

of the case, and/or that is overly broad, unduly burdensome or not reasonably calculated to lead to the discovery of admissible evidence. Because this discovery set is expedited and limited and for use in relation to a pending motion for preliminary injunction, Defendants' objection takes into account and is premised upon that limited purpose and scope.

3. Defendants object to each Interrogatory to the extent that it seeks information or documents protected from disclosure by the attorney-client privilege, deliberative process privilege, attorney work product doctrine, or any other applicable privilege or legal protection from disclosure. Any disclosure of such protected material is inadvertent and is not a waiver of an applicable right or privilege.

4. Defendants object to each Interrogatory to the extent that it seeks information or documents not in his possession, custody or control.

5. Defendants object to each Interrogatory to the extent that it is not limited to a time period relevant to this case.

6. Defendants' investigation and development of facts and circumstances relating to this action is ongoing. The responses and objections herein are made without prejudice to, and are not a waiver of, Defendants' right to supplement, clarify, revise, or correct any of the responses and objections herein based on information or documents obtained or made available in discovery, and to use and rely on such other facts or documents in discovery and at trial.

7. Defendants incorporate by reference every general objection set forth above into each specific response set forth below. A specific response may repeat a

general objection for emphasis or some other reason. The failure to include any general objection in any specific response does not waive any general objection to that request.

OBJECTIONS AND RESPONSES TO INTERROGATORIES

Subject to the foregoing General Objections, Defendant Brooks Benton responds to the Interrogatories as follows:

INTERROGATORY 1

Describe with specificity each and every action taken to reduce and mitigate the risk that Plaintiff would be physically or sexually assaulted as to each of her housing assignments. As to each action, include in Your answer:

- a. The date on which the action was taken and the measurable safety/security outcome, if any;
- b. The name and title of the person taking the action described;
- c. The documentation required and/or completed in relation to each action and the chain of command for review and approval;
- d. The basis for the belief, if any, that the action taken would abate the unnecessary risk of sexual assault;
- e. The manner in which the action(s) described as taken with respect to Plaintiff are different, if at all, from actions taken with respect to Inmates who do not share Plaintiff's characteristics (*i.e.*, Inmates who are not Transgender, a PREA sexual victim or who do not have Female Secondary Sex Characteristics); and
- f. The means by which You determined whether the action(s) taken were effective.

RESPONSE

Defendant objects to this Interrogatory, and to the accompanying definitions and instructions, to the extent that it purports to be served upon or call for response from other persons, including others who are not parties to the action, as permitted by Fed. R. Civ. P. 33. Defendant further objects to this Interrogatory on the basis that it is vague and

ambiguous in several of its parts. Subject to the stated objections, Defendant answers this Interrogatory as follows:

Responding to items a, b, and c above, the steps that I have taken in relation to Plaintiff's housing assignment and security are described in the declaration I previously gave in this matter which was signed on May 3, 2021 (a copy of which is attached hereto), and in the testimony that I gave in court in the hearing that was held on May 12-13, 2021.

Further responding to items a, b, and c above, there are security steps that are taken with respect to all offenders at Coastal State Prison (CSP), and those steps help to ensure the safety of all offenders at the facility. The steps include an initial intake process that includes orientation of the offenders to the facility and to Georgia Department of Corrections (GDC) policies, specifically including the prison's security rules, and also assessments by medical and mental health staff. Offenders are placed in a living unit that is determined to be best suited to their safety and security based on the information that is obtained in the orientation and intake process. With respect to gang members and gang affiliation, there is a security threat group (STG) and security threat individual (STI) sergeant at the facility whose responsibilities include tracking gang members and gang member status, validating offenders as gang members when information arises that suggests gang affiliation (with review and input from GDC's central office), and ensuring that the population of each dormitory does not at any time include an imbalance of validated gang affiliated offenders. With respect to offenders who have PREA victim or aggressor status, the prison takes steps to ensure that a PREA victim is not housed in the same dormitory as the offender's known PREA aggressor, and in some cases if necessary

the PREA aggressor will be transferred to another facility. Finally, as part of the basic security provided in the living units and during movement, dorm officers, Sergeants, and Lieutenants do rounds where they walk the ranges throughout their shifts in an effort to ensure there is no security breach or issues of concern in the living units, security officers either escort offenders during movement or monitor such movement also in an effort to ensure that no incidents occur during movement, and during lockdown periods (including overnight when offenders are sleeping) all dormitory cells are locked to prevent all movement in an effort to ensure that offenders are secure.

Responding to item e above, the steps described in paragraphs 3-12 of my declaration were specific to Plaintiff.

Responding to items d and f above, I am not aware of an “unnecessary risk of sexual assault” as pertains to Plaintiff, I have not made a specific determination that the steps taken either were effective or were not effective as pertains to Plaintiff, and I am also not aware that the steps taken have not been effective as pertains to Plaintiff. Answering further, GDC’s PREA and incident reporting process are designed in part to prevent occurrences of both offender to offender and staff to offender sexual abuse and sexual harassment, and also to prevent retaliation for reporting instances of such. The efforts to protect offenders from physical and sexual assault are most effective when offenders follow basic security guidelines and rules, such as (but not limited to) not trafficking in contraband, not allowing other offenders to enter their assigned cell, not entering another offender’s assigned cell, and not engaging in consensual sexual activity; and also when offenders participate in the PREA reporting process, such as by discussing the details of reported incidents of harassment or assault with the facility SART

investigator and members of the PREA team, so that GDC staff can identify and address risks of harassment and assault and respond appropriately to such incidents when they occur. For her safety Plaintiff has been informed of, and instructed to follow, the basic security guidelines and rules mentioned above. Also for her safety Plaintiff also has been encouraged to participate in the PREA reporting and investigation process so that the PREA policy can work as it is designed to work to provide her protection during her confinement at CSP.

INTERROGATORY 2

Describe with specificity each and every action taken by personnel at Coastal to ascertain whether Video Recordings and witnesses existed with respect to each of the sexual assaults and abuse allegations listed in the Amended Complaint, ECF 36, and Diamond Affidavit, ECF 59-01, including efforts to ascertain whether Video Recordings and witnesses existed, and as to each action, include in Your answer:

- a. The date on which the action was taken;
- b. The name and title of the person taking the action described;
- c. The names and titles of all persons contacted, consulted and/or otherwise involved;
- d. The documentation required and/or completed in relation to each action taken;
- e. The results of each actions taken;
- f. The names of all Inmates, correctional officers, staff, and/or other individuals interviewed or otherwise questioned regarding any information observed or otherwise perceived in relation to the allegations, and the basis for the questioning.

RESPONSE

Defendant objects to this Interrogatory on the basis that it is vague and ambiguous. Subject to the stated objections, Defendant answers this Interrogatory as follows:

When a PREA complaint is made, part of the documentation that is created at the facility is an incident report. GDC incident reports include as an attachment video recordings when an incident is captured on video. The SART investigator or Deputy Warden of Security, the Warden, and the OPS investigator are the persons who would have access to security camera recordings, and when a report is made the SART investigator or Deputy Warden of Security, the Warden, or a designee of one of them checks for any video of the incident if the incident occurred in an area where security cameras might have captured the incident. If video footage of the incident is found, then that footage will be copied and saved and made a part of the incident report. The incident report contains a box that is to be checked to indicate that video exists, and left unchecked if no video exists. For incidents involving Plaintiff, any video recording of a reported incident of assault would have been collected in this manner. Answering further, Defendant refers to the PREA documentation and incident reports previously produced which were bates stamped DEF 528-1149, 1280-1323, 1903-2000. Defendant has no further responsive information.

INTERROGATORY 3

Identify by name, GDC number, and known aliases all of the individuals housed in Plaintiff's dormitory at Coastal State Prison (N-B) from June 2020 to Present, the dates they were housed in her dormitory, and whether they were classified as a PREA Sexual Aggressor, Security Threat Individual, or Security Threat Group member as those terms are defined in GDC policies.

RESPONSE

Defendant objects to this Interrogatory, and to the accompanying definitions and instructions, to the extent that it purports to be served upon or call for response from other persons, including others who are not parties to the action, as permitted by Fed. R. Civ. P. 33. Defendant further objects to this Interrogatory on the basis that it seeks information that is not relevant to a claim or defense in this case, that is not proportional to the needs of the case, and that is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this Interrogatory on the basis that it seeks private, personal, confidential, and/or otherwise protected information regarding persons who are not parties to this action or connected in any manner to this action.

INTERROGATORY 4

Identify every Defendant and person employed and/or contracted by GDC that worked at Coastal from June 4, 2020 to present and who had access to N-building and/or the Common Areas and who is, or was then, authorized to use a Recording Device, including their personal cellphone, while in the areas described. Include in Your answer:

- a. The number of Recording Devices and descriptions of each;
- b. The names and titles of all persons who had access to the Recording Devices from June 4, 2020 to present and, where relevant, the cell phone numbers and carriers for each;
- c. The circumstances surrounding each and every time a Recording Device was used to capture images of Plaintiff at Coastal including

the date, names and titles of the persons using the Devices, the basis for each recording, and the person(s) who directed and/or approved of each recording and the current location of the images captured;

- d. Every action taken to preserve the recordings of Plaintiff taken on the Recording Devices.

RESPONSE

Defendant objects to this Interrogatory, and to the accompanying definitions and instructions, to the extent that it purports to be served upon or call for response from other persons, including others who are not parties to the action, as permitted by Fed. R. Civ. P. 33. Defendant further objects to this Interrogatory on the basis that it is vague and ambiguous. Defendant further objects to this Interrogatory on the basis that it seeks information that is not relevant to a claim or defense in this case, that is not proportional to the needs of the case, and that is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the stated objections, Defendant answers this Interrogatory as follows: Personal cell phones are not authorized or allowed inside the facility. The persons who work inside the facility who have state issued cell phones on which a recording could be made are the Warden, Deputy Wardens of Security, the strategic intervention program (SIP) coordinator, the medical director, and the mental health unit director. There are no body cameras issued to prison staff except for CERT team members. Shift supervisors (Sergeants and Lieutenants) have access to handheld video cameras and those cameras can be checked out for incidents where policy calls for a video recording of the incident (for example, an anticipated use of force). For incidents involving Plaintiff, incident reports and all existing recordings have been collected and produced.

INTERROGATORY 5

Identify the number and location of video cameras in the buildings within which Plaintiff was housed and as to each camera:

- a. Identify the cells and common areas that the camera is able to capture;
- b. Describe the capabilities and functionality of each camera;
- c. Describe the policies on retention and preservation of video footage, and means and methods by which the camera footage is backed up and/or stored;
- d. Identify the dates of any service requests;
- e. Identify the dates each camera was installed;
- f. As to any camera installed after January 1, 2020, explain the circumstances for the installation including, without limitation, who requested the camera and the reasons underlying the request;
- g. As to any camera removed since June 4, 2020, explain the circumstances for the removal including, without limitation, who requested the removal and the reasons underlying the request.

RESPONSE

Defendant objects to this Interrogatory, and to the accompanying definitions and instructions, to the extent that it purports to be served upon or call for response from other persons, including others who are not parties to the action, as permitted by Fed. R. Civ. P. 33. Defendant further objects to this Interrogatory on the basis that it is vague and ambiguous. Defendant further objects to this Interrogatory on the basis that disclosure of some of the detail sought in it would impact security at CSP.

[continued on next page]

**REDACTED PURSUANT TO COURT
ORDER**

Subject to the foregoing General Objections, Defendant Benjamin Ford responds to the Interrogatories as follows:

INTERROGATORY 1

Describe with specificity each and every action taken to reduce and mitigate the risk that Plaintiff would be physically or sexually assaulted as to each of her housing assignments. As to each action, include in Your answer:

- a. The date on which the action was taken and the measurable safety/security outcome, if any;
- b. The name and title of the person taking the action described;
- c. The documentation required and/or completed in relation to each action and the chain of command for review and approval;
- d. The basis for the belief, if any, that the action taken would abate the unnecessary risk of sexual assault;
- e. The manner in which the action(s) described as taken with respect to Plaintiff are different, if at all, from actions taken with respect to Inmates who do not share Plaintiff's characteristics (*i.e.*, Inmates who are not Transgender, a PREA sexual victim or who do not have Female Secondary Sex Characteristics); and
- f. The means by which You determined whether the action(s) taken were effective.

RESPONSE

Defendant objects to this Interrogatory, and to the accompanying definitions and instructions, to the extent that it purports to be served upon or call for response from other persons, including others who are not parties to the action, as permitted by Fed. R. Civ. P. 33. Defendant further objects to this Interrogatory on the basis that it is vague and ambiguous in several of its parts. Subject to the stated objections, Defendant answers this Interrogatory as follows:

Responding to items a, b, and c above, there are security steps that are taken with respect to all offenders at Georgia Diagnostic and Classification Prison (GDCP), and those steps help to ensure the safety of all offenders at the facility. The steps include an initial intake process that includes orientation of the offenders to the facility and to GDC policies, specifically including the prison's security rules, and also assessments by

medical and mental health staff, and also when applicable assessments by the ADA coordinator and PREA coordinator. Offenders are placed in a living unit that is determined to be best suited to their safety and security based on the information that is obtained in the orientation and intake process. At GDCP all of the dormitories are either open bay or cell housing. Plaintiff was placed in C house which has cell housing (not an open dormitory). C house has locks that have electronic controls, it has four ranges or levels, it houses 112 offenders, which is fewer in number than any of the other dormitories at GDCP, it houses transient (for medical) offenders and other transgender offenders, and it does not have close security offenders (only medium security and below). Plaintiff was placed in C house for these reasons.

With respect to gang members and gang affiliation, there is a security threat group (STG) and security threat individual (STI) sergeant at the facility whose responsibilities include tracking gang members and gang member status, validating offenders as gang members when information arises that suggests gang affiliation (with review and input from GDC's central office), and ensuring that the population of each dormitory does not at any time include an imbalance of validated gang affiliated offenders. With respect to offenders who have PREA victim or aggressor status, the prison takes steps to ensure that a PREA victim is not housed in the same dormitory as the offender's known PREA aggressor, and in some cases if necessary the PREA aggressor will be transferred to another facility. Finally, as part of the basic security provided in the living units and during movement, dorm officers, sergeants, and lieutenants do rounds where they walk the ranges throughout their shifts in an effort to ensure there is no security breach or issues of concern in the living units, security officers either escort offenders during

movement or monitor such movement also in an effort to ensure that no incidents occur during movement, and during lockdown periods (including overnight when offenders are sleeping) all dormitory cells are locked to prevent all movement in an effort to ensure that offenders are secure.

Responding to item e above, some of the steps described above regarding placement into C house were specific to Plaintiff.

Responding to items d and f above, I am not aware of an “unnecessary risk of sexual assault” as pertains to Plaintiff, I have not made a specific determination that the steps taken either were effective or were not effective as pertains to Plaintiff, and I am also not aware that the steps taken have not been effective as pertains to Plaintiff.

INTERROGATORY 2

Describe with specificity each and every action personnel at GDCP have taken to ascertain whether Video Recordings and witnesses existed with respect to each of the sexual assaults and abuse allegations listed in the Amended Complaint, ECF 36, and Diamond Affidavit, ECF 59-01, including efforts to ascertain whether Video Recordings and witnesses existed, and as to each action, include in Your answer:

- a. The date on which the action was taken;
- b. The name and title of the person taking the action described;
- c. The names and titles of all persons contacted, consulted and/or otherwise involved;
- d. The documentation required and/or completed in relation to each action taken;
- e. The results of each actions taken;
- f. The names of all Inmates, correctional officers, staff, and/or other individuals interviewed or otherwise questioned regarding any information observed or otherwise perceived in relation to the allegations, and the basis for the questioning.

RESPONSE

Defendant objects to this Interrogatory on the basis that it is vague and ambiguous. Subject to the stated objections, Defendant answers this Interrogatory as follows: Of the referenced incidents, two are described to have occurred in C house which does not have cameras, one is described to have occurred in the C house officers' room which does not have cameras, and two are described to have occurred in the medical unit or area. For those incidents that were described to have occurred in the medical unit or area, I had staff check the cameras for any video footage of the described incident and also requested assistance from GDC central office for the same purpose, and there was no video footage showing either of the incidents. Defendant has no further responsive information.

INTERROGATORY 3

Identify by name, GDC number, and known aliases all of the individuals housed in Plaintiff's dormitories at GDCP, the dates they were housed in her dormitory, and whether they were classified as a PREA Sexual Aggressor, Security Threat Individual, or Security ThreatGroup member, as those terms are defined in GDC policies.

RESPONSE

Defendant objects to this Interrogatory, and to the accompanying definitions and instructions, to the extent that it purports to be served upon or call for response from other persons, including others who are not parties to the action, as permitted by Fed. R. Civ. P. 33. Defendant further objects to this Interrogatory on the basis that it seeks information that is not relevant to a claim or defense in this case, that is not proportional to the needs of the case, and that is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to

this Interrogatory on the basis that it seeks private, personal, confidential, and/or otherwise protected information regarding persons who are not parties to this action or connected in any manner to this action.

INTERROGATORY 4

Identify the number and location of video cameras in the buildings within which Plaintiff was housed and as to each camera:

- a. Identify the cells and common areas that the camera is able to capture;
- b. Describe the capabilities and functionality of each camera;
- c. Describe the policies on retention and preservation of video footage, and means and methods by which the camera footage is backed up and/or stored;
- d. Identify the dates of any service requests;
- e. Identify the dates each camera was installed;
- f. As to any camera installed after January 1, 2020, explain the circumstances for the installation including, without limitation, who requested the camera and the reasons underlying the request;
- g. As to any camera removed since June 4, 2020, explain the circumstances for the removal including, without limitation, who requested the removal and the reasons underlying the request.

RESPONSE

Defendant objects to this Interrogatory, and to the accompanying definitions and instructions, to the extent that it purports to be served upon or call for response from other persons, including others who are not parties to the action, as permitted by Fed. R. Civ. P. 33. Defendant further objects to this Interrogatory on the basis that it is vague and ambiguous. Defendant further objects to this Interrogatory on the basis that disclosure of some of the detail sought in it would impact security at CSP. Subject to the stated

objections, Defendant answers this Interrogatory as follows: There are no security cameras in C house where Plaintiff was housed at GDCP.

Subject to the foregoing General Objections, Defendant Ahmed Holt responds to the Interrogatories as follows:

INTERROGATORY 1

Describe with specificity each and every action taken to reduce and mitigate the risk that Plaintiff would be physically or sexually assaulted as to each of her housing assignments. As to each action, include in Your answer:

- a. The date on which the action was taken and the measurable safety/security outcome, if any;
- b. The name and title of the person taking the action described;
- c. The documentation required and/or completed in relation to each action and the chain of command for review and approval;
- d. The basis for the belief, if any, that the action taken would abate the unnecessary risk of sexual assault;
- e. The manner in which the action(s) described as taken with respect to Plaintiff are different, if at all, from actions taken with respect to Inmates who do not share Plaintiff's characteristics (*i.e.*, Inmates who are not Transgender, a PREA sexual victim or who do not have Female Secondary Sex Characteristics); and
- f. The means by which You determined whether the action(s) taken were effective.

RESPONSE

Defendant objects to this Interrogatory, and to the accompanying definitions and instructions, to the extent that it purports to be served upon or call for response from

other persons, including others who are not parties to the action, as permitted by Fed. R. Civ. P. 33. Defendant further objects to this Interrogatory on the basis that it is vague and ambiguous in several of its parts. Subject to the stated objections, Defendant answers this Interrogatory as follows:

Responding to items a-f above, the steps that I have taken in relation to Plaintiff's housing assignment and security are described in the declaration I previously gave in this matter which was signed on May 3, 2021 (a copy of which is attached hereto), and in the testimony that I gave in court in the hearing that was held on May 12-13, 2021. Reference is also made to the responses given by Defendants Atchison, Benton, and Ford to this same interrogatory.

INTERROGATORY 5

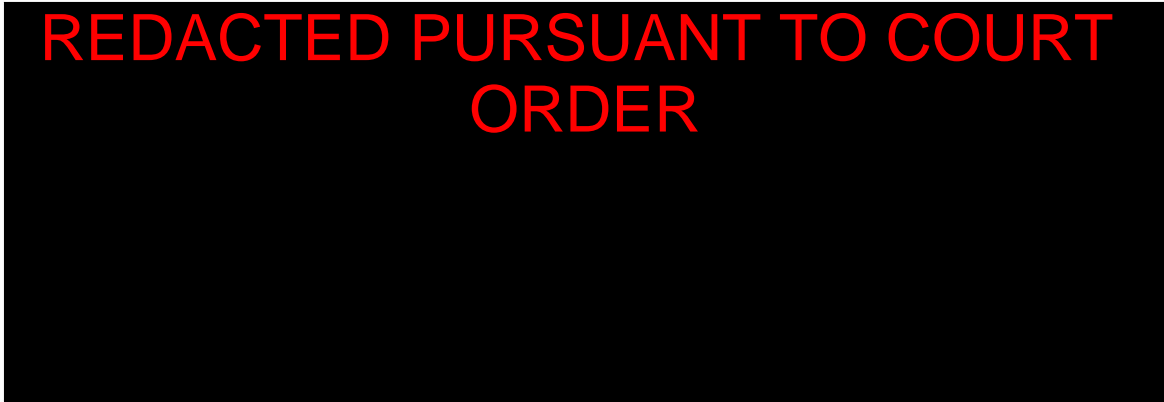
Identify the number and location of video cameras in N building within Coastal and as to each camera:

- a. Identify the cells and common areas that the camera is able to capture;
- b. Describe the capabilities and functionality of each camera;
- c. Describe the means and methods by which the camera footage is backedup and/or stored;
- d. Identify the dates of any service requests;
- e. Identify the dates each camera was installed;
- f. As to any camera installed after January 1, 2020, explain the circumstances for the installation including, without limitation, who requested the camera and the reasons underlying the request; and
- g. As to any camera removed since June 1, 2020, explain the circumstances for the removal including, without limitation, who requested the removal and the reasons underlying the

request.

RESPONSE

Defendant objects to this Interrogatory, and to the accompanying definitions and instructions, to the extent that it purports to be served upon or call for response from other persons, including others who are not parties to the action, as permitted by Fed. R. Civ. P. 33. Defendant further objects to this Interrogatory on the basis that it is vague and ambiguous. Defendant further objects to this Interrogatory on the basis that disclosure of some of the detail sought in it would impact security at CSP.



Subject to the foregoing General Objections, Defendant Robert Toole responds to the Interrogatories as follows:

INTERROGATORY 1

Describe with specificity each and every action taken to reduce and mitigate the risk that Plaintiff would be physically or sexually assaulted as to each of her housing assignments. As to each action, include in Your answer:

- a. The date on which the action was taken and the measurable safety/security outcome, if any;

- b. The name and title of the person taking the action described;
- c. The documentation required and/or completed in relation to each action and the chain of command for review and approval;
- d. The basis for the belief, if any, that the action taken would abate the unnecessary risk of sexual assault;
- e. The manner in which the action(s) described as taken with respect to Plaintiff are different, if at all, from actions taken with respect to Inmates who do not share Plaintiff's characteristics (*i.e.*, Inmates who are not Transgender, a PREA sexual victim or who do not have Female Secondary Sex Characteristics); and
- f. The means by which You determined whether the action(s) taken were effective.


RESPONSE

Defendant objects to this Interrogatory, and to the accompanying definitions and instructions, to the extent that it purports to be served upon or call for response from other persons, including others who are not parties to the action, as permitted by Fed. R. Civ. P. 33. Defendant further objects to this Interrogatory on the basis that it is vague and ambiguous in several of its parts. Subject to the stated objections, Defendant answers this Interrogatory as follows: Defendant refers to and incorporates the responses of Defendants Atchison, Benton, Ford, and Holt to this same interrogatory.

Respectfully submitted,

Christopher M. Carr 112505
Attorney General

Kathleen M. Pacious 558555
Deputy Attorney General



Roger A. Chalmers 118720
Senior Assistant Attorney General

PLEASE ADDRESS ALL
COMMUNICATIONS TO
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State Law Department
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Fax: (404) 651-5304
Email: rchalmers@law.ga.gov

VERIFICATION

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that I have reviewed the foregoing interrogatory responses and that the facts stated therein are true and correct to the best of my knowledge, information and belief.

This _____ day of October, 2021.

BROOKS BENTON

VERIFICATION

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that I have reviewed the foregoing interrogatory responses and that the facts stated therein are true and correct to the best of my knowledge, information and belief.

This _____ day of October, 2021.

BENJAMIN FORD

VERIFICATION

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that I have reviewed the foregoing interrogatory responses and that the facts stated therein are true and correct to the best of my knowledge, information and belief.

This _____ day of October, 2021.

AHMED HOLT

VERIFICATION

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that I have reviewed the foregoing interrogatory responses and that the facts stated therein are true and correct to the best of my knowledge, information and belief.

This _____ day of October, 2021.

ROBERT TOOLE

CERTIFICATE OF SERVICE

I certify that on this date I served the foregoing by electronic mail on the following counsel of record:

Andrea Chinyere Ezie
Elizabeth Littrell
Scott D. McCoy
Annarita L. McGovern
Terry Lynn Long
Maya Gyan Rajaratnam

This 18th day of October, 2021.



Roger A. Chalmers

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.

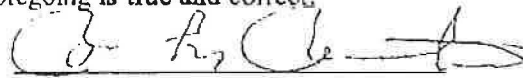
13. I am aware that there is also an assertion in this case that offender Diamond has been retaliated against and Diamond's release date has changed based on court filings, and further that I or others at CSP have improperly communicated with the Georgia Board of Pardons and Paroles to alter Diamond's 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

DECLARATION OF AHMED HOLT

I, Ahmed Holt, declare as follows:

1. My name is Ahmed Holt 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 Assistant Commissioner, Facilities Division. Among other responsibilities, I am involved in the review of recommendations regarding the classification and placement of transgender offenders, as that process is carried out under GDC Standard Operating Procedure 220.09, entitled Classification and Management of Transgender and Intersex Offenders, a policy with an effective date of July 26, 2019.

3. I am aware that offender Ashley Diamond claims that there is a “De Facto Placement Ban” by which a GDC transgender offender will never be considered for placement, or placed, in a facility housing persons of the gender with which the transgender offender identifies. That claim is not true.

4. Offender Diamond has been placed and housed at Coastal State Prison (CSP) for several reasons, which I considered and discussed with GDC’s Director of Facility Operations, Robert Toole. These reasons include the following:

- CSP is not a close security facility, instead it is a medium security facility;
- CSP is designated and equipped to provide care for mental health level II offenders;
- CSP had an experienced and excellent medical team;
- CSP is near a metropolitan area, so if Diamond had an urgent need for hospitalization there are local and nearby options;

- CSP had a housing unit (N building) that could meet all of these specifications – it could be fitted with proper camera equipment; it was close to the facility medical unit; and it had 2-man cells that could be locked as opposed to an open living environment;
- By comparison to other medium security prisons, CSP is the safest facility in which to house Diamond because of its small percentage of close security offenders;
- Mental health level III facilities have a higher percentage of close security offenders: Augusta State Medical Prison has 36% close security offenders; Baldwin State Prison has 31% close security offenders; Central State Prison has 13% close security offenders; and Rutledge State Prison has 15.3% close security offenders, compared to CSP which is 8%;
- Other medium security facilities either did not have mental health level II services, for example Wilcox State Prison, Washington State Prison, Dooly State Prison, and Calhoun State Prison; or they have a higher percentage of close security offenders, for example Autry State Prison which has 14% close security offenders. Additionally, they are typically located in a more rural area without convenient access to hospital care as CSP, for example Rogers State Prison in Reidsville.

5. Our goal was to house offender Diamond at a facility that would provide good medical care and good access to specialized or hospital care if needed, the requisite level of mental health care (mental health level II), and limited exposure to close security offenders, all in an environment that allowed living securely in a general population dormitory.

6. CSP had other features that made it suitable for offender Diamond's placement, including the fact that the N building where Diamond has been housed has functioned as a Faith and Character dormitory, an Honor dormitory, and an Evidence Based Program dormitory. That sort of living

environment is a safe prison environment because the offenders who are placed there generally are selected for the placement based on a demonstrated interest in improving themselves and leaving the correctional setting, rather than committing infractions such as harming other offenders.

7. Based on all of these considerations and the fact that in the classification process there was not a recommendation to place offender Diamond in a women's prison, in consultation with Mr. Toole I made the decision that offender Diamond would be placed at CSP. I instructed Mr. Toole to get in touch with Warden Benton at CSP to make arrangements for that placement. Cameras were upgraded in the N building at CSP where Diamond was to be housed.

8. I am aware that there also is an assertion in this case that offender Diamond has been classified as a gang member. That assertion also is not true. **Attachment 1** hereto is a true and correct copy of the Security Threat Groups Validation for offender Diamond. As noted, the designation is STI or Security Threat Individual, and as this document shows this is based on a disciplinary record and report concerning exposure, exhibition, and sexual behavior.

9. 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 officials at CSP have improperly communicated with the Georgia Board of Pardons and Paroles to alter Diamond's release date. I am aware of no such retaliation. 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.

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

Dated: _____

AHMED HOLT