

Jail Conditions and Practices: Unconstitutional in My Case

Outrageous Deprivation of Rights under Color of Law

I only have standing to Motion the Court as it relates to my case. I submit that the issues raised have broad relevance. I realize jail is not supposed to be pleasant and there are jails a lot worse elsewhere. My obligation is to document this objectively. One focus is on the misuse of the "Risk Assessment Tool" in my case which is deliberate police system fraud that was inflicted by police/prosecutor fully aware of how 10 identical charges would punish pre-trial.

In my case, RAT system dictated I be confined in medium-high security. The second time in jail I was celled across the hall from a previously convicted and currently accused murderer, David Taylor who seemed like a nice guy. I had no way to know what he was "in for". He slid a People magazine under my door as I had nothing to read and he gave me some paper and a pencil. I promised him I would put a few dollars on his account when I got out and did just that. My computers had been seized so imagine my chagrin when I later learned full details of his convictions and charges.

On 2.21.2014 Barbara Builder of Builder Investigations slipped a card in my door. She explained that in Death Penalty cases, all contacts must be carefully documented. She was more than satisfied with my response, was very pleasant to me, but it speaks to the maximum security nature of my jailing based on the RAT system and completely outside the conduct (faxing to a company) and the lack of actual evidence (no actionable threat). I was treated with and just like a repeat murderer.

I am nearly certain the Court is aware of the following Lane County jail features but not in context of a manufactured crime or how it was used in this case. It must be understood in its cumulative context. Court is urged to consider how the barbaric treatment of inmates increases the jail guard job stress. Each of the systematic degradations are additive to the affected detainee. I believe those who have not been through it cannot fully understand the horror of the cumulated effects of the various aspects of jail treatment.

1. Lights on 24/7. Loud noises around the clock including occasional or frequent anguished screams and yelling from other inmates and incessant, scary loud talking about hoped-for plea bargains involving many years in prison as if it were some sort of prize.
2. Allowed out of 8x8 cell 2 hours per day the first jailing, 1 hour per day the second jailing. I ask the Court to imagine being confined in that manner for words on paper.
3. Medical conditions as described on the next page. Sensory and time deprivation.
4. Extremely hard, uncomfortable bedding. It is not possible to sleep for any sustained period. That in combination with the other factors caused intense sleep deprivation.

5. Long periods incommunicado. Because the 1 or 2 hour break-from-cell varied, it was possible to be in-cell for 36 hours and denied BUSINESS hour communication with attorney, etc. for days at a time. I was held incommunicado for the first 24 hours of the second jailing upon police orders, according to the jail staff member I asked.
6. Nearly non-functional telephone system. Court must consider what actually happens. The telephone system does not appear to connect to the cellular network without prior authorization. There is no way to know that, the calls simply do not go through. The expensive collect call, if received, is identified as being from a jail which scares and worries family members. It is a form of unwarranted pre-trial terror and punishment to the family, in my case to elderly parents who have lived in the community for over 45 years.
7. Absolutely no concept of how long I would be there and what release terms would be. That was echoed by several different fellow inmates who told me I was in "high security" and usually they held people until trial, which was at least 35 days away. I submit to the Court it is human to be greatly affected by the combination of facts and natural worry about the condition of my home and life while suddenly tried and incarcerated for a sentence that could have been as long as 10 years.
8. Jail food caused me to gag the first couple meals but then it tastes really good. I feel it is actually healthy, consistent food that had a side benefit of causing rapid weight loss despite almost total lack of movement or exercise.
9. Psycho-sexual humiliation tactic: "Face me, lift your scrotum. Turn around. Bend over and spread your cheeks". That is exactly what is said as a man observes. That is AFTER an inmate has already been carefully searched upon entry. The Court may consider that is for "security purposes" because that is what the jailers would claim. That claim would not withstand analysis:
 - a. It is possible to obtain a list of all contraband found under the scrotum or near the rectum of Lane County misdemeanor inmates for, say, the last 5 years. If nothing at all has been found (or close to it) then the practice is not needed for misdemeanors.
 - b. Logic indicates a devious misdemeanor inmate who had time to pack his scrotum or rectum before arrest would have more likely swallowed the contraband or inserted it into his rectum. Some jails check rectums. I am not suggesting that dangerous enhancement and it is irrelevant to the logical conflict being presented.
 - c. Regardless of the above, it is debilitating and humiliating to this 55 year old man who is accused of communicating via fax under the color of the stalking laws. It adds to the cumulative degradation inflicted by each of the other components of the treatment. If the Court cannot understand that concept of "cumulative physical and psychological degradation," its humanity is lost. It is sometimes called "ghettoization".

10. Generally extremely rude and mean jail guards who usually would not give an inmate the time of day. I came to realize they were “real people”, it was a persona they considered necessary because of intense inmate demands resulting from the ill treatment and sensory/information deprivation.
11. Absolute denial of all rights, pre-trial. I was told specifically: “you have no rights in jail”. That may be true but there was no valid reason under law or logic for me to have been there. That is another reason it is “deprivation of rights under color of law”.
12. Lack of simple personal supplies such as a toothbrush and paste. An inmate is told to purchase it at the commissary but, that requires a deposit from ‘outside’ and there is a waiting period between order and delivery of merchandise which in my case I hoped would be unnecessary due to anticipated bail prior to completion of toothbrush/paste acquisition.
13. In order to limit the inmate communication that results from the medical malpractice and barbaric conditions, a form called a “kite” is used to communicate needs. The form is only available during the 1 or 2 hour break. Some days they are out of “kite” forms. It takes a couple days to hear a response. As an example of how it was used to humiliate and degrade me, I wrote a nice “kite” asking to be allowed to work around the jail to keep busy. I listed my credentials as best I could with a tiny pencil with no eraser. The response two days later: “Denied due to bad behavior”. I don’t know what behavior they expected of a jail inmate but mine was better than they deserved and far better than what they inflicted. My only known offense was sleeping naked as I always do and becoming uncovered. I did not imagine it could be against the rules after that scrotum/rectum viewing session.
14. Inefficient, degrading bail procedure that caused emotional distress and emotional suffering to my family. I had bail money at SELCO credit union just a few short blocks away. With a functioning telephone system and prompt business time to use it, I could have quickly had a cashier’s check created for my attorney to get me out of jail. Instead I had to bother my elderly parents. I understand this is partly to see if a person has ties in the community which helps secure appearance but all that data is easily available these days to police via official online resources such as property ownership records that would have confirmed my freely owned home value exceeded the bail amount.
15. I assert the Law Enforcement profession and prosecutors are fully aware of all the above and cynically use it and other devious tactics to gain convictions. Humans such as myself in this case are fodder in a court sanctioned military/police/prison infrastructure. Once arrested on stalking, nobody believed me when I tried to explain it was all fax related and was fabricated by a corporate complainant. Once arrested for certain lurid crimes such as “stalking”, a person is assumed guilty because the name of the crime is so frightening. It is tantamount to “rape” or “murder” in the mind of the typical citizen....not business faxing.

Jail Conditions: Gross Medical Malpractice in Violation of Human Rights

Dangerous Medical Conditions and Malpractice

This issue transcends the Law. It passes deep into the area of Human Rights: “color or law” use of medical and psychological resources that punishes inmates pre-trial . In order to comprehend what actually goes on, a person must experience it under the circumstances of arrest and jailing with an indeterminable future and extremely brutal jail conditions, as described. It is so ghastly and terrorizing to a level so extreme I feel it caused permanent damage to me as a non-violent “offender” accused only of communications who was celled at the same security level as a repeat murderer.

Detailed analysis of the Sheriff's Office expenditures list raised many uncomfortable questions. I downloaded it to my seized computers and no longer can find it online. For example, I assert based on the expenditure list, my knowledge of RAT, and the frequent news articles we saw prior to approving 2013 Sheriff's Office special levy: Lane County Jail deliberately released violent offenders while keeping non-violent offenders in jail in order to scare the citizens and secure tens of millions of dollars in additional budget money. The release of violent inmates while holding non-violent inmates would be a matter of record if true. Again, that is my opinion and I feel it is well-indicated by Facts. I feel the implications are so serious they require investigation/correction. As another example, many Lane County Jail inmates (the large number being held on federal charges) appear to be reimbursed by the federal government yet are included in local taxpayer funded bed count. I do not know that for a fact: it is what the limited data shows.

As a very long-time citizen and taxpayer in Lane County, I am concerned about the liability that can result in this and other cases for the nature of the medical treatment necessitated by the conditions at Lane County Jail. It is essential to understand the way it starts and then how it is implemented by Corizon, the healthcare contractor. Mostly, it is imperative to grasp the medical conditions are precipitated and changed by the jail conditions such as lack of activity, change of diet, emotional distress, and even the forced withdrawal from tea (caffeine). That may sound petty but consider every indignity is additive and caffeine withdrawal is known to be painful and is an element of punishment.

After entering jail, one of the first steps is a brief meeting with a healthcare professional. They go through a standard checklist of questions, including medications. I take several prescription medications but only one regularly. I use other medications as needed for allergy and other conditions. That meeting establishes the basis for the medication offered. Conditions in jail such as the wool blankets caused an allergic reaction. That was worsened by the blood pressure medication that was offered and creates a cycle. This was an extreme problem the second time in jail for allegedly violating a pre-release condition. After release, I went to my doctor and he changed my blood

pressure medication because it is linked to asthma and allergic reactions in many patients. There is no way to address issues like that in Lane County Jail on a timely basis. In a non-violent misdemeanor case such as this involving a long-time Lane County homeowner and taxpayer being accused by a Portland corporation.... it is simply not how small towns are supposed to treat their neighbors. It is ghastly and is precipitated by the dungeon-like conditions, lack of activity, sensory deprivation, etc. as described in the "Jail Conditions" document that precedes this document.

Pre-trial services already had a very recent copy of my prescription record directly from my pharmacy. That did not matter to jail staff who wanted me to sign a medical release form to request prescription records and possibly even medical records. I did not feel comfortable signing the form, mostly because I saw no way they would get and interpret the records in time to be of benefit. I have used the Safeway Pharmacy on 40th and Donald in Eugene for many years. I have used the Gateway Medical center for almost 20 years. The Court can, I hope, understand on a human basis why I did not want to sign the forms and highlight my arrest and jailing to my long-term Healthcare Providers.

There is no ability to use a medication other than as first TOLD to the jail healthcare staff member. I was unsure of the dose of the blood pressure medication. I also noted my need for it depended on activity level and other factors, sometimes the two pills were too much but it is 'all or nothing'. I explained that I needed and planned to see my doctor about the medication. My medical record will show that I am relatively new to blood pressure medication and have been working with my doctor on the right medicine and dose in advance of and after arrest, meaning I can document what I am saying with medical records. Again: there is no timely way to work out these matters of medical emergency.

During the second jailing, I was thankfully provided an asthma inhaler on a timely basis as it was obvious I was having an asthma attack. I greatly appreciate that kindness and efficiency. However: as it turns out, the blood pressure medication was aggravating the asthma in conjunction with the wool blanket allergy and a cycle developed, fueled by stress and inactivity. On one occasion, a jail guard accused me of faking asthma symptoms in order to use my inhaler. I repeated the request and as evidence to him breathed so he could clearly hear the congestion and rasping and he allowed me to use it. On one hand, I understand and appreciate his caution. On the other, it is insulting and makes no sense as it is being used per the prescription. Each of these small details may sound trivial but when it happens to you under the circumstances as you are struggling for breath in jail it is yet another layer of the extreme punishment inflicted pre-trial in this corporate directed situation.