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16 UNITED STATES DISTRICT COURT  
17 SOUTHERN DISTRICT OF CALIFORNIA

18 DARRYL DUNSMORE, ERNEST  
ARCHULETA, ANTHONY EDWARDS,  
19 REANNA LEVY, JOSUE LOPEZ,  
CHRISTOPHER NELSON,  
20 CHRISTOPHER NORWOOD, and  
LAURA ZOERNER, on behalf of  
21 themselves and all others similarly situated,

22 Plaintiffs,

23 v.

24 SAN DIEGO COUNTY SHERIFF'S  
DEPARTMENT, COUNTY OF SAN  
DIEGO, CORRECTIONAL  
25 HEALTHCARE PARTNERS, INC.,  
LIBERTY HEALTHCARE, INC., MID-  
26 AMERICA HEALTH, INC., LOGAN  
HAAK, M.D., INC., SAN DIEGO  
27 COUNTY PROBATION DEPARTMENT,  
and DOES 1 to 20, inclusive,

28 Defendants.

Case No. 3:20-cv-00406-AJB-WVG

**DECLARATION OF MARK  
BAKER IN SUPPORT OF  
PLAINTIFFS' MOTIONS FOR  
PRELIMINARY INJUNCTION  
AND PROVISIONAL CLASS  
CERTIFICATION**

Judge: Hon. Anthony J. Battaglia

Trial Date: None Set

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## DECLARATION OF MARK BAKER

I, Mark Baker, declare:

1. I have personal knowledge of the matters set forth herein, and if called as a witness, I could and would competently so testify.

2. I have been incarcerated at the San Diego County Jail ("the Jail") since approximately February 12, 2022. My booking number is 22705914. I am 22 years old. I have been incarcerated multiple times since 2018.

3. In approximately June 2018, I was booked into the Vista Detention Facility. I was originally placed in medical observation due to a fractured scapula, and thereafter was moved to South House in a general population dorm.

4. I oppose racism and am in favor of racial tolerance. I was shocked by the segregation and racism that persisted in my South House dorm. People in that housing unit treated each other according to certain racial affiliations: "Whites," "Blacks," "Mexicans," and "Other." I was considered a "White" and was expected to abide by "White" rules and not to socialize or even sit with other people from certain racial groups. I could be disciplined – beaten up – if I didn't follow the "White" rules. This racist scheme was awful; I did not want to participate according to these racist rules. However, I ended up getting hit in the head while showering because I would not conform to the politics and viewpoints of the Whites in that housing unit. After being beaten up, I rolled up and requested to be put in protective custody. I was placed in protective custody around approximately July or August 2018.

5. I was reincarcerated at Vista in late January 2019. I was nineteen years old, approximately 5 feet 9 inches, and 150 pounds. I was housed in Module E-3, which is a protective custody unit. I was housed there because I was in protective custody the last time I was incarcerated at the Jail. I was placed in a cell with one other person who was bigger and older than me. On February 15, 2019, my cellmate tried to force himself on me. I told him "no" and to leave me alone, but



1 he persisted. He said that if I denied him that he would “greenlight” my whole  
2 family. I understood this to mean that he would murder my family. He forced oral  
3 copulation. Then he raped me. It was the worst night of my life, and has  
4 permanently traumatized me.

5         6. The next morning, while my cellmate was out of the cell, I told a  
6 deputy that I needed to roll up because I did not feel safe. After I left the housing  
7 module, I told the deputy that I was raped. The deputy put me in a recreation yard  
8 for about an hour then moved me to an administration segregation cell, E-6, where I  
9 was basically on lockdown. The deputy did not inform me that there would be an  
10 investigation. They left my attacker in the protective custody unit.

11         7. Later that day – February 16, 2019 – a custody officer who I believe is  
12 named Deputy Bennets pulled me out of my cell, placed me in an office, and asked  
13 me some questions about the assault. I told him that I preferred to write down what  
14 happened rather than telling it out loud because it was too hard for me to say those  
15 words. I wrote down my statement explaining what happened during the assault.  
16 Deputy Bennets just took my statement and did not tell me what he was going to do  
17 with it. I told Bennets that I wanted to press charges. Neither he nor any other jail  
18 staff told me anything about what the Jail would do with the information that I  
19 provided.

20         8. On about February 16 or 17, 2019, Jail staff transported me to Palomar  
21 Medical Center in Escondido for a physical examination. At Palomar they checked  
22 my buttocks to see if there were any wounds. The scraped under my nails. The  
23 doctor never gave me any results from the examination. Nobody from the Jail  
24 followed up with the results from the physical examination. In fact, Jail staff never  
25 provided me with any information about their Prison Rape Elimination Act (PREA)  
26 investigation, if there even was one. I understand that the person who attacked me  
27 was later released from custody without being charged for what he did to me.

28

[3883405 1]

2  
DECLARATION OF MARK BAKER



1           9. I have not been the same since being raped at the Jail. I am  
2 traumatized. I am depressed. I am anxious. And I am suicidal. My suicidal  
3 ideation increases profoundly when I am incarcerated, because I am in the same  
4 place where I was attacked. I do not feel safe in the Jail. I do not feel that Jail staff  
5 will protect me if I am in danger.

6           10. After being sexually assaulted at the Jail, I have attempted suicide  
7 numerous times while incarcerated. In 2019, I swallowed three razor blades in an  
8 attempt to kill myself. Deputy Brown said "I hope you die" after he learned that I  
9 swallowed a razor blade. I have cut my wrists. I have swallowed a bottle of eye  
10 drops. I do this to try to save myself from reliving the pain and trauma I feel from  
11 being incarcerated in the place where I was raped. Attached hereto as **Exhibit A** is  
12 a true and correct copy from my Jail medical file showing my history of suicide  
13 attempts from 2018 until 2021.

14           11. On February 12, 2022, I was reincarcerated at the Jail. While being  
15 transferred from Vista to the San Diego Central Jail, I swallowed a vape cartridge  
16 containing glass and metal in an attempt to kill myself because I did not want to face  
17 the trauma of reliving my sexual assault. While I was in the psychiatric stabilization  
18 unit at Central jail, I ingested rusty pieces of metal from the cell door in a suicide  
19 attempt. After five or six days there, I was transferred to George Bailey Detention  
20 Facility, where I am presently incarcerated in a medical isolation cell.

21           12. Around February 23, 2022, Jail staff took away my clothing and my  
22 property. I was left naked in a safety smock in an 8x10 foot cell in the medical  
23 isolation unit. The cell has no television or radio, and there is nothing to do without  
24 any property while I am on a suicidal behavioral intervention plan. I want and have  
25 requested a Bible; however, Jail staff refused to give me one even though my  
26 mattress is made of material that I can use to strangle myself with. I have asked that  
27 Jail staff tape Bible pages to the window in my housing unit – specifically pages  
28

*I was  
taken to  
UCSD  
hospital  
then returned  
to the  
same  
cell.*

*MB*



1 from the Gospels of Matthew, Mark, Luke, and/or John. Instead, staff have pasted  
2 pages from the Old Testament – from the Book of Judges, and First King.

3 13. Without anything to do in my cell, my thoughts constantly revert back  
4 to the night I was attacked. I try hard to get away from these thoughts. I have a  
5 stress ball that I made out of toilet paper, and constantly squeeze it. I try to  
6 meditate, but that is hard to do. There is nothing for me to pass the time. So my  
7 mind gets stuck in suicidal thoughts. Sometimes I am so bored that I bang my head  
8 against the walls or on the floor. I would like tangible things like books and  
9 television as well as therapeutic programs to help me not be so centered on being  
10 lockup. Around late February or early March, I tried gouging out my eyeball. I put  
11 a finger in my eye socket and unsuccessfully tried to pluck my eyeball out.  
12 Attached hereto as **Exhibit B** is an excerpt from my Jail medical file showing that I  
13 attempted to gouge my left eye out.

14 14. Deputies check on me every thirty minutes. Usually, they just walk by  
15 without breaking stride and do not say anything to me. Deputy Ramirez has  
16 demeaned and humiliated me by saying things like “pst pst pst come here little  
17 puppy and get your snack.” A nurse checks on me at least eight times a day.  
18 Similar to the deputies, the nurses usually just look through the window and don’t  
19 say anything as they walk by. A mental health clinician is supposed to talk with me  
20 every weekday, Monday through Friday; however, she did not come on March 21,  
21 2022.

22 15. The visits I receive from the mental health clinician are not  
23 confidential. Instead, the clinician meets with me cell-front usually with a deputy  
24 by their side. I do not feel comfortable talking about the attack or my mental state  
25 with a custody officer present. Moreover, there are other people housed next to my  
26 cell in the medical observation unit. I do not want them to know my private details,  
27 and would not talk openly in front of them. So, when the clinician comes by to talk,  
28 it is usually very brief – at most maybe three minutes. Usually, the clinician asks

1 me how I am doing. For the above reasons, I do not open up and talk about how I  
 2 really feel. The clinician then tells me not to harm myself. The majority of the  
 3 conversation is focused on when I can receive certain property items if I continue to  
 4 not harm myself – like when I can get a pencil or my clothing and what I have to do  
 5 to get it back. Attached as **Exhibit C** are excerpts from my medical records  
 6 showing that I was not seen in confidential spaces for mental health encounters on  
 7 February 22, March 12, and March 14.

8 16. I want to be a part of this litigation and I am submitting this declaration  
 9 because I want things to change at the Jail. I do not want anyone to ever have to  
 10 face the pain, trauma, and humiliation of being sexually assaulted while incarcerated  
 11 in San Diego. I want the Jail to provide better protection for people incarcerated in  
 12 protective custody housing, and to ensure that young boys are not housed with  
 13 sexual offenders. I want the Jail to stop enforcing racial segregation among people  
 14 who are incarcerated. I want the Jail to ensure that people experiencing suicidal  
 15 ideation receive competent, intensive therapeutic care in confidential settings. I  
 16 want to help make the Jail a safer, more humane place.

17  
 18 I declare under penalty of perjury under the laws of California and the United  
 19 States of America that the foregoing is true and correct, and that this declaration is  
 20 executed at ~~San Diego County Central Jail~~ in San Diego, California this \_\_\_\_ day of  
 21 4/21, 2022.

22   
 23 MARK BAKER

# **EXHIBITS A-C**

## **Filed Under Seal**