

EXHIBIT 1

Semelbauer Declaration

DECLARATION OF MICHELLE SEMELBAUER

I, Michelle Semelbauer, declare as follows:

1. I was incarcerated in the Muskegon County Jail from October 9, 2012, until November 7, 2012.
2. I was in jail serving a “pay or stay” sentence based on an outstanding fine for driving while license suspended. Because I was unable to pay the fine , I was put in jail. Because I was booked on a “pay or stay” sentence, I was supposed to be released as soon as my fines were paid.
3. I paid my outstanding fines in full within days of entering the jail. I should have been released as soon as my fines were paid. However, I was incarcerated for an additional 28 days because the jail staff refused to believe me when I repeatedly informed them that my fines were paid and I should be released. The jail staff also failed to conduct an adequate investigation that would have shown they were holding me illegally.
4. After I was booked, I spent three or four days in the jail’s holding tank. The holding tank is a small cell, not much bigger than a closet, with a stainless steel toilet and cement benches. There were several other women in the holding tank with me.
5. There are no beds in the holding tank and there is no privacy from male guards, who are able to see women using the toilet. The holding tank also does not have a shower. I was forced to wear the same clothes and was unable to bathe for three or four days. Other women with even longer stays in the holding tank had to do the same.
6. The floor of the holding tank was filthy. It was covered in urine and vomit. While I was in the holding tank, a woman was bleeding and her blood got all over the cell. The cell was also infested with ants and other insects.
7. Women who spend extended time in the holding cell, including me, are forced to try to sleep on the dirty floor, with vermin and insects, and without blankets or mats of any kind.
8. One of the women who was in the holding tank with me seemed to have severe psychological or emotional problems. She began to physically attack me out of the blue. I was on the floor and she shoved her genitals in my face then punched me in my eye. Guards took me out the cell momentarily, but later put me back.

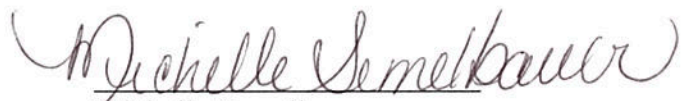
9. I requested a form to document the attack, but jail staff refused to provide one for me.
10. I also asked for treatment for my eye, but the staff refused to even provide an ice pack. I had a black eye for days after the attack.
11. After my stay in the holding tank, I was moved into a two-person cell off the day room. The day room has a central room with a guard station and a shower. It is surrounded by small two-person cells. The jail staff set up cots in the day room when there are no more beds available in the cells.
12. All of the women in the day room and in the two person cells have to use a shower that is right next to a guard station. Male guards at the station can see women undress as they enter the shower, and can often also see the women while they are showering, depending on the condition of the shower curtain.
13. Male guards are also able to see the women on cots in the common area dress and undress. In fact, the women on the cots have absolutely no privacy whatsoever. I wore a one-piece jumpsuit while incarcerated, and I did not have any undergarments to wear underneath it. Every time I used the toilet, I had to take the entire suit off and expose my naked body to male guards.
14. Male guards are also able to see into the two person cells, which have toilets. Women try to get a few moment of privacy while they are using the toilet by putting a sheet or a piece of paper over the cell's window. However, I witnessed guards rip these coverings down and discipline the female inmates for trying to gain this small amount of privacy. Guards would mock and chastise women verbally, or confiscate the items they used to try to protect themselves.
15. All of the plumbing in the jail was leaky and often broken. The toilets in the cells backed up regularly and spilled human excrement and urine all over the jail floors.
16. Portions of the ceiling in the day room fell down while I was there. Pieces of insulation hung from the ceiling.
17. The showers were covered in mold. They sprayed scalding hot water. I and other women had to collect the water in containers and let it cool before bathing.
18. The jail was infested with insects and vermin. Mouse droppings were visible throughout the jail.
19. During my entire incarceration, I was never brought to a gym or given any other opportunity

to exercise. The only way I could move around was to walk around the day room.

20. I lost a significant amount of muscle mass during my incarceration due to the poor food and lack of exercise. When I left the jail, my family was shocked at my appearance. My mother and daughter started crying when they saw how sickly I looked.
21. When I asked, jail staff did not respond to requests for necessities like toilet paper or pads. Guards also did not respond to any grievance I filed about the above problems.

Pursuant to 28 U.S.C. § 1746, I state under penalty of perjury under penalty of perjury that the foregoing is true and correct.

Dated: 11-21-2004


Michelle Semelbauer