain and continuing deterioration of the metal implants and surgery will be required. These symptoms are present and the pain is

severe. Treatment is denied (surgery could cost \$40,000 and up) to save money and inmates have no rights to demand proper medical treatment.

In addition to the medical problems of his spinal column he also has Hepatitis B.

The following is a summary of the wrongful acts of the medical services under contract to provide the inmates of this prison. This inmate was given blood tests, additional x-rays examinations by the Jail doctors and after all of these examinations and tests the doctors and nurses refused to explain their diagnosis. They prescribed Tylenol for his pain and medicine for his bowel movements, but not his enlarged liver. Some pain medicine was given but not enough to make the pain bearable. Since proper treatment as diagnosed by the doctors would involve more pain medicine, and very soon surgery this inmate was left in pain. So Arapahoe medical treatment for his liver condition and spinal cord pain is delayed because he would be discharged January 13, 2006. He has been denied proper medicinal treatment for unbelievable back and neck pain because if it was prescribed it would be proof he should have been properly treated months ago. This is torture of an inmate for the purpose of saving money till he is discharged.

He has filed a complaint of his treatment in Jail and a nurse not a doctor denied his complaint... The nurse admitted she is not qualified to give a medical opinion on damaged spinal cords. The doctors are hiding behind the nurse which will be bought out in court. The nurse told the inmate that he would never get copies of his medical records in their possession. Never is a long time and this kind of medical treatment is criminal. The Arapahoe County Commissioners are also guilty for allowing this one incident, much less the multiple acts of malpractice allowed by a contract between the Commissioners and a for-profit company who provides the doctors and nurses who know how far the abuse of inmates will be allowed to save money for their profit. This Jail is known as the cesspool of all jails in our country. Lawyers know it, Judges know it, and soon the public is going to know all about it.

The inmate reference here was dismissed and is now in Denver County waiting charges which have no bases and once a trial date is set and he refuses plea bargaining he will be released. 90 days 180 days confined in a 23 hour lockdown is malicious prosecution. He has the same pain and to date he has been refused any medical treatment the same as the Doctors at Arapahoe County jail did. The medical system is the same in Denver as it is in Arapahoe County. Save money on medicine and food but spend all the money on days in jail to get a plea-bargains where a trial would most likely would fail to convict.

## **B. FOOD CONTRACT**

Regular meals per inmate cost 0.8140 cents each. Very little quality food can be purchased at this price. Diets and Kosher meals are 0.9290 cents. Other Kosher meals are listed at a costs \$3.096 each; Wow; I never saw one of these meals. Staff Meals \$1.00 each.

The quality of food purchased for a regular meal must be increased to at least what the staff is fed. (\$1.00) The preparation of the food must be improved above what was served in 2006. I learned from a guard at the Denver County Jail that the food was great until the chef was paroled. That tells it all. More money must be appropriated to hire better cooks, advisors and/or consultants brought in to improve the methods of cooking the food. Of course if society doesn't care how our inmates are treated we could reduce this cost further.

The food at the DOC jail facilities much better than this County jail. I have talked with inmates that returned to county jail for a court hearing. They said they get regular food like hamburgers, and meat with potatoes cooked properly. Some of the cooks at these facilities should be consulted on what their menus are, how they are cooking the food and how much is their budget for food. Of course crap for food helps the plea bargaining process. As an example boiled eggs are served in which half the egg is lost when peeled. This means the eggs once boiled are left in the hot water without being immersed in cold water allows the egg to peel unattached to the shell. It's an extra step in the process that is omitted at the county jail.

One month (9/06/2006) 455 kosher meals were served at a cost of \$3.96 each. Who the hell got these meals and how does the general population get admitted to this religion at time?

I want a comparison made with other jails in the system as to the cost of medical and food divided by the number of inmates and what is that cost as compared with inmate costs at this County Jail. These costs must be available for Arapahoe County Commissioners to review and I want the same information by my right to Public records.

## **5. EXAMPLES OF WRONGFUL ACTIONS BY STAFF.**

**A.** My confinement was to the Sex Offenders Pod 3E cell 15 since I had requested maximum protection as a political prisoner of the 18<sup>th</sup> District Court. I was not raped or abused and the atmosphere was rather laid back. An occasional fight would breakout between inmates and it would be stopped by other inmates or the Deputies. There was tension between the Mexicans and Black Americans but nothing like the general population.

In Pod 3E Cell 11 there were three inmates sharing this cell for months. One inmate was transferred or released. A replacement was assigned. The new inmate was a Black American who was found urinating on the floor at night. The urine would flow under the cell door out to the Pod area and puddle. One of the inmates wore two bags to collect his urine and feces. He became very irritated by the unhealthy conditions caused by urine on the floor every night. He reported this problem to the guards who interviewed the 3 inmates and then ordered that this pissing on the floor must stop. Guess what, it didn't stop and a fight broke out between all 3 inmates. Now here is an example of mismanagement by the staff at this jail.

The 2 inmates who were not the cause of the problem were moved from this cell and reassigned to another POD and cell. This means they lost their bed and upon entering a new cell will be assigned to sleep on the floor. These inmates are called the “carpet” because they are on the floor at night. So because the 2 inmates objected to pissing on the floor they were punished for complaining and became “the carpet” in another cell. The offending Black American who was pissing on the floor got a private cell all to himself. Why this action? Decisions are made by the guards as to how to make their shift easier to run and have nothing to do with the inmate’s conditions. This inmate had been moved from every POD he was assigned to for urinating on the floor. In one instance he was caught filling a shampoo bottle with urine so he could throw it at other inmates.

Two weeks went by and the offending inmate still had his private cell. Then one day another Black American was assigned to join the urine cell and immediately complained to the guards who upon inspection found the inmate had been urinating all over this cell for the past two weeks. No guard thought to inspect this cell for the two weeks because their problem with this inmate had been solved for their shifts. The offending inmate was removed from this cell and I believe was discharged from this Jail. The emergency of handling this one inmate for pissing on the floor was removed as a problem for staff for two weeks. That how management decisions are made not what is right for the inmates.

A cleaning crew with equipment I had never seen before were called in to clean this contaminated cell with buckets of water and 3 inmates were immediately assigned to this cell with 1 assigned as the “carpet” on the floor. All cells are contaminated and require a total disinfectant cleaning; a steam cleaning can’t be accomplished with inmates housed in the POD. That means all PODs have to be evacuated for at least several weeks for new paint and cleaning. All air ducts (filthy) must be cleaned. Thermostats must be installed to control the temperature in all PODs. Rumor has it the control of temperature in the PODs is controlled from a computer some where in Georgia.

**B.** Inmate’s mail is censored to the extreme. Some letters are withheld for 30 to 60 days and sometimes never delivered. Most of these letters are love letters from girl friends or wives. If the letter has any perfume smell it will be denied delivery. Or this is an excuse to deny letters with or without perfume on them.

One inmate mailed me on 3 separate occasions a Power of Attorney. I have just received my first copy months later and the letters were marked legal documents which can’t be opened by the mail clerk. The county mail department has a staff of one person who can’t keep up with the review of inmate’s mail in a timely manner. Who cares no one because these inmates have no civil rights in jail. The system can do anything to the inmates and complaints will not be heard for change or protection of the inmates. Once your an inmate you can be screwed by the system and there is no way to get it stopped.

**C.** Someone is stealing \$10.00 deposits from inmates when they first register as an inmate. Too many inmates have receipts for more money than what is shown on their account. Now let’s think about this theft. What can an inmate do when he shows a receipt for \$10.00 that is never credited to his account? Answer: NOTHING. He can file

a complaint and nothing will happen. This means the thefts will continue when nothing is done about it. Other inmates had more money disappear and many complaints were filed with no results. Theft should not be allowed in Arapahoe County Jail. \$10.00 multiplied by 50 a month is \$500.00 and no one is caught. The fact is Jails don't have laws for inmates they are against inmates.

**D.** Visitors of Inmates. My wife came to visit me and she was shocked at how dirty the visitor's area was. Even the clerks admitted it wasn't very clean. One visitor was denied her approved appointment because her blouse revealed too much cleavage. This denial is at the sole opinion of a guard. I was in the POD when the inmate was waiting see his wife which she never showed up. Hours later he was told why she was denied her visiting appointment and the inmate was furious. Its fun to screw with inmates and it shouldn't be allowed. The deputy who has this fun should forfeit his paid for his fun.

If a visiting wife, girlfriend or relative has too much cleavage showing when entering the reception area she must be provided with 5 different color scarves to cover the offending cleavage instead of refusing the visitation. Inmate's look forward to a visitor scheduled and when it's cancelled without a reason, all kinds of fears and suspensions follow. Is this type of harassment part of the sentence by the court? These guards really have fun besides getting a salary and pension.

**E.** When I first arrived there was a razor issued every morning that had double blades for shaving. Then razors with two blades were replaced by razors with one blade, which proved real torture to shave with. I complained about this razor and was told that the powers to be had tested this one blade razor and found it more than adequate for the inmates to use. How much money was saved by this change from two blade razors to one blade razor without concern of how bad the shaving is?

## **6. CELLS AND POD FACILITIES**

**A.** The physical facilities are filthy and need immediate steam cleaning. This includes all the furniture in each POD. The showers are breeding areas for mosquitoes and other flying bugs. There is a crust of dirt along the walls where they meet the floor. All cells have the same filth along the floor and walls. None of these have been cleaned by steam or any other means in years.

**B.** There is a major design flaw where an air duct is positioned to blow directly on the inmate who is assigned the upper bunk. To counter act this cold draft the inmates take the cardboard back from a legal tablet and pin it over the air duct with 4 toothbrushes from the Bob Barker Commissary operation. When the air flow is blocked and there are 3 inmates assigned to a cell, at this altitude there is a reduction of oxygen in the confined quarters. I found the air to be a problem at night with the air duct restricted. A revised system of air distribution must be installed and all cells must be reduced to occupancy of 2 inmates per cell. Why doesn't the County Jail have to follow our laws or what are humane rules for inmates? Maybe there are no humane rules for inmates!

C. For some reason the entire jail POD's temperature is kept at 68 or colder. The Deputies wear long underwear in the summer and fall because of the low temperature indoors. I asked about the temperature and the Deputy told me they have no control over the room temperature in the PODs. The inmates wrap one of their two thin "holey" blankets around themselves to watch TV in the recreation area of the POD. A swamp cooler fan in the ceiling center of the POD comes on when not needed and blows down on the inmates in the evening which causes everyone to move out of this area of draft to keep warm.

D. For some reason there is an over supply of the short Bob Barker brushes and the worthless toothpaste along with a small bar of soap. Every toilet paper roll issued these three items stuffed in the center hole of the toilet paper. Within weeks each inmate will have 5 sets of toothpaste, brushes and small bars of soap are thrown away as they are not needed. This over supply is costing this county money that could be better spent elsewhere. Every other toilet paper roll stuffed with these items would be a start in saving money. If an inmate is supplied with a small tube paste for 6 months, he will have tooth decay starting shortly due to the inferior quality of the paste. The dental services that are provided under the Medical Contract are primarily just for pulling teeth. Fillings for tooth decay are a service that's not needed.

F. There is a room somewhere in the inter area of this complex known as the **COLD ROOM**. The cold room is a new form of torture. Is this what jails call their **COOLER?** The temperature is kept 60 degrees or colder. If an inmate is left in this room for say over an hour he will turn blue and a cold infection will be followed by this treatment. The room next door is kept at a normal temperature and has a window for the guards to observe the inmates. What is the purpose of this room and why is it kept so cold? Inmates fear being confined here, some have been kept over 3 hours in there waiting to go to court, or just left there between court hearings and returned to their cells. This room must be closed and all air-conditioning or by whatever means cold air is used to reduce the temperature should be stopped now. Arapahoe County Commissioners, this is one room you must inspect and sit in for at least an hour. Then ask the management of your jail WHY? It is cold enough to be used as an interim meat locker storeroom for the kitchen?

G. **Slave labor.** When the Sheriff Department is granted use of slave labor they should not abuse the slaves. The trustees are worked 12 to 14 hours a day in exchange for 7 days off their sentence each month for their labor. They are used all over the jail and pull duty outside the jail. The 12 to 14 hours for each day in jail they work must be to 8 hours a day for 7 days time per month. If they are worked over 8 hours say to 12 or 14 hours they get 12 days off per month for being a trustee. Remember these inmates are not paid for their work and that makes them slaves to Arapahoe County Sheriff. Twelve days good time would get more slaves released and reduce the number of inmates' expense to the taxpayers.

H. Who is responsible for the reported conditions of this jail, the filthy cells, quality of the food, inadequate medical care and POD structural problems, needs to be

fired and lose their pension. As a rule, government workers are never held accountable and they will be transferred to protect their pension. New appointments will be made who will be responsible to make changes in the conditions of this jail. 10 years later it will have reverted to the same condition of today, if it changes at all.

F. Commissioners, when you make your tour ask to see Pod 6. This is where the real criminals are housed. The jail industry doesn't understand if they can violate all humane rules they can violate segregation by race. In Pod 6 the Mexicans and Blacks are house together which is a failure. The two gangs are created and run this POD down to the guards throwing in the TV changer instead of being controlled by staff. If these 2 groups were given their own POD each, one for Mexicans and one for Blacks the gangs wouldn't be necessary or thrive. Rape, beatings, extortion, and all kinds of adjectives of physical abuse and crimes are perfected in POD 6. No one is safe unless an inmate swears allegiance to one gang or the other even if the inmate is not of the same race; he is in constant danger of abuse. How much does it cost the taxpayers to fund one day of time for one inmate? I have heard numbers range from \$22,000 to \$26,000 per year at a DOC jail. That's not what it costs in the Arapahoe County Jail. . And for this cost per day 2 gangs run the jail, not the deputies. Just imagine if 5% of the inmates are innocent of any crime or sentenced to more time than should have been by plea bargaining what's the cost to the tax payers?

**What is interesting you can't prove my 5 % statistic is wrong it could be even higher. Is this the justice system we believe America is based on?**

The inmates accepted a plea bargain to stop the demands of a Prosecutor or the failure of a public defender for the unknown of 6 months in this jail and now are assigned to POD 6. The entire government of Arapahoe County is responsible for this miscarriage of justice.

## **7. HEARSAY RULE**

A. Our jails are full and additional capacity must be built to handle the future needs. Colorado is 1 of 4 states remaining that allows the **Hearsay Rule** to convict a person without any other evidence to prove the charges. The street people know this fact and if they want to get even with a jilted lover, ex-husband or partner, they can file a complaint against someone with no proof that it is true. The accused is arrested and kept in jail for months while he's worked over to accept a plea bargain. Sometimes incompetent or just overworked public defenders suggest a plea-bargain for a lesser sentence than what the threat of years would be in a trial. It doesn't matter if the defendant is guilty or not. In Arapahoe County over 6,800 cases are handled each year. Half of these would choke the courts if they all went to trial. So plea bargaining will get a conviction that would not stand up in court if a trial was held. It requires the incarceration of a defendant for 6 months or more until he breaks down and agrees to plead guilty to charges he may or may not have committed. Just recently on 60 minutes an inmate's story was given where in has spent 12 years on death row convicted on hearsay by another inmate who on his

hour of execution stated he was the killer and not this inmate. How many innocent inmates do we have locked up in Arapahoe County Jails Department of Correction Jails?

Question how much money does all the 6 month lock ups cost taxpayers in lieu of a trial? What is the cost per day to hold one defendant in this County Jail? Lets say it costs \$75.00 a day times 6 months comes to \$13,500. The average number of inmates at the County jail is 1,314 per month. I would estimate that 60% of these inmates (788) are held for the Plea Bargaining system and will be held until they agree to accept a lesser charge. If anyone disagrees with my numbers, please provide what the true number of inmates that are being held in County Jail by the District Attorney working a 6 month Plea instead of a trial.

The cost of one inmate for 6 months is \$13,500 times 788 inmates comes to \$10,638,000. This is the cost of just one county; I wonder what Denver County and Jefferson County costs the taxpayers while the system tries to **create** inmates by plea bargain deals. The District Attorney controls how many inmates will be held in plea-bargain negotiations; there is no set budget that limits this cost. What would happen if a budget was set at \$5,000,000 for plea bargaining for inmates to a lesser charge even if some are innocent? There would be a reduction in the number of inmates whose guilt is questionable. This would be scary to think a DA has to evaluate the guilt of a defendant not because of justice but because of budget requirements. With an unlimited budget this system works to create inmates, and not provide innocent defendants their right to a trial. "Justice happens when you win." That goes for both sides.

**B.** I have a witness who was in court working on some equipment under a table and the Judge was unaware he was in the courtroom. The Judge proceeded to chastise a young attorney as follows: "Innocent defendants are not arrested in the 18<sup>th</sup> District and brought to this court. Defendants when arrested are guilty and must prove they are innocent in my court. Only guilty persons are arrested." The young attorney answered "But your Honor it's my understanding the defendant is innocent until proven guilty." Long silence and then the Judge said, "If that's your understanding you are in for a long and hard time in our courts." **Now combine that bend of mind of a judge with the Hearsay Rule and arrests, charges and guilty plea bargains and the jail population will increase dramatically.** We need far more jails because our current system is in the business of creating defendants who will become inmates not because of violation of Justice but because how the system works. **The New Governor knows how this works as an Ex-DA. Let's see what he does as Governor to protect our citizens of the HEARSAY RULE. State legislature needs to change the law of evidence.**

**C.** A young man has a fight with his girl friend and she files for a Restraining Order (TRO) which is granted by the court. Two Months later the Police knock on the girl friend's door, when she answers they demand to know if her boyfriend is present. The two have since made up, but the Restraining Order was still in effect. The boyfriend is charged for violating this order, plus charged with Burglary for being in an apartment he is not supposed to be in, by Order of the Court. Off to jail he goes while the girl friend says the Order is not needed and they have made up. Six months later he is still in jail and

is considering taking the plea bargain instead of the chance of 4 years in jail if he goes to trial for Burglary and violating a TRO. He is offered a plea bargain of 3 years probation. He pleads guilty to the lesser charge and gets probation which he will never complete since he is now in the system. There is a hundred ways to screw up on probation and then you must serve the sentence once you plead guilty to, burglary and violating a Restraining Order. For every day of jail it costs taxpayers and the justice system has no financial responsibilities for the cost of 6 months in jail to break the defendant to plead guilty to a lesser charge. With this system we are going to need lots of new jails.

**D.** There are instances where a public defender has accepted a continuance of a defendant's trial without the defendant's permission and the defendant wasn't present in court at the time. Judges allow this in their courts. Who does the defendant complain to for this violation of his rights? No one because he is guilty the day he was arrested. See how it works? So much for your Civil Rights in the 18<sup>th</sup> District Court of Arapahoe County. I have examples of other judges in eh 18<sup>th</sup> District Court telling a defendant to shut up I will do the talking in my court. 15 minutes later the defendant is found guilty and sentenced and not one word was uttered by the defendant for his defense. I think we borrowed this method from the justice system in Russia. ( County Court Littleton)

**E.** **A young 20 year old is charged with being a sex offender** for impregnating a 14 year old girl. He is slightly retarded and was thrown out of his parent's home for not getting a job. A young girl says he can stay at her house and the mother agrees. The only bed available is in the 13 years old girl's room. Year later the girl turns up pregnant now 14 years old. Mother pleads she didn't know they were having sex and the boy is arrested and jailed. The facts are that the mother has had three children on welfare, which pays \$400.00 to \$500.00 a month. There is a second girl in this household a 9 year old who will be set up for motherhood when able and she will bring in a monthly welfare payment. The first daughter is now working on getting pregnant for her second monthly welfare check. \$1,500 a month with three babies isn't too bad a life! Meanwhile the young man is in jail for being a sex offender and gets 10 years and life parole. (Life parole means he will never be paroled)

What does it cost the tax payer for a 20 year old to serve life? This young man could be in jail for 60 years at what annual cost to the tax payers? The justice system as it works now is going to bankrupt the State of Colorado.

This doesn't take into consideration the immigration problems of the lowest level of Mexican society are crossing our borders. They will not abide by our laws; don't care about learning English and laws passed for guest worker programs can't be enforced. When the government **can enforce our drug laws** then and only then try a guest worker program. (Canada has a guest worker program that works, check it out) Build the wall Congress or there will be lots of you coming home after one term.

I wrote to the public defender stating the DA can't take this 20 year old defendant to trial without the mother admitting she allowed the two to sleep together. The mother should have been the defendant on trial not the young man. At the last minute the first Judge

who knows all the above facts is switched and a new Judge was assigned to this case. If the replacement Judge was Judge Hannen of the 18<sup>th</sup> District Court this sentence has to over turn. The inmates at the court jail called Judge Hannen the DA's whore. The new Judge ordered this guilty sex offender to 10 years in jail and lifetime probation. Oh by the way, a lasting fact the mother who didn't know her daughter were having sex for a year allowed this future S.O. to sleep with her for two weeks a month after the birth of his child. Then he was arrested as a sex offender. Example he was guilty when arrested and hearsay rule convicted him along with his DNA tests but the adult in this story was the mother who set him up for Welfare Fraud. He will pay with a life sentence and so will you the taxpayers.

**INNOCENT PEOPLE ARE NEVER ARRESTED ONLY GUILTY PEOPLE ARE ARRESTED IN THE 18<sup>TH</sup> DISTRICT OF ARAPAHOE COUNTY.**

F. The State legislature is at the wrong end of this monster they created along with lawyers and Judges. The problem is at the mouth of this monster. Reducing sentences to relieve the inmate pressure on jail's capacities is at the wrong end of the monster. Stop the wholesale sentencing of lower level citizens of our State to plea bargain deals that set up a future inmate who fails their parole and becomes a member of the jail system because of a mistake when young and scared of the threats made by the DA's staff. Talk about cutting off funding for our soldiers in Iraq the funding for six month jail time to break and create a future member of the system created by the justice system with no budget. The rear end of the monster could be examined but it's the front end that needs to be reduced by half. NO BUDGE IT'S OPENED ENDED FOR ALL COUNTY DAs.

G. Governor Ritter you need to stand up to this problem and tell us if I'm wrong in this review. If I'm right what are you and the Democratic Legislature going to do about it? This is the most dangerous correction needed in our justice system. No matter what injustices exist if the solution PROPOSED IN OUR LEGISLATURE THAT will reduce legal fees to lawyers the change will be defeated by lawyers in the legislature. Conflict of interest is in play when a legislator is a lawyer and he votes for or against new laws that he gets to enforce as lawyer practicing law. All legislator lawyers must abstain from voting on laws that they will benefit as a practicing lawyer. Biggest conflict of interest in our State Legislature is lawyers passing laws that protect their legal fees. Creating new legal fees is the real goal of most new laws since it takes a lawsuit to enforce new laws.

The Commissioner's only protection up until now is to hide behind what is reported by the staff to the Sheriff which information stops at his desk and the commissioners can claim they never knew what was going on. The Commissioner's will not ask any further questions because it could result in loss of their protection as a government servant who is fiduciary responsible. Right now the abuse of the inmates is being hidden and inmates are refused any complaints on the condition in this jail.

The protection of everyone involved by hiding is on going. This jail must be closed, shut down and changed from being the cesspool of jails in our State. It must be cleaned, from top to bottom. Staffing changing's to provide legitimate jail facilities with oversight of

all contracts of service to the jail by a civilian commission with the authority to fire and/or order prosecution of individuals for wrongful, criminal acts.

My God I just described the Arapahoe County Commissioners responsibilities that haven't performed their own fiduciary duties as elected officials which is why the conditions of this jail exist today.

This jail might become what a County of Arapahoe could consider above a third world jail.

## **8. WHAT SHOULD BE DONE?**

The kitchen must be closed by order of TRI COUNTY HEATH for a total cleaning and reconditioning to bring it up to code for the health standards required of public restaurants that the public consider safe to eat at. No pressure from State Government should be applied to keep the cesspool open. I want Federal Intervention if no action is taken by the Arapahoe County Commissioner (immediately) including the State Attorney General ordering an audit by the General Accounting Office (GAO) if we have a department with this function in Colorado.

Another problem with our justice system is PERJURY IS NOT ENFORCED IN OUR CIVIL AND FEDERAL COURTS. A Civil Judge or Federal Civil Judge rule on a criminal violation which is perjury. Only a District Attorney can prosecute for perjury in court and there is no record of perjury ever being charged with as a crime by a DA in Colorado.

The Hearsay Rule and Perjury not enforced must be corrected along with this jail. We now have a Governor who already knows these problems of our justice system. Let's see what he does about protecting us the peasants of this society in year 2007.

This is the first Chapter on this subject. Chapter 2 is in rough draft which will update what actions this writing has caused. I am now reviewing City and County of Denver operation of their Jails.

## **Summary and Solutions.**

### **A. The Arapahoe County Jail**

1. Close the Arapahoe County Jail for major repairs cleaning and remodeling.
2. Cancellation of the entire medical system and costs are revised that fails to provide the present joke called medical treatment of the inmates. Federal supervision is needed to set the rules for medical treatment of county inmates. **Anyone know how to get this report to the right Federal Level that will get them involved with the corrections needed?**
3. Reduce all cells to 2 inmates no more third inmate on the floor called carpet.

## B. Judicial system

1. . . . State Legislatures must decide reduction of sentences is at the wrong end of the monster called the justice system of Arapahoe County. Our justice system in years past was to let 100 criminals go free to prevent one innocent man being convicted. The pendulum has now swung 180 degrees right. Convict everyone to make sure one guilty person doesn't get off. The current system of plea bargaining for months instead of giving a defendant a trial has to be stopped. The cost of this justice system is opened ended with no caps considered. Who makes this money? Lawyers, judges, courts and the support staff of jails.

Look how many convicted murderers have been found innocent prior to being executed. Texas and Florida are two other States who allow the HEARSAY RULE to convict a defendant without any other evidence of guilt. This has to be changed now not years later by the controlling party the Democrats.

2. When the public realizes Perjury is not enforced in our civil courts and the lawyer and judges have know this dirty secret it will get changed. Just imagine in a court of law everyone must tell the truth not just the Colorado peasant who is in court for the first time. What would happen in divorce court if truth was required? When this happens we will not need all the courts and judges because half of all lawsuits will be dropped because the lawyers don't want to be convicted of SUBORN PERJURY WITH THEIR CLIENT. This will lead to the other problem that half of the lawyers will go broke and declare Bankruptcy. Right now the lawyer must be allowed to lie in court so they can make a living and that's our justice system.

3. Sentencing young inmates to life in prison for SEX ASSAULT is an over kill demanded by the public for offences that don't reach the level of sex predators and yes monsters as reported in the news. The statutes on Sex Offenders must be revised to include different levels of violation just like felonies 1 through 6. I say there are 2,000 sex offenders out there right now and we don't know who they are. Of that number 25 are real monster, killers, predators and we will not know how to catch them until they kill someone. Then the laws of murder take over not sex offender laws now on the books.

**That's how hopeless this problem is because these sex offenders right now are 6, 7 and 10 years old. They don't know what a sex offender is and they are to become one.** The laws to judge them will be society's efforts to stop the monsters at the top of the numbers of S.Os. The laws on the books do not stop the monsters until after the damage is done.

4. The wild free sex offered by our 12 year old girls today way before high school will cause multiple convictions by 15, and 16 year old males who got there hormones in an up roar not at the fault of their being a sex offender as the law demands.

I heard a story told by a friend about his experience with sex as a farm boy. He and a girl from a near by farm were visiting when they walked over to a pen of pigs and two of the pigs were going at it as nature intended. After watching them for a while for some reason their hands met and they without saying a word walked to the barn and had sex. Right now that act will convict the boy as a sex offender with our laws against sex with a minor. He was 16 and she was 15 years old. In today's justice system He will go to prison for life because of our current laws and this is wrong. Yet our judicial system will push this treatment to satisfy the publics demand to stop sex monsters 25 out of 2,000.

This one part of our Criminal law will bankrupt this state in 20 years with life sentences against convicted sex offenders by the **Hearsay Rule**. Girls caught having sex will claim to be the victim her word against his to protect themselves from punishment by their own parents if they even care. I have one case with the facts of the conviction of a defendant on the word of 4 under age girls who got a conviction by hearsay and bragged they had sex with over 100 boys before the age of 15. He admitted sex with one of the four but their hearsay testimony got him 16 years with parole to life.

The disgrace here is the professionals in this field of enforcement and counselors of Sex Offenses know this example is true and they will not confront the problem because they're in the business of enforcing the current sex laws on the books for their profit. There is a huge amount of money being made by lawyers and claimed counselors in the sex offender field of enforcement because the public wants enforcement of the 25 monsters and 2,000 suffer the consequence and we the tax payers will pay forever.

Before my thirty one days in jail for calling the President of my HOA a Tort Twister I didn't know any of the above. But now I do and my future efforts are to get it changed. Yet we have lawyers and judges and yes our Governor who all know what I learned here and none of them will make any efforts to bring change because the PUBLIC HASN'T DEMANDED CHANGE. Change will require leadership without public demands.

Democrats, the ball is in your court and there can be no excuses for failure with your control of the State legislature and Governor Ritter in office.

What is wrong with our newspapers who also know all of the above and they haven't reported the facts? The answer is as a newspaper industry they too can have their days in court and don't want to upset the Judicial Industry because it could affect future slander lawsuits or other litigation. Denver Post, Rocky Mountain News, and Westword I did the 31 days which took a court order but none of your reporters would volunteer for this assignment. I did the time as in the old days it was called investigative reporting.

Now let's see if any of you see a story in this report? None of this information is new to any of you in the news business. It's the public who doesn't know what is going on because the newspapers failed to print the story.

The opinions expressed in this report are those of the writer.

Jim Burneson Past Inmate of 3E 15 Arapahoe County Jail.