

**EXHIBIT 5**

Baker Declaration

### **DECLARATION OF LATRECE BAKER**

I, Latrece Baker, declare as follows:

1. I have been incarcerated multiple times at the Muskegon County Jail in the last three years.  
In total I have served approximately seven months in the jail since October of 2011.
2. Most recently, I was booked into the jail on March 12, 2014 and again on November 1, 2014.
3. When I arrived at the jail in March I spent a few hours in the holding tank. When I was booked in November I spent three days in the holding tank. As a result of sleeping on the floor of the holding tank without a mat my hip now hurts. I have an upcoming appointment with my doctor to address the pain in my hip.
4. The holding tank is a small cell, about the size of large bathroom. However, at times, I have seen as many as 17 women held in there at once.
5. There are no beds in the holding tank, and there is no shower.
6. There is a toilet and a sink in the holding tank that is partially covered by a waist-high wall. However, when women, including me, use the toilet male guards can still see us.
7. In my experience, the sink in the holding tank is often broken. The last two times I was incarcerated the sink in the holding tank was broken. This meant we could not wash our hands.
8. After a few hours in the holding tank during my March incarceration, I was moved to a cell in the cell block. The cells in the cell block house 12 women.
9. The cell blocks are off the "cat walk", which is a hallway used by guards and trustees. There are bars that separate the cells from the catwalk, and a person in the catwalk can see everything in the cells. From the cat walk, male guards and trustees can see women changing, showering, and using the toilet in their cells. I was viewed in various stages of undress by male guards.

10. The shower in the cell block cell had a curtain around it, but it is moldy and in disrepair. The toilet has no curtain or wall for privacy. The women in my cell hung up a sheet for privacy, but sometimes guards took it down.
11. In November after leaving the holding tank I was moved to a cell off the day room. The day room is 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, even though the day room is intended as a living space for women housed in the small two-person cells.
12. Originally I was given a cell off the day room, but then due to overcrowding I was moved to a cot in the day room. During my stay in the day room the heat was not working properly and it became very cold. I would estimate that it was about 42 degrees in the day room where I was expected to sleep. It took them four days to fix the heat. We asked for extra blankets to keep warm, but never received any.
13. Once they fixed the heat it became incredibly hot in the day room. I would estimate it was over 90 degrees in the day room. It was very difficult to sleep in such a hot space. It remained hot until I was released later in November.
14. The showers in the jail are disgusting and broken. There is mold in the corner of the showers and in the vent above the shower. The water that comes from the shower is scorching hot and there is very little water pressure.
15. The toilets and sinks in the jail are also broken. Both drip and run constantly. This results in flooding. When the toilets overflow sewage spills onto the floor.
16. The jail is infested with ants and mice.
17. The whole facility is dirty. I, and the other inmates, feared contracting MRSA because there were other inmates with open MRSA wounds.
18. The jail does not provide underwear. The only way to get underwear is to purchase it.

19. In my experience, the jail does not provide enough feminine hygiene products. When inmates ask for pads, the staff often takes hours or even days to respond to their requests.
20. Guards also do not provide enough toilet paper, or respond to requests for toilet paper in a timely manner. I have been forced to wait hours in order to get toilet paper.
21. During my March till April incarceration, I ate, slept, and spent 24 hours a day in my cell, without ever getting to leave. The only time I was allowed out of my cell was for court dates, visits, and to attend a class called Thinking Matters. This meant that the majority of days I was confined to my cell.
22. I was not given access to the gym, either during my March/April 2014 incarceration or my November 2014 incarceration.
23. As a result of being denied opportunities to exercise, my health has suffered. My fitness has declined.
24. On various occasions I have kited (made a written request) guards for Motrin and never received a response. Other times it has taken them days to get me Motrin.
25. In fact, I have witnessed guards ball up kites and throw them in the garbage.
26. It is common knowledge among inmates that if you file a grievance against a particular guard that guard will make sure it never gets filed.
27. Unfortunately, I have been incarcerated sporadically at the Muskegon County Jail over the last three years. It is my opinion that conditions have worsened in the jail. The jail is more broken down and filthier than it used to be. This is unsafe. The mattresses no longer get cleaned and they are disgusting.
28. I am African American. I have overheard guards using racial slurs and saying various racist things in reference to African American female inmates. For example, I have heard Officer

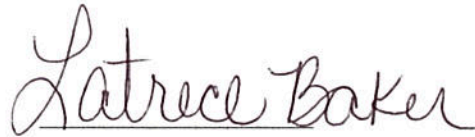


Ivan Morris call inmates “stupid motherfuckers” and he tells African American female inmates that he “doesn’t trick with their kind” because he prefers white women. On another occasion I heard Officer Anderson call another African American inmate a “guerilla” and a “monkey.”

29. I have also heard Officer Ivan Morris express that he wishes he could make inmates get on their knees so he could shoot them in the head execution style to take them out of their misery.

30. I Pursuant to 28 U.S.C. § 1746, I state under penalty of perjury under the laws of the United States that the above statements are true and correct to the best of my knowledge, information, and belief.

Dated: 11/21/14

A handwritten signature in cursive script that reads "Latrece Baker". The signature is written in black ink and is positioned above the printed name.

Latrece Baker