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**From:** JPay Services <support@jpay.com>  
**Sent:** Friday, June 5, 2020 5:23 PM  
**To:** PREA  
**Subject:** PREA

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Sent by: ASHLEY DIAMOND (1000290565)  
Agency: Georgia Department of Corrections  
Facility/Housing Unit: Coastal State Prison/NA126B  
Date: 06/05/2020 17:20:09

Please do not reply to this email

I am a transgenderd inmate who has faced multiple sexual assaults IN MALE FACILITIES.I find it extremley hard to access items for my care and will never quite feel in place at a male facility.I AM ASKING ONCE AGAIN to be assessed for a female facility under the Prea guidelines outlined.



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**From:** Betterson, Carl  
**Sent:** Thursday, April 1, 2021 9:38 AM  
**To:** GDCCoastal SP PREA Group  
**Subject:** New PREA 3.29.2021  
**Attachments:** PREA Initial Notification Form Diamond, Ashely 3.docx

Carl E. Betterson Jr.  
Deputy Warden of Care and Treatment  
Georgia Department of Corrections  
Coastal State Prison  
200 Gulf Stream Rd.  
Garden City, GA 31418  
Office: (912)965-6287  
Cell: (912) 666-7151  
Fax:(912)966-6799  
Carl.Betterson@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."

Courage-Determination-Team Work



# PREA Initial Notification

Facility: Coastal State Prison Date of Incident: 3.29.2021  
 Location: N-Bldg B- Dorm Time of Incident: 1900 hrs.  
 Incident Report #: TBD

| Type of Allegation (Select one): | Alleged Victim(s) |            | Alleged Aggressor(s) |       |
|----------------------------------|-------------------|------------|----------------------|-------|
|                                  | Name              | ID#        | Name                 | ID#   |
| <u>      </u> S/I Abuse          |                   |            |                      |       |
| <u>      </u> S/I Harassment     | Ashely, Diamond   | 1000290565 | Joseph Upshaw        | 96293 |
| <u>      </u> I/I Abuse          |                   |            |                      |       |
| <u>  x  </u> I/I Harassment      |                   |            |                      |       |

Facility:

Summary of Incident:

On 3.29.2021 @ Approximately 1900 offender Diamond stated that while taking a shower offender Joseph Upshaw GDC#96293 placed a large fan in front of the shower causing the shower curtain to blow up and expose her. Offender Diamond stated that there were several witnesses to the incident; SWINFORD, GARY DALE GDC#898504, MOORE, SAMUEL GDC#148452 and JOHNSON, ROBERT KENNETH GDC#813579.

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

SART notified? Y  
 Name Carl E. Betterson  
 By whom Geri Pepin  
 Y/N Date/Time 3.31.2021/1438

SANE notified? N  
 If yes, name N/A  
 By whom \_\_\_\_\_  
 Y/N Date/Time \_\_\_\_\_

Criminal Investigations notified? N  
 If yes, name N/A  
 By whom \_\_\_\_\_  
 Date/Time \_\_\_\_\_

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

PREA Coordinator notified? Y  
 If yes, name Chester Hoffer  
 By whom Carl Betterson



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

# PREA Initial Notification

Date/Time

4/1/2021143

8

Carl E. Betterson

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.

**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*

**MEMORANDUM**

**TO:** Security Staff

**FROM:** Zechariah Jones  
Deputy Warden of Security

**THRU:** Brooks L. Benton  
Warden

**DATE:** April 30, 2021

**RE:** Reminder: Offender Diamond Pill Call

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Effective immediately, when Offender Diamond Ashley GDC#1000290565 return to population Offender must be escorted to and from pill call by a supervisor daily. Be sure to use a camera and log all movement in the building's logbook. Pill call will be at 0830hrs and 1630hrs.

If you have any questions or comments, please feel free to contact me at extension 6290.

ZJ/ng

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**From:** Ammons, Jennifer <jennifer.ammons@gdc.ga.gov>  
**Sent:** Friday, July 10, 2020 9:16 AM  
**To:** Maya Rajaratnam; Benton, Brooks  
**Cc:** Beth Littrell; cezie  
**Subject:** RE: Ashley Diamond (GDC: 1000290565)

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Ms. Rajaratnam: In light of your office's repeated threats of litigation, I am uncomfortable scheduling a call without representation by the Attorney General's Office, which probably cannot be arranged on such short notice. I am happy to forward any comments, requests, or recommendations that you would like to share with IM Diamond's medical and mental health providers.

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

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**From:** Maya Rajaratnam <maya.rajaratnam@splcenter.org>  
**Sent:** Friday, July 10, 2020 9:35 AM  
**To:** Ammons, Jennifer <jennifer.ammons@gdc.ga.gov>; Benton, Brooks <Brooks.Benton@gdc.ga.gov>  
**Cc:** Beth Littrell <beth.littrell@splcenter.org>; cezie <cezie@ccrjustice.org>  
**Subject:** RE: Ashley Diamond (GDC: 1000290565)

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Ms. Ammons,

Thank you for that update. We continue to have immediate concerns about Ms. Diamond's health care and safety, including GDC's assessment and treatment for her kidney problems, and would still like to schedule a call to discuss how we can resolve these issues. Please let us know the times you are available for a call today.

Best,

Maya



**Maya Rajaratnam** she/her/hers  
Law Fellow | LGBTQ Rights & Special Litigation  
Southern Poverty Law Center  
T 334.956.8307 C 334.398.0328  
[maya.rajaratnam@splcenter.org](mailto:maya.rajaratnam@splcenter.org) | [www.splcenter.org](http://www.splcenter.org)  
Admitted in Alabama



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**From:** Ammons, Jennifer <[jennifer.ammons@gdc.ga.gov](mailto:jennifer.ammons@gdc.ga.gov)>  
**Sent:** Thursday, July 9, 2020 3:44 PM  
**To:** Maya Rajaratnam <[maya.rajaratnam@splcenter.org](mailto:maya.rajaratnam@splcenter.org)>; Benton, Brooks <[Brooks.Benton@gdc.ga.gov](mailto:Brooks.Benton@gdc.ga.gov)>  
**Cc:** Beth Littrell <[beth.littrell@splcenter.org](mailto:beth.littrell@splcenter.org)>; cezie <[cezie@ccrjustice.org](mailto:cezie@ccrjustice.org)>  
**Subject:** RE: Ashley Diamond (GDC: 1000290565)

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Ms. Rajaratnam: Thank you for contacting the GDC regarding your concerns about Inmate Diamond. She was seen in Medical today, and there is no indication that she is suffering from kidney failure at this time. Our investigations into the other allegations referenced in your office's letters remains ongoing. Please let us know if any other issues arise.

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

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**From:** Maya Rajaratnam <[maya.rajaratnam@splcenter.org](mailto:maya.rajaratnam@splcenter.org)>  
**Sent:** Thursday, July 9, 2020 10:04 AM  
**To:** Benton, Brooks <[Brooks.Benton@gdc.ga.gov](mailto:Brooks.Benton@gdc.ga.gov)>  
**Cc:** Beth Littrell <[beth.littrell@splcenter.org](mailto:beth.littrell@splcenter.org)>; cezie <[cezie@ccrjustice.org](mailto:cezie@ccrjustice.org)>; Ammons, Jennifer <[jennifer.ammons@gdc.ga.gov](mailto:jennifer.ammons@gdc.ga.gov)>  
**Subject:** Ashley Diamond (GDC: 1000290565)

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

Warden Benton,

We represent Ashley Diamond (GDC: 1000290565), a transgender woman who is currently housed at Coastal State Prison. We write to urgently request a call to discuss Ms. Diamond's health and safety. Last week, we mailed the attached letter about constitutional and PREA violations during Ms. Diamond's time at Coastal. It has now come to our attention that Ms. Diamond is experiencing kidney failure.

We can make ourselves available today. Please let us know your availability and how we can call you.

Best,

Maya



**Maya Rajaratnam** she/her/hers  
Law Fellow | LGBTQ Rights & Special Litigation  
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[maya.rajaratnam@splcenter.org](mailto:maya.rajaratnam@splcenter.org) | [www.splcenter.org](http://www.splcenter.org)

Admitted in Alabama

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| <b>GEORGIA DEPARTMENT OF CORRECTIONS</b><br>Standard Operating Procedures   |                                       |   |
|---|---------------------------------------|---|
| <b>Functional Area:</b><br>POLICY & EXECUTIVE<br>PROCEDURE/INTERNAL<br>INVESTIGATION UNIT                                       | <b>Reference Number:</b><br>IK01-0006 | <b>Revises<br/>                     Previous<br/>                     Effective Date:</b> |
| <b>Subject:</b><br>INVESTIGATION OF<br>ALLEGATIONS OF SEXUAL<br>CONTACT, SEXUAL ABUSE, AND<br>SEXUAL HARASSMENT OF<br>OFFENDERS |                                       | 9/01/2003   |
| <b>Authority:</b><br>DONALD/OWENS   | <b>Effective Date:</b><br>12/15/2005  | Page 1 of<br><br>10   |

**I. POLICY:**

It is the policy of the Georgia Department of Corrections (GDC) that allegations of sexual contact, sexual abuse, and sexual harassment filed by sentenced offenders against departmental employees, contractors, vendors or volunteers be reported, fully investigated and otherwise treated in a confidential and serious manner. Staff conduct and attitude towards such allegations will be professional and unbiased, and staff members will cooperate with the investigation into all allegations. It is the policy of the GDC to assure that the investigations are conducted in such a manner as to avoid threats, intimidation, or future misconduct.

**II. APPLICABILITY:**

This procedure applies to all employees, contractors, vendors or volunteers at all state, county, or private prisons and centers operating under the Georgia Board of Corrections housing sentenced offenders. The procedure also applies to all employees and other persons conducting business with Georgia Correctional Industries who have contact with sentenced offenders.

**III. RELATED DIRECTIVES:**

A. Official Code of Georgia Annotated:

O.C.G.A. § 42-5-36 (Confidentiality of Internal Investigations Unit)



|   |                               |                                |
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O.C.G.A. § 24-9-40 (Physician Shield Law)

O.C.G.A. § 24-9-43 (Confidentiality of Medical Records)

O.C.G.A. § 24-9-47 (AIDS Confidential Information)

O.C.G.A. § 43-39-16 (Psychologist/Client Privilege)

O.C.G.A. § 24-9-21(5) (Psychiatrist/Patient Privilege)

O.C.G.A. § 37-3-166 (Confidentiality of Mental Health Records)

O.C.G.A. § 16-6-23 (Publication of Rape/Sexual Assault Victim's Name)

O.C.G.A. § 24-2-3 (Rape Shield Law)

O.C.G.A. § 16-6-5.1 (Sexual Assault of Person in Custody)

O.C.G.A. § 24-9-27 (Privilege of Parties and Witnesses)

O.C.G.A. § 16-6-1 (Rape)

O.C.G.A. § 19-7-5 (Reporting Child Abuse)

B. GDC SOPs:

IK01-0005 (Crime Scene Preservation)

IIA04-0002 (Incident Reporting)

IIA07-0002 (Contact or Business Dealings with Inmates/Probationers)

IIB02-0001 (Inmate Discipline)

IIB09-0001 (Administrative Segregation)

VG55-0001 (Mental Health Management of Suspected Sexual Abuse, Contact or Harassment)

VH78-0002 (Confidentiality of the Health Record and Release of Information)

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VH81-0001 (Medical Management of Suspected Sexual Abuse)

VH85-0002 (Medical Management of Suspected Sexual Assault, Abuse or Harassment)

**IV. DEFINITIONS:**

- A. Allegations - events which are said to have happened, but which have not yet been verified.
- B. Sexual contact - shall include, but shall not be limited to, the intentional touching, either directly or through clothing, of the genitalia, anus, groin, breasts, inner thighs, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.
- C. Sexual abuse - shall include, but shall not be limited to, subjecting another person to sexual contact by persuasion, inducement, enticement, or forcible compulsion; subjecting to sexual contact another person who is incapable of giving consent by reason of his/her custodial status; subjecting another person to sexual contact who is incapable of consenting by reason of being physically helpless, physically restrained, or mentally incapacitated;
- D. Sexual Assault - shall include, but shall not be limited to raping, aggravated sodomy, molesting, prostituting, or otherwise sexually exploiting another person.
- E. Sexual harassment - shall include, but shall not be limited to, unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature.
- F. Internal Investigations Investigator - an investigator with experience and training in sex crimes investigations, appropriate and effective interview techniques and Post Traumatic Stress Disorder. The Internal Investigations Investigators shall report to the Chief Investigator and the Director of the Internal Investigations Unit.
- G. Patient - any sentenced offender housed by the Georgia Department of Corrections who is being treated in

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accordance with Standard Operating Procedures entitled Medical Management of Suspected Sexual Abuse and Psychological Counseling for Sexual Abuse Victims.

- H. Physician - person licensed pursuant to O.C.G.A. § 43-34-35, including a chief medical officer pursuant to O.C.G.A. § 37-3-166.
- I. Specially Trained Counselor - any mental health counselor, general population counselor, psychiatrist, psychologist, physician, physician assistant, registered nurse, or chaplain who has successfully completed the Georgia Department of Corrections Sexual Assault Counseling Training Program.
- J. Offender - any sentenced inmate, detainee, resident or probationer housed in a GDC state, county, or private institution or center operating under the Georgia Board of Corrections.

**V. ATTACHMENTS:**

NONE

**VI. PROCEDURE:**

- A. Initial Notification Action:
  - 1. As soon as an incident of sexual contact, sexual abuse or sexual harassment (this includes rumors, "inmate talk," and all kissing even though such kissing may not amount to sexual contact, sexual abuse or sexual harassment) comes to the attention of a staff member, the staff member who receives the information shall immediately inform the Warden/Superintendent, and/or the Institutional Duty Officer, and/or the Internal Investigations Unit verbally and follow up with a written report to the Warden. It is the responsibility of the staff member to provide a written statement regarding the allegations that were reported to him/her and not the offender. The staff member to whom the allegation is reported shall not instruct the inmate to write a statement. Failure to report allegations

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of sexual contact, abuse or harassment may result in disciplinary action, up to and including dismissal.

2. The Warden or Superintendent and/or the Institutional Duty Officer who receives such information shall submit a written request for investigation to the Internal Investigations Unit. The Warden will notify the Field Operations Manager and the Corrections Division Director that a request for investigation has been submitted to the GDC Internal Investigations Unit Director.
3. The Warden/Superintendent will insure that mental health and medical assistance are made immediately available for the alleged victim, including assistance, which may be necessary throughout the course of the investigation. This assistance will be provided pursuant to the Standard Operating Procedure on the Medical Management of Suspected Sexual Abuse, the Standard Operating Procedure on Psychological Counseling of Sexual Abuse Victims.
4. Except for the Internal Investigations Investigators, all other individuals alerted to the allegation, including institutional staff, are not to initiate an independent investigation into the circumstances related to the alleged incident(s). However, the Warden/Superintendent, in cases where he/she is not the alleged perpetrator, may make an initial inquiry with the complainant/victim as to circumstances of the alleged incident. No further investigation or inquiry with witnesses or the accused staff member should be conducted by other staff to include the Warden/Superintendent; unless matter is returned by Internal Investigations Unit Director for investigation at the institutional level (See VIC2).
5. Department staff will also take appropriate steps to ensure the preservation and protection of all evidence, including the crime scene in accordance with SOP IK01-0005.
6. If it is deemed necessary to place an offender in administrative segregation, the specific reasons and

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justification for such placement must be documented in the memorandum reporting the allegations and requesting an investigation. Simply stating "pending investigation" will not be a sufficient reason. At all times, the provisions of the administrative segregation SOP shall apply. In segregation, the offender shall be provided all personal belongings and have all rights and services available to the general population, including telephone, mail and visitation access. The purpose of administrative segregation will be to further the legitimate needs of the investigation and is not to be punitive. This in no way limits the use of administrative segregation or disciplinary isolation for other reasons unrelated to the allegation.

7. Other alternatives to placing an offender in segregation are reassigning the offender or staff member to another area within the facility to eliminate contact between the staff member and the offender. Transferring an offender to another facility should be used as a last resort.
8. The accused staff may be placed on suspension, subject to other alternatives as indicated by the investigation, such as temporary transfer to another institution, pending the outcome of the investigation. Placing the staff member on suspension should be used only in very serious circumstances and when there are no other feasible alternatives.

B. General Guidelines:

1. The Internal Investigations Investigator will keep the Warden/Superintendent apprised of the nature of the charges and the status of the case, and the Warden/Superintendent may contact the Internal Investigations Unit Director with any specific questions regarding the investigation. In cases where the Warden is the accused staff member, the Internal Investigations Investigator will keep the appropriate Field Operations Manager apprised of the charges and status of the case.

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2. All interviews of the offender may be recorded electronically by video or audio. The investigation, including all interviews, videos, polygraph documents, written statements, support documents, and other evidence will be under the jurisdiction of the department's Internal Investigations Unit and will be treated as confidential in accordance with O.C.G.A. §42-5-36, and all other relevant state and federal laws and regulations.
3. The name of the complainant and/or alleged victim shall be confidential as required by O.C.G.A. § 42-5-36. It is imperative that confidentiality regarding the identity of any offender involved with the investigation be maintained to the greatest extent possible.
4. A Specially Trained Counselor trained in sexual abuse therapy shall be made available to counsel the alleged victim before he/she is first interviewed by the Internal Investigations Investigator. The presence of this counselor in the Internal Investigations Investigator's interviews of the victim may be appropriate. The victim may stop the interview with the Internal Investigations Investigator at any time and request to see the counselor.
5. Department employees are banned from retaliating against the alleged victim and/or complainant for making allegations. Such prohibited retaliation may include, but is not limited to, threats regarding parole, threats regarding probation revocation, subjection to disciplinary or adverse administrative action, negative comments or recommendations to the State Board of Pardons and Paroles, or to the Department of Family and Children Services; referrals for prosecution. A department employee shall not lead the offender to believe that such retaliatory actions can or will be taken to induce statements or other cooperation. This in no way shall limit the Department's ability to take appropriate action where offenders make untruthful allegations, as provided in Section D.

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6. The offender shall be educated during the diagnostic process, and by way of the inmate handbook, and at the beginning of an investigation by the counselor or Internal Investigations Investigator regarding the purpose of this investigative process. The offender shall be informed that the Internal Investigations Investigator does not work for or report to the Warden or Superintendent, but rather for the Internal Investigations Unit Director who in turn reports directly to the Commissioner or his/her designee.

C. Investigations and Investigative Reports:

1. The Internal Investigations Unit will investigate allegations of sexual contact, sexual abuse, and sexual harassment involving offenders. This includes allegations of sexual contact, sexual abuse, sexual harassment by employees, contractors, vendors, or volunteers (or their employees). The investigation may include conducting video or audio recorded interviews and obtaining written statements from the individual making the allegation and any accused individual. It may also include written statements from all witnesses and all other parties with any knowledge of any alleged incident, and all known documents, photographs, or physical evidence.
2. If a complaint does not specify facts sufficient to allege sexual contact, sexual abuse or sexual harassment, the Director of the Internal Investigations Unit may request additional information from the complainant/victim, or return the case to the Warden/Superintendent to be investigated at the institution. If the matter is referred to the institutional level for investigation, the Warden/Superintendent shall forward a copy of the investigation findings to the Internal Investigations Unit.
3. This procedure is not intended to thwart prison personnel from carrying out their legitimate and lawful duties. Prison personnel should not be prohibited from engaging in pat-searches, strip searches, uses of force, and other similar touches



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of offenders for legitimate correctional purposes as long as the actions are dictated by genuine correctional/or security needs.

4. A polygraph examination may be used as an investigative tool. The polygraph results standing alone are not dispositive of the veracity of either party. The results of or the refusal to submit to a polygraph does not alone conclude the investigation.
5. All evidence, including crime scene evidence, will continue to be protected and preserved during the investigation and any subsequent legal action. The chain of custody must be maintained.
6. If the alleged victim or complainant refuses to cooperate with the investigator, the investigator must follow-up with any persons identified as having knowledge of the incident before the investigation is closed. The investigator must determine whether the victim or complainant was threatened into not going forward with the interview and/or investigation.
7. The Internal Investigations Investigator shall continue the investigation to conclusion, regardless of whether another local, state, or federal agency conducts its own investigation, subject to binding limitations or restrictions imposed by that agency or the courts.
8. The investigation will be completed even if the accused employee resigns during the investigation. The appropriate rehire recommendation will be placed in the resigning employee's personnel record at the direction of the Personnel Director.
9. The Internal Investigations Investigator will complete the investigation within forty-five calendar days from the date of the assignment of the case.
10. All subsequent conclusions and actions regarding the report will be at the direction of the Commissioner or the Commissioner's designee. This may include taking no action against the employee, taking

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disciplinary or adverse action against the employee, or referring the case to the District Attorney for prosecution.

11. In cases when corrective action may be warranted, the Internal Investigations Unit will forward copies of the investigation to:
  - a. Corrections Division Director;
  - b. Office of Legal Services, if disciplinary or adverse action is warranted;
  - c. Local District Attorney, if criminal prosecution is warranted
12. Additionally, the Mental Health Clinical Director will be notified of the outcome of the investigation in accordance with SOP VG55-0001, Mental Health Management of Suspected Sexual Abuse, Contact or Harassment.
13. The Internal Investigations Unit will use a notification form to provide feedback to the offender and the subject of the investigation at the conclusion of the investigation. A copy of this form should be sent to the Warden/Superintendent and should include the statement: "A COPY OF THIS FORM SHOULD NOT BE PLACED IN THE FILE OF THE OFFENDER OR THE PERSONNEL FILE OF THE ACCUSED EMPLOYEE."

D. False Accusations:

If the completed investigation reveals that an offender made a false allegation or made a material statement which he/she, in good faith, could not have believed to be true, then the department may take such further appropriate disciplinary action or referral for prosecution as may be warranted under the circumstances. Upon conclusion of the investigation, the Director of the Internal Investigations Unit will notify the Warden/Superintendent responsible for the offender of any false allegations made by the offender, so that appropriate disciplinary action may be taken against the inmate.

E. Confidential Information:

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The Internal Investigations Investigator may review medical and HIV/AIDS confidential information and mental health information, as discussed below, if the investigator reasonably believes such information will be relevant to the investigation.

1. Medical and HIV/AIDS Confidential Information: In accordance with O.C.G.A. § 24-9-40, et seq., HIV status, or AIDS information and medical information is confidential information.
2. Mental Health Information: Written or oral information concerning communications between the offender and a psychologist, psychiatrist, or a special mental health counselor shall remain confidential pursuant to O.C.G.A. §§ 43-39-15, 24-9-21(5), and 37-3-166.
3. All questions concerning confidentiality or release of information should promptly be referred to the Georgia Department of Corrections Office of Legal Services, Central Office.

F. Tracking System:

The department shall establish a computer based system to number and track instances of sexual abuse, sexual contact or sexual harassment. This system will be under the jurisdiction of the Internal Investigations Unit of the GDC and shall be confidential pursuant to O.C.G.A. § 42-5-36.

G. Resources During Investigation:

The department shall furnish adequate resources to the Director of the Internal Investigations Unit and the adverse action attorneys.

---

**From:** Plugge, Lesley  
**Sent:** Thursday, September 3, 2020 4:13 PM  
**To:** Jackson, Javel; Weinstein, Marc  
**Subject:** RE: A. Diamond

No problem!

Yes, I am disappointed too, but after talking to Ms. Fletcher again, I also hope that she will have better luck with a facility that is willing to meet her needs.

---

**From:** Jackson, Javel <Javel.Jackson@gdc.ga.gov>  
**Sent:** Thursday, September 3, 2020 5:01 PM  
**To:** Plugge, Lesley <Lesley.Plugge@gdc.ga.gov>; Weinstein, Marc <Marc.Weinstein@gdc.ga.gov>  
**Subject:** RE: A. Diamond

Very sorry I forgot to keep you in the loop. I helped to have her sent there yesterday evening. She is in ACU being re-evaluated. They probably did need her to have a level increase, given she was never given a bra and they did not let her shave. I am disappointed in Coastal SP. I think she will do better at GDCP. Ms. Weiss is assigned as her counselor and has clinical experience working with those who identify as transgender.

Javel Jackson, PsyD  
Statewide Mental Health Director  
Office of Health Services  
300 Patrol Rd., Upshaw Hall, 4th fl  
Forsyth, GA 31029  
[Javel.Jackson@gdc.ga.gov](mailto:Javel.Jackson@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:** Plugge, Lesley <[Lesley.Plugge@gdc.ga.gov](mailto:Lesley.Plugge@gdc.ga.gov)>  
**Sent:** Thursday, September 3, 2020 4:56 PM  
**To:** Jackson, Javel <[Javel.Jackson@gdc.ga.gov](mailto:Javel.Jackson@gdc.ga.gov)>; Weinstein, Marc <[Marc.Weinstein@gdc.ga.gov](mailto:Marc.Weinstein@gdc.ga.gov)>  
**Subject:** A. Diamond

Update/FYI – Offender Diamond has been moved to GDCP’s ACU for further diagnostic clarification and consideration of level 3 services. The treatment team at Coastal is strongly advocating for the level increase.

Lesley Plugge, LCSW, CCHP  
Program Consultant Supervisor  
Georgia Department of Corrections  
Office of Health Services Mental Health Unit  
Upshaw Hall, 4th Floor  
300 Patrol Road  
Forsyth, GA 31029



cell-470-249-5842 (primary)  
478-992-5855 – OHS office  
Fax:478-992-5865



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.***

CONFIDENTIALITY NOTICE: This transmission contains confidential information protected by State and Federal law. The information is intended only for use consistent with the business discussed in this transmission. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action based on the contents is strictly prohibited. If you have received this transmission in error, please delete this email and notify the sender immediately. Your cooperation is appreciated.

# SART Investigation Checklist

Incident Date : 02/18/2021

Checklist Start Date : 02/18/2021

Status: COMPLETE

Status Date : 03/31/2021

| Activity/Actions   | Choice | Date       | Time  | Comment                          |
|--|--------|------------|-------|----------------------------------|
| Medical examination of the alleged victim conducted per SOP 507.04.91.   | Yes    | 02/18/2021 | 16:06 | Examination completed            |
| If within 72 hours, was SANE contacted? (or sent to hospital for forensic exam if SANE cannot arrive prior to 72 hour expiration.)   | No     |            |       | Sane 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     | 02/18/2021 |       | NA                               |
| When was the local Sexual Abuse Response Team (SART) notified?   | Yes    | 02/18/2021 |       | Notified Via Email               |
| Recover, download, and document any video monitoring recording. The disk will be identified and labeled using the corresponding incident report number, and stored securely. | Yes    | 02/18/2021 |       | NA                               |
| Was Evidence collected that needed to be forwarded to OPS? (To whom in comment)  | No     |            |       | No evidence collected            |
| Date Chain of Custody form started?  |        |            |       |                                  |
| Date Incident Demographic Information Form completed   | Yes    | 03/31/2021 |       |                                  |
| Send PREA Initial Notification   | Yes    | 02/08/2021 |       | Notification sent via email      |
| Mental Health Evaluation of the alleged victim completed within 24 hours of receipt of the allegation in accordance with SOP 508.22.   | Yes    | 02/08/2021 |       | Mental health Evaluation com     |
| Have all related documents been scanned/ entered into SCRIBE   | No     | 02/08/2021 |       | No Documents                     |
| Enter investigative summary with all necessary supporting documentation. (Enter date completed) *from notification form  | Yes    | 03/31/2021 |       | Incident: Offender Diamond ir    |
| Disciplinary Actions taken   | No     | 02/08/2021 |       | None Taken                       |
| Case file reviewed by: PREA Compliance Manager   | Yes    | 03/31/2021 |       | I concur with the investigator i |
| Date Retaliation Monitor Notify  | Yes    | 02/08/2021 |       | Notified Via Email               |

PLAINTIFF'S  
EXHIBIT

269

| WITNESS STATEMENT   |                                     |   |                     |
|---|-------------------------------------|---|---------------------|
| PLACE<br><i>Coastal</i>   | DATE<br><i>10/8/21</i>              | TIME<br><i>AD 15:17</i><br><i>3:17</i>  | FILE NUMBER         |
| LAST NAME, FIRST NAME, MIDDLE NAME<br><i>Diamond, Ashley</i>  |                                     | EMPLOYEE ID NUMBER<br><i>1000290565</i> | STATE ID NO.        |
| INSTITUTION OR ADDRESS  |                                     |   |                     |
| SWORN STATEMENT   |                                     |   |                     |
| <p>I, <u><i>Ashley Diamond</i></u>, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:</p> <p><i>while standing at the gate trying to get through I was groped and pressed by several men. It was able to escape after about 30 mins.</i></p> <p><i>AD</i></p> <p><i>AD</i></p> <p><i>AD</i></p> <p><i>AD</i></p>   |                                     |   |                     |
| EXHIBIT   | INITIALS OF PERSON MAKING STATEMENT |   | PAGE 1 OF ___ PAGES |
| <p>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.</p> |                                     |   |                     |

PLAINTIFF'S EXHIBIT  
**270**

(Reproduced locally)

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

STATEMENT (Continued)

AD

AD

AD

AD

AFFIDAVIT

I, Shirley Dore 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.

Shirley Dore  
(Signature of Person Making Statement)

WITNESS

\_\_\_\_\_  
\_\_\_\_\_

INSTITUTION OR ADDRESS

\_\_\_\_\_  
\_\_\_\_\_

INSTITUTION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 10-8 day of 2021

at Shirley Dore  
(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

(Authority to Administer Oath)

INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF 1 PAGES



| WITNESS STATEMENT   |                    |                                  |  |
|---|--------------------|----------------------------------|--|
| PLACE<br>Coastal State Prison   | DATE<br>10/01/2021 | TIME<br>12:18pm                  | FILE NUMBER                                |
| LAST NAME, FIRST NAME, MIDDLE NAME<br>Wilson, Christina Michelle  |                    | EMPLOYEE ID NUMBER<br>[REDACTED] | STATE ID NO.                               |
| INSTITUTION OR ADDRESS<br>200 Gulfstream Road Garden City, GA 31408   |                    |                                  |  |
| SWORN STATEMENT   |                    |                                  |  |
| <p>I, <u>Christina M. Wilson</u>, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:</p> <p>On September 30, 2021, at approximately 4:45pm I was walking thru the gate that connects N-Building to T-Building to handout GOAL Devices when I saw Offender Diamond Ashley GDC 1000290565 standing on N-Building side of the gate. Offender Diamond was wearing a white t-shirt, a white sports bra, white pants with blue strip on the side and white shoes. The next time I saw Offender Diamond at approximately 5:50pm walking from N-Building to the locked Flattop Gate. I was approaching the same gate at the same time. Offender Diamond was wearing a Lime Color Evidence Based Program shirt (EBP), gray shorts, long white compression socks pulled all the way up to the knee, and shoes. Offender Diamond was the only one standing N-Building side of the gate besides myself and the inmate assisting me. Offender Diamond looked at me and said, "I am about to set it off Ms. Wilson" I asked; What is wrong? Offender Diamond stated, "I have been assaulted! The officer left me with all these boys, and they have touched me. I asked; When did this happen? Offender Diamond replied, "Today!" I said, "Let's go. I will take you to talk to someone." Offender Diamond said, "No I will be alright I am just sick and tried of these people consistently harassing me!" Then Offender Diamond said, "But I serve a God that sets high." Offender Diamond raised the left hand and pointed to the sky and started to cry. "And he sees what they did to me." I said, "That is it come on. I am going to take you to somebody. You need to talk to somebody. You will NOT say you reported something to Ms. Wilson, and she did not help you." Offender Diamond said "Ok yes ma'am. As Offender Diamond walked thru the gateway the tears that just flooded the eyes of Offender Diamond and the pain in Offender Diamond voice vanished. As we where walking to Medical I asked Offender Diamond who's the mental health counselor assigned to you? Offender Diamond replied, "Mr. Pannazzo." At the same time Mr. Pannazzo was coming out of Medical. I called out to him and said Offender Diamond needed to speak with him. At no time did I ever see or intervene in any altercation involving Offender Diamond and anyone. I have no idea of what Offender Diamond is referring to. No altercation took place at the Flattop Gate when I was there.</p> |                    |                                  |  |
| <div style="border: 2px solid black; padding: 5px; text-align: center;"> <b>PLAINTIFF'S<br/>EXHIBIT</b><br/><br/> <span style="font-size: 2em; font-weight: bold;">271</span> </div>  |                    | <b>END OF STATEMENT</b>          |  |
|   |                    | EXHIBIT                          | INITIALS OF PERSON MAKING STATEMENT<br>CMW |
| ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF ___ TAKEN AT ___ DATED ___ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE ___ OF ___ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.  |                    |                                  |  |

(Reproduced locally)

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DEF\_029528



STATEMENT (Continued)

~~CMW  
CMW  
CMW~~

AFFIDAVIT

I, Christina M. Wilson HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE \_\_\_\_\_. I FULLY UNDERSTAND THE CONDITIONS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

WITNESS

INSTITUTION OR ADDRESS

INSTITUTION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

Christina M. Wilson  
(Signature of Person Making Statement)

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

\_\_\_\_\_  
(Signature of Person Administering Oath)

\_\_\_\_\_  
(Typed Name of Person Administering Oath)

\_\_\_\_\_  
(Authority to Administer Oath)

PAGE 1 OF 2 PAGES



Brian P. Kemp  
Governor

GEORGIA DEPARTMENT OF CORRECTIONS  
COASTAL STATE PRISON  
200 GULF STREAM RD  
GARDEN CITY, GA 31408  
(912)965-6303



Timothy C. Ward  
Commissioner

**MEMORANDUM**

TO: Brooks L. Benton, Warden

FROM: Briana D. Kaigler, Chief Counselor

DATE: October 8, 2021

RE: Prison Rape Elimination Act: Victim: Diamond, Ashley #1000290565  
Prison Rape Elimination Act: Alleged Aggressor: Unknown

---

On 9/30/2021 offender Diamond, Ashley #1000290565 stated that she was grabbed and squeezed while on the flattop in front of N-B. Offender Diamond stated that multiple offenders on the flattop were pushing her around, touching her in inappropriate areas, and laughing about it. Offender Diamond reported the allegation to the first staff member she saw which was Wilson, Christina.

On 9/30/2021 Wilson, Christina stated that she was in the area of N-Building when Diamond reported to her that she was touched by multiple offenders on the flattop. Ms. Wilson stated that she did not witness anything happen to offender Diamond; however, upon her being informed what happened she escorted offender Diamond to her assigned mental health counselor.

Based on the evidence, to include attached statements, no surveillance video, the SART Team has determined that this allegation is unfounded.

PLAINTIFF'S  
EXHIBIT

**278**

COURAGE, DETERMINATION, TEAMWORK

DEF\_029520

Printed By: WILKERSON, TARSHA  
 Nov 04, 2021 03:27 PM



Brian P. Kemp  
 Governor

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

**Supplemental Report**



Timothy C. Ward  
 Commissioner

**Facility:** COASTAL STATE PRISON  
**Military Time:** 09/30/2021 17:50  
**Number:** 335554

**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:** CHIEF COUNSELOR BRIANA KAIGLER

**Entered Date:** 11/04/2021

**Summary of Incident:**

**Entered Date:** 11/04/2021

On 9/30/2021, approximately 1750hrs Offender Diamond, Ashley #1000290565 informed staff member Wilson, Christina that she was sexually harassed on the flattop in front of N- Building. Offender Diamond stated, "that other offenders grabbed and squeezed her breast while standing on the flattop."

**Warden's Comments**

I concur with SART recommendation and determination.

**Staff Involved**

| Name                 | Injured? | Adverse Action Taken? | Equipment Type | Equipment Reason | Equipment Serial No | Equipment Cert Date | Amo Type | Reviewed Video |
|----------------------|----------|-----------------------|----------------|------------------|---------------------|---------------------|----------|----------------|
| WILSON, CHRISTINA M. | NO       | NO                    | -              | -                | -                   | -                   | -        | NO             |

**Comments:**



Printed By: WILKERSON, TARSHA  
 Nov 04, 2021 03:27 PM

**Offenders Involved**

| Name                     | GDC ID#    | Injured ? | Disciplinary Filed? | Weapon Used |  | Sexual Allegation | Reviewed Video |
|--------------------------|------------|-----------|---------------------|-------------|--|-------------------|----------------|
| DIAMOND, ASHLEY<br>ALTON | 1000290565 | NO        | NO                  | -           |  | YES               | NO             |

**Comments:**

Was this Incident forwarded for investigation? YES

Date Reviewed by Warden: 11/04/2021

# EXHIBIT 10





***CONFIDENTIAL***

July 20, 2020

*Via Certified Mail*

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

*Via Certified Mail and Email*

Georgia Department of Corrections  
Attn: Office of Professional Standards/ PREA Unit  
300 Patrol Rd.  
Forsyth, Ga. 31029  
[PREA.report@gdc.ga.gov](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: Third Notice of Constitutional and PREA Violations on Behalf of Ashley Diamond (GDC ID: 1000290565)**

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

---

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

**CONFIDENTIAL**

**V. Ms. Diamond Should Be Released.**

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

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

Respectfully,



---

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



---

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

***CONFIDENTIAL***

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

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