

## Movement History

DIAMOND, ASHLEY ALTON - GDC ID 1000290565

Move Date	Move Type	Move Reason	Moved To Location
01/13/2021	GDC MOVE	ADMINISTRATIVE	COASTAL STATE PRISON N-B-136-B
01/12/2021	GDC MOVE	MENTAL HEALTH	GA DIAG CLASS PRISON MED-1-006-B
11/10/2020	BED MOVE	POPULATION REDISTRIBUTION	COASTAL STATE PRISON N-B-136-B
11/09/2020	GDC MOVE	MENTAL HEALTH	COASTAL STATE PRISON G-A-114-B
11/06/2020	GDC MOVE	OTHER REQUEST	GA DIAG CLASS PRISON MED-1-007-B
11/04/2020	BED MOVE	ADMINISTRATIVE	COASTAL STATE PRISON G-A-114-B
10/31/2020	BED MOVE	ADJUSTMENT	COASTAL STATE PRISON G-A-126-B
10/31/2020	BED MOVE	SEGREGATION	COASTAL STATE PRISON G-A-124-B
09/04/2020	GDC MOVE	ADMINISTRATIVE	COASTAL STATE PRISON N-B-136-B
09/04/2020	BED MOVE	ADMINISTRATIVE	GA DIAG CLASS PRISON MED-1-003-B
09/04/2020	BED MOVE	MENTAL HEALTH	GA DIAG CLASS PRISON D-1-014-B
09/03/2020	GDC MOVE	ADMINISTRATIVE	GA DIAG CLASS PRISON MED-1-003-B
06/18/2020	BED MOVE	ADMINISTRATIVE	COASTAL STATE PRISON N-B-136-B
06/09/2020	BED MOVE	ADJUSTMENT	COASTAL STATE PRISON N-A-106-B
06/04/2020	GDC MOVE	ADMINISTRATIVE	COASTAL STATE PRISON N-A-126-B
05/27/2020	BED MOVE	ADJUSTMENT	GA DIAG CLASS PRISON C-4-050-T
05/27/2020	BED MOVE	PROTECTIVE CUSTODY	GA DIAG CLASS PRISON H-3/2-037-B
02/11/2020	ARRIVE EXTERNAL NON CUSTODY	RETURN FROM COURT	GA DIAG CLASS PRISON C-4-050-T
01/29/2020	EXTERNAL NON CUSTODY	COURT PRODUCTION ORDER	OTC- FLOYD
01/02/2020	ARRIVE EXTERNAL NON CUSTODY	RETURN FROM COURT	GA DIAG CLASS PRISON C-4-052-B
12/19/2019	EXTERNAL NON CUSTODY	COURT PRODUCTION ORDER	OTC- FLOYD
11/19/2019	BED MOVE	ADJUSTMENT	GA DIAG CLASS PRISON C-4-041-B
10/29/2019	BED MOVE	ADMINISTRATIVE	GA DIAG CLASS PRISON C-4-055-B
10/29/2019	DIAGNOSTIC	NEW SENTENCE - COURT COMMIT	GA DIAG CLASS PRISON C-3-018-T
08/31/2015	RELEASE	PAROLE CERTIFICATE	
08/04/2015	GDC MOVE	ADMINISTRATIVE	AUGUSTA STATE MED. PRISON NU-6A-1-B
08/03/2015	BED MOVE	ADMINISTRATIVE	RUTLEDGE STATE PRISON G-1-1-B

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## Movement History

DIAMOND, ASHLEY ALTON - GDC ID 1000290565

05/08/2015	GDC MOVE	ADMINISTRATIVE	RUTLEDGE STATE PRISON E-3-6-B
04/02/2015	BED MOVE	ADMINISTRATIVE	GA STATE PRISON DW-1-1-B
03/17/2015	GDC MOVE	MENTAL HEALTH	GA STATE PRISON DW-1-7-B
02/03/2015	BED MOVE	MEDICAL	BALDWIN STATE PRISON J-C-147-B
12/18/2014	BED MOVE	MENTAL HEALTH	BALDWIN STATE PRISON J-C-142-T
12/02/2014	BED MOVE	ADJUSTMENT	BALDWIN STATE PRISON J-B-123-T
11/25/2014	BED MOVE	POPULATION REDISTRIBUTION	BALDWIN STATE PRISON J-D-163-B
11/18/2014	BED MOVE	MENTAL HEALTH	BALDWIN STATE PRISON INF-1-1-B
11/18/2014	BED MOVE	MENTAL HEALTH	BALDWIN STATE PRISON K-2-1-B
11/12/2014	BED MOVE	MENTAL HEALTH	BALDWIN STATE PRISON J-B-133-B
10/23/2014	ARRIVE EXTERNAL NON CUSTODY	RETURN FROM COURT	BALDWIN STATE PRISON J-C-138-T
10/14/2014	EXTERNAL NON CUSTODY	COURT PRODUCTION ORDER	CARROLL COUNTY
09/30/2014	BED MOVE	ADMINISTRATIVE	BALDWIN STATE PRISON J-C-138-T
09/25/2014	GDC MOVE	ADJUSTMENT	BALDWIN STATE PRISON J-D-156-T
08/20/2014	BED MOVE	ADMINISTRATIVE	VALDOSTA STATE PRISON F-1-74-T
06/25/2014	BED MOVE	ADMINISTRATIVE	VALDOSTA STATE PRISON G-2-54-T
04/22/2014	BED MOVE	ADJUSTMENT	VALDOSTA STATE PRISON G-1-73-T
04/04/2014	BED MOVE	ADMINISTRATIVE	VALDOSTA STATE PRISON G-1-72-B
04/01/2014	BED MOVE	ADMINISTRATIVE	VALDOSTA STATE PRISON H-1-29-B
03/24/2014	BED MOVE	ADMINISTRATIVE	VALDOSTA STATE PRISON A-1-29-T
03/20/2014	BED MOVE	ADJUSTMENT	VALDOSTA STATE PRISON E-1-30-T
03/18/2014	BED MOVE	DISCIPLINARY	VALDOSTA STATE PRISON E-1-30-B
01/22/2014	BED MOVE	ADMINISTRATIVE	VALDOSTA STATE PRISON G-1-79-T
12/31/2013	GDC MOVE	DISCIPLINARY	VALDOSTA STATE PRISON F-1-78-T
12/31/2013	BED MOVE	ADJUSTMENT	RUTLEDGE STATE PRISON MED-2-2-B
12/26/2013	BED MOVE	MENTAL HEALTH	RUTLEDGE STATE PRISON G-1-10-B
12/20/2013	BED MOVE	SEGREGATION	RUTLEDGE STATE PRISON G-1-1-B

## Movement History

DIAMOND, ASHLEY ALTON - GDC ID 1000290565

12/11/2013	BED MOVE	POPULATION REDISTRIBUTION	RUTLEDGE STATE PRISON F-1-21-T
12/05/2013	BED MOVE	DISCIPLINARY	RUTLEDGE STATE PRISON G-1-2-T
10/24/2013	BED MOVE	ADJUSTMENT	RUTLEDGE STATE PRISON F-1-5-T
10/01/2013	GDC MOVE	ADJUSTMENT	RUTLEDGE STATE PRISON E-4-15-T
08/23/2013	BED MOVE	CORRECTING ERRONEOUS MOVE	BALDWIN STATE PRISON J-C-139-T
08/22/2013	ARRIVE EXTERNAL NON CUSTODY	RETURN FROM COURT	BALDWIN STATE PRISON H-C-139-T
07/02/2013	EXTERNAL NON CUSTODY	COURT PRODUCTION ORDER	FLOYD CO. COURT
04/25/2013	ARRIVE EXTERNAL NON CUSTODY	RETURN FROM COURT	BALDWIN STATE PRISON J-A-114-T
03/05/2013	EXTERNAL NON CUSTODY	COURT PRODUCTION ORDER	FULTON CO. COURT
02/04/2013	BED MOVE	ADMINISTRATIVE	BALDWIN STATE PRISON J-A-109-B
01/24/2013	BED MOVE	ADJUSTMENT	BALDWIN STATE PRISON K-1-11-B
01/09/2013	BED MOVE	ADMINISTRATIVE	BALDWIN STATE PRISON K-2-9-B
01/03/2013	BED MOVE	ADMINISTRATIVE	BALDWIN STATE PRISON J-C-150-B
12/18/2012	BED MOVE	ADJUSTMENT	BALDWIN STATE PRISON J-C-148-T
12/18/2012	ARRIVE EXTERNAL NON CUSTODY	RETURN FROM COURT	BALDWIN STATE PRISON H-B-134-T
11/27/2012	EXTERNAL NON CUSTODY	COURT PRODUCTION ORDER	FULTON COUNTY COURT
09/05/2012	BED MOVE	POPULATION REDISTRIBUTION	BALDWIN STATE PRISON J-C-150-T
08/28/2012	ARRIVE EXTERNAL NON CUSTODY	RETURN FROM COURT	BALDWIN STATE PRISON K-1-4-T
05/29/2012	EXTERNAL NON CUSTODY	COURT PRODUCTION ORDER	FLOYD COUNTY COURT
05/24/2012	GDC MOVE	MENTAL HEALTH	BALDWIN STATE PRISON K-1-14-B
05/23/2012	BED MOVE	SEGREGATION	MACON STATE PRISON J-1-123-B
05/23/2012	ARRIVE HOSPITAL TRANSPORT	RETURN FROM MEDICAL	MACON STATE PRISON MED-A-240-B
05/23/2012	HOSPITAL TRANSPORT	MEDICAL	FLINT RIVER COMMUNITY HOSP
04/12/2012	GDC MOVE	ADMINISTRATIVE	MACON STATE PRISON D-1-106-T
03/27/2012	DIAGNOSTIC	NEW SENTENCE - COURT COMMIT	GA DIAG CLASS PRISON DORM-3-067-T
02/06/2012	PROBATION CUSTODY STATUS	JAIL AWAITING SP	
11/18/2011	PROBATION CUSTODY STATUS	JAIL AWAITING REVOCATION	

Movement History

DIAMOND, ASHLEY ALTON - GDC ID 1000290565

11/14/2011	PROBATION CUSTODY STATUS	JAIL NEW CHARGE
07/28/2010	PROBATION CUSTODY STATUS	NOT IN CUSTODY
06/29/2010	PROBATION CUSTODY STATUS	JAIL NEW CHARGE

Ashley Diamond GDC # 1000290565



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

MAY 04 2020  
INMATE FILE

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

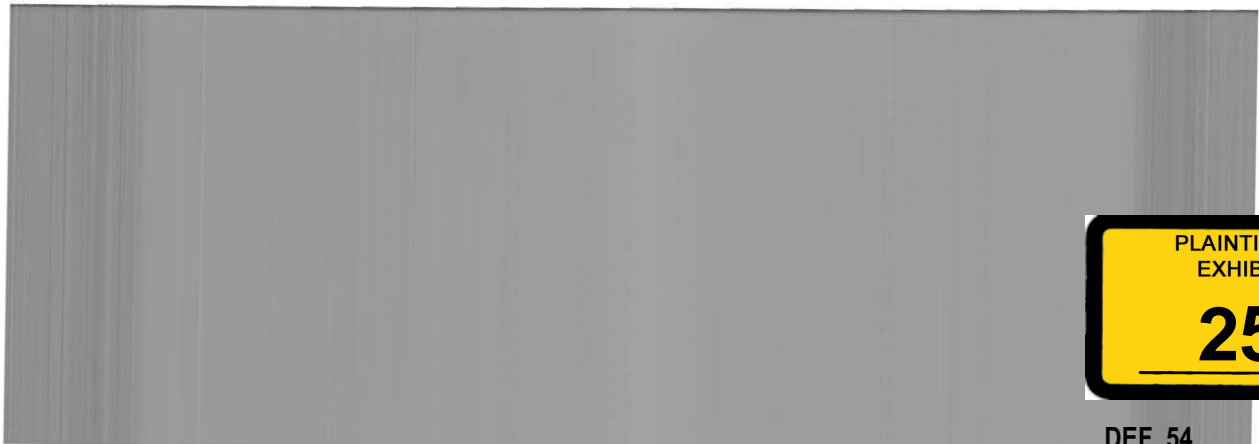
Dear Commissioner Ward:

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.<sup>1</sup> 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.

<sup>1</sup> 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>.



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**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,<sup>2</sup> 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.<sup>3</sup> 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,”<sup>4</sup> 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

<sup>2</sup> 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).

<sup>3</sup> *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>.

<sup>4</sup> *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 dysphoria<sup>5</sup> 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.

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<sup>5</sup> 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. 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.”<sup>6</sup> 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.<sup>7</sup> 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

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<sup>6</sup> 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).

<sup>7</sup> *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.<sup>8</sup>

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.<sup>9</sup> As set out above, multiple alternative

<sup>8</sup> *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”).

<sup>9</sup> *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.

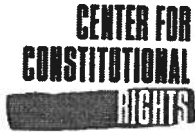
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<https://apha.org/policies-and-advocacy/public-health-policy-statements/policy-database/2014/07/14/13/30/solitary-confinement-as-a-public-health-issue>.

Respectfully,  
/s/ Beth Littrell

Senior Supervising Attorney  
Southern Poverty Law Center  
beth.littrell@splcenter.org  
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



June 3, 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](mailto:PREA.report@gdc.ga.gov)  
[Ombudsman@gdc.ga.gov](mailto: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](mailto: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.<sup>1</sup> 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

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<sup>1</sup> 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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New York, NY 10012



cezie@ccrjustice.org  
212-614-6467

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)



May 20, 2020

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

PREA Coordinator  
The Ombudsman's Office  
P.O. Box 1329  
Forsyth, GA 21029  
[PREA.report@gdc.ga.gov](mailto: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 (GDCP) 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 Arethia 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 9<sup>th</sup> 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 10<sup>th</sup> 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.

After approximately two hours, another GDC officer, Scott Ridley, approached the locked gate and knocked to be let into the room. Smith answered only after the Ridley knocked several times and insisted that Smith open the door to the office. When Smith opened the door, Ridley saw Ms. Diamond locked in the office with the makeshift bed. Ridley departed and Smith kept Ms. Diamond locked in the office with her for another two hours and continued engaging in sexually inappropriate questions and touching.

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

3d at 1356. It is also well-documented that Ms. Diamond has been repeatedly sexually harassed, abused, assaulted, and victimized in GDC custody.<sup>2</sup>

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,<sup>3</sup> 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

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<sup>2</sup> 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 1355–56; Enclosed Letter from SPLC to GDC dated May 1, 2020, at p. 3.

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

provide housing as well as “Partial Hospitalization, Intensive Outpatient Treatment, and Outpatient Treatment” for Ms. Diamond as needed. Safe housing and adequate treatment are 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.

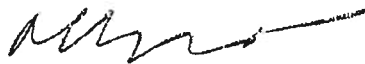
Please contact us if you would like to discuss these matters.

Respectfully,



---

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Southern Poverty Law Center  
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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)

**GEORGIA DEPARTMENT OF CORRECTIONS  
OFFICE OF PROFESSIONAL STANDARDS  
INVESTIGATIVE CASE SUMMARY**

**II-2020-0912**

1. Face Sheet/Assigning Documentation
2. Check List
3. Exhibit List
4. Closing Summary
5. Opening Summary
  - a. Email from SAC Jordan
  - b. Demographics Summary- Nurse Lucas
  - c. Personal Data Summary- Inmate Diamond
6. Interview of Inmate Diamond
7. Summary regarding consult with SA Katzif and ECS Brock regarding video
  - a. Email from ECS Brock
8. Interview of LT Stewart
9. Summary regarding receipt of SART Report
  - a. SART Report # 299773
10. Interview of Nurse Lucas
11. Summary regarding meeting with ADA Daniel
12. 1 Manila envelope containing:
  - a. 1 CD containing Interviews

**SPECIAL AGENT ASHLEY JOHNSON 10/29/2020**

*aj*

**PROPERTY OF GDC**

Further Dissemination is Prohibited

Without the Written Consent of an OPS Supervisor

Revision 1



**Exhibit 3**  
**DEF\_533**

**GEORGIA DEPARTMENT OF CORRECTIONS  
OFFICE OF PROFESSIONAL STANDARDS  
INVESTIGATIVE CASE SUMMARY**

**II-2020-0912**

Case # II-2020-0912 was opened on March 12, 2020 upon a notification that Inmate Ashley Diamond GDC 1000290565 at Georgia Diagnostic and Classification Prison had filed a PREA Complaint alleging that Nurse Crystal Lucas, SCRIBE ID 1026260 asked her if her breasts were real and grabbed her breasts while they were standing in the Medical Section near the nurses station. Inmate Diamond was interviewed and alleged that the incident occurred on March 10, 2020, and that she did not want to say anything about the issue at first because of the initial shock and stigma that she had already faced. She stated that the incident was witnessed by others and caught on video. She stated that she was encouraged by other inmates and staff not to say anything, but she did not want to disclose their identities. Nurse Lucas denied any sexual comments made regarding Inmate Diamond and further denied touching Inmate Diamond's breasts. Nurse Lucas did admit to briefly placing her hand on Inmate Diamond's shoulder area and telling her that she did not realize she was back as she was passing by Inmate Diamond to conduct pill call. Lieutenant Stewart stated that she observed Nurse Lucas briefly place her hand on Inmate Diamond's shoulder area as she passed, but did not hear what Nurse Lucas may have said nor did she see Nurse Lucas touch or grab Inmate Diamond's breasts. Inmate Richardson stated that he was present in medical at the time and did not witness any violation between Nurse Lucas and Inmate Diamond. A SART investigation was completed and found the allegations to be Unsubstantiated as to the PREA Complaint, but due to misconduct regarding Nurse Lucas' admission to placing her hand on Inmate Diamond's shoulder area not related to her official duties, Nurse Lucas was transferred to another work unit. Butts County ADA Daniel was consulted regarding the case and determined that though administrative sanctions may be justified related to the case, there was not sufficient evidence to substantiate the allegation of sexual abuse and there would be no prosecution in this case.

**ATTACHMENTS:**

Case File

**ID DATA:**

Ashley Johnson, Special Agent, EID 00910533

**SPECIAL AGENT ASHLEY JOHNSON 10/29/2020**



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**GEORGIA DEPARTMENT OF CORRECTIONS  
OFFICE OF PROFESSIONAL STANDARDS  
INVESTIGATIVE CASE SUMMARY**

**II-2020-0912**

On Thursday, March 12, 2020, Special Agent (SA) Ashley Johnson was notified by Special Agent in Charge (SAC) of the North Region Tomekia Jordan that she had received the following information regarding an allegation of sexual abuse at the Georgia Diagnostic and Classification Prison:

Information received from Regional Director Taylor:

GDCP  
Alleged PREA by Transgender Offender  
Offender: Diamond, Ashley  
GDC # 1000290565  
DOB 04/09/1978  
B/M  
Security: Medium  
No STG  
PREA Vict  
MH II  
C-4-050-T  
MRD 02/05/2024

On March 12, 2020 Offender Diamond reported to PREA Coordinator LaChesha Smith that Contract Nurse Crystal Lucas of Augusta University asked the offender was his breasts real and grabbed the offender's breasts while the two was standing in the medical section near the nurses station.

Offender Diamond was escorted to medical and examined by medical, and evaluated by mental health staff. The offender was returned to his housing unit C-4-50T. All SART members were notified and the SANE will not be notified. RD Taylor will notify OPS.

Case # II-2020-0912 was opened to investigate the allegation.

**ATTACHMENTS:**

Email from SAC Jordan  
Demographics Summary- Nurse Crystal Lucas  
Personal Data Summary- Inmate Ashley Diamond

**ID DATA:**

Ashley Johnson, Special Agent, EID 00910533  
Tomekia Jordan, Special Agent in Charge, EID 00361196

**SPECIAL AGENT ASHLEY JOHNSON 03/12/2020** *af*

**PROPERTY OF GDC**

Further Dissemination is Prohibited  
Without the Written Consent of an OPS Supervisor

**GEORGIA DEPARTMENT OF CORRECTIONS  
OFFICE OF PROFESSIONAL STANDARDS  
INVESTIGATIVE CASE SUMMARY**

**II-2020-0912**

On Friday, March 13, 2020 at about 0032hrs, Special Agent (SA) Ashley Johnson was located at the Georgia Diagnostic and Classification Prison for the purpose of interviewing Inmate (IM) Ashley Diamond regarding this allegation. Inmate Diamond provided essentially the following information:

Inmate Diamond stated that she was hesitant to report the allegation because she was afraid of retaliation and that people had already come to her telling her that she should not press the issue. She stated that the incident actually occurred on Tuesday, March 10, 2020 between 2:45pm and 3:00pm, but that she did not officially report the incident until Thursday (3/12/20) to her counselor. She stated that she asked a hypothetical question about a similar incident to Mrs. Smith on Wednesday (3/11/20)0, but that Mrs. Smith asked her counselor to speak with her about the conversation Thursday. She stated that she was in the Medical Section helping complete a special detail when she overheard Nurse Lucas and another inmate talking about her. She stated that Nurse Lucas was asking the other inmate who she was and how she identified. She then stated that Nurse Lucas approached her and asked her if her breasts were real. She stated that she told Nurse Lucas, "Yes, Ma'am, there's no Charmin here." She then stated that Nurse Lucas reached out and slapped her left breast without permission. IM Diamond stated that there were other people around at the time that witnessed the incident but she would rather not say who. Inmate Diamond stated that she really did not want to say anything about the incident she guesses because of the initial shock, and the stigma of her reputation in the prison system already because of previous incidents and litigation that she has been involved in. She stated that people started coming to her stating that they had seen the video and that Nurse Lucas had only touched her and not grabbed her. She stated that she was told not to press the issue because Nurse Lucas is a good person and she will ruin her life. She stated that the only people she told about the incident prior to yesterday was her family, so she does not know how everyone else found out about it. She stated that she had never encountered Nurse Lucas before the incident and did not even know her name until she reported the incident and saw the statements. Inmate Diamond stated that she feels she has not been treated fairly since she first came into the prison system and she does not expect to be treated special, but she does not deserve to be abused like she has. She stated that she would be willing to testify in court about the situation if necessary and wants to make sure that Nurse Lucas knows it is not right and wants whatever video exists to be protected.

The interview concluded at 0112hrs. For further details, refer to the recording of this interview which was captured using a digital recorder. That recording will be saved to a CD and placed in the rear of this case file. No further action was taken at that time.

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**GEORGIA DEPARTMENT OF CORRECTIONS  
OFFICE OF PROFESSIONAL STANDARDS  
INVESTIGATIVE CASE SUMMARY**

**ATTACHMENTS:**

1 CD containing Interview of IM Diamond

**ID Data:**

Ashley Johnson, Special Agent, EID 00910533

Ashley Diamond, Inmate-GDCP, GDC1000290565

**SPECIAL AGENT ASHLEY JOHNSON 03/13/2020** *af*

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**GEORGIA DEPARTMENT OF CORRECTIONS  
OFFICE OF PROFESSIONAL STANDARDS  
INVESTIGATIVE CASE SUMMARY**

**II-2020-0912**

On Monday, March 30, 2020, Special Agent (SA) Ashley Johnson contacted Special Agent Nathan Katzif regarding the cameras in the GDCP Medical Unit. SA Katzif contacted ECS Engineer Phillip Brock concerning the cameras. ECS Brock responded via email indicating that there was an issue with the camera unit in Medical and that a new unit needed to be installed. Due to this issue, the camera system provided only a live video feed; therefore, no video footage was available of the time period of the alleged incident.

**ATTACHMENTS:**

Email from ECS Brock

**ID DATA:**

Ashley Johnson, Special Agent, EID 00910533

Nathan Katzif, Special Agent, EID 00238354

Phillip Brock, ECS Engineer, EID 00846761

**SPECIAL AGENT ASHLEY JOHNSON 03/30/2020** *af*

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**GEORGIA DEPARTMENT OF CORRECTIONS  
OFFICE OF PROFESSIONAL STANDARDS  
INVESTIGATIVE CASE SUMMARY**

**II-2020-0912**

On Tuesday, June 30, 2020, Special Agent (SA) Ashley Johnson was located at Georgia Diagnostic and Classification Prison for the purpose of conducting interviews regarding this case.

At about 1347hrs, SA Johnson interviewed Lieutenant (LT) Tashonda Stewart regarding this case. LT Stewart provided essentially the following information: LT Stewart stated that she was in charge of Sanitation and that she had gotten a few inmates, including Inmate (IM) Ashley Diamond, and IM Richardson, to go with her to the Medical Section to clean out some cells. She stated that they were standing by the nurses station in the Infirmary area and that she stepped to the other side to use the phone to call the Deputy Warden. She stated that all of the inmates, including IM Diamond, were standing together on the other side and were laughing and talking to Nurse Lucas, who was standing behind the desk getting prepared for insulin call. She stated that she did not hear what they were laughing or talking about. LT Stewart stated that Nurse Lucas came out from behind the desk to go conduct insulin call, but that as Nurse Lucas passed Inmate Diamond, she stopped briefly and patted Inmate Diamond's right shoulder area with what LT Stewart thought was Nurse Lucas' left hand, then walked to the pill cart. She stated that she did not know what Nurse Lucas may have said to IM Diamond, but she did not see Nurse Lucas grab or touch Inmate Diamond's breast area. She stated that she told the inmates to come with her and that they exited the Medical Section. She stated that IM Diamond did not act as if anything was wrong, and that IM Diamond did not say anything to indicate that she was upset about the encounter. LT Stewart stated that as they were leaving Medical and heading toward D House, she commented on how much she liked Nurse Lucas because she does a good job. She stated that IM Diamond and the other inmates seemed to agree, and that one of them said Nurse Lucas was always there and helped them when needed. She stated that IM Diamond even stated that Nurse Lucas was "one of the good ones." She stated that she did not know anything was being said different until she returned to work later and IM Richardson told her that IM Diamond had approached her and tried to get her to write a statement. LT Stewart stated that she told her to go ahead and do whatever they felt like they needed to do. LT Stewart stated that she has not spoken to IM Diamond since that day. She stated that she did not remember the names of the other inmates because she picked them out in a hurry just to get the detail done.

The interview concluded at 1403hrs. For further details, refer to the recording of this interview which was captured using a digital recorder. That recording will be saved to a CD and placed in the rear of this case file. No further action was taken at that time.

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**GEORGIA DEPARTMENT OF CORRECTIONS  
OFFICE OF PROFESSIONAL STANDARDS  
INVESTIGATIVE CASE SUMMARY**

**ATTACHMENTS:**

1 CD containing Interview of LT Stewart

**ID DATA:**

Ashley Johnson, Special Agent, EID 00910533

Tashonda Stewart, Lieutenant- GDCP, EID 00990828

**SPECIAL AGENT ASHLEY JOHNSON 06/30/2020** *afj*

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**GEORGIA DEPARTMENT OF CORRECTIONS  
OFFICE OF PROFESSIONAL STANDARDS  
INVESTIGATIVE CASE SUMMARY**

**II-2020-0912**

On Tuesday, June 30, 2020, Special Agent (SA) Ashley Johnson was located at Georgia Diagnostic and Classification Prison (GDCP) for the purpose of gathering documentation regarding this case. SA Johnson met with PREA Coordinator Lachesha Smith and was given a copy of the SART Report # 299773. The report contained statements from Nurse Young, Nurse Lucas, SGT Stewart, IM Richardson, and IM Diamond. Nurse Lucas stated that she did not grab IM Diamond's breast, but touched IM Diamond on the shoulder and told her that she did not know she was back. SGT Stewart stated that she saw Nurse Lucas touch IM Diamond's chest while they were talking, but IM Diamond did not voice any concern to her about the matter. IM Richardson stated that he did not witness any violation while in Medical between IM Diamond and Nurse Lucas. An email from HSA Spikes indicated that Nurse Lucas was transferred to another work unit. The SART investigation revealed that the incident was not a PREA incident, but constituted staff misconduct. Nurse Lucas was transferred to another work unit effective April 1, 2020.

**ATTACHMENTS:**

SART Report # 299773

**ID DATA:**

Ashley Johnson, Special Agent, EID 00910533  
Lachesha Smith, PREA Coordinator, EID 00701410

**SPECIAL AGENT ASHLEY JOHNSON 06/30/2020**

*af*

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**GEORGIA DEPARTMENT OF CORRECTIONS  
OFFICE OF PROFESSIONAL STANDARDS  
INVESTIGATIVE CASE SUMMARY**

**II-2020-0912**

On August 31, 2020, at about 1136hrs, Special Agent (SA) Ashley Johnson was located at the Special Management Unit for the purpose of interviewing Licensed Practical Nurse (LPN) Crystal Lucas regarding this case. Nurse Lucas provided essentially the following information:

Nurse Lucas stated that on March 10, 2020, that three or four inmates were in the infirmary area of the Medical Section with Sergeant Stewart and the inmates asked for gloves. She stated that she was on the opposite side of the counter at the nurses station and that the inmates, including Inmate Diamond, were talking and laughing about something, but she did not know what was being said. She stated that she was about to leave the nurses station to do another task, and that when she stepped down from the station and started to pass the inmates, she stopped briefly and touched the back of Inmate Diamond's shoulder in a friendly manner (she did not remember which one) and told her that she did not know she was back and kept moving. She stated that she did not think that Inmate Diamond even responded back to her. She stated that she did not touch Inmate Diamond's breasts, and that there was no conversation about breasts or anything else related to Inmate Diamond. She stated that she did not realize that there was any issue until one of the other inmates that was in the group asked her about it and she told the inmate it was not true. She further stated that the inmate told her that she had a conversation with Inmate Diamond during which Inmate Diamond said that she was "going to get that bitch." The inmate told Inmate Diamond that she "was messing with the wrong one." She stated that Inmate Diamond was never her direct patient, but she administered pill call the last time she was at GDCP. She stated that she had not been around Inmate Diamond since the alleged incident and was transferred to the Special Management Unit from the main facility effective April 1, 2020. She stated that she had recently worked a shift at Coastal State Prison and did not know that Inmate Diamond had been transferred there until she saw her name on a roster in the Medical Section. She stated that since she found out that Inmate Diamond is there, she will not work anymore shifts there.

The interview concluded at 1159hrs. For further details, refer to the recording of this interview which was captured using a digital recorder. That recording will be saved to a CD and placed in the rear of this case file. No further action was taken at that time.

**ATTACHMENTS:**

1 CD containing interview of Nurse Lucas

**ID DATA:**

Ashley Johnson, Special Agent, EID 00910533

Crystal Lucas, Licensed Practical Nurse- SMU, SCRIBE ID 1026260

**SPECIAL AGENT ASHLEY JOHNSON 08/31/2020** *aj*  
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**GEORGIA DEPARTMENT OF CORRECTIONS  
OFFICE OF PROFESSIONAL STANDARDS  
INVESTIGATIVE CASE SUMMARY**

**II-2020-0912**

On Wednesday, October 28, 2020, at 1430hrs, Special Agent Ashley Johnson met with Butts County Assistant District Attorney Mark Daniel regarding this case. Upon reviewing the case file, ADA Daniel determined that though administrative sanctions for any policy violations related to Nurse Lucas' admission to placing her hand on Inmate Diamond's shoulder unrelated to her official duties may be justified, there was not enough evidence to substantiate any sexual abuse or sexual misconduct regarding Inmate Diamond; therefore, there would be no prosecution in this case. No further action was taken at that time.

**ATTACHMENTS:**

None

**ID DATA:**

Ashley Johnson, Special Agent, EID 00910533

Mark Daniel, Butts County Assistant District Attorney, (770) 504-2407

**SPECIAL AGENT ASHLEY JOHNSON 10/28/2020**



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**GEORGIA DEPARTMENT OF CORRECTIONS  
OFFICE OF PROFESSIONAL STANDARDS  
INVESTIGATIVE CASE SUMMARY**

**II-2020-1674**

1. Face Sheet/Assigning Documentation
2. Check List
3. Exhibit List
4. Closing Summary
5. Opening Summary
  - a. Emails from SAC Jordan
  - b. Statement- IM Diamond
  - c. Letter of Concern- CO Smith
  - d. Statement- CO Smith 5/14/20
  - e. Statement- CO Smith 3/27/20
  - f. Notice from SPLC regarding IM Diamond
  - g. Letter from Inspire Recovery regarding IM Diamond
6. Summary regarding interviews of LT McCall and COII Ridley
7. Summary regarding interviews of CO Smith
8. Summary regarding meeting with ADA Daniel
9. Summary regarding interview of IM Diamond
10. Summary regarding status of cameras and personnel documents
  - a. C House Post Orders
  - b. Post orders Acknowledgement Forms
  - c. Personnel Records
11. Summary regarding meeting with GBI ASAC Alford
  - a. Polygraph Request
12. Summary regarding meeting with CO Smith concerning polygraph
  - a. Voluntary Polygraph Consent Form
13. Summary regarding CO Smith Polygraph Exam Results
  - a. Polygraph Report
14. Summary regarding phone interview with former CO Ridley
15. Summary regarding phone interview with CO McCumber
16. Summary regarding interview of CO Nimes
17. 1 Manila envelope containing:
  - a. 1 CD containing Interviews

**SPECIAL AGENT ASHLEY JOHNSON** *aj* 03/02/2021

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PLAINTIFF'S  
EXHIBIT

**85B**

**GEORGIA DEPARTMENT OF CORRECTIONS  
OFFICE OF PROFESSIONAL STANDARDS  
INVESTIGATIVE CASE SUMMARY**

**II-2020-1674**

Case # II-2020-1674 was opened on May 28, 2020, upon notification that legal correspondence was received by GDCP containing PREA Complaints concerning Inmate Ashley Diamond GDC 1000290565. According to the documents, Inmate Diamond alleged that she was sexually abused by Officer Arneika Smith on March 9 and March 10, 2020 when Officer Smith locked them together inside the closet for several hours on both occasions while in C House.

No camera footage regarding the incidents was available for review due to no operational cameras in the area where the alleged incidents occurred.

Interviews were conducted with Lieutenant Shanita McCall, Officer Deddrick Ridley, Officer Stephanie McCumber, Officer Jennifer Nimes, Officer Arneika Smith, and Inmate Ashley Diamond. During the interviews, Officer Ridley reported the presence of a makeshift bed inside of the Officer's Room which Inmate Diamond was sitting on when she and Officer Smith were observed in the room together, as also stated by Inmate Diamond in the Legal Documents. Officer Smith denied the allegations of sexual abuse and further denied the presence of a makeshift bed, though she admitted that she and Inmate Diamond were inside of the locked room looking for her jacket and conversing about other officers who were romantically involved. Inmate Diamond refused to answer questions concerning the incidents without her attorney present, but she admitted to writing a statement at Officer Smith's request. Officer Smith was placed on Administrative Leave pending the outcome of the investigation.

Due to conflicting statements between those of Inmate Diamond and Officer Ridley, and those of Officer Smith, a polygraph examination was requested and conducted with Officer Smith. The Examination resulted in a finding of No Deception Indicated regarding the allegations of sexual abuse and misconduct. Butts County DA Adams and ADA Daniel were consulted regarding this case and advised there was insufficient evidence to prove that any sexual abuse occurred and there would be no prosecution in this case.

Due to a lack of evidence, the allegations of sexual abuse and sexual misconduct are determined to be unsubstantiated; however, Officer Smith violated the C House Post Orders by engaging in conversation with an inmate that is unprofessional, which is clearly prohibited on Page 4 of the C Cellhouse Post Orders.

Due to the nature of the allegations, this case will be forwarded to Legal Services for further review, recommendations, and other action deemed appropriate.

**SPECIAL AGENT ASHLEY JOHNSON** *AS* 03/02/2021

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**GEORGIA DEPARTMENT OF CORRECTIONS  
OFFICE OF PROFESSIONAL STANDARDS  
INVESTIGATIVE CASE SUMMARY**

**II-2020-1674**

On Thursday, May 28, 2020, Special Agent (SA) Ashley Johnson was notified by Special Agent in Charge of the North Region Tomekia Jordan that she had received the following request for an investigation regarding a PREA Allegation received against an Officer by an Inmate at GDCP:

Information received from Regional Director Cedric Taylor:

Please see the email below regarding an investigation request from GDCP. Please be advised a second email will follow containing the PREA Allegation from the involved offender. Please let me know if I can be of any further assistance regarding this matter.

**From:** [Ford, Benjamin](#)  
**Sent:** Wednesday, May 27, 2020 12:34 PM  
**To:** [Taylor, Cedric](#)  
**Subject:** Request Investigation

On May 26, 2020 Officer Smith, Arneika B/F DOB [REDACTED] ID [REDACTED] called my office and requested that I meet with her because she was advised to turn her badge in by LT McCall on the last day she was at the facility on May 24, 2020. She stated that Lt. McCall, Shanita the first shift OIC wrote a letter of concern for failing to conduct a proper post turn-over. She was advised to turn in her badge during a meeting with LT. McCall in the OIC office. Officer Smith was told to report to my office on May 27, 2020. The officer was asked to write a statement related to the event related to the badge incident. The officer provide an unsigned letter of concern and stated the sign copy was at home. She provided a statement dated 5-14-2020 related to leaving her jacket in the C house closet. She advised that staff reported that she was seen in the closet by a correctional officer with inmate Ashley, Diamond GDC # 1000290565 earlier this month. She stated that staff continues to harass her about interactions with inmate Diamond. She stated that some managers at GDCP will not talk to her and she feels like she is being harassed because she was written up for almost everything she does. She also stated that she was sent pictures of a penis from an unknown phone number to her personal phone. She stated that she advised the second shift OIC CPT Stephen Kelley about the number she received on her phone. She stated CPT Kelley advised that phone number was LT. McCall's phone number. Officer Smith stated that she no longer wants to work on Lt. McCall's shift because she feels she will be related against. She requested to file a grievance for hostile working environment. She was advised to report to Human Recourses to retrieve the document and provide me with a contact number and I would give her call on duty assignment later today. At 1200 hours I received an email from the facility PREA Coordinator that inmate Diamond has files a PREA allegations claiming sexual abuse by Officer Smith. I recommend that OPS review that attached statements and investigation the allegations made by officer Smith.

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**GEORGIA DEPARTMENT OF CORRECTIONS  
OFFICE OF PROFESSIONAL STANDARDS  
INVESTIGATIVE CASE SUMMARY**

Case # II-2020-1674 was opened to investigate the allegations.

**ATTACHMENTS:**

Emails from SAC Jordan  
Statement- IM Diamond  
Letter of Concern- Officer Smith  
Statement- Officer Smith 5/14/20  
Statement- Officer Smith 3/27/20  
Notice from SPLC regarding IM Diamond  
Letter from Inspire Recovery regarding IM Diamond

**ID DATA:**

Ashley Johnson, Special Agent, EID 00910533  
Tomekia Jordan, Special Agent in Charge, EID 00361196

**SPECIAL AGENT ASHLEY JOHNSON** 05/28/2020

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**GEORGIA DEPARTMENT OF CORRECTIONS  
OFFICE OF PROFESSIONAL STANDARDS  
INVESTIGATIVE CASE SUMMARY**

**II-2020-1674**

On Tuesday, June 30, 2020, Special Agent (SA) Ashley Johnson was located at Georgia Diagnostic and Classification Prison for the purpose of conducting interviews regarding this case.

At about 1544hrs, SA Johnson interviewed Lieutenant (LT) Shanita McCall. LT McCall provided essentially the following information: LT McCall stated that she had never communicated with Officer Smith on her personnel phone. She further stated that she had only called Officer Smith twice and she called from the phone at work regarding Officer Smith reporting to work late. She described several occurrences where Officer Smith had reported late for duty. She further described instances where Officer Smith had received letters of concern for improper post exchange and incorrect segregation check procedures. She further described an incident involving the warden observing Officer Smith being "too close" to the offenders and advising the OIC to counsel her on her demeanor. She stated that she received a call from the other C House officer one day and the officer advised her that she had observed Officer Smith giving hugs and handshakes to offenders before she left from her shift. She stated that Officer Smith was working in C House one day and had come to the OIC office upset over being hurt by someone she cared about. She stated that following that encounter, Officer Ridley came to the OIC office and reported that he had observed Officer Smith locked in the closet with an inmate. She stated that at the time, she was not made aware that the inmate was Inmate (IM) Ashley Diamond. She stated that when she questioned Officer Smith about the incident, Officer Smith said something about looking for a jacket and she was asked for a statement regarding the incident. She stated that the day that Officer Smith walked out, Officer Smith had asked to leave early to take her child to the beach for the weekend. She stated that when Officer Smith called later that day about a relief so that she could leave, she was told that she could not be relieved at that time due to the facility being in an Emergency Count and the reason she needed relief was not an emergency situation. She stated that she had called the Major and that the Major also told Officer Smith that she could not be relieved at that time. She stated that Officer Smith had become upset, left her post, and went to the OIC Office. She stated that LT Kirk was in the OIC Office and when Officer Smith requested a relief, she was advised that she could not be relieved and that if she left, would need to leave the keys to the unit and turn in her badge. She stated that Officer Smith had only worked there for a few months, but her character is questionable. She stated that when Officer Smith was still a cadet, Officer Smith alleged she was being harassed by the FTOC because she was treated the same as the other cadets but felt she should be treated different. LT McCall stated that Officer Smith has since been removed from her rotation and placed on the other key. The interview concluded at 1622hrs.

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Revision 1

**Exhibit 6**

**DEF\_605**

**GEORGIA DEPARTMENT OF CORRECTIONS  
OFFICE OF PROFESSIONAL STANDARDS  
INVESTIGATIVE CASE SUMMARY**

At about 1627hrs, SA Johnson interviewed Correctional Officer II (COII) Deddrick Ridley regarding this case. Officer Ridley provided essentially the following information: Officer Ridley stated that the incident involving Officer Smith and Inmate (IM) Diamond occurred on May 10, 2020. He stated that he was working an overtime shift that day and was placed in C House due to Officer Smith reporting late. He stated that there had been incidents in E House and J Building and that he had to assist with those. He stated that when Officer Smith arrived at C House, he handed her the keys to the unit and responded to J Bldg. He further stated that he realized that he still had Officer Smith's radio and that when he finished with the incident in J Building, he went back to C House to return the radio. He stated that when he got to the gate, he called for Officer Smith and was told that she was in the restroom. He stated that after waiting a few minutes, he went to the OIC Office to see if they had heard from her to no avail. He stated that he returned to C House and again was told that she was in the restroom. He stated that he started to get worried and went to Main Control to see if the officer could see Officer Smith on the C House camera, and the officer stated that she was not seen on the camera. He stated that he returned to C House and had Main Control open the gate electronically. He stated that he entered C House and walked around but could not find Officer Smith. He stated that he went to the door of the restroom and knocked, and asked if she was okay. He stated that the door opened and he saw Officer Smith and Inmate Diamond in the restroom together. He stated that neither person was in a state of undress; however, IM Diamond was sitting against the back wall on what appeared to be a bed made up with a mattress, pillow, and blanket supported by bins. Officer Ridley stated that Officer Smith said, "This is Inmate Diamond," and that they were having a conversation but did not elaborate. He stated that Officer Smith came out of the room while Inmate Diamond stayed inside the room. He stated that he handed her the radio as they walked to the gate and that she began saying something about Officer Thomas' weapon, being under investigation about money that was stolen from the staff dining, and her lifestyle and how her life was so hard and messed up. He stated that she told him that she had to see Mr. Ford and that she had left early. He stated that he did not speak to Inmate Diamond then or since the incident occurred, but that he heard something about IM Diamond trying to get money by saying she was raped by Officer Smith. He stated that he does not think Officer Smith is a bad person, but he thinks she is too gullible. The interview concluded at 1641hrs.

For further details, refer to the recordings of these interviews which were captured using a digital recorder. Those recordings will be saved to a CD and placed in the rear of this case file. No further action was taken at that time.

**ATTACHMENTS:**

1 CD containing Interviews

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**GEORGIA DEPARTMENT OF CORRECTIONS  
OFFICE OF PROFESSIONAL STANDARDS  
INVESTIGATIVE CASE SUMMARY**

**ID DATA:**

Ashley Johnson, Special Agent, EID 00910533  
Shanita McCall, Lieutenant- GDCP, EID 00934132  
Deddric Ridley, Correctional Officer II, EID 01015525

**SPECIAL AGENT ASHLEY JOHNSON** <sup>ed</sup> 06/30/2020

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Revision 1

**Exhibit** 6

DEF\_608

**GEORGIA DEPARTMENT OF CORRECTIONS  
OFFICE OF PROFESSIONAL STANDARDS  
INVESTIGATIVE CASE SUMMARY**

**II-2020-1674**

On October 26, 2020, at about 1630hrs, Special Agent Ashley Johnson was located at Georgia Diagnostic and Classification Prison (GDCP) for the purpose of interviewing Correctional Officer II (COII) Arneika Smith regarding this case. COII Smith provided essentially the following information:

Officer Smith denied any sexual abuse or sexual misconduct of any kind regarding Inmate Diamond, but did admit to being in the locked officer's room for a few minutes with Inmate Diamond. She claimed that Inmate Diamond was helping her search for her jacket that she had left at work on her previous shift and that when they went into the room, she locked the door out of habit. She further denied the presence of a make shift bed in the room and stated that that was the only time that she was in the room with Inmate Diamond. She stated that while they were searching for the jacket, Inmate Diamond initiated a conversation with her regarding an officer that she was seeing who reportedly was in a relationship with someone else. She denied ever asking Inmate Diamond any questions about her genitalia, being transgender, and further denied asking questions about Inmate Diamond's sexual relationship preferences or history. She stated that she and Inmate Diamond did not physically touch at any time and she did not have inmate Diamond expose her breasts or genitals to her. She stated that when Officer Ridley came to the door, she and Inmate Diamond were standing in front of the door, but not touching, and it was opened pretty much immediately. She stated that her jacket was found on top of the box. She stated that after that, she heard that there was a rumor going around about a PREA allegation involving she and Inmate Diamond. She stated that she felt like the staff on that shift do not like her and are trying to get her fired. (She has since been moved to another shift.) She stated that she went to C House and spoke with Inmate Diamond who provided a written statement saying that she did not say that Officer Smith touched her privates, and that she had never been formally told about any allegations relating hereof, and that she did not touch Officer Smith as well. Officer Smith stated that she did not have much training because she had recently graduated from BCOT, and she was mostly learning from experience. She stated that she did not read the Post Orders fully and was not aware that inmates should not be in the Officer's Room and did not think about how it would be perceived if she was locked in the room alone with an inmate.

The interview concluded at about 1743hrs. For further details, refer to the recording of this interview which was captured utilizing a digital recorder. That recording will be saved to a CD and placed in the rear of this case file. No further action was taken at that time.

**ATTACHMENTS:**

1 CD containing interview of CO Smith

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**GEORGIA DEPARTMENT OF CORRECTIONS  
OFFICE OF PROFESSIONAL STANDARDS  
INVESTIGATIVE CASE SUMMARY**

**ID DATA:**

Ashley Johnson, Special Agent, EID 00910533

Arneika Smith, Correctional Officer II, EID 00875505

**SPECIAL AGENT ASHLEY JOHNSON** *NA* 10/26/2020

**PROPERTY OF GDC**

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Revision 1

**Exhibit** 7

DEF\_610

**GEORGIA DEPARTMENT OF CORRECTIONS  
OFFICE OF PROFESSIONAL STANDARDS  
INVESTIGATIVE CASE SUMMARY**

**II-2020-1674**

**INTERVIEW OF OFFENDER ASHLEY DIAMOND**

On Thursday, November 19, 2020 at 10:11 hours INVESTIGATOR (INV) ROJURE FARLOW was located at Coastal State Prison, 200 Gulf Stream Road, Garden City Ga. 31418. For the purpose of interviewing OFFENDER ASHLEY ALTON DIAMOND GDC# 1000290565. In reference to a PREA Allegation that took place on May 9<sup>th</sup> and 10<sup>th</sup> of 2020, at Georgia Diagnostic and Classification State Prison (GDCP). At which time OFFENDER DIAMOND stated that CORRECTIONAL OFFICER ARNEIKA SMITH, sexually assaulted her. OFFENDER DIAMOND essentially stated the following:

On the 9<sup>th</sup> of May she was in the Officer's closet with CO ARNEIKA SMITH. OFFENDER DIAMOND stated she did not want to discuss what happened while in the Officer's closet without her attorney present, but she stated that she did write a statement for CO SMITH and the statement was given to CO SMITH. OFFENDER DIAMOND stated that the statement stated that she didn't tell anyone at GDCP about what happened in the closet at GDCP. After further questioning. OFFENDER DIAMOND stated that she did inform her family and her attorney about what took place in the Officer's closet on that day with CO SMITH. OFFENDER DIAMOND said that: "CO SMITH was a bit more chumming then she should have been." CO SMITH only called her into the closet twice, the first time was on the 9<sup>th</sup> and the 2<sup>nd</sup> time was on the 10<sup>th</sup>.

The interview was concluded at 10:19 hours. For further details, refer to the recording of this interview, which was captured using an Olympus digital recorder. The recording is attached to this E-mail.

**Attachment**

Audio

**ID DATA**

Ashley Alton Diamond B/F  
GDC# 1000290565  
D.O.B 04/09/1978  
45 Fortune ST NW  
Rome, Ga. 30165  
(706)853-7535

**INVESTIGATOR ROJURE C. FARLOW**

**Pages 1 of 1**

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Further Dissemination is Prohibited

Without the Written Consent of an OPS Supervisor

**GEORGIA DEPARTMENT OF CORRECTIONS  
OFFICE OF PROFESSIONAL STANDARDS  
INVESTIGATIVE CASE SUMMARY**

**II-2020-1674**

On December 3, 2020, SA Johnson contacted GDCP Deputy Warden Tommy Coffee in reference to the status of the camera system in C House. Deputy Warden Coffee advised that there have been no operational cameras in C House for several years. SA Johnson also requested a copy of the C House Post Orders and any Post Orders Acknowledgement Forms that Officer Smith has signed for C House since the beginning of her employment in 2019.

SA Johnson further contacted GDCP Personnel to retrieve a copy of Officer Smith's Personnel Records consisting of Signed Acknowledgement Statements and Oath of Office.

The documents were placed in the case file.

**ATTACHMENTS:**

C House Post Orders  
Post Orders Acknowledgement Forms  
Personnel Records

**ID DATA:**

Ashley Johnson, Special Agent, EID 00910533  
Tommy Coffee, Deputy Warden, EID 00309533

**SPECIAL AGENT ASHLEY JOHNSON** <sup>on</sup> 12/03/2020

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**GEORGIA DEPARTMENT OF CORRECTIONS  
OFFICE OF PROFESSIONAL STANDARDS  
INVESTIGATIVE CASE SUMMARY**

**II-2020-1674**

On December 7, 2020, SA Johnson and Inspector Woodrow Tripp were located at the Georgia Bureau of Investigation Headquarters located at 3121 Panthersville Road, Decatur, Georgia, Georgia 30034 and met with ASAC Joshua Alford regarding GDC's request for assistance with a polygraph examination of Officer Smith. Upon reviewing the case file, ASAC Alford advised that the GBI would conduct a polygraph examination of Officer Smith on Wednesday, December 16, 2020 at 0930hrs.

**ATTACHMENTS:**

Polygraph Request

**ID DATA:**

Ashley Johnson, Special Agent, EID 00910533

Woodrow Tripp, Inspector, EID 01012853

Joshua Alford, GBI ASAC/Polygraph Unit, 3121 Panthersville Rd. Decatur, GA 30034

**SPECIAL AGENT ASHLEY JOHNSON** <sup>af</sup> **12/07/2020**

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**GEORGIA DEPARTMENT OF CORRECTIONS  
OFFICE OF PROFESSIONAL STANDARDS  
INVESTIGATIVE CASE SUMMARY**

**II-2020-1674**

On Tuesday, December 15, 2020, Special Agent Ashley Johnson was located at the Georgia Diagnostic and Classification Prison for the purpose of meeting with Officer Arneika Smith regarding this investigation. SA Johnson asked Officer Smith if she would be willing to undergo a polygraph examination regarding her statements related to the case. Officer Smith advised that she would agree to a polygraph examination and completed the voluntary consent form presented by SA Johnson. Officer Smith was advised that the examination was scheduled for Wednesday, December 16, 2020 at 0930hrs at the Georgia Bureau of Investigation Headquarters located at 3121 Panthersville Road, Decatur, Georgia 30034, and that she should arrive no later than 1000hrs. The consent form was placed in the case file. No further action was taken at that time.

**ATTACHMENTS:**

Voluntary Polygraph Consent Form

**ID DATA:**

Ashley Johnson, Special Agent, EID 00910533

Arneika Smith, Correctional Officer II, EID [REDACTED]

**SPECIAL AGENT ASHLEY JOHNSON** <sup>af</sup> 12/15/2020

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**GEORGIA DEPARTMENT OF CORRECTIONS  
OFFICE OF PROFESSIONAL STANDARDS  
INVESTIGATIVE CASE SUMMARY**

**II-2020-1674**

On Wednesday, December 16, 2020, Officer Smith was administered a voluntary polygraph examination regarding this case by GBI Special Agent Pamela Rushton at the GBI Headquarters located at 3121 Panthersville Rd. Decatur, Georgia 30034. The exam resulted in a finding of No Deception Indicated. Following the exam, SA Johnson and Inspector Woodrow Tripp conducted a brief Post- Test Interview with Officer Smith during which she alleged that other staff at GDCP were attempting to get her fired, including Officer Ridley and Officer Nimes. She further stated that she was advised by Warden Ford that Officer Ridley no longer worked at GDCP.

**ATTACHMENTS:**

Polygraph Report

**ID DATA:**

Ashley Johnson, Special Agent, EID 00910533

Woodrow Tripp, Inspector, EID 01012853

Pam Rushton, GBI Special Agent, 3121 Panthersville Rd. Decatur, GA 30034

**SPECIAL AGENT ASHLEY JOHNSON** <sup>aj</sup> 12/16/2020

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**GEORGIA DEPARTMENT OF CORRECTIONS  
OFFICE OF PROFESSIONAL STANDARDS  
INVESTIGATIVE CASE SUMMARY**

**II-2020-1674**

On December 21, 2020, Special Agent (SA) Ashley Johnson contacted GDCP and was advised by the Personnel Office that Officer Ridley had voluntarily resigned from GDC on November 13, 2020. SA Johnson was provided with Officer Ridley's contact information.

At about 1601hrs, SA Johnson contacted Officer Ridley via telephone and conducted a second interview with him. His recount of the events remained consistent with his initial interview: He was trying to locate CO Smith on that day to return her radio, he could not see her in the cell house and was told by an orderly that she was in the restroom. He called Officer Nimes in Main Control and she advised she could not reach her via telephone and could not see her via camera. He was let into the cell house via Main Control electronically opening the door. He attempted to locate Officer Smith on the ranges then went to the Officer's Room door and knocked. She opened the door immediately. Inmate Diamond was sitting against the back wall of the room, fully clothed, on what appeared to be a made up mattress (with sheets and a blanket) that was folded in half, and Inmate Diamond did not appear to be in any distress, and said nothing. He got his food from the room that he had left (he alleged that Officer Smith had eaten his snack cake but he did not say anything to her about it), and Officer Smith walked with him to the door of the unit while she told him that she and Diamond were having a conversation and she further rambled about other issues that she had going on in her life. He then went to report his observations to his supervisor, but he was not sure what transpired after that. Officer Ridley did state that the mattress could have been placed in the room following another inmate's departure from the cell house, but that he did not see the mattress in the room earlier that day.

The interview concluded at about 1627hrs. For further details, refer to the recording of this interview which was captured using a digital recorder. That recording will be saved to a CD and placed in the rear of this case file. No further action was taken at that time.

**ATTACHMENTS:**

1 CD containing interview of CO Ridley

**ID DATA:**

Ashley Johnson, Special Agent, EID 00910533  
Deddrick Ridley, Correctional Officer II, EID 01015525

**SPECIAL AGENT ASHLEY JOHNSON** <sup>ox</sup> 12/21/2020

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**GEORGIA DEPARTMENT OF CORRECTIONS  
OFFICE OF PROFESSIONAL STANDARDS  
INVESTIGATIVE CASE SUMMARY**

**II-2020-1674**

On December 29, 2020, at about 2208hrs, Special Agent (SA) Ashley Johnson conducted a telephone interview with Officer Stephanie McCumber, who had been the officer that Officer Smith asked to put her jacket away for her on the previous shift. Officer McCumber stated that she recalled Officer Smith calling asking her about her jacket, but she never saw Officer Smith's jacket. She stated that she had never seen a mattress in the Officer's Room before, and if another inmate had moved out, then there was another closet in C House where the mattress could have been stored. She stated that she did not hear about any particular incident that had transpired between Inmate Diamond and Officer Smith, but she recalled reporting to Lt McCall that one evening as she was relieving Officer Smith from her post in C house, she observed Officer Smith hugging about 3 or 4 inmates to tell them goodbye as she left for the day, including Inmate Diamond.

The interview concluded at about 2219hrs. For further details, refer to the recording of this interview which was captured using a digital recorder. That recording will be saved to a CD and placed in the rear of this case file. No further action was taken at that time.

**ATTACHMENTS:**

1 CD containing interview of Officer McCumber

**ID DATA:**

Ashley Johnson, Special Agent, EID 00910533  
Stephanie McCumber, Correctional Officer II, EID 01065725

**SPECIAL AGENT ASHLEY JOHNSON** *af* 12/29/2020

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Further Dissemination is Prohibited

Without the Written Consent of an OPS Supervisor

**GEORGIA DEPARTMENT OF CORRECTIONS  
OFFICE OF PROFESSIONAL STANDARDS  
INVESTIGATIVE CASE SUMMARY**

**II-2020-1674**

On January 11, 2021, at about 0924hrs, Special Agent Ashley Johnson was located at the Georgia Diagnostic and Classification Prison for the purpose of interviewing Correctional Officer II Jennifer Nimes regarding this case. Officer Nimes provided essentially the following information:

Officer Nimes stated that she was assigned to the Main Control Room. She stated that Officer Ridley was assigned to C House before Officer Smith arrived that day. She stated that Officer Ridley came to the control room and asked to get into C House because Officer Smith was not answering the radio. She stated that she let him into C House to get his personal items and when he came back, he did not want to talk. She stated that she received a call from another officer asking her to speak with Officer Smith since she is a Field Training Officer (FTO) because Officer Smith was seen in the closet with an inmate. She stated that Officer Smith has always exhibited a short attention span and did not appear to be security-minded, and needed frequent reminders and repeated instruction. She stated that she later had a conversation with Officer Smith in the visitation area about the appearance of personal dealings and professional behavior and Officer Smith advised her that she would not do something like that because she needs her job. She stated that Officer Smith told her that she had left her jacket at work and had called the previous evening to ask the officer if she had seen her jacket. She stated that Officer Smith stated that when she got to work that morning, she asked the inmate to help her look for her jacket and she went into the closet to search. Officer Nimes stated that the only view of the camera was of the front gate to see who goes in and out of the cell house, and the only other thing that can be seen in the cell house is the Officer's desk. She stated that she thinks the system is new but stopped working. She stated that she has worked cell houses before and there are times when an inmate may go to the hospital and their mattress is placed in the officer's room rather than with all of the other mattresses in the other closet. She stated that she thinks the incident occurred before 1000 in the morning, and that Officer Ridley first attempted to contact Officer Smith about 10 minutes after she took over the post. She further stated that it took about 15 minutes from the time that Officer Ridley first attempted to contact Officer Smith on the radio before he returned from the cell house.

The interview concluded at 0944hrs. For further details, refer to the recording of this interview which was captured using a digital recorder. That recording will be saved to a CD and placed in the rear of this case file. No further action was taken at that time.

**ATTACHMENTS:**

1 CD containing Interview of Officer Jennifer Nimes

**ID DATA:**

**PROPERTY OF GDC**

Further Dissemination is Prohibited

Without the Written Consent of an OPS Supervisor



**GEORGIA DEPARTMENT OF CORRECTIONS  
OFFICE OF PROFESSIONAL STANDARDS  
INVESTIGATIVE CASE SUMMARY**

Ashley Johnson, Special Agent, EID 00910533  
Jennifer Nimes, Correctional Officer II, EID 00702096

**SPECIAL AGENT ASHLEY JOHNSON** <sup>0091</sup> 01/11/2021

**PROPERTY OF GDC**

Further Dissemination is Prohibited

Without the Written Consent of an OPS Supervisor

Revision 1

**Exhibit 16**

**DEF\_693**

**GEORGIA DEPARTMENT OF CORRECTIONS**  
**PREA Disposition Offender Notification Form**

Offender Name:	DIAMOND, ASHLEY ALTON	GDC #:	1000290565	Allegation Date:	10/30/2020
Allegation Type: (Select only one)	S/I Abuse <input type="checkbox"/>	S/I Harassment <input type="checkbox"/>	I/I Abuse <input checked="" type="checkbox"/>	I/I Harassment <input type="checkbox"/>	
Disposition: (Select all that apply)	Your PREA allegation was investigated by the Sexual Assault Response Team (SART) and was determined to be:				
	Unfounded <input type="checkbox"/>	If the disposition is determined to be both substantiated and Forwarded to OPS, check both boxes			
	Unsubstantiated <input checked="" type="checkbox"/>				
	Referred to OPS <input type="checkbox"/>	If the disposition is determined to be both unsubstantiated and Forwarded to OPS, check both boxes.			
	Substantiated* <input type="checkbox"/>				
	*If Substantiated, see action taken section.				
Action Taken: (Select all that apply)	<input type="checkbox"/> The staff member is no longer posted within the offender's unit. <input type="checkbox"/> The staff member is no longer employed at the facility. <input type="checkbox"/> The staff member has been indicted on a charge related to sexual abuse with the facility. <input type="checkbox"/> The staff member has been convicted on a charge related to sexual abuse within the facility. <input type="checkbox"/> The staff member has been convicted on a charge related to sexual abuse within the facility. <input type="checkbox"/> The alleged abuser (offender) has been indicted on a charge related to sexual abuse within the facility. <input checked="" type="checkbox"/> Other: (MUST INCLUDE EXPLANATION IF OTHER IS CHECKED) <u>Alleged aggressor was placed in another dorm.</u>				
Definitions:	Unfounded: Based on factual evidence SART proved the allegation did not occur. Unsubstantiated: SART could neither prove nor disprove the allegation occurred. Referred to OPS: SART determined additional review is warranted. Case forwarded to Internal Investigations. Substantiated: SART determined that the allegation did occur.				

Offender Signature	Date
Witness	Date
SART Member/ Warden's Designee Signature	Date

Retention Schedule: Upon completion, this form shall be placed in the PREA investigative case file and maintained for the length of the offender's incarceration plus five (5) years, or 10 years from the initial report, whichever is greater.



**GEORGIA DEPARTMENT OF CORRECTIONS**  
**PREA Disposition Offender Notification Form**

Offender Name:	DIAMOND, ASHLEY ALTON		GDC #:	1000290565	Allegation Date:	9.30.2020
Allegation Type: (Select only one)	S/I Abuse	<input type="checkbox"/>	S/I Harassment	<input checked="" type="checkbox"/>		
	I/I Abuse	<input type="checkbox"/>	I/I Harassment	<input type="checkbox"/>		
Disposition: (Select all that apply)	Your PREA allegation was investigated by the Sexual Assault Response Team (SART) and was determined to be:					
	Unfounded	<input checked="" type="checkbox"/>	If the disposition is determined to be both substantiated and Forwarded to OPS, check both boxes			
	Unsubstantiated	<input type="checkbox"/>				
	Referred to OPS	<input type="checkbox"/>	If the disposition is determined to be both unsubstantiated and Forwarded to OPS, check both boxes.			
	Substantiated*	<input type="checkbox"/>				
*If Substantiated, see action taken section.						
Action Taken: (Select all that apply)	<input type="checkbox"/>	The staff member is no longer posted within the offender's unit.				
	<input type="checkbox"/>	The staff member is no longer employed at the facility.				
	<input type="checkbox"/>	The staff member has been indicted on a charge related to sexual abuse with the facility.				
	<input type="checkbox"/>	The staff member has been convicted on a charge related to sexual abuse within the facility.				
	<input type="checkbox"/>	The staff member has been convicted on a charge related to sexual abuse within the facility.				
	<input type="checkbox"/>	The alleged abuser (offender) has been indicted on a charge related to sexual abuse within the facility.				
	<input type="checkbox"/>	Other: (MUST INCLUDE EXPLANATION IF OTHER IS CHECKED)				
Definitions:						
	Unfounded:	Based on factual evidence SART proved the allegation did not occur.				
	Unsubstantiated:	SART could neither prove nor disprove the allegation occurred.				
	Referred to OPS:	SART determined additional review is warranted. Case forwarded to Internal Investigations.				
	Substantiated:	SART determined that the allegation did occur.				

<i>Refused</i>	<i>12-17-2020</i>
Offender Signature	Date
<i>W. Wam</i>	<i>12-7-20</i>
Witness	Date
Carl Betterson DWCT	12.7.2020
SART Member/ Warden's Designee Signature	Date

Retention Schedule: Upon completion, this form shall be placed in the PREA investigative case file and maintained for the length of the offender's incarceration plus five (5) years, or 10 years from the initial report, whichever is greater.



**GEORGIA DEPARTMENT OF CORRECTIONS**  
**PREA Disposition Offender Notification Form**

Offender Name: DIAMOND, ASHLEY ALTON GDC #: 1000290565 Allegation Date: 7.3.2020

Allegation Type:  
(Select only one)

S/I Abuse	<input type="checkbox"/>
S/I Harassment	<input type="checkbox"/>
I/I Abuse	<input checked="" type="checkbox"/>
I/I Harassment	<input type="checkbox"/>

Disposition:  
(Select all that apply)

Your PREA allegation was investigated by the Sexual Assault Response Team (SART) and was determined to be:

Unfounded	<input checked="" type="checkbox"/>	If the disposition is determined to be both substantiated and Forwarded to OPS, check both boxes
Unsubstantiated	<input type="checkbox"/>	
Referred to OPS	<input type="checkbox"/>	If the disposition is determined to be both unsubstantiated and Forwarded to OPS, check both boxes.
Substantiated*	<input type="checkbox"/>	

\*If Substantiated, see action taken section.

Action Taken:  
(Select all that apply)

<input type="checkbox"/>	The staff member is no longer posted within the offender's unit.
<input type="checkbox"/>	The staff member is no longer employed at the facility.
<input type="checkbox"/>	The staff member has been indicted on a charge related to sexual abuse with the facility.
<input type="checkbox"/>	The staff member has been convicted on a charge related to sexual abuse within the facility.
<input type="checkbox"/>	The staff member has been convicted on a charge related to sexual abuse within the facility.
<input type="checkbox"/>	The alleged abuser (offender) has been indicted on a charge related to sexual abuse within the facility.
<input checked="" type="checkbox"/>	Other: (MUST INCLUDE EXPLANATION IF OTHER IS CHECKED)

Offender Diamond never identified the alleged aggressor or any witnesses. Per offender Diamond the offender was moved out of the dorm. Diamond was asked at a later date to identify the offender again and she refused.

Definitions:

Unfounded: Based on factual evidence SART proved the allegation did not occur.  
 Unsubstantiated: SART could neither prove nor disprove the allegation occurred.  
 Referred to OPS: SART determined additional review is warranted. Case forwarded to Internal Investigations.  
 Substantiated: SART determined that the allegation did occur.

Refused  
Offender Signature

12-7-2020  
Date

W. Warren  
Witness

8.4.2020  
Date

Carl Betterson  
SART Member/ Warden's Designee Signature

8.4.2020  
Date

Retention Schedule: Upon completion, this form shall be placed in the PREA investigative case file and maintained for the length of the offender's incarceration plus five (5) years, or 10 years from the initial report, whichever is greater.





20-0092

Printed By: COFFEE, TOMMY  
Mar 16, 2020 09:29 AM



Brian P. Kemp  
Governor

**GEORGIA DEPARTMENT OF CORRECTIONS**  
**STATE OF GEORGIA**

**Incident Report**



Timothy C. Ward  
Commissioner

**Incident Detail**

Facility: GA DIAG CLASS PRISON  
 Military Time: 03/12/2020 11:00  
 Number: 299773

---

Incident Location: MEDICAL AREA

Did incident result in serious injury? YES Inmate

Nature of Incident: PREA ALLEGATION Wireless Devices Found: 0

Incident Video Taped By: INCIDENT NOT VIDEO TAPED

Use Of Force: NO Type of Force Used:

Offender Weapon: NO Weapon Description:

Does this incident involve contraband? NO

Reporting Official: LT LAVONDA BENN

Entered Date: 03/16/2020

**Offenders Involved**

Name	GDC ID#	Directly Involved/ Witness	Injured	Disciplinary Filed	Weapon Used	Sexual Allegation
		DIRECTLY INVOLVED	NO	NO	-	YES

Date Reviewed by Warden: 03/16/2020

**Civilians**

NURSE CRYSTAL LUCAS DIRECTLY INVOLVED Video Reviewed

PLAINTIFF'S EXHIBIT  
**91B**

Printed By: COFFEE, TOMMY  
Mar 16, 2020 09:29 AM



Brian P. Kemp  
Governor

**GEORGIA DEPARTMENT OF CORRECTIONS**  
**STATE OF GEORGIA**

**Supplemental Report**



Timothy C. Ward  
Commissioner

**Facility:** GA DIAG CLASS PRISON  
**Military Time:** 03/12/2020 11:00  
**Number:** 299773

**Incident Video Taped By:** INCIDENT NOT VIDEO TAPED

**Property Damaged:** NO **Damage Amount:** 0

**Damage Description:** -

**Chemical Incident:** NO **Fire:** NO

**Facility Mechanical Breakdown:** NO

**Reporting Official:** LT LAVONDA BENN

**Entered Date:** 03/16/2020

**Summary of Incident:**

**Entered Date:** 03/16/2020

On March 12, 2020, I, Lieutenant Benn, LaVonda, was notified by Unit Manager LaChesha Smith, that Offender Diamond, Ashley, GDC#1000290565 alleged that Nurse Crystal Lucas sexually assaulted her in the Medical section. Offender Diamond stated that Nurse Lucas asked if her breast were real and grabbed her breasts. Offender Diamond was escorted and examined by Medical and seen by mental health. The offender returned to her unit C-4-50-T. All SART members were notified.

**Entered Date:** 03/16/2020

On March 12, 2020, I, Lieutenant Benn, LaVonda, was notified by Unit Manager LaChesha Smith, that Offender Diamond, Ashley, GDC#1000290565 alleged that Nurse Crystal Lucas sexually assaulted her in the Medical section. Offender Diamond stated that Nurse Lucas asked if her breast were real and grabbed her breasts. Offender Diamond was escorted and examined by Medical and seen by mental health. The offender returned to her unit C-4-50-T. All SART members were notified.

**Warden's Comments**

This incident was thoroughly investigated and witnessed by a staff member. I recommend, this incident is reviewed by OPS for final disposition.

DEF\_1129

<span style="font-size: 1.2em; font-weight: bold;">GD9CP</span> <span style="float: right; font-weight: bold;">Facility/Center</span> <b>Use of Force/Serious Incident Report Coversheet</b>
---

I. Offender Name Diamond, Ashley (1000090505) Date: 3-12-2020

II. Checklist:

- |  |     |    |    |         |
|--|-----|----|----|---------|
| 1. Use of Force.....                         | Yes | No | ✓  | Pending |
| 2. Incident Report.....                      | Yes | ✓  | No | Pending |
| 3. Supplemental Use of Force.....            | Yes | No | ✓  | Pending |
| 4. Videotape.....                            | Yes | No | ✓  | Pending |
| 5. Photos.....                               | Yes | No | ✓  | Pending |
| 6. Witness statements from all involved..... | Yes | ✓  | No | Pending |
| 7. Disciplinary Report filed.....            | Yes | No | ✓  | Pending |
| 8. Medical Reports.....                      | Yes | ✓  | No | Pending |
| 9. Mental Health Report/Statements.....      | Yes | No | ✓  | Pending |
| 10. Chain of Evidence.....                   | Yes | No | ✓  | Pending |
| 11. Use of Weapons Report.....               | Yes | No | ✓  | Pending |

If pending is checked on any of the above, state the reason why: \_\_\_\_\_

III. Shift Supervisor: 1. Date submitted and forwarded to Captain: 3-12-2020

2. Supervisor's Signature: Herald Keller / [Signature]

IV. Captain/Chief of Security Review: 1. Date received: 3/13/2020 2. Date videotape reviewed: \_\_\_\_\_

3. Rating of Incident: Major: X Serious: \_\_\_\_\_ Minor: \_\_\_\_\_ Unusual: \_\_\_\_\_

4. Comments: Handled appropriately

5. Signature of Captain/Chief of Security: [Signature]

V. Deputy Warden's Review: 1. Date received 3/13/2020 2. Date videotape reviewed: \_\_\_\_\_

3. Comments: Report Complete. Recommend forward for investigation

4. Signature of Deputy Warden: [Signature]

VI. Warden's Review: 1. Date received: 3-13-2020 2. Type and Forward: Y N Hold in File: Y N

3. Comments: This incident was thoroughly investigated and witnessed by A staff members. I recommend this incident is reviewed by OIT for final disposition.

4. Signature of Warden/Designee: [Signature]

Retention Schedule: Upon completion, this form shall be placed in the offender's institutional file, with the incident report, and retained according to the retention schedule for that file.

**Incident Report**

Major  Minor

Incident ID: \_\_\_\_\_ Facility: GD&CP Incident Date: 3/12/2020 Time: 1100am Location/Dorm: Malu

Reporting Official: Lieutenant Benn, Lavonda Video Used?  Y  X  N Operator Name: \_\_\_\_\_

Did incident result in serious injury?  Yes  Staff  X Inmate

Offender Weapon?  Y  X  N Weapon Description: N/A

Use of Force?  Y  X  N UOF Equipment Used?  Y  X  N  Taser  Chemical  Firearm  Hands-On  Other: \_\_\_\_\_

Does this incident report contain contraband?  Y  X  N If Yes, it was found...  Inside Grounds  Outside Grounds

Is the contraband associated with a throw-over?  Y  X  N

Incident Category: Check all that apply:

- |  |  |   |  |
|--|--|---|--|
| <input type="checkbox"/> Accident                    | <input type="checkbox"/> Escape                    | <input type="checkbox"/> Inmate Special Transport       | <input type="checkbox"/> Self-Injurious Behavior   |
| <input type="checkbox"/> Attempted Suicide           | <input type="checkbox"/> Escape Attempt            | <input type="checkbox"/> Inmate Strip Cell Status       | <input type="checkbox"/> Shakedown                 |
| <input type="checkbox"/> Cell Extraction             | <input type="checkbox"/> Failure to Execute Policy | <input type="checkbox"/> Inmate to Inmate Assault       | <input type="checkbox"/> Staff Shakedown           |
| <input type="checkbox"/> Contraband - Hard           | <input type="checkbox"/> Fight                     | <input type="checkbox"/> Inmate to Staff Assault        | <input type="checkbox"/> Staff to Staff Assault    |
| <input type="checkbox"/> Contraband - Nuisance       | <input type="checkbox"/> Fire Incident             | <input type="checkbox"/> Institutional Drill            | <input type="checkbox"/> Suicide                   |
| <input type="checkbox"/> Death                       | <input type="checkbox"/> Four/Five Point Restraint | <input type="checkbox"/> Keys/Tools                     | <input type="checkbox"/> Taking Hostage            |
| <input type="checkbox"/> Disruptive Behavior         | <input type="checkbox"/> Homicide                  | <input type="checkbox"/> Maintenance Incident           | <input type="checkbox"/> Alleged Use of Force      |
| <input type="checkbox"/> Disruptive Event            | <input type="checkbox"/> Hunger Strike             | <input type="checkbox"/> Personal Dealings with Inmate  | <input type="checkbox"/> Use of Force              |
| <input type="checkbox"/> Drugs                       | <input type="checkbox"/> Illness                   | <input checked="" type="checkbox"/> X PREA - Allegation | <input type="checkbox"/> Visitor Incident          |
| <input type="checkbox"/> Employee Contact with Blood | <input type="checkbox"/> Injury                    | <input type="checkbox"/> Projecting Bodily Fluids       | <input type="checkbox"/> Wireless Device           |
|  | <input type="checkbox"/> Inmate Internet Violation | <input type="checkbox"/> Property                       | <input type="checkbox"/> Wireless Device Accessory |

Involved INMATE Name	GDC #	UOF	DR	Injury	Weapon	Sex. Alleg.	Directly Involved OR		
							Witness		
Diamond, Ashley	1000290565	N	N	N	N	Y	<input checked="" type="checkbox"/> X	Involved	Witness
								Involved	Witness
								Involved	Witness
								Involved	Witness
								Involved	Witness
								Involved	Witness
								Involved	Witness
								Involved	Witness

Involved Staff Name / Title	Employee ID#	Race	Sex	Force Used	Staff Equip.	Equip. Type
Lucas, Crystal/ Nurse	Agency	B	F	N	N	N/A
						N/A
						N/A

WITNESS Name	Number / Title	WITNESS Name	Number / Title
Stewart, Tashonda	00990828/ Sergeant		

Name/Agency Notified	Date	Time	Name/Agency Notified	Date	Time
Unit Manager /LaChesha Smith		10:45	Mark Agbaosi / Major		11:30
Lieutenant/ Benn, Lavonda		10:45	Medical		11:00

Reporting Official Signature: LT. Benn, Lavonda Date: 3-12-2020 Supervisor Signature: [Signature] Date: 3-12-2020

WARDEN / SUPERINTENDENT REVIEW: Was this incident forwarded for investigation?  Yes  No Warden's Comments: \_\_\_\_\_

Warden/Superintendent Signature

Date

Retention Schedule: (3) years and then destroy

DEF\_1290



Supplement Report

Incident ID: \_\_\_\_\_ Facility: GDCP Incident Date: 3/12/2020 Time: 11:00 Location: Malu

Detailed Description:

On March 12, 2020, I Lieutenant Benn, Lavonda, was notified by Unit Manager LaChesha Smith, that offender Diamond, Ashely GDC # 1000290565 alleged that Nurse Crystal Lucas sexually assaulted her in the medical section on March 10, 2020. Offender Diamond, Ashley state that Nurse Lucas asked if her breasts were real and grabbed her breasts. Offender Diamond was escorted and examined by medical, and seen by mental health. The offender returned to her unit C-4-50T. All SARFT members were notified.

Reporting Official Signature: Lt. Benn, Lavonda Date: 3.12.2020 Supervisor Signature: Lt. Wwalker, Gerald Date: 3.12.2020

Retention Schedule: (3) years and then destroy

Incident Report

SOP 203.03  
Attachment I  
3/2/18

Major  Minor  
 Incident ID: 311109 Facility: Coastal State Prison Incident Date: 06/18/2020 Time: Unknown Location/Down: Coastal SP N-B  
 Reporting Official: Carl Betterson Video Used?  Y  N Operator Name: \_\_\_\_\_  
 Did incident result in serious injury?  No  Staff  Inmate  
 Offender Weapon?  Y  N Weapon Description: \_\_\_\_\_  
 Use of Force?  Y  N UOF Equipment Used?  Y  N  Taser  Chemical  Firearm  Hands-On  Other: \_\_\_\_\_  
 Does this incident report contain contraband?  Y  N If Yes, it was found:  Inside Grounds  Outside Grounds  
 Is the contraband associated with a throw-over?  Y  N

Incident Category: Check **all** that apply:

<input type="checkbox"/> Accident	<input type="checkbox"/> Escape	<input type="checkbox"/> Inmate Special Transport	<input type="checkbox"/> Self-Injurious Behavior
<input type="checkbox"/> Attempted Suicide	<input type="checkbox"/> Escape Attempt	<input type="checkbox"/> Inmate Strip Cell Status	<input type="checkbox"/> Shakedown
<input type="checkbox"/> Cell Extraction	<input type="checkbox"/> Failure to Execute Policy	<input type="checkbox"/> Inmate to Inmate Assault	<input type="checkbox"/> Staff Shakedown
<input type="checkbox"/> Contraband - Hard	<input type="checkbox"/> Fight	<input type="checkbox"/> Inmate to Staff Assault	<input type="checkbox"/> Staff to Staff Assault
<input type="checkbox"/> Contraband - Nuisance	<input type="checkbox"/> Fire Incident	<input type="checkbox"/> Institutional Drill	<input type="checkbox"/> Suicide
<input type="checkbox"/> Death	<input type="checkbox"/> Four/Five Point Restraint	<input type="checkbox"/> Keys/Tools	<input type="checkbox"/> Taking Hostage
<input type="checkbox"/> Disruptive Behavior	<input type="checkbox"/> Homicide	<input type="checkbox"/> Maintenance Incident	<input type="checkbox"/> Unauthorized Contact
<input type="checkbox"/> Disruptive Event	<input type="checkbox"/> Hunger Strike	<input type="checkbox"/> Personal Dealings with Inmate	<input type="checkbox"/> Use of Force
<input type="checkbox"/> Drugs	<input type="checkbox"/> Illness	<input checked="" type="checkbox"/> PREA - Allegation	<input type="checkbox"/> Visitor Incident
<input type="checkbox"/> Employee Contact with Blood	<input type="checkbox"/> Injury	<input type="checkbox"/> Projecting Bodily Fluids	<input type="checkbox"/> Wireless Device
	<input type="checkbox"/> Inmate Internet Violation	<input type="checkbox"/> Property	<input type="checkbox"/> Wireless Device Accessory

Involved INMATE Name	GDC #	UOF	DR	Injury	Weapon	Sex. Alleg.	Directly Involved OR Witness
Diamond, Ashley	1000280565					X	X Involved Witness
							Involved Witness
							Involved Witness
							Involved Witness
							Involved Witness
							Involved Witness
							Involved Witness
							Involved Witness

Involved Staff Name / Title	Employee ID#	Race	Sex	Force Used	Staff Equip.	Equip. Type
Jackson, Rodney	1006756	Black	Male	No	n/a	n/a

WITNESS Name	Number / Title	WITNESS Name	Number / Title
N/A			

Name/Agency Notified	Date	Time	Name/Agency Notified	Date	Time
Brooks L. Benton	7/7/2020	6:42am			
Carl Betterson DWCT	7/7/2020	6:42am			
Michael Anderson	7/7/2020	6:42am			

Reporting Official Signature: Porshe Moody Date: 7/7/2020 Supervisor Signature: Carl Betterson Date: 7/7/2020

WARDEN / SUPERINTENDENT REVIEW: Was this incident forwarded for investigation?  Yes  No Warden's Comments: I concur with the SART recommendation

[Signature] 7/13/2020  
 Warden/Superintendent Signature Date

Retention Schedule: (3) years and then destroy







Supplement Report

Incident ID: Facility: Coastal State Prison Incident Date: 06/18/2020 Time: Unknown Location: N Building

Detailed Description:

On July 7, 2020 DWCT Betterson received a letter from the attorney of Offender Diamond, Ashely #1000280565 which included a PREA allegation. The allegation stated, "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 Mr. 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 (Dorm N-B). Dormitory N-B houses a maximum of 96 offenders. 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 just have to deal with it. Jackson disclosed Ms. Diamond's private medical information, made derogatory remarks about Ms. Diamond's breasts and genitalia, intentionally misgender 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 the meeting.

Reporting Official Signature: Porshe Moody Date: 7/7/2020

Supervisor Signature: Carl Betterson Date: 7/7/2020

Retention Schedule: (3) years and then destroy

Printed by: GATTSKON, CTR  
Nov 30, 2020 05:12 PM



Brian P. Kemp  
Governor

**GEORGIA DEPARTMENT OF CORRECTIONS**  
**STATE OF GEORGIA**

**Incident Report**



Timothy C. Ward  
Commissioner

**Incident Detail**

Facility: COASTAL STATE PRISON  
 Military Time: 06/18/2020 00:00  
 Number: 311169

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Incident Location: DORMITORY N - B  
 Did incident result in serious injury? NO  
 Nature of Incident: PREA ALLEGATION  
 Wireless Devices Found: 0  
 Incident Video Taped By: INCIDENT NOT VIDEO TAPED  
 Use Of Force: NO  
 Type of Force Used:  
 Offender Weapon: NO  
 Weapon Description:  
 Does this incident involve contraband? NO  
 Reporting Official: PORSHE MOODY  
 Entered Date: 09/24/2020

**Staff Involved**

Name	Scribe ID#	Race	Gender	Use Of Force	Type Of Force	Equipment	Directly Involved/
JACKSON, RODNEY L	1006756	BLACK	MALE	NO		NO	DIRECTLY INVOLVED

**Offenders Involved**

Name	GDC ID#	Directly Involved/ Witness	Injured	Disciplinary Filed	Weapon Used	Sexual Allegations
		DIRECTLY INVOLVED	NO	NO		NO

Date Reviewed by Warden: 09/24/2020

Printed by: BETTERSON, CMM  
Nov 30, 2020 05:12 PMBrian P. Kemp  
GovernorGEORGIA DEPARTMENT OF CORRECTIONS  
STATE OF GEORGIA

## Supplemental Report

Timothy C. Ward  
Commissioner

**Facility:** COASTAL STATE PRISON  
**Military Time:** 06/18/2020 00:00  
**Number:** 311169

**Incident Video Taped By:** INCIDENT NOT VIDEO TAPED

**Property Damaged:** NO **Damage Amount:** 0

**Damage Description:**

**Chemical Incident:** NO **Fire:** NO

**Facility Mechanical Breakdown:** NO

**Reporting Official:** PORSHE MOODY

**Entered Date:** 09/24/2020

**Summary of Incident:**

**Entered Date:** 09/24/2020

On July 7, 2020 DWCT Betterson received a letter from the attorney of Offender Diamond, Ashley #1000290565 which included a PREA allegation. The allegation stated, "Unit Manager Jackson approached Ms. Diamond while she was in medical quarantine and harassed her about being transgender. Jackson called Ms. Diamond a mar. and proceeded to make inappropriate comments about her breasts and genitalia as well as her facial hair. Ms. Diamond told Mr. Jackson that those comments were harmful to her mental health, and Mr. Jackson walked away. A few days later on June 18, 2020 GDC officials informed Ms. Diamond that she would be moved to another dormitory. Dormitory N-B houses a maximum of 96 Offenders. When she entered the dormitory, Ms. Diamond noticed that several people were staring at her. Ms. Diamond eventually learned, through conversations with other Offenders that Jackson had called a dorm-wide meeting on June 17th during which Mr. Jackson told everyone that "a freak is about to walk in" and that they would just have to deal with it. Jackson disclosed Diamond's personal medical information, made derogatory remarks about Ms. Diamond's breasts and genitalia, intentionally misgendered her, and said "don't try touching him no matter how much of a woman he looks". The SART team met and determined that this allegation did not meet criteria for a PREA incident due to being a single incident of

harassment. The comments made to the Offenders in the dorm were not made in the presence of Offender Diamond nor were overheard by Offender Diamond and therefore do not qualify as harassment under the PREA SOP.

**Warden's Comments**

I concur with the SART recommendation

**Staff Involved**

Name	Injured?	Adverse Action Taken?	Equipment Type	Equipment Reason	Equipment Serial No	Equipment Cert Date	Amo Type	Reviewed Video
JACKSON, RODNEY L	NO	NO	-	-	-	-	-	NO

Comments:

**Offenders Involved**

Name	GDC ID#	Injured ?	Disciplinary Filed?	Weapon Used	MH Level	STG	Sexual Allegation	Reviewed Video
DIAMOND, ASHLEY ALTON	1000290565	NO	NO	-	MH-2	STI - SECURITY THREAT INDIVIDUAL	NO	NO

Comments:

Was this Incident forwarded for investigation? NO

Date Reviewed by Warden: 09/24/2020

Printed By: WILKERSON, TARSHA  
Dec 04, 2020 11:10 AM



Brian P. Kemp  
Governor

**GEORGIA DEPARTMENT OF CORRECTIONS**  
**STATE OF GEORGIA**

**Incident Report**



Timothy C. Ward  
Commissioner

**Incident Details**

Facility: COASTAL STATE PRISON  
 Military Time: 09/01/2020 14:00  
 Number: 310716

---

Incident Location: DORMITORY N - B

Did incident result in serious injury? NO

Nature of Incident: PREA ALLEGATION  
 Wireless Devices Found: 0

Incident Video Taped By: INCIDENT NOT VIDEO TAPED

Use Of Force: NO  
 Type of Force Used:

Offender Weapon: NO  
 Weapon Description:

Does this incident involve contraband? NO

Reporting Official: PORSHE MOODY - PREA INVESTIGATOR  
 Entered Date: 09/17/2020

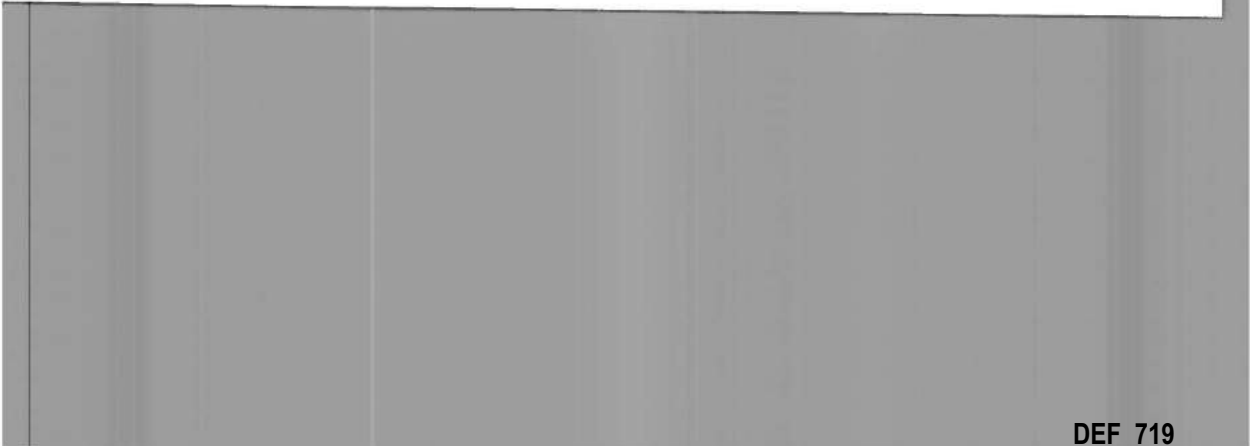
**Staff Involved**

Name	Scribe ID#	Race	Gender	Use of Force	Type of Force	Equipment	Directly Involved
GOODELL, TIMOTHY	1081795	WHITE	MALE	NO		NO	DIRECTLY INVOLVED

**Offenders Involved**

Name	GDC ID#	Directly Involved/ Witness	Injured	Disciplinary Filed	Weapon Used	Sex Alleg
		DIRECTLY INVOLVED	NO	NO	-	N

PLAINTIFF'S EXHIBIT  
**91E**



Printed By: WILKERSON, TASHA  
Dec 04, 2020 11:10 AM

Date Reviewed by Warden: 09/17/2020



Brian P. Kemp  
Governor

**GEORGIA DEPARTMENT OF CORRECTIONS**  
**STATE OF GEORGIA**

**Supplemental Report**

Timothy C. Ward  
Commissioner

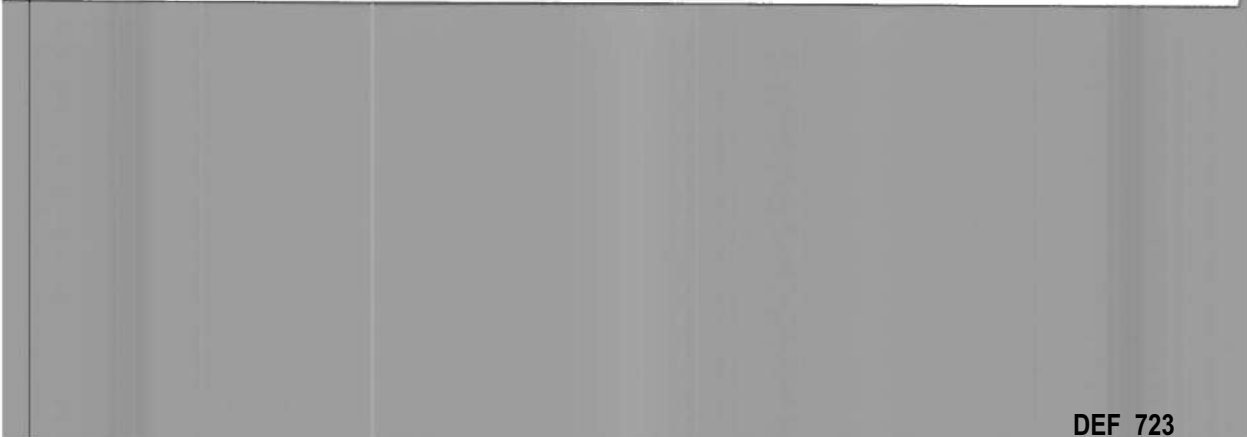
**Facility:** COASTAL STATE PRISON  
**Military Time:** 09/01/2020 14:00  
**Number:** 310716

---

**Incident Video Taped By:** INCIDENT NOT VIDEO TAPED  
**Property Damaged:** NO **Damage Amount:** 0  
**Damage Description:** -  
**Chemical Incident:** NO **Fire:** NO  
**Facility Mechanical Breakdown:** NO  
**Reporting Official:** PORSHE MOODY - PREA INVESTIGATOR  
**Entered Date:** 09/17/2020

**Summary of Incident:****Entered Date:** 09/17/2020

On 9/7/2020 at approximately 1300 hours SART member and MHC Tamara Cantera LAPC, NCC received a call informing her that Offender Diamond, Ashley # 1000290565 had reported multiple PREA incidents. On 9/1/2020 at approximately 1400 hours MHC Cantera met with Offender Diamond who stated, ¿when I got back to Coastal I was taken to the guard shack at the back gate. I was the only one there except Lt. Giddell and he told me that I needed to take off my clothes to be searched and that a female officer would do the top and he would do the bottom. He comes back later and said that he can't get anyone to come help and he would have to do the search himself and told me ¿I have to finish this process, lets go.¿ I felt humiliated having to strip with him. He then walked me back to my dorm and I wasn't given



Printed By: WILKERSON, TARESHA  
 Dec 04, 2020 11:10 AM

any feminine clothing. When I got back to the dorm I was told by Officer Woods that I couldn't have anybody in my dorm. Lt. Reves called DWS Anderson and he said that he hadn't heard anything and that I could have people in the dorm as long as then didn't spend the night. Later, Lt. Giddell came to my dorm and said that he told everyone nobody could be in my dorm because of that lifestyle you chose and the way that you are you don't need anyone around. I don't like that Lt. talking about me of making those kind of comments.

**Warden's Comments**

I concur with the SART team recommendations.

**Staff Involved**

Name	Injured?	Adverse Action Taken?	Equipment Type	Equipment Reason	Equipment Serial No	Equipment Cert Date	Amo Type	Review Video
GOODELL, TIMOTHY	NO	NO	-	-	-	-	-	NO

Comments:

**Offenders Involved**

Name	GDC ID#	Injured ?	Disciplinary Filed?	Weapon Used	MH Level	STG	Sexual Allegation	Review Video
DIAMOND, ASHLEY ALTON	1000290565	NO	NO	-	MH-2	STI - SECURITY THREAT INDIVIDUAL	NO	NO

Comments:

Was this Incident forwarded for investigation? NO

Date Reviewed by Warden: 09/17/2020

Printed By: BETTERSON, CARL  
 Sep 30, 2020 05:06 PM



Brian P. Kemp  
 Governor

GEORGIA DEPARTMENT OF CORRECTIONS  
 STATE OF GEORGIA

Supplemental Report



Timothy C. Ward  
 Commissioner

Facility: COASTAL STATE PRISON  
 Military Time: 09/20/2020 12:00  
 Number: 311506

Incident Video Taped By: INCIDENT NOT VIDEO TAPED  
 Property Damaged: NO Damage Amount: 0  
 Damage Description: -  
 Chemical Incident: NO Fire: NO  
 Facility Mechanical Breakdown: NO  
 Reporting Official: CARL E. BETTERSON  
 Entered Date: 09/30/2020

Summary of Incident:

Entered Date: 09/30/2020

On 9.30.2020 at 1408 Coastal State Prison received notification that offender Ashley Diamond was involved in three separate PREA incidents that occurred on September 18th, 19th, and 20th. Offender Diamond stated that the incident occurred with an offender and not a GDC staff member. When asked to provide more information surrounding the incident offender Diamond stated that he did not want to talk about the incident.

Warden's Comments

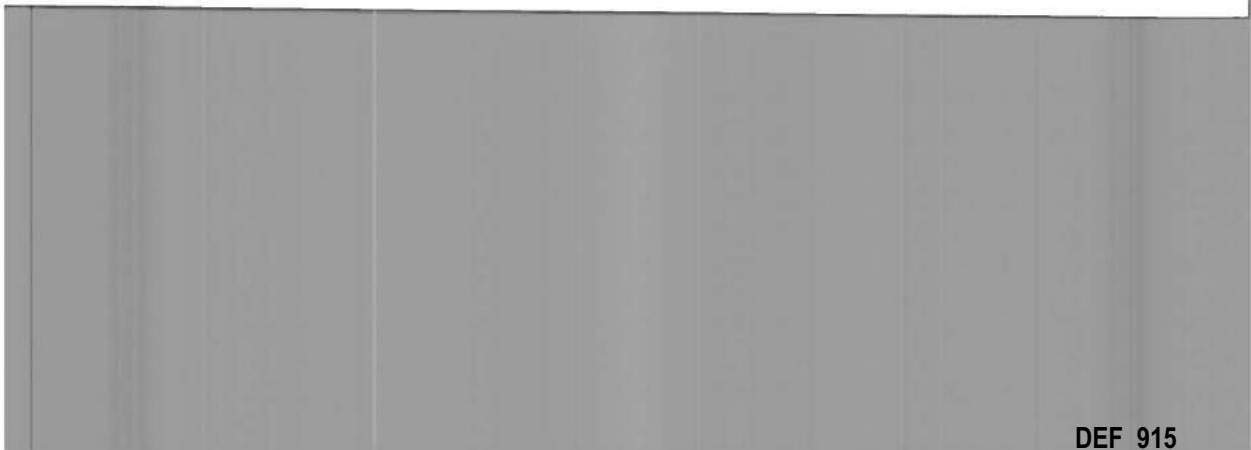
I concur with SART recommendation

Offenders Involved

Name	GDC ID#	Injured ?	Disciplinary Filed?	Weapon Used	MH Level	STG	Sexual Allegation	Reviewed Video
DIAMOND, ASHLEY ALTON	1000290565	NO	NO	-	MH-2		NO	NO

Comments:

PLAINTIFF'S EXHIBIT  
**91H**



Printed by: BETTERSON, CARL  
 Sep 30, 2020 05:06 PM



Brian P. Kemp  
 Governor

**GEORGIA DEPARTMENT OF CORRECTIONS**  
 STATE OF GEORGIA

Incident Report



Timothy C. Ward  
 Commissioner

**Incident Detail**

**Facility:** COASTAL STATE PRISON  
**Military Time:** 09/20/2020 12:00  
**Number:** 311506

**Incident Location:** DORMITORY N - B

**Did incident result in serious injury?** NO

**Nature of Incident:** PREA ALLEGATION  
**Wireless Devices Found:** 0

**Incident Video Taped By:** INCIDENT NOT VIDEO TAPED

**Use Of Force:** NO  
**Type of Force Used:**

**Offender Weapon:** NO  
**Weapon Description:**

**Does this incident involve contraband?** NO

**Reporting Official:** CARL E. BETTERSON

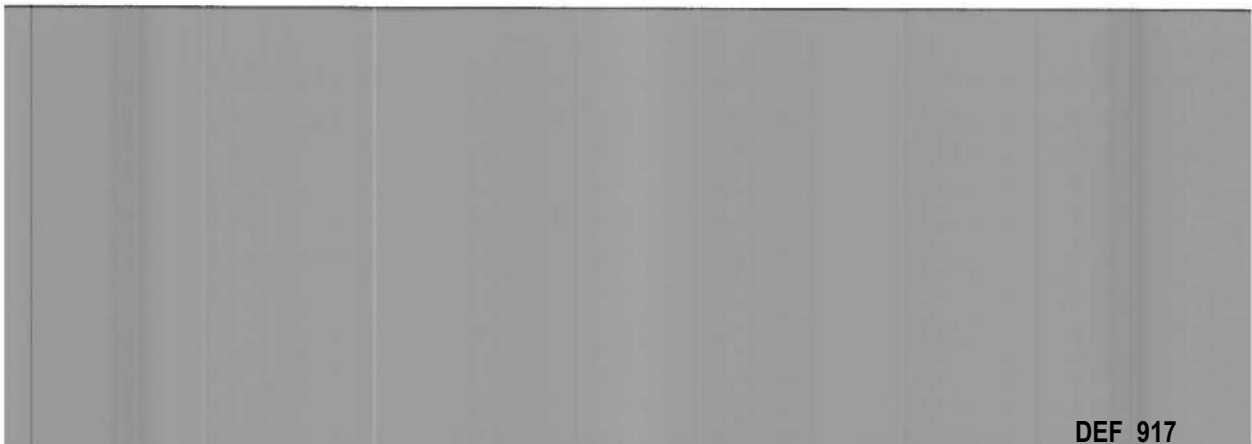
**Entered Date:** 09/30/2020

**Offenders Involved**

Name	GDC ID#	Directly Involved/ Witness	Injured	Disciplinary Filed	Weapon Used	Sexual Allegation
		DIRECTLY INVOLVED	NO	NO	-	NO

Date Reviewed by Warden: 09/30/2020

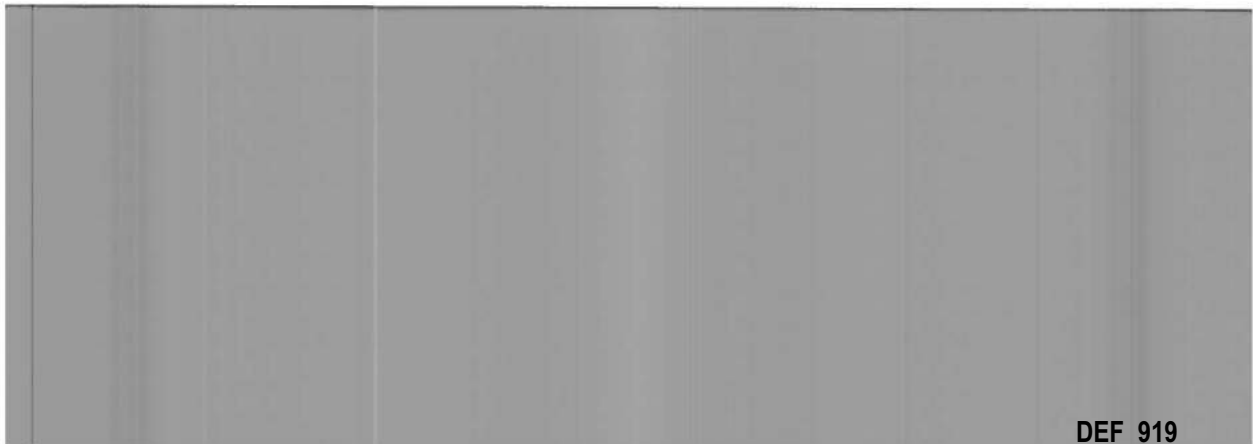




Was this Incident forwarded for investigation?  NO

Date Reviewed by Warden: 09/30/2020





Adult  Juvenile  
 Incident ID: 20202 Location: Quezon State Prison  
 Reporting Official: Carl Peterson Deputy Warden Care & Treatment

Did incident result in serious injury?  No  Staff  Inmate

Offender Weapon?  Y  N Weapon Description: \_\_\_\_\_

Use of Force?  Y  N UOF Equipment Used?  Y  N Taser  Chemical  Firearm  Hands-On  Other: \_\_\_\_\_

Does this incident report contain contraband?  Y  N If Yes, it was found:  Inside Grounds  Outside Grounds

Is the contraband associated with a throw-over?  Y  N

Incident Category: Check all that apply:

- |  |  |  |  |
|--|--|--|--|
| <input type="checkbox"/> Accident                    | <input type="checkbox"/> Escape                    | <input type="checkbox"/> Inmate Special Transport      | <input type="checkbox"/> Self-Injurious Behavior   |
| <input type="checkbox"/> Attempted Suicide           | <input type="checkbox"/> Escape Attempt            | <input type="checkbox"/> Inmate Strip Cell Status      | <input type="checkbox"/> Shakedown                 |
| <input type="checkbox"/> Cell Extraction             | <input type="checkbox"/> Failure to Execute Policy | <input type="checkbox"/> Inmate to Inmate Assault      | <input type="checkbox"/> Staff Shakedown           |
| <input type="checkbox"/> Contraband - Hard           | <input type="checkbox"/> Fight                     | <input type="checkbox"/> Inmate to Staff Assault       | <input type="checkbox"/> Staff to Staff Assault    |
| <input type="checkbox"/> Contraband - Nuisance       | <input type="checkbox"/> Fire Incident             | <input type="checkbox"/> Institutional Drill           | <input type="checkbox"/> Suicide                   |
| <input type="checkbox"/> Death                       | <input type="checkbox"/> Four-Five Point Restraint | <input type="checkbox"/> Keys/Tools                    | <input type="checkbox"/> Taking Hostage            |
| <input type="checkbox"/> Disruptive Behavior         | <input type="checkbox"/> Homicide                  | <input type="checkbox"/> Maintenance Incident          | <input type="checkbox"/> Unauthorized Contact      |
| <input type="checkbox"/> Disruptive Event            | <input type="checkbox"/> Hunger Strike             | <input type="checkbox"/> Personal Dealings with Inmate | <input type="checkbox"/> Use of Force              |
| <input type="checkbox"/> Drugs                       | <input type="checkbox"/> Illness                   | <input checked="" type="checkbox"/> PREA - Allegation  | <input type="checkbox"/> Visitor Incident          |
| <input type="checkbox"/> Employee Contact with Blood | <input type="checkbox"/> Injury                    | <input type="checkbox"/> Projecting Bodily Fluids      | <input type="checkbox"/> Wireless Device           |
|  | <input type="checkbox"/> Inmate Internet Violation | <input type="checkbox"/> Property                      | <input type="checkbox"/> Wireless Device Accessory |

Involved INMATE Name	GDC #	UOF	DR	Injury	Weapon	Sex Alleg.	Directly Involved OR Witness
Travis Nottage	1002398703					Yes	<input checked="" type="checkbox"/> Involved <input type="checkbox"/> Witness
							<input type="checkbox"/> Involved <input type="checkbox"/> Witness
							<input type="checkbox"/> Involved <input type="checkbox"/> Witness
							<input type="checkbox"/> Involved <input type="checkbox"/> Witness
							<input type="checkbox"/> Involved <input type="checkbox"/> Witness
							<input type="checkbox"/> Involved <input type="checkbox"/> Witness
							<input type="checkbox"/> Involved <input type="checkbox"/> Witness
							<input type="checkbox"/> Involved <input type="checkbox"/> Witness

Involved Staff Name / Title	Employee ID#	Race	Sex	Force Used	Staff Equip.	Equip. Type
No staff member was involved						

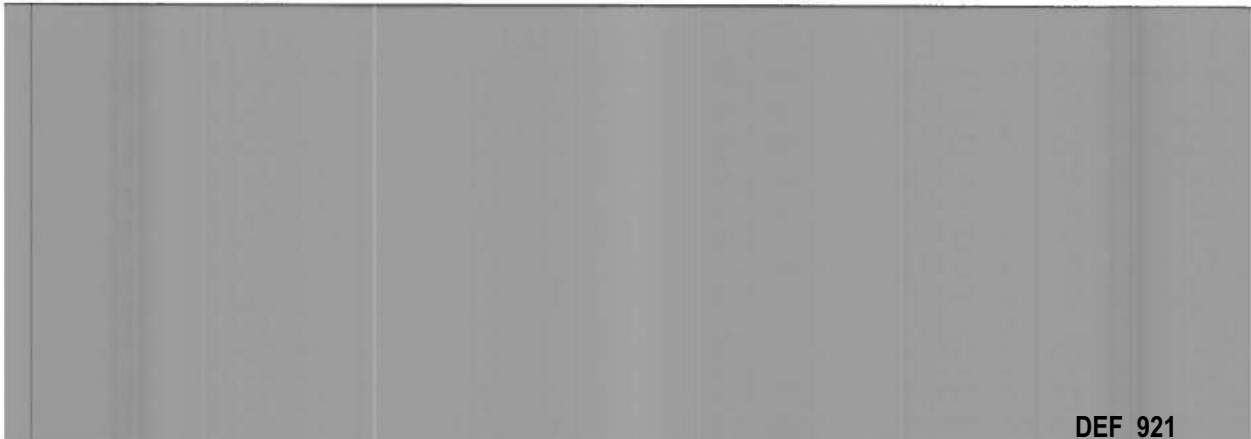
WITNESS Name	Number / Title	WITNESS Name	Number / Title
NA			

Name/Agency Notified	Date	Time	Name/Agency Notified	Date	Time
Brooks L Benton - Warden	9/30/2020				
Carl Peterson Deputy Warden Care & Treatment	9/30/2020				
Michael Anderson DWS	9/30/2020				

Reporting Official Signature: Carl Peterson/ Date: 9/30/2020 Supervisor Signature: \_\_\_\_\_ Date: \_\_\_\_\_

WARDEN / SUPERINTENDENT REVIEW:  Yes  No  Multi-Staff Signature: \_\_\_\_\_

Warden Superintendent Signature: \_\_\_\_\_ Date: \_\_\_\_\_



Number: 311006

Florida Department of Corrections

Investigation Form 3000

Rev. 10/18

Form FD-302 (Rev. 10-18)

Date of Interview: On 9-10-2020 at 1438 Coasts State Prison, Correctional Institution, Ft. La. Pierce, FL, the following interview was conducted with: Officer Diamond that occurred on September 15th, 19th, and 20th. Offender Diamond stated that the incident occurred with an offender and not a CDC staff member. When asked to provide more information surrounding the incident, offender Diamond stated that he did not want to talk about the incident.

Lined area for additional notes or questions.

Reporting Official Signature: Carl Bettendorf Date: 9-20-2020 Interviewer Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Florida Department of Corrections



Printed By: BETTERSON, CARL  
Dec 07, 2020 05:26 PM



Brian P. Kemp  
Governor

**GEORGIA DEPARTMENT OF CORRECTIONS**  
**STATE OF GEORGIA**

**Incident Report**



Timothy C. Ward  
Commissioner

Incident Detail			
Facility:	COASTAL STATE PRISON		
Military Time:	09/20/2020 12:00		
Number:	311506		
Incident Location:	DORMITORY	N - B	
Did incident result in serious injury?	NO		
Nature of Incident:	PREA ALLEGATION	Wireless Devices Found:	0
Incident Video Taped By:	INCIDENT NOT VIDEO TAPED		
Use Of Force:	NO	Type of Force Used:	
Offender Weapon:	NO	Weapon Description:	
Does this incident involve contraband?	NO		
Reporting Official:	CARL E. BETTERSON		
Entered Date:	09/30/2020		

Offenders Involved						
Name	GDC ID#	Directly Involved/ Witness	Injured	Disciplinary Filed	Weapon Used	Sexual Allegation
		DIRECTLY INVOLVED	NO	NO	-	NO

Date Reviewed by Warden: 09/30/2020



Brian P. Kemp  
 Governor

**GEORGIA DEPARTMENT OF CORRECTIONS**  
**STATE OF GEORGIA**

**Supplemental Report**



Timothy C. Ward  
 Commissioner

Facility: COASTAL STATE PRISON  
 Military Time: 09/20/2020 12:00  
 Number: 311506

Incident Video Taped By: INCIDENT NOT VIDEO TAPED

Property Damaged: NO Damage Amount: 0

Damage Description: -

Chemical Incident: NO Fire: NO

Facility Mechanical Breakdown: NO

Reporting Official: CARL E. BETTERSON

Entered Date: 09/30/2020

**Summary of Incident:**

Entered Date: 09/30/2020

On 9.30.2020 at 1408 Coastal State Prison received notification that offender Ashley Diamond was involved in three separate PREA incidents that occurred on September 18th, 19th, and 20th. Offender Diamond stated that the incident occurred with an offender and not a GDC staff member. When asked to provide more information surrounding the incident offender Diamond stated that he did not want to talk about the incident.

**Warden's Comments**

I concur with SART recommendation

**Offenders Involved**

Name	GDC ID#	Injured ?	Disciplinary Filed?	Weapon Used	MH Level	STG	Sexual Allegation	Reviewed Video
DIAMOND, ASHLEY ALTON	1000290565	NO	NO	-	MH-2	ST1 - SECURITY THREAT INDIVIDUAL	NO	NO

Comments:



Printed By: BETTERSON, CARL  
Dec 07, 2020 05:26 PM

Was this Incident forwarded for investigation? NO

Date Reviewed by Warden: 09/30/2020

Major  Minor  
 Incident ID: 312555 Facility: Coastal State Prison Incident Date: 10/10/2020 Time: 2215 Location/Dorm: N-B-136-B  
 Reporting Official: Carl Betterson Deputy Warden Care & Treatment Video Used?  Y  N Operator Name: \_\_\_\_\_  
 Did incident result in serious injury?  No  Staff  Inmate  
 Offender Weapon?  Y  N Weapon Description: \_\_\_\_\_  
 Use of Force?  Y  N UOF Equipment Used?  Y  N  Taser  Chemical  Firearm  Hands-On  Other: \_\_\_\_\_  
 Does this incident report contain contraband?  Y  N If Yes, it was found,  Inside Grounds  Outside Grounds  
 Is the contraband associated with a throw-over?  Y  N

- Incident Category: Check all that apply:
- |  |  |  |  |
|--|--|--|--|
| <input type="checkbox"/> Accident                    | <input type="checkbox"/> Escape                    | <input type="checkbox"/> Inmate Special Transport      | <input type="checkbox"/> Self-Injurious Behavior   |
| <input type="checkbox"/> Attempted Suicide           | <input type="checkbox"/> Escape Attempt            | <input type="checkbox"/> Inmate Strip Cell Status      | <input type="checkbox"/> Shakedown                 |
| <input type="checkbox"/> Cell Extraction             | <input type="checkbox"/> Failure to Execute Policy | <input type="checkbox"/> Inmate to Inmate Assault      | <input type="checkbox"/> Staff Shakedown           |
| <input type="checkbox"/> Contraband - Hard           | <input type="checkbox"/> Fight                     | <input type="checkbox"/> Inmate to Staff Assault       | <input type="checkbox"/> Staff to Staff Assault    |
| <input type="checkbox"/> Contraband - Nuisance       | <input type="checkbox"/> Fire Incident             | <input type="checkbox"/> Institutional Drill           | <input type="checkbox"/> Suicide                   |
| <input type="checkbox"/> Death                       | <input type="checkbox"/> Four/Five Point Restraint | <input type="checkbox"/> Keys/Tools                    | <input type="checkbox"/> Taking Hostage            |
| <input type="checkbox"/> Disruptive Behavior         | <input type="checkbox"/> Homicide                  | <input type="checkbox"/> Maintenance Incident          | <input type="checkbox"/> Unauthorized Contact      |
| <input type="checkbox"/> Disruptive Event            | <input type="checkbox"/> Hunger Strike             | <input type="checkbox"/> Personal Dealings with Inmate | <input type="checkbox"/> Use of Force              |
| <input type="checkbox"/> Drugs                       | <input type="checkbox"/> Illness                   | <input checked="" type="checkbox"/> PREA - Allegation  | <input type="checkbox"/> Visitor Incident          |
| <input type="checkbox"/> Employee Contact with Blood | <input type="checkbox"/> Injury                    | <input type="checkbox"/> Projecting Bodily Fluids      | <input type="checkbox"/> Wireless Device           |
|  | <input type="checkbox"/> Inmate Internet Violation | <input type="checkbox"/> Property                      | <input type="checkbox"/> Wireless Device Accessory |

Involved INMATE Name	GDC #	UOF	DR	Injury	Weapon	Sex. Alleg.	Directly Involved OR Witness
DIAMOND, ASHLEY ALTON	1000290565					Yes	<input checked="" type="checkbox"/> Involved <input type="checkbox"/> Witness
THIGPEN, EARL	560373						<input type="checkbox"/> Involved <input checked="" type="checkbox"/> Witness
GRAHAM, CHRISTOPHER NICHOLAS	1000474852						<input checked="" type="checkbox"/> Involved <input type="checkbox"/> Witness
							<input type="checkbox"/> Involved <input type="checkbox"/> Witness
							<input type="checkbox"/> Involved <input type="checkbox"/> Witness
							<input type="checkbox"/> Involved <input type="checkbox"/> Witness
							<input type="checkbox"/> Involved <input type="checkbox"/> Witness

Involved Staff Name / Title	Employee ID#	Race	Sex	Force Used	Staff Equip.	Equip. Type
No Staff Member Was Involved						

WITNESS Name	Number / Title	WITNESS Name	Number / Title

Name/Agency Notified	Date	Time	Name/Agency Notified	Date	Time
Brooks L Benton - Warden	10.14.2020	1030			
Carl Betterson Deputy Warden Care & Treatment	10.14.2020	1030			
Michael Anderson DWS	10.14.2020	1030			

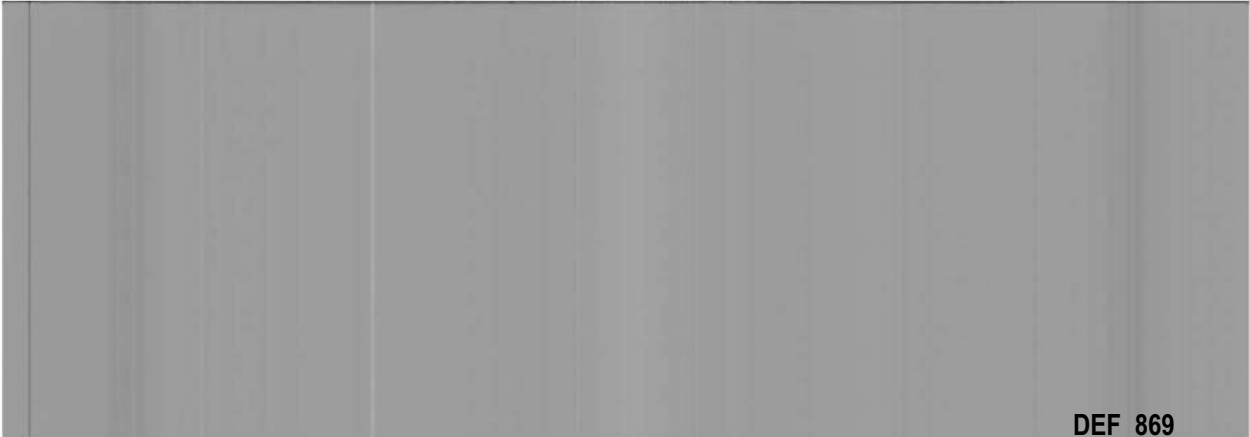
Reporting Official Signature: Carl Betterson *[Signature]* Date: 10.14.2020 Supervisor Signature: Michael Benton *[Signature]* Date: 10-16-20

WARDEN / SUPERINTENDENT REVIEW: Was this incident forwarded for investigation?  Yes  No Warden's Comments: I concur with SART recommendations

*[Signature]* Warden/Superintendent Signature Date: 10/16/2020 Retention Schedule: (3) years and then destroy







Supplement Report

Incident ID: 312555 Facility: Coastal State Prison Incident Date: 10/10/2020 Time: 2215 Location: N-8-136-B

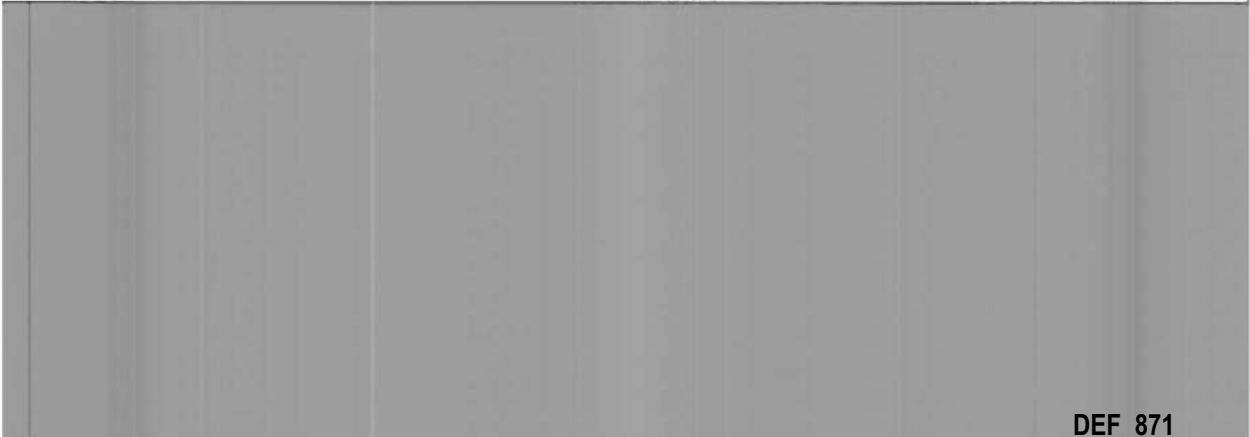
Detailed Description: MHC and SART member Tamara Cantera LAPC, NCC met with Offender Diamond, Ashley #1000290565 on 10/14/2020 following the report of a PREA incident. Offender Diamond had initially reported the incident to her MHC Ms. Pepin but had declined to discuss it at that time. Offender Diamond reported that on the morning of 10/11/2020 she was informed by another Offender (Thigpen, Earl #560373) that on the night of 10/10/2020 an unnamed aggressor was observed by Offender Thigpen inside of Offender Diamonds room while she was sleeping on her stomach. While in the Offender Diamond's room, the alleged aggressor was seen touching the buttocks of Offender Diamond. Offender Thigpen then verbally chastised the alleged aggressor causing the alleged aggressor to leave the Offender Diamond's room. Offender Diamond stated that she did not wake due to mental health medication.

Lined area for additional text or notes.

Reporting Official Signature: [Signature] Date: 10-15-2020 Supervisor Signature: [Signature] Date: 10-16

Retention Schedule: (3) years and then destroy





Printed By: BETTERSON, CARL  
 Oct 15, 2020 06:12 PM



Brian P. Kemp  
 Governor

**GEORGIA DEPARTMENT OF CORRECTIONS**  
**STATE OF GEORGIA**

**Incident Report**



Timothy C. Ward  
 Commissioner

**Incident Detail**

Facility: COASTAL STATE PRISON  
 Military Time: 10/10/2020 22:15  
 Number: 312555

---

Incident Location: DORMITORY N - B  
 Did incident result in serious injury? NO  
 Nature of Incident: PREA ALLEGATION  
 Wireless Devices Found: 0  
 Incident Video Taped By: INCIDENT NOT VIDEO TAPED  
 Use Of Force: NO  
 Type of Force Used:  
 Offender Weapon: NO  
 Weapon Description:  
 Does this incident involve contraband? NO  
 Reporting Official: CARL BETTERSON DWCT  
 Entered Date: 10/15/2020

**Offenders Involved**

Name	GDC ID#	Directly Involved/ Witness	Injured	Disciplinary Filed	Weapon Used	Sexual Allegation
		DIRECTLY INVOLVED	NO	NO	-	NO
		DIRECTLY INVOLVED	NO	NO	-	NO
		WITNESS	NO	NO	-	NO

Date Reviewed by Warden:





Brian P. Kemp  
GovernorGEORGIA DEPARTMENT OF CORRECTIONS  
STATE OF GEORGIA

## Supplemental Report

Timothy C. Ward  
Commissioner

Facility: COASTAL STATE PRISON  
 Military Time: 10/10/2020 22:15  
 Number: 312555

Incident Video Taped By: INCIDENT NOT VIDEO TAPED

Property Damaged: NO Damage Amount: 0

Damage Description:

Chemical Incident: NO Fire: NO

Facility Mechanical Breakdown: NO

Reporting Official: CARL BETTERSON DWCT

Entered Date: 10/15/2020

## Summary of Incident:

Entered Date: 10/15/2020

MHC and SART member Tamara Cantera LAPC, NCC met with Offender Diamond, Ashley #1000290565 on 10/14/2020 following the report of a PREA incident. Offender Diamond had initially reported the incident to her MHC Ms. Pepin but had declined to discuss it at that time. Offender Diamond reported that on the morning of 10/11/2020 she was informed by another Offender (Thigpen, Earl #560373) that on the night of 10/10/2020 an unnamed aggressor was observed by Offender Thigpen inside of Offender Diamonds room while she was sleeping on her stomach. While in the Offender Diamond's room, the alleged aggressor was seen touching the buttocks of Offender Diamond. Offender Thigpen then verbally chastised the alleged aggressor causing the alleged aggressor to leave the Offender Diamond's room. Offender Diamond stated that she did not wake due to mental health medication.

## Warden's Comments

Offenders Involved

Name	GDC ID#	Injured ?	Disciplinary Filed?	Weapon Used	MH Level	STG	Sexual Allegation	Reviewed Video
DIAMOND, ASHLEY ALTON	1000290565	NO	NO	-	MH-2		NO	NO

Comments:

Name	GDC ID#	Injured ?	Disciplinary Filed?	Weapon Used	MH Level	STG	Sexual Allegation	Reviewed Video
GRAHAM, CHRISTOPHER NICHOLAS	1000474852	NO	NO	-			NO	NO

Comments:

Name	GDC ID#	Injured ?	Disciplinary Filed?	Weapon Used	MH Level	STG	Sexual Allegation	Reviewed Video
THIGPEN, EARL	560373	NO	NO	-			NO	NO

Comments:

Was this Incident forwarded for investigation? NO

Date Reviewed by Warden:

Printed By: BERTSON, EARL  
Nov 04, 2020 12:40 PM

Name	GDC ID#	Injured ?	Disciplinary Filed?	Weapon Used	MH Level	STG	Sexual Allegation	Review Video
THIGPEN, EARL	560373	NO	NO	-			NO	NO

Comments:

Was this Incident forwarded for investigation? NO

Date Reviewed by Warden:

PLAINTIFF'S  
EXHIBIT  
**91K**





Brian P. Kemp  
 Governor

**GEORGIA DEPARTMENT OF CORRECTIONS**  
**STATE OF GEORGIA**

Supplemental Report



Timothy C. Ward  
 Commissioner

Facility: COASTAL STATE PRISON  
 Military Time: 10/30/2020 12:00  
 Number: 313863

Incident Video Taped By: INCIDENT NOT VIDEO TAPED

Property Damaged: NO Damage Amount: 0

Damage Description:

Chemical Incident: NO Fire: NO

Facility Mechanical Breakdown: NO

Reporting Official: I CONCURR WITH SART RECOMMENDATION

Entered Date: 11/04/2020

**Summary of Incident:**

Entered Date: 11/04/2020

On 11.3.2020 Offender Diamond reported that during a dorm meeting offender Earl Thigpen exposed himself and inappropriately touched him. Offender Diamond was not able to provide an incident date only that offender Earl Thigpen admitted to the act.

**Warden's Comments**

**Offenders Involved**

Name	GDC ID#	Injured ?	Disciplinary Filed?	Weapon Used	MH Level	STG	Sexual Allegation	Reviewed Video
DIAMOND, ASHLEY ALTON	1000290565	NO	NO	-	MH-2		NO	NO

Comments:

Printed By: DEETERSON, CARL  
Nov 04, 2020 12:40 PM



Brian P. Kemp  
 Governor

GEORGIA DEPARTMENT OF CORRECTIONS  
 STATE OF GEORGIA

Incident Report



Timothy C. Ward  
 Commissioner

Incident Detail			
Facility:	COASTAL STATE PRISON		
Military Time:	10/30/2020 12:00		
Number:	313863		
Incident Location:	DORMITORY	N - B	
Did incident result in serious injury?	NO		
Nature of Incident:	PREA ALLEGATION	Wireless Devices Found:	0
Incident Video Taped By:	INCIDENT NOT VIDEO TAPED		
Use Of Force:	NO	Type of Force Used:	
Offender Weapon:	NO	Weapon Description:	
Does this incident involve contraband?	NO		
Reporting Official:	I CONCURR WITH SART RECOMMENDATION		
Entered Date:	11/04/2020		

Offenders Involved

Name	GDC ID#	Directly Involved/ Witness	Injured	Disciplinary Filed	Weapon Used	Sexual Allegation
		DIRECTLY INVOLVED	NO	NO	-	NO
		DIRECTLY INVOLVED	NO	NO	-	NO

Date Reviewed by Warden:

WITNESS STATEMENT			
PLACE	DATE 11/4/2020	TIME	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME Conroy Christopher	EMPLOYEE ID NUMBER	STATE ID NO. 1032863	
INSTITUTION OR ADDRESS			
SWORN STATEMENT			
I, <u>Christopher M. Conroy</u> , WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:			
<p><i>C C</i></p> <p><i>C.C.</i></p> <p><i>C.C.</i></p> <p><i>C.C.</i></p>			
EXHIBIT	INITIALS OF PERSON MAKING STATEMENT <i>CC</i>	PAGE 1 OF ___ PAGES	
<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.



STATEMENT (Continued) ON 10-30-20-20 I had a Talk with EARL he told me he had been going to diamond room showing him his make parts to other things I told him to stay away from diamond at he's room MR. Earl said diamond had his head messed up.

~~C.C. C.C. C.C.~~

AFFIDAVIT

I, Christopher M. Conley 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 \_\_\_\_\_

\_\_\_\_\_  
 (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)

INITIALS OF PERSON MAKING STATEMENT \_\_\_\_\_ PAGE \_\_\_\_ OF \_\_\_\_ PAGES

Retention Schedule: Upon completion, this form shall be maintained locally for three (3) years, with the Incident Report, and then destroyed.

WITNESS STATEMENT			
PLACE <i>Coastal State Prison</i>	DATE <i>10-30-2024</i>	TIME	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME <i>Diamond, Ashley</i>	EMPLOYEE ID NUMBER <i>10000290565</i>	STATE ID NO.	
INSTITUTION OR ADDRESS			
SWORN STATEMENT			
<p><i>Ashley Diamond</i> WANTS TO MAKE THE FOLLOWING STATEMENT UNDER OATH:</p> <p>In a dorm meeting <sup>on 10/30/2024</sup> with Big, Tom Tom, and Logan Earl Thigpen admitted to exposing himself, and inappropriate touching of me. end of statement</p>			
EXHIBIT	INITIALS OF PERSON MAKING STATEMENT <i>AD</i>	PAGE 1 OF <u>    </u> PAGES	
<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.

**PLAINTIFF'S  
EXHIBIT**

**92U**

STATEMENT (Continued)

AP AP AP AP

---

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.

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)

WITNESS \_\_\_\_\_

INSTITUTION OR ADDRESS \_\_\_\_\_

INSTITUTION OR ADDRESS \_\_\_\_\_

INITIALS OF PERSON MAKING STATEMENT \_\_\_\_\_ PAGE \_\_\_\_\_ OF \_\_\_\_\_ PAGES

Retention Schedule: Upon completion, this form shall be maintained locally for three (3) years, with the Incident Report, and then destroyed.

**Johnson, Ashley**

---

**From:** Jordan, Tomekia  
**Sent:** Thursday, May 28, 2020 11:48 AM  
**To:** Johnson, Ashley  
**Cc:** Riley, Mike  
**Subject:** Fw: Request Investigation  
**Attachments:** Officer Smith.pdf

II-2020-1674

*Tomekia T. Jordan  
Special Agent in Charge-Northern Region  
Criminal Investigations Division  
Georgia Department of Corrections  
(O/F) 478-445-1163  
(C) 706-819-3854*

*Building PRIDE in ourselves and our Agency.*

*The Georgia Department of Corrections protects the public by operating safe and secure facilities through the development of professional staff and effective offender management.*

**Pursuant to O.C.G.A. 42-5-36(b) Investigation reports and intelligence data prepared by the Internal Investigations Unit of the department shall be classified as confidential state secrets and privileged under law, unless declassified in writing by the commissioner.**

---

**From:** Taylor, Cedric <Cedric.Taylor@gdc.ga.gov>  
**Sent:** Thursday, May 28, 2020 11:29 AM  
**To:** Jordan, Tomekia <Tomekia.Jordan@gdc.ga.gov>  
**Subject:** FW: Request Investigation

Good Morning,

Please see the email below regarding an investigation request from GDCP. Please be advise a second email will follow containing the PREA Allegation from the involved offender. Please let me know if I can be of any further assistance regarding this matter.

Best Regards,

*Cedric B. Taylor*





**Regional Director, North Area**  
1301 Constitution Road SE  
Atlanta, GA 30316  
**Office:404-624-2307**  
**Fax: 404-622-5462**  
**Email:Cedric.Taylor@gdc.ga.gov**

*"The Georgia Department of Corrections protects the public by operating safe and secure facilities through the development of professional staff and effective offender management."*

---

**From:** [Ford, Benjamin](#)  
**Sent:** Wednesday, May 27, 2020 12:34 PM  
**To:** [Taylor, Cedric](#)  
**Subject:** Request Investigation

On May 26, 2020 Officer Smith, Arneika B/F DOB [REDACTED] ID [REDACTED] called my office and requested that I meet with her because she was advised to turn her badge in by LT McCall on the last day she was at the facility on May 24, 2020. She stated that Lt. McCall, Shanita the first shift OIC wrote a letter of concern for failing to conduct a proper post turn-over. She was advised to turn in her badge during a meeting with LT. McCall in the OIC office. Officer Smith was told to report to my office on May 27, 2020. The officer was asked to write a statement related to the event related to the badge incident. The officer provide an unsigned letter of concern and stated the sign copy was at home. She provided a statement dated 5-14-2020 related to leaving her jacket in the C house closet. She advised that staff reported that she was seen in the closet by a correctional officer with inmate Ashley, Diamond GDC # 1000290565 earlier this month. She stated that staff continues to harass her about interactions with inmate Diamond. She stated that some managers at GDCP will not talk to her and she feels like she is being harassed because she was written up for almost everything she does. She also stated that she was sent pictures of a penis from an unknown phone number to her personal phone. She stated that she advised the second shift OIC CPT Stephen Kelley about the number she received on her phone. She stated CPT Kelley advised that phone number was LT. McCall's phone number. Officer Smith stated that she no longer wants to work on Lt. McCall's shift because she feels she will be related against. She requested to file a grievance for hostile working environment. She was advised to report to Human Recourses to retrieve the document and provide me with a contact number and I would give her call on duty assignment later today. At 1200 hours I received an email from the facility PREA Coordinator that inmate Diamond has files a PREA allegations claiming sexual abuse by Officer Smith. I recommend that OPS review that attached statements and investigation the allegations made by officer Smith.

Benjamin B. Ford  
Warden  
Georgia Diagnostic & Classification Prison  
P. O. Box 3877  
2978 Hwy 36 West  
Jackson, Ga. 30233  
770-504-2011 (Direct Line)  
478-951-7536 (Cell)  
770-504-2280 (Fax)

"The Georgia Department of Corrections protects the public by operating secure and safe facilities through the development of professional staff and effective offender management"

**Johnson, Ashley**

---

**From:** Jordan, Tomekia  
**Sent:** Thursday, May 28, 2020 11:49 AM  
**To:** Johnson, Ashley  
**Cc:** Riley, Mike  
**Subject:** Fw: Diamond, Ashley - PREA Allegations

*Tomekia T. Jordan  
Special Agent in Charge-Northern Region  
Criminal Investigations Division  
Georgia Department of Corrections  
(O/F) 478-445-1163  
(C) 706-819-3854*

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**Pursuant to O.C.G.A. 42-5-36(b) Investigation reports and intelligence data prepared by the Internal Investigations Unit of the department shall be classified as confidential state secrets and privileged under law, unless declassified in writing by the commissioner.**

---

**From:** Taylor, Cedric <Cedric.Taylor@gdc.ga.gov>  
**Sent:** Thursday, May 28, 2020 11:31 AM  
**To:** Jordan, Tomekia <Tomekia.Jordan@gdc.ga.gov>  
**Subject:** FW: Diamond, Ashley - PREA Allegations

Good Morning,

Please see the below emails containing the PREA Allegation from Offender Diamond, Ashley.

Best Regards,

**Cedric B. Taylor**  
**Regional Director, North Area**  
1301 Constitution Road SE  
Atlanta, GA 30316  
**Office:404-624-2307**  
**Fax: 404-622-5462**

Email: Cedric.Taylor@gdc.ga.gov

*"The Georgia Department of Corrections protects the public by operating safe and secure facilities through the development of professional staff and effective offender management."*

---

**From:** [Ford, Benjamin](#)  
**Sent:** Wednesday, May 27, 2020 12:36 PM  
**To:** [Taylor, Cedric](#)  
**Subject:** Fw: Diamond, Ashley - PREA Allegations

Sir, Attached are the allegations from PREA Coordinator Smith.

Benjamin B. Ford  
Warden  
Georgia Diagnostic & Classification Prison  
P. O. Box 3877  
2978 Hwy 36 West  
Jackson, Ga. 30233  
770-504-2011 (Direct Line)  
478-951-7536 (Cell)  
770-504-2280 (Fax)

"The Georgia Department of Corrections protects the public by operating secure and safe facilities through the development of professional staff and effective offender management"

---

**From:** Smith, Lachesha <[Lachesha.Smith@gdc.ga.gov](mailto:Lachesha.Smith@gdc.ga.gov)>  
**Sent:** Wednesday, May 27, 2020 11:44 AM  
**To:** Atchison, Grace <[Grace.Atchison@gdc.ga.gov](mailto:Grace.Atchison@gdc.ga.gov)>  
**Cc:** Ford, Benjamin <[Benjamin.Ford@gdc.ga.gov](mailto:Benjamin.Ford@gdc.ga.gov)>; Kight, Bennett <[bennett.kight@gdc.ga.gov](mailto:bennett.kight@gdc.ga.gov)>; Hofer, Chester <[Chester.Hofer@gdc.ga.gov](mailto:Chester.Hofer@gdc.ga.gov)>  
**Subject:** Re: Diamond, Ashley - PREA Allegations

All, an investigation will be conducted into this new allegation. As for the previous allegation, it will be reviewed and corrected.

LaChesha Smith  
Unit Manager/PREA Compliance Manager  
Georgia Diagnostic and Classification Prison  
770-504-2034  
[LaChesha.Smith@gdc.ga.gov](mailto:LaChesha.Smith@gdc.ga.gov)

The Georgia Department of Corrections protects the public by operating safe and secure facilities through the development of professional staff and effective offender management.

---

**From:** Atchison, Grace <[Grace.Atchison@gdc.ga.gov](mailto:Grace.Atchison@gdc.ga.gov)>  
**Sent:** Wednesday, May 27, 2020 10:17 AM  
**To:** Smith, Lachesha <[Lachesha.Smith@gdc.ga.gov](mailto:Lachesha.Smith@gdc.ga.gov)>  
**Cc:** Ford, Benjamin <[Benjamin.Ford@gdc.ga.gov](mailto:Benjamin.Ford@gdc.ga.gov)>; Kight, Bennett <[bennett.kight@gdc.ga.gov](mailto:bennett.kight@gdc.ga.gov)>; Hofer, Chester

<Chester.Hofer@gdc.ga.gov>

Subject: Diamond, Ashley - PREA Allegations

We have received legal correspondence regarding allegations made by offender Ashley Diamond. The correspondence lists several allegations, but our records indicate only one was received by the PREA unit.

**Allegation 1 (Received by PREA Unit): Staff to Inmate Abuse by Nurse Lucas.** The PREA Unit has concerns regarding your disposition of this case. The allegation itself meets the criteria for a PREA allegation. Therefore, the disposition cannot be deemed "not PREA." If your investigation determined that a sexual abuse incident did not occur, then the disposition should be deemed unfounded.

**Allegation 2 & 3: Diamond has made two separate allegations against Officer Arethiea Smith, claiming sexual abuse.** I have forwarded these allegations to OPS for criminal investigation. However, a SART investigation also needs to be conducted, pending instructions from the OPS investigator.

Grace Atchison

Statewide PREA Coordinator

(678) 332-6066

The Georgia Department of Corrections protects the public by operating safe and secure facilities through the development of professional staff and effective offender management.

**Johnson, Ashley**

---

**From:** Jordan, Tomekia  
**Sent:** Thursday, May 28, 2020 12:11 PM  
**To:** Johnson, Ashley  
**Cc:** Riley, Mike  
**Subject:** Fw: Letter received in Ombudsman Unit  
**Attachments:** diamond52720.pdf; ATT00001.htm

*Tomekia T. Jordan  
Special Agent in Charge-Northern Region  
Criminal Investigations Division  
Georgia Department of Corrections  
(O/F) 478-445-1163  
(C) 706-819-3854*

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**Pursuant to O.C.G.A. 42-5-36(b) Investigation reports and intelligence data prepared by the Internal Investigations Unit of the department shall be classified as confidential state secrets and privileged under law, unless declassified in writing by the commissioner.**

---

**From:** Richey, John <john.richey@gdc.ga.gov>  
**Sent:** Wednesday, May 27, 2020 10:06 AM  
**To:** Jordan, Tomekia <Tomekia.Jordan@gdc.ga.gov>  
**Subject:** FW: Letter received in Ombudsman Unit

See attachment. We need to open a criminal case file on this.

---

**From:** Atchison, Grace <Grace.Atchison@gdc.ga.gov>  
**Sent:** Wednesday, May 27, 2020 8:49 AM  
**To:** Nix, Clay <Clay.Nix@gdc.ga.gov>; Richey, John <john.richey@gdc.ga.gov>; Shaver, Sharon <Sharon.Shaver@gdc.ga.gov>  
**Subject:** Fwd: Letter received in Ombudsman Unit

Good morning Mr. Nix and Mr. Richey,  
I sent this to Jennifer just a few minutes ago for review. We will be looking at her allegations today, but wanted to put it on your radar, since she's claiming sexual harassment and abuse from staff members.

I will keep you updated.  
Sent from my iPhone

Begin forwarded message:

**From:** "Atchison, Grace" <[Grace.Atchison@gdc.ga.gov](mailto:Grace.Atchison@gdc.ga.gov)>  
**Date:** May 27, 2020 at 8:40:16 AM EDT  
**To:** "Ammons, Jennifer" <[jennifer.ammons@gdc.ga.gov](mailto:jennifer.ammons@gdc.ga.gov)>  
**Cc:** "Shaver, Sharon" <[Sharon.Shaver@gdc.ga.gov](mailto:Sharon.Shaver@gdc.ga.gov)>, "Toole, Robert" <[Robert.Toole@gdc.ga.gov](mailto:Robert.Toole@gdc.ga.gov)>, "Williams, Angela" <[Angela.Williams2@gdc.ga.gov](mailto:Angela.Williams2@gdc.ga.gov)>  
**Subject:** Fwd: Letter received in Ombudsman Unit

Hi Jennifer,  
I see you cc'd on the original letter but wasn't sure you received it yet.

I'm will review her allegations today and will provide feedback.

Thanks!

Sent from my iPhone

Begin forwarded message:

**From:** "Hofer, Chester" <[Chester.Hofer@gdc.ga.gov](mailto:Chester.Hofer@gdc.ga.gov)>  
**Date:** May 27, 2020 at 8:32:37 AM EDT  
**To:** "Atchison, Grace" <[Grace.Atchison@gdc.ga.gov](mailto:Grace.Atchison@gdc.ga.gov)>, "Kight, Bennett" <[bennett.kight@gdc.ga.gov](mailto:bennett.kight@gdc.ga.gov)>  
**Subject:** FW: Letter received in Ombudsman Unit

I just got this...

Chester Hofer  
PREA Analyst  
(478)960-2756

The Georgia Department of Corrections protects the public by operating safe and secure facilities through the development of professional staff and effective offender management.

---

**From:** Player, Cathy <[cathy.player@gdc.ga.gov](mailto:cathy.player@gdc.ga.gov)>  
**Sent:** Wednesday, May 27, 2020 8:21 AM  
**To:** Hofer, Chester <[Chester.Hofer@gdc.ga.gov](mailto:Chester.Hofer@gdc.ga.gov)>  
**Subject:** Letter received in Ombudsman Unit

Good morning.  
The following attached letter has been received in the Ombudsman Unit.  
I forgot to date stamp it, Date Received 5/27/2020.

Have a nice day

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Fighting Hate  
Teaching Tolerance  
Seeking Justice

Southern Poverty Law Center  
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www.splcenter.org

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.<sup>1</sup> 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.

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<sup>1</sup> 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,<sup>2</sup> 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.<sup>3</sup> 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,”<sup>4</sup> 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

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<sup>2</sup> 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).

<sup>3</sup> *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>.

<sup>4</sup> *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 dysphoria<sup>5</sup> 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.

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<sup>5</sup> 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.”<sup>6</sup> The attorney-client privilege is the “oldest of the privileges for confidential communications” and is critical to the effective assistance of counsel. *Genmusa 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.<sup>7</sup> 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

<sup>6</sup> 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).

<sup>7</sup> *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.<sup>8</sup>

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.<sup>9</sup> As set out above, multiple alternative

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<sup>8</sup> 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”).

<sup>9</sup> 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.

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<https://apha.org/policies-and-advocacy/public-health-policy-statements/policy-database/2014/07/14/13/30/solitary-confinement-as-a-public-health-issue>.

Respectfully,  
/s/ Beth Littrell

Senior Supervising Attorney  
Southern Poverty Law Center  
beth.littrell@spicenter.org  
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





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**InspireRecovery.com**  
**P: 561-899-6088 F: 561-671-7521**  
**P.zilber@inspirerecovery.com**  
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](mailto:p.zilber@inspirerecovery.com).

Thank You,  
Paul Zilber  
Clinical Coordinator



**SPLC**  
**Southern Poverty**  
**Law Center**



May 20, 2020

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

PREA Coordinator  
The Ombudsman's Office  
P.O. Box 1329  
Forsyth, GA 21029  
[PREA.report@gdc.ga.gov](mailto: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 9<sup>th</sup> 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 10<sup>th</sup> 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.

After approximately two hours, another GDC officer, Scott Ridley, approached the locked gate and knocked to be let into the room. Smith answered only after the Ridley knocked several times and insisted that Smith open the door to the office. When Smith opened the door, Ridley saw Ms. Diamond locked in the office with the makeshift bed. Ridley departed and Smith kept Ms. Diamond locked in the office with her for another two hours and continued engaging in sexually inappropriate questions and touching.

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.<sup>1</sup> 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.

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<sup>1</sup> *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).

3d at 1356. It is also well-documented that Ms. Diamond has been repeatedly sexually harassed, abused, assaulted, and victimized in GDC custody.<sup>2</sup>

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,<sup>3</sup> 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

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<sup>2</sup> 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 1355–56; Enclosed Letter from SPLC to GDC dated May 1, 2020, at p. 3.

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

provide housing as well as "Partial Hospitalization, Intensive Outpatient Treatment, and Outpatient Treatment" for Ms. Diamond as needed. Safe housing and adequate treatment are 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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Beth Littrell  
Senior Supervising Attorney  
Southern Poverty Law Center  
P.O. Box 1287  
Decatur, GA 30031-1287  
beth.littrell@splcenter.org  
404-221-5876



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

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)

## Johnson, Ashley

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**From:** Jordan, Tomekia  
**Sent:** Thursday, May 28, 2020 12:11 PM  
**To:** Johnson, Ashley  
**Cc:** Riley, Mike  
**Subject:** Fw: Diamond, Ashley

*Tomekia T. Jordan  
Special Agent in Charge-Northern Region  
Criminal Investigations Division  
Georgia Department of Corrections  
(O/F) 478-445-1163  
(C) 706-819-3854*

*Building PRIDE in ourselves and our Agency.*

*The Georgia Department of Corrections protects the public by operating safe and secure facilities through the development of professional staff and effective offender management.*

**Pursuant to O.C.G.A. 42-5-36(b) Investigation reports and intelligence data prepared by the Internal Investigations Unit of the department shall be classified as confidential state secrets and privileged under law, unless declassified in writing by the commissioner.**

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**From:** Richey, John <john.richey@gdc.ga.gov>  
**Sent:** Wednesday, May 27, 2020 11:02 AM  
**To:** Jordan, Tomekia <Tomekia.Jordan@gdc.ga.gov>  
**Subject:** FW: Diamond, Ashley

See below

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**From:** Atchison, Grace <Grace.Atchison@gdc.ga.gov>  
**Sent:** Wednesday, May 27, 2020 10:59 AM  
**To:** Richey, John <john.richey@gdc.ga.gov>  
**Cc:** Nix, Clay <Clay.Nix@gdc.ga.gov>; Shaver, Sharon <Sharon.Shaver@gdc.ga.gov>  
**Subject:** Diamond, Ashley

Mr. Richey,

The PREA Unit has only been notified about the allegation involving Nurse Lucas, which is listed in section "I" of the SPLC's correspondence. The allegation was made on 3/12/20 and forwarded to OPS. The investigation was assigned to Ashley Johnson and she has conducted an interview with offender Diamond.



The facility deemed the allegation "not PREA," but stated that it was staff misconduct and Nurse Lucas was reassigned to another unit and the allegation was forwarded for disciplinary review. Nurse Lucas denies groping the offender, but did state she touched offender Diamond on the shoulder and stated that she "didn't know she was back."

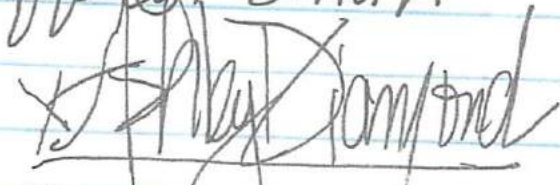
The PREA Unit does not agree with the disposition, as the allegation itself is a sexual abuse allegation. If, during the investigation, it was determined to not have occurred, we would then list the disposition as unfounded. We will get with the facility today to get clarification on why they deemed the allegation "not PREA".

As for the other allegations listed in the May 20<sup>th</sup>, 2020 letter (received by PREA Unit on 5/27/20), we have not received any previous correspondence related to those allegations. Therefore, we will contact the facility SART team to initiate an administrative investigation, but will advise them to take instructions from the OPS investigator that you assign to the case.

Grace Atchison  
Statewide PREA Coordinator  
(678) 332-6066

The Georgia Department of Corrections protects the public by operating safe and secure facilities through the development of professional staff and effective offender management.

I Ashley Diamond never told <sup>5/24/20</sup>  
any staff or inmates at GDCP  
that Mrs. Smith touched my  
privates. I have never been  
formally told about any  
allegations relating hereto,  
I didn't touch officer Smith,  
as well.

  
# 1000290565

PLAINTIFF'S  
EXHIBIT

96

DEF\_576



GEORGIA DEPARTMENT OF CORRECTIONS

COASTAL STATE PRISON  
PO BOX 7150  
GARDEN CITY, GEORGIA 31418-7150  
PHONE 912-965-6330  
FAX 912-966-6799



Brian P. Kemp  
Governor

Timothy C. Ward  
Commissioner

**TO:** Brooks L. Benton – Warden

**FROM:** Carl Betterson – Deputy Warden of Care and Treatment

**DATE:** 9.30.2020

**RE:** Prison Rape Elimination Act – (Diamond, Ashley – 1000290565)

On 9.30.2020 at 1408 Coastal State Prison received notification that offender Ashley Diamond was involved in three separate PREA incidents that occurred on September 18<sup>th</sup>, 19<sup>th</sup>, and 20<sup>th</sup>. Offender Diamond stated that the incident occurred with an offender and not a GDC staff member. When asked to provide more information surrounding the incident offender Diamond stated that he did not want to talk about the incident.

Based on the information provided it was unclear what time the incident took place where the incident took place or who was involved in the incident.

After meeting with the SART team it is unclear if the alleged incident meets the threshold for PREA. The offender will be referred to mental health and medical for further evaluation. At this time the offenders claim of PREA is unfounded.

**SEE, BELIEVE, LEAD**

# 311602



PLAINTIFF'S  
EXHIBIT  
**107E**



**GEORGIA DEPARTMENT OF CORRECTIONS**

COASTAL STATE PRISON  
PO BOX 7150  
GARDEN CITY, GEORGIA 31418-7150  
PHONE 912-965-6330  
FAX 912-966-6799



**Brian P. Kemp**  
Governor

**Timothy C. Ward**  
Commissioner

---

**TO:** Brooks L. Benton – Warden

**FROM:** Carl Betterson – Deputy Warden of Care and Treatment

**DATE:** 9.30.2020

**RE:** Prison Rape Elimination Act – DIAMOND, ASHLEY ALTON – GDC#1000290565  
**Aggressor – Unknown**

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On 9.30.2020 at 1408 Coastal State Prison received notification that offender Ashley Diamond was involved in three separate PREA incidents that occurred on September 18th, 19th, and 20th. Offender Diamond stated that the incident occurred with an offender and not a GDC staff member. When asked to provide more information surrounding the incident offender Diamond stated that he did not want to talk about the incident.

On 9.30.2020 an attempt was made to interview offender Ashley Diamond, offender Diamond refused to participate in the interview.

On 9.30.2020 SART met and determined that due to the lack of participation by offender Diamond the alleged incident is unfounded.

**SEE, BELIEVE, LEAD**

# PREA Initial Notification

Facility: Coastal State Prison Date of incident: 10/10/2020  
 Location: N-Building Time of incident: 0200 hrs  
 Incident Report #: \_\_\_\_\_

Type of Allegation (Select one):	Offender Diamond(s)		Alleged Aggressor(s)	
	Name	ID#	Name	ID#
<input type="checkbox"/> S/I Abuse	Diamond, Ashley	1000290565	Unknown	unknown
<input type="checkbox"/> S/I Harassment				
<input checked="" type="checkbox"/> I/I Abuse				
<input type="checkbox"/> I/I Harassment				

**Summary of Incident:**

MHC and SART member Tamara Cantera LAPC, NCC met with Offender Diamond, Ashley #1000290565 on 10/14/2020 following the report of a PREA incident. Offender Diamond had initially reported the incident to her MHC Ms. Pepin but had declined to discuss it at that time. Offender Diamond reported that on the morning of 10/11/2020 she was informed by another Offender (Thigpen, Earl #560373) that on the night of 10/10/2020 an unnamed aggressor was observed by Offender Thigpen inside of Offender Diamonds room while she was sleeping on her stomach. While in the Offender Diamond's room, the alleged aggressor was seen touching the buttocks of Offender Diamond. Offender Thigpen then verbally chastised the alleged aggressor causing the alleged aggressor to leave the Offender Diamond's room. Offender Diamond stated that she did not wake due to mental health medication.

How were you notified of this incident? (Grievance, Hotline, Staff, Ombudsman, 3<sup>rd</sup> party, etc.) Victim

Y/N

SART notified? Y  
 Name Tia Fletcher  
 MHUM  
 By whom victim  
 Y/N Date/Time 10/13/2020

SANE notified? N  
 1400hrs  
 If yes, name N/a  
 By whom \_\_\_\_\_  
 Y/N Date/Time n/a

Criminal investigations notified? N  
 If yes, name \_\_\_\_\_  
 By whom n/a  
 Date/Time \_\_\_\_\_

Internal Affairs notified? n  
 If yes, name \_\_\_\_\_  
 By whom n/a  
 Y/N Date/Time \_\_\_\_\_

PREA Coordinator notified? Y  
 If yes, name C. Hoffer



Upon completion this form is to be placed in the PREA case file as well as emailed to the PREA Unit.

**PLAINTIFF'S  
EXHIBIT**

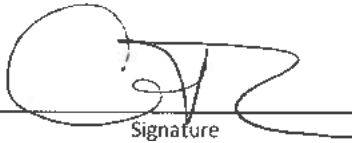
# 108E

# PREA Initial Notification

By whom Tamara  
Cantera  
LAPC, NCC  
Date/Time 10/15/20  
1050 hrs



Tamara S. Cantera LAPC, NCC  
Name/Title of person submitting report

  
Signature



Upon completion this form is to be placed in the PREA case file as well as emailed to the PREA Unit.

# PREA Initial Notification

Facility: Coastal State Prison Date of Incident: Sept. 18, 19, 20  
 Location: Unknown Time of Incident: Unknown  
 Incident Report #: 31 1506

Type of Allegation (Select one):	Alleged Victim(s)		Alleged Aggressor(s)	
	Name	ID#	Name	ID#
<input type="checkbox"/> S/I Abuse				
<input type="checkbox"/> S/I Harassment	Diamond, Ashely	1000290566	Unknown	Unknown
<input checked="" type="checkbox"/> I/I Abuse				
<input type="checkbox"/> I/I Harassment				

**Summary of Incident:**

On 9.30.2020 at 1408 Coastal State Prison received notification that offender Ashley Diamond was involved in three separate PREA incidents that occurred on September 18th, 19th, and 20th. Offender Diamond stated that the incident occurred with an offender and not a GDC staff member. When asked to provide more information surrounding the incident offender Diamond stated that he did not want to talk about the incident.

How were you notified of this incident? (Grievance, Hotline, Staff, Ombudsman, 3<sup>rd</sup> party, etc.) Email staff

SART notified?

Yes  
 Name \_\_\_\_\_  
 By whom \_\_\_\_\_  
 Y/N Date/Time \_\_\_\_\_

SANE notified?

No  
 If yes, name \_\_\_\_\_  
 By whom \_\_\_\_\_  
 Y/N Date/Time \_\_\_\_\_

Criminal Investigations notified?

No  
 If yes, name \_\_\_\_\_  
 By whom \_\_\_\_\_  
 Date/Time \_\_\_\_\_  
 Y/N \_\_\_\_\_

Internal Affairs notified?

No  
 If yes, name \_\_\_\_\_  
 By whom \_\_\_\_\_  
 Y/N Date/Time \_\_\_\_\_

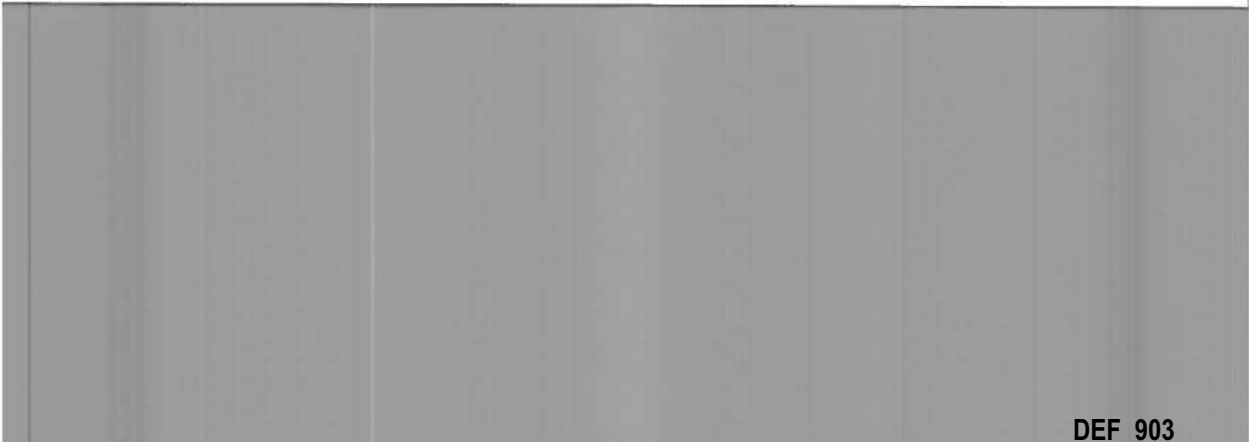
PREA Coordinator notified?

Yes  
 If yes, name Carl Betterson  
 By whom Brooks L Benton  
 Date/Time 9.30.2020 1406



Upon completion this form is to be placed in the PREA case file as well as emailed to the PREA Unit.

**PLAINTIFF'S  
EXHIBIT**  
**108F**





# PREA Initial Notification

Carl Betterson DWCT  9.30.2025  
Name/Title of person submitting report Signature



Upon completion this form is to be placed in the PREA case file as well as emailed to the PREA Unit.

## PREA Initial Notification

Facility: Coastal State Prison Date of Incident: 7/3/2020  
 Location: N-Bldg B- Dorm Time of Incident: 0756 hrs  
 Incident Report #: TBD

Type of Allegation (Select one):	Alleged Victim(s)		Alleged Aggressor(s)	
	Name	ID#	Name	ID#
<input type="checkbox"/> S/I Abuse	Ashely, Diamond	1000290565	Unknown	unknown
<input type="checkbox"/> S/I Harassment				
<input checked="" type="checkbox"/> I/I Abuse				
<input type="checkbox"/> I/I Harassment				

Facility:

**Summary of Incident:**

On 7/8/2020 at approximately 1400 hrs Offender Diamond, Ashely #1000290565 reported to mental health counselor Tamara Cantera LAPC, NCC that she had been "touched" by another Offender in the dorm. Mental health counselor Cantera attempted to complete a PREA mental health evaluation but Offender Diamond stated, "I'm too emotional to discuss this right now, ask me next week." On 7/9/2020 DWCT Betterson reported that per a letter from Offender Diamond's lawyers PREA was unable to be discussed without their presence. Mental health counselor Cantera again met with Offender Diamond on 7/17/2020 and 7/24/2020 and was told by the Offender that she did not want to discuss this allegation without her lawyer present. On 7/31/2020 at approximately 1156 hrs mental health counselor Cantera again attempted to complete the mental health PREA evaluation and Offender Diamond stated, "I'm sick of this going on, I just want to get it off of my chest. On or about July 3<sup>rd</sup> this guy who's name I don't want to say comes into the dorm. He went into my room and tried to pull down my pants and stick his penis inside of me. Thankfully, my friends in the dorm pulled him off of me and he left the building." When questioned regarding the identity of the alleged aggressor and "friends" Offender Diamond declined to identify the individuals stating, "I don't want to get my friends in trouble and they know who the aggressor is they moved him to H today." The rest of the SART team was then notified.

How were you notified of this incident? (Grievance, Hotline, Staff, Ombudsman, 3 <sup>rd</sup> party, etc.)	Victim
---	--------

SART notified? Y/N  
y  
 Name Tamara Cantera  
 By whom Victim  
 Y/N Date/Time 7/10/2020  
 SANE notified? n  
 Date/Time 1400  
 If yes, name n/a  
 By whom \_\_\_\_\_  
 Y/N Date/Time \_\_\_\_\_  
 Criminal Investigations notified? n  
 If yes, name n/a  
 By whom \_\_\_\_\_  
 Date/Time \_\_\_\_\_  
 Y/N \_\_\_\_\_  
 Internal Affairs notified? n



Upon completion this form is to be placed in the PREA case file as well as emailed to the PREA Ur

PLAINTIFF'S EXHIBIT

# 108H



# PREA Initial Notification

	_____	if yes, name	_____
		By whom	n/a
PREA Coordinator notified?	Y/N	Date/Time	_____
	n		
	_____	if yes, name	_____
		By whom	n/a
	<input type="checkbox"/>	Date/Time	_____

Tamara S. Cantera LAPC, NCC  
 Name/Title of person submitting report

*Tamara S. Cantera*  
 Signature



Upon completion this form is to be placed in the PREA case file as well as emailed to the PREA Un

# SART Investigation Checklist

Incident Date : 10/10/2020  
 Status: COMPLETE

Checklist Start Date : 10/15/2020  
 Status Date : 10/23/2020

Activity/Actions	Choice	Date	Time	Comment
Medical examination of the alleged victim conducted per SOP 507.04.91.	Yes	10/13/2020	14:00	
If within 72 hours, was SANE contacted? (or sent to hospital for forensic exam if SANE cannot arrive prior to 72 hour expiration.)	No			San was not notified
Move the alleged perpetrator into Administrative Segregation pending investigation if necessary to prevent contact with the alleged victim, in accordance with SOP 209.06.	No			The alleged aggressor was
When was the local Sexual Abuse Response Team (SART) notified?	Yes	10/15/2020		
Recover, download, and document any video monitoring recording. The disk will be identified and labeled using the corresponding incident report number, and stored securely.	No			No Video Evidence
Was Evidence collected that needed to be forwarded to OPS? (To whom in comment)	No			NA
Date Chain of Custody form started?				
Date Incident Demographic Information Form completed	Yes	10/23/2020		
Send PREA Initial Notification	Yes	10/13/2020		
Mental Health Evaluation of the alleged victim completed within 24 hours of receipt of the allegation in accordance with SOP 500.01	Yes			
Have all related documents been scanned and entered into SCRIBE	Yes			
Enter investigative summary with all necessary supporting documentation. (Enter date completed) *from notification to	Yes	10/16/2020		Based on the information p
Disciplinary Actions taken				
Case file reviewed by: PREA Compliance Manager	Yes	10/16/2020		After review of the allega:
Date Retaliation Monitor Notify	Yes	10/13/2020		

<https://scribe.dcor.state.ga.us:8888/prea/getSartInvestigationChecklist.html?appCode=PR...> 10/23/2020

PLAINTIFF'S  
 EXHIBIT  
**111**

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



<b>GEORGIA DEPARTMENT OF CORRECTIONS</b> <b>Standard Operating Procedures</b>		
<b>Policy Name:</b> Classification and Management of Transgender and Intersex Offenders		
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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

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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;



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- 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;

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- 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:

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- 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](mailto: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

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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;

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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](mailto: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.

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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;

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- 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;

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- 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



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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;

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- 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.

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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:

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- 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;

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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;

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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

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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;

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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;



<b>GEORGIA DEPARTMENT OF CORRECTIONS</b> <b>Standard Operating Procedures</b>		
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<b>Policy Number:</b> 220.09	<b>Effective Date:</b> 07/26/2019	<b>Page Number:</b> 20 of 20
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- 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.

### Statewide Classification Committee (SCC) Referral Form

**FACILITY CLASSIFICATION COMMITTEE:**

Offender Name: \_\_\_\_\_ GDC# \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Height \_\_\_\_\_ Weight: \_\_\_\_\_

Intersex:  Yes  No If, yes what gender does the offender identify as?  Male  Female

Gender:  Transgender Female: Biologically male; identifies as female  
 Transgender Male: Biologically female; identifies as male

What pronoun does the offender prefer to be called?  Female Pronouns  Male Pronouns

What facility-type does the offender prefer? (Explain)  Female Facility  Male Facility \_\_\_\_\_

\_\_\_\_\_

Medical Profiles: \_\_\_\_\_

\_\_\_\_\_

Does the offender receive hormone treatments?  Yes  No

PREA Risk Screening Result:  Victim  Aggressor  BOTH, Victim AND Aggressor

Has the offender ever been convicted of a sex offense?  Yes (explain)  No \_\_\_\_\_

\_\_\_\_\_

Does the offender have a disciplinary history of a sexual nature?  Yes (explain)  No \_\_\_\_\_

\_\_\_\_\_

Has the offender ever been convicted of a violent offense?  YES (explain)  No \_\_\_\_\_

\_\_\_\_\_

Does the offender have a disciplinary history of assaultive behavior?  Yes (explain)  No \_\_\_\_\_

\_\_\_\_\_

Would you recommend this offender to be placed/remain in the offender's preferred facility type? (Explain)  Yes  No

\_\_\_\_\_

\_\_\_\_\_

Classification Chairperson (Print Name)

Chairperson's Signature

Date

Warden's Recommendation/Comments: \_\_\_\_\_

\_\_\_\_\_

Warden's Signature

Date



**SCC HOUSING RECOMMENDATIONS:**

PREA Coordinator:  Remain in Current Facility Type  Transfer to facility based on gender identity

Justification: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PREA Designee Signature \_\_\_\_\_ Date \_\_\_\_\_

Medical Director:  Remain in Current Facility Type  Transfer to facility based on gender identity

Justification: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Medical Designee Signature \_\_\_\_\_ Date \_\_\_\_\_

Mental Health Director:  Remain in Current Facility Type  Transfer to facility based on gender identity

Justification: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Mental Health Designee Signature \_\_\_\_\_ Date \_\_\_\_\_

Facilities Director:  Remain in Current Facility Type  Transfer to facility based on gender identity

Justification: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Facilities Designee Signature \_\_\_\_\_ Date \_\_\_\_\_

Assistant Commissioner:  Remain in Current Facility Type  Transfer to facility based on gender identity

Justification: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Assistant Commissioner, Facilities Signature \_\_\_\_\_ Date \_\_\_\_\_

.....

**Things to Know About During Your Stay:**

- Placement and programming assignments for each transgender or intersex offender will be reassessed at least twice each year to review any threats to safety experienced by you. Around every six months, someone from the facility will meet with you to discuss any safety concerns prior to the facility completing a review of where you are housed and how you are programmed.
- A transgender or intersex offender's own views with respect to his or her own safety will be given serious consideration. This does not mean you will decide where you are housed, but it does mean we listen to you and what your concerns are and take them seriously.
- Transgender and intersex offenders will be given the opportunity to shower separately from other offenders. The PREA compliance manager at your facility will inform you how this process will work for you.
- Our staff are trained on how to conduct searches of transgender and intersex offenders in a professional and respectful manner. Like all offenders, you must cooperate with searches.
- A state-wide committee that includes staff from medical, mental health and security will meet and discuss your facility placement decision. Your opinion about your own safe placement will be considered. There are many factors that are considered when deciding where to house each offender.
- Your bed, unit, programming, education and detainee assignments will be reviewed at your facility by the classification committee. They are committed to your dignity and safety.
- You may request undergarments and hygiene items that are consistent with your gender identity. If approved, these will be issued to you after you arrive at your permanent facility.

**PREA STANDARDS and INFORMATION  
RELATED to  
TRANSGENDER/INTERSEX  
OFFENDERS**

**Policy and Safety:**

It is the policy of the GDC to provide safe, secure, and humane housing and treatment to all offenders, to include transgender and intersex offenders. During intake, all offenders are asked about LGBTI (Lesbian, Gay, Bi-Sexual, Transgender, Intersex) identity. Your gender and gender identity are important for us to know so we can best determine your housing and programming needs.

While you are incarcerated, no one has the right to pressure you to engage in sexual acts. Rape and sexual assault are violent and illegal acts. Regardless of your age, race, size, ethnicity, gender identity, or sexual orientation, you have the right and opportunity to serve your sentence with dignity. You do not have to tolerate sexual or physical pressure, harassment, manipulation, or assault and we do not tolerate it at the GDC.

Many of the GDC's policies on zero tolerance toward sexual abuse and sexual harassment come from the Prison Rape Elimination Act (PREA) of 2003, 28 C.F.R. Part 115. You can read more about PREA in the law library. The GDC follows the PREA standards.

**Definitions:**

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.

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.

- Never put your safety in the hands of another offender. If you believe you are in danger, contact security staff and/or the facility PREA compliance manager immediately.
- Do not accept gifts from others. Gifts and favors usually have strings attached;
- All GDC staff are mandatory reporters of sexual abuse and harassment as well as for any imminent danger of abuse. Tell a staff if you are fearful of abuse or are being abused or harassed so they can help you;
- Be selective in your choice of friends or associates;
- Do not gamble, seek or use contraband items, or engage in many prohibited activities;
- Communicate respectfully with all offenders and all staff; and
- If you are feeling depressed or feel as if you may harm yourself, tell any staff and seek help from mental health. Harming yourself will not solve your problems. We are all here to help you.

If you feel you cannot tell a staff member about sexual abuse or sexual harassment, you may write to the GDC statewide PREA coordinator. The PREA coordinator's address is:

**GDC PREA Coordinator  
300 Patrol Road  
Forsyth, GA 31029**

**Tips and Awareness:**

Be aware of your surroundings at all times.

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**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



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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

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- 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. SART members may be part of the SAIRT, however the SAIRT shall not be solely comprised of SART 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



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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

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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.

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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

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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

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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

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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.

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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.

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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.



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- 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

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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

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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

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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.

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- 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;

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- 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

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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;

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- 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



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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.

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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

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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.

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### 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](mailto: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](mailto:PREA.report@gdc.ga.gov), of all allegations via Attachment 10, PREA Initial Notification Form.
2. Reporting to Other Confinement Facilities:

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- 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**

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**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

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- 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

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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](mailto: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.



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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

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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.

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**Originating Division:**  
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- 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

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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

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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.

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Executive Division (Office of  
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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.

**GEORGIA DEPARTMENT OF CORRECTIONS**  
**SEXUAL ABUSE/SEXUAL HARASSMENT**  
**PRISON RAPE ELIMINATION ACT (PREA) EDUCATION**  
**ACKNOWLEDGEMENT STATEMENT**

**Employee Type (Check one):**

**Employee**

**Contractor/Volunteer**

I have received the appropriate training for my employee status in accordance with SOP 208.06, *Sexually Abusive Behavior Prevention and Intervention Program*. I understand the Department’s zero-tolerance for sexual abuse of offenders. I understand that I am not to engage in any behavior of a sexual nature with an offender and to report to a nearby supervisor if I witness such conduct or if someone reports such conduct to me. I further understand that my authorization to enter, visit, or work at a correctional institution where there are offenders is based on my agreement to comply with the Department’s policy on sexual abuse, and sexual harassment. I also understand that any violation of the policy will result in disciplinary action, including termination, or that I will be banned from entering any correctional institution. Finally, I understand that that engaging in sexual contact with an offender is a felony offense punishable by imprisonment of not less than one, nor more than 25 years, and a fine of \$100,000, or both (O.C.G.A. §16-6-5.1.) I further understand that under O.C.G.A. §16-6-5.1, an offender cannot consent to sexual activity with staff, contractors, or volunteers.

This is to acknowledge I understand the Department’s policy on Zero Tolerance of Sexual Abuse and Sexual Harassment of offenders. As a condition of employment I will abide by the terms and conditions of this policy.

\_\_\_\_\_  
Agency/ Company Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Typed or printed name

GEORGIA DEPARTMENT OF CORRECTIONS

**PREA SEXUAL VICTIM/SEXUAL AGGRESSOR CLASSIFICATION SCREENING INSTRUMENT**

\_\_\_\_\_  
Institution

\_\_\_\_\_  
Offender Name

\_\_\_\_\_  
GD

\_\_\_\_\_  
C #

**Sexual Victim Factors**

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

Total Number of Checks: Items 2 – 10 \_\_\_\_\_

**Sexual Aggressor Factors**

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

Total Number of Checks: Items 2-4 \_\_\_\_\_

Additional Comments/Observations:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Retention Schedule: This form shall be maintained for 10 years from the date of the initial report.



**Victim/Aggressor Classification Ratings**

**Sexual Victim Factor Rating:**

*Male Inmates:* If three (3) or more of questions # 2 – 10 are checked, the offender will be classified as a **POTENTIAL VICTIM**. This will generate the PREA POTENTIAL VICTIM icon on the SCRIBE Offender page.

*Female Inmates:* If five (5) or more of questions # 2 – 10 are checked, the offender will be classified as a **POTENTIAL VICTIM**. This will generate the PREA POTENTIAL VICTIM icon on the SCRIBE Offender page.

**Sexual Aggressor Factor Rating:**

If question # 1 is answered yes, the offender will be classified as a **KNOWN AGGRESSOR** regardless of the other questions. This will generate the PREA AGGRESSOR icon on the SCRIBE Offender page.

If two (2) or more of questions # 2 – 4 are checked, the offender will be classified as a **POTENTIAL AGGRESSOR**. This will generate the PREA POTENTIAL AGGRESSOR icon on the SCRIBE Offender page.

In situations where the instrument classifies the offender as **Victim and Aggressor**, you must thoroughly review the offender's history to determine which rating will drive the offender's housing, programming, etc. This must be documented in the offender SCRIBE case notes, with an alert note indicating which the controlling rating is.

Retention Schedule: This form shall be maintained for 10 years from the date of the initial report.

**GEORGIA DEPARTMENT OF CORRECTIONS**

**PREA Disposition Offender Notification Form**

Offender Name: \_\_\_\_\_ GDC #: \_\_\_\_\_ Allegation Date: \_\_\_\_\_

**Allegation Type:**

(Select only one) S/I Abuse   
 S/I Harassment   
 I/I Abuse   
 I/I Harassment

**Disposition:**

(Select all that apply) Your PREA allegation was investigated by the Sexual Assault Response Team (SART) and was determined to be:  
 Unfounded  If the disposition is determined to be both substantiated and Forwarded to OPS, check both boxes  
 Unsubstantiated   
 Referred to OPS  If the disposition is determined to be both unsubstantiated and Forwarded to OPS, check both boxes.  
 Substantiated\*

\*If Substantiated, see action taken section.

**Action Taken:**

(Select all that apply)  The staff member is no longer posted within the offender's unit.  
 The staff member is no longer employed at the facility.  
 The staff member has been indicted on a charge related to sexual abuse with the facility.  
 The staff member has been convicted on a charge related to sexual abuse within the facility.  
 The staff member has been convicted on a charge related to sexual abuse within the facility.  
 The alleged abuser (offender) has been indicted on a charge related to sexual abuse within the facility.  
 Other: (MUST INCLUDE EXPLANATION IF OTHER IS CHECKED)

**Definitions:**

Unfounded: Based on factual evidence SART proved the allegation did not occur.  
 Unsubstantiated: SART could neither prove nor disprove the allegation occurred.  
 Referred to OPS: SART determined additional review is warranted. Case forwarded to Internal Investigations.  
 Substantiated: SART determined that the allegation did occur.

\_\_\_\_\_  
Offender Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Date

\_\_\_\_\_  
SART Member/ Warden's Designee Signature

\_\_\_\_\_  
Date

Retention Schedule: Upon completion, this form shall be placed in the PREA investigative case file and maintained for the length of the offender's incarceration plus five (5) years, or 10 years from the initial report, whichever is greater.

**GEORGIA DEPARTMENT OF CORRECTIONS  
SEXUAL ALLEGATION RESPONSE CHECKLIST**

Incident Date \_\_\_\_\_ Incident Time \_\_\_\_\_ Incident Report # \_\_\_\_\_  
 Victim Name\* \_\_\_\_\_ GDC ID#\* \_\_\_\_\_  
 Location of Incident: \_\_\_\_\_ Date/Time Received: \_\_\_\_\_

\*If more than one victim, separate with a semi-colon

(Some actions may be performed out of sequence or simultaneously)

Activity/Actions	Yes	No	Date	Time	Comments
Medical examination of the alleged victim conducted per 208.06 Attachment 5?					
If within 72 Hrs. was SANE contacted? (Or sent to hospital for forensic exam if SANE cannot arrive prior to 72 Hr. expiration.)					
Separated alleged victim(s) from alleged aggressor(s) in accordance with SOP 208.06?					
When was the local Sexual Abuse Response Team (SART) notified?					
Recover, download, and document any video monitoring recording. The disk will be identified using the corresponding incident report number, and stored securely.					
Was evidence collected that needed to be forwarded to OPS? (To whom in comment)					
Date Chain of custody form started?					
Date incident demographic information form completed?					
Send PREA Initial notification					
Mental Health evaluation of the alleged victim completed within 24 Hrs. of receipt of the allegation in accordance with 508.22					
Have all related documents been scanned/entered into SCRIBE?					
Enter investigative summary with all necessary supporting documentation. (Enter date completed)					
Disciplinary actions taken					
Case file reviewed by PREA Compliance Manager					

\_\_\_\_\_  
SART Investigator Name      \_\_\_\_\_ Scribe ID      \_\_\_\_\_ PREA Compliance Manager Name      \_\_\_\_\_ SCRIBE ID

Allegation is: \_\_\_ Unfounded \_\_\_ Substantiated \_\_\_ Unsubstantiated \_\_\_ Forwarded to OPS \_\_\_ Not PREA

Retention Schedule: Upon completion, this form shall be maintained 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.

# Procedure for SANE Evaluation/Forensic Collection

- A. Initial Report of Sexual Abuse or Assault
- a. Initial notification or reporting of sexual abuse or assault will be handled in accordance with GDC SOPs 507.04.84, 208.06 and 508.22.
    - i. Medical staff shall conduct an initial assessment of the offender to determine if there is evidence of any physical trauma requiring immediate medical intervention in accordance with good clinical judgment.
    - ii. Medical staff shall immediately initiate all necessary urgent/emergent treatment for bleeding, wounds and other traumas.
  - b. Nursing staff shall complete the Nursing Protocol Assessment form for alleged Sexual Assault. This shall be filed in the nurse's notes section of the medical record.
  - c. Facility clinicians (MD/NP/PA) shall document the physical examination in the progress notes.
  - d. When medically indicated, medical staff shall initiate arrangements to transfer the offender accompanied by a qualified staff member to the designated emergency facility for continued treatment and collection of forensic evidence. The Urgent/Emergent and Medical PREA Log will be completed.
  - e. Upon return from hospital SOP 507.04.84 and 508.22 shall be followed.
- B. Collection of evidence by SANE Nurse on-site:
- a. The following facilities have SANE Nurses assigned:
    - i. Small facilities shall use their assigned medical catchment State Prison for SANE Nurse services.
  - b. Notification of SANE Nurse
    - i. Offenders must consent to a SANE examination, prior to contacting SANE (Attachment #10 Consent for Operation or Invasive Procedure).
    - ii. If the alleged assault occurred within 72 hours of the reported incident, and the offender does not require transport to the ER, the designated facility SANE Nurse shall be immediately notified and an appointment scheduled for the collection of forensic evidence. This will occur only if there has been penetration reported by the patient. For females and males this also includes oral penetration. Otherwise, no rape kit will be collected.

**NOTE: The 72 hours begins at the time the alleged assault occurred.**

- iii. If the sexual assault occurred more than 72 hours previously, the decision on whether the evaluation is done by a local hospital, by the SANE Nurse, or facility staff will be made on a case-by-case basis. The decision shall be made by the Health Authority in consultation with the Facility Investigator/in accordance with GDC PREA Policy.
  - iv. For sites without a designated or available SANE Nurse, a designated catchment facility, or the SANE is not available within a reasonable time frame, the Appointing Authority, in consultation with the Regional SAC, shall coordinate with the Office of Health Services (OHS) to arrange for the offender to be transported to a hospital for collection of the forensic evidence.
  - c. A list of the SANE Nurse call schedule shall be posted in the medical unit along with the physician on-call schedule and for sites without 24-hour nursing, designated security locations. The SANE Nurse Call Roster shall include the SANE Nurses approved to enter the facility.
  - d. Once the SANE Nurse is notified, the Warden or designee shall be notified of the date and time for the scheduled forensic assessment and collection. Date and time of SANE Nurse notification shall be placed on the log.
  - e. The offender will remain in a designated area until the forensic exam is completed. The Consent for Treatment Form will be completed consenting to the exam by the SANE Nurse prior to scheduling the visit. \*See Refusal of Treatment. During this time the process should be explained to the offender with confirmation they understand what to expect.
- C. SANE Assessment/Forensic Collection:
- a. Patient Preparation:
    - i. An exam room must be ready at the time the SANE exam is scheduled and the SANE Nurse arrives.
    - ii. The patient is allowed to eat and drink if no oral penetration has occurred.
    - iii. If oral penetration occurred, the patient should be nil per os NPO, if possible, until the exam is completed. If the exam does not occur within 8 hours, the patient can eat or drink as necessary. However, if the patient cannot tolerate the NPO status, limited food and drink can be consumed after 4 hours. This will not preclude the exam from being done. Patients with medical conditions will be assessed for nutritional and fluid needs on a case-by-case basis, i.e. diabetics.
    - iv. The patient should not change clothes, underwear and should not shower or brush teeth until the exam is done. The patient should be counseled as to the reason due to the importance of not destroying evidence.

- v. If at all possible clothes should not be removed until the SANE Nurse is present. If clothes are removed they should be removed with victim standing on exam paper and all clothes must be placed in **PAPER** bags. Each article of clothing must be placed in separate **PAPER** bags. The bags must be sealed. The bag must also be labeled with the inmate's name, date and time.
  - vi. If no signs or symptoms of bleeding or severe trauma are present or witnessed by medical staff, which would have required immediate first aid intervention, no medical exam should occur until the SANE Nurse completes the forensic exam.
  - vii. Medical staff should wear exam gloves at all times when interfacing/assisting/assessing the patient until the SANE exam has been completed.
- b. Equipment:
- i. The SANE Nurse shall arrive with an approved SANE Kit which will include the following:
    - a) Camera;
    - b) Forensic Ruler;
    - c) Toluidine Swabs;
    - d) 10% Acetic Acid or KY Jelly;
    - e) Red Top Tube (Lab);
    - f) Pipette;
    - g) Sterile Water Syringes (2);
    - h) SANE Forms; and
    - i) Goggles.

*NOTE: This is subject to change*
  - ii. The exam room must have the following available and ready at the scheduled time of the SANE exam:
    - a) All routine exam supplies, i.e. gloves, gauze pads, etc.;
    - b) Woods Lamp/Ultraviolet light;
    - c) Sterile Water;
    - d) Rape Kit (make sure it is not expired);
    - e) Index Cards;
    - f) Blood Tube, or similar product will be available and a rack to hold blood tubes and for drying the swabs After the evidence is collected;
    - g) Table Exam Paper;
    - h) Paper Bags (small and large [grocery size]); and
    - i) Supplies for collection of required labs.
- c. Procedures:
- i. Lab - The following labs will be drawn:

- a) Perpetrator:
  - i. Confirm HIV status
  - ii. Hepatitis profile
  - iii. Rapid Plasma Reagin (RPR)
- b) Victim:
  - i. HIV
  - ii. Hepatitis profile
  - iii. RPR

*NOTE: All changes in HIV status will be entered into SCRIBE.*

- ii. Treatment: When a SANE exam is completed on site, the facility provider or designee (i.e. On-Call provider) shall be responsible for ordering prophylactic treatment for STIs, as well as pregnancy prophylactics if applicable. This includes follow-up of all labs collected.
  - a) All necessary clinical treatment must be initiated by a clinical practitioner; Recommendations include:
    - i. Female Patients  
NOTE: Patients should have a pregnancy test with results before administering medication.
    - ii. Coverage for GC, BV, Chlamydia and Trichomonas  
*Recommended Regimens*  
Ceftriaxone 250 mg IM in a single dose  
PLUS  
Metronidazole 2 g orally in a single dose  
PLUS  
Azithromycin 1 g orally in a single dose  
OR  
Doxycycline 100 mg orally twice a day for 7 days
    - iii. Patients Penicillin Allergic  
Azithromycin 2 g PO  
PLUS  
Metronidazole 2 gms orally in a single dose
    - iv. MALE PATIENTS  
*Recommended Regimens*  
Ceftriaxone 250 mg IM in a single dose  
PLUS  
Metronidazole 2 g orally in a single dose  
PLUS  
Azithromycin 1 g orally in a single dose
  - iii. There shall be a follow-up visit by a clinician 3 working days following exam.

- d. Documentation Forms:

- i. SANE Nurses shall bring a copy of their assessment forms which they will complete on site.
  - ii. Once completed, the SANE Nurse shall leave a copy of their nurses notes which shall be filed in the medical record with the Nursing Protocol Form for Sexual Assault.
  - iii. The SANE Nurse shall also leave a copy of their Forensic Exam documentation which shall be filed in a designated locked filing cabinet in medical administration, along with copies of the complete GDC Facility Chain of Custody Form.
  - iv. These shall be retained in accordance with the medical retention schedule.
- e. Chain of Custody
- i. Once the rape kit is collected, required legal chain of custody shall be followed until it is sent to the GBI lab. Until it leaves the facility it must remain locked up.
  - ii. The Chain of Custody shall be from SANE Nurse to Security Shift Supervisor or at a level above.
  - iii. The Security individual collecting the kit shall sign the Medical PREA Log. All other Chain of Custody policies shall be followed including completion of the GDC Facility Chain of Custody form. A copy of this form shall be given to medical and attached to the completed SANE Exam documentation left by the SANE Nurse.
- f. Refusal of Treatment:
- i. Individuals refusing to be evaluated following a report of sexual abuse shall be counseled regarding the medical and legal implication of foregoing the evaluation. This shall be thoroughly documented in the medical record and on a refusal of treatment form.
- D. Referrals for MH Evaluation and Counseling:
- a. Referrals for MH evaluation and counseling will be done in accordance with SOP 507.04.84 and 508.22.
- E. Medical PREA Log and SANE Invoice:
- a. The reported incident shall be entered on the PREA Medical Log. The log shall be completed in its entirety to include the home of the victim for which forensic evidence is being collected.



- b. The Health Services Administrator (HSA) or Director of Nursing (DON) shall forward the log electronically in a confidential manner to the Administrative Assistant to the Director of Patient Care Services, by the 5<sup>th</sup> calendar day of the month for the previous month. The log shall be reviewed for completeness before sending.
- c. The HSA shall review all invoices for the forensic exam upon receipt. Once verified, invoices will be forwarded to Georgia Correctional HealthCare (GCHC) for processing in accordance with current budgetary practices.

# PREA Investigative Summary

Facility: \_\_\_\_\_ Date of Incident: \_\_\_\_\_  
 Location: \_\_\_\_\_ Time of Incident: \_\_\_\_\_  
 Incident Report #: \_\_\_\_\_

Type of Allegation (Select one): <input type="checkbox"/> S/I Abuse <input type="checkbox"/> S/I Harassment <input type="checkbox"/> I/I Abuse <input type="checkbox"/> I/I Harassment	Alleged Victim(s)	Alleged Aggressor(s)																				
	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%;">Name</th> <th style="width: 50%;">ID#</th> </tr> </thead> <tbody> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> </tbody> </table>	Name	ID#									<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%;">Name</th> <th style="width: 50%;">ID#</th> </tr> </thead> <tbody> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> </tbody> </table>	Name	ID#								
Name	ID#																					
Name	ID#																					

Summary of Investigation: \_\_\_\_\_ How did you arrive at your disposition? \_\_\_\_\_

Disposition (Select one): <input type="checkbox"/> Substantiated <input type="checkbox"/> Unsubstantiated <input type="checkbox"/> Unfounded <input type="checkbox"/> Not PREA	Evidence gathered:	Location:	Witnesses:																							
			<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%;">Name</th> <th style="width: 50%;">ID#</th> </tr> </thead> <tbody> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> </tbody> </table>	Name	ID#																					
Name	ID#																									
Outcome (select one) <input type="checkbox"/> Closed <input type="checkbox"/> Forwarded to <input type="checkbox"/> OPS																										

Actions taken:

Disciplinary action taken (toward staff or inmates): N/A

\_\_\_\_\_  
 Name/ Title of person submitting report \_\_\_\_\_  
 Signature/ Title

Retention Schedule: Upon completion, this form shall be maintained 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. This form shall be placed in the PREA case file as well as emailed to the PREA Unit.

## (Facility Name) PREA Local Procedure Directive and Coordinated Response Plan

The purpose of this directive is to provide 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.

### STAFF CONTACT INFORMATION

#### FACILITY NAME

Facility Name			
Position	Name	Phone Number	Email Address
Warden			
PREA Compliance Manager			
SART Retaliation Monitor			
PREA Compliance Manager			
SART Security			
SART Mental Health			
SART Medical			
Staff Training			
Inmate Education			

### REPORTING DUTIES

*Upon immediate notification of a sexual abuse, these actions should be taken in the order noted below.*

#### **FIRST STEPS**

- Notify your Shift OIC and ensure the victim is separated from the aggressor.
- Instruct the alleged victim to refrain from changing clothes, drinking, eating, brushing teeth, or any other activity that could destroy any physical evidence.
- If known, instruct the alleged perpetrator to refrain from changing clothes, drinking, eating, brushing teeth, or any other activity that could destroy any physical evidence.
- Secure the crime scene if applicable to restrict access to the area and to prevent handling of evidence until an internal investigator arrives.
- Ensure the victim receives immediate medical attention (in accordance with SOP 507.04.84, Medical Management of Suspected Sexual Abuse and SOP 507.04.91, Medical Management of Suspected Sexual Assault, Abuse or Harassment), followed by a mental health evaluation within 24 hours, (in accordance with SOP 508.22, Mental Health Management of Suspected Sexual Abuse, Contact or Harassment).
- If applicable, ensure SANE protocol is enacted in accordance with 208.06 Attachment 5 and the Department's PREA Coordinator is notified.
- Implement Local PREA Notification Procedures to ensure all required personnel are notified that an incident has occurred.
- Ensure the incident report and supporting documentation has been completed before leaving the institution for the day.
- Ensure the victim receives a SART evaluation promptly within 24 hours.
- Ensure the alleged victim is housed separately from the alleged perpetrator; inmate shall be placed in involuntary protective custody only after other alternatives have been exhausted to ensure the safety of the victim.
- If applicable, ensure the alleged perpetrator has been placed in administrative segregation.
- If the alleged perpetrator is a staff member, separate the staff member from the alleged victim pending further instructions from Warden/Superintendent.

Retention Schedule: This form shall be utilized as instructed within the SOP and retained until obsolete or revised.

- If applicable, consult with the SART the Regional Director, and SAC within 72 hours of the reported incident to determine how long the alleged victim or perpetrator should remain segregated from the general population, and document the final decision in the inmate's file with specific reasons for returning the offenders to the general population or keeping the offenders segregated.
- If the alleged victim is under the age of 18, the Regional Director in conjunction with the Director of Investigations, or designee, shall report the allegation to the Department of Family and Children Services, Child Protective Services Section, reference O.C.G.A §19-7-5.
- If the alleged victim is considered a vulnerable adult under O.C.G.A. §30-5-4, then the Director of Investigations, or designee, will make notification to the appropriate outside law enforcement agency.

#### Safe Housing

*Identify the location of this facility's safe dorm(s) and or safe beds in this section.*

#### Identifying "at risk" Inmates at this facility

*Describe the process in place at this facility to identify inmates that have a serious sexual predation history or who are "at risk" of engaging in sexually abusive behavior and or inmates who are "at risk" of sexual victimization while in GDC custody. Also explain the process used to identify these inmates to the appropriate staff. Keep it brief and to the point.*

*Upon immediate notification of a sexual harassment or report of retaliation these actions should be taken in the order noted below.*

- **Notify your immediate supervisor who should immediately and directly forward this information to: (insert the appropriate information for your facility: the SART Leader, Compliance Manager, Retaliation Monitor.**

**GEORGIA DEPARTMENT OF CORRECTIONS  
RETALIATION MONITORING CHECKLIST**

Select one: Employee  Offender  **Incident Report #:** \_\_\_\_\_

Name: \_\_\_\_\_ **GDC/EMP ID #:** \_\_\_\_\_

**Location of Incident:** \_\_\_\_\_ **Date of Incident:** \_\_\_\_\_

OFFENDER	30 Day	60 Day	90 Day
Offender Disciplinary Report (s) History Review			
Offender Housing Unit Placement Reviewed			
Offender Transfer (s) Placement Review			
Offender Program (s) History Review			
Offender Work Performance Review			
Offender Schedule History Review			
Offender Case Note(s) Review			
EMPLOYEE	30 Day	60 Day	90 Day
Review Employee Post Rotation (Security Only)			
Review of Employee Job Duties			
Review of Employee Work Schedule History			
Review of Employee Work Location			
Review of Employee Personnel File (letters of concern, reprimands, and/or adverse actions.)			
Review of Employee Performance Management Documents			

Check One: 90 Day Review Completed No Follow Up   
 90 Day Review Completed , extended 90 More Days

30 Day Review: _____ <p style="text-align: center;">Signature/Title</p> 60 Day Review: _____ <p style="text-align: center;">Signature/Title</p> 90 Day Review: _____ <p style="text-align: center;">Signature/Title</p> Random Review: _____ <p style="text-align: center;">Signature/Title</p>	<p style="text-align: center;">Findings (Required)</p> 30 Day Review: _____ 60 Day Review: _____ 90 Day Review: _____ Random Review: _____ _____ _____
---	---

\_\_\_\_\_  
 Warden/Superintendent Signature (Only after 90 day review) \_\_\_\_\_  
Date

Comments: \_\_\_\_\_  
 \_\_\_\_\_

Retention Schedule: Upon Completion, this form shall be maintained 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.

\*\* This form shall be scanned and emailed to the PREA Coordinator.

<p>Facility Name: _____</p> <p style="font-size: 1.2em; font-weight: bold;">Sexual Abuse Incident Review Checklist</p> <p>Incident Report #: _____</p>
--

**The facility shall conduct a sexual abuse incident review at the conclusion of every substantiated and unsubstantiated sexual abuse investigation. The review shall be conducted during the monthly designated PREA meeting but no more than within 30 days of the conclusion of the investigation.**

**I. Offender Name:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**II. Checklist:**

1. Was the incident report entered into SCRIBE in accordance with SOP 203.03 Incident Report? Yes \_\_\_ No \_\_\_
2. Did the allegation or investigation indicate a need to change policy or practice to prevent, detect, or respond to sexual abuse? Yes \_\_\_ No \_\_\_
3. Did the allegation or investigation indicate a motivation by race, ethnicity, gender identity, lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; or gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility? Yes \_\_\_ No \_\_\_
4. Was an examination of the area in the facility where the incident allegedly occurred conducted to determine whether physical barriers of the area may enable abuse?  
List findings (if any) Yes \_\_\_ No \_\_\_
5. In the area where the incident allegedly occurred were there adequate staffing levels in that area during different shifts? Yes \_\_\_ No \_\_\_
6. In the area where the incident allegedly occurred should monitoring technology be deployed or augmented to supplement supervision by staff? Yes \_\_\_ No \_\_\_

If yes is checked on any of the above, state the reason why: \_\_\_\_\_

Name and title of all staff involved in the review:

Name	Title	Name	Title

**III. Improvements:**

The facility shall implement recommendations for improvement, or shall document the reason for not doing so. Were recommendations put in place? Yes \_\_\_ No \_\_\_  
 If no, List why: \_\_\_\_\_

**IV. Warden/Superintendent review:**

1. Date Received: \_\_\_\_\_
2. Comments: \_\_\_\_\_
3. Signature of Warden/Superintendent or Designee: \_\_\_\_\_

**V. PREA Compliance Manager notification:**

Date sent to PREA Compliance Manager: \_\_\_\_\_

# PREA Initial Notification Form

Facility: \_\_\_\_\_ Date of Incident: \_\_\_\_\_  
 Location: \_\_\_\_\_ Time of Incident: \_\_\_\_\_  
 Incident Report #: \_\_\_\_\_

Type of Allegation (Select one):	Alleged Victim(s)		Alleged Aggressor(s)	
_____ S/I Abuse	Name	ID#	Name	ID#
_____ S/I Harassment				
_____ I/I Abuse				
_____ I/I Harassment				

**Summary of Incident:**

How were you notified of this incident? (Grievance, Hotline, Staff, Ombudsman, 3 <sup>rd</sup> party, etc.)	
---	--

	Y/ N	
SART notified?	Name	_____
	By whom	_____
	Date/Time	_____
	Y/ N	
SANE notified?	If yes, name	_____
	By whom	_____
	Date/Time	_____
	Y/ N	
Criminal Investigations notified?	If yes, name	_____
	By whom	_____
	Date/Time	_____
	Y/ N	
Internal Affairs notified?	If yes, name	_____
	By whom	_____
	Date/Time	_____
	Y/ N	
PREA Coordinator notified?	If yes, name	_____
	By whom	_____
	Date/Time	_____

Name/ Title of person submitting report	Signature/ Title
---	------------------

Retention Schedule: Upon completion, this form shall be placed in the PREA investigative case file and maintained for the length of the offender's incarceration plus five (5) years, or 10 years from the initial report, whichever is greater.

Retention Schedule: Upon completion, this form shall be placed in the PREA investigative case file and maintained for the length of the offender's incarceration plus five (5) years, or 10 years from the initial report, whichever is greater.

DEF\_1412





Brian P. Kemp  
Governor

**GEORGIA DEPARTMENT OF CORRECTIONS**  
**STATE OF GEORGIA**



Timothy C. Ward  
Commissioner

SECURITY THREAT GROUPS VALIDATION

11/04/2020

**SUSPECTED-REVIEWED-VALIDATED**

Offender Name:	<b>DIAMOND, ASHLEY ALTON</b>	Institution:	<b>COASTAL STATE PRISON</b>
GDC ID:	<b>1000290565</b>	STG Personnel:	<b>MITCHELL, MICHAEL BYRON</b>
Change Date:	<b>11/04/2020</b>		
Suspected Class-Nation:	<b>PRISON-HYBRID</b>	Suspected Group Affiliation:	<b>STI - SECURITY THREAT INDIVIDUAL</b>
Date of Affiliation:	<b>11/03/2020</b>	Place of Affiliation:	<b>GDC Institution</b>
Rank:	<b>Unknown</b>	Place Description:	

**When did you join this group/organization? How old were you when you joined this group?**

N/A

**How did you become involved?**

N/A

**Why did you become involved?**

N/A

**What did you expect to gain by joining?**

N/A

**Have you gained anything (money, drugs, sex, etc.) through membership?**

N/A

**What role/rank do you have in this group?**

N/A

**Who recruited or sponsored you into this group?**

N/A

**Have you recruited anyone to this group, and if so, who?**

N/A

**How do you prove your loyalty to be accepted into this group?**

N/A

**Have you ever been told by the group to assault or "hit" anyone, and if so, by whom and why?**

N/A

**How have you communicated with other members on your group's activities?**

N/A

**How do members of your group communicate with each other (codes, hand signs, signals, rules, etc.)?**

N/A

**Are any of your family members involved with this group or any other group/gang, and if so, who?**

N/A

**Other than assault, have you been ordered to do anything else illegal, and if so, what and by whom?**

N/A

**Are you in contact with any other group/gang members either in or out of prison, and if so, who?**

N/A

**How does this group/gang financially support itself?**

N/A

**How and by whom is the money kept and distributed?**

N/A

**Who is the person in charge of your group/gang in this facility/area?**

N/A

**How is the governing body of this group/gang set up (Steering committee, Military Style, hierarchy, etc.)?**

N/A

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PLAINTIFF'S  
EXHIBIT  
**133**



Brian P. Kemp  
Governor

**GEORGIA DEPARTMENT OF CORRECTIONS**  
**STATE OF GEORGIA**



Timothy C. Ward  
Commissioner

SECURITY THREAT GROUPS VALIDATION

**Who are the leaders of the governing body?**

N/A

**Does this group/gang hide its true intentions by claiming to be religious in nature, and if so, what religion or beliefs are claimed?**

N/A

**What type of illegal or other activities is this group involved in?**

N/A

**Once in the group, how do you get out?**

N/A

**What signals, colors, or tattoos are used to signify group members?**

N/A

**If inmate has tattoos, specify date and name of person who took the photos of the inmate's tattoos.**

STG Sgt. Mitchell took a picture of Offender Diamond, Ashley face on November 3, 2020.

**INSTRUCTIONS: Place a check mark in the box in front of each criteria item that applies to this inmate, or which causes you to suspect that he/she may be affiliated with a security threat group. 5-9 total points will place offender in Suspected status, 10 or more total points will generate a request for Central Office to review validation package and place offender in Validated status. DOCUMENTATION OR PHYSICAL EVIDENCE ITEM MUST SUPPORT EACH CRITERION.**

- Self Admission - Inmate verbally admits to gang membership. Score: 0
- Tattoos - Inmate has tattoos that are consistent with membership in a gang. Score: 0
- Use/Possession of gang symbols, logos, gang colors, drawings, hand signs, manner in which uniform is worn. (Example: pant leg rolled up on one side, etc.). Score: 0
- Possession of gang related documents, charters, by-laws, procedures, rosters, hit lists, etc. Score: 0
- Possession of gang publications. Score: 0
- Participation in gang publications-writing articles or placement of advertisements. Score: 0
- Court documents -Any documents received with commitment papers or otherwise obtained that indicate gang involvement. Score: 0
- Group Photo-Inmate appears in a photo with known gang members. Score: 0
- Observed association-Inmate observed routinely walking, eating, recreating or otherwise associating with known gang members (must be documented). Score: 0
- Contact with gang members - visiting, correspondence, financial transactions, phone calls with other known gang members (Must be documented). Score: 0
- Reliable informant information. Score: 0
- Membership documents - possession of membership cards, certificates of rank or title, letters of introduction etc. Score: 0
- Law Enforcement Intelligence (Note the source of information, contact numbers and copies of all documents). Score: 8
- Published/broadcast news accounts. Score: 0

**Involvement or attempted involvement in gang-like activities such as: (CHECK ALL THAT APPLY) (2 PTS total for this criterion). Score: 2**

- Assaultive towards other inmates. No
- Assaultive towards staff. No
- Compromise of staff. No
- Contraband Introduction - Alcohol (commercial) No
- Contraband Introduction - Alcohol (homemade)

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**GEORGIA DEPARTMENT OF CORRECTIONS**  
**STATE OF GEORGIA**

SECURITY THREAT GROUPS VALIDATION



Timothy C. Ward  
Commissioner

	No
Contraband Introduction -Crack/cocaine	No
Contraband Introduction - Marijuana	No
Contraband Introduction - Other drugs/narcotics	No
Contraband Introduction - Firearms/ammo/materials	No
Contraband Introduction - Other weapons/materials	No
Contraband Introduction - Other contraband	No
Criminal Enterprise - Robbery	No
Criminal Enterprise - Burglary	No
Criminal Enterprise - Larceny	No
Criminal Enterprise - Drug sales/trafficking	No
Criminal Enterprise - Prostitution	No
Criminal Enterprise - Fraud/Scams	No
Criminal Enterprise - Alcohol sale/trafficking	No
Criminal Enterprise - Protection/Extortion	No
Possession of Contraband - Alcohol (commercial)	No
Possession of Contraband - Alcohol (homemade)	No
Possession of Contraband - Crack/cocaine	No
Possession of Contraband - Marijuana	No
Possession of Contraband - Other drugs/narcotics	No
Possession of Contraband - Firearms/ammo/materials	No
Possession of Contraband - Other weapons/materials	No
Possession of Contraband - Other contraband	No
Escape/Escape plots	No
Coercion/extortion	No
Inciting/threatening behavior	No
Intimidation/threatening behavior - Other inmates	No
Intimidation/threatening behavior - Staff	No
Intimidation/threatening behavior - Witnesses	No
Intimidation/threatening behavior - Others	No
Other gang-like behavior	No
Preys upon other inmates	Yes
Scams/con games/gambling	No
Violence, promoting/participating	No
Weapons, possession/use/manufacture	No

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**GEORGIA DEPARTMENT OF CORRECTIONS**  
**STATE OF GEORGIA**

SECURITY THREAT GROUPS VALIDATION



Timothy C. Ward  
Commissioner

Organizing/promoting gang activity

No

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**TOTAL POINTS ACCURED 10**

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**Other/Comments:**

Offender Diamond, Ashely was served charges on November 01, 2020 at 0825 hours at Coastal State Prison for B-11 - HIGH -EXPOSURE/EXHIBITION, B-8 -HIGH -SEXUAL BEHAVIOR/ACTIVITY, B-10 -GREAT -SOLICIT SEXUAL ACTIVITY.

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**CENTRAL OFFICE ACTION**

Security Threat Group **STI - SECURITY THREAT INDIVIDUAL**

Status: **Validated**

Date: **11/04/2020**

Comments:

# 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](mailto:PREA.report@gdc.ga.gov)  
[Ombudsman@gdc.ga.gov](mailto: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](mailto: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.<sup>1</sup> 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

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<sup>1</sup> 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.<sup>2</sup> Coastal

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<sup>2</sup> 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.<sup>3</sup> 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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Beth Littrell  
Senior Supervising Attorney  
Southern Poverty Law Center  
P.O. Box 1287  
Decatur, GA 30031-1287  
beth.littrell@splcenter.org  
404-221-5876



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A. Chinyere Ezie  
Senior Staff Attorney  
Center for Constitutional Rights  
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New York, NY 10012  
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  
Elizabeth McCrary Crowder, Office of the Attorney General  
Brooks Benton, Warden of Coastal State Prison

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

<sup>3</sup> 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 12





***CONFIDENTIAL***

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](mailto:PREA.report@gdc.ga.gov)  
[Ombudsman@gdc.ga.gov](mailto: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](mailto: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



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

**CONFIDENTIAL**

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)



**DECLARATION OF BROOKS BENTON**

I, Brooks Benton, declare as follows:

1. My name is Brooks Benton and I am competent in all respects to testify to the matters set forth herein. I have personal knowledge of the facts stated herein and know them to be true, and I give this declaration freely and for use as evidence in the case styled *Ashley Diamond v. Timothy Ward*, Case No. 5:20-cv-453 in the U.S. District Court for the Middle District of Georgia.

2. I am employed by the Georgia Department of Corrections (GDC) as Warden at Coastal State Prison (CSP), a position that I have held since July 2019. I have been employed by the GDC since November 1993. Previously I served as Warden at Lee Arrendale State Prison, a women’s prison; as Warden at Whitworth Women’s Facility; as Deputy Warden of Security and Deputy Warden of Care and Treatment at Lee Arrendale State Prison; and in several other positions and roles going back to 1993.

3. Offender Ashley Diamond was moved to CSP in June 2020. I had no involvement in the decision to place Diamond at CSP. I receive a phone call from GDC’s Director of Facility Operations, Robert Toole, informing me that Diamond would be placed at CSP. In the phone call, Mr. Toole asked for my input on the best dormitory placement for offender Diamond. I told Mr. Toole that the N building was the best dormitory for the placement.

4. N building at CSP originally was a Faith and Character and Honor dorm. Offenders who are placed in such dormitories have proven themselves over time to be hard workers – both in classes and in work details – and to be focused on self-improvement and on their lives after incarceration. That type of offender is less likely to violate prison rules and less likely to engage in conduct that is harmful to other offenders.

5. Over time, N building has evolved from a Faith and Character and Honor dormitory to what is known as an Evidence Based Program dormitory. The idea behind the Evidence Based Program is



that learning opportunities work for offenders. Offenders in the Evidence Based Program participate in a number of classes, including: Graphic Arts and Design, Cultural Diversity, Creative Writing, Arts and Craft, Mental Health Awareness, Gang Renunciation, GED Educational Tutoring, Path Finders - Mentorship Program, Social Interviewing, Culinary Arts, and Wellness Wednesdays.

6. For entry into the Evidenced Based Program there is an application and interview process, and there is a waiting list. Like offenders in the Faith and Character dorms and Honor dorms, the offenders who enter the Evidenced Based Program are hard workers and are focused on self-improvement and on their lives after incarceration, and they are less likely to violate prison rules including by engaging in conduct that is harmful to other offenders.

7. At CSP Offender Diamond was placed and has been continually housed in N building because for the reasons stated above it is the best and safest building. Cameras were upgraded in the N building before Diamond was transferred to the facility.

8. On initial arrival, offender Diamond was placed in N building, A range in cell 126-B for quarantine, and also was moved to cell 106-B on that range. Ultimately Diamond was placed in N building, B range, in cell 136-B. All of these cells share the feature that they are close to the front of the building and therefore close to both the exterior exit and the control room where the dorm officers have the best visibility to what is happening at that cell.

9. Offender Diamond has been placed in a 2-man cell. However from Diamond's initial placement and continuing to this day I have instructed that the top bunk be turned off, meaning that no other offender will be assigned to the cell and Diamond will have the privacy of a single person cell in an otherwise open general population dormitory.

10. I am aware that there is an assertion in this case that offender Diamond has been subjected to retaliation at CSP. I am aware of no retaliation against offender Diamond. True and correct copies of

Diamond's movement history, disciplinary history and records, institutional file, PREA records, grievances, incident reports, and other materials have been collected and will be filed with the Court under restricted access for Diamond's privacy and so are not attached directly to this declaration. The disciplinary history, disciplinary records, and PREA records in particular show that CSP staff are working and processing reports or allegations of sexual assault when the reports and allegations are made, and not that they are retaliating against offender Diamond.

11. I review disciplinary reports at CSP and I am aware of no instances of retaliation in Diamond's incarceration here at CSP. Each DR that Diamond has received at CSP has been justified based on the evidence collected in the disciplinary process.

12. I am aware that there is also an assertion in this case that offender Diamond's cell door does not lock and that makes Diamond vulnerable to attack or assault by another offender. That assertion is not true. **Attachment 1** hereto are maintenance records pertaining to the cells that Diamond has been housed in at CSP. The records show that the door to cell 106 was not securing at a point in time before Diamond's arrival at the facility (June 3, 2020) and it was fixed at that time, and that the only other cell door locking issue was when a rag was placed in the door to cell 136. That issue was fixed by removal of the rag. Offender Diamond has compromised her own safety as the disciplinary records show by tampering with the cell door in this way.

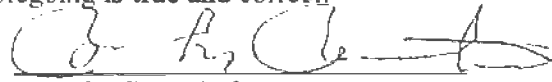
13. I am aware that there is also an assertion in this case that offender Diamond has been retaliated against and Diamond's release date has changed based on court filings, and further that I or others at CSP have improperly communicated with the Georgia Board of Pardons and Paroles to alter Diamond's release date. That assertion is not true. The Parole Board has access to SCRIBE and to disciplinary records in GDC's systems, and so it has access to offender Diamond's disciplinary record. Additionally, the Parole Board assigns hearing examiners who commonly contact prison officials,

including counselors and Wardens, for information related to an offender. The Parole Board, not GDC, makes all changes to release dates including changes to an offender's tentative parole month.

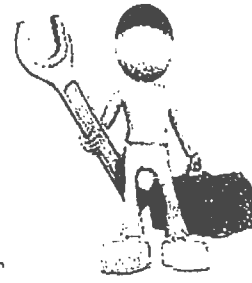
14. I was contacted by telephone either in December 2020 or early 2021 (January or February) with general questions about Diamond's behavior and disciplinary record. Such contacts are not uncommon. The phone call lasted a few minutes and generally on such calls I relay information that is contained in SCRIBE. To the best of my recollection, that is what occurred on this call. Crystal Moon of the Parole Board, who was at that time a hearing examiner, is the person who called me. I did not reach out to the Parole Board before this communication and I do not recall having other communications with the Parole Board concerning offender Diamond.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: 5/3/2021

  
BROOKS BENTON

**ATTACHMENT 1**



MAINTENANCE CALL BACK REPORT

FACILITY NAME: Coastal State Prison

MAINTENANCE EMPLOYEE NAME: Joseph R Linker

EMPLOYEE ID: 01060803

DATE	TIME CALLED	TIME ARRIVED	TIME DEPARTED
10-31-2020	10:15 AM	11:30 AM	1:30 PM

DESCRIPTION OF THE PROBLEM:

cell door not securing (136)

CORRECTING ACTION(S):

removed rag from door jam. Lubricated lock

CALL BACK REQUESTED BY: Joseph Linker

MAINTENANCE EMPLOYEE SIGNATURE: Joseph R Linker

MAINTENANCE SUPERVISOR SIGNATURE: [Signature]



**Maintenance Details**

**Requested By:** State Prison, Coastal on  
10/31/2020 10:15:00 AM  
**Completed:** 10/31/2020 10:15:00 AM  
**Status:** Closed

**Priority/Type:** Normal / Emergency  
**Shop:** COASP

Georgia Department of Corrections  
 Coastal State Prison  
 Housing N

**Description:** 136B Not Secure

**Labor**

Date	Labor	Craft	Rate	Reg Hrs	OT Hrs	Cost
10/31/2020	Rinker, Joseph	General Trades	\$0.00	1		\$0.00

**Labor Total:** 1 \$0.00

**Work Performance**

**Report:** Removed Rag from lock mechanism

**Total Billed:** \$0.00



**Maintenance Details**

**Requested By:** State Prison, Coastal on 6/3/2020 2:00:00 PM  
**Completed:** 6/3/2020 3:18:00 PM  
**Status:** Closed  
**Description:** Cell 106 not securing N-5

**Priority/Type:** Normal / Corrective  
**Shop:** COASP  
**Assigned To:** Smoaks, Randy

Georgia Department of Corrections  
 Coastal State Prison  
 Housing N

**Labor**

Date	Labor	Craft	Rate	Reg Hrs	OT Hrs	Cost
6/3/2020	Miller, Samuel	General Trades	\$0.00	1		\$0.00
<b>Labor Total:</b>				<u>1</u>		<u>\$0.00</u>

**Work Performance**

**Report:** Repaired Lock

**Total Billed:** \$0.00



WITNESS STATEMENT			
PLACE <i>Constable</i>	DATE	TIME	FILE NUMBER
LAST NAME, FIRST NAME/MIDDLE NAME <i>Diamond, Ashley A</i>	EMPLOYEE ID NUMBER <i>1000240565</i>		STATE ID NO.
INSTITUTION OR ADDRESS			
SWORN STATEMENT			
<p>1. <i>Ashley Diamond</i> WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:</p> <p><i>Prefer to due any and all proa interviews with attorney's present.</i></p>			
EXHIBIT	INITIALS OF PERSON MAKING STATEMENT <i>AD</i>		PAGE 1 OF 1 PAGES
<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>			

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Retention Schedule: Upon completion, this form shall be maintained locally for three (3) years, with the Incident Report, and then destroyed

**PLAINTIFF'S  
EXHIBIT**

**233H**

STATEMENT (Continued)

AD

AD

AD

AD

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AFFIDAVIT

I, Albert D. Jansel 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

Subscribed and sworn to before me, a person authorized by law to administer oaths, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_

(Signature of Person Making Statement)

\_\_\_\_\_

(Signature of Person Administering Oath)

\_\_\_\_\_

(Typed Name of Person Administering Oath)

\_\_\_\_\_

(Authority to Administer Oath)

PAGE \_\_\_\_\_ OF \_\_\_\_\_ PAGES

Retention Schedule: Upon completion, this form shall be maintained locally for three (3) years, with the Incident Report, and then destroyed.



SOP 209.04  
Attachment 5  
4/10/19

WITNESS STATEMENT			
PLACE <u>GDCP</u>	DATE <u>3/10/2020</u>	TIME <u>11:53 AM</u>	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME <u>Stewart, Tashonda</u>	EMPLOYEE ID NUMBER <u>00990828</u>	STATE ID NO.	
INSTITUTION OR ADDRESS			
SWORN STATEMENT			
I, <u>Sgt. Tashonda Stewart</u> , WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:			
<p>On 3/10/2020 while in medical Elm Ashley Diamond # _____ was talking to Nurse Lucas. While talking with her (Diamond) Nurse Lucas touched Diamond on her chest. Diamond didn't voice any concern about the matter to me. As we went on to clear out a cell inside D House. End of statement</p> <p style="text-align: center;"><del>_____</del></p>			
EXHIBIT	INITIALS OF PERSON MAKING STATEMENT <u>TS</u>		PAGE 1 OF _____ PAGES
<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>			

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WITNESS STATEMENT

PLACE GDPC	3	DATE 12-20	TIME 12:00	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME Diamond, Ashley		EMPLOYEE ID NUMBER 1000290565		STATE ID NO.
INSTITUTION OR ADDRESS P.O. Box 3877 Jackson GA 30233				

SWORN STATEMENT

I, Ashley Diamond, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

While standing in medical with several inmates on cleaning detail. A staff nurse grabbed my breasts and asked me if they were real. One of the inmates I know by name, Bernard Richardson. The other ~~SPAD~~ the other inmates were a house orderly's. The camera's can show the incident as it can be substantiated by these inmates. This incident occurred on Tues approx. 2:45 3/10/20 is actual date.

PLAINTIFF'S EXHIBIT  
**234M**

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT <i>AD</i>	PAGE 1 OF ___ PAGES
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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.

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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

*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)

INITIALS OF PERSON MAKING STATEMENT

*AD*

PAGE OF PAGES