

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

ASHLEY DIAMOND,

Plaintiff,

v.

TIMOTHY WARD, et al.,

Defendants.

CASE NO. 5:20-CV-00453-MTT

DECLARATION OF A. CHINYERE EZIE

1. I am a Senior Staff Attorney at the Center for Constitutional Rights, and one of Plaintiff Ashley Diamond’s attorneys in the abovementioned case against Defendants Ward, Lewis, J. Jackson, Holt, Toole, Ford, Benton, Atchison, Sauls (collectively the “GDC Defendants”), A. Smith, R. Jackson, and L. Smith.

2. I also served as lead attorney on Ms. Diamond’s 2015 lawsuit against Defendant Lewis and other officials at the Georgia Department of Corrections (“GDC”), during my tenure as a Staff Attorney at the Southern Poverty Law Center.

3. Following Ms. Diamond’s 2015 lawsuit, GDC adopted a new Standard Operating Procedure on the Management and Treatment of Offenders Diagnosed with Gender Dysphoria, SOP 507.04.68.I, effective April 7, 2015. On paper, the policy promises to provide “constitutionally appropriate medical and mental health treatment” to transgender people, and to provide them treatment plans that “promote[] the physical and mental health of the patient.”

4. However, since 2015 it has become clear that this policy has been superseded by a rule that makes hormone therapy a ceiling, not a floor, to the gender dysphoria treatment available to transgender people in custody, regardless of medical necessity.

5. Likewise, although GDC’s written policies—in particular, the Standard Operating Procedures on the Classification and Management of Transgender and Intersex Offenders, SOP 220.09 effective July 26, 2019 and Standard Operating Procedures on the Prison Rape Elimination Act (PREA) Sexually Abusive Behavior Prevention and Intervention Program, SOP 208.06, effective March 2, 2018—allow for transgender women to be housed in female facilities on a case-by-case basis, these policies have been superseded by a “De Facto Placement Ban” that disregards the safety needs of transgender women in custody and assigns them to facilities based on their birth-assigned sex or anatomy alone, without any individualized consideration of their safety needs.

6. Under the De Facto Placement Ban, GDC officials, including Defendants Ward, Lewis, J. Jackson, Holt, Toole, Ford, Benton, and Atchison, who, according to GDC policies, are all decisionmakers with respect to Ms. Diamond’s placements and housing, insist on placing transgender women in men’s prisons even when they are eligible for placement in a female facility by GDC’s own criteria.

7. Due to the De Facto Placement Ban, Ms. Diamond’s eligibility for a placement in and safety transfer to a female facility has never been individually assessed by the GDC Defendants. Instead, Ms. Diamond has been housed exclusively in men’s prisons where she is not reasonably protected from assault, and, to this day, all of her requests for a safety transfer have been denied.

8. Transgender women have been approved for placement in women’s prisons in corrections departments across the country, including the Federal Bureau of Prisons and state corrections departments in Connecticut, California, Illinois, North Carolina, and Massachusetts.

9. On March 7, 2021 and March 22, 2021, I conducted searches of GDC’s “Find an

Offender” Database to determine the facility placements of “female” offenders (identified as female based on their sex assigned at birth) who were convicted of the same offenses as Ms. Diamond: Theft by Deception Under \$500 dollars, Entering a Vehicle, Theft by Receipt of Stolen Property, Theft by Taking, Burglary Before 7/1/12, Obstruction of Law Enforcement Officer, Forgery 1st After 6/30/12, or Escape. I also reviewed profiles of individuals who share Ms. Diamond’s build (5’10” and 135 lbs.).

10. On March 7, 2021, I also conducted GDC “Find an Offender” Database searches to identify the facility placements of female offenders convicted of violent crimes and of sex offenses like rape, murder, aggravated sodomy, and sexual assault of another person in custody.

11. Each of these searches confirmed that GDC houses cisgender female offenders in female facilities (as opposed to male facilities) regardless of their similarities to Ms. Diamond when it comes to past convictions or build, or the severity of their criminal histories or past offenses.

12. Between May 1, 2020 and November 6, 2020, Ms. Diamond’s counsel notified the GDC Defendants and others through nine written Notices of Constitutional Violations of her safety needs as well as her gender dysphoria healthcare needs that were going unmet, and the severe impacts these experiences were having on her physical and mental health.

13. Six of the Notices of Violation that Ms. Diamond’s counsel submitted during this period were also formal complaints under the Prison Rape Elimination Act (“PREA”) that notified the GDC Defendants of the unrelenting yet foreseeable sexual assaults Ms. Diamond experienced as a transgender woman housed in men’s prisons.

14. Each of Ms. Diamond’s prior Notices of Violations were attached as enclosures to her subsequent Notice letters, so each letter the GDC Defendants received informed them of

previous PREA incidents and constitutional violations. Counsel for the GDC Defendants also formally acknowledged receipt of these notice letters.

15. On September 29, 2020, Ms. Diamond issued Defendant Benton and other GDC Defendants PREA complaints/Notices of Violation that detailed a horrific series of sexual assaults Ms. Diamond had experienced over a 4-day period at Coastal State Prison, where she remains housed. The Notice alleged constitutional violations on the part of staff at Coastal State Prison and copied the Warden of Coastal, Defendant Benton.

16. Shortly thereafter, on October 7, 2020, Ms. Diamond received her first ever disciplinary report since reentering GDC custody. The disciplinary report arose from her inability to urinate as a result of damage to her urethra caused by castration attempts.

17. On October 23, 2020, Ms. Diamond sent counsel for GDC Defendants another PREA Complaint that detailed and further called attention to the role Defendant Benton and Coastal administrators had played in constitutional violations. The Notice demanded that GDC officials take proactive steps to protect Ms. Diamond going forward if they wished to “avert litigation.”

18. On October 31, 2020, Ms. Diamond’s attorneys also notified counsel for GDC Defendants, via telephone, that Ms. Diamond had suffered another sexual assault because her cell at Coastal did not lock, and that she had become actively suicidal as a result.

19. On or about October 31, 2020, Ms. Diamond was issued five additional disciplinary reports.

20. In total, since submitting her September 29, 2020 PREA Notice against Coastal officials, Ms. Diamond has received fourteen disciplinary reports.

21. Defendants have not allowed Ms. Diamond’s counsel to participate in her

disciplinary review process or ensure she receives due process. Ms. Diamond's counsel also requested that Defendants retrieve surveillance footage that could bear on the validity of the disciplinary reports she has received, but to the best of my knowledge, this was never done.

22. Because of the disciplinary reports that Ms. Diamond has received since October 2020, she is no longer eligible for certain transfers. This includes a transfer to a Transition Center, which could be considered a safe placement for a transgender woman like Ms. Diamond.

23. On January 12, 2021, February 25, 2021, February 26, 2021, March 2, 2021, and March 16, 2021, Ms. Diamond's attorneys communicated with counsel for Defendants and requested an opportunity to speak about Ms. Diamond's current status, including the retaliation she was experiencing.

24. On January 22, 2021, March 10, 2021, and March 24, 2021, Ms. Diamond's attorneys also held telephonic status conferences with counsel for the GDC Defendants to alert them to Ms. Diamond's current status as well as the pattern of retaliation that Ms. Diamond was experiencing.

25. During the conferences, Ms. Diamond's counsel asked counsel for the GDC Defendants to investigate the retaliation Ms. Diamond and a third-party witness were experiencing and to bring it to an end. Ms. Diamond's counsel also repeated their request that GDC initiate the medical treatment and safety transfer Ms. Diamond requires.

26. Although Ms. Diamond's counsel notified counsel for the GDC Defendants of their intention to seek preliminary relief from the Court if negotiations failed, the parties were unable to achieve a resolution and remain at an impasse.

27. On March 8, 2021, during the pendency of these negotiations, Ms. Diamond's counsel learned that Ms. Diamond's tentative release date had been set back by almost a year from

March 1, 2021 to April 2022. Ms. Diamond was also issued a letter from the Parole Board stating her delayed release date was the result of her “institutional conduct.”

28. This is the second significant and unexpected delay to Ms. Diamond’s tentative release date of which her counsel was made aware. At the time of the filing of the original Complaint, counsel’s understanding was that Ms. Diamond was scheduled to be released on November 30, 2020 or soon thereafter—a release date that mooted Plaintiff’s plan to file a Motion for Preliminary Injunction.

29. Likewise, at the time Ms. Diamond’s Amended Complaint was filed on February 16, 2020, counsel understood that Ms. Diamond had a confirmed release date of March 1, 2021, once again making requests for preliminary relief seemingly moot.

30. Ms. Diamond’s attorneys began preparing this Motion for Preliminary Injunction as soon as they began to suspect that Ms. Diamond’s March 1, 2021 release date was being pushed back. However, counsel’s inability to schedule legal visits with Ms. Diamond for a 27-day period—from March 12, 2021 to April 7, 2021—impeded their ability to get this Motion filed prior to today.

31. Attached to this declaration are true and correct copies of the following exhibits:

Exhibit	Description
1	Georgia Department of Corrections (GDC) Mental Health and Mental Services Referral dated May 24, 2012, documenting Ms. Diamond’s earliest sexual assault in GDC custody.
2	GDC Mental Health Sexual Allegation Evaluation dated May 5, 2015, detailing Ms. Diamond’s history of ongoing sexual assault in GDC custody.
3	GDC Mental Health Evaluation for Services by S. Bell, LMSW, dated October 29, 2019, assessing Ms. Diamond as part of GDC’s intake process and noting her history of assault and abuse in her prior incarceration, her ongoing safety concerns, and her diagnoses for gender dysphoria and PTSD.
4	Mental Health Reception Screen Form by S. Bell, LMSW, dated October 29, 2019, noting that Ms. Diamond is transgender and that she has a history of self-injury and suicide attempts.

5	PREA assessment of June 2020 completed by Ms. Diamond upon arrival at Coastal State Prison, reflecting that she is a transgender PREA victim with a history of abuse and attacks in prison.
6	Ms. Diamond's Notice of Violations to GDC dated May 1, 2020, reporting staff sexual abuse under PREA and healthcare deprivations.
7	Ms. Diamond's Notice of Violations to GDC dated May 20, 2020, reporting additional sexual assaults under PREA.
8	Ms. Diamond's Notice of Violations to GDC dated June 3, 2020, reporting staff retaliation and requesting that her lawyers participate in PREA interviews.
9	Ms. Diamond's Notice of Violations to GDC dated July 2, 2020, reporting staff abuse under PREA and healthcare deprivations.
10	Ms. Diamond's Notice of Violations to GDC dated July 20, 2020, reporting sexual assault under PREA and healthcare deprivations.
11	Ms. Diamond's Notice of Violations to GDC dated September 29, 2020, reporting sexual assaults under PREA and the role of Coastal staff.
12	Ms. Diamond's Notice of Violations to GDC dated October 23, 2020, reporting additional sexual assaults under PREA and the role of Coastal staff.
13	Ms. Diamond's Notice of Violations to GDC dated November 2, 2020, reporting suicide attempt.
14	Ms. Diamond's Notice of Violations to GDC dated November 6, 2020, reporting suicide attempt.
15	Mental Health Initial Sexual Allegation Evaluation by counselor Tamara Cantera dated October 15, 2020 noting Ms. Diamond's history of assaults while incarcerated, reporting assault of Ms. Diamond while she was sleeping resulting in increase in trauma, and recommending follow-up with psychologist as well as housing transfer to ensure safety.
16	Mental Health Initial Sexual Allegation Evaluation dated September 9, 2020, by Tamara Cantera, recording that Ms. Diamond was strip searched by a male staff member, reporting negative mental health impacts, and recommending housing transfer for safety and follow-up with psychologist.
17	Mental Health Initial Sexual Allegation Evaluation noting need for further evaluation, recommending housing transfer for safety, and recording that Deputy Warden Betterson was notified on July 7, 2020.
18	Mental Health Initial Sexual Allegation Evaluation, dated August 5, 2020, by Tamara Cantera, recording assault of Ms. Diamond, reporting negative mental health impacts including PTSD symptoms, and recommending follow-up with psychologist and mental health counselor.
19	GDC's Standard Operating Procedure on the Classification and Management of Transgender and Intersex Offenders, SOP 220.09, effective July 26, 2019.

20	GDC's Standard Operating Procedure on the Management and Treatment of Offenders Diagnosed with Gender Dysphoria, SOP 507.04.68, effective April 7, 2015.
21	GDC's Standard Operating Procedure on Discipline, SOP209.01, effective November 16, 2017, and Attachments 1-9.
22	GDC's Standard Operating Procedure on the Prison Rape Elimination Act (PREA) Sexually Abusive Behavior Prevention and Intervention Program, SOP 208.06, effective March 2, 2018.
23	GDC Mental Health Progress Notes by Dr. Stephen Sloan dated January 6, 2015, affirming Ms. Diamond's gender dysphoria and need for medical treatment in the form of hormone therapy and accommodations related to her gender expression.
24	Mental Health records dated November 2014 to July 2020 detailing Ms. Diamond's mental health diagnoses, history of self-castration and suicide attempts while in custody, history of abuse while in custody, and mental health level designation.
25	Quest Diagnostics Lab Results dated November 19, 2019, showing that Ms. Diamond's prolactin, testosterone, and estradiol levels are in the normal range for women.
26	GDC Transfer Evaluation by Dr. David Roth dated July 2, 2020, finding that Ms. Diamond's housing designation leads to negative mental health impacts and recommending transfer as well as Mental Health III designation.
27	Medical records dated November 2019 to August 2020 documenting Ms. Diamond's hormone therapy, including lab results, appointments with physicians, and delays in treatment.
28	Medical records dated June 2020 to January 2021 recording Ms. Diamond's self-castration attempts and subsequent injuries, including inability to urinate.
29	Medical and grievance documents dated January 2020 to November 2020, related to Ms. Diamond's need for toiletry and clothing items for treatment of gender dysphoria, including facial hair removal products and feminine undergarments.
30	Search Results from GDC's "Find an Offender" Database identifying the facility placements of cisgender female offenders who share Ms. Diamond's build (i.e. height that is 5'10" (70 inches) or taller and approximate weight of 135 pounds).
31	Search Results from GDC's "Find an Offender" Database identifying the facility placements of cisgender female offenders who have been convicted of Burglary Before July 1, 2012, Entering a Vehicle, Theft by Taking, Theft by Receipt of Stolen Property, Forgery, Obstruction of Law Enforcement Officers, or Escape.
32	Search Results from GDC's "Find an Offender" Database identifying the facility placements of cisgender female offenders who have been convicted of Murder, Rape, Aggravated Sodomy, or Sexual Assault of a Person in Custody.

33	Disciplinary report Ms. Diamond received on October 7, 2020, and related materials.
34	Disciplinary report received by Ms. Diamond on October 31, 2020, redacted for privacy and confidentiality of third parties, and related materials.
35	Disciplinary reports received by Ms. Diamond on October 31, 2020, redacted for privacy and confidentiality of third parties, and related materials.
36	Disciplinary report Ms. Diamond received on October 31, 2020, redacted for privacy, and related materials.
37	Partial file of Disciplinary reports Ms. Diamond received from December 3, 2020 and December 23, 2020.
38	GDC Abbreviations Explained: Glossary of GDC terminology and acronyms, http://www.dcor.state.ga.us/InmateInfo/Abbreviations (accessed March 31, 2021).
39	Georgia's State Board of Pardons and Paroles Inmate Tentative Parole Month (TPM) Look-up Result documenting Ms. Diamond's new Tentative Parole Date of April 2022.
40	GDC Mental Health/Medical Records Progress Note dated February 11, 2015, recommending that Ms. Diamond be housed in a Transition Center for health and safety reasons.

Pursuant to 28 U.S.C. § 1746, I hereby declare and state under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Dated: April 9, 2021

Respectfully submitted,

/s/ A. Chinyere Ezie
A. Chinyere Ezie

EXHIBIT 1

FILED UNDER SEAL

EXHIBIT 2

FILED UNDER SEAL

EXHIBIT 3

FILED UNDER SEAL

EXHIBIT 4

FILED UNDER SEAL

EXHIBIT 5

GEORGIA DEPARTMENT OF CORRECTIONS

PREA SEXUAL VICTIM/SEXUAL AGGRESSOR CLASSIFICATION SCREENING INSTRUMENT

Coastal SP
Institution

Diamond Ashley A.
Offender Name

1000290565
GDC #

Sexual Victim Factors

- | | Yes | No |
|---|-------------------------------------|-------------------------------------|
| 1. Is the offender a former victim of institutional (prison or jail) rape or sexual assault? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Is the offender 25 years old or younger or 60 years or older? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3. Is the offender small in physical stature?
(BMI<18.5) NOTE: ensure inmate height and weight are correct so SCRIBE can calculate the BMI accurately. | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. Does the offender have a developmental disability/mental illness/physical disability? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 5. Is this the offender's first incarceration ever (prison or jail)? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 6. Is or is perceived to be gay/lesbian/bi-sexual/transgender/intersex or gender non-conforming? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 7. Does the offender have a history of prior sexual victimization (sexual abuse)? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 8. Is the offender's own perception that of being vulnerable? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 9. Does the offender have a criminal history (convictions) that is exclusively non-violent? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 10. Does the offender have a conviction(s) for sex offenses against an adult or child? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Total Number of Checks: Items 2 - 10

6

Sexual Aggressor Factors

- | | | |
|--|--------------------------|-------------------------------------|
| 1. Does the offender have a past history of institutional (prison or jail) sexually aggressive behavior? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Does the offender have a history of sexual abuse/sexual assault towards others (adult and/or child)? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3. Is the offender's current offense sexual abuse/sexual assault toward others (adult and/or child)? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. Does the offender have a prior conviction(s) for violent offenses? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Total Number of Checks: Items 2-4

0

Additional Comments/Observations:

EXHIBIT 6



Fighting Hate
Teaching Tolerance
Seeking Justice

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May 1, 2020

Commissioner Timothy Ward
Georgia Department of Corrections
7 MLK Jr Drive, Suite 543
Atlanta, GA 30334

**Re: Notice of Constitutional Violations on Behalf of Ashley Diamond
(GDC ID: 1000290565)**

Dear Commissioner Ward:

The Southern Poverty Law Center (SPLC) represents Ashley Diamond, a transgender woman who is at substantial risk for serious harm based on her conditions of confinement. Since entering the custody of Georgia Department of Corrections (GDC), Ms. Diamond has been repeatedly sexually assaulted by staff and other incarcerated people; is at an increased risk of sexual assault in her current housing; is at an increased risk of serious illness if exposed to COVID-19; and is not receiving constitutionally adequate treatment for gender dysphoria and other mental health conditions. SPLC writes to ensure that GDC immediately fulfills its obligation to protect Ms. Diamond from sexual violence and to provide her constitutionally mandated medical and mental health care.

As you will recall, SPLC represented Ms. Diamond in a lawsuit against GDC officials in 2015 because of similar failures.¹ Unfortunately, Ms. Diamond is once again facing repeated sexual assaults in GDC custody. Ms. Diamond is also experiencing an unconstitutional denial of gender dysphoria treatment and medical and mental health care.

To avert further litigation, GDC must take immediate steps to ensure Ms. Diamond's healthcare and safety. Specifically, GDC must (1) immediately release Ms. Diamond or transfer her to a facility that can ensure her safety, (2) provide Ms. Diamond consistent medical and mental health treatment until her release, and (3) preserve evidence related to Ms. Diamond's conditions of confinement, including evidence of her sexual assault by a GDC staff member.

¹ See, e.g., Deborah Sontag, *Georgia: State to Pay Transgender Inmate*, N.Y. Times (Feb. 12, 2016), <https://www.nytimes.com/2016/02/13/us/georgia-state-to-pay-transgender-inmate.html>; Deborah Sontag, *Transgender Woman Cites Attacks and Abuse in Men's Prison*, N.Y. Times (Apr. 5, 2015), <https://www.nytimes.com/2015/04/06/us/ashley-diamond-transgender-inmate-cites-attacks-and-abuse-in-mens-prison.html>; Matt Apuzzo, *Transgender Inmate's Hormone Treatment Lawsuit Gets Justice Dept. Backing*, N.Y. Times (Apr. 3, 2015), <https://www.nytimes.com/2015/04/04/us/ashley-diamond-transgender-hormone-lawsuit.html>.

I. GDC Continues to Deny Ms. Diamond Adequate Medical and Mental Health Care Treatment and Protection from Sexual Assault Despite Her Prior Lawsuit.

Ms. Diamond is a forty-two-year-old transgender woman. As established in earlier litigation against GDC for similar mistreatment, Ms. Diamond was diagnosed with gender dysphoria at the age of fifteen,² has received medically necessary hormone therapy since the age of seventeen—with the exception of forced interruptions by GDC—and has lived in accordance with her female gender identity for more than twenty years. *Diamond v. Owens* (*Diamond I*), 131 F. Supp. 3d 1346, 1355 (M.D. Ga. 2015). *Id.* She has female secondary sex characteristics, including “full breasts, a feminine shape, soft skin, and . . . a reduction in male attributes.” *Id.* She also suffers from post-traumatic stress disorder, depression, bipolar disorder, and chronic asthma.

In 2012, Ms. Diamond entered GDC custody for a nonviolent offense. GDC’s subsequent failure to properly evaluate, treat, and protect her are well documented. *See id.* at 1354–70. Ms. Diamond’s 2015 lawsuit to address these systemic failures prompted GDC to change its policies with respect to how it evaluates and treats people that enter GDC custody who are, or might be, transgender or suffer with gender dysphoria.³ The policy changes instituted after the initiation of Ms. Diamond’s lawsuit, along with her release and award of financial compensation, led to the voluntary dismissal of the case pursuant to a settlement agreement.

Ms. Diamond re-entered GDC custody on October 29, 2019 for a parole violation and nonviolent offense. She was fast-tracked through GDC’s intake process, during which she had an initial psychiatric evaluation. She later met with several GDC officials and discussed her placement in a GDC facility, including her preference to be placed in a female facility for safety reasons. She also expressed a need to be housed in a smaller GDC facility better equipped to manage her medical and mental health needs and to mitigate her risk of sexual assault. Unfortunately, Ms. Diamond’s requests went unheeded, and her worst fears were quickly realized.

Ms. Diamond was placed at the Georgia Diagnostic and Classification Prison (“GDCP”), a close-security facility housing “some of the most aggressive and dangerous prisoners in the correctional system,”⁴ where she was promptly subjected to repeated sexual assaults. Due to the credible and constant fear of additional sexual assault and brutalization, Ms. Diamond is unable to regularly access medications and food and is experiencing elevated

² It is beyond dispute that Ms. Diamond suffers from gender dysphoria. GDC has admitted that Ms. Diamond’s gender dysphoria is a serious medical need requiring care. *See Diamond v. Owens*, 131 F. Supp. 3d 1346, 1372 (M.D. Ga. 2015).

³ *See* Deborah Sontag, *Georgia Says It Will Allow Hormones for Transgender Inmates*, N.Y. Times (Apr. 9, 2015), <http://www.nytimes.com/2015/04/10/us/georgia-says-it-will-allow-hormones-for-transgender-inmate.html>.

⁴ *GDC - Georgia Diagnostic & Classification State Prison*, InmateAID, <https://www.inmateaid.com/prisons/gdc-georgia-diagnostic-classification-state-prison> (last updated Apr. 4, 2020).

levels of anxiety and depression. Ms. Diamond has also been denied constitutionally adequate care for her gender dysphoria and mental health disorders—breaches made all the more egregious by *Diamond I*, which put GDC on notice of Ms. Diamond’s medical needs and heightened vulnerability to sexual assault.

II. GDC Has Failed to Protect Ms. Diamond from Sexual Assault.

A. GDC Has a Constitutional Obligation to Protect Ms. Diamond from Sexual Assault.

Under the Eighth Amendment, GDC has a duty to “take reasonable measures to guarantee the safety of” Ms. Diamond. *Diamond I*, 131 F. Supp. 3d at 1376 (quoting *Caldwell v. Warden, FCI Talladega*, 748 F.3d 1090, 1099 (11th Cir. 2014)). This duty includes protection from violence at the hands of others. *Id.* When examining whether prison officials possess actual knowledge of substantial risk of harm, courts have considered “the obviousness of the risk to [the incarcerated person’s] safety, the defendant’s knowledge about the vulnerability of certain types of [incarcerated people] to risk of harm, prison policies pertaining to such [incarcerated people], and their housing placements.” *Id.* at 1377–78.

B. GDC Has Turned a Blind Eye to Ms. Diamond’s Safety Needs and Even Perpetuated Sexual Assault Against Her.

As established in *Diamond I*, and as recognized by GDC officials, Ms. Diamond’s “transgender status ma[k]e[s] her more vulnerable to sexual assaults at a close[-]security facility.” *Diamond I*, 131 F. Supp. 3d at 1356. Yet, GDC has placed Ms. Diamond at GDCP, a close-security facility, where she has remained for six months. This placement has created an intolerably dangerous exposure to sexual assault. From the beginning of her re-entry into GDC custody, Ms. Diamond has repeatedly shared with GDC officials that she reasonably fears for her safety as a transgender woman in a male facility. During the intake process, Ms. Diamond indicated her fears and history of sexual assault while in GDC custody and requested to be housed at a female facility.

GDC ignored her placement requests in circumstances that mirror *Diamond I*, wherein Ms. Diamond was placed in “close[-]security facilities which housed violent offenders and had a history of frequent assaults.” 131 F. Supp. 3d at 1376. Unfortunately, but unsurprisingly, the consequences have been the same: Since her reentry, Ms. Diamond has repeatedly been sexually assaulted—including by GDC staff—causing severe anguish and distress. She also lives in constant fear of brutalization and retaliation.

Since October 2019, Ms. Diamond has endured preventable sexual assault in GDC custody at the hands of other incarcerated people on multiple occasions. GDC staff have also subjected Ms. Diamond to sexual misconduct. On March 10, 2020, in an incident caught on GDC video surveillance, a GDC staff member grabbed Ms. Diamond’s breasts and asked, “Are they real?” These actions were a direct contravention of GDC’s PREA guidelines, which define sexual abuse to include “[a]ny ... intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties.” GDC Standard Operating Procedure (GDC SOP) 208.06.III.L.5 (defining “Sexual Abuse by A Staff Member, Contractor, or Volunteer”).

Even though a PREA complaint was filed on March 13 and multiple people witnessed the incident, to date no disciplinary action has been taken against the officer who engaged in this sexual misconduct.

Ms. Diamond has repeatedly asked when she will be transferred out of GDCP into a facility better equipped to keep her safe. She has specifically requested an assessment to determine whether she could be transferred to a female facility.

GDC is clearly on notice of the substantial risk of sexual assault that Ms. Diamond faces as a transgender woman housed in male facilities—especially close-security facilities. *See Diamond I*, 131 F. Supp. 3d at 1357–58 (outlining the series of sexual assaults against Ms. Diamond while in GDC custody). Given this awareness, GDC’s decision to give Ms. Diamond—a non-violent offender and transgender woman with a history of sexual assault—a long-term placement at a close-security facility like GDCP reflects deliberate indifference to her substantial risk of serious harm, as in *Diamond I*.

III. GDC Has Denied Ms. Diamond Constitutionally Mandated Medical and Mental Health Treatment.

A. GDC Has a Constitutional Obligation to Provide Ms. Diamond Adequate Medical and Mental Health Care.

It is now well-established that gender dysphoria⁵ is a serious medical need that GDC has a constitutional obligation to treat pursuant to the Eighth Amendment. *See id.* at 1374–75. Courts have consistently held that gender dysphoria is a serious medical need for which the Eighth Amendment requires constitutionally adequate care. *See, e.g., Kothmann v. Rosario*, 558 F. App’x 907, 910 & n.4 (11th Cir. 2014); *accord Edmo v. Corizon, Inc.*, 935 F.3d 757, 785 (9th Cir. 2019); *White v. Farrier*, 849 F.2d 322, 325 (8th Cir. 1988); *Meriwether v. Faulkner*, 821 F.2d 408, 413 (7th Cir. 1987). Bipolar disorder, depression, and PTSD are also serious medical needs. *See, e.g., Braggs v. Dunn*, 257 F. Supp. 3d 1171, 1190 (M.D. Ala. 2017).

The Eighth Amendment requires that GDC provide Ms. Diamond necessary medical and mental health care, including but not limited to access to medical personnel capable of evaluating Ms. Diamond’s needs and to consistent treatment without delay or interruption. *See McElligott v. Foley*, 182 F.3d 1248, 1255 (11th Cir. 1999); *Rogers v. Evans*, 792 F.2d 1052, 1058 (11th Cir. 1986); *Ancata v. Prison Health Servs., Inc.*, 769 F.2d 700, 704 (11th Cir. 1985). The relevant inquiry under the Eighth Amendment is not whether GDC has provided Ms. Diamond *any* care, but whether it has provided her “constitutionally adequate” care. *Estelle v. Gamble*, 429 U.S. 97, 103–06 (1976). GDC violates Ms. Diamond’s constitutional rights when it delays treatment for a serious medical need, even for a period of hours. *See McElligott*, 182 F.3d at 1255.

⁵ Gender dysphoria is “broadly defined as discomfort or distress that is caused by a discrepancy between a person’s gender identity and that person’s sex assigned at birth (and the associated gender role and/or primary and secondary sex characteristics.” World Prof’l Ass’n for Transgender Health, *Standards of Care for the Health of Transsexual, Transgender, and Gender Nonconforming People* 2 (7th ed. 2011).

B. GDC Has Denied Ms. Diamond Adequate Medical and Mental Healthcare.

Although GDC policies commit to providing constitutionally appropriate medical and mental health treatment, consistent with “[c]urrent, accepted standards of care” to incarcerated people with gender dysphoria, GDC SOP 507.04.68, to date GDC has not provided Ms. Diamond with constitutionally appropriate treatment. Contrary to GDC’s Standard Operating Procedure, GDC has not provided Ms. Diamond “thorough medical and mental health evaluations from appropriately licensed and qualified medical and mental health professionals.” *Id.* Indeed, other than continuing to prescribe the hormone regimen she was taking upon entry, GDC has not developed any treatment plan to alleviate Ms. Diamond’s gender dysphoria, let alone one that “that promotes the physical and mental health of the patient,” “is regularly reviewed and updated” or that is based on “current, accepted standards of care.” *Id.*

GDC is well aware of the seriousness of Ms. Diamond’s need for adequate mental health services and of the severe consequences of not providing her those services. *See Diamond I*, 131 F. Supp. 3d at 1354–58 (describing Ms. Diamond’s previous suicide and self-harm attempts while in GDC custody); Dr. Randi Ettner Decl. ¶ 9, *Diamond v. Owens*, No. 5:15-cv-50 (M.D. Ga. 2015), ECF No. 49-2 (“When Ms. Diamond goes without medically necessary gender dysphoria care, she experiences suicide ideation, emotional dysregulation, and a propensity to self-harm.”).

Despite this knowledge, GDC has not provided Ms. Diamond consistent hormone therapy or treatment for her mental health needs during the six months she has been housed at GDCP. For instance, Ms. Diamond’s hormone treatment has been discontinued for weeks at a time. This has caused physical changes, like reduction of her breast size and changes to the color and texture of her skin, as well as mental anguish from these changes to her physique. Despite Ms. Diamond’s depression, bipolar disorder, PTSD, and gender dysphoria, GDC’s psychologists and psychiatrists have seen Ms. Diamond only twice since intake, once in January and one other time after filing a grievance. Mental health counseling has also been limited, sporadic and unhelpful.

Although GDCP has proven itself ill-equipped to treat Ms. Ms. Diamond’s gender dysphoria, GDC has repeatedly ignored Ms. Diamond’s requests to be transferred from GDCP to another facility. GDC is once again demonstrating deliberate indifference to Ms. Diamond’s “serious medical needs by their repeated refusal to provide, authorize, or refer her for treatment” that GDC knows is “medically necessary, thus causing and perpetuating psychological and physical harm.” *Diamond I*, 131 F. Supp. 3d at 1373–74.

IV. GDC Has a Duty to Allow Private Legal Communications and Not to Retaliate Against Ms. Diamond for Her Advocacy.

The SPLC expects that GDC will honor Ms. Diamond’s right of access to the courts, which includes private communications with her attorneys at the SPLC. *See Taylor v. Sterrett*, 532 F.2d 462, 473 (5th Cir. 1976) (“Restrictions may not be placed upon the attorney-client

relationship which effectively diminish a prisoner’s access to the courts.”)⁶ The attorney–client privilege is the “oldest of the privileges for confidential communications” and is critical to the effective assistance of counsel. *Gennusa v. Canova*, 748 F.3d 1103, 1110–11 (11th Cir. 2014) (citing *Upjohn Co. v. United States*, 449 U.S. 383, 389 (1981)). Such confidential communications require, at a minimum, private legal visits, unmonitored legal calls, and no interference with legal mail. *See, e.g.* GDC SOP 227.05.IV.Z; GDC SOP 227.06.IV.E.2.

Furthermore, GDC may not retaliate, threaten to retaliate, or place Ms. Diamond in fear of retaliation for her advocacy. *See Nyberg v. Davidson*, 776 F. App’x 578, 582 (11th Cir. 2019) (holding that incarcerated person plausibly alleged First Amendment retaliation claim where adverse action “would deter an [incarcerated person] of ordinary firmness from engaging in First Amendment protected conduct,” such as filing a lawsuit).

V. GDC Must Take the Following Actions to Avert Litigation.

In the six-month period since Ms. Diamond reentered GDC, she has been (1) repeatedly sexually assaulted by other incarcerated people after her safety-based housing requests were ignored; (2) sexually abused and harassed by a GDC staff member openly on video; (3) denied continuous access to the gender dysphoria treatment that formed the basis of her prior lawsuit; and (4) refused routine mental health treatment, despite her medical need.

GDC’s actions and omissions violate Ms. Diamond’s clearly established constitutional rights. *See Diamond I*, 131 F. Supp. 3d at 1374–75, 1379–80 (rejecting qualified immunity arguments for GDC officials after finding constitutional claims to be clearly established). Therefore, absent prompt remedial measures, GDC will be facing another significant damages action.

A. GDC Must Immediately Release Ms. Diamond from Custody or Transfer Her to a Female Facility to Ensure Her Safety.

GDC must either immediately release or transfer Ms. Diamond in order to ensure her safety. Release is the most appropriate action. GDC should immediately release Ms. Diamond given the ongoing threats to her health and safety and given the non-violent nature of her offense. In addition to her increased and demonstrated vulnerability to sexual assault and GDC’s inadequate treatment of her mental health conditions, Ms. Diamond’s chronic asthma is an underlying medical condition that puts her at a higher risk for severe illness from COVID-19.⁷ Ms. Diamond also is a nonviolent offender who is parole eligible.. The combination of these environmental, medical, and mental health conditions support Ms. Diamond’s immediate release.

Alternately, GDC should immediately transfer Ms. Diamond to a female facility that can meet her medical, mental health, and safety needs. GDC procedures prohibit transgender

⁶ The Eleventh Circuit has adopted the case law of the former Fifth Circuit as its governing body of precedent. *See Bonner v. City of Prichard*, 661 F.2d 1206 (11th Cir. 1981) (en banc).

⁷ *See People Who Are at Higher Risk for Severe Illness*, Ctrs. Disease Control & Prevention, <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-at-higher-risk.html> (last visited Apr. 15, 2020).

people in custody from being housed in “[a] gender-specific facilit[y] based solely on [her] external genital anatomy.” GDC SOP 220.09.IV.C.2. Instead, *serious consideration* must be given to Ms. Diamond’s “documented choice of whether a male or female facility is safest.” GDC SOP 220.09.IV.C.3.b.; *accord* Prison Rape Elimination Act National Standards (PREA Standards), 28 C.F.R § 115.42. GDC must also consider whether a particular placement would ensure Ms. Diamond’s health and safety. GDC SOP 220.06.IV.D.6. Given Ms. Diamond’s history of brutal sexual assault at male GDC facilities—particularly close-security facilities—and her repeated requests to be housed in a female facility for safety reasons, all factors counsel in favor of placing Ms. Diamond in a female facility without delay.

Ms. Diamond’s transfer also qualifies as an “essential movement” under GDC’s newly instituted COVID-19 protocol because her existing placement at GDCP presents ongoing violations of her constitutional rights and should be considered necessary for her medical care and as an extenuating security concern.⁸

At a minimum, GDC must immediately transfer Ms. Diamond to a facility with a lower security level that is equipped to provide consistent and adequate medical and mental health care, while evaluating whether Ms. Diamond should be released or placed in a female facility. GDC should consider Central State Prison or Rutledge State Prison, which are smaller facilities where Ms. Diamond has not had to file a PREA complaint in the past.

Under no circumstances should Ms. Diamond be placed in segregation, which would violate PREA, increase her risk of mental health problems, and constitute deliberate indifference to known risks of serious harm. The use of involuntary segregated housing is not an appropriate response to Ms. Diamond’s increased risk of sexual assault. *See* GDC SOP 220.06.IV.D.9; Prison Rape Elimination Act National Standards (PREA Standards), 28 C.F.R. § 15.43. GDC procedures specifically prohibit the placement of someone in “involuntary segregation based solely on [the] determination” that she is “at high risk for sexual victimization,” if there are available alternatives. GDC SOP 220.06.IV.D.9.

Placing people with serious mental illnesses in segregation absent extraordinary circumstances places them at a substantial risk of harm. *Braggs*, 257 F. Supp. 3d at 1247. Numerous professional and healthcare organizations have warned of the detrimental effects of isolation, particularly for those with mental illnesses.⁹ As set out above, multiple alternative

⁸ *See generally* Press Release, Georgia Department of Corrections, Coronavirus (COVID-19) Response (Mar. 16, 2020), <http://www.dcor.state.ga.us/NewsRoom/PressReleases/georgia-department-corrections-coronavirus-covid-19-response> (announcing suspension of “non-essential offender movement across GDC facilities, effective March 3, 2020, until further notice”); *Interim Guidance on Management of Coronavirus Disease 2019 (COVID-19) in Correctional and Detention Facilities*, Ctrs. Disease Control & Prevention, <https://www.cdc.gov/coronavirus/2019-ncov/community/correction-detention/guidance-correctional-detention.html> (last updated Apr. 18, 2020) (exceptions to suspending transfers include where “necessary for medical evaluation, medical isolation/quarantine, care, extenuating security concerns, or to prevent overcrowding”).

⁹ *See, e.g.*, Am. Psychiatric Ass’n, Position Statement on Segregation of Prisoners with Mental Illness (Dec. 2017), <https://www.psychiatry.org/file%20library/about-apa/organization-documents-policies/policies/position-2012-prisoners-segregation.pdf>; Nat’l Comm’n on Corr. Health Care, Solitary Confinement (Isolation) (Apr. 2016), <https://www.ncchc.org/solitary-confinement>; Am. Pub. Health Ass’n, Solitary Confinement as a Public Health Issue (Nov. 2013),

avenues exist to ensure Ms. Diamond’s safety including release and transfer to another facility. Given GDC’s knowledge of Ms. Diamond’s serious medical needs, mental health diagnoses, and history of suicide attempts, self-harm, and mental decompensation in self-confinement, as documented in *Diamond I* and this letter, to forgo those alternatives and place Ms. Diamond in segregation would demonstrate deliberate indifference in violation of the Eighth Amendment. *See, e.g., Conner v. Rubin-Asch*, 793 F. App’x 427, 430 (7th Cir. 2019) (“[A] defendant acts knowingly and unreasonably if that defendant ‘(1) subjectively knew the prisoner was at substantial risk of committing suicide and (2) intentionally disregarded the risk.’”); *see also G.H. by & through Henry v. Marsteller*, 424 F. Supp. 3d 1109, 1118 (N.D. Fla. 2019) (holding notification to Department of Juvenile Justice from counsel on behalf of youth about the suicide risk to children subject to solitary confinement was sufficient to put defendants on “actual notice of the substantial risk of serious harm”).”

B. GDC Must Provide Ms. Diamond Uninterrupted Medical and Mental Health Treatment Until Her Release from Custody.

In addition, GDC must take immediate steps to provide Ms. Diamond continuous medical and mental health treatment. This includes, but is not limited to, (1) regular appointments with the necessary medical and mental health professionals, (2) administration of hormone therapy and other medication without delay or interruption, (3) counseling sessions with a mental health provider qualified to address Ms. Diamond’s gender dysphoria, depression, PTSD, and bipolar disorder at an effective frequency, and (4) appropriate programming.

C. GDC Must Fulfill Its Legal Duty to Preserve Evidence.

Finally, GDC must preserve all evidence related to Ms. Diamond’s conditions of confinement, in anticipation of further litigation. *See Fed. R. Civ. P. 37(e)*. This includes, but is not limited to, Ms. Diamond’s medical and mental health records; copies of grievances; and evidence related to Ms. Diamond’s past sexual assaults, including her March 10, 2020 sexual assault by a GDC staff member, including but not limited to, PREA complaints, physical and DNA evidence, witness statements, surveillance video, and files or documents concerning any subsequent investigations.

* * *

GDC must ensure that Ms. Diamond receives the healthcare and protection from sexual assault to which she is constitutionally entitled. SPLC will continue to monitor our client’s conditions of confinement and expect a response **to this letter in writing within 30 days** setting forth the steps GDC has taken, or intends to take, to ensure that Ms. Diamond’s constitutional rights are respected. Please contact me if you would like to discuss these matters.

Respectfully,
/s/ Beth Littrell

Senior Supervising Attorney
Southern Poverty Law Center
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404-221-5876

cc: Ahmed Holt, Assistant Commissioner Facilities Division
Jack "Randy" Sauls, Assistant Commissioner Health Services Division
Jennifer Ammons, General Counsel
Elizabeth McCrary Crowder, Office of the Attorney General

EXHIBIT 7



May 20, 2020

Commissioner Timothy Ward
Georgia Department of Corrections
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Atlanta, GA 30334

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The Ombudsman's Office
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Forsyth, GA 21029
PREA.report@gdc.ga.gov

State Board of Pardons and Paroles
Office of Victim Services
2 Martin Luther King, Jr. Drive, S.E.
Balcony Level, East Tower
Atlanta, Georgia 30334

**Re: Notice of Ongoing Constitutional and PREA Violations on Behalf of
Ashley Diamond (GDC ID: 1000290565)**

Dear Commissioner Ward, PREA Coordinator, and State Board of Pardons and Paroles:

The Southern Poverty Law Center (SPLC) and the Center for Constitutional Rights (CCR) have been retained to represent Ashley Diamond, a transgender woman who has been in the custody of the Georgia Department of Corrections (GDC) for the past six months. This letter serves as a third-party Prison Rape Elimination Act (PREA) Notice filed pursuant to GDC Standard Operating Procedure (GDC SOP) 208.06.IV.E.2.

As we informed GDC by letter on May 1, 2020 ("May 1 Letter"), Ms. Diamond has endured repeated sexual harassment and assault at the Georgia Diagnostic and Classification Prison (GDGP) and remains at severe risk of assault. Equally worrisome, the perpetrators of this sexual violence have been other incarcerated people **as well as GDC staff**.

The May 1 letter detailed the constitutional and PREA violations Ms. Diamond is

experiencing due to GDC's failure to protect her from sexual assault or to provide her adequate medical and mental health care. However, Ms. Diamond remains at GDCP despite her expressed safety concerns and substantial risk of sexual assault. No disciplinary action has been taken to date in response to the PREA complaint filed on March 13, 2020, regarding her sexual assault by a GDC staff member. And, on May 9 and 10, 2020, Ms. Diamond endured **yet another instance of sexual abuse by a GDC officer**. In addition to violating GDC's PREA guidelines, these actions constitute a violation of state and federal law.

GDC must ensure that Ms. Diamond is protected from sexual assault, including from GDC staff. Accordingly, we expect GDC's response to the May 1 letter—requested no later than May 31, 2020—to include information on the steps GDC has taken, or intends to take, to address the supplemental information detailed below.

Background on Ms. Diamond's Sexual Assaults by GDC Staff

I. Ms. Diamond was Sexually Assaulted and Harassed by a GDC Staff Member on March 10, 2020.

On March 10, 2020, a GDC staff member known to Ms. Diamond as "Nurse Lucas," sexually harassed and assaulted Ms. Diamond as she was on a special detail with a sanitation officer. While they put on hazmat gear, Lucas started mocking Ms. Diamond. Lucas then groped Ms. Diamond's breasts and asked, "Are they real?". We understand that this incident was caught on GDC video surveillance, and that a sergeant and several other people witnessed the assault. A PREA complaint was filed on March 13 and Ms. Diamond wrote a statement about the incident. As noted in the May 1 letter, the GDC staff member's actions were a direct contravention to GDC's PREA guidelines. *See* GDC SOP 208.06.III.L.5 (defining "Sexual Abuse by A Staff Member").

II. Ms. Diamond was Sexually Assaulted and Harassed by a GDC on May 9 and May 10, 2020.

Over a two-day period, Ms. Diamond was sexually assaulted and harassed by GDC Officer Arethiea Smith. This is yet another instance where a GDC officer has engaged in sexually inappropriate conduct towards Ms. Diamond. It constitutes a clear violation of the GDC PREA Guidelines and further underscores the need for GDC to take immediate action to address Ms. Diamond's safety concerns. *See* GDC SOP 208.06.

May 9th Incident

On May 9, 2020, Smith approached Ms. Diamond while she was working as a GDCP orderly, where she performs small tasks and errands for GDC officers. Ms. Diamond had encountered Smith in the past in her work as an orderly. Smith ordered her to enter a small windowless office behind a locked gate that is used by GDC officers and requires a key to enter and exit. Smith entered the office with Ms. Diamond and locked the door behind her, trapping Ms. Diamond in there with her. For the next two hours, Smith kept Ms. Diamond locked in the office and engaged in sexually inappropriate conduct. For example, Smith questioned Ms. Diamond about whom she found sexually attractive at GDCP and touched Ms. Diamond's leg and back as they spoke. When Smith finally released Ms. Diamond from

the office, she ordered her to keep quiet about the incident. Ms. Diamond complied out of fear.

May 10th Incident

The next day, on May 10, Smith ordered Ms. Diamond to go to the office again and kept Ms. Diamond locked in the office against her will for approximately four hours. Smith instructed Ms. Diamond to get a mattress from an adjacent closet and set up the office with a makeshift bed using the mattress, blankets, and pillows. After Ms. Diamond complied with Smith's demands, Smith sat down on the bed and asked Ms. Diamond to sit with her. Smith proceeded to ask Ms. Diamond a series of sexually-explicit and inappropriate questions about her genitalia, being transgender, and her sexual history, including, without limitation, questions such as, "what kind of dicks do you like?," "have you ever been with a woman?," and "do you fuck boys or girls?". While asking these questions, Smith sat on the bed very close to Ms. Diamond and repeatedly touched her legs, thighs, and buttocks. Smith also instructed Ms. Diamond to show her breasts and genitalia to Smith, and Ms. Diamond complied under coercion and duress because Smith was abusing her power and Ms. Diamond feared retaliation.

Eventually, after several hours, another GDC officer was outside the locked gate and knocked to be let in. Smith answered only after the officer knocked several times and left Ms. Diamond alone in the locked office. The officer then insisted that Smith open the door to the office. When Smith opened the door, the officer saw Ms. Diamond locked in the office with the makeshift bed.

One of the officers who responded reported the incident, and Ms. Diamond was eventually questioned by the Unit Manager. Rumors of what had happened have already spread throughout GDCP, and Ms. Diamond heard an officer say, "I want to know about the n****r who was in the closet fucking the officer."

Ms. Diamond is in shock and continues to fear for her safety.

III. Sexual Misconduct by GDC Staff Is Inexcusable under State and Federal Law and Requires Urgent Action.

Sexual abuse by GDC staff can violate the Eighth Amendment. *See Sconiers v. Lockhart*, 946 F.3d 1256, 1266–67 (11th Cir. 2020). As the Eleventh Circuit recently emphasized, "[s]ome things are never acceptable, no matter the circumstances. Sexual abuse is one." *Id.* at 1259. An Eighth Amendment violation occurs when the GDC staff member acts "with a sufficiently culpable state of mind" and the conduct is "objectively harmful enough to establish a constitutional violation." *Id.* at 1265 (quoting *Hudson v. McMillian*, 503 U.S. 1, 8 (1992)).

Lucas and Smith's conduct "has no legitimate penological purpose" and does not "comport with contemporary standards of decency." *Id.* at 1259. Their unwarranted actions also constitute sexual harassment and abuse under the GDC PREA guidelines. For purposes of PREA, sexual abuse by a staff member includes "[a]ny ... intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties." GDC SOP 208.06.III.L.5. Sexual harassment includes instances where staff members make "[r]epeated verbal comments or gestures of a sexual

nature ... including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.” GDC SOP 208.06.III.M.2. Given Ms. Diamond’s history of sexual assault in GDC custody as well as her resulting post-traumatic stress disorder, Lucas and Smith’s actions have caused Ms. Diamond increased mental anguish and continued fear for her safety within GDC custody.

Sexual misconduct by a correctional officer is also a criminal offense under Georgia law. *See* Ga. Code Ann. § 16–6–5.1 (West 2019) (defining criminal offense of “improper sexual contact” as “any contact involving the intimate parts of either person for the purpose of sexual gratification of either person” by a correctional officer with a person “[i]n the custody of a correctional facility of which he or she is an employee or agent.”); *see also* Ga. Code Ann. § 16–6–22.1 (West 2006) (defining criminal offense of “sexual battery” as when a person “intentionally makes physical contact with the intimate parts of the body of another person without the consent of that person.”).

GDC has a duty to “take reasonable measures to guarantee the safety of” Ms. Diamond. *Diamond v. Owens (Diamond I)*, 131 F. Supp. 3d 1346, 1376 (M.D. Ga. 2015) (quoting *Caldwell v. Warden, FCI Talladega*, 748 F.3d 1090, 1099 (11th Cir. 2014)). Lucas and Smith’s inappropriate touching, sexually explicit and obscene questioning, and unwarranted requests to see Ms. Diamond’s breasts (and genitalia, in the case of Smith) are clear violations of PREA and put GDC on notice of their risk to Ms. Diamond’s safety. GDC PREA guidelines require that Lucas and Smith, who have committed sexual abuse, “be banned from correctional institutions and subject to disciplinary action, with termination being the presumptive discipline, and may also be referred for criminal prosecution when appropriate.” GDC SOP 208.06.IV.H.1; *see also Boyd v. Nichols*, 616 F. Supp. 2d 1331, 1341 (M.D. Ga. 2009) (finding investigation and immediate termination of jailer who committed sexual assault to be a reasonable response).

Further, GDC must protect Ms. Diamond from retaliation for reporting this sexual abuse, including through “housing changes or transfers, removal of alleged staff members ... from contact with victims, and emotional support services for [those] who fear retaliation for reporting or for cooperating with investigations.” GDC SOP 208.06.IV.F.4.

IV. GDC Must Enforce and Investigate Sexual Misconduct Without Discrimination.

It is well-documented that transgender women in men’s facilities are at increased risk of sexual victimization.¹ GDC is on notice that Ms. Diamond’s “transgender status ma[k]e[s] her more vulnerable to sexual assaults at a close[-]security facility.” *Diamond I*, 131 F. Supp. 3d at 1356. It is also well-documented that Ms. Diamond has been repeatedly sexually

¹ *See, e.g.*, U.S. Dept. of Justice, *PREA Data Collection Activities, 2015* (confirming that 1 in 3 transgender women in men’s prisons reported having been sexually victimized); Valerie Jenness et al., *Violence in California Correctional Facilities: An Empirical Examination of Sexual Assault*, UC Irvine: Center for Evidence-Based Corrections (2009) (statewide study in California finding that transgender women housed in male facilities were 13 times more likely to be sexually assaulted than male prisoners in the same facility).

harassed, abused, assaulted, and victimized in GDC custody.²

GDC has an obligation to implement the PREA standards and ensure incarcerated people like Ms. Diamond are not sexually victimized in a preventable manner. Yet, in the past, the PREA Coordinator has not been helpful in addressing Ms. Diamond's concerns. To date, no disciplinary action has been taken against the GDC staff member who sexually assaulted Ms. Diamond on May 9 and May 10, despite other GDC staffers learning about the misconduct.

Likewise, no disciplinary action has been taken in response to Ms. Diamond's PREA complaint concerning the March 10 incident of staff sexual abuse, and Ms. Diamond continues to be around the GDC staff member who assaulted her. Indeed, rather than respond, GDCP's PREA Coordinator mocked her and made a disparaging comment about Ms. Diamond. The PREA Coordinator's response indicates a discriminatory and unacceptably dismissive attitude toward sexual victimization by the person whose job it is to respond to PREA complaints. To prevent further violations of the Eighth Amendment to the U.S. Constitution, Georgia Criminal Law, and PREA, GDC must ensure that Ms. Diamond's complaints are adequately addressed by competent staff and that she is protected from retaliation and abuse.

V. Given the Ongoing Threats to Her Safety, Releasing Ms. Diamond Is Appropriate at this Time.

As detailed in the May 1 letter, Ms. Diamond is not safe at GDCP where she faces ongoing sexual assault and abuse. Ms. Diamond has remained at a close-security facility for the past six months despite her nonviolent offenses and a federal court's recognition that doing so puts her at risk for victimization. GDCP is ill-equipped to provide her constitutionally adequate medical care, mental health treatment, and protection from sexual assault. Further, Ms. Diamond's chronic asthma puts her at higher risk for serious illness from COVID-19, as does the stress she is experiencing as a result of GDC's failures as set forth in the May 1 letter and this letter. **Accordingly, Ms. Diamond should immediately be released from custody or transferred to a female facility.**

It is our understanding that Ms. Diamond is parole-eligible. In addition, she has numerous advocates in the community who can support her compliance with conditions of parole and welfare. For example, Ms. Diamond is guaranteed a spot at Inspire Recovery,³ a treatment center that specializes in the needs of the LGBTQ+ community. Enclosed please find a letter from Paul Zilber, the clinical coordinator, confirming that Inspire Recovery can provide housing as well as "Partial Hospitalization, Intensive Outpatient Treatment, and Outpatient Treatment" for Ms. Diamond as needed. Safe housing and adequate treatment are

² Ms. Diamond reported numerous violent sexual assaults that occurred in GDC facilities between 2012–2015 that were the subject of earlier litigation. *See* Verified Compl., *Diamond v. Owens, et. al*, Case 5:15-cv-00050. Ms. Diamond also self-reported the extensive sexual assault history and resulting PTSD from her previous GDC incarceration upon re-entry. *See Diamond I* 131 F. Supp. 3d 1355–1356; Enclosed Letter from SPLC to GDC dated May 1, 2020, at p. 3.

³ Inspire Recovery, <https://inspirerecovery.com/> (last visited May 14, 2020).

essential to Ms. Diamond's well-being.

As explained in the May 1 letter and detailed above, Ms. Diamond remains at continuous risk for sexual assault from other incarcerated people as well as GDC staff. GDC must take steps to ensure that the March 10, May 9, and May 10, 2020 incidents are thoroughly investigated, and that Ms. Diamond is protected from future sexual assault. SPLC and CCR will continue to monitor our client's conditions of confinement and await GDC's written response to the May 1 letter.

Please contact us if you would like to discuss these matters.

Respectfully,



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cc: Ahmed Holt, Assistant Commissioner Facilities Division
Jack "Randy" Sauls, Assistant Commissioner Health Services Division
Jennifer Ammons, General Counsel
Elizabeth McCrary Crowder, Office of the Attorney General

encl: Letter from SPLC to GDC (May 1, 2020)
Letter from Paul Zilber (March 19, 2020)



InspireRecovery.com

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909 N. Dixie Highway, West Palm Beach, FL 33401

March 19, 2020

Georgia State Board of Pardons and Paroles
2 Martin Luther King, Jr. Drive SE
Suite 458, Balcony Level, East Tower
Atlanta, GA 30334

To Whom This May Concern:

This letter should serve to indicate that Ashley Diamond (Ashley A. Diamond, Inmate # 10002 90565) is eligible for admission to Inspire Recovery located in West Palm Beach, Florida. As Ashley Diamond is a respected community activist and leader we are requesting her to be considered for parole and given a chance to thrive among her peers with social support and resources specifically for the LGBTQIA+ community.

In light of COVID-19 and the risks it poses to the inmate population in Georgia we are eager to support Ashley Diamond with parole and re-entry. Due to the risks here in Palm Beach County FL as well, we have enacted our emergency protocol, which calls for stricter medical screenings and assessments prior to admission, to ensure the protection of Ashley Diamond and all of our residents.

Inspire Recovery provides Partial Hospitalization, Intensive Outpatient Treatment, and Outpatient Treatment for the LGBTQIA+ community. Inspire Recovery provides housing resources for the LGBTQIA+ community through Inspire Living (all gender housing) and a few other FARR certified residential houses in the area.

If you have any additional questions about Inspire Recovery please feel free to email p.zilber@inspirerecovery.com.

Thank You,
Paul Zilber
Clinical Coordinator

EXHIBIT 8



June 3, 2020

Commissioner Timothy Ward
Georgia Department of Corrections
7 MLK Jr Drive, Suite 543
Atlanta, GA 30334

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Ombudsman@gdc.ga.gov

State Board of Pardons and Paroles
Office of Victim Services
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Balcony Level, East Tower
Atlanta, Georgia 30334
VictimServices@pap.ga.gov

**Re: Notice of Retaliation on Behalf of Ashley Diamond (GDC ID:
1000290565)**

Dear Commissioner Ward, PREA Coordinator, and State Board of Pardons and Paroles:

As you know, we represent Ashley Diamond, a transgender woman currently held in a men's close-security facility who has been subjected to repeated and ongoing abuse while in GDC custody.¹ Since receipt of our correspondence, prison officials have retaliated against Ms. Diamond for her constitutionally protected advocacy and for filing grievances to address constitutional deficiencies. In addition, Ms. Diamond has been confronted and intimidated by the corrections officer who is the subject of a May 20, 2020 PREA complaint we filed on Ms. Diamond's behalf. These incidents are unacceptable. This letter serves to ensure that you are on notice of these additional unlawful actions and constitutional violations. GDC must take

¹ See Letters dated May 1, 2020 and May 20, 2020, attached hereto.

action to protect Ms. Diamond not only from abuse, but from coercion and retaliation for her advocacy.

I. GDC Has A Duty Not to Retaliate Against Ms. Diamond For Her Advocacy.

As emphasized in counsel’s May 1 letter, GDC may not retaliate, threaten to retaliate, or place Ms. Diamond in fear of retaliation for her advocacy. *See Nyberg v. Davidson*, 776 F. App’x 578, 582 (11th Cir. 2019). First Amendment retaliation occurs where adverse action “would deter an [incarcerated person] of ordinary firmness from engaging in First Amendment protected conduct,” such as filing a grievance or a lawsuit. *Id.* It is well-established that Ms. Diamond exercises her First Amendment right of freedom of speech when [she] complains to the prison’s administrators about the conditions of [her] confinement.” *Smith v. Mosley*, 532 F.3d 1270, 1276 (11th Cir. 2008) (considering an incarcerated person’s letter complaining to the assistant warden and United States Department of Justice about conditions of confinement to be an exercise of speech).

Since the May 1 and May 20 letters, Ms. Diamond has been retaliated against in at least two ways. First, she has been partially removed from her work assignment as an orderly. Second, the Security Warden and others ransacked Ms. Diamond’s cell and confiscated essential items, such as food, soap, and property on May 29, 2020. In light of Ms. Diamond’s recent letters, GDC’s actions constitute retaliation for her constitutionally protected advocacy regarding her conditions of confinement.

II. Ms. Diamond Has Been Approached by Officer Smith Despite Her PREA Complaint

Our May 20 PREA Notice to GDC detailed the sexual harassment and abuse perpetrated against Ms. Diamond by Officer Arethiea Smith. Yet, GDC has failed to respond to our PREA notice, and has also failed to protect Ms. Diamond from retaliation or further abuse by permitting Smith to continue working at GDCP where she has access to Ms. Diamond’s dorm. On or around May 26, 2020, Smith approached Ms. Diamond and demanded that Ms. Diamond write a false statement exonerating her. Under duress and as a result of coercion, Ms. Diamond signed a statement saying that she did not tell anyone at GDCP about the incident.

GDC’s failure to discipline Smith and to allow her to continue interact with and coerce Ms. Diamond is a shocking and dangerous violation of GDC’s own guidelines. GDC PREA guidelines require that Smith “be banned from correctional institutions and subject to disciplinary action, with termination being the presumptive discipline, and may also be referred for criminal prosecution when appropriate.” GDC SOP 208.06.IV.H.1. Further, GDC must protect Ms. Diamond from retaliation for reporting this sexual abuse through “housing changes or transfers, removal of alleged staff members ... from contact with victims, and emotional support services for [those] who fear retaliation for reporting or for cooperating with investigations.” GDC SOP 208.06.IV.F.4.

GDC’s failure to adhere to its own policies and procedures regarding officer discipline shows wanton and deliberate indifference to Ms. Diamond’s safety needs.

* * *

As previously stated, no one has responded to counsel regarding notices of PREA violations in the letters submitted on behalf of Ms. Diamond. However, on May 31, 2020, Ms. Diamond received word that Internal Affairs officers will be visiting her this week.

GDC is well aware that Ms. Diamond has retained counsel in anticipation of litigation in light regarding Ms. Diamond's conditions of confinement, including protection from sexual violence from GDC staff and other incarcerated people. **Therefore, Ms. Diamond's interview with Internal Affairs, and any other future interviews, should only be conducted with her attorneys present.** *Cf. Jacoby v. PREA Coordinator*, No. 517CV00053MHHTMP, 2017 WL 2962858, at *10 (N.D. Ala. Apr. 4, 2017), *report and recommendation adopted*, No. 517CV00053MHHTMP, 2017 WL 2957825 (N.D. Ala. July 11, 2017) (noting that incarcerated person was informed of "the right to have counsel present during [a] PREA interview"). These interviews should also be recorded, and all audio/video should be preserved pursuant to a litigation hold.

The urgency for you to show leadership has never been clearer. This country is in the midst of chaos, crisis and a national reckoning resulting from centuries of cruelty and violence against Black people at the hands of law enforcement. Our demands are simple: Ensure Ms. Diamond's safety and access to adequate medical care, starting with providing us a comprehensive plan for how GDC intends to meet Ms. Diamond's health and safety needs going forward.

Please contact us if you would like to discuss these matters.

Respectfully,



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cc: Ahmed Holt, Assistant Commissioner Facilities Division
Jack "Randy" Sauls, Assistant Commissioner Health Services Division
Jennifer Ammons, General Counsel
Elizabeth McCrary Crowder, Office of the Attorney General
Benjamin Ford, Warden of Georgia Diagnostic and Classification Prison

encl: Letter from SPLC to GDC (May 1, 2020)
Letter from SPLC and CCR to GDC (May 20, 2020)

EXHIBIT 9



July 2, 2020

Commissioner Timothy Ward
Georgia Department of Corrections
7 MLK Jr Drive, Suite 543
Atlanta, GA 30334

Georgia Department of Corrections
Attn: Office of Professional Standards/ PREA Unit
300 Patrol Rd.
Forsyth, Ga. 31029
PREA.report@gdc.ga.gov
Ombudsman@gdc.ga.gov

State Board of Pardons and Paroles
Office of Victim Services
2 Martin Luther King, Jr. Drive, S.E.
Balcony Level, East Tower
Atlanta, Georgia 30334
VictimServices@pap.ga.gov

Re: Notice of Constitutional and PREA Violations on Behalf of Ashley Diamond (GDC ID: 1000290565)

Dear Commissioner Ward, PREA Coordinator, and State Board of Pardons and Paroles:

We write on behalf of our client, Ashley Diamond, to put the Georgia Department of Corrections on notice of another incident of sexual harassment involving Ms. Diamond, this one at her new facility, Coastal State Prison ("Coastal"). As such, this letter serves as a third-party Prison Rape Elimination Act (PREA) Notice filed pursuant to GDC Standard Operating Procedure (GDC SOP) 208.06.IV.E.2.

Ms. Diamond was transferred to Coastal on June 4, 2020 and was moved out of medical quarantine to a dormitory on June 18. Before Ms. Diamond even entered her dormitory, however, a GDC staff member called a dormitory-wide meeting during which he publicly shared Ms. Diamond's transgender status and made sexual comments of a derogatory and

offensive nature about her to the people with whom she now must live. He also made threatening statements after she attended a legal call. This staff member, identified below and who had already sexually harassed Ms. Diamond while she was in medical quarantine, should be subject to disciplinary action.

Further, Ms. Diamond has faced ongoing constitutional violations related to her medical and mental health care while in GDC custody, and as a result, has repeatedly self-harmed. Ms. Diamond continues to experience disruptions in her hormone medications, irregular appointments with medical professionals and counselors that are uninformed about gender dysphoria, and restrictions on her gender expression.

GDC must ensure that Ms. Diamond is protected from sexual harassment and assault, and that she receives medically necessary care for her gender dysphoria. We have repeatedly informed GDC of the medical, mental health, and safety concerns faced by Ms. Diamond while in GDC custody.¹ As our previous correspondence has made you aware, while Ms. Diamond was at the Georgia Diagnostic and Classification Prison (GDCP), she languished without proper healthcare and endured repeated sexual harassment and assault at the hands of other incarcerated people and GDC staff. This latest incident of GDC staff misconduct at Coastal puts Ms. Diamond's safety at risk yet again, and highlights the need for Ms. Diamond to be released or transferred to a female facility where she can receive a full complement of care necessary for her gender dysphoria.

I. Unit Manager Jackson Sexually Harassed Ms. Diamond and Later Made Derogatory and Demeaning Remarks of a Sexual Nature About Her in a Dormitory-Wide Meeting.

Unit Manager Jackson approached Ms. Diamond while she was in medical quarantine and harassed her about being transgender. Jackson called Ms. Diamond a man and proceeded to make inappropriate comments about her breasts and genitalia as well as her facial hair. Ms. Diamond told Jackson that those comments were harmful to her mental health, and Jackson walked away.

A few days later, on June 18, 2020, GDC officials informed Ms. Diamond that she would be moved out of medical quarantine to another dormitory. This dormitory houses more than 100 incarcerated people. When she entered the dormitory, Ms. Diamond noticed that several people were staring at her. Ms. Diamond eventually learned, through conversations with other incarcerated people in the dormitory, that Jackson had called a dormitory-wide meeting on June 17, the day before Ms. Diamond's move, during which Jackson told everyone gathered that "a freak is about to walk in" and that they would have to deal with it. Jackson disclosed Ms. Diamond's private medical information, made derogatory remarks about Ms. Diamond's breasts and genitalia, intentionally misgendered her, and said, "don't try touching him [Ms. Diamond] no matter how much of a woman he [Ms. Diamond] looks." Ms. Diamond was repeatedly referred to as "he" and "it" by Jackson during this meeting.

Thereafter, on June 19, 2020 after Ms. Diamond attended a lawyer call, Unit Manager Jackson summoned Ms. Diamond and the other incarcerated people in her dormitory for

¹ See Letters dated May 1, May 20, and June 3, 2020, attached hereto.

another meeting during which he singled out Ms. Diamond, bemoaned the presence of transgender people in the dormitory, and proceeded to threaten Ms. Diamond in front of the crowd gathered by saying that he has “people” that can “get at [Ms. Diamond]” if further misconduct reports are made.

It is our understanding that there is video surveillance of this dormitory that captured Jackson’s dormitory-wide meetings and Ms. Diamond’s move to the dormitory. As stated in prior letters, GDC must preserve all evidence related to Ms. Diamond’s conditions of confinement in anticipation of litigation. *See* Fed. R. Civ. P. 37(e). This includes, but is not limited to, surveillance video, including any available corresponding audio, of the above incident.

II. Unit Manager Jackson’s Actions Put Ms. Diamond At An Unacceptable Risk of Sexual Assault, Retaliation, and Violence and Violate GDC’s Own Policies.

As you are aware from our prior correspondence, Ms. Diamond has repeatedly expressed safety concerns as a transgender woman housed in a male GDC facility. GDC has a duty to “take reasonable measures to guarantee the safety of” Ms. Diamond. *Diamond v. Owens (Diamond I)*, 131 F. Supp. 3d 1346, 1376 (M.D. Ga. 2015) (quoting *Caldwell v. Warden, FCI Talladega*, 748 F.3d 1090, 1099 (11th Cir. 2014)). It is well established that transgender women housed at men’s facilities are at a high risk of sexual assault. *See* U.S. Dept. of Justice, *PREA Data Collection Activities, 2015* (confirming that 1 in 3 transgender people in prisons reported having been sexually victimized by facility staff or other incarcerated people). Ms. Diamond also has a documented history of being sexually assaulted, including being raped, while in GDC custody. *Diamond I*, 131 F. Supp. 3d 1355–56. By mocking Ms. Diamond to her entire dormitory and drawing attention to her transgender status, Jackson increased Ms. Diamond’s already substantial risk of sexual assault.

Jackson’s actions also violate established GDC policy and require disciplinary action. Under GDC’s PREA policy, Jackson’s derogatory comments to Ms. Diamond while she was in medical quarantine constitute sexual harassment by a staff member under GDC’s PREA guidelines. *See* GDC SOP 208.06.III.M.2 (defining “Sexual Harassment” by staff to include “[r]epeated verbal comments or gestures of a sexual nature ... including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures”). Further, Jackson’s dormitory-wide meeting about Ms. Diamond’s transgender status and his inappropriate commentary violate GDC’s policy for the “Classification and Management of Transgender and Intersex Offenders” (“Transgender SOP”). The Transgender SOP requires that staff keep sensitive information about transgender people confidential, recognizing that transgender people “are at a particularly high risk for physical or sexual abuse or harassment.” GDC SOP 220.09.IV.D.1. The policy also requires that staff behave professionally and responsibly around Ms. Diamond, refer to her by her preferred pronouns or by her legal last name, and refrain from “unwelcomed verbal comments, gestures, or actions of a derogatory or offensive nature” or “demeaning references to [her] gender or gender identity.” GDC SOP 220.09.IV.I.

Finally, we reiterate that GDC may not retaliate, threaten to retaliate, or place Ms. Diamond in fear of retaliation for her advocacy. *See Nyberg v. Davidson*, 776 F. App’x 578, 582 (11th Cir. 2019). Jackson’s actions in talking about “snitches” and threatening

Ms. Diamond right after a lawyer call is unacceptable, particularly in light of his PREA violations.

GDC must take steps to protect Ms. Diamond from future sexual harassment and assault, as well as retaliation, including by taking disciplinary action against Jackson.

III. Ms. Diamond Continues to Be Denied Adequate Care for Her Gender Dysphoria and Post-Traumatic Stress Disorder.

As you know, Ms. Diamond has experienced ongoing constitutional violations since entering GDC custody. As a consequence of her poorly-treated gender dysphoria, Ms. Diamond has attempted to castrate herself and has sustained serious injuries to her genitalia. Since her arrival at Coastal, Ms. Diamond has repeatedly notified GDC staff that her gender dysphoria treatment was inadequate and was leading her to attempt auto-castration.

GDC must provide Ms. Diamond with necessary medical and mental health care under the Eighth Amendment. *See McElligott v. Foley*, 182 F.3d 1248, 1255 (11th Cir. 1999). Since entering GDC custody, GDC has failed to provide Ms. Diamond with adequate treatment for her gender dysphoria as well as her post-traumatic stress disorder, bipolar disorder, and depression. Her post-traumatic stress disorder, specifically, was caused by sexual assaults while in GDC custody during her prior period of incarceration. *See Diamond I*, 131 F. Supp. 3d 1355–56. Ms. Diamond’s mental health has been exacerbated by repeated sexual assaults, disruptions in her hormone medications, failure to monitor her blood levels, irregular appointments with counselors who are ill-equipped to address her gender dysphoria, and restrictions on her gender expression.

Appropriate treatment for Ms. Diamond includes (1) regular bloodwork and monitoring of her hormone therapy regimen to ensure that Ms. Diamond is receiving proper doses, (2) appointments with counselors and medical providers specialized in gender dysphoria treatment, (3) evaluation with qualified experts to determine whether additional medical care, including gender-confirmation surgery, is necessary, and (4) accommodations for gender expression, including access to hair removal and female undergarments.

In light of Ms. Diamond’s deteriorating mental health and self-harm, GDC must take immediate action to ensure that she receives medically necessary care for her gender dysphoria, post-traumatic stress disorder, and other mental health conditions.

IV. Ms. Diamond Should Be Released from GDC Custody.

As you are aware from our prior correspondence, Ms. Diamond was not safe at GDPCP due to ongoing constitutional violations related to her medical and mental healthcare as well as her constant fear of sexual assault. This latest PREA incident raises similar concerns about constitutional violations at Coastal. Further, Ms. Diamond’s chronic asthma puts her at heightened risk from COVID-19, particularly at Coastal. The state of Georgia has not been spared from the COVID-19 pandemic, with 1,874 new confirmed cases since Sunday.² Coastal

² Will Peebles, *Georgia COVID-19 Cases Top 80,000; Chatham Cases Up by 181 Since Monday*, Savannah Morning News (June 30, 2020),

has already had 42 confirmed cases of COVID-19, including 41 incarcerated people and 1 staff member.³ Ms. Diamond's chronic asthma puts her at a higher risk for serious illness from COVID-19, as does the stress she has experienced in GDC custody. **Accordingly, Ms. Diamond should immediately be released from custody, placed in a transitional center, or transferred to a female facility.**

Please contact us if you would like to discuss these matters.

Respectfully,



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cc: Ahmed Holt, Assistant Commissioner Facilities Division
Jack "Randy" Sauls, Assistant Commissioner Health Services Division
Robert Toole, Director of Field Operations
Cedric Taylor, North Regional Director
Stan Shepard, Southeast Regional Director
Jennifer Ammons, General Counsel
Elizabeth McCrary Crowder, Office of the Attorney General
Brooks Benton, Warden of Coastal State Prison

<https://www.savannahnow.com/news/20200630/georgia-covid-19-cases-top-80000-chatham-cases-up-by-181-since-monday>.

³ Georgia Department of Corrections, *Confirmed COVID-19 Cases*, <http://dcor.state.ga.us/content/cases> (last updated June 30, 2020).

encl: Letter from SPLC to GDC (May 1, 2020)
Letter from SPLC and CCR to GDC (May 20, 2020)
Letter from SPLC and CCR to GDC (June 3, 2020)

EXHIBIT 10



CONFIDENTIAL

July 20, 2020

Via Certified Mail

Commissioner Timothy Ward
Georgia Department of Corrections
7 MLK Jr Drive, Suite 543
Atlanta, GA 30334

Via Certified Mail and Email

Georgia Department of Corrections
Attn: Office of Professional Standards/ PREA Unit
300 Patrol Rd.
Forsyth, Ga. 31029
PREA.report@gdc.ga.gov
Ombudsman@gdc.ga.gov

Via Certified Mail and Email

State Board of Pardons and Paroles
Office of Victim Services
2 Martin Luther King, Jr. Drive, S.E.
Balcony Level, East Tower
Atlanta, Georgia 30334
VictimServices@pap.ga.gov

Re: Third Notice of Constitutional and PREA Violations on Behalf of Ashley Diamond (GDC ID: 1000290565)

Dear Commissioner Ward, PREA Coordinator, and State Board of Pardons and Paroles:

We write to notify the Georgia Department of Corrections (GDC) of another sexual assault perpetrated against our client, Ashley Diamond, on July 3, 2020. This letter serves as a third-party Prison Rape Elimination Act (PREA) Notice filed pursuant to GDC Standard Operating Procedure (GDC SOP) 208.06.IV.E.2.

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As you are aware from our prior correspondence, we have repeatedly informed GDC of the medical, mental health, and safety concerns faced by Ms. Diamond while in GDC custody.¹ Ms. Diamond has been subjected to repeated incidents of sexual harassment and assault by other incarcerated people and GDC staff, both at the Georgia Diagnostic and Classification Prison (GDCP) and at Coastal State Prison (Coastal). In the July 2 letter, we reported staff misconduct by Unit Manager Jackson at Coastal that increased the substantial risk to Ms. Diamond's safety as a transgender woman housed in a men's facility.

The latest attack on Ms. Diamond, which transpired on July 3, was a sexual assault and attempted rape perpetrated by an incarcerated person who was not authorized to be in Ms. Diamond's dormitory at the time. A later incident, on July 16, indicates a pattern of incarcerated people from other dormitories being allowed into Ms. Diamond's dormitory, thus increasing her already substantial risk of sexual assault.

Further, Ms. Diamond is experiencing medical issues related to her kidneys, a condition that GDC has acknowledged could prove fatal. She has yet to receive requested outside emergency care to assess her kidney function and damage to her urethra.

Once again, we emphasize the need for Ms. Diamond to be released, placed in a transitional center, or transferred to a female facility where her medical, mental health, and safety concerns are properly addressed.

I. Ms. Diamond Was Sexually Assaulted on July 3, 2020 and Continues to Fear for Her Safety.

On July 3, 2020, Ms. Diamond's attacker, an incarcerated person from another dormitory, was let into Ms. Diamond's dormitory by a GDC officer. Her attacker walked around the dormitory talking with other people for about an hour. Ms. Diamond was standing with a group of people and eventually turned to go back to her room. Her attacker followed and entered the room behind her. He grabbed her, covered her mouth, started touching her, and tried to remove her clothes. He also made comments of a sexual nature. Two other incarcerated people were able to intervene and stop the attack.

Later, Ms. Diamond reported this incident to the PREA coordinator and her Mental Health counselor. She still sees her attacker around at Coastal and is fearful that he will be allowed into her dormitory again.

On July 16, 2020, Ms. Diamond was sitting in the TV room when she saw an incarcerated person from another dormitory enter her empty cell and later leave. She learned that this person had been asking others in the dormitory about who lives in the cell and said that he was looking for her. Ms. Diamond is concerned about what could have happened if she had been in her cell at the time.

That incarcerated people from other dormitories have repeatedly and improperly been allowed into Ms. Diamond's dormitory increases the already substantial risk to Ms. Diamond's safety. These incidents show, once again, that **GDC cannot keep Ms. Diamond safe.** We

¹ See Letters dated May 1, May 20, June 3, and July 2, 2020, attached hereto.

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reiterate our demand that GDC take steps to address Ms. Diamond's safety concerns, including release from GDC custody, placement in a transitional center, or transfer to a female facility.

II. GDC Must Protect Ms. Diamond's Confidentiality in PREA Reports and Prevent Retaliation For Her Advocacy.

Since our July 2 letter reporting misconduct by Unit Manager Jackson, we have learned that our correspondence has been copied and distributed to numerous GDC staff members despite the confidential PREA information contained in these letters. Ms. Diamond has been approached by GDC staff members who indicated that they were offended by the information included in the letter and asked her to defend or clarify various statements that her lawyers have made. Ms. Diamond also has reason to believe that Unit Manager Jackson has seen the PREA notice and is retaliating against her.

Per GDC policy, "[a]ll PREA information is confidential in nature and shall only be released on a need-to-know basis. Staff members who fail to comply with reporting provisions of this policy may be banned from correctional facilities, or will be subject to disciplinary action, up to and including termination, whichever is applicable." GDC SOP 208.06.IV.B.1. The widespread distribution of these letters beyond the intended recipients is unacceptable and places Ms. Diamond at a higher risk of further retaliation for her PREA complaints and constitutionally protected advocacy. As explained in prior letters, Ms. Diamond has a constitutional right to advocate for better conditions of confinement. GDC may not retaliate, threaten to retaliate, or place Ms. Diamond in fear of retaliation for her advocacy. *See Nyberg v. Davidson*, 776 F. App'x 578, 582 (11th Cir. 2019) (holding that incarcerated person plausibly alleged First Amendment retaliation claim where adverse action "would deter an [incarcerated person] of ordinary firmness from engaging in First Amendment protected conduct," such as filing a lawsuit).

We have information leading us to believe that Unit Manager Jackson is allowing unauthorized and potentially dangerous incarcerated people access to Ms. Diamond, her dormitory, and her cell. Such conduct is inexcusable and illegal. *See, e.g., Keele v. Guajardo*, 71 F. App'x 369, 369–70 (5th Cir. 2003) (finding plausible Eighth Amendment claim based on allegations that an officer informed another incarcerated person of plaintiff's criminal history and unlocked his cell door to allow an assault); *Fox v. Superintendent, Strafford Cty. Dep't of Corr.*, No. 11-CV-295-SM, 2012 WL 2277928, at *4 (D.N.H. June 18, 2012), *report and recommendation approved*, No. 11-CV-295-SM, 2012 WL 3078450 (D.N.H. July 30, 2012) (refusing to dismiss Eighth Amendment claim based on allegations that an incarcerated person at risk for sexual assault was housed "in an unsupervised and unpatrolled pod"). GDC must protect Ms. Diamond from retaliation for reporting a PREA incident, including through "removal of alleged staff members ... from contact with victims, and emotional support services for [those] who fear retaliation for reporting or for cooperating with investigations." GDC SOP 208.06.IV.F.4.

Further, GDC is well aware that Ms. Diamond has retained counsel in anticipation of litigation regarding Ms. Diamond's conditions of confinement, including protection from sexual violence from GDC staff and other incarcerated people. Therefore, as explained in our June 3 letter, any interview with Ms. Diamond should be conducted with her attorneys present. *Cf. Jacoby v. PREA Coordinator*, No. 517CV00053MHHTMP, 2017 WL 2962858, at *10

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(N.D. Ala. Apr. 4, 2017), *report and recommendation adopted*, No. 517CV00053MHHTMP, 2017 WL 2957825 (N.D. Ala. July 11, 2017) (noting that incarcerated person was informed of “the right to have counsel present during [a] PREA interview”). These interviews should also be recorded, and any audio/video should be preserved in accordance with GDC’s legal duty to preserve evidence.²

III. Ms. Diamond Is Experiencing Medical Issues Related to Her Kidney Function and Has Requested Outside Emergency Care.

As you know from our prior correspondence, Ms. Diamond has had numerous medical and mental health concerns while in GDC custody. The July 2 letter explicitly stated that she has attempted auto-castration because of inadequate treatment for her gender dysphoria. She has lasting damage from the attempted self-surgery and is having trouble with urinating. GDC doctors have found that she is at risk for kidney failure.

Coastal has admitted Ms. Diamond’s condition could prove fatal and acknowledged that they do not have the equipment necessary to perform diagnostic testing or analysis. Ms. Diamond has repeatedly requested, including through a medical request, to be seen by outside emergency care that is equipped to assess her medical needs. On July 10, in an email exchange with GDC General Counsel Jennifer Ammons, we reiterated Ms. Diamond’s request that she be transferred to an emergency room for proper evaluation of her kidney function and injuries to her urethra given GDC’s own assessment that these conditions may prove fatal. However, to date, GDC has continued to deny Ms. Diamond necessary treatment or referrals.

IV. GDC Must Provide Ms. Diamond with Necessary Diagnostic Care Without Delay To Address Her Serious Medical Need.

The Eighth Amendment requires that Ms. Diamond “receive medical treatment for [her] illnesses and injuries.” *Taylor v. Hughes*, 920 F.3d 729, 732–33 (11th Cir. 2019); *see also Estelle v. Gamble*, 429 U.S. 97, 104 (1976). A serious medical need is one that, “if left unattended, poses a substantial risk of serious harm.” *Farrow v. West*, 320 F.3d 1235, 1243 (11th Cir. 2003). Failure to provide diagnostic care and delays in treatment may constitute deliberate indifference to a serious medical need. *See Ancata v. Prison Health Servs., Inc.*, 769 F.2d 700, 704 (11th Cir.1985) (explaining, in a case where prison staff failed to provide necessary diagnostic care, that “[t]he knowledge of the need for medical care and intentional refusal to provide that care has consistently been held to surpass negligence and constitute deliberate indifference.”); *Harris v. Coweta Cty.*, 21 F.3d 388, 393–94 (11th Cir. 1994) (stating that “[a] few hours’ delay in receiving medical care for emergency needs” can be a constitutional violation).

Ms. Diamond’s condition is a serious medical need because, as GDC doctors have acknowledged, she is at risk for kidney failure or even death. She requires diagnostic testing and analysis, which Coastal is currently not equipped to provide, to determine the next steps in her treatment. Ms. Diamond requested assessment by an emergency room nearly two weeks ago. Further delay may result in substantial harm and lasting damage to Ms. Diamond’s health.

² See Enclosed Letter from SPLC to GDC dated May 1, 2020, at p. 8.

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V. Ms. Diamond Should Be Released.

Ms. Diamond has been subjected to repeated sexual harassment and sexual assault by incarcerated people and GDC staff. Her mental health and medical condition have deteriorated in GDC custody. These ongoing constitutional and PREA violations highlight the need for Ms. Diamond to be released, placed in a transitional center, or transferred to a female facility where she can receive adequate medical and mental health care.

Please contact us if you would like to discuss these matters. We have already requested a call with the Attorney General's office, through GDC General Counsel Jennifer Ammons, in the hope that we can resolve these issues.

Respectfully,



Beth Littrell
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cc: Ahmed Holt, Assistant Commissioner Facilities Division
Jack "Randy" Sauls, Assistant Commissioner Health Services Division
Robert Toole, Director of Field Operations
Cedric Taylor, North Regional Director
Stan Shepard, Southeast Regional Director
Jennifer Ammons, General Counsel
Beth Burton, Office of the Attorney General
Tina Piper, Office of the Attorney General

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Elizabeth McCrary Crowder, Office of the Attorney General
Brooks Benton, Warden of Coastal State Prison

encl: Letter from SPLC to GDC (May 1, 2020)
Letter from SPLC and CCR to GDC (May 20, 2020)
Letter from SPLC and CCR to GDC (June 3, 2020)
Letter from SPLC and CCR to GDC (July 2, 2020)

EXHIBIT 11



CONFIDENTIAL

September 29, 2020

Via Certified Mail

Commissioner Timothy Ward
Georgia Department of Corrections
7 MLK Jr Drive, Suite 543
Atlanta, GA 30334

Via Certified Mail and Email

Georgia Department of Corrections
Attn: Office of Professional Standards/ PREA Unit
300 Patrol Rd.
Forsyth, Ga. 31029
PREA.report@gdc.ga.gov
Ombudsman@gdc.ga.gov

Via Certified Mail and Email

State Board of Pardons and Paroles
Office of Victim Services
2 Martin Luther King, Jr. Drive, S.E.
Balcony Level, East Tower
Atlanta, Georgia 30334
VictimServices@pap.ga.gov

Re: Fourth Notice of Constitutional and PREA Violations on Behalf of Ashley Diamond (GDC ID: 1000290565)

Dear Commissioner Ward, PREA Coordinator, and State Board of Pardons and Paroles:

We write to notify the Georgia Department of Corrections (GDC) of multiple incidents of sexual assault, including four incidents in one weekend, perpetrated against our client, Ashley Diamond. This letter serves as a third-party Prison Rape Elimination Act (PREA) Notice filed pursuant to GDC Standard Operating Procedure (GDC SOP) 208.06.IV.E.2. This

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letter is also one of multiple notices to GDC of the continued threat to Ms. Diamond's safety and GDC's constitutional violations. In addition, we have repeatedly requested time to speak with GDC's General Counsel and the Attorney General's Office about Ms. Diamond's urgent health and safety needs only to be ignored or have our requests declined.

As our prior correspondence has emphasized, Ms. Diamond should be released, placed in a transitional center, or transferred to a female facility where her medical, mental health, and safety concerns are properly addressed. Ms. Diamond's placements at the Georgia Diagnostic and Classification Prison ("GDCP) and Coastal State Prison ("Coastal") are not appropriate and have only allowed for ongoing constitutional violations for which GDC is fully aware.

I. Ms. Diamond Was Sexually Assaulted Four Times in One Weekend and Continues to Fear for Her Safety.

Ms. Diamond and her attorneys have repeatedly explained that Ms. Diamond is not safe at Coastal. We have notified GDC officials that GDC staff members have sexually harassed and degraded Ms. Diamond based on her gender identity and expression, including in dormitory-wide meetings, and that a number of unauthorized incarcerated people have been allowed into Ms. Diamond's dormitory by GDC officers. As a result of the failure to respond reasonably to the identified risks or take corrective action, Ms. Diamond was attacked four times over the course of three days. These incidents show, once again, that GDC cannot keep Ms. Diamond safe.

a. Ms. Diamond Was Sexually Assaulted on September 18, September 19, and September 20, 2020.

In the evening on Friday, September 18, an incarcerated person approached Ms. Diamond in her dormitory and said that someone wanted to talk to her. She followed him to a room and found another incarcerated person—her attacker—waiting for her. He locked the door to the room, ripped off her shirt, and proceeded to grab her breasts and sexually assault her. He then pushed her to the bed and attempted to forcibly rape her. Ms. Diamond was only able to escape because "count" began, at which point she exited the room and ran away.

The next morning, on Saturday, September 19, Ms. Diamond was in her room when another incarcerated person entered, physically grabbed her head, and forced her to give him oral sex on the bed.

On Sunday, September 20, the incarcerated person who had set up the September 18 attack approached Ms. Diamond in her room. He then proceeded to rape Ms. Diamond. Later that day, a different incarcerated person called Ms. Diamond into a room, where another incarcerated person attacked her. Ms. Diamond's assailant grabbed her breasts, groped her, and sexually assaulted her until she was able to escape the room.

Ms. Diamond is experiencing mental anguish from these traumatic incidents. Yesterday, September 28, she requested to be moved out of her dormitory for fear of further attacks. Ms. Diamond was told that she could not move because GDC Director of Field Operations, Robert Toole, had specified that she is to stay in her current room.

CONFIDENTIAL**II. GDC Officials Have Had Ample Notice and Opportunity to Act and Have Failed to Do So.**

Under the Eighth Amendment, GDC has a duty to protect Ms. Diamond from sexual assault and to provide adequate medical and mental health care. *See Diamond v. Owens (Diamond I)*, 131 F. Supp. 3d 1346, 1376 (M.D. Ga. 2015) (explaining that GDC has a duty to “take reasonable measures to guarantee the safety of” Ms. Diamond) (quoting *Caldwell v. Warden, FCI Talladega*, 748 F.3d 1090, 1099 (11th Cir. 2014)); *id.* at 1374–75 (explaining that Ms. Diamond’s gender dysphoria is a serious medical need that GDC has a constitutional obligation to treat).

GDC’s failure to meet its constitutional obligations is inexcusable, almost 11 months since Ms. Diamond entered GDC custody and six months since the first of our letters. As explained in our prior correspondence, GDC is well aware of the seriousness of Ms. Diamond’s need to adequate mental health services and of the severe consequences of not providing her those services. *See Diamond I*, 131 F. Supp. 3d at 1354–58 (describing Ms. Diamond’s previous suicide and self-harm attempts while in GDC custody); Dr. Randi Ettner Decl. ¶ 9, *Diamond v. Owens*, No. 5:15-cv-50 (M.D. Ga. 2015), ECF No. 49-2 (“When Ms. Diamond goes without medically necessary gender dysphoria care, she experiences suicide ideation, emotional dysregulation, and a propensity to self-harm.”). Further, it is well established that Ms. Diamond, as a transgender woman, is more vulnerable to sexual assaults. *Diamond I*, 131 F. Supp. 3d 1355–56 (documenting Ms. Diamond’s history of being sexually assaulted in GDC custody). Our letters and Ms. Diamond’s complaints have provided further notice of GDC’s constitutional failures.

III. GDC Officials, Including the General Counsel’s Office, Have Shown Deliberate Indifference to Ms. Diamond’s Medical, Mental Health, and Safety Concerns.

GDC has been continuously on notice of the severe and substantial risks of sexual assault Ms. Diamond faces as a transgender woman within GDC. Upon entering GDC custody on October 29, 2020 and being placed at the Georgia Diagnostic & Classification Prison (“GDCP”), Ms. Diamond repeatedly raised concerns about inadequate medical and mental health care for gender dysphoria, as well as her safety as a transgender woman in a male close-security facility, including during the intake process. We, as Ms. Diamond’s attorneys, also sent three letters¹ while Ms. Diamond was at GDCP notifying GDC of its ongoing constitutional violations, including deliberate indifference to Ms. Diamond’s serious medical need and failure to protect Ms. Diamond from sexual harassment, assault, and abuse by incarcerated people and GDC staff. We emphasized that to ensure Ms. Diamond’s safety, she should be released, placed in a transitional center, or transferred to a female facility that is equipped to address her medical and mental health needs.

Instead of taking Ms. Diamond’s safety concerns into account as mandated under PREA, on June 4, 2020 Ms. Diamond was moved to Coastal State Prison (“Coastal”), another men’s facility that is neither safe nor appropriate for Ms. Diamond. As a foreseeable result of Ms. Diamond’s ill-conceived placement at Coastal, she has faced continuous issues regarding

¹ *See* Letters dated May 1, May 20, and June 3, attached hereto.

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her medical and mental health care and her safety.² Many of the health and safety challenges Ms. Diamond has experienced also stem directly from the actions of GDC staff. As explained in our July 2 letter, a Coastal Unit Manager harassed Ms. Diamond and called a dormitory-wide meeting about Ms. Diamond's transgender status in which he intentionally created a sexually hostile environment in her dorm, therefore increasing Ms. Diamond's already substantial risk of sexual assault. Since then, Ms. Diamond has been repeatedly threatened, harassed, and sexually assaulted, and has attempted auto-castration resulting from inadequate treatment for her gender dysphoria.

GDC's response to Ms. Diamond's medical and mental health needs is also constitutionally deficient. GDC has utterly failed to provide Ms. Diamond adequate medical care for her gender dysphoria, including, without limitation, by: arbitrarily discontinuing and failing to provide Ms. Diamond's hormone treatment for weeks at a time; failing to evaluate or monitor her bloodwork to adjust her hormone levels; failing to provide Ms. Diamond appointments with medical professionals and counselors that are competent to treat gender dysphoria; and imposing medically harmful restrictions on her gender expression.

GDC's failure to provide treatment sufficient to alleviate her gender dysphoria combined with repeated sexual assaults and the constant fear of additional violence and sexual assaults has exacerbated her mental health conditions resulting in a dangerous, if not deadly, prognosis. In recent weeks, Ms. Diamond has attempted self-surgery and developed problems urinating that GDC doctors found placed her at risk for kidney failure. Coastal admitted that Ms. Diamond's condition could prove fatal and acknowledged that they did not have the equipment necessary to perform diagnostic testing or analysis. Despite repeatedly requesting outside emergency care and escalating Ms. Diamond's concerns to the General Counsel's office, GDC steadfastly continued to deny Ms. Diamond medically necessary treatment or referrals.

On September 2, without warning or explanation, Ms. Diamond was transferred back to GDCP, the facility where she had been subjected to repeated sexual abuse and had experienced inadequate medical and mental health care. On September 8, Ms. Diamond was transferred back to Coastal. Ms. Diamond's arbitrary transfers between GDCP and Coastal have not addressed her health or safety concerns. Instead, back at Coastal, Ms. Diamond faces the same medical, mental health, and safety concerns, and has even endured multiple instances of rape in the past week alone. Staff also remains indifferent to her needs; Ms. Diamond heard Deputy Warden of Care & Treatment Carl Betterson refer to her as a "cancer to this prison" since her return.

Transferring Ms. Diamond between facilities, both where Ms. Diamond has been repeatedly assaulted and where Ms. Diamond's mental health has continued to deteriorate, demonstrates deliberate indifference to known risks to her health and safety.

GDC's refusal to respond to our notice letters, or requests to speak regarding Ms. Diamond's urgent health and safety needs, is further evidence of GDC's deliberate indifference to Ms. Diamond's constitutional rights.

² See Letters dated July 2 and July 15, attached hereto.

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IV. Ms. Diamond Should Be Released.

Ms. Diamond has been subjected to repeated sexual harassment, assault, and abuse by incarcerated people and GDC staff. Each incident is serious and unacceptable and calls for immediate action. Ms. Diamond's medical and mental health condition have seriously deteriorated in GDC custody. These ongoing constitutional and PREA violations highlight the need for Ms. Diamond to be released, placed in a transitional center, or transferred to a female facility, or substantially similar and equally safe non-segregated setting that accounts for her heightened risk of sexual abuse by male inmates, where she can be protected from sexual assault and receive adequate medical and mental health care.

We, once again, request a phone call to discuss these matters.

Respectfully,



Beth Littrell
Senior Supervising Attorney
Southern Poverty Law Center
P.O. Box 1287
Decatur, GA 30031-1287
beth.littrell@splcenter.org
404-221-5876



A. Chinyere Ezie
Senior Staff Attorney
Center for Constitutional Rights
666 Broadway, 7th Floor
New York, NY 10012
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212-614-6467

cc: Ahmed Holt, Assistant Commissioner Facilities Division
Jack "Randy" Sauls, Assistant Commissioner Health Services Division
Robert Toole, Director of Field Operations
Cedric Taylor, North Regional Director
Stan Shepard, Southeast Regional Director
Jennifer Ammons, General Counsel
Beth Burton, Office of the Attorney General

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Tina Piper, Office of the Attorney General
Elizabeth McCrary Crowder, Office of the Attorney General
Brooks Benton, Warden of Coastal State Prison
Sharon Lewis, Statewide Medical Director

encl: Letter from SPLC to GDC (May 1, 2020)
Letter from SPLC and CCR to GDC (May 20, 2020)
Letter from SPLC and CCR to GDC (June 3, 2020)
Letter from SPLC and CCR to GDC (July 2, 2020)
Letter from SPLC and CCR to GDC (July 15, 2020)

EXHIBIT 12



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October 23, 2020

Via Certified Mail

Commissioner Timothy Ward
Georgia Department of Corrections
7 MLK Jr Drive, Suite 543
Atlanta, GA 30334

Via Certified Mail and Email

Georgia Department of Corrections
Attn: Office of Professional Standards/ PREA Unit
300 Patrol Rd.
Forsyth, Ga. 31029
PREA.report@gdc.ga.gov
Ombudsman@gdc.ga.gov

Via Certified Mail and Email

State Board of Pardons and Paroles
Office of Victim Services
2 Martin Luther King, Jr. Drive, S.E.
Balcony Level, East Tower
Atlanta, Georgia 30334
VictimServices@pap.ga.gov

Re: Fifth Notice of Constitutional and PREA Violations on Behalf of Ashley Diamond (GDC ID: 1000290565)

Dear Commissioner Ward, PREA Coordinator, and State Board of Pardons and Paroles:

We write to notify the Georgia Department of Corrections (GDC) of another incident of sexual assault perpetrated against our client, Ashley Diamond. This letter serves as a third-party Prison Rape Elimination Act (PREA) Notice filed pursuant to GDC Standard Operating Procedure (GDC SOP) 208.06.IV.E.2. This letter is yet another notice to GDC of the continued

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threats to Ms. Diamond's safety and GDC's constitutional violations. Our requests for time to speak with GDC's General Counsel and the Attorney's Office remain unanswered or rejected.

As our prior correspondence has emphasized, Ms. Diamond should be released, placed in a transitional center, or transferred to a female facility where her medical, mental health, and safety concerns can be properly addressed. Ms. Diamond's mental health condition is deteriorating as she has continued to be subjected to repeated sexual assaults and lives in constant fear for her safety, including when she is asleep in her cell.

I. Ms. Diamond Was Sexually Assaulted While She Slept In Her Unlocked Cell, Which Has Increased Her Fear For Her Safety.

On or about October 9, 2020, after Ms. Diamond took prescribed medications that help her sleep, an incarcerated person entered her unlocked cell during the night while she was asleep and fondled her while masturbating. Another incarcerated person who works as an orderly happened to walk by Ms. Diamond's cell at the time and witnessed the assault. When the orderly questioned the assailant and told him to get out of Ms. Diamond's cell, the assailant refused and told the orderly that he should "come in and get some." Ms. Diamond did not wake up during the attack to fend off her assailant because of her sleep medications. Instead, Ms. Diamond was informed of the details of the attack on or about October 11 by the orderly who witnessed it.

Ms. Diamond is horrified that she was sexually assaulted while she was asleep, and is worried that similar incidents have previously occurred without her knowledge given the strength of her medications, and the fact that her cell has not locked since she arrived at Coastal State Prison in June 2020.

Ms. Diamond has repeatedly informed GDC officials of her safety concerns at Coastal, and repeatedly complained about her cell and requested repairs to her lock on multiple occasions, including in September when Lieutenant Goodell dismissed her concerns and simply stated that some doors work and other do not. Ms. Diamond also informed a maintenance worker about the lock and was informed that prison administrators had set specific protocols for her cell to prevent it from locking.

Ms. Diamond's most recent attack has exacerbated her post-traumatic stress disorder. She has also stopped taking her sleep medications for fear that she will again be assaulted while she sleeps. Ms. Diamond's safety concerns are well-warranted, particularly in light of the fact that she has been sexually assaulted at Coastal *six* separate times, and remains in a dorm with her assailants, in a cell that cannot lock to keep intruders out.

II. GDC Officials Have Had Ample Notice and Opportunity to Act and Have Failed to Do So.

Under the Eighth Amendment, GDC has a duty to protect Ms. Diamond from sexual assault and to provide adequate medical and mental health care. *See Diamond v. Owens (Diamond I)*, 131 F. Supp. 3d 1346, 1376 (M.D. Ga. 2015) (explaining that GDC has a duty to "take reasonable measures to guarantee the safety of" Ms. Diamond) (quoting *Caldwell v. Warden, FCI Talladega*, 748 F.3d 1090, 1099 (11th Cir. 2014)); *id.* at 1374-75 (explaining

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that Ms. Diamond's gender dysphoria is a serious medical need that GDC has a constitutional obligation to treat).

Despite our six letters and Ms. Diamond's complaints about her safety and mental health, GDC continues to house Ms. Diamond at men's facilities where she has suffered and continues to suffer preventable sexual assaults, and where her mental health has seriously deteriorated. The physical and emotional injuries Ms. Diamond has endured are an entirely foreseeable consequence of GDC's actions. *See Diamond I*, 131 F. Supp. 3d at 1354–58 (documenting Ms. Diamond's history of sexual assault and previous suicide and self-harm attempts while in GDC men's facilities). GDC's failure to act to sufficiently address Ms. Diamond's safety and mental health risks only continues its ongoing constitutional violations and furthers the physical and emotional harm to Ms. Diamond.

III. Ms. Diamond Should Be Released.

Ms. Diamond has been in GDC for almost a year for a technical parole violation. GDC's failure to meet its constitutional obligations, in light of the *Diamond I* litigation and its repeated notice through our letters and Ms. Diamond's complaints, is astounding. Once again, we emphasize that Ms. Diamond should be released, placed in a transitional center, or transferred to a female facility where her medical, mental health, and safety concerns can be properly addressed.

Please contact us if you would like to discuss these matters and to avert litigation.

Respectfully,



Beth Littrell
Senior Supervising Attorney
Southern Poverty Law Center
P.O. Box 1287
Decatur, GA 30031-1287
beth.littrell@splcenter.org
404-221-5876



A. Chinyere Ezie
Senior Staff Attorney
Center for Constitutional Rights
666 Broadway, 7th Floor
New York, NY 10012

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cezie@ccrjustice.org
212-614-6467

cc: Ahmed Holt, Assistant Commissioner Facilities Division
Jack "Randy" Sauls, Assistant Commissioner Health Services Division
Robert Toole, Director of Field Operations
Cedric Taylor, North Regional Director
Stan Shepard, Southeast Regional Director
Jennifer Ammons, General Counsel
Beth Burton, Office of the Attorney General
Tina Piper, Office of the Attorney General
Elizabeth McCrary Crowder, Office of the Attorney General
Brooks Benton, Warden of Coastal State Prison
Sharon Lewis, Statewide Medical Director

encl: Letter from SPLC to GDC (May 1, 2020)
Letter from SPLC and CCR to GDC (May 20, 2020)
Letter from SPLC and CCR to GDC (June 3, 2020)
Letter from SPLC and CCR to GDC (July 2, 2020)
Letter from SPLC and CCR to GDC (July 20, 2020)
Letter from SPLC and CCR to GDC (September 29, 2020)

EXHIBIT 13



Chinyere Ezie <cezie@ccrjustice.org>

Re: Ashley Diamond (GDC: 1000290565)

1 message

Chinyere Ezie <cezie@ccrjustice.org>

Mon, Nov 2, 2020 at 12:49 PM

To: "Ammons, Jennifer" <jennifer.ammons@gdc.ga.gov>

Cc: Beth Littrell <beth.littrell@spicenter.org>, Beth Burton <bburton@law.ga.gov>, Tina Piper <TPiper@law.ga.gov>, "ecrowder@law.ga.gov" <ecrowder@law.ga.gov>,
"Brooks.Benton@gdc.ga.gov" <Brooks.Benton@gdc.ga.gov>, Maya Rajaratnam <maya.rajaratnam@spicenter.org>

Bcc: Diamondlegalteamonly <diamondlegalteamonly@ccrjustice.org>

Dear Ms. Ammons,

Further to our messages, Ashley Diamond is currently having an acute mental health episode due to her inadequate gender dysphoria treatment and ongoing sexual assaults.

Specifically, we learned that Ms. Diamond attempted suicide this weekend by trying to hang herself. She also attempted to castrate herself again by binding her genitals.

Ms. Diamond's suicide and castration attempts were averted by another incarcerated person in her dormitory, named Justin, though it appears the rescue attempt was misconstrued by GDC staff.

Ms. Diamond remains actively suicidal, so we are requesting that she be placed in an acute crisis stabilization unit at this time so they can take prevention measures adequate to avert another suicide attempt.

While we note your preference against speaking on the phone, given the urgency of this matter we remain available to speak on an amiable basis to engineer an adequate solution for Ms. Diamond.

Thanks in advance for your attention to this matter.

Best,

P.S. Apologies, it appears my initial email did not go through.

Chinyere Ezie

Senior Staff Attorney

Center for Constitutional Rights | Justice takes a fight.

666 Broadway, 7th Floor New York, NY 10012

Phone & Fax: 212.614.6467

cezie@ccrjustice.org

Pronouns: She/Her

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EXHIBIT 14



Chinyere Ezie <cezie@ccrjustice.org>

RE: Ashley Diamond (GDC: 1000290565)

1 message

cezie@ccrjustice.org <cezie@ccrjustice.org>

Fri, Nov 6, 2020 at 2:11 PM

To: Jennifer Ammons <jennifer.ammons@gdc.ga.gov>

Cc: Beth Littrell <beth.littrell@splcenter.org>, Beth Burton <bburton@law.ga.gov>, Tina Piper <tpiper@law.ga.gov>, Ecrowder <ecrowder@law.ga.gov>, Brooks Benton <brooks.benton@gdc.ga.gov>, Maya Rajaratnam <maya.rajaratnam@splcenter.org>

Dear Ms. Ammons,

Because Ashley Diamond remains actively suicidal, we write to renew our request that she be transferred to an acute crisis stabilization (ACU) unit for suicide monitoring and prevention.

Ashley Diamond also intends to formally contest her placement in solitary and the wholly false allegation underlying that placement, which appear to be retaliation for our advocacy on her behalf, is requesting our representation for the remainder of the "DR court" process. Please treat this email as our formal appearance, and notify us of any restrictions on our ability to participate in the process at any level, as well as upcoming deadlines and where paperwork should be served.

We also expect that all video footage, paperwork, and witness statements concerning Ashley Diamond will continue to be preserved in anticipation of litigation. We continue to urge you to ensure your client adequately addresses our concerns regarding Ms. Diamond's treatment and safety—not only to avert litigation but to avoid the unnecessary suffering, or worse, that our client continues to face.

Thanks in advance for your attention to these matters.

Best,

Chinyere Ezie

Senior Staff Attorney

Center for Constitutional Rights | Justice takes a fight.

666 Broadway, 7th Floor New York, NY 10012

Phone & Fax: 212.614.6467

cezie@ccrjustice.org

Pronouns: She/Her

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Read my op-ed, "*Call Out for Good*," [here](#).

From [Chinyere Ezie](#)

Sent Monday, November 2, 2020 3:40 PM

To [Jennifer Ammons](#)

Cc [Beth Littrell](#); [Beth Burton](#); [Tina Piper](#); [Ecrowder](#); [Brooks Benton](#); [Maya Rajaratnam](#)

Subject Re: Ashley Diamond (GDC: 1000290565)

Ms. Ammons,

Thanks. Please let us know when Ms. Diamond is transferred to an acute stabilization unit, as her suicide and auto-castration attempts remain our paramount concern.

And to the extent discrepant accounts exist of what transpired, we expect that you will continue to preserve video footage from security cameras near Ms. Diamond's room.

Best,

Chinyere Ezie

Senior Staff Attorney

Center for Constitutional Rights | Justice takes a fight.

666 Broadway, 7th Floor New York, NY 10012

Phone & Fax: 212.614.6467

Pronouns: She/Her

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Read my op-ed, "Call Out for Good," [here](#).

On Nov 2, 2020 at 2:21 PM, <[Jennifer Ammons](mailto:Jennifer.Ammons@gdc.ga.gov)> wrote:

Ms. Ezie: The GDC respectfully disagrees with Inmate Diamond's version of the story. A correctional officer allegedly saw Inmate Diamond rocking back and forth with her penis in the anus of the other offender, and she did not stop when the officer entered the cell. On the contrary, she only stopped when the officer gave a verbal command to do so. The GDC does not find this behavior to be consistent with a "rescue attempt." Notwithstanding the foregoing, I have alerted OPS and OHS of your concerns, and we will take appropriate steps to investigate the incident and provide for Inmate Diamond's mental health needs.

Jennifer Ammons
General Counsel
Georgia Department of Corrections
Phone: 478-992-5240
Cell: 404-313-5529

From Chinyere Ezie <cezie@ccrjustice.org>
Sent Monday, November 2, 2020 12:50 PM
To Ammons, Jennifer <jennifer.ammons@gdc.ga.gov>
Cc Beth Littrell <beth.littrell@splcenter.org>; Beth Burton <bburton@law.ga.gov>; Tina Piper <TPiper@law.ga.gov>; ecrowder@law.ga.gov; Benton, Brooks <Brooks.Benton@gdc.ga.gov>; Maya Rajaratnam <maya.rajaratnam@splcenter.org>
Subject Re: Ashley Diamond (GDC: 1000290565)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Ammons,

Further to our messages, Ashley Diamond is currently having an acute mental health episode due to her inadequate gender dysphoria treatment and ongoing sexual assaults.

Specifically, we learned that Ms. Diamond attempted suicide this weekend by trying to hang herself. She also attempted to castrate herself again by binding her genitals. Ms. Diamond's suicide and castration attempts were averted by another incarcerated person in her dormitory, named Justin, though it appears the rescue attempt was misconstrued by GDC staff.

Ms. Diamond remains actively suicidal, so we are requesting that she be placed in an acute crisis stabilization unit at this time so they can take prevention measures adequate to avert another suicide attempt.

While we note your preference against speaking on the phone, given the urgency of this matter we remain available to speak on an amiable basis to engineer an adequate solution for Ms. Diamond.

Thanks in advance for your attention to this matter.

Best,

P.S. Apologies, it appears my initial email did not go through.

Chinyere Ezie

Senior Staff Attorney

Center for Constitutional Rights | Justice takes a fight.

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EXHIBIT 15

FILED UNDER SEAL

EXHIBIT 16

FILED UNDER SEAL

EXHIBIT 17

FILED UNDER SEAL

EXHIBIT 18

FILED UNDER SEAL

EXHIBIT 19

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Classification and Management of Transgender and Intersex Offenders		
Policy Number: 220.09	Effective Date: 07/26/2019	Page Number: 1 of 20
Authority: Commissioner	Originating Division: Facilities Division	Access Listing: Level I: All Access

I. Introduction and Summary:

The purpose of this policy is to provide guidance and direction for the classification and management of offenders identified as transgender and intersex. Furthermore, this policy was established to ensure compliance with requirements of the Prison Rape Elimination Act (PREA).

II. Authority:

- A. O.C.G.A. § 16-6-5.1;
- B. 28 CFR Part 115, Prison Rape Elimination Act (PREA) Prisons and Jails Standards;
- C. Georgia Department of Corrections (GDC) Standard Operating Procedures (SOPs): 107.04 Risk and Needs Assessment, 206.01 Offender Personal Property, 208.06 Prison Rape Elimination Act (PREA) Sexually Abusive Behavior Prevention And Intervention Program, 209.01 Offender Discipline, 220.02 Security Classification, 220.03 Classification Committee, 220.05 Diagnostic Reception, Orientation, and Processing, 222.10 Security Procedures During Transport of Offenders, 226.01 Searches, Security Inspections, and Use of Permanent Logs, 226.02 Entry Security Procedures, 507.02.02 Confidentiality of Health Record and Release of Information 507.04.21 Health Assessment and Medical Diagnostics, 507.04.25 Health Screening Offender Transfers 507.04.58 Special Needs Treatment Planning, 507.04.68 Management and Treatment of Offenders Diagnosed with Gender Dysphoria, and 508.04.19 Receiving Screening, 508.14 Mental Health Reception Screen; and
- D. ACA Standards: 4-4181, 4-4278, 4-4403, and 4-4281.

III. Definitions:

- A. **Classification Committee** - A multi-disciplinary facility-based committee responsible for making bed, program, education, and work assignments considering the known information about each offender as described in SOPs 220.02 and 220.03.
- B. **Gender Dysphoria** - A mental health disorder characterized by clinically significant distress and impairment in social, occupational, or other important areas

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Classification and Management of Transgender and Intersex Offenders		
Policy Number: 220.09	Effective Date: 07/26/2019	Page Number: 2 of 20
Authority: Commissioner	Originating Division: Facilities Division	Access Listing: Level I: All Access

of functioning secondary to a marked incongruence between an individual's experienced/expressed gender and assigned gender. Not all transgender offenders have a diagnosis of gender dysphoria and a diagnosis of gender dysphoria is not required for an individual to be provided services.

- C. **Gender Identity** - Distinct from sexual orientation and refers to a person's internal sense of being male, female, or neither.
- D. **Intersex** - A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development.
- E. **Medical or Mental Health Practitioner** - A health professional who, by virtue of education, credentials, and experience, is permitted by law to evaluate and care for patients within the scope of his or her professional practice.
- F. **Prison Rape Elimination Act (PREA)** - A federal law to address sexual violence in prisons, jails, and other correctional facilities. Under PREA, the National Prison Rape Elimination Commission was created with the responsibility for establishing standards for the prevention, detection, response, and monitoring of sexual abuse and sexual harassment within correctional systems.
- G. **PREA Coordinator** - A GDC employee responsible for the statewide oversight of PREA standards, compliance with standards, training, data collection, and inspection.
- H. **PREA Compliance Manager** - A GDC employee designated at each GDC facility who is responsible to coordinate the facility's efforts to comply with the PREA policy and the federal PREA standards.
- I. **Sex** - One's anatomical make-up, including external genitalia, chromosomes, and reproductive system.
- J. **Statewide Classification Committee (SCC)** - A committee responsible for making case-by-case decisions about whether a transgender or intersex offender will be housed in a male or female facility. This committee is composed of

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Classification and Management of Transgender and Intersex Offenders		
Policy Number: 220.09	Effective Date: 07/26/2019	Page Number: 3 of 20
Authority: Commissioner	Originating Division: Facilities Division	Access Listing: Level I: All Access

statewide directors from Medical, Mental Health, Facilities Operations, PREA Coordinator's Office, Legal, and any other GDC staff designated by the Commissioner and deemed necessary to decide on offender placement.

- K. **Transgender/Intersex Offender List (TIOL):** A SCRIBE-based list that tracks all transgender and intersex offenders.
- L. **Transgender** - A person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth.
- M. **Transgender Female** - A person born biologically male who identifies as, and sees herself as, a female.
- N. **Transgender Male** - A person born biologically female who identifies as, and sees himself as, a male.

IV. **Policy and Applicable Procedures:**

A. Diagnostics:

1. An offender will initially be assigned to a diagnostics and classification facility by Offender Administration, appropriate to the assigned gender indicated in the Georgia Crime Information Center (GCIC);
2. When any offender arrives to a diagnostic facility staff must do the following prior to strip searches and showering:
 - a. Staff shall make the following notification statement to all offenders in a group, or to an individual offender if only one is present, "You are about to be strip searched. Before we do this, let us know if you have anything on you or about you we need to know before the search. This can be possession of items you should not have or are not sure you should have, or it could be a physical disability or other physical issue. If you need to declare anything to us before you are strip searched, raise your hand;"
 - b. If an offender raises his or her hand, the staff shall pull that offender aside and privately ask the offender what the facility should know;

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Classification and Management of Transgender and Intersex Offenders		
Policy Number: 220.09	Effective Date: 07/26/2019	Page Number: 4 of 20
Authority: Commissioner	Originating Division: Facilities Division	Access Listing: Level I: All Access

- c. The intent of this practice is to give the offender the opportunity to privately talk to a staff member if they choose to disclose they are transgender or intersex;
 - d. If the offender indicates he or she is transgender or intersex, staff must ensure he or she is allowed to shower separately; and
 - e. Strip searches and pat searches must be completed in accordance with section J of this policy.
3. GDC will screen all offenders within twenty-four (24) hours by using the PREA Sexual Victim/Sexual Aggressor Classification Screening Instrument in SCRIBE;
 4. A Mental Health Reception Screen form will be completed by a mental health counselor or behavior specialist in accordance with SOP 508.14 Mental Health Reception Screen;
 5. This screen will assess for potential mental health problems and gender identity, including transgender or intersex;
 6. If the mental health counselor or behavior specialist notes gender identity issues, the offender will be referred for further evaluation in accordance with SOP 508.14;
 7. Transgender offenders shall be notified that if they want hygiene or undergarment items that are not stored in diagnostics that they will receive what all other offenders receive and may receive those gender-specific property needs upon being housed in their permanent facility;
 8. Diagnostics staff will assist in gaining information about safe housing for transgender and intersex offenders by doing the following:
 - a. Staff will conduct a classification interview for each offender to explore:
 - i. Medical and mental health issues;

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Classification and Management of Transgender and Intersex Offenders		
Policy Number: 220.09	Effective Date: 07/26/2019	Page Number: 5 of 20
Authority: Commissioner	Originating Division: Facilities Division	Access Listing: Level I: All Access

- ii. Public and institutional risk factors;
 - iii. Educational;
 - iv. Vocational;
 - v. Drug or alcohol involvement;
 - vi. Work history;
 - vi. The PREA Sexual Victim/Sexual Aggressor Classification Screening;
 - vii. Any other areas pertinent to the needs and facility placement of the offender; and
 - viii. This information shall be used to complete the Personal Data Sheet on all offenders.
- b. Each area will be discussed in depth to develop the Classification Profile;
 - c. Specific recommendations will be made by the interviewer, relating to:
 - i. The offender's needs;
 - ii. Possible program assignments; and
 - iii. Housing placement.
 - d. If it is known that the offender is transgender or intersex on the sexual safety risk screening, then the diagnostics staff will complete the facility section of Attachment 1, Statewide Classification Committee (SCC) Referral Form and submit it to their Classification Committee for approval;
9. Once the Classification Committee is notified of the offender's status, the Chairperson must ensure the following is completed:

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Classification and Management of Transgender and Intersex Offenders		
Policy Number: 220.09	Effective Date: 07/26/2019	Page Number: 6 of 20
Authority: Commissioner	Originating Division: Facilities Division	Access Listing: Level I: All Access

- a. The Classification Chairperson will review and forward the approved Statewide Classification Committee Referral Form to the PREA Unit via prea.report@gdc.ga.gov;
 - b. The Chairperson must enter the appropriate profile on the Transgender and Intersex Offender List (TIOL) in SCRIBE, which will include all intersex and transgender offenders in GDC custody;
 - c. The Classification Committee will determine, on a case-by-case basis, the most appropriate classification assignments for each transgender offender;
 - d. Transgender offenders must never be placed in dedicated units or housed only with other transgender offenders; and
 - e. The offenders' own views with respect to their safety should be given serious consideration.
10. The GDC PREA Unit will:
- a. Ensure that the facility has entered the correct profile on the TIOL;
 - b. Arrange a private meeting with the offender in person, via video or telephone call within ten 10 business days of receiving the Statewide Classification Committee Referral Form; and
 - c. During the private meeting, the PREA Unit designee will complete the Transgender Questionnaire portion of the SCC Referral Form and make a recommendation to the remaining SCC Committee Members for review.
- B. Non-Diagnostic Offender Procedure:
1. When any offender arrives to a facility, intake staff must do the following prior to strip searches and showering:
 - a. Staff shall make the following notification statement to all offenders in a group, or to an individual offender if only one is present, "You are about to be strip searched. Before we do this, let us know if you have anything

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Classification and Management of Transgender and Intersex Offenders		
Policy Number: 220.09	Effective Date: 07/26/2019	Page Number: 7 of 20
Authority: Commissioner	Originating Division: Facilities Division	Access Listing: Level I: All Access

on you or about you we need to know before the search. This can be possession of items you should not have or are not sure you should have, or it could be a physical disability or other physical issue. If you need to declare anything to us before you are strip searched, raise your hand;”

- b. If an offender raises his or her hand, the staff shall pull that offender aside and privately ask the offender what information they need to declare;
 - c. The intent of this practice is to give the offender the opportunity to privately talk to a staff member if they choose to disclose they are transgender or intersex;
 - d. If an offender indicates he or she is transgender or intersex, staff must ensure he or she is allowed to shower separately; and
 - e. Strip searches and pat searches must be completed in accordance with section J of this policy.
2. If at any time the offender discloses that he or she is transgender or intersex, the Warden must be notified immediately;
 3. The Warden shall immediately advise the Regional Director or female services director;
 4. The Regional Director or Female Services Director shall notify:
 - a. The Director of Facilities;
 - b. The Statewide Medical Director;
 - c. Statewide Mental Health Director; and
 - d. The Statewide PREA Coordinator.
 5. GDC will screen all offenders within twenty-four (24) hours of arrival, by using the PREA Sexual Victim/Sexual Aggressor Classification Screening Instrument in SCRIBE;

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Classification and Management of Transgender and Intersex Offenders		
Policy Number: 220.09	Effective Date: 07/26/2019	Page Number: 8 of 20
Authority: Commissioner	Originating Division: Facilities Division	Access Listing: Level I: All Access

6. If it is known that the offender is transgender or intersex on the PREA Sexual Victim/Sexual Aggressor Classification Screening Instrument, then staff will check the TIOL to ensure that the offender is on the list in SCRIBE;
7. If the offender is not on the TIOL, staff must complete the facility section of Attachment 1, Statewide Classification Committee (SCC) Referral Form and submit it to their Classification Committee for approval;
8. Once the Classification Committee is notified of the offender's status, the Chairperson must ensure the following is completed:
 - a. The Classification Chairperson will review and forward the approved Statewide Classification Committee Referral Form, to the PREA Unit, via prea.report@gdc.ga.gov;
 - b. The Chairperson must enter the appropriate profile on the Transgender and Intersex Offender List (TIOL) profile in SCRIBE, which will include all intersex and transgender offenders in GDC custody;
 - c. The TIOL will assist the facility with ensuring that all necessary services, to include twice yearly safety reassessments, are conducted in accordance with Attachment 2, PREA Sexual Victim/Sexual Aggressor Screening Tool, from SOP 208.06;
 - d. Once placed on the TIOL, no offender may be removed without approval of the SCC Committee designee;
 - e. The Classification Committee will determine, on a case-by-case basis, the most appropriate classification assignments for each transgender offender;
 - f. Transgender offenders must never be placed in dedicated units or housed only with other transgender offenders; and
 - g. The offenders' own views with respect to their safety should be given serious consideration.

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Classification and Management of Transgender and Intersex Offenders		
Policy Number: 220.09	Effective Date: 07/26/2019	Page Number: 9 of 20
Authority: Commissioner	Originating Division: Facilities Division	Access Listing: Level I: All Access

9. Transgender offenders shall be notified that if they want gender-specific hygiene or undergarment items that they must either request the standard-issued items or receive approval to order from the offender commissary.

10. The GDC PREA Unit will:

- a. Ensure that the facility has entered the correct profile on the TIOL;
- b. Check to determine whether a previous SCC referral was completed;
- c. If a previous SCC referral was not completed, the PREA Unit will arrange a private meeting with the offender in person, via video or telephone call within 10 business days of receiving the Statewide Classification Committee Referral Form; and
- d. During the private meeting, the PREA Unit designee will complete the Interview portion of the SCC Referral Form and make a recommendation to the remaining SCC Committee Members for review.

C. SCC Committee:

1. In deciding whether to assign a transgender or intersex offender to a male or female facility, GDC shall consider on a case-by-case basis whether:
 - a. Placement would ensure the offender's health and safety; and
 - b. Whether the placement would present management or security problems.
2. Transgender offenders may not be assigned to gender-specific facilities based solely on their external genital anatomy.
3. The SCC will evaluate each referral to discuss the facility type and the safe placement of each transgender offender. They will consider the following:
 - a. Classification's housing decision;

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Classification and Management of Transgender and Intersex Offenders		
Policy Number: 220.09	Effective Date: 07/26/2019	Page Number: 10 of 20
Authority: Commissioner	Originating Division: Facilities Division	Access Listing: Level I: All Access

- b. The offender's documented choice of whether a male or female facility is safest for him or her (based on the SCC Referral Form);
 - c. The offender's prior institutional history (to include incidents and grievances);
 - d. The offender's prior violent or sexual crime history;
 - e. The offender's designation on the PREA Sexual Victim/Sexual Aggressor Classification Screening;
 - f. The offender's physical appearance, age, and physical build;
 - g. Any relevant information obtained about the offender from security staff or medical and mental health staff since arrival;
 - h. The ability of security staff to house and supervise the offender to ensure his or her safety in each environment;
 - i. Any management problems, including but not limited to disciplinary reports; and
 - j. Any other relevant information about the offender's ability to positively or negatively manage him or herself in each type of environment.
4. The decision about the type of facility (male or female) made by the committee will be documented on Attachment 1, SCC Referral Form and reviewed and approved by the Facilities Division Assistant Commissioner or designee;
 5. Transgender offenders shall be given a one-page informational sheet by the SCC at the SCC meeting that:
 - a. Advises them of their rights;
 - b. The opportunity to shower separately;
 - c. That they will be assessed at their assigned facility for safe housing;

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Classification and Management of Transgender and Intersex Offenders		
Policy Number: 220.09	Effective Date: 07/26/2019	Page Number: 11 of 20
Authority: Commissioner	Originating Division: Facilities Division	Access Listing: Level I: All Access

- d. Property information;
 - e. Other safety-related information; and
 - f. This information should be available in both English and Spanish, at minimum.
6. If the offender is recommended by the SCC to be housed according to his or her sex (and not gender identity), he or she will stay at their current facility and complete the normal classification process;
 7. If the offender is recommended by the SCC to be housed according to his or her gender identity, and this is approved by the Facilities Division Assistant Commissioner or designee, he or she will be scheduled for transfer to the recommended facility;
 8. The signed approval will be forwarded to and maintained by the Agency PREA Coordinator;
 9. If the SCC recommendation is denied by the Facilities Division Assistant Commissioner or designee, for any reason, that denial shall be documented in writing, forwarded to, and maintained by the Agency PREA Coordinator;
 10. The offender will be transferred to his or her assigned permanent facility after Diagnostics according to the decision of the SCC and will be housed via the standard classification and housing selection process of the facility's Classification Committee, with consideration given to the PREA Sexual Victim/Sexual Aggressor Classification information; and
 11. The facility-based Classification Committee will also consider:
 - a. Bed;
 - b. Program;
 - c. Education, and

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Classification and Management of Transgender and Intersex Offenders		
Policy Number: 220.09	Effective Date: 07/26/2019	Page Number: 12 of 20
Authority: Commissioner	Originating Division: Facilities Division	Access Listing: Level I: All Access

d. Work assignments of the offender.

D. Confidentiality:

1. Because transgender offenders are at particularly high risk for physical or sexual abuse or harassment, information learned about an offender shall be used only for the safety and security of the offender and facility;
2. No person shall share this information with others unless there is a legitimate and documented reason to do so;
3. Sexual safety risk screening information is required to be locked and secured with limited access; and
4. Staff are expected to keep an offender's sensitive personal information confidential.

E. Bed, Program, Work, and Education Assignments:

1. Once the offender is transferred to their assigned facility, the classification information from Diagnostics, combined with the sexual safety risk screening information, will be used by the classification committee to house the offender at that facility, to include a unit and bed assignment;
2. Placing an offender in involuntary segregated housing to protect him or her from victimization is not permitted unless an assessment of all available alternatives has been made and it is determined that there is no available alternative means of separation from likely abusers;
3. This can only be done subject to the requirements in SOP 209.06 Administrative Segregation and the requirements in PREA standard 115.43;
4. In addition to the initial PREA Sexual Victim/Sexual Aggressor Classification Screening, transgender offenders' risk levels for sexual victimization and abusiveness must also be re-assessed:
 - a. Within thirty (30) days of their intake date;

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Classification and Management of Transgender and Intersex Offenders		
Policy Number: 220.09	Effective Date: 07/26/2019	Page Number: 13 of 20
Authority: Commissioner	Originating Division: Facilities Division	Access Listing: Level I: All Access

- b. After any new information is learned that bears upon their sexual safety;
and
 - c. At least twice each year of their incarceration.
5. At each point, the offenders' own views as to their safety must be given serious consideration.
 6. Transgender offenders shall be given the same treatment in determining access to programming and services as other offenders within the correctional facility;
 7. Work, education, and programming assignments can vary for transgender offenders if there is a documented reason to keep separate those offenders at high risk of being sexually victimized from those at high risk of being sexually abusive; and
 8. The facility-based Classification Committee will make individualized determinations about these offenders' assignments without discrimination.

F. Showers:

1. Transgender offenders shall be given the opportunity to shower separately from other offenders;
2. This does not mean they are required to shower separately, but that the opportunity is afforded to them if they wish to do so. Separate means the following:
 - a. Alone in a community shower at a separate time from other offenders; or
 - b. Alone in a shower with separate and private walls or curtains if in a group.

G. Personal Property:

1. Transgender offenders will be issued the same property as other offenders in their assigned facility are issued.

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Classification and Management of Transgender and Intersex Offenders		
Policy Number: 220.09	Effective Date: 07/26/2019	Page Number: 14 of 20
Authority: Commissioner	Originating Division: Facilities Division	Access Listing: Level I: All Access

2. If an offender on the TIOL requests hygiene or undergarments items that are different from those typically supplied for their assigned gender, he or she shall be instructed to make a request with the designated staff member, and he or she will be issued the approved requested items if there is no documented, articulable, and verified security concern for not approving the request.
3. The designated staff shall assist the facility with determining sizes of garments needed;
4. Staff will order and make arrangements for the garments to be shipped to the facility;
5. If the offender is transferred to another facility, the history follows him or her, and the new facility can request replacement items;
6. Approved undergarments or hygiene items will be a substitute for, not in addition to, what is provided to the general population. These items include:
7. Providing women's hygiene or undergarments to a transgender female, or the opposite for transgender males, is in accordance with SOP 206.01 Offender Personal Property.

H. Transports:

1. Whenever possible, both a male and female staff should be on a transport that includes a transgender offender so search options are available to the offender depending on the circumstance, gender identity, and PREA requirements that prohibit cross-gender pat searches.

I. Respectful Communication:

1. Transgender and intersex offenders shall be treated with the same rules and respect as other offenders.
2. All GDC employees shall be required to attend training annually on PREA, which includes how to communicate effectively and professionally with offenders, including:

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Classification and Management of Transgender and Intersex Offenders		
Policy Number: 220.09	Effective Date: 07/26/2019	Page Number: 15 of 20
Authority: Commissioner	Originating Division: Facilities Division	Access Listing: Level I: All Access

- a. Lesbian;
 - b. Gay;
 - c. Bisexual;
 - d. Transgender;
 - e. Intersex; or
 - f. Gender non-conforming offenders.
3. In-service training shall include gender-specific reference and training to staff as it relates to the specific population supervise;
 4. Staff members transferring to a facility of different gender from a prior institution shall receive gender-appropriate training;
 5. Respectful communication with transgender offenders is vital to facility safety and security;
 6. All staff are responsible for behaving professionally and responsibly around all offenders, to include transgender offenders, to maintain order and composure on their shift;
 7. To address transgender and intersex offenders respectfully, staff may not engage in unwelcomed verbal comments, gestures, or actions of a derogatory or offensive nature;
 8. Staff shall not make demeaning references to the offender's gender or gender identity, or sexually suggestive or derogatory comments about the body or clothing of an offender;
 9. Staff are encouraged, but not mandated, to use the pronoun the offender prefers;

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Classification and Management of Transgender and Intersex Offenders		
Policy Number: 220.09	Effective Date: 07/26/2019	Page Number: 16 of 20
Authority: Commissioner	Originating Division: Facilities Division	Access Listing: Level I: All Access

10. If staff chooses to not use the preferred pronoun, they may refer to transgender offenders by their legal last name;
11. Staff will not attempt to change any offender's understanding of his or her gender identity or sexual orientation; and
12. Staff shall not permit, condone, or otherwise allow any offender to sexually harass other offenders, including transgender offenders.

J. Searches:

1. Department shall train security staff members on how to conduct searches of transgender and intersex offenders in a professional and respectful manner and in the least intrusive manner possible, consistent with security needs and consistent with the population gender of their assigned institution;
2. No security staff will conduct a body cavity search;
3. No same-gender or cross-gender body cavity searches are permitted except by medical staff;
4. Staff may not search or physically examine a transgender or intersex offender for the sole purpose of determining genital status;
5. If the offender's genital status is unknown, it may be determined through conversations with the offender, by reviewing medical records or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner;
6. If a transgender offender is placed in a facility, he or she will be strip searched by the same gender staff as all other offenders;
7. Pat or frisk searches in male facilities may be conducted by either male or female staff;
8. Pat or frisk searches in female facilities may only be conducted by female staff absent exigent circumstances;

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Classification and Management of Transgender and Intersex Offenders		
Policy Number: 220.09	Effective Date: 07/26/2019	Page Number: 17 of 20
Authority: Commissioner	Originating Division: Facilities Division	Access Listing: Level I: All Access

9. Staff must search offenders' property in their cell or dorm area respectfully and professionally and may not discard or damage opposite gender hygiene items or undergarments that have been approved.

K. Physical and Mental Health Treatment:

1. All offenders, to include those who self-identify or screen on the PREA Sexual Victim/Sexual Aggressor Classification Screening form as transgender, will be referred to medical for a review of needs within five (5) days of arrival at Diagnostics and within five (5) days of arrival at their assigned facility;
2. Medical or mental health practitioners will document whether an offender has identified as transgender after an evaluation using the Mental Health Reception Screen;
3. Classification will update the TIOL list in SCRIBE to ensure the facility PREA compliance manager and agency PREA coordinator are aware and can ensure all necessary services are provided to them;
4. GDC will provide transgender offenders with individualized assessments and care, to include:
 - a. Necessary and appropriate mental health services; and
 - b. When warranted, hormone treatment throughout their incarceration;
5. GDC will ensure that all gender-related hormone treatment that may be provided while the offender is in custody occurs after an individualized assessment of the offender by a medical practitioner;
6. GDC medical practitioners will monitor each offender's care and treatment and adjust hormone levels and dosages as medically warranted;
7. Only medical practitioners will make decisions regarding gender-related hormone treatment needs; and

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Classification and Management of Transgender and Intersex Offenders		
Policy Number: 220.09	Effective Date: 07/26/2019	Page Number: 18 of 20
Authority: Commissioner	Originating Division: Facilities Division	Access Listing: Level I: All Access

8. GDC's Statewide Medical Director will make the final determination on whether gender-related hormone treatment for a transgender offender should be initiated or continued based on documented medical need.

L. Staff and Offender Discipline:

1. Staff or offenders who are found to have participated in the abuse or harassment of a transgender offender shall be subject to the rules of the offender disciplinary handbook and staff disciplinary guidelines;
2. GDC does not tolerate physical, emotional, or sexual abuse or harassment of any offender;
3. An offender who abuses another offender, or one who coerces such an offender into involuntary sexual activity, will be disciplined and referred for criminal prosecution if warranted;
4. Offenders who engage in consensual sexual contact with another offender, attempt to engage in or solicit such contact, or help another engage in sexual contact with an offender will be disciplined with each occurrence;
5. Offenders shall be subject to disciplinary sanctions pursuant to a formal disciplinary process following a substantiated finding;
6. These sanctions shall be imposed in accordance with SOP 209.01, Offender Discipline;
7. Staff members who are alleged to have engaged in the abuse of an offender will be investigated by the Office of Professional Standards (OPS) and if substantiated, will be subject to disciplinary action, up to and including termination;
8. Additionally, staff members who engage in sexual abuse of an offender will be subject to criminal prosecution;
9. Pursuant to O.C.G.A. § 16-6-5.1, it is a felony for correctional staff to have sexual contact with an offender;

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Classification and Management of Transgender and Intersex Offenders		
Policy Number: 220.09	Effective Date: 07/26/2019	Page Number: 19 of 20
Authority: Commissioner	Originating Division: Facilities Division	Access Listing: Level I: All Access

10. These rules apply regardless of the consent of the offender;
11. GDC shall ensure that all volunteers and contractors who have contact with offenders have been trained on this prohibition against abuse and harassment;
12. Any contractor or volunteer who engages in abuse or harassment shall be prohibited from contact with offenders and shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies; and
13. The facility shall take appropriate remedial measures and shall consider whether to prohibit further contact with offenders, in the case of any other violation of GDC policies by a contractor or volunteer.

M. Tracking and Quality Improvement:

1. To ensure compliance with this policy and to help ensure compliance with PREA audit requirements, GDC will ensure that the Transgender and Intersex Offender List is managed through the SCRIBE module;
2. The goal is to ensure reliable and accurate tracking of the following:
 - a. The number of transgender and intersex offenders;
 - b. Their intake date at both Diagnostics and their permanently assigned facility;
 - c. Their facility locations, bed assignment, and unit assignment;
 - d. Bed, unit, and facility change history and documented reasons for changes;
 - e. Restrictions, if any, in programming or work assignments;
 - f. Whether they are on the mental health caseload;
 - g. Whether they are receiving hormone treatment from medical;

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Classification and Management of Transgender and Intersex Offenders		
Policy Number: 220.09	Effective Date: 07/26/2019	Page Number: 20 of 20
Authority: Commissioner	Originating Division: Facilities Division	Access Listing: Level I: All Access

- h. Their twice-yearly required reassessment date and any other reassessment dates, to include subsequent changes because of the reassessment;
 - i. Incident history;
 - j. Grievance history; and
 - k. Property (undergarment and hygiene) requests and provisions.
3. The SCC shall have access to the information to assist with decision-making at subsequent gender committee meetings.

V. Attachments:

Attachment 1: SCC Referral Form
Attachment 2: Transgender Brochure

VI. Record Retention of Forms Relevant to this Policy:

Upon completion, Attachment 1 shall become a permanent part of the offenders institutional file. The brochure shall be utilized according to the SOP until revised or obsolete.

EXHIBIT 20

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Management and Treatment of Offenders Diagnosed with Gender Dysphoria		
Policy Number: 507.04.68	Effective Date: 04/07/15	Page Number 1 of 2
Authority: Bryson / Smith	Originating Division: Operations, Planning and Training Division	Access Listing: Level I: All Access

I. Introduction and Summary:

The Department will provide constitutionally appropriate medical and mental health treatment to offenders diagnosed with Gender Dysphoria and similar conditions.

II. Authority:

Estelle v. Gamble, 429 U.S. 97 (1976).

Formerly SOP #VH47-0006.

III. Definitions:

Gender Dysphoria refers to the range of diagnostic criteria referenced in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition (DSM-V), particularly, personal identification with a gender other than the assigned gender. Gender Dysphoria includes conditions previously referred to as Gender Identity Disorder, Transsexual, Transgender, or other similar conditions.

IV. Statement of Policy and Applicable Procedures:

Offenders with a possible diagnosis of Gender Dysphoria, including offenders who assert they have Gender Dysphoria, will receive thorough medical and mental health evaluations from appropriately licensed and qualified medical and mental health professionals. The evaluation will include an assessment of the offender's treatment and life experiences prior to incarceration as well as experiences during incarceration (including hormone therapy, completed or in-process surgical interventions, real life experience consistent with the offender's gender identity, private expressions that conform to the preferred gender and counseling).

If a diagnosis of Gender Dysphoria is reached, a treatment plan will be developed that promotes the physical and mental health of the patient. The development of the treatment plan is not solely dependent on services provided or the offender's life experiences prior to incarceration. Treatment plans will be reviewed regularly and updated as necessary. Current, accepted standards of care will be used as a reference for developing the treatment plan.

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Management and Treatment of Offenders Diagnosed with Gender Dysphoria		
Policy Number: 507.04.68	Effective Date: 04/07/15	Page Number 2 of 2
Authority: Bryson / Smith	Originating Division: Operations, Planning and Training Division	Access Listing: Level I: All Access

Each treatment plan or denial of treatment must be approved by the Statewide Medical Director and Statewide Mental Health Director. Any hormone therapy must be requested through the non-formulary review process.

In summary, offenders in the custody of the Department with a possible diagnosis of Gender Dysphoria will receive a current individualized assessment and evaluation. Treatment options will not be precluded solely due to level of services received, or lack of services, prior to incarceration.

V. Attachments:

None.

EXHIBIT 21

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Offender Discipline		
Policy Number: 209.01	Effective Date: 11/6/2017	Page Number: 1 of 32
Authority: Commissioner	Originating Division: Facilities Division	Access Listing: Level II: Required Offender Access

- I. Introduction and Summary:** In order to maintain a safe, humane, and orderly environment for staff and offenders at Prisons, Transitional Centers (TC), Probation Detention Centers (PDC), Residential Substance Abuse Treatment Facilities (RSAT), and Intensive Treatment Facilities (ITF), it is the policy of Georgia Department of Corrections (GDC) that appropriate disciplinary sanctions shall be imposed against offenders whose behavior violates prison rules, or state or federal statutes. Offenders shall be provided with a formal orientation to these procedures per SOP 220.04 Offender Orientation.
- A. The following principles shall apply to every disciplinary action taken against an offender:
1. Only staff specified herein may impose disciplinary action.
 2. Only that action which is determined to be absolutely necessary to regulate an offender's behavior shall be taken or used by Prison, TC, PDC, RSAT, and ITF staff.
 3. Prison, TC, PDC, RSAT, and ITF authorities shall control offender behavior in a completely objective and consistent manner.
 4. No disciplinary action shall be capricious or retaliatory in nature. Disciplinary action shall not be used to abuse an offender, as a means for injury or to harass an offender. The use of food may not be used as a disciplinary measure.
 5. Prison, TC, PDC, RSAT, and ITF staff may not impose (or allow to be imposed) any type of corporal punishment.
 6. Discipline shall be instituted and sanctions imposed without regard to the race, sex, creed, or color of the offender involved.
- II. Authority:**
- A. GDC Board Rules: 125-3-2-.01 thru 125-3-2-.10;
- B. GDC Standard Operating Procedures (SOPs): 201.04 Charges to Offender Accounts for Healthcare, Willful Acts, and Court Costs, 209.06 Administrative

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Offender Discipline		
Policy Number: 209.01	Effective Date: 11/6/2017	Page Number: 2 of 32
Authority: Commissioner	Originating Division: Facilities Division	Access Listing: Level II: Required Offender Access

Segregation, 508.18 MH/MR Discipline Procedures, 220.04 Offender Orientation, 507.04.05 Charges to Offender Accounts for Health Care Provided; and

- C. ACA Standards: 2-CO-3C-01, 4-4226, 4-4227, 4-4228, 4-4229, 4-4230, 4-4231, 4-4232, 4-4233, 4-4234, 4-4235, 4-4236, 4-4237, 4-4238, 4-4239, 4-4240, 4-4241, 4-4242, 4-4243, 4-4244, 4-4245, 4-4246, 4-4247, 4-4248, 4-4399, and 4-4320.

III. Definitions:

- A. **Business Day** - Monday through Friday, excluding weekends and holidays.
- B. **Reporting Official** - The witness to a violation of Departmental or Prison policies, rules, or instructions or who has reasonable cause to believe that such a violation has been committed by an offender.
- C. **Tolling** - The adjudication of the disciplinary process is “paused or delayed.”
- D. **Facility** - For purposes of this policy, facility shall mean Prisons, Transitional Centers (TC), Probation Detention Centers (PDC), Residential Substance Abuse Treatment Facilities (RSAT), and Intensive Treatment Facilities (ITF).

IV. Statement of Policy and Applicable Procedures:

- A. The Disciplinary Report:

NOTE: All staff who work with offenders will receive sufficient disciplinary training, so that they are thoroughly familiar with the rules of inmate conduct, the rationale for the rules, and sanctions available. This training will be for Security and Non-Security staff and shall be accomplished through their attendance in Pre-Service Orientation (PSO), yearly In-Service Training, and Basic Correctional Officer Training (BCOT).

1. Prison staff are required to prepare a written Disciplinary Report using the SCRIBE Disciplinary Application and the standard forms that are part of this application when they witness a violation of Departmental or Prison

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Offender Discipline		
Policy Number: 209.01	Effective Date: 11/6/2017	Page Number: 3 of 32
Authority: Commissioner	Originating Division: Facilities Division	Access Listing: Level II: Required Offender Access

policies, rules, or instructions or have reasonable cause to believe that such a violation has been committed by an Offender. If, in the opinion of the staff member, a disciplinary report is warranted, the staff member will notify their Supervisor or Shift Supervisor(s), and relay to him/her the circumstances surrounding the incident(s). Based upon the information received, the Supervisor(s) will start a preliminary investigation of the incident; determine the correct disciplinary charge; if warranted, place the offender in administrative segregation (pre-hearing detention), until the completion of the investigation, and assist in the writing of the disciplinary report. If the offender is placed in segregation, Attachment 1, Offender Assignment to Segregation (Form 1) from SOP 209.06 Administrative Segregation will be completed by the Shift Supervisor and forwarded to the Warden, Superintendent, or designee within 72 hours including weekends and holidays, for review. The offender(s) will also be provided with a copy of the Form 1.

- a. Contract and State Health Services staff to include Medical Doctors, Psychologists, Psychiatrists, Directors of Nursing (D.O.N.), Health Services Administrators (H.S.A.), and Nurses shall not write Disciplinary Reports. (This does not include Mental Health Counselors and Mental Health Unit Managers) An incident shall be reported immediately to the Correctional Officer supervising the area or to a Correctional Supervisor. The Officer shall determine if the incident warrants writing a formal disciplinary report and will confer with his/her supervisor. If not, the officer, supported by the security supervisor, will issue a verbal reprimand to the offender. If a formal disciplinary report is warranted, the Officer will proceed to write a disciplinary report.
- b. In instances where after investigating the incident, the Shift Supervisor(s) and the Reporting Official determine that the matter can be resolved without writing a disciplinary, the offender(s) can be issued a verbal warning or given extra duty. This extra duty will be performed and monitored by that Reporting Official, within a responsible amount of time, not to exceed two (2) hours per day or more than three (3) days.

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Offender Discipline		
Policy Number: 209.01	Effective Date: 11/6/2017	Page Number: 4 of 32
Authority: Commissioner	Originating Division: Facilities Division	Access Listing: Level II: Required Offender Access

This information should be logged in the building logbook and in SCRIBE, as a case note.

2. **Verification of Accuracy and Completeness:** The Reporting Official shall submit the Disciplinary Report to a Shift Supervisor or designated alternate for verification of accuracy, operational relevance, completeness and signature. At this time, any discrepancies noted by the reviewing supervisor should be brought to the attention of the Reporting Official for clarification and correction prior to the report being logged and served. The reviewing supervisor shall also ensure that the Reporting Official's name is clearly printed on the Disciplinary Report along with the Reporting Official's signature. Finally, if the reviewing supervisor determines that issuing a Disciplinary Report is not warranted or not substantiated by the summary of facts as written, the supervisor should not formally submit the charge(s). At this point the supervisor will contact the Reporting Official and advise him/her about the issues with the Disciplinary Report and have them make the necessary corrections.

NOTE: The Supervisor must make every attempt to have the corrections made, if corrections are not made, the Disciplinary Report must not be forwarded for processing.

3. **Deadlines for Filing Charges:** The Disciplinary Report must be completed, filed, and served on an offender as follows:
 - a. **General Deadline:** Except as indicated below, the offender(s) charged with a rule violation, shall be served with a copy of the Disciplinary Report that will include a factual statement of the charge(s), including a description of the incident and specific rule(s) violated, within 24-hours of the said violation. The Disciplinary Hearing may be held within 24-hours with the offender's written consent.
 - b. **Charges Resulting from Investigations:** If an investigation conducted by GDC staff or staff from a private prison, county CI or other contracted or outside agency finds reasonable cause to indicate that an

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Offender Discipline		
Policy Number: 209.01	Effective Date: 11/6/2017	Page Number: 5 of 32
Authority: Commissioner	Originating Division: Facilities Division	Access Listing: Level II: Required Offender Access

Offender has committed an infraction, the Offender may be charged upon completion of the investigation.

- c. The charges must be served on the Offender within 24-hours of the Warden's, Superintendent's, or designee's receipt of the written report of investigation (or written report of the finding) at the prison or center where the infraction occurred unless the Offender has been transferred.
- d. If the Offender is no longer housed at the facility where the infraction occurred, the charge must then be served within 72-hours.
- e. Escapes: If the Offender is on escape, service of the report may be delayed for up to 72-hours after the return of an Offender to a prison or center under the control of the Georgia Department of Corrections.
- f. Other: If an Offender is medically or mentally incapacitated, or for any reason (except escape) is temporarily removed from GDC custody before the conclusion of the 24-hour serving period, the report must be served, within 24-hours of his/her medical or mental stabilization, or within 24-hours of his/her return to GDC custody.
- g. If after serving the Disciplinary Report, discrepancies are found, administrative changes shall be made at the Disciplinary Investigator level only. No other changes shall be allowed to be made to the Disciplinary Report once served, unless through further investigation, additional infractions were discovered. At this point, a new Disciplinary Report shall be written, reflecting the new and/or additional infractions, and submitted to the Disciplinary Investigator. See Section IV.A.3.b., Charges Resulting from Investigations. Administrative changes shall be defined as follows:
 - i. Institution name.
 - ii. Institution code.
 - iii. Offender's name (spelling only).

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Offender Discipline		
Policy Number: 209.01	Effective Date: 11/6/2017	Page Number: 6 of 32
Authority: Commissioner	Originating Division: Facilities Division	Access Listing: Level II: Required Offender Access

- iv. Offender's security level.
 - v. Offender's GDC number.
4. Tolling Deadline: The total adjudication process, excluding appeals, shall not exceed seven (7) business days (excluding weekends and holidays) from the time the charges are served, with the following exceptions:
- a. Mental or medical health issues (Acute Care/Crisis Stabilization Unit);
 - b. Medical Issues (out to local hospital);
 - c. Offender is out to court;
 - d. Offender is on escape status;
 - e. Request for delay by a prosecuting or investigating agency;
 - f. Facility Lockdown;
 - g. Facility Quarantine;
 - h. Mechanical Issues (computer, camera system, etc.); or
 - i. Other (specify).
5. Postponement and Continuance: The Warden, Superintendent, or designee may grant a postponement or continuance of the disciplinary hearing for a reasonable period and with good cause.
- a. This request must be made by the Disciplinary Hearing Officer.
 - b. Only one (1) such postponement or continuance may be granted.
 - c. Any authorized continuances or postponements shall be documented in Section 5A of Attachment 11, Disciplinary Report Form. The

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Offender Discipline		
Policy Number: 209.01	Effective Date: 11/6/2017	Page Number: 7 of 32
Authority: Commissioner	Originating Division: Facilities Division	Access Listing: Level II: Required Offender Access

documentation shall include why the postponement or continuance was granted, the date it was granted, and the date it was concluded. It shall be the responsibility of the Disciplinary Investigator, to notify the offender(s) of any continuances or postponements.

6. **Criminal Proceedings:** All disciplinary reports that may result in criminal charges shall be reported to the Office of Professional Standards (OPS), which may assign an Investigator to investigate the disciplinary report(s). If determined by OPS that criminal charges are warranted, OPS will handle the criminal proceedings. Where the offender(s) allegedly commits an act covered by criminal law, the case is referred to the appropriate court or law enforcement officials for consideration for prosecution. Disciplinary investigations and actions should not be delayed to await the outcome of criminal proceedings relating to the same infraction, unless the prosecuting or investigating agency requests such delays.
 7. **Failure to Meet Filing Deadline:** A charge shall be dismissed upon failure to meet the appropriate filing deadline, as specified above.
 8. **Staff Who May Serve Charges:** Charges may be served on the offender by any staff member except the Disciplinary Investigator who investigates the case, the Disciplinary Prosecutor (if applicable) who reviews the case, and the Disciplinary Hearing Officer who shall hear the case.
- B. **The Disciplinary Investigator:** The Warden or Superintendent shall appoint at least one Disciplinary Investigator and an alternate as necessary to ensure the timely handling of disciplinary cases and to investigate disciplinary charges. This person(s) shall also fulfill the role of the Disciplinary Prosecutor as directed by the Warden or Superintendent. The responsibilities of the Disciplinary Investigator include the following:
1. Upon receipt of a Disciplinary Report, check the report for completeness and accuracy ensuring that the following are included on the report:

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Offender Discipline		
Policy Number: 209.01	Effective Date: 11/6/2017	Page Number: 8 of 32
Authority: Commissioner	Originating Division: Facilities Division	Access Listing: Level II: Required Offender Access

- a. Specific rule(s) violated w/appropriate Disciplinary Code;
- b. A formal statement of the charges(s);
- c. Any unusual offender behavior;
- d. Any staff witness to include Confidential Witness (on a separate sheet attached to the report);
- e. Any physical evidence and its disposition;
- f. Any immediate action taken, including use of force;
- g. Reporting Official's signature/printed first, last name, and rank;
- h. Date/time of occurrence;
- i. Location of incident;
- j. Offenders' complete name (first/last);
- k. Offender's I.D. Number;
- l. Facility I.D. Number;
- m. Reviewing Supervisor's signature/printed first and last name and rank;
- n. Serving Officer's signature/printed first, last name, and rank/date/time served; and
- o. Advise the Disciplinary Hearing Officer if a Disciplinary Report is not accurate and complete. **Note:** The report(s) may be recommended for dismissal:
- p. Begin an initial investigation of the Disciplinary Report within 24-hours of the time the violation is reported and/or received. During the

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Offender Discipline		
Policy Number: 209.01	Effective Date: 11/6/2017	Page Number: 9 of 32
Authority: Commissioner	Originating Division: Facilities Division	Access Listing: Level II: Required Offender Access

initial investigation, the Disciplinary Investigator will determine if there is sufficient evidence to support the charge(s). This investigation will take no longer than five (5) business days to complete. The start and end date of the five (5) business days to conduct the investigation shall be documented on Attachment 11, Disciplinary Report Form under Section III, Summary of Investigation. The investigation shall be completed without reasonable delay, unless there are exceptional circumstances for delaying the investigation. At the completion of the investigation, if there is sufficient evidence to support the charge(s), the Disciplinary Investigator shall inform the offender that he/she is charged with the infraction(s) that were proven during the initial investigation.

NOTE. If the charge(s) are not supported, the Disciplinary Investigator shall ensure that this information is documented on Attachment 11, Disciplinary Report Form under Section III, Summary of Investigation.

- q. Enter the Disciplinary Report into SCRIBE once it is determined that there is sufficient evidence to support the charges. The SCRIBE Disciplinary Application generates a number for each Disciplinary Report entered; and
 - r. Maintain the Disciplinary Hearing Log in SCRIBE.
- C. SCRIBE Disciplinary Application: This computerized application serves as the official, legal record for all disciplinary actions entered. The information recorded in SCRIBE includes the following at a minimum:
1. The Disciplinary Report Case Number;
 2. Offender's name;
 3. Offender's state I.D. number;
 4. Date of Disciplinary Report;

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Offender Discipline		
Policy Number: 209.01	Effective Date: 11/6/2017	Page Number: 10 of 32
Authority: Commissioner	Originating Division: Facilities Division	Access Listing: Level II: Required Offender Access

5. Charge(s);
6. Name of Advocate;
7. Plea;
8. Findings; and
9. Sanctions imposed.

D. The Investigation: Once the Disciplinary Investigator completes the initial investigation and determines that there is sufficient evidence to charge the offender, the official investigation shall begin. From this point, the seven (7) day adjudication process begins, excluding weekends and holidays.

1. The Offender Rights Statement:
 - a. Rights: The Disciplinary Investigator shall allow the offender to read and sign Attachment 1, Offender Rights Statement and shall answer the offender's questions about his or her rights. The Disciplinary Investigator shall read the statement to the offender, if necessary. The offender's signature attests to awareness of the rights explained on Attachment 1, Offender Rights Statement;
 - b. Right to Refuse to Make a Statement: The Disciplinary Investigator shall explicitly inform the offender of his/her right to refuse to make a statement, and of the possibility of adverse inferences from such refusal;
 - c. Witnesses: The offender also shall use Attachment 1, Offender Rights Statement to name witnesses who should be interviewed by the Disciplinary Investigator;
 - d. Adding Witnesses: The Disciplinary Investigator shall inform the offender that, either the offender or the Staff Advocate, may submit names of additional witnesses with summaries of their expected

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Offender Discipline		
Policy Number: 209.01	Effective Date: 11/6/2017	Page Number: 11 of 32
Authority: Commissioner	Originating Division: Facilities Division	Access Listing: Level II: Required Offender Access

testimony to the Disciplinary Hearing Officer. Submission of additional witnesses should occur at least forty-eight (48) hours before the Disciplinary Hearing. If the offender's first meeting with the Staff Advocate is less than forty-eight (48) hours before the Disciplinary Hearing, the Staff Advocate may submit additional witness names and summaries;

- e. Appeals Process: The Disciplinary Investigator's explanation of the offender's rights shall include an explanation of the appeals process and that he or she has the right to appeal decisions of the Disciplinary Committee to the Warden, Superintendent, or designee and the appeal time limits. Offenders have up to fifteen (15) calendar days of receipt of the decision to submit an appeal. The appeal shall be decided within thirty (30) calendar days of its receipt, and the offender shall be promptly notified in writing of the results.
 - f. Options for Representation: The Disciplinary Investigator shall inform the offender of his/her right to assistance from the Staff Advocate and of the offender's right to refuse such assistance. The Staff Advocate will serve as a representative when it is apparent that an offender is not capable of collecting and presenting evidence effectively on his or her behalf.
2. Offender Interview: After informing the offender of his/her rights, the Disciplinary Investigator shall interview the offender. The Disciplinary Investigator shall record the offender's statement, and other facts of the interview, using Attachment 2, Disciplinary Investigation Summary.
 - a. Behavior during Interview: The Disciplinary Investigator shall report the offender's behavior during the interview; and
 - b. Expected testimony of Witnesses: The Disciplinary Investigator shall report the testimony the offender expects each named witness to give.
 3. Witness Interviews: The Disciplinary Investigator shall interview all witnesses who have not already prepared and signed a written statement.

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Offender Discipline		
Policy Number: 209.01	Effective Date: 11/6/2017	Page Number: 12 of 32
Authority: Commissioner	Originating Division: Facilities Division	Access Listing: Level II: Required Offender Access

The Disciplinary Investigator shall also interview witnesses whose statements need clarification or additional detail, unless their statements are redundant or inconsequential.

- a. The Disciplinary Investigator shall have staff eyewitnesses prepare witness statements.
 - b. All witness statements shall be attached to the Disciplinary Report. If necessary for a complete factual review, the Disciplinary Investigator shall summarize the statements of all other witnesses on the Disciplinary Investigation Summary; and
 - c. If a material witness is a staff member who is off duty and the testimony is consistent and the evidence does not conflict with the record, the investigation is not to be delayed.
4. **Physical Evidence:** The disposition of physical evidence must be verified or reported. The Disciplinary Investigator may interview the Reporting Official to clarify any question(s) he/she may have.
 5. **List of Witnesses:** The Disciplinary Investigator's Report of Investigation shall include names and summarized testimony of all witnesses involved, if any, requested by the offender or by the Disciplinary Prosecutor.
 6. **Comments and Conclusions:** Under Comments and Conclusions in the Disciplinary Investigation Summary, the Disciplinary Investigator shall include their analysis of any conflicts between witnesses and make their objective conclusions of what, in fact, happened. This comment shall not conclude guilt or innocence.
 7. **Mental Health/Mental Retardation Considerations:** In every case the Disciplinary Investigator shall determine if the offender is assigned to an active mental health case load, whether in a Supportive Living Unit or being treated as an out-patient. If the offender is not assigned to a mental health caseload, but the offender's behavior displayed at the time of the incident indicates a possible mental health problem, an additional mental

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Offender Discipline		
Policy Number: 209.01	Effective Date: 11/6/2017	Page Number: 13 of 32
Authority: Commissioner	Originating Division: Facilities Division	Access Listing: Level II: Required Offender Access

health evaluation/assessment is essential and must be document on Attachment 9, MH/MR Evaluation.

8. During the investigative stage, the Disciplinary Investigator may determine that the offender is eligible for a Negotiated Plea.
 9. Once the Disciplinary Investigator completes the investigative stage, all completed Disciplinary Reports will be forwarded to the Disciplinary Hearing Officer.
 10. The Disciplinary Investigator may assist the Disciplinary Hearing Officer in the scheduling of disciplinary hearings. All hearings will be held as soon as practicable but no later than seven (7) days, excluding weekends and holidays, after being charged with a violation. Offenders are notified of the time and place of the Disciplinary Hearing at least twenty-four (24) hours in advance. Notifications of Disciplinary Hearings will be done in the form of the daily call outs, which are also be documented on the building traffic control logs. The call outs, should be provided to the affected offenders during the evening mail call.
- E. The Negotiated Plea:
1. Subsequent to review of the completed investigation, if the Disciplinary Prosecutor (or Disciplinary Investigator empowered to function as a prosecutor) or the Disciplinary Hearing Officer believes that justice can best be served by affording the accused the opportunity to plead guilty or no contest, an agreed upon and recommended Negotiated Plea and sanction shall be developed between the Disciplinary Prosecutor, the offender and the offender's Staff Advocate, if one was requested. The Disciplinary Prosecutor (or Disciplinary Investigator empowered to function as a prosecutor) may recommend a reduction of the charge to a lower severity offense than that originally charged and/or may recommend an appropriate sanction consistent with the severity and circumstances of the offense.
 2. If a Negotiated Plea is recommended, Attachment 10, Negotiated Plea Form shall be completed by the Disciplinary Prosecutor or the Disciplinary Investigator empowered to function as a prosecutor, reflecting the

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Offender Discipline		
Policy Number: 209.01	Effective Date: 11/6/2017	Page Number: 14 of 32
Authority: Commissioner	Originating Division: Facilities Division	Access Listing: Level II: Required Offender Access

offense(s) for which the offender was charged and the recommendation agreed upon.

3. The Negotiated Plea will include alternative sanctions, for example a Disciplinary Warning or other sanctions determined appropriate for the offender and needs of the facility. The Disciplinary Investigator will make his/her recommendations to the Disciplinary Hearing Officer, who will determine if the recommendations are appropriate. If the Disciplinary Hearing Officer approves the recommendation, he/she shall sign the form indicating approval, then forward it to the Warden/Superintendent for final approval and signature.
 4. After final approval by the Warden/Superintendent, the Negotiated Plea and sanction shall be documented on the Disciplinary Report Form by the Disciplinary Hearing Officer who shall advise the offender of the approved sanction(s). The agreed upon sanction(s) shall take effect immediately without further procedures and the case shall be closed. An offender may not appeal a Negotiated Plea or sanction(s). If a Negotiated Plea is not sought or if the recommendations are not approved by the Disciplinary Hearing Officer, a hearing shall be held and all requirements related to Disciplinary Hearings shall apply.
 5. The offender may waive the right to be present by signing Attachment 3, Offender Appearance Waiver. If the offender refuses to sign the waiver, the notation "refused to sign" shall be made by the Disciplinary Hearing Officer, together with his or her signature and the date and time of the offender's refusal.
 6. When the offender does not desire to or cannot be allowed to appear, both the Disciplinary Report Form and the Offender Appearance Waiver must state the reason(s) for holding the hearing in the absence of the offender.
- F. Informal Resolutions:
1. Disciplinary Warnings: If a staff member, immediate supervisor and/or Disciplinary Investigator believe that informally correcting such unauthorized actions of an offender is appropriate and is supported by that

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Offender Discipline		
Policy Number: 209.01	Effective Date: 11/6/2017	Page Number: 15 of 32
Authority: Commissioner	Originating Division: Facilities Division	Access Listing: Level II: Required Offender Access

individual's supervisor and/or Disciplinary Hearing Officer, he or she shall advise the offender that a Disciplinary Warning is warranted. In lieu of receiving a Disciplinary Report, the offender may be allowed to correct the behavior by completing an assignment designated by the appropriate facility staff.

2. If an offender does not agree to perform the designated assignment, formal disciplinary charges should proceed within twenty-four (24) hours of the related offense. Offenders shall not be allowed to negotiate the extent or type of assignment, nor is the offender allowed to appeal the alternative sanction once she/he agrees with this action.
3. The Warden/Superintendent at each facility shall establish guidelines for the types of charges that this form of resolution could be applied to, how supervisors monitor its application and acceptable assignments. Examples of acceptable assignments are included but not limited to: cleaning assignments within the living area, trash pickup in yard area, pulling weeds, or similar unskilled tasks.
4. In cases where the offender's behavior is the result of them receiving an infraction, the alternative sanction shall include meeting with the offender's assigned counselor. This meeting will occur no later than forty-eight (48) hours following the incident. Staff must ensure that assignments are consistent with security requirements and any medical limitations. Failure by the offender to complete the assignment after agreeing to do so shall result in a Disciplinary Report for the original violation if the three (3) business day time has not elapsed.
5. When issuing a Disciplinary Warning, the Reporting Official shall:
 - a. Complete Attachment 12, Disciplinary Warning Report and issue a copy to offender;
 - b. Designate the time and place that the assignment is to occur. The duration of the assignment shall not exceed two (2) hours and must be

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Offender Discipline		
Policy Number: 209.01	Effective Date: 11/6/2017	Page Number: 16 of 32
Authority: Commissioner	Originating Division: Facilities Division	Access Listing: Level II: Required Offender Access

completed within three (3) business days of the infraction occurring;
 and

- c. Completion of the assignment shall be entered into SCRIBE Case Notes documenting;
 - i. The date and time of the offense;
 - ii. The offender involved; and
 - iii. When the assignment was completed.

6. Assignments intended to demean offenders shall not be allowed. The purpose of the assignment is to provide a means of influencing positive behavior without involving formal disciplinary action.

7. Once the Disciplinary Warning has been entered into SCRIBE, the offender shall be issued a completed copy of the form and the original shall be placed in the offender's institutional file.

G. The Staff Advocate: During the disciplinary process, the Staff Advocate shall assist all offenders who request such assistance, other than MH III-IV. (**Note: Disciplinary Hearings are administrative, in nature, therefore attorneys are not allowed to be present.**) At a minimum, each facility shall have at least one Staff Advocate and an alternate to ensure the timely handling of disciplinary cases. The Warden or Superintendent shall appoint a Staff Advocate to serve a specific term of at least one (1) calendar quarter. Staff may be appointed to serve additional terms. An alternate Staff Advocate shall be named to assist in case of the absence of the regular Staff Advocate.

1. Requirement for Advocacy: Individuals appointed as Staff Advocates shall, in all cases, provide such assistance unless the offender refuses assistance. Such refusal shall be documented on Attachment 1, Offenders Rights Statement Form.

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Offender Discipline		
Policy Number: 209.01	Effective Date: 11/6/2017	Page Number: 17 of 32
Authority: Commissioner	Originating Division: Facilities Division	Access Listing: Level II: Required Offender Access

2. Offender's Refusal: If an offender refuses the Staff Advocate's assistance or does not formally request a Staff Advocate, he or she may represent himself/herself during disciplinary proceedings.
3. Staff Advocate Duties: The primary purpose of the Staff Advocate is to ensure that the offender understands the disciplinary process and to ensure that all due process aspects of the disciplinary procedure are followed. It is not the role of the Staff Advocate to make extraordinary efforts to secure the acquittal of the offender. The Staff Advocate shall ensure the following is accomplished
 - a. Answer the offender's questions regarding due process and procedural aspects of the Disciplinary Hearing;
 - b. Advise the offender of any alternatives in charging and sanctions that may be possible under the disciplinary procedure. For example, the Staff Advocate might discuss the possibility of negotiating a plea-bargaining arrangement, when appropriate;
 - c. Present questions to the Disciplinary Hearing Officer and to witnesses in the case on behalf of the offender;
 - d. Advise the Warden or Superintendent of any procedural errors by the Disciplinary Hearing Officer that might adversely affect the prison's/center's case against the offender;
 - e. Ensure that the Disciplinary Hearing Officer instructs the offender on his rights of appeal; and
 - f. Notifications: The Staff Advocate should be notified by the Disciplinary Investigator of the names of offenders requesting representation. The Staff Advocate should also be notified of the date and location of the Disciplinary Hearings.
 - g. Meetings and Documentation: Staff Advocates must meet with the offender at least four (4) hours prior to the Disciplinary Hearing and

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Offender Discipline		
Policy Number: 209.01	Effective Date: 11/6/2017	Page Number: 18 of 32
Authority: Commissioner	Originating Division: Facilities Division	Access Listing: Level II: Required Offender Access

document this meeting utilizing the Attachment 6, Staff Advocate Form. When an offender initially refuses representation, Attachment 6, Staff Advocate Form need not be utilized, provided that the Staff Advocate portion on Attachment 1, Offender Rights Statement is properly documented. If at any point after the offender requests a Staff Advocate by way of Attachment 1, Offender Rights Statement, he or she then refuses assistance from the Staff Advocate, this decision must be documented on Attachment 6, Staff Advocate Form at that time and signed by the offender. In the event the Primary Staff Advocate cannot be present during the disciplinary hearing, he/she must meet with the Alternate Staff Advocate at least two (2) hours prior to the Disciplinary Hearing to discuss the offender's Disciplinary Report. This information will be documented on Attachment 6, Staff Advocate Form.

- H. The Disciplinary Prosecutor: The Warden or Superintendent may elect to appoint a Disciplinary Prosecutor to review cases and determine if it is appropriate to be formally pursued, dismissed, or to present information about existence of evidence beyond the Disciplinary Report. Also, the Warden/Superintendent may elect to appoint a Disciplinary Prosecutor to identify cases in which a Negotiated Plea would best serve the interests of the accused and the facility. The Disciplinary Prosecutor shall ensure that the decision to enter a Negotiated Plea by the accused offender is purely voluntary. The Disciplinary Prosecutor shall not serve as the Disciplinary Hearing Officer in a case in which he or she acted in the capacity of Disciplinary Prosecutor. The Warden or Superintendent may empower the Disciplinary Investigator to fulfill the prosecutorial role if warranted due to staffing limitations and to work with the Disciplinary Hearing Officer on cases that are appropriate for a Negotiated Plea or dismissal.
- I. The Disciplinary Hearing Officer: The Disciplinary Hearing Officer conducts the proceedings on infractions of rules and policies with all due regard for the rights of the accused offender. The Disciplinary Hearing Officer and an alternate Disciplinary Hearing Officer are appointed by the Warden, Superintendent, or designee for a term of at least one (1) calendar quarter. This term may be extended at the discretion of the Warden, Superintendent, or

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Offender Discipline		
Policy Number: 209.01	Effective Date: 11/6/2017	Page Number: 19 of 32
Authority: Commissioner	Originating Division: Facilities Division	Access Listing: Level II: Required Offender Access

designee. The Disciplinary Hearing Officer or alternate shall have sufficient training so that they are thoroughly familiar with the rules of the offender conduct, the rationale for the rule, and the sanctions available. The responsibilities of the Disciplinary Hearing Officer include the following:

1. Review the Investigation. Once the Disciplinary Hearing Officer receives the completed Disciplinary Report(s) from the Disciplinary Investigator, he/she will review the Disciplinary Report(s) for completeness and accuracy, prior to establishing a Disciplinary Hearing. The review shall cover the following areas:
 - a. Sufficiency of Facts: The Disciplinary Hearing Officer shall determine whether prosecution should proceed;
 - b. Severity of Charge: The Disciplinary Hearing Officer shall determine the severity level (greater, high, moderate, or low) at which the infraction should be considered. The Disciplinary Hearing Officer may lower the severity of the charge(s), based on his or her assessment of the nature of the incident. The Disciplinary Hearing Officer may increase the severity of the charges if the offender commits a moderate/low infraction and has received three (3) Disciplinary Warning Reports within 180 days. The severity level may also be increased based on the assessment of the nature of the incident;
 - c. Witnesses: The Disciplinary Hearing Officer shall review the list of all proposed witnesses and summarized testimonies. The offender and/or Staff Advocate, and the Disciplinary Prosecutor (if any), are responsible for seeing that the Disciplinary Hearing Officer has the names and testimonies of all witnesses. Preferably, witnesses shall be submitted to the Disciplinary Investigator during the investigation. Witness statements can be used by the Disciplinary Hearing Officer in lieu of calling the witness to participate in the Disciplinary Hearing;
 - d. Mental Health Considerations: The Disciplinary Hearing Officer shall review any evidence of mental illness or mental retardation disclosed by the Disciplinary Investigator's report or otherwise, to determine the

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Offender Discipline		
Policy Number: 209.01	Effective Date: 11/6/2017	Page Number: 20 of 32
Authority: Commissioner	Originating Division: Facilities Division	Access Listing: Level II: Required Offender Access

extent to which the offender may reasonably be held responsible for his or her behavior; and

- e. Redundant Charge: Redundant or duplicate charges for the same incident shall be prohibited. However, distinct rule infractions arising from the same incident may be charged and punished separately.
2. Ensure that offenders charged with rule violations are scheduled for a hearing and decision within seven (7) days, excluding weekends and holidays by a person not involved in the rule violation.
 3. Determine the appropriate sanctions(s) if the offender is found guilty of the disciplinary charge(s).
 4. Determine the appropriateness of a Negotiated Plea or alternative sanction(s) to which an offender and the Disciplinary Prosecutor and/or Disciplinary Investigator reached.
 5. If the offender is found not guilty of the disciplinary charges(s), ensure that the Disciplinary Report is removed from the offender's Institutional file. If the offender has been charged with a single or multiple infractions, and it is determined that any of the charges are not supported, those charges will be removed from the Disciplinary Report. The only charges that should be reflected on the Disciplinary Report are those charges that have been substantiated and the offender has been found "guilty" of. All unsubstantiated and not guilty charges will be marked over or blackened out.
 6. Ensure that all decisions are based solely on information obtained in the hearing process, including statements from staff, the factual statement, and evidence derived from witnesses and other documents.
 7. Ensure the remainder of the disciplinary procedures contained within this policy are carried out in a timely, efficient, and completely impartial manner. The Disciplinary Hearing Officer is directly responsible to the

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Offender Discipline		
Policy Number: 209.01	Effective Date: 11/6/2017	Page Number: 21 of 32
Authority: Commissioner	Originating Division: Facilities Division	Access Listing: Level II: Required Offender Access

Warden or Superintendent to maintain functional independence from other departments of the prison or center.

J. Disciplinary Hearing:

1. **Presentation of Evidence:** The Disciplinary Hearing Officer shall read the evidence against the accused offender. Then, the charged offender or Staff Advocate may present a defense. If evidence beyond the Disciplinary Report and relevant written witness statements are to be presented, the Disciplinary Hearing Officer may request that a Disciplinary Prosecutor present the case.
2. **Offender's Right to be Present:** The offender has the right to be present throughout the Disciplinary Hearing proceedings, except when the prison or an individual's security would be jeopardized by the offender's presence.
3. The offender may waive the right to be present by signing Attachment 3, Offender Appearance Waiver.
4. If the offender refuses to sign the Offender Appearance Waiver, the notation "refused to sign" shall be made by the Disciplinary Hearing Officer and he/she will sign the form and notate the date and time of the offender's refusal.
5. When the offender does not desire to or cannot be allowed to appear, both the Disciplinary Report Form and the Offender Appearance Waiver must state the reason(s) for holding the hearing in the absence of the offender.

K. Offender's Right to Speak and Present Witnesses: The offender shall be entitled to make a statement and to present documentary evidence in his or her own behalf. The offender has the right to call witnesses who have been named in advance following procedures specified herein.

1. Witnesses must be allowed to testify and to present evidence at the hearing on the offender's behalf unless one or more of the following are established:

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Offender Discipline		
Policy Number: 209.01	Effective Date: 11/6/2017	Page Number: 22 of 32
Authority: Commissioner	Originating Division: Facilities Division	Access Listing: Level II: Required Offender Access

- a. It is determined by the Disciplinary Hearing Officer that the information contained in the Witness Statement is sufficient and stands on its own;
 - b. The calling or testimony of the witness would jeopardize prison security;
 - c. The calling or testimony of the witness would jeopardize an individual's safety;
 - d. The testimony of the witness would not be supportive of the offender's defense;
 - e. The testimony of the witness would be irrelevant to the issues before the Disciplinary Hearing Officer;
 - f. The testimony of the witness would be, in the discretion of the Disciplinary Hearing Officer, merely cumulative of other testimony. If proposed testimony is ruled to be merely cumulative, the offender or his/her Staff Advocate may select the witness(s) who shall appear to present admissible testimony.
 - g. The witness is a civilian who is either unwilling or unable to provide a statement or appear at a disciplinary hearing (typically at Transitional Centers where infractions may have occurred at the place of employment or while on pass).
2. **Basis for Witness Exclusion:** A determination of the above listed criteria shall be based upon the witness statements, which the Disciplinary Investigator obtains at the time of the investigation and/or summarization on the Attachment 2, Disciplinary Investigation Summary.
 3. **Documentation of Witness Exclusion:** If an offender is denied any requested witness, that denial and reasons therefore must be fully documented in writing on Attachment 8, Witness(s) Hearing Documentation Form.

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Offender Discipline		
Policy Number: 209.01	Effective Date: 11/6/2017	Page Number: 23 of 32
Authority: Commissioner	Originating Division: Facilities Division	Access Listing: Level II: Required Offender Access

4. **Late Request for Witness:** If an offender's first request to call a witness is made during or at the time of the hearing, the decision to call the witness shall be in the discretion of the Disciplinary Hearing Officer, who may allow the witness to be called for good cause shown. If the Disciplinary Hearing Officer approves such a request, he or she has discretion to grant and document a reasonable continuance, if that is required in the interest of fairness.

5. **Failure of Witness to Appear:** Those witnesses who have been called, but fail to present themselves without explanation by the time all arguments have been completed, shall be subject to disciplinary action unless he or she contends that his or her testimony is protected under the privilege against self-incrimination as set forth in the Fifth Amendment to the United States Constitution.
 - a. Witnesses shall be notified of this fact;
 - b. The Disciplinary Hearing Officer shall allow the offender or Staff Advocate to state what the witness would have testified; and
 - c. If the evidence according to the witness' previous statement is helpful, it shall either be given the same weight as if the witness appeared or, alternatively, if the Disciplinary Hearing Officer does not wish to give the same weight to the statement, then the hearing shall be recessed until the witness can be present.

- L. **Offender's Right to Waive Appearance of His or Her Requested Witnesses:** Before the hearing, an offender may elect not to have his or her requested witness(es) appear. This decision must be indicated on Attachment 8, Witness(s) Hearing Documentation Form. Written statements from these witnesses shall be considered by the Disciplinary Hearing Officer.

- M. **Reporting Official's Role in Hearing:** The Reporting Official normally will not be required to attend the Disciplinary Hearing. However, the Reporting Official may be called to testify by either the Disciplinary Prosecutor (if this

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Offender Discipline		
Policy Number: 209.01	Effective Date: 11/6/2017	Page Number: 24 of 32
Authority: Commissioner	Originating Division: Facilities Division	Access Listing: Level II: Required Offender Access

role is filled), by the offender, or by the Staff Advocate. If the offender or Staff Advocate requests the Reporting Official, the Disciplinary Hearing Officer shall decide the issue, considering the following:

1. Whether the Reporting Official is the only witness to the incident which gave rise to the Disciplinary Report;
2. Whether the credibility of the Reporting Official has been called into question; or
3. Whether the offender's request for the presence of the Reporting Official is intended only for harassment.

N. **Non-Staff, Non-Offender Witnesses:** Proposed witnesses other than offenders and staff members may be requested. However, unavailability of such witnesses shall not be permitted to delay proceedings. Written statements from these witnesses shall be admitted into evidence by the Disciplinary Hearing Officer and considered.

O. **Cross-Examination:** The Disciplinary Hearing Officer has authority to approve a request to cross-examine a witness. Such cross-examination shall be allowed unless it would jeopardize prison or individual's security or appears to be intended to harass the witness.

1. The Staff Advocate shall conduct the cross-examination.
2. If the offender has refused the services of a Staff Advocate, the offender shall submit any cross-examination questions in writing to the Disciplinary Hearing Officer who shall conduct the cross-examination of witnesses.

P. **Reduction of Charge:** The Disciplinary Hearing Officer may determine during the hearing that the charge should be reduced.

1. The accused offender must be advised of this decision immediately, before sanctioning.
2. The record must reflect both the charge for which the offender was tried and convicted and the original charge(s).

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Offender Discipline		
Policy Number: 209.01	Effective Date: 11/6/2017	Page Number: 25 of 32
Authority: Commissioner	Originating Division: Facilities Division	Access Listing: Level II: Required Offender Access

3. The Disciplinary Hearing Officer may reduce the charge if he or she determines that the violation for which the offender was charged is more severe than the conduct described in the factual statement of Disciplinary Report.
 4. The reduced charge must stem from the same incident and be similar in nature, although not severity, to the original charge brought against the offender.
- Q. Disciplinary Hearing Officer's Ruling: After a period of deliberation at the conclusion of the hearing, the Disciplinary Hearing Officer shall announce the decision.
1. This decision shall be based solely upon the evidence that has been presented during the hearing.
 2. In the process of weighing the evidence, the Disciplinary Hearing Officer shall determine guilt and recommend appropriate disciplinary sanction(s).
- R. Imposition of Sanctions: If guilty of the charged offense(s), a sanction(s) shall be imposed as provided by these procedures. Record the information in the offender's Institutional file may be reviewed by the Disciplinary Hearing Officer only after a finding of guilty to assist in determining an appropriate sanction(s).
1. The severity of sanctions should reflect the severity of the incident;
 2. The Disciplinary Hearing Officer may increase the severity of the charge(s) to the next highest level if the offender has been convicted of three or more infractions of equal or greater severity within the previous 180 days, including the current incident. Multiple charges stemming from a single incident shall be counted only once; and
 3. When multiple sanctions are given, the Disciplinary Hearing Officer must indicate in writing whether the sanctions are to run consecutively or concurrently.

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Offender Discipline		
Policy Number: 209.01	Effective Date: 11/6/2017	Page Number: 26 of 32
Authority: Commissioner	Originating Division: Facilities Division	Access Listing: Level II: Required Offender Access

- S. Documentation in Institutional file/SCRIBE: At the conclusion of the disciplinary hearing, the Disciplinary Investigator shall be responsible for ensuring that appropriate documentation is made in the offender's Institutional file and SCRIBE. He or she shall ensure that only the "guilty" charge(s), are documented. All "not guilty" charge(s) and dismissed Disciplinary Report(s) will not be documented or placed in the offender's Institutional file. However, the dismissed reports will be documented into SCRIBE.
- T. Prohibited Acts and Disciplinary Severity Scale: There are two (2) categories of prohibited acts: Greatest or High Severity, with specifically authorized sanctions for each.
- U. Disciplinary Code: The prohibited acts are listed in Attachment 4, Offender Disciplinary Code.
- V. Authorized Sanctions: Authorized sanctions are listed in Attachment 5, Authorized Disciplinary Sanctions List. The imposition of any sanction requires that the offender first be found to have committed a prohibited act. The Disciplinary Hearing Officer shall impose and execute one or more of the sanctions found in Attachment 5, Authorized Disciplinary Sanctions List.
- W. Limitation on Disciplinary Isolation: The following limitations apply to Disciplinary Isolation:
1. 30-Day Limit for Prisons and Transitional Centers: Confinement to an isolation cell more than thirty (30) consecutive days shall not be imposed;
 2. If isolation time imposed exceeds thirty (30) days due to being necessary to control and encourage behavioral change, a recommendation for placement of the offender in the Tier II program is warranted; and
 3. 14-Day Limit for PDCs and ITFs: Confinement to an isolation cell more than fourteen (14) days shall not be imposed.
- X. Notice of Right to Appeal: The Disciplinary Hearing Officer must inform the offender that he or she has a right to appeal the findings. This shall be noted on the Disciplinary Report, and the offender will be given Attachment 7,

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Offender Discipline		
Policy Number: 209.01	Effective Date: 11/6/2017	Page Number: 27 of 32
Authority: Commissioner	Originating Division: Facilities Division	Access Listing: Level II: Required Offender Access

Disciplinary Appeal Form. Offenders have up to fifteen (15) calendar days of receipt of the decision to submit an appeal. The appeal shall be decided within thirty (30) calendar days of its receipt, and the offender shall be promptly notified in writing of the results.

- Y. **Review and Approval of Disciplinary Findings:** All Disciplinary Hearings and dispositions will be reviewed by the Warden/Superintendent or designee to assure conformity with policy and regulations. For this policy, the Deputy Warden of Security/Assistant Superintendent will be responsible for the review process. Within five (5) calendar days after the review process has been completed, the Disciplinary Investigator or clerical staff shall be responsible for ensuring that the offender(s) receives a copy of the Disciplinary Report, which includes the Summary of Investigation, the Hearing Officer's recommendations and the disposition of the Disciplinary Hearing.
- Z. **Implementation of Sanctions:** Disciplinary sanctions and administrative procedures, excluding restitution, shall be implemented as soon as possible after the Disciplinary Hearing, but no later than one (1) business day after the Disciplinary Hearing.
- AA. **Responsibility for Deadlines:** Clerical staff assigned to process the Disciplinary Report in SCRIBE shall monitor procedural time frames to ensure compliance.
- BB. **Disciplinary Process for Offenders Transferring from One Facility to Another:** When an offender transfers from one facility to another before the Disciplinary Report process is complete, the following shall occur:
1. If the Disciplinary Report investigation was not completed, the Disciplinary Investigator assigned to the facility where the Disciplinary Report violation originated shall complete all witness statements.
 2. The Disciplinary Investigator shall gather and review all the information pertaining to the Disciplinary Report violation.
 3. The Disciplinary Investigator shall email all the collected information and files to the receiving facility's Disciplinary Investigator.

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Offender Discipline		
Policy Number: 209.01	Effective Date: 11/6/2017	Page Number: 28 of 32
Authority: Commissioner	Originating Division: Facilities Division	Access Listing: Level II: Required Offender Access

4. The Disciplinary Investigator at the receiving facility shall determine if a Negotiated Plea, alternative sanction, or Disciplinary Hearing is appropriate.
5. The Disciplinary Hearing Officer at the receiving facility shall schedule a formal hearing and complete all elements of the DR hearing process.

CC. Appropriate Grounds for Offender Appeal:

1. Offender was not advised on her/his rights as outlined in this policy.
2. Failure to meet established time lines outlined in this policy.
3. Staff Advocate services were not provided to general population (GP) offenders who requested a Staff Advocate as indicated in this policy.
4. Staff Advocate services were not provided to MH Level II, MH III or MH IV offenders as required by SOP 508.18 MH/MR Discipline Procedures.
5. MH Level III and MH Level IV offenders did not receive a MH evaluation as required by SOP 508.18 MH/MR Discipline Procedures.
6. Failure to document an offender's inability to participate in his/her own Disciplinary Hearing.
7. The imposed sanctions are not within guidelines established within the policy.

DD. Offender Appeals:

1. The Disciplinary Appeal Form: The Disciplinary Appeal shall only be accepted on Attachment 7, Disciplinary Appeal Form, which the Disciplinary Hearing Officer shall make available to all offenders found guilty. The Disciplinary Appeal Form shall include a statement of the offender's grounds for appeal.

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Offender Discipline		
Policy Number: 209.01	Effective Date: 11/6/2017	Page Number: 29 of 32
Authority: Commissioner	Originating Division: Facilities Division	Access Listing: Level II: Required Offender Access

- a. Failure of the Disciplinary Hearing Officer to provide the Disciplinary Appeal Form to an offender wishing to appeal shall be considered a procedural error, which may result in the dismissal/expunging of the Disciplinary Report.
 - b. Failure of the offender to use the designated Disciplinary Appeal Form shall result in the appeal not being processed.
2. Deadlines for Appeal:
- a. Offenders may appeal disciplinary decisions within fifteen (15) calendar days from the date of adjudication by the Disciplinary Hearing Officer.
 - b. Missing the Deadline: The appeal shall be denied if it is not filed within fifteen (15) calendar days. Written notification to this effect shall be provided to the offender.
3. First Appeal: The Warden/Superintendent or designee (to be appointed) shall make the first appellate decision regarding the offender's appeal. If the Warden/Superintendent or designee is the Reporting Official or otherwise involved in the case, another individual shall be designated to hear that appeal.
4. Nature of Appeal: In this review, the Warden/Superintendent or designee shall consider any factor raised by the offender in his or her appeal.
5. Possible Outcomes: The Warden's/Superintendent's or designee's first appellate decision may affirm, reverse or modify the Disciplinary Hearing Officer's findings, or reduce the sanctions imposed.
6. Appeal Decision: After an appeal is filed, the Warden/Superintendent or designee has thirty (30) calendar days from the date the appeal is received from the offender to make the first appellate decision and respond to the offender.

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Offender Discipline		
Policy Number: 209.01	Effective Date: 11/6/2017	Page Number: 30 of 32
Authority: Commissioner	Originating Division: Facilities Division	Access Listing: Level II: Required Offender Access

7. Procedure for Disciplinary Report Modified or Expunged (Overturned) by First Appeal: Whenever the first appeal results in a change or deletion of the Disciplinary Report, the facility staff shall enter all the information into the appropriate fields in the SCRIBE Disciplinary Application. If modified by the Warden/Superintendent, the Administrative Assistant or designee shall be responsible for making the designated modifications. If expunged, the Disciplinary Report shall be removed from the offender's Institutional file and destroyed. A copy of the Disciplinary Appeal Form with the Warden's/Superintendent's decision shall be maintained in the offender's Institutional file.
8. Second Appeal: The offender may file a second appeal if the first appeal decision is unsatisfactory, subject to the following:
 - a. Mailing Address: This second appeal must be mailed to the following address:

OFFICE OF PROFESSIONAL STANDARDS
P.O. Box 310
Hardwick, Georgia 31034
 - b. Deadline: This appeal must be post marked within five (5) business days of the date of the first appellate decision.
 - c. Missing the Deadline: The appeal shall be denied if it is not filed within five (5) business days. Written notification to this effect shall be provided to the offender.
9. Skipping the First Appeal: If the offender fails to appeal at the first appellate level, any further appeal shall be terminated.
10. All Disciplinary Reports that are overturned on appeal by the Warden/Superintendent or Office of Professional Standards, shall be removed from the offender's Institutional file and destroyed by the Administrative Assistant or designee. The appeal memorandum from the Office of Professional Standards shall be maintained in the offender's Institutional file.

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Offender Discipline		
Policy Number: 209.01	Effective Date: 11/6/2017	Page Number: 31 of 32
Authority: Commissioner	Originating Division: Facilities Division	Access Listing: Level II: Required Offender Access

EE. Staff Administrative Processing Fee: This fee is intended to defray a portion of the significant costs associated with the processing of formal disciplinary charges against offenders resulting from rule violations.

1. A standard administrative/processing fee of four dollars (\$4.00) for each Disciplinary Report issued is to be charged to the offender's account after a guilty finding/Negotiated Plea by the Disciplinary Hearing Officer and approval of the finding by the Warden/Superintendent. This fee shall apply to all Disciplinary Reports which result in a guilty finding regardless of the severity level or any sanctions imposed. The decision to authorize a Negotiated Plea shall not negate this fee from being applied, nor can this fee be waived.
2. There shall only be one (1) fee for each Disciplinary Report regardless of the number of charges within the Disciplinary Report.
3. The matter of the imposition of the fee is not an appealable issue, nor is it a matter that can be grieved.
4. After a finding of guilt/Negotiated Plea, and after the Warden's/Superintendent's approval, the facility Business Manager shall be notified that the fee is to be deducted from the offender's account. If a Disciplinary Report is overturned by the Warden/Superintendent or the Commissioner's Office, Executive Assistant or designee because of an appeal, the Business Manager at the facility where the offender is assigned shall be notified to facilitate reimbursement of the account per SOP 201.04 Charges to Offender Accounts for Healthcare, Willful Acts, and Court Costs.
5. This fee shall be applied to state offenders housed at state administered prisons/centers and privately contracted facilities housing state offenders. County Correctional Institutions may elect to collect the fee and retain the generated funds within their County.
6. Because of the time and formal processing required when pursuing felony charges for local court prosecution, an offender found guilty of D-3(j),

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Offender Discipline		
Policy Number: 209.01	Effective Date: 11/6/2017	Page Number: 32 of 32
Authority: Commissioner	Originating Division: Facilities Division	Access Listing: Level II: Required Offender Access

Possession of a Cell Phone, shall be charged an administrative processing fee of one hundred dollars (\$100.00).

7. If the Disciplinary Report is expunged on appeal, the Warden's/Superintendent's Administrative Assistant or designee shall be responsible for notifying the Business Manager. The Business Manager shall be responsible for reimbursing the offender's account.

V. Attachments:

- Attachment 1, Offender Rights Statement
- Attachment 2, Disciplinary Investigation Summary
- Attachment 3, Offender Appearance Waiver
- Attachment 4, Offender Disciplinary Charge Codes
- Attachment 5, Authorized Disciplinary Sanctions List
- Attachment 6, Staff Advocate Form
- Attachment 7, Disciplinary Appeal Form
- Attachment 8, Witness(s) Hearing Documentation Form
- Attachment 9, MH/MR Evaluation
- Attachment 10, Negotiated Plea Form
- Attachment 11, Disciplinary Report Form
- Attachment 12, Disciplinary Warning Report
- Attachment 13, Suggested Guidelines for Issuing Disciplinary Reports (by Offense)

VI. Record Retention of Forms Relevant to this Policy:

Attachments 1, 2, 3, 6, 7, 8, 9, 10, 11, and 12 of this SOP shall become part of the offender's institutional file and shall be maintained according to the official records retention schedule for institutional files. A copy of Attachment 9 shall also be placed in the Mental Health Record. See the instructions within the SOP for overturned or dismissed Disciplinary Reports. Attachments 4, 5, and 13 shall be utilized as instructed in the SOP until they are obsolete or replaced.

OFFENDER RIGHTS STATEMENT

Facility: _____ Disciplinary Report #: _____
Offender Name: _____ Offender ID#: _____

The following list of items must be read to each offender before a charge is heard by the Disciplinary Hearing Officer.

1. The Disciplinary Hearing Officer shall wait a period of 24-hours prior to conducting a Disciplinary Hearing.
2. You may request in writing (listing reasons) from the Warden or Superintendent that this hearing be continued for a period of three (3) days in order that you may prepare your case. This extension is at the discretion of the Warden or Superintendent.
3. You may request a Staff Advocate who shall be appointed by the Warden/Superintendent.
4. You may request witnesses to testify on your behalf.
5. The Disciplinary Hearing Officer shall advise you of his/her decision and your right to appeal.
6. You may appeal any action taken by the Disciplinary Hearing Officer to the Warden or Superintendent. This appeal shall be made in writing to the Warden or Superintendent within five (5) working days.
7. You may appeal the decision of the Warden or Superintendent to:

Georgia Department of Corrections
Inmate Affairs Unit
P. O. Box 310
Hardwick, Georgia. 31034

This appeal must be done in writing within five (5) working days following the action of the Warden or Superintendent or his/her designee's first appellate decision in an uncensored letter (sealed) containing the basis of your appeal.

8. You have the right to elect not to make a statement to the Investigator and the Disciplinary Hearing Officer. However, your silence with other available evidence could result in adverse findings.

I, the undersigned offender, have had read to me the above rules and I understand them.

Advocate Requested: ___Yes ___No
Witness (s) Requested: ___Yes ___No

Names of Witnesses Requested: _____
(Reproduce locally)

Date

Offender's Signature

Witness

DISCIPLINARY INVESTIGATION SUMMARY

Facility: _____ Disciplinary Report #: _____

Offender's Name: _____ Offender I. D. #: _____

Date/Time Initiated Investigation: _____ a.m.
_____ p.m.
Date Time

1. Offender Statement: _____

2. Other Facts about the Incident (Summarize): _____

3. Staff/Offender Witness Testimony (summarize/attach any additional summaries/statements):

4. Physical Evidence: _____

5. Investigator's Comments and Conclusions: (Based Upon What)

MH/MR Evaluation: ___ Yes ___ No MH/MR Level: _____ Supporting Living Unit ___ Yes ___ No

Recommend Dismissal: _____ Recommend for Disciplinary Hearing: _____

Investigation Completed: _____ Date _____ am / pm

Investigator's Signature: _____

(Reproduce locally)

Retention Schedule: Upon completion, this form shall be placed in the offender's institutional file, except for those overturned or dismissed, and shall be kept according to the official records retention schedule for institutional files.

OFFENDER APPEARANCE WAIVER

Facility: _____ Disciplinary Report #: _____

Offender's Name: _____ Offender's ID#: _____

You have the right to be present throughout the hearing proceedings except during the deliberations. However, you may waive the right to be present. If you choose not to be present during the disciplinary hearing you shall sign this form.

I have read or have had read to me the above rights and I officially request not to be present during this disciplinary hearing.

Offender's Signature_____
I.D. Number_____
Date_____
Witness_____
Title_____
Date

If the offender refuses to sign this waiver form, the Disciplinary Hearing Officer must note "refused to sign" along with date and time of refusal and his/her signature. The Disciplinary Report Form must also reflect that the disciplinary hearing was held with the offender absent.

PROHIBITED ACTS OFFENDER
DISCIPLINARY CHARGE CODES

SOP 209.01
Attachment 4
11/6/17

Page 1 of 7

The Following codes are established and shall govern the conduct of all offenders under the jurisdiction of the State Board of Corrections. Violations of these codes shall be punishable as facility disciplinary infractions, violations of United States or State Law, or both, as appropriate.

Severity Level	Charge		Sanctions (Reference)
A.	Violations of Statutes: Offenders under the jurisdiction of the State Board of Corrections are subject to all laws of the United States and of the State of Georgia. Any offender violating these laws may be charged and tried for that violation in the same manner as any other citizen in the appropriate state or federal court. The filing of charges in a judicial court of record for a violation of state or federal laws does not in any way prevent or preclude the administrative handling of the same act as a facility disciplinary matter or of the taking of disciplinary action against the offender.		
Great	A-1	Violation of any law or statute of the State of Georgia.	Att 5, Sec A
Great	A-2	Violation of any law or statute of the United States.	Att 5, Sec A
Severity Level	Charge		Sanctions (Reference)
B.	VIOLATIONS AGAINST PERSONS:		
Great	B-1A	Intentionally causing the death of a Department of Corrections Employee.	Att 5, Sec A
Great	B-1B	Intentionally causing bodily injury to a Department of Corrections Employee.	Att 5, Sec A
Great	B-1C	Assaulting a Department of Corrections Employee (no injury).	Att 5, Sec A
Great	B-1D	Intentionally causing the death of a visitor or civilian.	Att 5, Sec A
Great	B-1E	Intentionally causing injury to a visitor or civilian.	Att 5, Sec A
Great	B-1F	Assaulting a visitor or civilian (no injury).	Att 5, Sec A
Great	B-1G	Attempted assault to an employee, visitor, civilian, or an offender.	Att 5, Sec A
Great	B-1J	Intentionally causing death of an offender.	Att 5, Sec A
Great	B-1K	Assault on An Offender with Serious Injury: An assault which results in serious injury (a serious injury creates a substantial risk of death, and/or which causes serious and protracted impairment of health or protracted loss of or impairment of the function of any organs), which requires urgent and immediate attention and restricts usual activity.	Att 5, Sec A
Great	B1K(a))	Intentionally causing injury to oneself.	Att 5, Sec A
Great	B-1L	Offender-On-Offender Assault: Any Assault (injury or non-injury) that is not defined as serious.	Att 5, Sec A
	B-4	Intentionally throw or propel an item at another person:	
High		(a) Nuisance (items that do not pose a threat to safety, i.e., paper items)	Att 5, Sec A
Great		(b) Lethal (items that potentially cause bodily harm, i.e., chemical, gas, etc.)	Att 5, Sec A
High		(c) Body Fluids (body waste, spitting liquid, urine feces)	Att 5, Sec A

PROHIBITED ACTS OFFENDER
DISCIPLINARY CHARGE CODES

SOP 209.01
Attachment 4
11/6/17

Page 2 of 7

High	B-5	Verbally or through gesture threatening any person with death, violence or injury, or sexual assault.	Att 5, Sec B
Great	B-6	Threatening or menacing any person with a weapon or any other item. The threatening/menacing does not include any injuries.	Att 5, Sec A
High	B-7	Fighting: a fight may include a flare of tempers with physical contact (e.g., punch hard shove, etc.), mutual combat, or minor physical contact between two or more offenders, where there was no serious injury. Boxing, wrestling, horse playing and any other form of physical contact should be included. No weapons are involved.	Att 5, Sec B
High	B-8	Participating in any sexual behavior or activity with any offender, male or female.	Att 5, Sec B
Great	B-9	Physically assaulting another offender or another person sexually.	Att 5, Sec A
Great	B-10	Soliciting or in any other way inducing any other person to participate in any sexual behavior or activity.	Att 5, Sec B
High	B-11	Indecent and unnecessary exposure of or indecent exhibition of the genital organs, to include masturbation within view of others.	Att 5, Sec B
High	B-14	Offering or giving of any gift, personal service, favor, money or anything else of value to any person as a bribe, or in any other way attempting to influence that person to do anything prohibited by these rules or the laws of the United States or the State of Georgia.	Att 5, Sec B
High	B-15	Requesting, demanding, inducing, and/or receiving any goods, property, personal service, favor, gift, or any item of value in return for protection or other services or considerations other than services or consideration.	Att 5, Sec B
Great	B-16	Individually, or in participating with other(s), taking and holding of a staff member or of any other person as a hostage or in any way restraining, holding, or confining any person against his or her will.	Att 5, Sec A
High	B-17	Obstructing, interfering with, or preventing any staff member from carrying out his or her orders, duties, or assignments.	Att 5, Sec B
C.	VIOLATIONS PERTAINING TO THE SECURITY AND THE ORDERLY OPERATION OF THE FACILITY:		
High	C-1	Participating in any meeting or gathering which is not of a type which has been authorized by the facility staff or an individual staff member.	Att 5, Sec B
Great	C-2	Planning, participating, conspiring, or encouraging others to participate in any group demonstration, disturbance, riot, or strike, to include a hunger strike, refusal to work, or work slowdown which would disrupt the ordinary routine of the facility.	Att 5, Sec A

PROHIBITED ACTS OFFENDER
DISCIPLINARY CHARGE CODES

SOP 209.01
Attachment 4
11/6/17

Page 3 of 7

Great	C-3	Escaping from inside of a Secure Facility. A Secure Facility has a perimeter that is intended to prevent offenders from leaving, and is made up of fences and surveillance methods such as towers, perimeter patrols and electronic monitoring devices.		Att 5, Sec A
Great	C-3 (a)	Escaping from outside of a Secure Facility. The offenders are in the custody of DOC and under supervision of agency personnel or its agents who escaped from supervision while outside the secure perimeter of a DOC facility (work details, medical, court or hospital visits, or while being transported).		Att 5, Sec A
Great	C-4	Absconded. Unauthorized absence from a facility without a Secure Perimeter. Exited without authorization or failed to return within the designated time frame to the facility. (Work assignments, activity or home passes).		
Great	C-5	Participating in the planning of, or otherwise conspiring with another person to escape, aid, abet, have any item of an officer's uniform, civilian clothing, or staff clothing, including badges, buttons, name tags, or items of personal identification, or prevent discovery of the escape or walk-away of another person from the facility or from the immediate jurisdiction, control or supervision of a staff member or other legally constituted authority.		Att 5, Sec B
Great	C-6	Attempted escape. An act where the escape was unsuccessful and the offender did not gain entry outside of the secure perimeter, or out of the custody of an agent of DOC.		Att 5, Sec B
Great	C-7	Unauthorized possession on one's person, in one's cell, immediate sleeping area, locker, or immediate place of work assignment; unauthorized receiving from or giving to another person; unauthorized fashioning or manufacturing; unauthorized introduction or arrangement for the introduction into the facility of:		Att 5, Sec B
Great		(a)	Any key, lock, locking device, chain, rope, ladder, tool, or other item which could be used to affect an escape; provided, however, that this rule shall not prohibit possession of keys and locks used to secure an offender's locker.	Att 5, Sec B
Great		(b)	Any mannequin, dummy, replica of a human body, or any item or device which would cause any offender to be counted as being present at the designated time and place when, in fact, he/she would be absent; or in any way would aid or abet the escape of an offender.	Att 5, Sec B
Great		(c)	Any mask, wig, or disguise or any other means of altering normal physical appearance which would make ready identification of an offender difficult. This includes the wearing of these items.	Att 5, Sec B
Great	C-8	Tampering with, removal of, damage to, destruction of, blocking of, or in any way making inoperable any lock, door, blocking device, or allied equipment, or any fire or safety equipment.		Att 5, Sec B
Great	C-10	Causing or participating in any interference, delay, disruption or deception with regard to the process of counting part or all of the offender population.		Att 5, Sec A
Great	C-12	Causing, through carelessness or neglect, a fire or the setting of any fire without the prior permission of a staff member.		Att 5, Sec A
High	C-17	(a)	Being under the influence of alcohol; or	Att 5, Sec B
High	C-17	(b)	Being under the influence of any other drugs, narcotic, intoxicant, depressant or stimulant not specifically authorized, prescribed or issued by a staff member of the facility;	Att 5, Sec B
High	C-17	(c)	Refusal to be tested for unauthorized substances;	Att 5, Sec B

PROHIBITED ACTS OFFENDER
DISCIPLINARY CHARGE CODES

SOP 209.01
Attachment 4
11/6/17

Page 4 of 7

		(d)	Tampering with the drug test sample.	
D.	VIOLATIONS PERTAINING TO UNAUTHORIZED POSSESSION AND/OR UNAUTHORIZED EXCHANGE OF ITEMS, SUBSTANCES, ETC.:			
High	D-1		Unauthorized possession of any item on his or her person, in his or her cell, immediate sleeping area, locker or immediate place of work assignment; unauthorized receiving from, or giving to another person; unauthorized fashioning or manufacturing, unauthorized introduction or in any way arranging for the unauthorized introduction on state property of any item; unauthorized mailing, shipping, dispatching or smuggling, or in any way arranging to mail, ship, dispatch or smuggle away from state property any item not sold in the facility store, not permitted by the established policy of the facility or by these rules or which is otherwise not expressly authorized and approved for receipt and/or retention by the individual offender.	Att 5, Sec B
High	D-3		Possession on one's person, in one's cell, immediate sleeping area, locker or immediate place of work or assignment; receiving from or giving to another person; fashioning or manufacturing; introduction or arranging for the introduction into the facility without the prior knowledge and permission of a staff member of:	Att 5, Sec B
Great		(a)	any gun, knife, club, weapon or unauthorized pointed or sharpened instrument capable of causing or inflicting bodily injury to another person	Att 5, Sec A
Great		(b)	any flammable, poisonous or explosive material or device, or any type of ammunition; provided however, this rule shall not prohibit possession of any item authorized for purchase at the facility store;	Att 5, Sec A
Great		(c)	any form of written petition intended for circulation among facilities;	Att 5, Sec A
Great		(d)	any device, equipment, paraphernalia or any other item which can be used for the injection, inhalation or absorption of drugs, narcotics, intoxicants or medicines not specifically prescribed, authorized or issued to the individual offender by a staff member;	Att 5, Sec A
High		(e)	any form of official papers or documents (other than appeals or documents relative to judicial or administrative proceedings) or articles of identification unless expressly and specifically authorized by the Appointing Authority or designee ;	Att 5, Sec B
High		(f)	Any obscene material. "Obscene" is defined as meaning: That which considered, as a whole, has as its dominant theme or purpose an appeal to prurient interest or a shameful or morbid interest in nudity, sex or lewdness going substantially beyond customary limits of candor in such matters and is utterly without redeeming social importance;	Att 5, Sec D
Great		(g)	any drug, narcotic, intoxicant depressant or stimulant.	Att 5, Sec A
Great		(h)	any form of commercially produced or homemade alcohol and alcoholic beverages.	Att 5, Sec A
Great		(j)	An apparatus associated with a device, or a component of a device that enables, or may be used to enable, communication with a person outside a place of incarceration, including a telephone, cellular telephone, smart watches, personal digital assistant, transmitting radio, or computer connected or capable of being connected to a computer network, by wireless or other technology, or otherwise capable of communicating with a person or device outside of a place of incarceration.	Att 5, Sec A

PROHIBITED ACTS OFFENDER
DISCIPLINARY CHARGE CODES

SOP 209.01
Attachment 4
11/6/17

Page 5 of 7

Great	D-4	Selling, giving, bartering, disposing of or administering any medicine, drug, narcotic, intoxicant, stimulant, depressant or medical supply other than as expressly instructed by a staff member.	Att 5, Sec B
High	D-5	Possession in the offender 's cell, immediate sleeping area or locker of an excessive amount of personal goods, property, materials or items to the degree that it restricts or interferes with the free movement of another offender, or with officers' visual observation of the cell or sleeping area or creates a fire or safety hazard. Refer to SOP 206.01, Offender Personal Property Standards.	Att 5, Sec B
E.	VIOLATIONS PERTAINING TO PROPERTY AND INVOLVING FRAUD OR MISREPRESENTATION:		
High	E-6	Transfer or attempt to transfer funds from the trust account of one offender to that of another without the prior knowledge and permission of a staff member.	Att 5, Sec C
F.	VIOLATIONS PERTAINING TO POLICY AND PROCEDURES:		
High	F-2	Transmitting or attempting to transmit through the mail threats, demands or obscene materials.	Att 5, Sec B
Great	F-3	Violation of any United States postal laws or regulations.	Att 5, Sec B
High	F-4	Violating or attempting to violate any facility mailing rule or regulation.	Att 5, Sec B
High	F-5	Violating or attempting to violate any facility visiting rule or regulation.	Att 5, Sec B
SUGGESTED DISCIPLINARY WARNING REPORT INFRACTIONS- SEE DR WARNING SANCTIONS MATRIX FOR GUIDELINES			
Moderate	B-12	Use of written or verbal profane, obscene words (as prescribed by applicable Constitutional Standards), or abusive words, language, gestures or pictures to other persons.	Att 5, Sec B
Moderate	B-13	Insubordination-defined by cursing or showing disrespect to an employee, visitor, or civilian, in front of others.	Att 5, Sec B
Moderate	B-18	Changing or altering one's appearance through body modification, which includes tattooing and body piercing. Tattooing is defined as a form of body modification, made by inserting ink, either indelible or temporary, into the dermis layer of the skin to change pigment. Body piercing, is a form of body modification, the practice of puncturing or cutting part of the human body, creating an opening in which jewelry may be worn.	Att 5, Sec B
Moderate	C-13	Unauthorized Absence: Absence from one's cell or immediate housing area, place of work, training assignment, or other area designated by a staff member, without the specific prior knowledge and permission of a staff member.	Att 5, Sec B
Moderate	C-14	Unauthorized Presence: Being out of place in any building, area, location, vehicle or restricted place.	Att 5, Sec B
Moderate	C-15	Failure to follow, or carry out any written or verbal lawful and reasonable direction, instruction or order of a staff member or other legally constituted authority.	Att. 5, Sec B
Moderate	C-16	Failure to perform or complete any work, training or other assignment, as ordered, directed or instructed, either verbally or in writing by a staff member.	Att 5, Sec B
Moderate	C-18	Refusal to allow, hindering or obstruction of the search of an offender, his or her cell or property by a staff member.	Att 5, Sec B
Moderate	C-19	Hanging, fastening or attaching of any sheet, blanket, curtain, drapery or other materials, whether or not obstructing the officer's visual observation, or any part or all of the front door, or a cell or around a dormitory bed or other immediate sleeping area.	Att 5, Sec B

PROHIBITED ACTS OFFENDER
DISCIPLINARY CHARGE CODES

SOP 209.01
Attachment 4
11/6/17

Page 6 of 7

Moderate	E-1	Receiving from or giving to another person, possession on one's person, in one's cell, immediate sleeping area, locker, or immediate place of work or assignment any goods, property or item of value to another offender without prior knowledge and approval of a staff member. Exchanging, bartering, loaning, or otherwise providing money, goods, property or any item of value to another person for profit or increased return.	Att 5, Sec B
Moderate	E-2	Theft or otherwise taking possession of any goods, property, or items of value belonging to another offender, staff member, or any government unit of the State of Georgia without the prior authorization of a staff member or taking by the use of threats, duress, deception, or force.	Att 5, Sec B
Moderate	E-3	Defacing, altering, damaging, or destroying goods, property, or any item of value belonging to another person or government unit of the State of Georgia.	Att 5, Sec B
Moderate	E-4	Knowingly providing false reports, giving false statements, lying, misrepresenting or distorting the truth, or otherwise knowingly communicating inaccurate, untrue or misleading information to a staff member.	Att 5, Sec B
Moderate	E-5	Counterfeiting, manufacture or reproduction, forgery or possession of any official paper or document, money, currency, coins or articles of identification without the prior knowledge and permission of a staff member.	Att 5, Sec B
Moderate	F-1	Participation in any betting, gambling or games of chance, or preparing or conducting games of chance or a gambling pool.	Att 5, Sec C
Moderate	F-6	Contacting or attempting to contact any person or persons outside the facility (except as specifically authorized by the telephone, mail, or visiting rules or regulations) without the prior knowledge and permission of a staff member.	Att 5, Sec B
Moderate	F-7	Use of a facility telephone without prior specific knowledge and permission of a staff member. This does not include the offender telephones in the dorm.	Att 5, Sec B
Moderate	F-8	Feigning or misrepresenting illness, injury or physical condition.	Att 5, Sec B
Low	G-1	Willful failure of an offender to keep his or her body, hair, and clothes in as clean, sanitary, neat and odor-free condition as possible, under the circumstances of his or her particular custody.	Att 5, Sec D
Low	G-2	Failure of an offender to keep his or her cell or immediate sleeping area clean, odor-free, sanitary, free of trash and debris and available to the visual observation of a staff member.	Att 5, Sec D
Low	G-3	The growing or wearing of thick or untrimmed sideburns or sideburns extending below a point even with the bottom of the ear lobe.	Att 5, Sec D
Low	G-4	The growing or wearing of the hair on the head long enough to extend onto the collar of an ordinary shirt, onto the eyebrows, or to be longer than 3 inches on top. For female offenders, the growing or wearing of hair in a manner inconsistent with SOP 228.01, Offender Barber/Cosmetology Shop.	Att 5, Sec D
Low	G-5	Wearing on the person, the body, or clothing, earrings, beads, pendants, medallions or other items of decoration or jewelry. Watches, standard-sized individual finger rings, religious medals or crosses are acceptable when in compliance with SOP 206.01, Offender Personal Property Standards.	Att 5, Sec D

PROHIBITED ACTS OFFENDER
DISCIPLINARY CHARGE CODESSOP 209.01
Attachment 4
11/6/17

Page 7 of 7

DEFINITIONS

1. **Department of Corrections Employee:** An individual who is employed by the Georgia Department of Corrections or the facility on a full-time, part-time, or contractual basis.
2. **Department of Corrections Representatives:** Official visitors to the facility, representatives of other state, local, or federal agencies.
3. **Civilians:** Individuals who are not paid directly by GDC, they may include visitors, volunteers, interns, truck drivers, service personnel repairing equipment in the facility, construction workers, employed by contractors who have projects within the facility and consultants/researchers who are employed by another government agency.
4. **Assault on an Offender with Serious Injury:** An assault which results in serious injury (a serious injury creates a substantial risk of death, or which causes serious and protracted impairment of health or protracted loss of or impairment of the function of any organs), which requires urgent and immediate attention and restricts usual activity.
5. **Offender-On-Offender Assault:** Any assault (injury or non-injury) that is not defined as serious.
6. **Attempted assault to an employee, visitor, civilian, or offender:** This is when an action has occurred, with or without a weapon; however, no contact was made, and no injury resulted from the employee, visitor, or civilian, avoiding the situation. For example, an offender(s) swings a lock in a sock at the employee and the employee dodges; thereby, avoiding the strike.
7. **Intentionally causing injury to oneself:** This is when an offender(s) intentionally causes harm to themselves and requires any form of medical treatment, ranging from mere first aid to transportation to a local hospital.
8. **Fighting:** A fight may include a flare of tempers with physical contact (e.g., punching, hard shove, slap, pulling of hair, etc.), mutual combat, or minor physical contact between two or more offenders, where there is no serious injury. Boxing, wrestling, horse playing and any other form of physical contact should be included. No weapons are involved.
9. **Escape:** An act is considered to be an escape from within the facility as soon as the offender breaches the last line (barrier/fence) of security. If the offender clears the second fence, then the act will be considered as an escape, even if the offender is apprehended on facility grounds
10. **Secure facility:** A secure facility has a perimeter that is intended to prevent offenders from leaving and has security features that may include a) barriers such as fences and walls that are intended to physically constrain offenders from departing the facility as well as b) surveillance methods such as guard towers, perimeter patrols and electronic monitoring devices that are intended to detect offenders who are attempting to depart the facility.
11. **Abandoned:** Failure to return to the facility by the allotted time. **This charge is only for facilities that lack any type of perimeter security.** An offender who is absent from the facility more than eight (8) hours, will be charged with an escape.

AUTHORIZED DISCIPLINARY
SANCTIONS LIST

The following is a list of acceptable sanctions, which can be used for disciplinary action. The disciplinary action taken should be the minimum for each specific case to establish and maintain obedience, order, and good conduct. All disciplinary actions should be progressive in nature and only minimum sanctions of isolation and TPM extension (Transitional Centers Only) shall be utilized on first and second offenses.

- A. GREATEST SEVERITY OFFENSES: (NO MORE THAN 90 DAYS, EXCEPT WHERE INDICATED).
1. Isolation 1-30 days (SANCTIONS OF MORE THAN 30 DAYS AT A TIME IS PROHIBITED)
 2. Referral to Classification Committee for review pursuant to classification procedures
 3. Disciplinary transfer
 4. Removal from specified programs
 5. Affect issuance of warrant for violation of law
 6. Prison restrictions of privileges to include store, library, recreation, living quarters, group activities, packages, and telephone up to 90 days. Non-privileged mail may be taken as disciplinary sanction only if the offense is an abuse of mail privileges.
 7. Impound personal property (excluding religious or legal) up to 90 days
 8. An offender found guilty of DR charge D-3(j) will be charged an administrative processing fee of one hundred dollars (\$100.00).
 9. Monetary restitution to recover costs associated with or resulting from willful acts. (See SOP 201.04 Charges to Offender Accounts for Healthcare, Willful Acts, and Court Costs).
 10. Non-Attorney Visitation Restriction up to 90 days.
 11. Assignment to extra duty for two (2) hours per day up to 90 days.
 12. Mandatory Assignment to GDC program, counseling or training.
 13. Increased Drug and/or alcohol testing.
 14. Removal from Transitional Center program (Sanction for used by Transitional Center only)

AUTHORIZED DISCIPLINARY
SANCTIONS LIST

15. Visitation restriction up to 90 days when the violation is a direct abuse of that privilege (Sanction for use by Transitional Center only)
 16. Pass Restriction/Denial (Sanction for use by Transitional Center only)
 17. Return to Phase I of Transitional Center program (Sanction for use by Transitional Center only)
 18. Extended stay in Phase I of Transitional Center program (Sanction for use by Transitional Center only)
 19. Mandatory Community Service (Sanction for use by Transitional Center only)
 20. Assignment to "Long Term Maintenance" duties (Sanction for use by Transitional Center only)
 21. Temporary return to prison up to 60 days (Sanction for use by Transitional Center only)
 22. Probated temporary return to Prison. (Sanction for use by Transitional Center only)
 23. Removal of Media rights (video visitation and/or electronic email) up to 90 days or permanent removal.
 24. Probation Revocation: Detainees or Probationers and as such are subject to being returned to court for a Probation Revocation Hearing. The decision to initiate a request for Probation Revocation shall rest with the Superintendent or in his/her absence, his designee. This action may be the result of violation of Center Rules and resulting from guilty findings through the Center's Disciplinary Process, or violation of Law or Probation conditions. However, the Superintendent or designee shall have the authority to initiate requests for Probation Revocation regardless of the Disciplinary Hearing Officer's recommended sanctions. In summary, the Superintendent or designee maintains sole discretion in the decision to initiate revocation procedures independent of the Center's Disciplinary Process. (PDCs and ITFs).
- B. HIGH SEVERITY OFFENSES: (NO MORE THAN 60 DAYS, EXCEPT WHERE INDICATED)
1. Isolation one to fourteen days
 2. Referral to Classification Committee for review pursuant to Classification Policy
 3. Disciplinary transfer
 4. Removal from specified programs
 5. Affect issuance of warrant for violation of law
 6. Prison restrictions on privileges (See Item A-7) for up to 60 days

AUTHORIZED DISCIPLINARY
SANCTIONS LIST

7. Impound personal property (excluding religious and legal) up to 60 days
8. Change in work or quarters assignment
9. Assignment to extra duty for two (2) hours per day up to 60 days
10. Monetary restitution to recover costs associated with or resulting from willful acts. (See SOP 201.04 Charges to Offender Accounts for Healthcare, Willful Acts, and Court Costs).
11. Non-Attorney Visitation Restriction up to 60 days.
12. Mandatory Assignment to GDC program, counseling or training.
13. Increased Drug and/or alcohol testing.
14. Assignment to extra duty or in – house community service for two (2) hours per day up to 60 days (Sanction for use by Transitional Center only)
15. Probated TPM Extension (Sanction for use by Transitional Center only)
16. Removal from Transitional Center program (Sanction for use by Transitional Center only)
17. Pass Restriction/Denial of Pass (Sanction for use by Transitional Center only)
18. Probated Pass Restriction/Denial of Pass (sanction for use by Transitional Center only) Return to Phase I of Transitional Center program (Sanction for use by Transitional Center only)
19. Extended stay in Phase I of Transitional Center program (Sanction for use by Transitional Center only)
20. Mandatory Assignment to GDC program, counseling, or training (Sanction for use by Transitional Center only) Mandatory Community Service (Sanction for use by Transitional Center only)
21. Assignment to “Long Term Maintenance” job(s). (Sanction for use by Transitional Center only)
22. Increased Drug and/or alcohol testing. (Sanction for use by Transitional Center only)
23. Increase in Reporting Contact(s). (Sanction for use by Transitional Center only)
24. Temporary return to Prison up to 30 days. (Sanction for use by Transitional Center only)

AUTHORIZED DISCIPLINARY
SANCTIONS LIST

25. Probated temporary Return to Prison (Sanction for use by Transitional Center only)
 26. Use of non-GDC alternative program assignment (Sanction for use by Transitional Centers only)
 27. Program Dismissal (RSAT).
 28. Remain in current phase (impede movement for 30-45 days or return to Day 1, Phase 1). (RSAT)
 29. Removal of up to 60 days. (PDC)
- C. MODERATE SEVERITY OFFENSES: (NEGOTIATED PLEA, ALTERNATIVE SANCTIONS, DR WARNINGS)
1. Removal from specified programs
 2. Affect issuance of warrant for violation of law
 3. Prison restrictions on privileges (See Item A-7) up to 30 days
 4. Impound personal property (excluding religious and legal) up to 30 days
 5. Change in work or quarters assignment
 6. Assignment to extra duty for two (2) hours per day up to 30 days
 7. Mandatory Assignment to GDC program, counseling or training.
 8. Increased Drug and/or alcohol testing
 9. Non-Attorney Visitation Restriction up to 30 days.
 10. Required counseling contacts option (Sanction for use by Transitional Center only)
 11. Probated Pass Restriction/Denial of Pass (Sanction for use by Transitional Center only)
 12. Extra Duty Assignment up to 30 days (Sanction for Use by Transitional Centers only)
 13. Civilian Clothing restrictions and / or return to institutional clothing (Sanction for use by Transitional Centers only)
 14. Use of non-GDC alternative program assignment (Sanction for use by Transitional Centers only)

AUTHORIZED DISCIPLINARY
SANCTIONS LIST

15. Increase in Reporting Contacts (Sanction for use by Transitional Centers only)
 16. Verbal reprimands (Sanction for use by Transitional centers only)
 17. Return to Phase I of Transitional Center program (Sanction for use by Transitional Center only)
 18. Extended Stay in Phase I of Transitional Center program (Sanction for use by Transitional Center only)
 19. Mandatory Assignment to GDC program, counseling, cognitive skills, etc. (Sanction for use by Transitional Center only)
 20. Mandatory Community Service (Sanction for use by Transitional Center only)
 21. Assignment to "Long Term Maintenance" duties (Sanction for use by Transitional Center only)
- D. **LOW SEVERITY OFFENSES: (NEGITIATED PLEA, ALTERNATIVE SANCTIONS, AND DR WARNINGS)** Includes all sanctions listed in Moderate Severity Offenses with a 30-day limit on restrictions.
- E. **MULTIPLE OFFENSES (within 180 days):** An offender's previous conviction on three (3) or more offenses in the same severity category may result in the imposition of a sanction or sanctions available for use in the next highest category of offenses. For example, conviction of a third Moderate Severity Offense within 180 calendar days will permit the Disciplinary Committee to impose one (1) or more sanctions available in the High Severity Offenses list. Before imposing sanctions, the Disciplinary Hearing Officer should tell the offender that the severity level of the charge(s) is being increased because of the offender's multiple offenses. The Disciplinary Hearing Officer will document the severity increase on the Disciplinary Report form in the V.B-"Action Recommended" section.

STAFF ADVOCATE FORM

Facility: _____ Disciplinary Report #: _____

Offender's Name: _____ Offender's ID#: _____

Disciplinary Investigator: _____ Date: _____ Time: _____

Disciplinary Report Charges:

(1) _____ (2) _____ (3) _____

I do / do not request the services of a staff advocate.

Offender's Signature/Printed Name/Date/Time

As the Staff Advocate, I shall ensure that you understand the disciplinary process and that all due process aspects of the disciplinary procedure are followed.

PRE-HEARING: The Offender shall initial after each aspect, during the interview with the Advocate that the following was accomplished:

- a. Answered your questions regarding due process and procedural aspects of the Disciplinary Hearing. _____
- b. Advised you of any alternatives in charging and sanctions that may be possible under the disciplinary procedure. For example, the possibility of a disciplinary warning report, and/or, negotiating a plea-bargaining arrangement, when appropriate. _____
- c. Met with you and discussed my responsibilities as the Staff Advocate, at least four (4) hours prior to the Disciplinary Hearing. _____
- d. Questions for the Disciplinary Hearing Officer and witnesses were submitted to the Staff Advocate at the time of interview. _____

I met with the Staff Advocate, and understand the disciplinary process and all due process aspects of the disciplinary procedure.

Offender's Signature/Printed Name_____
Date/Time

STAFF ADVOCATE FORM

POST HEARING: The Staff Advocate shall initial after each aspect, during the Disciplinary Hearing.

- e. I was notified by the Disciplinary Investigator of the names of offenders requesting representation. Also, the date and location of the Disciplinary Hearings. _____
- f. Presented questions to the Disciplinary Hearing Officer and to witnesses in the case on your behalf. _____
- g. Ensured that the Disciplinary Hearing Officer instructs you on your rights to appeal, and presented you with an appeal form. _____
- h. Advised the Warden/Superintendent of any procedural errors by the Disciplinary Hearing Officer, that might adversely affect the prison's/center's case against you, if applicable. _____

Comments:

My signature certifies that the information stated above is accurate and true.

General Population Advocate: _____
 Signature/Printed Name/Title Date/Time

Mental Health Advocate: _____
 Signature/Printed Name/Title Date/Time

Alternate Advocate: _____
 Signature/Printed Name/Title Date/Time

NOTE: An Alternate Advocate shall be utilized when the Primary Advocate is unable to attend the scheduled Disciplinary Hearing. The Primary and Alternate Advocates shall meet and discuss the disciplinary report at least two (2) hours prior to the scheduled Disciplinary Hearing.

(Reproduce locally)

DISCIPLINARY APPEAL FORM

Facility: _____ Disciplinary Report #: _____

Offender's Name: _____ Offender's ID#: _____
(Please Print)

TO: WARDEN/SUPERINTENDENT: (Submit within fifteen (15) calendar days after hearing).

REASON FOR APPEAL:

Offender's Signature

Date

WARDEN'S/SUPERINTENDENT'S DECISION: (Within thirty (30) calendar days of receipt of appeal).

Warden's/Superintendent's Signature

Date

2nd Appeal: (Within five (5) business days of Warden's Response)

TO: Inmate Affairs Unit
P.O. Box 310
Hardwick, Georgia 31034

Offender's Signature

Date

EXECUTIVE ASSISTANT'S DECISION:

Executive Assistant's Signature

Date

(Reproduce locally)

USE OF WITNESS(S)
HEARING DOCUMENTATION FORM

Facility: _____ Disciplinary Report #: _____

Offender's Name: _____ Offender's ID#: _____

The above-named offender requested the following witness(s) to appear at his/her hearing.

A. Name(s) of Witness(s) Called to Hearing:

_____	_____
_____	_____
_____	_____
_____	_____

B. Name(s) of Witness(s) NOT called to Hearing:

Reason Witness(s) Not Called:

_____	_____
_____	_____
_____	_____
_____	_____

C. Name(s) of Witness(s) Released by Offender at Time of Hearing:

_____	_____
_____	_____
_____	_____

Offender's Signature

Date

Disciplinary Hearing Officer (signature)

Date

(Reproduce locally)

Retention Schedule: Upon completion, this form shall be placed in the offender's institutional file, except for those overturned or dismissed, and shall be kept according to the official records retention schedule for institutional files.

GEORGIA DEPARTMENT OF CORRECTIONS

FACILITY: _____

MH/MR SERVICES

NAME: _____

MH/MR EVALUATION FOR DISCIPLINARY ACTION

ID#: _____

DOB: _____

RACE: _____ SEX: _____

MH/MR OFFENDER'S DISCIPLINARY REPORT DATED: _____

DISCIPLINARY REPORT NUMBER: _____

I. A review of the Disciplinary Report and the offender's mental health status indicates the following:

_____ The Offender is competent to proceed with the disciplinary investigation and hearing.

_____ The Offender is not competent to proceed with the disciplinary investigation and hearing.

II. A review of the circumstances surrounding the infraction and the offender's mental status indicated the following:

_____ There are no mitigating MH/MR circumstances surrounding the offender's violation of institutional/department rules.

_____ There are mitigating MH/MR circumstances surrounding the offender's violation of institutional/department rules.

Mitigating MH/MR circumstances or sanctions to be considered by the Disciplinary Hearing Officer are Listed below:

MH/MR Evaluator Title

Date

MH/MR Clinical Consultant

Date

Hearing Officer Signature

Date

Form M34-01-01

Retention Schedule: Upon completion, the original shall go to the Disciplinary Hearing Officer and a copy shall be placed in the Mental Health Record and in the offender's institutional file, except for those overturned or dismissed, and shall be maintained according to the official records retention schedule for institutional files.

Retention Schedule: Upon completion, the original shall go to the Disciplinary Hearing Officer and a copy shall be placed in the Mental Health Record and in the offender's institutional file, except for those overturned or dismissed, and shall be maintained according to the official records retention schedule for institutional files.

EXHIBIT 22

Standard Operating Procedures

Policy Name: Prison Rape Elimination Act (PREA) Sexually Abusive Behavior Prevention And Intervention Program

Policy Number: 208.06

Effective Date: 3/2/2018

Page Number: 1 of 33

Authority:
Commissioner

Originating Division:
Executive Division (Office of
Professional Standards)

Access Listing:
Level II: Required Offender
Access

I. Introduction and Summary:

A. The Georgia Department of Corrections (GDC) has a zero-tolerance policy toward all forms of sexual abuse, Sexual Harassment and sexual activity among offenders. The purpose of this policy is to strengthen the Department's efforts to prevent occurrences of this nature by implementing key provisions from the U.S. Department of Justice's standards on the prevention, detection, and response to sexual abuse in confinement facilities, in accordance with the Prison Rape Elimination Act of 2003 (PREA). This policy and provides guidelines to address the following prohibited sexually abusive and/or harassing behavior(s):

1. Offender Perpetrator Against Offender Victim; and
2. Staff perpetrator against offender victim.

B. These guidelines are provided to assist staff in:

1. **Detecting** incidents and identifying perpetrators and victims of sexual abuse and/or harassment;
2. **Preventing** sexually abusive and/or harassing behavior;
3. **Protecting** vulnerable offenders from abuse and harassment from sexually aggressive offenders;
4. Educating staff on how to **intervene** properly and in a timely manner;
5. **Documenting, reporting, and investigating** reported incidents; and
6. **Disciplining** and/or **prosecuting** perpetrators.

II. Authority:

A. O.C.G.A.: § 16-6-5.1;

B. Prison Rape Elimination Act National Standards: **28 CFR Part 115, et seq.;**

C. GDC Standard Operating Procedures (SOPs): 203.03 Incident Report, 209.01

Standard Operating Procedures

Policy Name: Prison Rape Elimination Act (PREA) Sexually Abusive Behavior Prevention And Intervention Program

Policy Number: 208.06 **Effective Date:** 3/2/2018 **Page Number:** 2 of 33

Authority: Commissioner	Originating Division: Executive Division (Office of Professional Standards)	Access Listing: Level II: Required Offender Access
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Offender Discipline, 227.02 Statewide Grievance Procedure, 209.06 Administrative Segregation, 103.10 Evidence Handling and Crime Scene Preservation, 103.06 Investigation of allegations of sexual contact, Sexual Abuse, and Sexual Harassment of Offenders, 508.22 Mental Health Management of Suspected Sexual Abuse, Contact or Harassment, 508.18) MH/MR Discipline Procedures 508.19 Receiving Screening, 507.04.19 Health Assessment and Medical Diagnostics, 507.04.21 Health Screening Offender Transfers, 507.04.69 Women's Health Services, 507.02.02 Confidentiality of Health Record and Release of Information, 507.04.84 Medical Management of Suspected Sexual Abuse, 507.04.85 Informed Consent, 507.04.91 Medical Management of Suspected Sexual Assault, Abuse, Harassment, 101.04 Records Management, and 104.09 Filling A Vacancy; and

D. ACA Standards: 2-CO-3C-01, 2-CO-4B-06, 4-4177, 4-4281-1, 4-4281-2, 4-4281-3, 4-4281-4, 4-4281-5, 4-4281-6, 4-4281-7, 4-4281-8, 4-4282, 4-4291-3, 4-4307, 4-4311, 4-4312-1, 4-4403, and 4-4406.

III. Definitions:

- A. Community Confinement Facility** - A state operated facility, other than a State Prison, in which individuals reside as part of a term of imprisonment while participating in gainful employment, employment search efforts, community service, vocational training, treatment, educational programs, or similar facility-approved programs during nonresidential hours. (e.g. Transitional Centers.)
- B. Direct Staff Supervision** - Security staff in the same room with, and within reasonable hearing distance of, the residents or offenders and disallows youthful offenders and adult offender communication of any kind.
- C. Exigent Circumstance** - Any set of temporary and unforeseen circumstances that require immediate action in order to combat a threat to the security or institutional order of a facility.
- D. Gender Nonconforming** - A person whose appearance or manner does not conform to traditional societal gender expectations.
- E. Intersex** - A person who's sexual or reproductive anatomy or chromosomal

Standard Operating Procedures

Policy Name: Prison Rape Elimination Act (PREA) Sexually Abusive Behavior Prevention And Intervention Program

Policy Number: 208.06 **Effective Date:** 3/2/2018 **Page Number:** 3 of 33

Authority: Commissioner	Originating Division: Executive Division (Office of Professional Standards)	Access Listing: Level II: Required Offender Access
-----------------------------------	---	--

pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development.

- F. **Juvenile** - Any person under the age of 18, unless under adult court supervision and confined or detained in a prison or jail.
- G. **PREA Compliance Manager (PCM)** - An upper-level manager, designated by the Warden, and is responsible for compliance in all facility PREA-related operations.
- H. **Retaliation Monitor** - A staff member, designated by the Warden, who is responsible for the prevention, detection, and reporting of any retaliatory actions taken against staff or offenders that report PREA allegations.
- I. **Sexual Abuse Incident Review Team (SAIRT)** – A team that consists of upper-level management representatives. SAIRT members may be part of the SAIRT, however the SAIRT shall not be solely comprised of SAIRT members. Line supervisors and other staff members may be designated as SAIRT members at the discretion of the Warden/Superintendent of the facility.
- J. **Sexual Abuse/Harassment Response Team (SART)** – A team that consists of a locally composed multi-disciplinary team, with both security and non-security staff, who work together to fulfill the guidelines defined in section I of this policy. This team includes but is not limited to:
1. SART Investigator;
 2. SART Medical;
 3. SART Mental Health;
 4. Facility/ Internal Victim Advocate; and
 5. Retaliation Monitor.
- K. **Sexual Abuse by Offender** - Sexual abuse of an offender, detainee, or resident by another offender, detainee, or resident includes any of the following acts if the

Standard Operating Procedures

Policy Name: Prison Rape Elimination Act (PREA) Sexually Abusive Behavior Prevention And Intervention Program

Policy Number: 208.06

Effective Date: 3/2/2018

Page Number: 4 of 33

Authority:
Commissioner

Originating Division:
Executive Division (Office of Professional Standards)

Access Listing:
Level II: Required Offender Access

victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:

1. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
2. Contact between the mouth and the penis, vulva, or anus;
3. Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
4. Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.

L. Sexual Abuse by A Staff Member, Contractor, Or Volunteer - Sexual abuse of an offender, detainee, or resident by a staff member, contractor, or volunteer includes any of the following acts, with or without consent of the offender, detainee, or resident:

1. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
2. Contact between the mouth and the penis, vulva, or anus;
3. Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
4. Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
5. Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer

Standard Operating Procedures

Policy Name: Prison Rape Elimination Act (PREA) Sexually Abusive Behavior Prevention And Intervention Program		
Policy Number: 208.06	Effective Date: 3/2/2018	Page Number: 5 of 33
Authority: Commissioner	Originating Division: Executive Division (Office of Professional Standards)	Access Listing: Level II: Required Offender Access

has the intent to abuse, arouse, or gratify sexual desire;

6. Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs (1) through (5) of this definition;
7. Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an offender, detainee, or resident;
8. Voyeurism by a staff member, contractor, or volunteer. Voyeurism by a staff member, contractor, or volunteer means an invasion of privacy of an offender, detainee, or resident by staff for reasons unrelated to official duties.

M. Sexual Harassment includes:

1. Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one offender, detainee, or resident directed toward another; and
2. Repeated verbal comments or gestures of a sexual nature to an offender, detainee, or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

N. Special Agent in Charge (SAC) - An investigator who works for the Office of Professional Standards (OPS) who is responsible for any criminal investigation into a PREA allegation, should such investigation be deemed appropriate.

O. Substantiated Allegation - An allegation that was investigated and determined to have occurred.

P. Transgender - A person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth.

Q. Unfounded Allegation - An allegation that was investigated and determined not to have occurred.

Standard Operating Procedures

Policy Name: Prison Rape Elimination Act (PREA) Sexually Abusive Behavior Prevention And Intervention Program

Policy Number: 208.06

Effective Date: 3/2/2018

Page Number: 6 of 33

Authority:
Commissioner

Originating Division:
Executive Division (Office of
Professional Standards)

Access Listing:
Level II: Required Offender
Access

- R. **Unsubstantiated Allegation** - An allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.
- S. **Youthful Offender** - Any person under the age of 18 who is under adult court supervision and incarcerated or detained in a prison or jail.

IV. Statement of Policy and Applicable Procedures:

The Department hereby adopts, implements, and follows the standards outlined in the Prison Rape Elimination Act (PREA) Standards found at 28 CFR Part 115. Through the adoption of the PREA Standards, the Department seeks to eliminate sexual abuse and Sexual Harassment of offenders in custody. The Department tolerates no form of sexual abuse or Sexual Harassment of any offender.

Offenders who sexually abuse another offender will be disciplined and referred for criminal prosecution. Offenders who engage in Sexual Harassment, consensual sexual contact with another offender, attempt to engage in or solicit such contact, or help another engage in sexual contact with an offender will be disciplined.

Staff members who engage in sexual abuse or Sexual Harassment of an offender will be subject to disciplinary action, up to and including termination and banishment from all Georgia correctional institutions, whichever action is applicable. Additionally, staff members who engage in sexual abuse of an offender will be subject to criminal prosecution. Pursuant to O.C.G.A. § 16-6-5.1, it is a felony for correctional staff to have sexual contact with an offender.

A. Prevention Planning:

1. The Department shall employ or designate an upper-level, Department PREA Coordinator with sufficient time and authority to develop, implement, and oversee Department efforts to comply with the PREA standards in all facilities.

The Warden/Superintendent at each institution must ensure that all aspects of this policy are implemented. Each facility shall have an assigned PREA Compliance Manager, who has sufficient time and authority to coordinate the

Standard Operating Procedures

Policy Name: Prison Rape Elimination Act (PREA) Sexually Abusive Behavior Prevention And Intervention Program		
Policy Number: 208.06	Effective Date: 3/2/2018	Page Number: 7 of 33
Authority: Commissioner	Originating Division: Executive Division (Office of Professional Standards)	Access Listing: Level II: Required Offender Access

facility's efforts to comply with PREA standards.

The Warden/Superintendent shall maintain a current written PREA Local Procedure Directive and Coordinated Response Plan (see Attachment 7 for template) to provide instruction for responses to sexual allegations. This Local Procedure Directive shall reflect that institution's unique characteristics and specify how that institution will respond to sexual allegations and the notification procedures to be followed for reports of sexual allegations. At a minimum it will include:

- a. Specification of staff member(s) responsibilities from the first report of an allegation through the conclusion of an investigation.
 - b. Responding to the victim and ensuring evidence retention.
 - c. Monitoring the offender perpetrator to ensure safety of others and evidence retention.
 - d. Ensuring safe housing, medical and mental health care, forensic exam, victim services for the victim, and commencing an investigation.
2. The Department shall ensure that contracts for the confinement of its offenders with private agencies or other entities, including other government agencies, shall include in any new contract or contract renewal the entity's obligation to adopt and comply with the PREA standards and that any new contract or contract renewal shall provide for Department contract monitoring to ensure that the contractor is complying with the PREA standards.
 3. The Warden/Superintendent at each facility shall develop a written Staffing Plan in accordance with this SOP using Attachment 11, Staffing Plan Template. To enhance the supervision and monitoring of offenders, each facility shall document and make its best efforts to comply on a regular basis with the established staffing plan that provides for adequate levels of staffing, and, where applicable, video monitoring, to protect offenders against sexual abuse. In circumstances where the staffing plan is not complied with, the facility shall document and justify all deviations on the daily Post Roster. Facility management staff will review these deviations on a regular basis, no

Standard Operating Procedures

Policy Name: Prison Rape Elimination Act (PREA) Sexually Abusive Behavior Prevention And Intervention Program		
Policy Number: 208.06	Effective Date: 3/2/2018	Page Number: 8 of 33
Authority: Commissioner	Originating Division: Executive Division (Office of Professional Standards)	Access Listing: Level II: Required Offender Access

less than annually, to identify the most common reasons for deviations. This information shall be used to make adjustments, as necessary, to the facility staffing plan. Completed plans will be forwarded to the PREA Coordinator for review and approval.

4. No less than annually, each facility shall assess, determine, and document whether adjustments are needed to the established staffing plan. Revised plans shall be forwarded to the PREA Coordinator for review and approval.
5. All new or existing facility designs, modifications, and technology upgrades will include consideration of how they could enhance the Department's ability to protect offenders against sexual abuse.
6. Unannounced rounds by supervisory staff, with the intent of identifying and deterring sexual abuse and Sexual Harassment, are required to be conducted every week, including all shifts and all areas. These rounds will be documented in the area log books. In addition, the institutional Duty Officer is required to conduct and document unannounced rounds at least once per week in *all* areas. These rounds will be documented in the local Duty Officer Log book.
7. Youthful Offenders:
 - a. A Youthful Offender shall not be placed in a housing unit in which the Youthful Offender will have sight, sound, or physical contact with any adult offender through use of a shared dayroom or other common space, shower area, or sleeping quarters.
 - b. In areas outside of housing units, staff must either:
 - i. Maintain sight and sound separation between Youthful Offenders and adult offenders, or
 - ii. Provide direct staff member supervision when Youthful Offenders and adult offenders have sight, sound, or physical contact.
 - c. Efforts shall be made by the assigned institution to avoid placing

Standard Operating Procedures

Policy Name: Prison Rape Elimination Act (PREA) Sexually Abusive Behavior Prevention And Intervention Program		
Policy Number: 208.06	Effective Date: 3/2/2018	Page Number: 9 of 33
Authority: Commissioner	Originating Division: Executive Division (Office of Professional Standards)	Access Listing: Level II: Required Offender Access

Youthful Offenders in isolation to comply with this provision. Absent Exigent Circumstances, Youthful Offenders shall not be denied daily large-muscle exercise and any legally required special education services to comply with this provision. Youthful Offenders shall also have access to other programs and work opportunities to the extent possible.

8. Limits to Cross-Gender Viewing and Searches:

- a. The facility shall not conduct cross-gender strip searches or cross-gender visual body cavity searches (meaning a search of the anal or genital opening) except in Exigent Circumstances or when performed by medical practitioners.
- b. The facility shall not conduct cross-gender pat searches of female offenders, absent Exigent Circumstances. This requirement shall not restrict female offender's access to regularly available programming or other out-of-cell opportunities in order to comply with this provision.
- c. The facility shall document all cross-gender strip searches and cross-gender visual body cavity searches, and shall document all cross-gender pat-down searches of female offenders via an incident report.
- d. The facility shall implement procedures that enable offenders to shower, perform bodily functions, and change clothing without nonmedical staff members of the opposite gender viewing their breasts, buttocks, or genitalia, except in Exigent Circumstances or when such viewing is incidental to routine cell checks. Offenders should only shower, perform bodily functions, and change clothing in designated areas (e.g. cells, shower rooms, and bathrooms).
- e. Staff members of the opposite gender shall announce their presence when entering an offender housing unit; this includes the officer assigned to the housing unit. It is understood that staff members might not make announcements when responding to circumstances that require immediate action in order to combat a threat to security.

Standard Operating Procedures

Policy Name: Prison Rape Elimination Act (PREA) Sexually Abusive Behavior Prevention And Intervention Program

Policy Number: 208.06

Effective Date: 3/2/2018

Page Number: 10 of 33

Authority:
Commissioner

Originating Division:
Executive Division (Office of
Professional Standards)

Access Listing:
Level II: Required Offender
Access

Offenders will be notified of the presence of opposite-gender staff members in several ways:

- i. Offenders are advised of the requirement to remain clothed, and the presence of cross-gender staff members generally, during the intake screening process and the admission and orientation process;
 - ii. The following notice will be posted **“NOTICE TO OFFENDERS: Male and female staff members routinely work in and visit housing areas.”**
 - iii. For staff members with offices in the housing units, the most recent schedule is posted in the unit so offenders are aware of when opposite-gender staff may be present;
 - iv. An announcement shall be made each time an opposite-gender staff member comes into a housing unit area and;
 - v. Nothing in this section should preclude opposite-gender staff members from viewing live or recorded video, or participating in an offender suicide watch.
- f. The facility shall not search or physically examine a Transgender or Intersex offender for the sole purpose of determining the offender’s genital status. If the offender’s genital status is unknown, it may be determined during conversations with the offender, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner. The provision does not limit searches of offenders to ensure the safe and orderly running of the institution.
- g. The Department shall train security staff members on how to conduct cross-gender pat searches and searches of Transgender and Intersex offenders in a professional and respectful manner and in the least intrusive manner possible, consistent with security needs and consistent with the population gender of their assigned institution.

Standard Operating Procedures

Policy Name: Prison Rape Elimination Act (PREA) Sexually Abusive Behavior Prevention And Intervention Program		
Policy Number: 208.06	Effective Date: 3/2/2018	Page Number: 11 of 33
Authority: Commissioner	Originating Division: Executive Division (Office of Professional Standards)	Access Listing: Level II: Required Offender Access

9. Offenders with Disabilities, Who Are Limited English Proficient (LEP), or Have Limited Reading Skills:

- a. The local PREA Compliance Manager shall ensure the appropriate resources are available to offenders with disabilities and those who are LEP so they may understand the facility policies around reporting, preventing, detecting, and responding to sexual abuse and Sexual Harassment.
- b. The facility shall not rely on offender interpreters, offender readers, or other types of offender assistants except in Exigent Circumstances where an extended delay in obtaining an effective interpreter could compromise the offender's safety, the performance of first response duties under 28 CFR § 115.64, or the investigation of the offender's allegations.

10. Hiring and Promotion Decisions:

- a. Employees:
 - i. The Department shall not hire or promote anyone who may have contact with offenders, who:
 - 1) Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, Juvenile facility, or other institution (as defined in 42 U.S.C. 1997); has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or
 - 2) Has been civilly or administratively adjudicated to have engaged in the activity described in paragraph a.i.1., of this section.
 - ii. The Department shall consider any incidents of Sexual Harassment in determining whether to hire or promote anyone who may have contact with offenders.

Standard Operating Procedures

Policy Name: Prison Rape Elimination Act (PREA) Sexually Abusive Behavior Prevention And Intervention Program		
Policy Number: 208.06	Effective Date: 3/2/2018	Page Number: 12 of 33
Authority: Commissioner	Originating Division: Executive Division (Office of Professional Standards)	Access Listing: Level II: Required Offender Access

- iii. Before hiring new employees who may have contact with offenders, the Department shall:
 - 1) Ask all applicants and employees who may have contact with offenders directly about previous misconduct described in SOP 104.09, Filling a Vacancy, in written applications or interviews for hiring and promotions and any written interview or written self-evaluations conducted as part of reviews of current employees. Every employee has a continuing affirmative duty to disclose any such misconduct.
 - 2) Perform a Criminal History Record checks on all employees and volunteers prior to start date and again within at least every five years. A tracking system shall be implemented at each local facility to ensure the criminal history checks are conducted within the appropriate time frames, according to policy, for each person with access to that facility.
 - iv. Unless prohibited by law, the Department shall provide information on Substantiated Allegations of sexual abuse or Sexual Harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work. The Department complies with the Federal Privacy Act and Freedom of Information Act, and all other applicable laws, rules, and regulations.
 - v. Material omissions regarding misconduct or the provision of materially false information shall be grounds for termination.
- b. Contractors:
- i. The Department shall not enlist the services of any contractor, who may have contact with offenders, who:
 - 1) Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, Juvenile facility, or other institution (as defined in 42 U.S.C. 1997); Has been convicted of engaging or

Standard Operating Procedures

Policy Name: Prison Rape Elimination Act (PREA) Sexually Abusive Behavior Prevention And Intervention Program		
Policy Number: 208.06	Effective Date: 3/2/2018	Page Number: 13 of 33
Authority: Commissioner	Originating Division: Executive Division (Office of Professional Standards)	Access Listing: Level II: Required Offender Access

attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or

- 2) Has been civilly or administratively adjudicated to have engaged in the activity described in paragraph b.i.1., of this section.
- ii. The Department shall consider any incidents of Sexual Harassment in determining whether to enlist the services of any contractor, who may have contact with offenders.
 - iii. Before hiring new employees who may have contact with offenders, the Department shall:
 - 1) Perform a Criminal History Record check before enlisting the services of any contractor who may have contact with offenders and at least every five years thereafter.
 - iv. Unless prohibited by law, the Department shall provide information on Substantiated Allegations of sexual abuse or Sexual Harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work. The Department complies with the Federal Privacy Act and Freedom of Information Act, and all other applicable laws, rules, and regulations.
 - v. Material omissions regarding misconduct or the provision of materially false information shall be grounds for termination.

B. Responsive Planning:

1. Evidence protocol and forensic medical examinations.
 - a. Each facility shall follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions. Reference SOP 103.10, Evidence

Standard Operating Procedures

Policy Name: Prison Rape Elimination Act (PREA) Sexually Abusive Behavior Prevention And Intervention Program		
Policy Number: 208.06	Effective Date: 3/2/2018	Page Number: 14 of 33
Authority: Commissioner	Originating Division: Executive Division (Office of Professional Standards)	Access Listing: Level II: Required Offender Access

Handling and Crime Scene Processing and SOP 103.06, Investigations of Allegations of Sexual Contact, Sexual Abuse, Sexual Harassment of Offenders.

- b. The Department's response to sexual assault follows the guidelines in the U.S. Department of Justice's Office on Violence Against Women publication, "*A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents,*" dated April 2013, or the most current version.
- c. When there is a report of an incident of sexual abuse that was alleged to have occurred within the previous 72 hours, or there is a strong suspicion that an assault may have been sexual in nature, a physical examination of the alleged victim shall be conducted to determine if immediate medical attention is necessary and if the SANE protocol should be initiated, (Attachment 5, Procedure for SANE Evaluation/Forensic Collection). The SANE examination shall be provided at no cost to the offender. Physical evidence from the suspected perpetrator(s) will be collected and may also include an examination. Offender consent must be obtained prior to initiating the SANE protocol, in accordance with 507.04.85 Informed Consent.
- d. The Department stands *in loco parentis* for Youthful Offenders in its custody and can authorize a physical examination of such Youthful Offender without consulting his or her parent(s) so long as the Youthful Offender consents to the examination. For those offenders that are unable to consent or are incapacitated, the Department may authorize the collection of forensic evidence based on the Department's standing in loco parentis or as a guardian of the offender, whichever may be applicable. Physical evidence collection may also include an examination of and collection of physical evidence from the suspected perpetrator(s). Offender consent must be obtained prior to initiating the SANE protocol, in accordance with 507.04.85 Informed Consent.

NOTE: All PREA information is confidential in nature and shall only be released on a need-to-know basis. Staff members who fail to comply with the reporting provisions of this policy may be banned from correctional

Standard Operating Procedures

Policy Name: Prison Rape Elimination Act (PREA) Sexually Abusive Behavior Prevention And Intervention Program

Policy Number: 208.06

Effective Date: 3/2/2018

Page Number: 15 of 33

Authority:
Commissioner

Originating Division:
Executive Division (Office of
Professional Standards)

Access Listing:
Level II: Required Offender
Access

facilities, or will be subject to disciplinary action, up to and including termination, whichever is applicable.

- e. The Institution PREA Compliance Manager, under the direction of the Warden/Superintendent, shall attempt to enter into agreement, or Memorandum of Understanding (MOU), with a rape crisis center to make available a victim advocate to offenders alleging sexual abuse/Sexual Harassment upon request. If the facility cannot do so, efforts must be documented and local staff shall be identified and specially trained to provide this service. Documentation of training must be maintained by the employee's manager and made available to the local PREA Compliance Manager upon request.

Note: Any agreement must be approved through the Legal Office prior to implementation.

- f. Victim advocates from the community used by the facility shall be pre-approved through the appropriate screening process and subject to the same requirements as contractors and volunteers who have contact with offenders. The victim advocate serves as emotional and general support, navigating the offender through the treatment, evidence collection, and investigation process. The victim advocate has access to the offender similar to that of medical staff at the facility. Victim Advocates are not authorized to make decisions regarding offender care, or interfere with escort, security, or investigation procedures that are deemed necessary by the facility/investigator.
- g. If an external agency is responsible for investigating the allegations of sexual abuse the Department shall request that the investigating agency follow the requirements of (a) through (e) of this section.
- h. An administrative and/or criminal investigation shall be completed for all allegations of sexual abuse and Sexual Harassment. Allegations that involve potentially criminal behavior will be referred for investigation to OPS. This referral does not alleviate the facility from its responsibility of reaching a disposition on the administrative SART investigation.

Standard Operating Procedures

Policy Name: Prison Rape Elimination Act (PREA) Sexually Abusive Behavior Prevention And Intervention Program		
Policy Number: 208.06	Effective Date: 3/2/2018	Page Number: 16 of 33
Authority: Commissioner	Originating Division: Executive Division (Office of Professional Standards)	Access Listing: Level II: Required Offender Access

- i. In the event the investigation is referred to an outside entity that entity shall have in place a policy governing the conduct of such investigations.

C. Training and Education: Participation in training must be documented through employee signature or electronic verification. Participation documentation will note that employees understood the training they have received by signing Attachment 1, Sexual Abuse/Sexual Harassment Prison Rape Elimination Act (PREA) Education Acknowledgement Statement. This form shall be retained in the employee's local personnel file. At the conclusion of the training, employees are asked to seek additional supervisory direction, if necessary, to ensure understanding of the training.

1. Employee Training:

- a. All Departmental employees shall be required to attend training annually on:
 - i. The Department's zero-tolerance policy for Sexual Abuse and Sexual Harassment;
 - ii. How to fulfill their responsibilities under the Department's Sexual Abuse and Sexual Harassment prevention, detection, reporting, and response policies and procedures;
 - iii. Offenders' right to be free from Sexual Abuse and Sexual Harassment;
 - iv. The right of offenders and employees to be free from retaliation for reporting Sexual Abuse and Sexual Harassment;
 - v. The dynamics of Sexual Abuse and Sexual Harassment in confinement;
 - vi. The common reactions of Sexual Abuse and Sexual Harassment victims;

Standard Operating Procedures

Policy Name: Prison Rape Elimination Act (PREA) Sexually Abusive Behavior Prevention And Intervention Program		
Policy Number: 208.06	Effective Date: 3/2/2018	Page Number: 17 of 33
Authority: Commissioner	Originating Division: Executive Division (Office of Professional Standards)	Access Listing: Level II: Required Offender Access

- vii. How to detect and respond to signs of threatened and actual Sexual Abuse;
 - viii. How to avoid inappropriate relationships with offenders;
 - ix. How to communicate effectively and professionally with offenders, including lesbian, gay, bisexual, Transgender, Intersex, or Gender Nonconforming offenders; and
 - x. How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.
- b. In-service training shall include gender specific reference and training to staff as it relates to the specific population supervised. Staff members transferring into a facility of different gender from prior institution shall receive gender-appropriate training.
 - c. New employees shall receive PREA training during Pre-Service Orientation.
 - d. Specialized training shall be required for members of the Sexual Abuse Response Team (SART) and any other staff members who are likely to be involved in the management and treatment of sexually abused victims and the perpetrators.
2. Volunteer and Contractor Training:
- a. The Department shall ensure that all volunteers and contractors who have contact with offenders are provided with a copy of this policy and have been trained on their responsibilities under the Department's PREA policies and procedures.
 - b. The level and type of training provided to volunteers and contractors shall be based on the services they provide and level of contact they have with offenders, but all volunteers and contractors who have contact with offenders shall be notified of the Department's zero-tolerance policy

Standard Operating Procedures

Policy Name: Prison Rape Elimination Act (PREA) Sexually Abusive Behavior Prevention And Intervention Program

Policy Number: 208.06

Effective Date: 3/2/2018

Page Number: 18 of 33

Authority:
Commissioner

Originating Division:
Executive Division (Office of
Professional Standards)

Access Listing:
Level II: Required Offender
Access

regarding sexual abuse and Sexual Harassment and informed on how to report such incidents.

- c. Participation must be documented through volunteer and contractor signature or electronic verification, and will indicate that the volunteer and contractor understood the training they have received by signing Attachment 1, Sexual Abuse/Sexual Harassment Prison Rape Elimination Act (PREA) Education Acknowledgement Statement. At the conclusion of the training, volunteers and contractors are asked to seek additional direction from Department staff members, if necessary, to ensure understanding of the training.
3. Offender Education: Notification of the GDC's zero-tolerance policy for sexual abuse and harassment and information on how to report an allegation at the receiving facility shall be provided to every offender upon arrival to the facility. In addition to verbal notification, offenders will be provided a GDC PREA pamphlet. Within 15 days of arrival, formal PREA education will be conducted by assigned staff members to all offenders which will include a gender appropriate video on sexual abuse. Both the initial notification and the formal education will be documented in writing by signature of offender and placed in the offender's institutional file.

In the case of Exigent Circumstances, such training may be delayed, but no more than 30 days. If the Exigent Circumstance extends beyond 30 days, justification and documentation must be placed in the offender's institutional file. Once the Exigent Circumstance no longer applies, such training must be provided immediately. This education is documented in the same manner as for offenders who participated during the regularly scheduled orientation.

- a. The PREA education will be provided by designated staff members and the presentation must include:
 - i. The Department's zero tolerance of sexual abuse and Sexual Harassment;
 - ii. Definitions of sexually abusive behavior and Sexual Harassment;

Standard Operating Procedures

Policy Name: Prison Rape Elimination Act (PREA) Sexually Abusive Behavior Prevention And Intervention Program		
Policy Number: 208.06	Effective Date: 3/2/2018	Page Number: 19 of 33
Authority: Commissioner	Originating Division: Executive Division (Office of Professional Standards)	Access Listing: Level II: Required Offender Access

- iii. Prevention strategies the offender can take to minimize his/her risk of sexual victimization while in Department custody;
 - iv. Methods of reporting an incident of sexual abuse/Sexual Harassment against oneself, and for reporting allegations of sexual abuse involving other offenders;
 - v. Treatment options and programs available to offender victims of sexual abuse and Sexual Harassment;
 - vi. How an investigation begins and the general steps to an investigation;
 - vii. Monitoring, discipline, and prosecution of sexual perpetrators;
 - viii. The prohibition against retaliation for reporting, and;
 - ix. Notice that male and female staff routinely work and visit housing areas;
- b. The facility shall maintain documentation of offender participation in these education sessions in the offender's institutional file.
- c. A poster reflecting the Department's zero tolerance for sexual abuse and Sexual Harassment, contact information and methods of offender reporting shall be posted in each housing unit and common area throughout the facility.
- 4. Specialized Training (Investigations):**
- a. All staff investigating sexual abuse/Sexual Harassment allegations must be specially trained in conducting sexual abuse/Sexual Harassment investigations in confinement settings.
 - b. Specialized training shall include techniques for interviewing sexual abuse victims, proper use of *Miranda* and *Garrity* warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence

Standard Operating Procedures

Policy Name: Prison Rape Elimination Act (PREA) Sexually Abusive Behavior Prevention And Intervention Program

Policy Number: 208.06

Effective Date: 3/2/2018

Page Number: 20 of 33

Authority:
Commissioner

Originating Division:
Executive Division (Office of
Professional Standards)

Access Listing:
Level II: Required Offender
Access

required to substantiate a case for administrative action or prosecution referral.

- c. The Department shall maintain documentation that agents and investigators, whether internal or external, have completed the required specialized training in conducting sexual abuse investigations.

5. **Specialized Training (Medical and Mental Health Care):** GDC medical and mental health staff members and Georgia Correctional HealthCare (GCHC) staff members who have contact with offenders will be trained using the National Institute of Corrections (NIC) Specialized Training PREA Medical and MH Standards curriculum. Certificate of completion will be printed and maintained in the employee training file. In addition to the specialized training, these same employees are required to attend GDC's annual PREA in-service training.

D. Screening for Risk of Sexual Victimization and Sexual Abusiveness:

1. All offenders shall be assessed during an intake screening and upon transfer to another facility for their risk of being sexually abused by other offenders or sexually abusive toward other offenders.
2. Counseling staff members will conduct a screening for risk of victimization and abusiveness, in SCRIBE, through use of Attachment 2, PREA Sexual Victim/Sexual Aggressor Classification Screening Instrument. This screening will be conducted within 24 hours of arrival at the facility. Information from this assessment will be used to determine classification decisions with the goal of keeping separate those offenders at high risk of being sexually victimized from those at high risk of being sexually abusive. NOTE: The risk assessment should not hinder classification opportunities.
3. Offenders should be encouraged to disclose as much information as possible for the Department to provide the most protection possible under this policy. If an offender chooses not to respond to questions relating to his or her level of risk, he or she may not be disciplined.

Standard Operating Procedures

Policy Name: Prison Rape Elimination Act (PREA) Sexually Abusive Behavior Prevention And Intervention Program		
Policy Number: 208.06	Effective Date: 3/2/2018	Page Number: 21 of 33
Authority: Commissioner	Originating Division: Executive Division (Office of Professional Standards)	Access Listing: Level II: Required Offender Access

4. Offenders whose risk screening indicates a risk for victimization or abusiveness shall be reassessed whenever warranted due to an incident, disclosure or allegation of sexual abuse or harassment and also for all offenders, within 30 days of arrival at the institution. A case note shall be entered in SCRIBE to indicate this review has been conducted. This case note is for the sole purpose of documenting the screening occurred and shall not include any confidential or clinical information.

NOTE: Any information related to sexual victimization or abusiveness, including the information entered into the comment section of the Intake Screening Form, is limited to a need-to-know basis for staff, only for the purpose of treatment, security, management, and classification decisions.

5. The Warden/Superintendent shall designate a safe dorm(s) or safe beds for those offenders identified as highly vulnerable to sexual abuse. Location(s) shall be identified in Attachment 7, PREA Local Procedure Directive and Coordinated Response Plan and in the Staffing Plan.
6. In deciding whether to assign a Transgender or Intersex offender to a male or female facility and in making other housing and programming assignments, the Department shall consider on a case-by-case basis whether a placement would ensure the offender's health and safety, and whether the placement would present management or security problems.
7. Placement and programming assignments for each Transgender or Intersex offender shall be reassessed no less than every six months to review any threats to sexual safety of the offender.
8. Offenders whose screenings indicate they have experienced prior sexual victimization or have a history of sexually assaultive behavior must be offered a follow-up meeting with medical and mental health counseling within 14 days of the screening.
9. Offenders at high risk for sexual victimization or aggression shall not be placed in involuntary segregation based solely on that determination unless a determination has been made that there is no available alternative means of separation from likely abusers. This placement, including the concern for the

Standard Operating Procedures

Policy Name: Prison Rape Elimination Act (PREA) Sexually Abusive Behavior Prevention And Intervention Program

Policy Number: 208.06

Effective Date: 3/2/2018

Page Number: 22 of 33

Authority:
Commissioner

Originating Division:
Executive Division (Office of
Professional Standards)

Access Listing:
Level II: Required Offender
Access

offender's safety must be noted in SCRIBE case notes with documentation of why no alternative means of separation can be arranged.

- a. Offenders placed in segregation will receive services in accordance with SOP 209.06, Administrative Segregation.
- b. The facility shall assign such offenders to involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged, and such an assignment shall not ordinarily exceed a period of 30 days.
- c. If offenders placed in segregated housing for this purpose have restricted access to programs, privileges, education, or work opportunities, then the facility shall document: 1) the opportunities that have been limited; 2) the duration of the limitation; and 3) the reasons for such limitations.
- d. Every 30 days, the facility shall afford each such offender a review to determine whether there is a continuing need for separation from the general population.

E. Reporting:

1. Offender Reporting:

- a. Offenders may make a report of sexual abuse, Sexual Harassment, or retaliation by any of the following methods: in writing, or verbally, through internal or external methods available. Offenders shall be encouraged to report allegations immediately and directly to a staff member. All reports will be promptly documented and investigated. Offenders may choose to report these allegations anonymously.
- b. The Department may choose to maintain a sexual abuse hotline, currently known as the "PREA" hotline. Hotline calls will not require the use of the offender's PIN number. Should a sexual abuse hotline be maintained, monitoring of this line will be the responsibility of the OPS, with immediate oversight by the Department's PREA Coordinator, or designee.

Standard Operating Procedures

Policy Name: Prison Rape Elimination Act (PREA) Sexually Abusive Behavior Prevention And Intervention Program		
Policy Number: 208.06	Effective Date: 3/2/2018	Page Number: 23 of 33
Authority: Commissioner	Originating Division: Executive Division (Office of Professional Standards)	Access Listing: Level II: Required Offender Access

2. Third Party Reporting:

- a. Third party reports may be made to:
 - i. The Ombudsman's Office at P.O. Box 1329 Forsyth, Ga 21029 478-992-5358
 - ii. By email to the PREA Coordinator at: PREA.report@gdc.ga.gov; and
 - iii. State Board of Pardons and Paroles, Office of Victim Services, 2 Martin Luther King, Jr. Drive, S.E., Balcony Level, East Tower, Atlanta, Georgia 30334.
 - b. Staff members shall accept reports made verbally, in writing, and from third parties and shall promptly document any verbal reports.
 - c. Staff members shall forward all reports or suspicions of sexual abuse or Sexual Harassment to their immediate supervisor or the designated SART member promptly.
3. **Offender Grievances:** Allegations of Sexual abuse and Sexual Harassment are not grievable issues. They should be reported in accordance with methods outlined in this policy.

F. Official Response Following an Offender Report:

1. Staff, First Responder, and Department reporting duties:
 - a. Response protocols shall follow the guidelines outlined in Attachment 7, Local Procedure Directive and Coordinated Response Plan.
 - b. The PREA Unit will be notified, via PREA.report@gdc.ga.gov, of all allegations via Attachment 10, PREA Initial Notification Form.
2. Reporting to Other Confinement Facilities:

Standard Operating Procedures

Policy Name: Prison Rape Elimination Act (PREA) Sexually Abusive Behavior Prevention And Intervention Program

Policy Number: 208.06

Effective Date: 3/2/2018

Page Number: 24 of 33

Authority:
Commissioner

Originating Division:
Executive Division (Office of
Professional Standards)

Access Listing:
Level II: Required Offender
Access

- a. In cases where there is an allegation that sexual abuse occurred at another Department facility, the Warden/Superintendent (or his/her designee) of the victim's current facility will provide notification to the Warden/Superintendent of the institution where the allegation allegedly occurred and the Department's PREA Coordinator. In cases alleging sexual abuse by staff at another institution, the Warden/Superintendent of the offender's current facility refers the matter directly to the Regional SAC and the Department's PREA Coordinator. For non-Department facilities, the Warden/Superintendent will notify the appropriate office of the facility where the abuse allegedly occurred and the Department's PREA Coordinator.
 - b. Such notification shall be provided as soon as possible, but no later than 72 hours after receiving the allegation.
 - c. The facility shall document that it has provided such notification.
 - d. The facility head or Department office that receives such notification shall ensure that the allegation is investigated in accordance with these standards.
3. **Coordinated Response:** Each facility shall develop a written institutional plan to coordinate actions taken in response to an incident of sexual abuse, among staff first responders, medical and mental health practitioners, investigators, and facility leadership. This plan will be kept current and include names and telephone numbers of coordinating parties and be a part of Attachment 7, PREA Local Procedure Directive and Coordinated Response Plan.
4. **Protection Against Retaliation:**
- a. Anyone who retaliates against a staff member or an offender who has reported an allegation of sexual abuse or Sexual Harassment or who has participated in a subsequent investigation shall be subject to disciplinary action.
 - b. The Department shall protect offenders and staff members who report sexual abuse, or Sexual Harassment from retaliation. **The**

Standard Operating Procedures

Policy Name: Prison Rape Elimination Act (PREA) Sexually Abusive Behavior Prevention And Intervention Program		
Policy Number: 208.06	Effective Date: 3/2/2018	Page Number: 25 of 33
Authority: Commissioner	Originating Division: Executive Division (Office of Professional Standards)	Access Listing: Level II: Required Offender Access

Warden/Superintendent shall designate a staff member to serve as the facility Retaliation Monitor and identify them as such in the PREA Local Procedure Directive and Coordinated Response Plan (Attachment 7). Multiple protection measures include offender housing changes or transfers, removal of alleged staff members or offender abusers from contact with victims, and emotional support services for offenders or staff members who fear retaliation for reporting or for cooperating with investigations.

- c. The designated Retaliation Monitor shall, for at least 90 days following a report of abuse, monitor the conduct and treatment of offenders or staff members who reported the sexual abuse or who participated in an investigation, to see if there are any changes that may suggest possible retaliation, and will act promptly to remedy any such retaliation.
 - i. This monitoring will include review of any offender disciplinary reports, housing or program changes, or negative performance reviews or reassignments of staff members. Periodic in-person status checks shall be made by the monitor as well. Attachment 8, Retaliation Monitoring Checklist, shall be completed for each offender monitored. The original shall be kept in a master file by the monitor and a copy placed with the SART incident report upon completion.
 - ii. This monitoring will include negative performance reviews or reassignments of staff members. Attachment 8, Retaliation Monitoring Checklist, shall be completed for each employee monitored. The original shall be kept in a master file by the monitor.
 - iii. Such monitoring shall continue beyond 90 days if the initial monitoring indicates a continuing need. The obligation for monitoring will terminate if the allegation is unfounded.

G. Investigations:

1. All reports of sexual abuse or Sexual Harassment will be considered

Standard Operating Procedures

Policy Name: Prison Rape Elimination Act (PREA) Sexually Abusive Behavior Prevention And Intervention Program		
Policy Number: 208.06	Effective Date: 3/2/2018	Page Number: 26 of 33
Authority: Commissioner	Originating Division: Executive Division (Office of Professional Standards)	Access Listing: Level II: Required Offender Access

allegations and will be investigated.

2. The local SART is responsible for the administrative investigation of all allegations of sexual abuse or Sexual Harassment. Attachment 4, Sexual Allegation Response Checklist will be completed for all PREA allegations. In cases where allegations are made against staff members and the SART inquiry deems the allegation is unfounded or unsubstantiated by evidence, the case can be closed at the facility level. If the allegation is criminal in nature, an interview shall not be conducted, nor will a statement be collected from the accused perpetrator without first consulting the Regional SAC.
3. Appointing authorities or their designees shall report all allegations of sexual assault with penetration and those with immediate and clear evidence of physical contact, to their Regional Director, Regional SAC and the Department's PREA Coordinator immediately upon receipt of the allegation.
 - a. Where sexual abuse is alleged and cannot be cleared at the local level (as indicated in G.2. of this section), the Regional SAC shall determine the appropriate response upon notification. If this appropriate response is to open a criminal investigation, the Regional SAC shall assign an agent or investigator who has received special training in sexual abuse investigations.
 - b. Agents and investigators shall gather and preserve direct and circumstantial evidence including any available electronic monitoring data; shall interview alleged victims, suspected perpetrators, and witnesses; and shall review prior complaints and reports of sexual abuse involving the suspected perpetrator.
 - c. The credibility of the victim, suspect, or witness shall be assessed on an individual basis and will not be determined by the person's status as offender or staff member. An offender who alleges sexual abuse shall not be required to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation.
 - d. Upon conclusion of the criminal investigation, OPS must notify the Warden/Superintendent of the disposition of the case. The Warden must

Standard Operating Procedures

Policy Name: Prison Rape Elimination Act (PREA) Sexually Abusive Behavior Prevention And Intervention Program		
Policy Number: 208.06	Effective Date: 3/2/2018	Page Number: 27 of 33
Authority: Commissioner	Originating Division: Executive Division (Office of Professional Standards)	Access Listing: Level II: Required Offender Access

ensure that Attachment 3, PREA Disposition Offender Notification Form is completed and a copy is both given to the offender and placed in the case file. On completion of this procedure, the PREA Coordinator's Office will be notified via PREA.report@gdc.ga.gov of the disposition and the date in which the offender was notified.

4. At the conclusion of each SART investigation, Attachment 6, PREA Investigative Summary shall be submitted to the PREA Unit for administrative review.
5. For investigations of allegations of sexual abuse, the Department shall follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecution in accordance with SOP 103.06, Investigations of Allegations of Sexual Contact, Sexual Abuse, and Sexual Harassment of Offenders.
6. All sexual abuse and Sexual Harassment investigations shall be prompt, thorough, and objective.
7. Administrative and criminal investigations shall include an effort to determine whether staff member actions or failures to act contributed to the abuse. This shall be documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind the credibility assessments, and investigative facts and findings.
8. Substantiated Allegations of conduct that is deemed criminal shall be referred for prosecution.
9. OPS shall maintain all such written reports for as long as the alleged abuser is incarcerated or employed by the Department, plus five years.
10. The departure of the alleged abuser or victim from the employment or control of the Department shall not provide a basis for terminating the investigation.
11. Any State entity or Department of Justice component that conducts such investigations shall do so pursuant to the above requirements.

Standard Operating Procedures

Policy Name: Prison Rape Elimination Act (PREA) Sexually Abusive Behavior Prevention And Intervention Program		
Policy Number: 208.06	Effective Date: 3/2/2018	Page Number: 28 of 33
Authority: Commissioner	Originating Division: Executive Division (Office of Professional Standards)	Access Listing: Level II: Required Offender Access

12. When outside agencies investigate sexual abuse, the Department shall cooperate with the outside investigators and shall endeavor to remain informed about the progress of the investigations.
13. There shall be no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or Sexual Harassment are substantiated.
14. Following the close of an investigation into an offender's allegation that he or she suffered sexual abuse in a Department facility, the facility shall inform the offender as to whether the allegation has been determined to be substantiated, unsubstantiated, unfounded, unsubstantiated-forwarded to OPS or substantiated-forwarded to OPS. This will be completed by a member of the local SART unless appointing authority delegates to another designee. In the event an allegation is forwarded to OPS for investigation, the facility shall notify the offender of the outcome of the OPS investigation upon completion. Such notifications or attempted notifications shall be documented on Attachment 3, PREA Disposition Offender Notification Form. The Department's obligation to report under this standard shall terminate if the offender is released from the Department's custody.

H. Discipline:

1. Disciplinary Sanctions for Staff Members:
 - a. Staff members who engage in sexual abuse with an offender shall be banned from correctional institutions and subject to disciplinary action, with termination being the presumptive discipline, and may also be referred for criminal prosecution when appropriate.
 - b. Disciplinary sanctions for violations of Department policy related to Sexual Harassment will be commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff members with similar histories.
 - c. All terminations for violations of the Department sexual abuse or Sexual

Standard Operating Procedures

Policy Name: Prison Rape Elimination Act (PREA) Sexually Abusive Behavior Prevention And Intervention Program		
Policy Number: 208.06	Effective Date: 3/2/2018	Page Number: 29 of 33
Authority: Commissioner	Originating Division: Executive Division (Office of Professional Standards)	Access Listing: Level II: Required Offender Access

Harassment policies, or resignations by staff members that would have been terminated if not for their resignation shall be reported to law enforcement agencies, unless the activity was clearly not criminal. These shall also be reported, as required, to the Georgia Peace Officers Standards and Training Council (POST).

- d. OPS shall refer all substantiated cases of Offender to Offender Sexual Abuse and Staff on Offender Sexual Abuse for criminal prosecution.
2. **Contractors and Volunteers:** Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with offenders and shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies. The facility shall take appropriate remedial measures, and shall consider whether to prohibit further contact with offenders, in the case of any other violation of Department sexual abuse or Sexual Harassment policies by a contractor or volunteer.
 3. **Disciplinary Sanctions for Offenders:**
 - a. The Department prohibits all consensual sexual activity between offenders, and offenders may be subject to disciplinary action for such activity. Consensual (non-coerced) sexual activity between offenders does not constitute sexual abuse, but is considered a disciplinary issue. Note: All instances of sexual contact between offenders will be treated as non-consensual unless proven otherwise during the course of an investigation.
 - b. Offenders shall be subject to disciplinary sanctions pursuant to a formal disciplinary process following an administrative finding that the offender engaged in offender-on-offender sexual abuse or a criminal finding of guilt for offender-on-offender sexual abuse. These sanctions shall be imposed in accordance with SOP 209.01, Offender Discipline.
 - c. Offenders shall be subject to disciplinary sanctions pursuant to a formal disciplinary process following an administrative finding that the offender engaged in offender-on-offender Sexual Harassment. These sanctions shall be imposed in accordance with SOP 209.01, Offender Discipline.

Standard Operating Procedures

Policy Name: Prison Rape Elimination Act (PREA) Sexually Abusive Behavior Prevention And Intervention Program		
Policy Number: 208.06	Effective Date: 3/2/2018	Page Number: 30 of 33
Authority: Commissioner	Originating Division: Executive Division (Office of Professional Standards)	Access Listing: Level II: Required Offender Access

- d. Sanctions shall be commensurate with the nature and circumstances of the abuse committed, the offender's disciplinary history, and the sanctions imposed for comparable offenses by other offenders with similar histories.
- e. The disciplinary process shall consider whether the offender's mental disabilities or mental illness contributed to behavior when determining what type of sanction, if any, will be imposed. See SOP 508.18 MH/MR Discipline Procedures.
- f. If the facility offers therapy, counseling or other interventions to address and correct underlying reasons or motivations for the abuse, the facility shall consider whether to offer or require the perpetrator to participate in such interactions as a condition of access to programming or other benefits.
- g. An offender may be disciplined for sexual contact with a staff member only upon a finding that the staff member did not consent to such contact.

NOTE: Offender to Staff Sexual Abuse is not covered under PREA.

- h. For the purposes of a disciplinary action, a report of sexual abuse made in good faith upon a reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident or lying, even if an investigation does not establish sufficient evidence to substantiate the allegation.
- i. Following an administrative finding of malicious intent on behalf of the offender making a false report, regardless of method used, the offender shall be subject to disciplinary sanctions pursuant to a formal disciplinary process in accordance with SOP 209.01 Offender Discipline.
 - i. Any person who willfully and knowingly gives or causes a false report of a crime to be given to any law enforcement officer or agency of this state is prosecutable under O.C.G.A. § 16-10-26 False report of a crime. Any individual proven to make a false allegation (defined in 3.i. of this section) will receive a disciplinary

Standard Operating Procedures

Policy Name: Prison Rape Elimination Act (PREA) Sexually Abusive Behavior Prevention And Intervention Program		
Policy Number: 208.06	Effective Date: 3/2/2018	Page Number: 31 of 33
Authority: Commissioner	Originating Division: Executive Division (Office of Professional Standards)	Access Listing: Level II: Required Offender Access

report and may be subject to prosecution under this statute.

- ii. Any person who willfully and knowingly gives or causes a false report of Sexual Harassment will be subject to disciplinary action in accordance with SOP 209.01 Offender Discipline.

I. Medical and Mental Health Care: The Department shall provide prompt and appropriate medical and mental health services in compliance with 28 CFR § 115 and in accordance with the Department SOPs regarding medical and mental health care.

J. Data Collection and Review:

1. Monthly Sexual Abuse Program Review. The facility SAIRT shall conduct a sexual abuse incident review at the conclusion of every substantiated and unsubstantiated sexual abuse investigation to review and assess the facility's PREA prevention, detection, and response efforts as stipulated in Attachment 9, Sexual Abuse Incident Review Checklist. Reviews are not necessary for incidents with a disposition of unfounded.

2. The review team shall:

- a. Each facility shall submit a report to the Department's PREA Analyst each month using the electronic spreadsheet provided from the PREA Coordinator's office. This form shall be submitted by e-mail no later than the fifth calendar day of the month following the reporting month. All allegations investigated within the month shall be included on this report along with the appropriate disposition. The monthly report shall be completed in accordance with the Facility PREA Log User Guide.
- b. The Department shall review data collected and aggregated of all sexual abuse allegations in order to improve staff performance, identify problem areas, and improve facility operations and offender sexual safety. The Department shall publish the data in an annual report, comparing each years' data, and provide an assessment of progress in addressing offender sexual abuse. It shall make this publicly available on its website.

I. Audits: The Department shall conduct audits pursuant to 28 C.F.R. §115.401-405.

Standard Operating Procedures

Policy Name: Prison Rape Elimination Act (PREA) Sexually Abusive Behavior Prevention And Intervention Program

Policy Number: 208.06

Effective Date: 3/2/2018

Page Number: 32 of 33

Authority:
Commissioner

Originating Division:
Executive Division (Office of Professional Standards)

Access Listing:
Level II: Required Offender Access

Each facility operated by the Department shall be audited every three (3) years on a schedule determined by the Department's PREA Coordinator. Federal Auditors determine compliance with federal standards and shall not dictate facility management, or procedural decisions. All auditor suggestions and findings shall be referred to the agency PREA Coordinator for review.

County facilities and Private facilities operated on behalf of the Department (housing state offenders) must meet the same audit requirements. These entities are responsible for scheduling and funding their audits. All auditors shall be certified by the Department of Justice. Each facility shall bear the burden of demonstrating compliance with the federal standards. A copy of the final report shall be submitted to the Department's PREA Coordinator upon completion of the audit and must be conducted every three years.

V. **Attachments:**

- Attachment 1: 208.06 Att.1, Sexual Abuse/Sexual Harassment Prison Rape Elimination Act (PREA) Education Acknowledgement Statement;
- Attachment 2: 208.06 Att. 2, PREA Sexual Victim/Sexual Aggressor Classification Screening Instrument;
- Attachment 3: 208.06 Att. 3, PREA Disposition Offender Notification Form;
- Attachment 4: 208.06 Att. 4, Sexual Allegation Response Checklist;
- Attachment 5: 208.06 Att. 5, Procedure for SANE Evaluation/Forensic Collection;
- Attachment 6: 208.06 Att. 6, PREA Investigative Summary;
- Attachment 7: 208.06 Att. 7, PREA Local Procedure Directive and Coordinated Response Plan;
- Attachment 8: 208.06 Att. 8, Retaliation Monitoring Checklist;
- Attachment 9: 208.06 Att. 9, Sexual Abuse Incident Review Checklist;
- Attachment 10: 208.06 Att. 10, PREA Initial Notification Form; and
- Attachment 11: 208.06 Att. 11 Staffing Plan Template.

VI. **Record Retention of Forms Relevant to this Policy:**

Retention of PREA related documents and investigations shall be securely retained and made in accordance with the following schedule:

- A. Sexual abuse data, files, and related documentation - at least 10 years from the date of the initial report.

Standard Operating Procedures

Policy Name: Prison Rape Elimination Act (PREA) Sexually Abusive Behavior Prevention And Intervention Program

Policy Number: 208.06

Effective Date: 3/2/2018

Page Number: 33 of 33

Authority:
Commissioner

Originating Division:
Executive Division (Office of
Professional Standards)

Access Listing:
Level II: Required Offender
Access

- B. Criminal investigation data, files, and related documentation - for as long as the alleged abuser is incarcerated or employed by the agency, plus five (5) years; or 10 years from the date of the initial report, whichever is greater.
- C. Administrative investigation data, files, and related documentation - for as long as the alleged abuser is incarcerated or employed by the agency, plus five (5) years; or 10 years from the date of the initial report, whichever is greater.

EXHIBIT 23

FILED UNDER SEAL

EXHIBIT 24

FILED UNDER SEAL

EXHIBIT 25

FILED UNDER SEAL

EXHIBIT 26

FILED UNDER SEAL

EXHIBIT 27

FILED UNDER SEAL

EXHIBIT 28

FILED UNDER SEAL

EXHIBIT 29

FILED UNDER SEAL

EXHIBIT 30

Selection Criteria:

CURRENT STATUS = ACTIVE

GENDER = FEMALE HEIGHT BETWEEN 70 AND 71 WEIGHT BETWEEN 130 AND 140

<< < Page 1 of 1 > >>

[Start a New Search \(OffQryForm.jsp\)](#)

RESULTS:

Offender Name: [REDACTED]
Major Offense(s): INVOLUNTARY MANSLAUGHTER
Current Institution: PULASKI STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): POSS OF FIREARM DUR CRIME
Current Institution: ARRENDALE STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): MURDER
Current Institution: ARRENDALE STATE PRISON

[View Offender Info](#)

Selection Criteria:

CURRENT STATUS = ACTIVE
GENDER = FEMALE HEIGHT BETWEEN 70 AND 77

<< < Page 1 of 3 > >>

Start a New Search (OffQryForm.jsp)

RESULTS:

Offender Name: [REDACTED]
Major Offense(s): MURDER
Current Institution: ARRENDALE STATE PRISON

View Offender Info

Offender Name: [REDACTED]
Major Offense(s): MURDER
Current Institution: ARRENDALE STATE PRISON

View Offender Info

Offender Name: [REDACTED]
Major Offense(s): KIDNAPPING
Current Institution: ARRENDALE STATE PRISON

View Offender Info

Offender Name: [REDACTED]
Major Offense(s): POSS FIREARM CONVCT FELON
Current Institution: WHITWORTH WOMEN'S FACILITY

View Offender Info

Offender Name: [REDACTED]
Major Offense(s): ARMED ROBBERY
Current Institution: ARRENDALE STATE PRISON

View Offender Info

Offender Name: [REDACTED]
Major Offense(s): TRAF METHAMPH 28-199 GM
Current Institution: ARRENDALE TC

View Offender Info

Offender Name: [REDACTED]
Major Offense(s): TRAF METHAMPH 28-199 GM
Current Institution: EMANUEL WOMENS FACILITY

View Offender Info

Offender Name: [REDACTED]
Major Offense(s): VOLUNTARY MANSLAUGHTER
Current Institution: ARRENDALE TC

View Offender Info

Offender Name: [REDACTED]
Major Offense(s): MURDER
Current Institution: PULASKI STATE PRISON

View Offender Info

Offender Name: [REDACTED]
Major Offense(s): VIOLATN OTHR STATES LAW
Current Institution: ARRENDALE STATE PRISON

View Offender Info

Offender Name: [REDACTED]
Major Offense(s): POSS METHAMPHETAMINE
Current Institution: ARRENDALE STATE PRISON

View Offender Info

Offender Name: [REDACTED]
Major Offense(s): AGGRAV ASSAULT
Current Institution: PULASKI STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): VEHICULAR HOMICIDE
Current Institution: PULASKI STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): FORG 1ST BEF 7/1/12
Current Institution: EMANUEL WOMENS FACILITY

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): POSS METHAMPHETAMINE
Current Institution: ARRENDALE STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): TAMPERING WITH EVIDENCE
Current Institution: METRO TC

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): GUARD LINE W/WEAPON/DRUGS
Current Institution: EMANUEL WOMENS FACILITY

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): AGGRAV ASSAULT
Current Institution: WHITWORTH WOMEN'S FACILITY

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): ARMED ROBBERY
Current Institution: ARRENDALE TC

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): ARMED ROBBERY
Current Institution: ARRENDALE STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): THEFT BY TAKING
Current Institution: METRO TC

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): FINANCIAL IDENTITY FRAUD
Current Institution: ARRENDALE STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): VEHICULAR HOMICIDE
Current Institution: WHITWORTH WOMEN'S FACILITY

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): TRAF COCAINE LESS 200 GM
Current Institution: WHITWORTH WOMEN'S FACILITY

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): AGGRAV ASSAULT
Current Institution: PULASKI STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): MURDER
Current Institution: ARRENDALE STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): TRAF METHAMPH 200-399 GM
Current Institution: ARRENDALE STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): POSS METHAMPHETAMINE
Current Institution: ARRENDALE STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): POSS W INT DIST METH
Current Institution: BARTOW COUNTY JAIL

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): THEFT BY TAKING
Current Institution: ARRENDALE STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): POSS HYDROCODONE
Current Institution: WHITWORTH WOMEN'S FACILITY

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): AGGRAV ASSAULT
Current Institution: PULASKI STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): KIDNAPPING
Current Institution: ARRENDALE STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): FLEEING/ELUDING POLICE
Current Institution: ARRENDALE STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): MURDER
Current Institution: PULASKI STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): VOLUNTARY MANSLAUGHTER
Current Institution: PULASKI STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): ATMPT KIDNAP
Current Institution: ARRENDALE STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): ARMED ROBBERY
Current Institution: PULASKI STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): POSS W INT DIST MARIJUANA
Current Institution: ARRENDALE STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): INVOLUNTARY MANSLAUGHTER
Current Institution: PULASKI STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): POSS FIREARM CONVCT FELON
Current Institution: ARRENDALE STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): AGGRAV ASSAULT
Current Institution: PULASKI STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): ARMED ROBBERY
Current Institution: PULASKI STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): HOME INVASION 1ST DEGREE
Current Institution: ARRENDALE STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): AGGRAV ASSAULT
Current Institution: EMANUEL WOMENS FACILITY

[View Offender Info](#)

EXHIBIT 31

Selection Criteria:

CURRENT STATUS = ACTIVE
GENDER = FEMALE OFFENSE = BURG BEF 7/1/12

<< < Page 1 of 1 > >>

Start a New Search (OffQryForm.jsp)

RESULTS:

Offender Name: [REDACTED]
Major Offense(s): BURG BEF 7/1/12
Current Institution: ARRENDALE STATE PRISON

View Offender Info

Offender Name: [REDACTED]
Major Offense(s): BURG BEF 7/1/12
Current Institution: EMANUEL WOMENS FACILITY

View Offender Info

Offender Name: [REDACTED]
Major Offense(s): BURG BEF 7/1/12
Current Institution: ARRENDALE STATE PRISON

View Offender Info

Offender Name: [REDACTED]
Major Offense(s): BURG BEF 7/1/12
Current Institution: METRO TC

View Offender Info

Offender Name: [REDACTED]
Major Offense(s): BURG BEF 7/1/12
Current Institution: ARRENDALE STATE PRISON

View Offender Info

Offender Name: [REDACTED]
Major Offense(s): BURG BEF 7/1/12
Current Institution: ARRENDALE STATE PRISON

View Offender Info

Offender Name: [REDACTED]
Major Offense(s): BURG BEF 7/1/12
Current Institution: ARRENDALE STATE PRISON

View Offender Info

Offender Name: [REDACTED]
Major Offense(s): BURG BEF 7/1/12
Current Institution: PULASKI STATE PRISON

View Offender Info

Offender Name: [REDACTED]
Major Offense(s): BURG BEF 7/1/12
Current Institution: ARRENDALE STATE PRISON

View Offender Info

Offender Name: [REDACTED]
Major Offense(s): BURG BEF 7/1/12
Current Institution: EMANUEL WOMENS FACILITY

View Offender Info

Offender Name: [REDACTED]
Major Offense(s): BURG BEF 7/1/12
Current Institution: METRO TC

View Offender Info

Offender Name: [REDACTED]
Major Offense(s): BURG BEF 7/1/12
Current Institution: PULASKI STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): BURG BEF 7/1/12
Current Institution: WHITWORTH WOMEN'S FACILITY

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): BURG BEF 7/1/12
Current Institution: WHITWORTH WOMEN'S FACILITY

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): BURG BEF 7/1/12
Current Institution: ARRENDALE TC

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): BURG BEF 7/1/12
Current Institution: ARRENDALE STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): BURG BEF 7/1/12
Current Institution: EMANUEL WOMENS FACILITY

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): BURG BEF 7/1/12
Current Institution: METRO TC

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): BURG BEF 7/1/12
Current Institution: WHITWORTH WOMEN'S FACILITY

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): BURG BEF 7/1/12
Current Institution: EMANUEL WOMENS FACILITY

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): BURG BEF 7/1/12
Current Institution: ARRENDALE STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): BURG BEF 7/1/12
Current Institution: PULASKI STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): BURG BEF 7/1/12
Current Institution: ARRENDALE STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): BURG BEF 7/1/12
Current Institution: ARRENDALE STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): BURG BEF 7/1/12
Current Institution: PULASKI STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): BURG BEF 7/1/12
Current Institution: EMANUEL WOMENS FACILITY

[View Offender Info](#)

Selection Criteria:

CURRENT STATUS = ACTIVE

GENDER = FEMALE OFFENSE = ENTERING VEHICLE

<< < Page 1 of 1 > >>

[Start a New Search \(OffQryForm.jsp\)](#)

RESULTS:

Offender Name: [REDACTED]
Major Offense(s): ENTERING VEHICLE
Current Institution: PULASKI STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): ENTERING VEHICLE
Current Institution: ARRENDALE STATE PRISON

[View Offender Info](#)

Selection Criteria:

CURRENT STATUS = ACTIVE

GENDER = FEMALE OFFENSE = theft by taking

<< < Page 1 of 2 > >>

Start a New Search (OffQryForm.jsp)

RESULTS:

Offender Name: [REDACTED]
Major Offense(s): THEFT BY TAKING
Current Institution: WHITWORTH WOMEN'S FACILITY

View Offender Info

Offender Name: [REDACTED]
Major Offense(s): THEFT BY TAKING
Current Institution: EMANUEL WOMENS FACILITY

View Offender Info

Offender Name: [REDACTED]
Major Offense(s): THEFT BY TAKING
Current Institution: PULASKI STATE PRISON

View Offender Info

Offender Name: [REDACTED]
Major Offense(s): THEFT BY TAKING
Current Institution: METRO TC

View Offender Info

Offender Name: [REDACTED]
Major Offense(s): THEFT BY TAKING
Current Institution: ARRENDALE STATE PRISON

View Offender Info

Offender Name: [REDACTED]
Major Offense(s): THEFT BY TAKING
Current Institution: ARRENDALE STATE PRISON

View Offender Info

Offender Name: [REDACTED]
Major Offense(s): THEFT BY TAKING
Current Institution: EMANUEL WOMENS FACILITY

View Offender Info

Offender Name: [REDACTED]
Major Offense(s): THEFT BY TAKING
Current Institution: PULASKI STATE PRISON

View Offender Info

Offender Name: [REDACTED]
Major Offense(s): THEFT BY TAKING
Current Institution: WHITWORTH WOMEN'S FACILITY

View Offender Info

Offender Name: [REDACTED]
Major Offense(s): THEFT BY TAKING
Current Institution: ARRENDALE STATE PRISON

View Offender Info

Offender Name: [REDACTED]
Major Offense(s): THEFT BY TAKING
Current Institution: METRO TC

View Offender Info

Offender Name: [REDACTED]
Major Offense(s): THEFT BY TAKING
Current Institution: ARRENDALE TC

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): THEFT BY TAKING
Current Institution: EMANUEL WOMENS FACILITY

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): THEFT BY TAKING
Current Institution: METRO TC

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): THEFT BY TAKING
Current Institution: ARRENDALE STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): THEFT BY TAKING
Current Institution: ARRENDALE STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): THEFT BY TAKING
Current Institution: WHITWORTH WOMEN'S FACILITY

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): THEFT BY TAKING
Current Institution: ARRENDALE STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): THEFT BY TAKING
Current Institution: ARRENDALE STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): THEFT BY TAKING
Current Institution: WHITWORTH WOMEN'S FACILITY

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): THEFT BY TAKING
Current Institution: ARRENDALE STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): THEFT BY TAKING
Current Institution: WHITWORTH WOMEN'S FACILITY

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): THEFT BY TAKING
Current Institution: WHITWORTH WOMEN'S FACILITY

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): THEFT BY TAKING
Current Institution: EMANUEL WOMENS FACILITY

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): THEFT BY TAKING
Current Institution: ARRENDALE STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): THEFT BY TAKING
Current Institution: WHITWORTH WOMEN'S FACILITY

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): THEFT BY TAKING
Current Institution: ARRENDALE STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): THEFT BY TAKING
Current Institution: HELMS FACILITY

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): THEFT BY TAKING
Current Institution: PULASKI STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): THEFT BY TAKING
Current Institution: EMANUEL WOMENS FACILITY

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): THEFT BY TAKING
Current Institution: EMANUEL WOMENS FACILITY

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): THEFT BY TAKING
Current Institution: ARRENDALE STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): THEFT BY TAKING
Current Institution: ARRENDALE STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): THEFT BY TAKING
Current Institution: ARRENDALE STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): THEFT BY TAKING
Current Institution: EMANUEL WOMENS FACILITY

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): THEFT BY TAKING
Current Institution: ARRENDALE TC

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): THEFT BY TAKING
Current Institution: EMANUEL WOMENS FACILITY

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): THEFT BY TAKING
Current Institution: PULASKI STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): THEFT BY TAKING
Current Institution: PULASKI STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): THEFT BY TAKING
Current Institution: METRO TC

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): THEFT BY TAKING
Current Institution: ARRENDALE STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): THEFT BY TAKING
Current Institution: ARRENDALE STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): THEFT BY TAKING
Current Institution: ARRENDALE STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): THEFT BY TAKING
Current Institution: ARRENDALE STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): THEFT BY TAKING
Current Institution: WHITWORTH WOMEN'S FACILITY

[View Offender Info](#)

Selection Criteria:

CURRENT STATUS = ACTIVE

GENDER = FEMALE OFFENSE = THEFT BY REC STOLEN PROP

<< < Page 1 of 1 > >>

Start a New Search (OffQryForm.jsp)

RESULTS:

Offender Name: [REDACTED]
Major Offense(s): THEFT BY REC STOLEN PROP
Current Institution: EMANUEL WOMENS FACILITY

View Offender Info

Offender Name: [REDACTED]
Major Offense(s): THEFT BY REC STOLEN PROP
Current Institution: WHITWORTH WOMEN'S FACILITY

View Offender Info

Offender Name: [REDACTED]
Major Offense(s): THEFT BY REC STOLEN PROP
Current Institution: METRO TC

View Offender Info

Offender Name: [REDACTED]
Major Offense(s): THEFT BY REC STOLEN PROP
Current Institution: ARRENDALE STATE PRISON

View Offender Info

Offender Name: [REDACTED]
Major Offense(s): THEFT BY REC STOLEN PROP
Current Institution: WHITWORTH WOMEN'S FACILITY

View Offender Info

Offender Name: [REDACTED]
Major Offense(s): THEFT BY REC STOLEN PROP
Current Institution: ARRENDALE STATE PRISON

View Offender Info

Offender Name: [REDACTED]
Major Offense(s): THEFT BY REC STOLEN PROP
Current Institution: METRO TC

View Offender Info

Offender Name: [REDACTED]
Major Offense(s): THEFT BY REC STOLEN PROP
Current Institution: ARRENDALE STATE PRISON

View Offender Info

Offender Name: [REDACTED]
Major Offense(s): THEFT BY REC STOLEN PROP
Current Institution: PULASKI STATE PRISON

View Offender Info

Offender Name: [REDACTED]
Major Offense(s): THEFT BY REC STOLEN PROP
Current Institution: WEST CENTRAL CENTER

View Offender Info

Offender Name: [REDACTED]
Major Offense(s): THEFT BY REC STOLEN PROP
Current Institution: WHITWORTH WOMEN'S FACILITY

View Offender Info

Offender Name: [REDACTED]
Major Offense(s): THEFT BY REC STOLEN PROP
Current Institution: PULASKI STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): THEFT BY REC STOLEN PROP
Current Institution: METRO TC

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): THEFT BY REC STOLEN PROP
Current Institution: ARRENDALE STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): THEFT BY REC STOLEN PROP
Current Institution: PULASKI STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): THEFT BY REC STOLEN PROP
Current Institution: METRO TC

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): THEFT BY REC STOLEN PROP
Current Institution: METRO TC

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): THEFT BY REC STOLEN PROP
Current Institution: ARRENDALE STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): THEFT BY REC STOLEN PROP
Current Institution: ARRENDALE STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): THEFT BY REC STOLEN PROP
Current Institution: METRO TC

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): THEFT BY REC STOLEN PROP
Current Institution: METRO TC

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): THEFT BY REC STOLEN PROP
Current Institution: FAYETTE COUNTY JAIL

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): THEFT BY REC STOLEN PROP
Current Institution: ARRENDALE TC

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): THEFT BY REC STOLEN PROP
Current Institution: EMANUEL WOMENS FACILITY

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): THEFT BY REC STOLEN PROP
Current Institution: ARRENDALE STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): THEFT BY REC STOLEN PROP
Current Institution: METRO TC

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): THEFT BY REC STOLEN PROP
Current Institution: EMANUEL WOMENS FACILITY

[View Offender Info](#)

Selection Criteria:

CURRENT STATUS = ACTIVE
GENDER = FEMALE OFFENSE = FORG 1ST AFT 6/30/12

<< < Page 1 of 1 > >>

Start a New Search (OffQryForm.jsp)

RESULTS:

Offender Name: [REDACTED]
Major Offense(s): FORG 1ST AFT 6/30/12
Current Institution: ARRENDALE STATE PRISON

View Offender Info

Offender Name: [REDACTED]
Major Offense(s): FORG 1ST AFT 6/30/12
Current Institution: ARRENDALE TC

View Offender Info

Offender Name: [REDACTED]
Major Offense(s): FORG 1ST AFT 6/30/12
Current Institution: ARRENDALE STATE PRISON

View Offender Info

Offender Name: [REDACTED]
Major Offense(s): FORG 1ST AFT 6/30/12
Current Institution: WHITWORTH WOMEN'S FACILITY

View Offender Info

Offender Name: [REDACTED]
Major Offense(s): FORG 1ST AFT 6/30/12
Current Institution: ARRENDALE STATE PRISON

View Offender Info

Offender Name: [REDACTED]
Major Offense(s): FORG 1ST AFT 6/30/12
Current Institution: EMANUEL WOMENS FACILITY

View Offender Info

Offender Name: [REDACTED]
Major Offense(s): FORG 1ST AFT 6/30/12
Current Institution: EMANUEL WOMENS FACILITY

View Offender Info

Offender Name: [REDACTED]
Major Offense(s): FORG 1ST AFT 6/30/12
Current Institution: WHITWORTH WOMEN'S FACILITY

View Offender Info

Offender Name: [REDACTED]
Major Offense(s): FORG 1ST AFT 6/30/12
Current Institution: WHITWORTH WOMEN'S FACILITY

View Offender Info

Offender Name: [REDACTED]
Major Offense(s): FORG 1ST AFT 6/30/12
Current Institution: ARRENDALE STATE PRISON

View Offender Info

Offender Name: [REDACTED]
Major Offense(s): FORG 1ST AFT 6/30/12
Current Institution: METRO TC

View Offender Info

Offender Name: [REDACTED]
Major Offense(s): FORG 1ST AFT 6/30/12
Current Institution: ARRENDALE STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): FORG 1ST AFT 6/30/12
Current Institution: PULASKI STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): FORG 1ST AFT 6/30/12
Current Institution: ARRENDALE STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): FORG 1ST AFT 6/30/12
Current Institution: ARRENDALE STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): FORG 1ST AFT 6/30/12
Current Institution: ARRENDALE STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): FORG 1ST AFT 6/30/12
Current Institution: WHITWORTH WOMEN'S FACILITY

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): FORG 1ST AFT 6/30/12
Current Institution: ARRENDALE STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): FORG 1ST AFT 6/30/12
Current Institution: PULASKI STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): FORG 1ST AFT 6/30/12
Current Institution: ARRENDALE STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): FORG 1ST AFT 6/30/12
Current Institution: ARRENDALE TC

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): FORG 1ST AFT 6/30/12
Current Institution: ARRENDALE STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): FORG 1ST AFT 6/30/12
Current Institution: ARRENDALE STATE PRISON

[View Offender Info](#)

Selection Criteria:

CURRENT STATUS = ACTIVE

GENDER = FEMALE OFFENSE = OBSTR OF LAW ENF OFFICER

<< < Page 1 of 1 > >>

Start a New Search (OffQryForm.jsp)

RESULTS:

Offender Name: [REDACTED]
Major Offense(s): OBSTR OF LAW ENF OFFICER
Current Institution: WHITWORTH WOMEN'S FACILITY

View Offender Info

Offender Name: [REDACTED]
Major Offense(s): OBSTR OF LAW ENF OFFICER
Current Institution: ARRENDALE STATE PRISON

View Offender Info

Offender Name: [REDACTED]
Major Offense(s): OBSTR OF LAW ENF OFFICER
Current Institution: PULASKI STATE PRISON

View Offender Info

Offender Name: [REDACTED]
Major Offense(s): OBSTR OF LAW ENF OFFICER
Current Institution: ARRENDALE STATE PRISON

View Offender Info

Offender Name: [REDACTED]
Major Offense(s): OBSTR OF LAW ENF OFFICER
Current Institution: ARRENDALE STATE PRISON

View Offender Info

Offender Name: [REDACTED]
Major Offense(s): OBSTR OF LAW ENF OFFICER
Current Institution: ARRENDALE STATE PRISON

View Offender Info

Offender Name: [REDACTED]
Major Offense(s): OBSTR OF LAW ENF OFFICER
Current Institution: METRO TC

View Offender Info

Offender Name: [REDACTED]
Major Offense(s): OBSTR OF LAW ENF OFFICER
Current Institution: METRO TC

View Offender Info

Offender Name: [REDACTED]
Major Offense(s): OBSTR OF LAW ENF OFFICER
Current Institution: EMANUEL WOMENS FACILITY

View Offender Info

Offender Name: [REDACTED]
Major Offense(s): OBSTR OF LAW ENF OFFICER
Current Institution: METRO TC

View Offender Info

Offender Name: [REDACTED]
Major Offense(s): OBSTR OF LAW ENF OFFICER
Current Institution: ARRENDALE STATE PRISON

View Offender Info

Offender Name: [REDACTED]
Major Offense(s): OBSTR OF LAW ENF OFFICER
Current Institution: EMANUEL WOMENS FACILITY

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): OBSTR OF LAW ENF OFFICER
Current Institution: ARRENDALE STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): OBSTR OF LAW ENF OFFICER
Current Institution: ARRENDALE STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): OBSTR OF LAW ENF OFFICER
Current Institution: ARRENDALE STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): OBSTR OF LAW ENF OFFICER
Current Institution: ARRENDALE STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): OBSTR OF LAW ENF OFFICER
Current Institution: WHITWORTH WOMEN'S FACILITY

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): OBSTR OF LAW ENF OFFICER
Current Institution: ARRENDALE TC

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): OBSTR OF LAW ENF OFFICER
Current Institution: RICHMOND COUNTY JAIL

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): OBSTR OF LAW ENF OFFICER
Current Institution: EMANUEL WOMENS FACILITY

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): OBSTR OF LAW ENF OFFICER
Current Institution: ARRENDALE STATE PRISON

[View Offender Info](#)

Selection Criteria:

CURRENT STATUS = ACTIVE

GENDER = FEMALE OFFENSE = ESCAPE

<< < Page 1 of 1 > >>

[Start a New Search \(OffQryForm.jsp\)](#)

RESULTS:

Offender Name: [REDACTED]
Major Offense(s): ESCAPE
Current Institution: WHITWORTH WOMEN'S FACILITY

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): ESCAPE
Current Institution: CANDLER COUNTY JAIL

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): ESCAPE
Current Institution: PULASKI STATE PRISON

[View Offender Info](#)

EXHIBIT 32

Selection Criteria:

CURRENT STATUS = ACTIVE
GENDER = FEMALE OFFENSE = RAPE

<< < Page 1 of 1 > >>

Start a New Search (OffQryForm.jsp)

RESULTS:

Offender Name: [REDACTED]
Major Offense(s): RAPE
Current Institution: PULASKI STATE PRISON

View Offender Info

Offender Name: [REDACTED]
Major Offense(s): RAPE
Current Institution: ARRENDALE STATE PRISON

View Offender Info

Offender Name: [REDACTED]
Major Offense(s): RAPE
Current Institution: ARRENDALE STATE PRISON

View Offender Info

Offender Name: [REDACTED]
Major Offense(s): RAPE
Current Institution: PULASKI STATE PRISON

View Offender Info

Offender Name: [REDACTED]
Major Offense(s): RAPE
Current Institution: ARRENDALE STATE PRISON

View Offender Info

Offender Name: [REDACTED]
Major Offense(s): RAPE
Current Institution: PULASKI STATE PRISON

View Offender Info

Offender Name: [REDACTED]
Major Offense(s): RAPE
Current Institution: PULASKI STATE PRISON

View Offender Info

Offender Name: [REDACTED]
Major Offense(s): RAPE
Current Institution: ARRENDALE TC

View Offender Info

Selection Criteria:

CURRENT STATUS = ACTIVE
GENDER = FEMALE OFFENSE = MURDER

<< < Page 1 of 4 > >>

Start a New Search (OffQryForm.jsp)

RESULTS:

Offender Name: [REDACTED]
Major Offense(s): MURDER
Current Institution: ARRENDALE STATE PRISON

View Offender Info

Offender Name: [REDACTED]
Major Offense(s): MURDER
Current Institution: PULASKI STATE PRISON

View Offender Info

Offender Name: [REDACTED]
Major Offense(s): MURDER
Current Institution: ARRENDALE STATE PRISON

View Offender Info

Offender Name: [REDACTED]
Major Offense(s): MURDER
Current Institution: ARRENDALE STATE PRISON

View Offender Info

Offender Name: [REDACTED]
Major Offense(s): MURDER
Current Institution: ARRENDALE STATE PRISON

View Offender Info

Offender Name: [REDACTED]
Major Offense(s): MURDER
Current Institution: PULASKI STATE PRISON

View Offender Info

Offender Name: [REDACTED]
Major Offense(s): MURDER
Current Institution: PULASKI STATE PRISON

View Offender Info

Offender Name: [REDACTED]
Major Offense(s): MURDER
Current Institution: ARRENDALE STATE PRISON

View Offender Info

Offender Name: [REDACTED]
Major Offense(s): MURDER
Current Institution: ARRENDALE STATE PRISON

View Offender Info

Offender Name: [REDACTED]
Major Offense(s): MURDER
Current Institution: PULASKI STATE PRISON

View Offender Info

Offender Name: [REDACTED]
Major Offense(s): MURDER
Current Institution: PULASKI STATE PRISON

View Offender Info

Offender Name: [REDACTED]
Major Offense(s): MURDER
Current Institution: ARRENDALE STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): MURDER
Current Institution: ARRENDALE STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): MURDER
Current Institution: PULASKI STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): MURDER
Current Institution: ARRENDALE STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): MURDER
Current Institution: ARRENDALE STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): MURDER
Current Institution: ARRENDALE STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): MURDER
Current Institution: PULASKI STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): MURDER
Current Institution: ARRENDALE STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): MURDER
Current Institution: PULASKI STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): MURDER
Current Institution: PULASKI STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): MURDER
Current Institution: PULASKI STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): MURDER
Current Institution: ARRENDALE STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): MURDER
Current Institution: PULASKI STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): MURDER
Current Institution: PULASKI STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): MURDER
Current Institution: ARRENDALE STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): MURDER
Current Institution: ARRENDALE STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): MURDER
Current Institution: PULASKI STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): MURDER
Current Institution: ARRENDALE STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): MURDER
Current Institution: PULASKI STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): MURDER
Current Institution: PULASKI STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): MURDER
Current Institution: ARRENDALE STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): MURDER
Current Institution: ARRENDALE STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): MURDER
Current Institution: PULASKI STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): MURDER
Current Institution: PULASKI STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): MURDER
Current Institution: ARRENDALE STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): MURDER
Current Institution: PULASKI STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): MURDER
Current Institution: PULASKI STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): MURDER
Current Institution: ARRENDALE STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): MURDER
Current Institution: PULASKI STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): MURDER
Current Institution: PULASKI STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): MURDER
Current Institution: PULASKI STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): MURDER
Current Institution: ARRENDALE STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): MURDER
Current Institution: ARRENDALE STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): MURDER
Current Institution: ARRENDALE STATE PRISON

[View Offender Info](#)

Selection Criteria:

CURRENT STATUS = ACTIVE

GENDER = FEMALE OFFENSE = AGGRAV SODOMY

<< < Page 1 of 1 > >>

[Start a New Search \(OffQryForm.jsp\)](#)

RESULTS:

Offender Name: [REDACTED]
Major Offense(s): AGGRAV SODOMY
Current Institution: PULASKI STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): AGGRAV SODOMY
Current Institution: PULASKI STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): AGGRAV SODOMY
Current Institution: PULASKI STATE PRISON

[View Offender Info](#)

Selection Criteria:

CURRENT STATUS = ACTIVE

GENDER = FEMALE OFFENSE = SEXL/ASSLT/AGN/PERS/CSTDY

<< < Page 1 of 1 > >>

[Start a New Search \(OffQryForm.jsp\)](#)

RESULTS:

Offender Name: [REDACTED]
Major Offense(s): SEXL/ASSLT/AGN/PERS/CSTDY
Current Institution: PULASKI STATE PRISON

[View Offender Info](#)

Offender Name: [REDACTED]
Major Offense(s): SEXL/ASSLT/AGN/PERS/CSTDY
Current Institution: PULASKI STATE PRISON

[View Offender Info](#)

EXHIBIT 33

DISCIPLINARY REPORT

I. Offender: DIAMOND ASHLEY MEDIUM 1000290565
 Name: Last, First, M.I. Security ID Number

II. Offense Data:
 A. Charge Code Plea Finding Charge Code Plea Finding
 1 REFUSE TO CITC _____ 4 _____
 2 PROVIDE SAMPLE _____ 5 _____
 3 _____ 6 _____

10/7/2020 1125 AM Jasmine Samuel JASMINE
 Date Time of Offense Signature of Reporting Official CERT COII

B. Factual Statement: ON 10/7/2020 AT APPROXIMATELY 1125 AM OFFENDER
DIAMOND ASHLEY/GDC 1000290565 REFUSED TO PROVIDE A URINE
SAMPLE. IT IS AGAINST GEORGIA DEPARTMENT OF CORRECTIONS
TO REFUSE BEING TESTED FOR UNAUTHORIZED SUBSTANCES.

Reviewed by the appropriate supervisor: Brown, Ruby Tsot / Brown Rick 10/7/2020
 Signature M/o./day/year

C. Charges served on accused: 10/7/2020 1238 PM Jasmine Samuel JASMINE
 Mo./day/year/time Signature of Serving Official CERT COII

III. Investigative Report:
 A. Summary of Investigation: _____

B. _____
 Title Signature Mo./day/year

C. Advocate's Name: _____

IV. Hearing Officer's Recommendation:
 Greatest _____ High _____ Moderate _____ Low _____
 Signature Mo./day/year

V. Disposition of Disciplinary Hearing:
 A. Justification for Findings: _____

B. Action Recommended: _____

C. TPM Extension: _____ Isolation: _____

D. Offender advised of his/her right to appeal: _____
 Yes No

Signature of Disciplinary Hearing Officer Time of Hearing Mo/Day/Year

VI. Reviewing Officer:
 Signature Title Mo/Day/Year

WITNESS STATEMENT			
PLACE	DATE	TIME	FILE NUMBER
Coastal			
LAST NAME, FIRST NAME, MIDDLE NAME	EMPLOYEE ID NUMBER		STATE ID NO.
Diamond, Ashley	1000098585		
INSTITUTION OR ADDRESS			
Ashley Diamond			
SWORN STATEMENT			
I, <u>Ashley Diamond</u> , WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:			
<p>I was asked by Cert to go to medical. I asked why and was told for Uranalysis. I explained I was unable to urinate due to numerous castration attempts days prior.</p> <p style="text-align: center;">AD</p> <p style="text-align: left;">AD</p> <p style="text-align: right;">AD</p> <p style="text-align: center;">AD</p>			
EXHIBIT	INITIALS OF PERSON MAKING STATEMENT		PAGE 1 OF ___ PAGES
	AD		
<small>ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF ___ TAKEN AT ___ DATED ___" "CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE ___ OF ___ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.</small>			

(Reproduced locally)

Retention Schedule: Upon completion, this form shall be maintained locally for three (3) years, with the Incident Report, and then destroyed.

EXHIBIT 34

Redo

SOP 209.04
Attachment 5
7/28/2020

WITNESS STATEMENT			
PLACE <i>G 106</i>	DATE <i>10/31 - 2020</i>	TIME	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME <i>Diamond, Ashley</i>		EMPLOYER ID NUMBER <i>1000290565</i>	STATE ID NO.
INSTITUTION OR ADDRESS <i>Coastal</i>			

SWORN STATEMENT

I, *Ashley Diamond* WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

I asked Officer Tondi Gordon if it would be OK to give him, Legal work and list of legal questions to inmate [redacted] as I am helping him and several others in dorm with legal work. The officer said yes and took the envelope. later I spoke with An investigator who had the effects in her possession. She said she didnt know why the Lt had (Lt [redacted]) brought it to her. Inside was the legal documents, a note saying how sorry I was that he had been victim of lies, and thanks for helping me not succeed in suicide. She told me (Investigations) it would be returned to Lt to give to the offender. If this was illegal then the officer should have said "no" he didnt, but I was later served a DR for passing contraband. This is one of several false or misleading DRs that are in my opinion, retaliatory. Jailhouse Lawyers are exercising a legal right OVER

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT <i>AD</i>	PAGE 1 OF _____ PAGES
ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ DATED _____ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE _____ OF _____ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.		

Genrud Inc. local

STATEMENT (Continued)

to assist inmates with cases as I'm working
on several Habeas Corpus for several inmates.
[REDACTED] are the
legal papers I have of theirs contraband?
This is just another example of how GDC
continues to harass me, & those whom
befriend me. I remain in jeopardy of
physical decompensation and do not trust
any of the staff at Coastal State Prison
- end of statement -

AFFIDAVIT

I, Anthony Diamond HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1
AND ENDS ON PAGE 1. I FULLY UNDERSTAND THE CONDITIONS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE.
I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS
STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL
INFLUENCE, OR UNLAWFUL INDUCEMENT.

[Handwritten Signature]
(Signature of Person Making Statement)

WITNESS

Subscribed and sworn to before me, a person authorized by law
to administer oaths, this _____ day of _____, 20____
at _____

INSTITUTION OR ADDRESS

(Signature of Person Administering Oath)

INSTITUTION OR ADDRESS

(Typed Name of Person Administering Oath)

(Authority to Administer Oath)

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

G-A-126

Court
Adv /wit

Attachment 11
SOP 209.01
11/06/2017

BIM

MIH

Gen pop
DISCIPLINARY REPORT

Coastal State Prion 523
INSTITUTION NAME CODE # TPM/MAX DATE

I. Offender: Diamond, Ashley Medium 1000290565
Name: Last, First, M.I. Security ID Number

II. Offense Data:

A. Charge	Code	Plea	Finding	Charge	Code	Plea	Finding
1 Unauthorized giving of	D-1	NG	G	4			
2 Contraband to someone else				5			
3				6			

October 31, 2020 1235 hrs Tono Gordon, COI
Date Time of Offense Signature of Reporting Official

B. Factual Statement: On the above date and time, I, ofc. Gordon, was making rounds in G-Building A-Range when offender Diamond gave me paperwork and asked me could I give offender [redacted] the Paperwork because its his legal mail. Along with the papers was a manilla envelop that wasn't stamped as Legal mail should. Upon looking at the paperwork, some of the papers were sentimental letters and pictures From offender Diamond to offender [redacted]. Both offenders are in separate rooms and that is unauthorized.

Reviewed by the appropriate supervisor: Lt. Khaliah Reeves
Signature M/o./day/year 10-31-20

C. Charges served on accused: 11-1-20 @ 12:25
Mo./day/year/time Signature of Serving Official Khaliah Reeves

III. Investigative Report:
A. Summary of Investigation: Investigation started 11/03/20 and complete on 11/04/20, upon investigation I formally charge offender and recommend a hearing.

B. COI Title Morgan Odum Signature 11/04/2020 Mo./day/year

C. Advocate's Name: Gerlyn Pedin MIH Counselor

IV. Hearing Officer's Recommendation:
Greatest High Moderate Low
Signature: Will Cameron Mack 11-5-20 Mo./day/year

V. Disposition of disciplinary hearing:
A. Justification for Findings: Offender Diamond, Ashley was found guilty of charge due to supporting documentation.

B. Action Recommended: 60 Day LOAP > D-1

C. TPM Extension: NA Isolation: NA

D. Offender advised of his/her right to appeal: Yes No

Signature of Disciplinary Hearing Officer: Will Cameron Mack Time of Hearing: 17:00 Mo./day/year: 11-5-20

VI. Reviewing Officer: Signature: [Signature] Title: AWC mo. dy. year: 11/06/2020

Continued



Brian P. Kemp
Governor

GEORGIA DEPARTMENT OF CORRECTIONS STATE OF GEORGIA



Timothy C. Ward
Commissioner

DISCIPLINARY APPEAL FORM

Facility: COASTAL STATE PRISON Disciplinary Report#: 867129
Offender's Name: DIAMOND, ASHLEY ALTON Offender's ID#: 1000290565
TO: WARDEN/SUPERINTENDENT: (Submit within fifteen (15) calendar days after hearing).

REASON FOR APPEAL:

*asked me if I wanted to
GDC officers involved passed this. Continue to be
derelict in their duties by deceiving. I have a legal
right to assist inmates in legal matters. Did not intentional do wrong.
Ashley Diamond 11-5-2020*

WARDEN'S/SUPERINTENDENT'S DECISION: (Within thirty (30) calendar days of receipt of appeal).

Warden's/Superintendent's Signature Date

2nd Appeal: (Within five(5) working days of Warden's Response)

TO: Inmate Affairs Unit
P.O. Box 310
Hardwick, GA. 31034

Offender's Signature Date

EXECUTIVE ASSISTANT'S DECISION:

Executive Assistant's Signature Date

(Reproduce locally)

Retention Schedule: Upon completion, this form shall become part of the offender's institutional file, except for those overturned or dismissed, and shall be kept according to the official records retention schedule for institutional files.

EXHIBIT 35

DISCIPLINARY REPORT

Coastal State Prison
INSTITUTION NAME

523
CODE #

TPM/MAX DATE

I. Offender: Diamond, Ashley Medium Security 1000290565
Name: Last, First, M.I. ID Number

II. Offense Data:

A. Charge	Code	P. Plea	Finding	Charge	Code	Plea	Finding
1 Sexual Behavior	B-8	NG	4				
2 Soliciting Sexual Activity	B-10	NG	5				
3 Indecent Exposure	B-11	NG	6				

October 31, 2020 0840hrs Courtney Brown, COI
Date Time of Offense Signature of Reporting Official

B. Factual Statement: On the above date and time I, Ofc Brown, entered N-Building B-Range to count. When I approached [redacted] I observed offender Diamond, Ashley #1000290565 on top of offender [redacted] on the bottom bunk. Both offenders had their pants down. Offender Diamond's penis was inside of [redacted] and they were moving in a back and forth motion. I opened the door to [redacted] and neither offender moved. I then yelled "Aye." Both offender Diamond and [redacted] jumped up and pulled their pants up. Offender Diamond stated "oh shoot!" Both offenders sat on the bed. I then notified my supervisor and separated the offenders from each other.

Reviewed by the appropriate supervisor: Lt Khaliah Reeves 10-31-20
Signature M.o./day/year

C. Charges served on accused: 11-1-20 @ 0825 Lt Khaliah Reeves Khaliah
M.o./day/year Signature of Serving Official

III. Investigative Report:

A. Summary of Investigation: _____

B. _____
Title Signature M.o./day/year

C. Advocate's Name: _____

IV. Hearing Officer's Recommendation:
Greatest _____ High _____ Moderate _____ Low _____

Signature M.o./day/year

V. Disposition of disciplinary hearing:

A. Justification for Findings: _____

B. Action Recommended: _____

C. TPM Extension: _____ Isolation: _____

D. Offender advised of his/her right to appeal: _____
Yes No

Signature of Disciplinary Hearing Officer Time of Hearing M.o./day/year

VI. Reviewing Officer:

Signature Title mo. dy. year

WITNESS STATEMENT

PLACE 9 Bldg	DATE 11-1-2020	TIME 8:45	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME Diamond, Ashley	EMPLOYEE ID NUMBER 1000290565	STATE ID NO.	
INSTITUTION OR ADDRESS Coastal State Prison			

SWORN STATEMENT

I, Ashley Diamond (Blonde) WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
 On Nov 1, 2020 I asked pit call Nurse to please inform staff. That I would like to be examined for proof that no sexual act took place as stated by Officer Courtney Brown. They never asked me or the offender involved to participate in any procedure to procure the evidence that would disprove the allegation of penetration. A simple test would prove this allegation false. They refuse to test.

(Three circled initials: AD, AD, AD)

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT <i>(AD)</i>	PAGE 1 OF 1 PAGES
---------	--	-------------------

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [] TAKEN AT [] DATED [] CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [] OF [] PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

(Reproduced locally)

Retention Schedule: Upon completion, this form shall be maintained locally for three (3) years, with the Incident Report, and then destroyed.

STATEMENT (Continued)

AD

AD

AD

AD

AFFIDAVIT

I, Ashley Diamond HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 1. I FULLY UNDERSTAND THE CONDITIONS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

WITNESS

INSTITUTION OR ADDRESS

INSTITUTION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

Ashley Diamond
(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this ___ day of _____, 20__ at _____

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

(Authority to Administer Oath)

PAGE OF PAGES

SOP 209.04
Attachment 5
7/28/2020

WITNESS STATEMENT			
PLACE G 126	DATE 11-2-2020	TIME Apx: 9:41	FILE NUMBER
LAST NAME FIRST NAME MIDDLE NAME Diamond Ashley	EMPLOYEE ID NUMBER 1000290565	STATE ID NO.	
INSTITUTION OR ADDRESS Coastal Prison			

SWORN STATEMENT

I, Ashley Diamond, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Was visited by the Warden of Care + Treatment and the Warden of Security this morning. They asked why I wasn't eating I said no appetite and hadn't eaten ~~that~~ for a few days. I asked why on the log was it written that I can't have phone calls. I also asked how long I'd be here, why I couldn't get my request for physical examination and why I couldn't be locked in cell in NB. Warden of Security asked me had anyone come to see me yet I said no. He said he'd bring me back an answer. This segregation is very hard on me and it is well documented within GDC that this should be a last resort.

AD

AD

AD

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF _____ PAGES
---------	-------------------------------------	-----------------------

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE _____ OF _____ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

(Reproduced locally)

STATEMENT (Continued)

AD *AD* *AD*

AFFIDAVIT

I, _____ HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE _____. I FULLY UNDERSTAND THE CONDITIONS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

WITNESS

INSTITUTION OR ADDRESS

INSTITUTION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this ____ day of _____, 20__ at _____

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

(Authority to Administer Oath)

PAGE OF PAGES

WITNESS STATEMENT

PLACE Coastal Prisons Medical	DATE 11-3-2020	TIME	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME Diamond Ashley	EMPLOYEE ID NUMBER 1000290565	STATE ID NO.	
INSTITUTION OR ADDRESS Coastal State Prisons			

SWORN STATEMENT

I, Ashley Diamond, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

I have been brought to medical after being photographed by Sgt. Mitchell and asked if I was in gang and wouldn't disclose any other information. Upon arrival to medical I asked is this the exam for DNA? I have requested, as well as the other offender, physical exams to determine that there was no sexual act between us. We have yet to be informed on the nature of this medical visit and if its involving my request to be treated.

— End of Statement —

EXHIBIT

INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF 1 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF ___ TAKEN AT ___ DATED ___ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE ___ OF ___ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

STATEMENT (Continued)

[Handwritten initials]

[Handwritten initials]

[Handwritten initials]

[Handwritten initials]

AFFIDAVIT

I, Ashley Diamond HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 1. I FULLY UNDERSTAND THE CONDITIONS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[Handwritten signature of Ashley Diamond]
(Signature of Person Making Statement)

WITNESS

INSTITUTION OR ADDRESS

INSTITUTION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

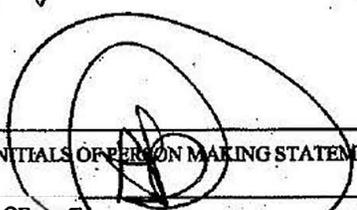
Subscribed and sworn to before me, a person authorized by law to administer oaths, this ___ day of _____, 20__ at _____

[Handwritten signature]
(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

(Authority to Administer Oath)

PAGE | OF | PAGE

WITNESS STATEMENT			
PLACE <i>Medical</i>	DATE <i>11-3-2020</i>	TIME <i>12:30</i>	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME <i>Diamond, Ashley</i>		EMPLOYEE ID NUMBER	STATE ID NO.
INSTITUTION OR ADDRESS <i>Coastal State Prison</i>			
SWORN STATEMENT			
I, <u><i>Ashley Diamond</i></u> , WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:			
<p><i>I was informed by Nurse Gregory that no test or exams would be performed, even after requesting and at my expense, that no testing of my genitals would be done to assess that I transgender woman whos taken Estrogen for over 20 yrs. Has a functioning Penis</i></p> <p><i>End of Statement —</i></p>			
EXHIBIT	INITIALS OF PERSON MAKING STATEMENT 		PAGE 1 OF _____ PAGES
<small>ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ I MAKE AT _____ DATED _____ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE _____ OF _____ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.</small>			

(Reproduced locally)

Retention Schedule: Upon completion, this form shall be maintained locally for three (3) years, with the Incident Report, and then destroyed.

STATEMENT (Continued)

AD

AD

AD

AD

AFFIDAVIT

Ashley D. [Signature]

I, *Ashley D. [Signature]* HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE . I FULLY UNDERSTAND THE CONDITIONS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

Ashley D. [Signature]
(Signature of Person Making Statement)

WITNESS

INSTITUTION OR ADDRESS

INSTITUTION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this _____ day of _____, 20____ at _____

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

(Authority to Administer Oath)

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES



Brian P. Kemp
Governor

GEORGIA DEPARTMENT OF CORRECTIONS STATE OF GEORGIA

DISCIPLINARY APPEAL FORM



Timothy C. Ward
Commissioner

Facility: COASTAL STATE PRISON Disciplinary Report#: 866981
Offender's Name: DIAMOND, ASHLEY ALTON Offender's ID#: 1000290565
TO: WARDEN/SUPERINTENDENT: (Submit within fifteen (15) calendar days after hearing).

REASON FOR APPEAL:

*The factual basis of the DR isnt true, I have medical
proof of this. I did not penetrate offender
[redacted] I would like to submit medical documentation.
Ashley Diamond 11-5-2020*

Offender's Signature Date

WARDEN'S/SUPERINTENDENT'S DECISION: (Within thirty (30) calendar days of receipt of appeal).

Warden's/Superintendent's Signature Date

2nd Appeal:(Within five(5) working days of Warden's Response)

TO: Inmate Affairs Unit
P.O. Box 310
Hardwick, GA. 31034

Offender's Signature Date

EXECUTIVE ASSISTANT'S DECISION:

Executive Assistant's Signature Date

(Reproduce locally)

Retention Schedule: Upon completion, this form shall become part of the offender's institutional file, except for those overturned or dismissed, and shall be kept according to the official records retention schedule for institutional files.

EXHIBIT 36

C-8 Violation is #

Damage to locks, doors and safety equipment

C-19 hanging materials to door

DISCIPLINARY REPORT

Coastal State Prison
INSTITUTION NAME

523
CODE #

TPM/MAX DATE

I. Offender: Diamond, Ashley Medium 1000290565
Name: Last, First, M.I. Security ID Number

II. Offense Data:

A. Charge	Code	Plea	Finding	Charge	Code	Plea	Finding
1 Blocking Lock	C-8			4			
2				5			
3				6			

October 31, 2020
Date

1015hrs
Time of Offense

LT. Khaliah Reeves
Signature of Reporting Official

B. Factual Statement: On the above date and time, I, Lt. Reeves, entered N-Building B-Range to see why the door will not secure. There was a white rag stuffed in the corner of the door preventing the door from securing. Offender Diamond, Ashley #100290565 is the only offender assigned to [redacted] It is against policy to tamper with any lock or prevent the locking of any door s

Reviewed by the appropriate supervisor: Sgt. Danielle Alexander 10-31-20
Signature M/o./day/year

C. Charges served on accused: 11-1-20@0825 Khaliah Reeves
Mo./day/year/time Signature of Serving Official

III. Investigative Report:

A. Summary of Investigation: Under Disciplinary infractions C-19/N, Hanging, fastening or attach, any materials to any part of door

B. Title Signature Mo./day/year

C. Advocate's Name:

IV. Hearing Officer's Recommendation:
Greatest _____ High _____ Moderate _____ Low _____
Signature Mo./day/year

V. Disposition of disciplinary hearing:

A. Justification for Findings:

B. Action Recommended:

C. TPM Extension: Isolation:

D. Offender advised of his/her right to appeal: Yes No

Signature of Disciplinary Hearing Officer

Time of Hearing

Mo./day/year

VI. Reviewing Officer:

Signature

Title

mo. dy. year

BIM

MIH

G-A-126

Court
Adv/Wit

Attachment 11
SOP 209.01
11/06/2017

Gen POP
DISCIPLINARY REPORT

Coastal State Prion 523
INSTITUTION NAME CODE # TPM/MAX DATE

I Offender: Diamond, Ashley Medium 1000290565
Name: Last, First, M.I. Security ID Number

II. Offense Data:

A. Charge	Code	Plea	Finding	Charge	Code	Plea	Finding
1 Blocking Lock	C-8	NG	G	4			
2				5			
3				6			

October 31, 2020 1015hrs LT. Khaliah Reeves
Date Time of Offense Signature of Reporting Official

B. Factual Statement: On the above date and time, I, Lt. Reeves, entered N-Building B-Range [redacted] to see why the door will not secure. There was a white rag stuffed in the corner of the door preventing the door from securing. Offender Diamond, Ashley #100290565 is the only offender assigned to [redacted]. It is against policy to tamper with any lock or prevent the locking of any doors.

Reviewed by the appropriate supervisor: Sgt. Danielle Alexander 10-31-20
Signature M./o./day/year

C. Charges served on accused: 11-1-20 @ 0825 Khaliah Reeves
Mo./day/year/time Signature of Serving Official

III. Investigative Report:
A. Summary of Investigation: Investigation started 11/03/20 and complete 11/04/20, upon investigation I formally charge offender and recommend a hearing.

B. C-8 Morgan Adam 11/04/2020
Title Signature Mo./day/year

C. Advocate's Name: Gerlyn Pepin MIH Counselor

IV. Hearing Officer's Recommendation:
Greatest High Moderate Low
WA Cameron Mack 11-5-20
Signature Mo./day/year

V. Disposition of disciplinary hearing:
A. Justification for Findings: Offender Diamond, Ashley found guilty of charge due to supporting documentation.

B. Action Recommended: 100 Days LOAP > C-8

C. TPM Extension: NA Isolation: NA

D. Offender advised of his/her right to appeal: Yes No

WA Cameron Mack 1720 11-5-20
Signature of Disciplinary Hearing Officer Time of Hearing Mo./day/year

VI. Reviewing Officer: [Signature] DWS 11/06/2020
Signature Title mo. dy. year



Brian P. Kemp
Governor

GEORGIA DEPARTMENT OF CORRECTIONS
STATE OF GEORGIA

DISCIPLINARY APPEAL FORM



Timothy C. Ward
Commissioner

Facility: COASTAL STATE PRISON Disciplinary Report#: 867128
Offender's Name: DIAMOND, ASHLEY ALTON Offender's ID#: 1000290565
TO: WARDEN/SUPERINTENDENT: (Submit within fifteen (15) calendar days after hearing).

REASON FOR APPEAL:

*There is no proof that I put a rag in that door
and we requested multiple times for that door
to be fixed - there's chains of emails.*

Offender's Signature

Date

WARDEN'S/SUPERINTENDENT'S DECISION: (Within thirty (30) calendar days of receipt of appeal).

Warden's/Superintendent's Signature

Date

2nd Appeal: (Within five (5) working days of Warden's Response)

TO: Inmate Affairs Unit
P.O. Box 310
Hardwick, GA. 31034

Offender's Signature

Date

EXECUTIVE ASSISTANT'S DECISION:

Executive Assistant's Signature

Date

(Reproduce locally)

Retention Schedule: Upon completion, this form shall become part of the offender's institutional file, except for those overturned or dismissed, and shall be kept according to the official records retention schedule for institutional files.

EXHIBIT 37

DOI 2017-01
Attachment 11
11/06/2017

DISCIPLINARY REPORT

Coastal State Prison 523
INSTITUTION NAME CODE #
I Offender: Diamond, Ashley medium 1000290565
Name, Last, First, M.I. Security ID Number

II Offense Data:
A. Charge Code Plea Finding Charge Code Plea Finding
1 possession of contraband D-1 4
2 5
3 6

12/23/20 1538 Aliyah R. Parker COI
Date Time of Offense Signature of Reporting Official

B. Factual Statement: On the above date and time, I Mr. Parker was conducting
round in N-B where I observed a rolled up brown piece of paper on offender
Diamond, Ashley GDC # 1000290565 floor. Upon retrieving the object I also
observed a broken wooden pencil wrapped with unauthorized wires in
offender Diamond trash can. Supervisor was notified

Reviewed by the appropriate supervisor: Robyn Helled 12/24/2020
Signature M/o./day/year

C. Charges served on accused: 12/24/2020 0625 Aliyah R. Parker COI
Mo./day/year/time Signature of Serving Official

III Investigative Report:

A. Summary of Investigation:

B. Title Signature Mo./day/year

C. Advocate's Name:

IV. Hearing Officer's Recommendation:
Greatest High Moderate Low
Signature Mo./day/year

V. Disposition of Disciplinary Hearing:
A. Justification for Findings:

B. Action Recommended:

C. TPM Extension: Isolation:

D. Offender advised of his/her right to appeal:
Yes No

Signature of Disciplinary Hearing Officer Time of Hearing Mo./Day/Year

VI Reviewing Officer:
Signature Title Mo./Day/Year

Retention Schedule: Upon completion, this form shall become part of the offender's institutional file and shall be maintained according to the official records retention schedule for institutional files.

Stop being bad!

DISCIPLINARY REPORT

Coastal State Prison
INSTITUTION NAME

523
CODE #

10.31.2020 - 02.05.2024
TPM/MAX DATE

I. Offender: DIAMOND, ASHLEY ALTON MEDIUM 1000290565
Name: Last, First, M.I. Security ID Number

II. Offense Data:

A. Charge	Code	Plea	Finding	Charge	Code	Plea	Finding
1 Failure to Follow	C-15			4			
2				5			
3				6			

12.3.2020
Date

Approximately 0733
Time of Offense

[Signature] Carl Betterson
Signature of Reporting Official

B. Factual Statement: On 12.10.2020 at 0922 I reviewed video footage of dorm N-B; The camera footage showed that on 12.3.2020 at approximately 0733 Richard Parker entered offender Ashely Diamonds room. Offender Parker appeared to be cleaning Ashley Diamonds room. I also Observed offender Diamond conversing with offender Parker while he was inside of her room. Offender Diamond was instructed on numerous occasions that she is not allowed to have any offender in her room for any reason. Ashley Diamonds actions are a clear violation of her Evidence Based Program contract and dormitory rules.

Reviewed by the appropriate supervisor: Stephanie Love/Stephanie 12/10/2020
Signature M/o./day/year

C. Charges served on accused: 12/10/2020 1804 [Signature]
Mo./day/year/time Signature of Serving Official

III. Investigative Report:

A. Summary of Investigation: _____

B. _____
Title Signature Mo./day/year

C. Advocate's Name: _____

IV. Hearing Officer's Recommendation:

Greatest _____ High _____ Moderate _____ Low _____

Signature Mo./day/year

V. Disposition of Disciplinary Hearing:

A. Justification for Findings: _____

B. Action Recommended: _____

C. TPM Extension: _____ Isolation: _____

D. Offender advised of his/her right to appeal: _____
Yes No

Signature of Disciplinary Hearing Officer Time of Hearing Mo/Day/Year

VI. Reviewing Officer:

Signature Title Mo/Day/Year

EXHIBIT 38



GEORGIA

DEPARTMENT OF CORRECTIONS

(/)



REPORT STAFF & INMATES Involved in Criminal Activity (/content/report-criminal-activity)

Select Language ▼

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(https://www.linkedin.com/company/georgia-department-of-corrections)

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Search



Find an Offender
(/GDC/Offender/Query)



Send Money
(/InmateInfo/Payments/Payments) finder)



Find a Facility (/facility- finder)



Find Jobs (/Jobs)



News
(/Media/Newsroom)

Home (/) / Offenders (/InmateInfo/InmateInfo)
/ Family & Friend Resources (/InmateInfo/FamilyInfo/Families-Friends) / GDC Abbreviations Explained

GDC Abbreviations Explained

To assist you with navigating through our terminology, we have put together a list of abbreviations you might come into contact with while your loved one is a part of the correctional system. Any phrases or words lighted in blue, please click on for further information. Please see below:

ACU - Acute Care Unit

CBU - Consolidated Banking Unit

CHRI - Criminal History Record Information

CSS - Criminal Sentiments Scale

CSU - Crisis Stabilization Unit

DBHDD - Department of Behavioral Health and Development Disabilities (<https://dbhdd.georgia.gov>)

DCS - Department of Community Supervision (<http://dcs.georgia.gov>)

DCSS - Division of Child Support Services (<http://dcss.dhs.georgia.gov>)

DDS - Department of Driver Services (<http://www.dds.ga.gov>)

DR - Disciplinary Report

DW - Deputy Warden

Dx - Diagnosis

EBP - Evidence Based Prison, located at Lee State Prison in Leesburg, Ga, is a facility that uses research-based methods to reduce recidivism as well as improve offender behavior and staff practices. It is a two year program, divided into four phases (each phase lasts six months).

FCBD - Faith & Character Based Dorm offers offenders personal and spiritual growth and development under the supervision of a trained program coordinator. Program is divided into four phases within a 12-month curriculum.

GCHC - Georgia Correctional Healthcare (<http://www.augusta.edu/gchc/>) provides high quality healthcare to over 60 Georgia Department of Correction facilities statewide.

GCI - Georgia Correctional Industries (<https://www.gci-ga.com>)

GCIC - Georgia Crime Information Center (<https://gbi.georgia.gov/georgia-crime-information-center>)

GP - General Population

GPAI- Georgia Programs Assessment Inventory

GA-PRI - Georgia Prisoner Reentry Initiative is a strategic plan and framework that focuses on transition accountability planning, case management and evidence based practices for returning citizens. The goal of the GA-PRI is to enhance public safety by reducing crime through the implementation of a seamless plan of services and supervision developed with each returning citizen—delivered through state and local collaboration—from the time of their entry to prison through their successful transition, reintegration, and aftercare in the community.

IBF - Inmate Benefit Funds

IRP - Intensive Reentry Program (/Divisions/InmateServices/RiskReduction/RSAT) is 90-day Intensive Re-Entry Program, which targets non-violent offenders with a history of substance abuse as a causative factor leading to correctional supervision.

ITF - Integrated Treatment Facility (/Divisions/InmateServices/RiskReduction/RSAT) is a 9-month program that actively combines interventions intended to address substance use and mental health disorders with the goal of treating both disorders, related problems, and the whole person more effectively.

M4C - Motivation for Change (<http://Divisions/InmateServices/RiskReduction/SubstanceAbuse>) is considered an intervention rather than a program. It reduces the resistance participants have to more intensive programming and helps them identify for themselves where they are at in their stage of change with regard to their criminal behaviors, addictions, attitudes, values, and beliefs.

Matrix-ERS - Matrix Program Early Recovery Skills (<http://Divisions/InmateServices/RiskReduction/SubstanceAbuse>) is an 8-lesson program that is designed to help individuals begin the process of substance abuse recovery.

Max Out - also known as the "maximum release date", is the date when the sentence given by the judge will be completely served. For instance, if a person was sentenced to 20 years in prison on August 1, 2008, the maximum release date will be August 1, 2028.

MRD - Maximum Release Date - also known as the "max-out", is the date when the sentence given by the judge will be completely served. For instance, if a person was sentenced to 20 years in prison on August 1, 2008, the maximum release date will be August 1, 2028.

MRT - Moral Reconciliation Therapy (/Divisions/InmateServices/RiskReduction/Cognitive) is one of the first comprehensive, systematic attempts to treat substance abusing offenders from a purely cognitive behavioral perspective.

NOBTS - New Orleans Baptist Theological Seminary (/Divisions/InmateServices/Chaplaincy)

NCIC - National Crime Information Center (<https://www.fbi.gov/services/cjis/ncic>)

NGA - Next Generation Assessment - an automated programming assessment instrument based on data currently found in SCRIBE - CHRI (GCIC) - Parole databases. It is a reliable predictor, however each scale is a screener not a full blown assessment therefore some offenders with indicators of more serious needs will require other assessment to follow-up on identified risk factors.

OCGA - Official Code of Georgia, Annotated

OJT - On the Job Training - where offenders can earn Technical school certification while employed on work assignments.

PC - Protective Custody - type of care to protect a person from harm.

PDC - Probation Detention Center (/Divisions/Facilities/ProbationDetentionCenters)

PIC - Performance Incentive Credit (/InmateInfo/FamilyInfo/PIC)

PREA - Prison Rape Elimination Act (/Divisions/ExecutiveOperations/PREA) 2003 prohibits and seeks to eliminate sexual assaults and sexual misconduct in correctional institutions.

PSATC - Probation Substance Abuse Treatment Center (/Divisions/InmateServices/RiskReduction/RSAT) is a 9-month residential substance abuse treatment program for probationers.

Recidivism - refers to a person's relapse into criminal behavior, often after the person receives sanctions or undergoes intervention for a previous crime.

RPH - Reentry Partnership Housing (/Divisions/InmateServices/Reentry/ReentryPartnershipHousing) - designed to provide housing for work-ready convicted felons who remain in prison after the Parole Board has authorized their release due solely to having no residential options.

RSAT - Residential Substance Abuse Treatment (/Divisions/InmateServices/RiskReduction/RSAT) is a 9-month residential substance abuse treatment program, which targets high risk, high needs offenders with a history of substance abuse as a crime-producing behavior leading to correctional supervision.

SOAR - SSI (Supplemental Security Income)/SSDI (Social Security Disability Insurance) Outreach, Access, & Recovery is a program designed to increase access to SSI/SSDI for eligible adults who are experiencing or at risk of homelessness and have a mental illness, medical impairment, and/or a co-occurring substance use disorder.

SAAS - Substance Abuse AfterCare is a six-month program which targets high risk, high needs offenders who have completed an intensive substance abuse services program.

SCRIBE - Statewide Correctional Repository & Information System

SLU - Supportive Living Unit

SMU - Special Management Unit located at Georgia Diagnostic & Classification Prison

SOPP - Sex Offender PsychoEducational Program is a parole mandated Psycho-educational, cognitive-based curriculum introducing concepts and exercises aimed at confronting sex offending thinking and behavioral patterns. SOPP is designed as a prerequisite program that focused on preparing sex offenders for treatment upon release to Parole, Probation or other community supervision.

STG/STI - Security Threat Group/Security Threat Individual - Any organization, club, association or group of individuals, formal or informal (including traditional prison gangs), that may have a common name, identifying sign or symbol, and whose members engage in activities that would include, but are not limited to planning, organizing, threatening, financing, soliciting, committing, or attempting to commit unlawful acts or an act that would violate the departments written instructions, which would detract from the safe orderly operations of prisons.

T4C - Thinking for a Change (/Divisions/InmateServices/RiskReduction/Cognitive) is an integrated, cognitive behavioral program for offenders that includes cognitive restructuring, problem solving, and skill-building.

TC - Transitional Center (/Divisions/Facilities/Transitional)

Tier - created to offer a managed and measured stratification oriented pathway for offenders to successfully transition from Administrative Segregation to lower-security levels and it provides greater management of long-term Administrative Segregation offenders.

TOPPSTEP (/Divisions/InmateServices/Vocational) - The Offender Parolee Probationer State Training Employee Program (TOPPSTEP) is a collaborative effort between the Department of Corrections, the Department of Labor, the Department of Human Resources, and the State Board of Pardons and Paroles to provide inmates with the documents needed to obtain employment upon release (i.e. birth-certificate and Social Security card).

TPM - Tentative Parole Month is *not* a final parole decision. TPM represents when the Board of Pardons & Paroles will complete a final review of an offender's case and, if appropriate, set a parole release date. TPM is conditioned on good conduct in prison, and possibly on successful completion of a drug, alcohol, or sex-offender counseling program, or other pre-condition(s).

UDS - Under Death Sentence

UM - Unit Manager

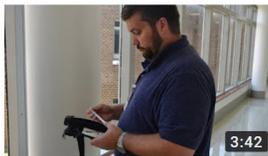
VA - Veterans Administration

VPP - Verification of parole plan

Videos



GDC Career Hub 2018
130 views • 1 month ago



Meet Eric Ranhorn: Augusta State Medical's
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Colwell Rescued Program Gives Offenders and Dogs a
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(<https://www.youtube.com/channel/UCmnBETAKwOXWfWkeSJaZIHw>)

Latest Press

03.26.21

Roll-Out Begins For Offender Menu Enhancements (</NewsRoom/PressReleases/roll-out-begins-offender-menu-enhancements>)

03.02.21

Correctional Staff Arrests at Georgia State Prison (</NewsRoom/PressReleases/correctional-staff-arrests-georgia-state-prison>)

02.04.21

New Deputy Warden of Care and Treatment at Montgomery State Prison (</NewsRoom/PressReleases/new-deputy-warden-care-and-treatment-montgomery-state-prison>)

Click here to see our Press Releases (</NewsRoom/PressReleases/PressReleases>)

Twitter Feed

VISITATION UPDATE



Modified in-person visitation at all GDC facilities will resume Saturday, April 3, 2021. Previously scheduled visitation appointments for the weekend of March 12 will be automatically rescheduled by individual facilities. Safety measures are in place, and all facilities are prepared for in-person visits beginning April 3rd.

Click here to see our Twitter Page

(https://twitter.com/GA_Corrections)



EXHIBIT 39

Inmate Tentative Parole Month (TPM) Look-up

[Return To Search](#)

Inmate Name	Inmate Number	GDC ID	Date of Birth	Offense	Institution	Tentative Parole Month
Ashley Diamond	-751505	1000290565	04/09/1978	BURGLARY	COASTAL STATE PRISON	April 2022

EXHIBIT 40

FILED UNDER SEAL