

EXHIBIT 4

From: Brooks.Benton@gdc.ga.gov
Sent: Tuesday, July 7, 2020 10:03 AM
To: Toole, Robert
Cc: Shepard, Stan
Subject: Re: PREA Letter DIAMOND, ASHLEY ALTON GDC ID: 1000290565

Yes Sir!

Brooks L. Benton
Warden
Coastal State Prison
P.O. Box 7150
200 Gulfstream Rd
Garden City, Ga 31418
Phone 912-965-6303

Brooks.Benton@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.

CORE VALUES

- Courage.
- Determination.
- Teamwork.

On Jul 7, 2020, at 9:39 AM, Toole, Robert <Robert.Toole@gdc.ga.gov> wrote:

FYI.

Robert Toole
Director of Field Operations
300 Patrol Road
Gibson Hall 1st Floor
Forsyth, Ga 31029
Robert.Toole@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.

Begin forwarded message:

From: "Ammons, Jennifer" <jennifer.ammons@gdc.ga.gov>
Date: July 7, 2020 at 9:28:39 AM EDT
To: "Toole, Robert" <Robert.Toole@gdc.ga.gov>, "Holt, Ahmed" <Ahmed.Holt@gdc.ga.gov>
Subject: RE: PREA Letter DIAMOND, ASHLEY ALTON GDC ID: 1000290565

Please make sure that Warden Benton is preserving the video of the alleged dorm meeting on June 19, 2020.

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

From: Toole, Robert <Robert.Toole@gdc.ga.gov>
Sent: Tuesday, July 7, 2020 7:15 AM
To: Holt, Ahmed <Ahmed.Holt@gdc.ga.gov>
Cc: Ammons, Jennifer <jennifer.ammons@gdc.ga.gov>
Subject: FW: PREA Letter DIAMOND, ASHLEY ALTON GDC ID: 1000290565

FYI.

Robert Toole
Director of Field Operations
300 Patrol Road
Gibson Hall 1st Floor
Forsyth, Ga 31029
Robert.Toole@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: Shepard, Stan <Stan.Shepard@gdc.ga.gov>
Sent: Tuesday, July 7, 2020 7:07 AM
To: Toole, Robert <Robert.Toole@gdc.ga.gov>
Subject: Fwd: PREA Letter DIAMOND, ASHLEY ALTON GDC ID: 1000290565

Stan Shepard
Regional Director
Southeast Region
154 1st Avenue South

[Reidsville, GA. 30453](#)

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

Begin forwarded message:

From: "Benton, Brooks" <Brooks.Benton@gdc.ga.gov>
Date: July 7, 2020 at 7:03:52 AM EDT
To: "Shepard, Stan" <Stan.Shepard@gdc.ga.gov>
Subject: Fwd: PREA Letter DIAMOND, ASHLEY ALTON
GDC ID: 1000290565

FYI, this offender did not file this here but sent it outside to be filed. We process it.

Brooks L. Benton
Warden
Coastal State Prison
P.O. Box 7150
200 Gulfstream Rd
Garden City, Ga 31418
Phone 912-965-6303

Brooks.Benton@gdc.ga.gov

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- Courage.
- Determination.
- Teamwork.

Begin forwarded message:

From: "Hofer, Chester"
<Chester.Hofer@gdc.ga.gov>
Date: July 7, 2020 at 6:34:35 AM EDT
To: "Benton, Brooks"
<Brooks.Benton@gdc.ga.gov>, "Betterson, Carl"
<carl.betterson@gdc.ga.gov>
Subject: FW: PREA Letter DIAMOND,
ASHLEY ALTON GDC ID: 1000290565

Hello,

The attached PREA allegation was received from the Office of Victim Services. Please forward to SART for investigation/disposition.

Thanks!

Chester Hofer
PREA Analyst
(478)960-2756

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

From: Keir Chapple <keir.chapple@pap.ga.gov>
Sent: Monday, July 6, 2020 6:54 PM
To: Atchison, Grace <Grace.Atchison@gdc.ga.gov>;
Hofer, Chester <Chester.Hofer@gdc.ga.gov>
Cc: Destiny Brown <Destiny.Brown@pap.ga.gov>
Subject: PREA Letter DIAMOND, ASHLEY ALTON GDC ID: 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.

Mr. Hofer and Ms. Atchison,

Please find attached a third party PREA letter from the southern poverty center on behalf of Ashley Diamond. Please advise if you have any questions regarding this correspondence.

Keir D. Chapple, MBA

Deputy Director

Georgia Office of Victim Services

Office: 404-651-6994 **Mobile:** 404-295-0220

Fax: 404-465-3567

Address: 2 Martin Luther King Jr. Drive SE Suite 458 Atlanta, GA 30334

Work email: keir.chapple@pap.ga.gov

Office of Victim Services email: victimservices@pap.ga.gov

Website: www.pap.ga.gov



EXHIBIT 5

PREA Initial Notification

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

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

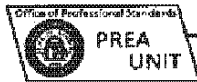
Facility: _____

Summary of Incident:

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

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

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



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

PREA Initial Notification

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

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

Tamara S. Cantera
Signature



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

EXHIBIT 6



Planet Depos[®]
We Make It *Happen*[™]

Transcript of Brooks Benton

Date: May 10, 2022

Case: Diamond -v- Ward, et al.

Planet Depos

Phone: 888.433.3767

Email: transcripts@planetdepos.com

www.planetdepos.com

1 UNITED STATES DISTRICT COURT
2 FOR THE MIDDLE DISTRICT OF GEORGIA
3 MACON DIVISION

4 ----- x
5 ASHLEY DIAMOND, :
6 Plaintiff :
7 vs : Case No.
8 TIMOTHY WARD et al., : 5:20-CV-00453
9 Defendants :
10 ----- x

11
12
13 Videotaped deposition of
14 BROOKS BENTON

15
16 VIA VIDEO/TELECONFERENCE
17 TUESDAY, MAY 10, 2022
18 10:09 a.m. EASTERN TIME
19

20
21
22
23 Job No.: 444141

24 Pages: 1 - 296

25 Reported by: Lisa V. Feissner, RDR, CRR, CLR

1 A P P E A R A N C E S :

2 ON BEHALF OF PLAINTIFF:

3 A. CHINYERE EZIE, ESQUIRE

4 RACHEL MEEROPOL, ESQUIRE

5 CENTER FOR CONSTITUTIONAL RIGHTS

6 666 Broadway

7 7th Floor

8 New York, NY 10012

9 212.614.6467

10 cezie@ccrjustice.org

11

12 ON BEHALF OF DEFENDANTS AND THE WITNESS:

13 ROGER CHALMERS, ESQUIRE

14 OFFICE OF THE ATTORNEY GENERAL OF GEORGIA

15 40 Capital Square, SW

16 Atlanta, GA 30334

17 404.458.3500

18 rchalmers@law.ga.gov

19

20

21

22

23

24

25

1 A P P E A R A N C E S (cont'd):

2 ON BEHALF OF DEFENDANT JAVEL JACKSON:

3 PAUL HENEFELD, ESQUIRE

4 HENEFELD & GREEN

5 3017 Bolling Way, NE

6 Suite 129

7 Atlanta, GA 30305

8 (404) 841-1275

9 pah@aps-law.com

10

11 A L S O P R E S E N T:

12 RJ BUCKLER, Videographer

13 JOHN SCHMIEG, A/V Technician

14

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Transcript of Brooks Benton
Conducted on May 10, 2022

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C O N T E N T S

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E X H I B I T S

(Attached to transcript)

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Transcript of Brooks Benton
Conducted on May 10, 2022

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(Attached to transcript)	
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13 Letter Re: Third Notice of Constitutional and PREA Violations On Behalf of Ashley Diamond (GDC ID: 1000290565)	208
14 email re: Diamond, Ashley #1000290565	216
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18 emails Re: Weekly Report on Offender Diamond, Ashley GDC#1 000290565	276
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Transcript of Brooks Benton
Conducted on May 10, 2022

6

1	P R O C E E D I N G S	10:09:23
2	VIDEOGRAPHER: Here begins recording	10:09:23
3	number one in the videotaped deposition of Brooks	10:09:26
4	Benton in the matter of Ashley Diamond versus	10:09:30
5	Timothy Ward, et al., held in the United States	10:09:33
6	District Court for the Middle District of Georgia,	10:09:36
7	Macon Division, Case Number 5:20-cv-00453-MTT.	10:09:39
8	Today's date is May 10th, 2022. The time	10:09:46
9	on the monitor is 10:09 a.m. Eastern Standard	10:09:50
10	Time.	10:09:54
11	The videographer today is RJ Buckler CLVS	10:09:54
12	representing Planet Depos. This deposition is	10:09:58
13	taking place remotely via Zoom.	10:10:00
14	Would counsel please voice identify	10:10:02
15	themselves and state whom they represent.	10:10:04
16	MS. EZIE: Good morning. Chinyere Ezie	10:10:06
17	for the plaintiff Ashley Diamond with the Center	10:10:10
18	For Constitutional Rights. I'm joined by my	10:10:13
19	colleague Rachel Meeropol.	10:10:16
20	MR. CHALMERS: Good morning. I'm Roger	10:10:18
21	Chalmers with the State Law Department. I	10:10:20
22	represent the deponent Brooks Benton and the other	10:10:22
23	named defendants in the lawsuit except for one,	10:10:24
24	Javel Jackson.	10:10:27
25	MR. HENEFELD: Good morning. My name is	10:10:30

Transcript of Brooks Benton
Conducted on May 10, 2022

7

1	Paul Henefeld. I'm with Henefeld & Green, and I	10:10:31
2	represent Javel Jackson.	10:10:36
3	VIDEOGRAPHER: The court reporter today	10:10:37
4	is Lisa Feissner representing Planet Depos.	10:10:39
5	Would the court reporter please swear in	10:10:42
6	the witness.	10:10:44
7	BROOKS BENTON,	10:10:55
8	having been first duly sworn, was examined and	
9	testified as follows:	10:10:55
10	EXAMINATION	10:10:56
11	BY MS. EZIE:	10:10:56
12	Q Good morning, Mr. Benton.	10:11:00
13	A Good morning.	10:11:03
14	Q Good to see you again.	10:11:03
15	I would like to just get started by	10:11:05
16	asking you to spell -- to say and spell your name	10:11:09
17	for the record, please.	10:11:10
18	A Brooks, B-R-O-O-K-S, Benton, B-E-N-T-O-N.	10:11:12
19	Q Mr. Benton, what's your birth date?	10:11:19
20	A ██████.	10:11:22
21	Q And have you taken a deposition before?	10:11:25
22	A I'm sorry?	10:11:31
23	Q Have you taken a deposition before?	10:11:33
24	A No. I've done a declaration.	10:11:35
25	Q Got it.	10:11:40

1 There are just a few things I'd like to 10:11:42
2 go over in that case. 10:11:44

3 For starters, as you see today, we're 10:11:45
4 taking this deposition remotely, which means that 10:11:49
5 there are a few things to keep in mind. 10:11:53

6 The first is that because there's a court 10:11:57
7 reporter here, I'm going to ask that your answers 10:12:00
8 today be verbal as opposed to things like gestures 10:12:03
9 or nodding. 10:12:07

10 So can you commit to giving clear verbal 10:12:09
11 answers to each of my questions, please? 10:12:11

12 A Yes. 10:12:14

13 Q Thank you. 10:12:15

14 Something else to keep in mind is that if 10:12:17
15 we speak over one another, which is to say, if you 10:12:21
16 begin answering a question while I'm still 10:12:25
17 speaking, or if I begin asking a question while 10:12:27
18 you're speaking, it will be difficult for the 10:12:30
19 court reporter to make a clean record. 10:12:33

20 So can we try our best not to interrupt 10:12:35
21 one another? 10:12:39

22 A Yes. 10:12:40

23 Q Thank you. 10:12:41

24 Now, over the course of the day, you 10:12:42
25 might hear objections to some of the questions I 10:12:47

1 ask from your counsel, Mr. Chalmers. If he, based 10:12:51
2 on an objection, does not want you to answer my 10:12:57
3 question, he'll indicate that, typically. 10:12:59

4 So otherwise, if your counsel objects and 10:13:03
5 he does not instruct you not to answer, will you 10:13:06
6 proceed to answer my question, again, as long as 10:13:09
7 you have not been directed not to? 10:13:13

8 A Yes. 10:13:15

9 Q Thank you. 10:13:17

10 Now, we are from time to time going to 10:13:18
11 want to take breaks today for whatever reason, 10:13:23
12 lunch breaks, coffee breaks, bathroom breaks. If 10:13:26
13 you'd like to take a break, all you have to do is 10:13:31
14 let us know. I'd just ask that you don't take a 10:13:34
15 break while a question is pending. 10:13:37

16 Is that okay? 10:13:40

17 A Yes. 10:13:42

18 Q Thank you. 10:13:42

19 Now, earlier, you were asked whether -- 10:13:44
20 we were all asked whether anyone was in the room 10:13:50
21 with us, and I correct that. 10:13:52

22 You are currently in a room by yourself? 10:13:55

23 A Correct. 10:13:58

24 Q If anyone tries to enter the room or 10:14:00
25 joins you in the room, will you let us know? 10:14:04

1 A Yes. 10:14:07

2 Q And that might take me to my next 10:14:10

3 question, which is, are there any other electronic 10:14:13

4 devices in the room with you other than this 10:14:17

5 laptop? 10:14:19

6 A Yes. 10:14:21

7 Q What devices are those? 10:14:22

8 A I have my desktop computer and my cell 10:14:25

9 phone, my state cell phone. 10:14:28

10 Q Okay. Is it going to be necessary for 10:14:32

11 you to have your cell phone on during this 10:14:34

12 meeting, or is it possible to mute it or to store 10:14:36

13 it away when we're on the record? 10:14:40

14 A I can mute it, but yes, it's a part of my 10:14:42

15 uniform, basically. I can't leave without it. 10:14:46

16 Q Understood. Okay. 10:14:49

17 If you wouldn't mind muting it, we'd 10:14:50

18 appreciate it. Of course, if -- and minimizing 10:14:53

19 the extent to which you're kind of interacting 10:14:56

20 with it. 10:14:59

21 Can you agree that during the course of 10:15:00

22 the deposition, you will not communicate with 10:15:03

23 anyone about the questions you're being asked in 10:15:06

24 the deposition using your device if we're on the 10:15:09

25 record? 10:15:12

1 A Yes. 10:15:13

2 Q Okay. And, of course, if you -- if your 10:15:14

3 device or responsibilities are a reason you need 10:15:20

4 to take a break at any point, feel free to ask, 10:15:22

5 okay? 10:15:25

6 A Yes. 10:15:27

7 Q And right now on your laptop -- sorry, I 10:15:29

8 guess it's a desktop, are there any programs that 10:15:34

9 are running besides Zoom? 10:15:36

10 A No. There's no programs running on my 10:15:40

11 desktop. 10:15:42

12 Q Okay. And the desktop is how you're 10:15:43

13 connecting to this deposition, or is that via a 10:15:45

14 different device? 10:15:48

15 A I'm connected via my laptop. 10:15:50

16 Q Okay. Are there any other programs 10:15:52

17 besides Zoom running on your laptop? 10:15:55

18 A No. 10:15:59

19 Q Okay. If you could, during the 10:16:00

20 deposition while we're on the record, just have 10:16:03

21 Zoom running and not other programs, we would 10:16:05

22 appreciate it. 10:16:10

23 And I hate to say it, but in our recent 10:16:12

24 experience, we have had tech issues during these 10:16:17

25 depositions. So if at any point you lose 10:16:18

1 connection or you're unable to hear us or be 10:16:22
2 heard, we'll just take a break and try to get it 10:16:27
3 sorted, okay? 10:16:30
4 A Yes. 10:16:31
5 Q Now, did you bring any depositions -- any 10:16:31
6 documents to this deposition with you today? 10:16:36
7 A No. 10:16:39
8 Q You don't have any notes that you brought 10:16:40
9 and are referencing? 10:16:46
10 A No. 10:16:48
11 Q Okay. Now, did you take any steps to 10:16:49
12 prepare for the deposition today? 10:16:55
13 A Steps, no. 10:16:59
14 (Cross-talk.)
15 A I was given information -- I'm sorry. 10:17:01
16 Q Okay. I broke my own rule. I did not 10:17:04
17 mean to cut you off. So please continue. 10:17:07
18 A No. I was given information that this 10:17:11
19 deposition was going to take place today and what 10:17:14
20 time I needed to be on. 10:17:17
21 Q Okay. Did you meet with your attorneys 10:17:18
22 in connection with the deposition ahead of it? 10:17:25
23 A Yes. 10:17:26
24 Q Okay. When did you meet for the 10:17:28
25 deposition? 10:17:32

1 MR. CHALMERS: Objection. 10:17:34

2 Counsel, we've been down this path 10:17:36

3 before. No. Objection. 10:17:37

4 Do not answer. 10:17:40

5 MS. EZIE: Just to confirm, we have an 10:17:44

6 agreement that we will not inquire either to the 10:17:45

7 date or the length of preparations for depositions 10:17:47

8 going forward? Is that a mutual agreement, 10:17:50

9 Mr. Chalmers? 10:17:53

10 MR. CHALMERS: It's not an agreement. 10:17:54

11 It's simply an objection. It's an improper 10:17:55

12 question into privileged communications. So my 10:17:57

13 objection stands. 10:18:00

14 MS. EZIE: I asked about the date of a 10:18:00

15 meeting. 10:18:02

16 MR. CHALMERS: Right. 10:18:02

17 MS. EZIE: Can you explain how that 10:18:03

18 concerns a privileged topic. 10:18:05

19 MR. CHALMERS: No, I will not explain. 10:18:07

20 My objection stands. The witness will not 10:18:09

21 respond. 10:18:10

22 Q Did you meet with your attorneys on more 10:18:11

23 than one occasion, Mr. Benton? 10:18:13

24 MR. CHALMERS: You can answer that 10:18:18

25 question. 10:18:19

1 A No. 10:18:19

2 Q Did you review any documents in 10:18:21

3 connection with your preparations for the 10:18:25

4 deposition? 10:18:26

5 A No. 10:18:28

6 Q You are aware that you're a defendant in 10:18:34

7 this case? 10:18:36

8 A Yes. 10:18:36

9 Q And have you reviewed the Complaint in 10:18:37

10 this case? 10:18:43

11 A Yes. 10:18:43

12 Q Okay. And Mr. Benton, are you currently 10:18:43

13 an employee of the Georgia Department of 10:18:47

14 Corrections? 10:18:52

15 A I am. 10:18:52

16 Q Is it okay if I refer to the Georgia 10:18:54

17 Department of Corrections as GDC going forward? 10:18:57

18 A Yes. 10:19:01

19 Q How long have you worked at GDC in total? 10:19:03

20 A 29 years -- well, I'm sorry. It will be 10:19:08

21 29 years December the 1st. 10:19:16

22 Q That's quite a while. 10:19:20

23 Now, what was your background -- 10:19:22

24 educational background at the time you joined GDC? 10:19:26

25 A Bachelor's of arts degree in psychology, 10:19:30

1 sociology. 10:19:34

2 Q Where did you complete your studies? 10:19:36

3 A West Georgia, University of West Georgia. 10:19:38

4 Q Okay. And at the time of your initial 10:19:41

5 application, did you have any prior corrections 10:19:46

6 experience? 10:19:48

7 A No. 10:19:50

8 Q What was the last job you held prior to 10:19:50

9 joining GDC? 10:19:54

10 A While I was in college, I worked at 10:19:56

11 Walmart as a stockman. 10:19:58

12 Q Got it. 10:20:03

13 What motivated you to apply to GDC? 10:20:05

14 A Well, I grew up in Philadelphia, 10:20:08

15 Pennsylvania, and I always wanted to be -- go into 10:20:14

16 law enforcement of some kind. And I had the 10:20:18

17 opportunity right before graduation and applied to 10:20:22

18 several agencies, probation being one of them, and 10:20:28

19 Georgia Department of Corrections being the other, 10:20:33

20 and received a notice from GDC for an interview. 10:20:36

21 Q Got it. 10:20:43

22 And Mr. Benton, what's your current role 10:20:45

23 at GDC? 10:20:48

24 A I am a warden, a prison warden. 10:20:50

25 Q What facility? 10:20:54

Transcript of Brooks Benton
Conducted on May 10, 2022

16

1 A I'm currently at Phillips State Prison. 10:20:56
2 Q Where is Phillips State Prison? 10:21:00
3 A It's in Buford, Georgia. 10:21:02
4 Q And what motivated you to join Phillips 10:21:05
5 State Prison as warden? 10:21:10
6 A I had some medical issues that required 10:21:12
7 me to be closer to home, and the commissioner 10:21:15
8 helped me out by transferring me closer to home 10:21:19
9 and assigned me to Phillips State Prison with 10:21:22
10 Warden James Perry. 10:21:25
11 Q Got it. 10:21:28
12 And when you say "home," where in Georgia 10:21:30
13 do you consider to be home? 10:21:33
14 A Jefferson, Georgia, Jackson County. 10:21:35
15 Q Got it. 10:21:40
16 And Mr. Benton, when did your appointment 10:21:41
17 at Phillips begin? 10:21:43
18 A January 1st -- 10:21:46
19 Q Okay. 10:21:48
20 A -- 2022. 10:21:49
21 Q Prior to joining Phillips as warden, were 10:21:50
22 you the warden of Coastal State Prison? 10:21:57
23 A Yes, I was. 10:22:01
24 Q When did that appointment begin? 10:22:02
25 A July 1st, 2019. 10:22:07

Transcript of Brooks Benton
Conducted on May 10, 2022

17

1 Q And as warden of Coastal State Prison, 10:22:11
2 who did you report to? 10:22:18
3 A Stan Shepard. 10:22:22
4 Q Who's Stan Shepard? 10:22:24
5 A The regional director of the southeast 10:22:26
6 region. 10:22:29
7 Q Okay. Did you report to anyone else? 10:22:30
8 A No. He was my immediate supervisor. 10:22:35
9 Q And as warden of Coastal State Prison, 10:22:39
10 who reported to you? 10:22:44
11 A My deputy wardens, deputy warden of 10:22:47
12 security, deputy warden of care and treatment, 10:22:53
13 deputy warden of administration, administrative 10:22:56
14 assistant, my secretary, operations analyst, the 10:23:00
15 STG, security threat group sergeant. 10:23:08
16 Q Would it be possible for you to identify 10:23:13
17 those individuals by name and title? 10:23:16
18 A Yes. 10:23:21
19 Q Why don't you start with deputy of care 10:23:27
20 and treatment. 10:23:32
21 A My deputy warden of care and treatment 10:23:32
22 was Ms. Kaigler, Briana Kaigler. 10:23:34
23 Q Okay. At what point was she your deputy 10:23:38
24 warden of care and treatment? 10:23:40
25 A She recently -- 10:23:42

1 (Cross-talk.) 10:23:46

2 A She recently started -- I want to say she 10:23:47

3 started probably October of '21. I'm not sure of 10:23:50

4 the exact date. 10:23:59

5 Q Got it. 10:24:01

6 Prior to Ms. Kaigler, who was the deputy 10:24:03

7 warden of care and treatment at Coastal? 10:24:08

8 A Carl Betterson. 10:24:11

9 Q And how long did Carl Betterson serve in 10:24:13

10 that role? 10:24:17

11 A Carl Betterson was a deputy warden of 10:24:18

12 care and treatment for approximately two years. 10:24:21

13 Q Do you know what prompted him to leave 10:24:25

14 that role? 10:24:28

15 A Yes. He had a better opportunity for 10:24:30

16 advancement. 10:24:34

17 Q Do you know what that opportunity was? 10:24:36

18 A It was at a local college. I can't 10:24:39

19 remember the name of the college. But yes, he 10:24:42

20 went private. 10:24:48

21 Q Got it. 10:24:50

22 Now -- and I'm sorry. I was trying to 10:24:52

23 make a list of all the roles you identified. But 10:24:55

24 do you want to go to the next position and 10:24:57

25 identify specifically who held that position 10:25:00

1 between June 2020 and your departure? 10:25:03

2 A My deputy warden of security, Zechariah 10:25:10

3 Jones. 10:25:19

4 Q Okay. Zechariah held that position 10:25:19

5 continuously from about June 2020 to your 10:25:23

6 departure? 10:25:26

7 A Yes. He was -- yes. Yes. November 10:25:28

8 2020, I want to say, he transferred from Smith 10:25:34

9 State Prison. And like I said, these dates -- I'm 10:25:43

10 not good with dates. 10:25:48

11 Q Do you know who served as the deputy 10:25:49

12 warden of security prior to Mr. Zechariah? 10:25:51

13 A Yes, I do know, and his name escapes me. 10:25:59

14 Q Okay. Do you want to shift to the next 10:26:04

15 position you identified? 10:26:09

16 A Yes. Deputy warden of administration, 10:26:11

17 Phillip Glenn. 10:26:15

18 Q And Phillip Glenn -- I'm sorry. I 10:26:18

19 neglected to ask, could you -- as you're 10:26:25

20 describing these positions, could you summarize 10:26:27

21 what their job duties consisted of -- 10:26:31

22 A Yes. 10:26:35

23 Q -- and their roles. 10:26:35

24 A Yes. Phillip Glenn, he's the deputy 10:26:37

25 warden of administration. He supervises several 10:26:40

1 departments. He was over food service. He was 10:26:45
2 over the business aspect of the prison. He was 10:26:48
3 over commissary, inmate commissary store. And he 10:26:53
4 was over maintenance. 10:27:01

5 Q Okay. And just to jump back, the deputy 10:27:03
6 of care and treatment, what were their job duties? 10:27:08

7 A Ms. Kaigler, she was over all care and 10:27:13
8 treatment duties. She was over the mental health 10:27:16
9 department, the general population counselor 10:27:20
10 department. She was over counseling. She was 10:27:24
11 over education. She was over vocational. She was 10:27:27
12 over chaplaincy. 10:27:32

13 Q Okay. What about PREA coordination? 10:27:34

14 A PREA, yes, that's all care and treatment, 10:27:42
15 yes. 10:27:44

16 Q And would Mr. Betterson's 10:27:44
17 responsibilities have been the same? 10:27:46

18 A Yes. 10:27:51

19 Q Okay. And the deputy warden of security, 10:27:52
20 what was their responsibility at the prison? 10:27:54

21 A The deputy warden of security is over all 10:27:57
22 uniform staff and unit managers. 10:28:00

23 Q Okay. And so we've covered deputy warden 10:28:04
24 of care and treatment, administration, and 10:28:09
25 security. 10:28:12

1 Who else reported to you by name and 10:28:12
2 title between 2020 and present? 10:28:15

3 A At the time that I left, my secretary, 10:28:21
4 Ms. Preyer, Yolanda Preyer. She was my secretary. 10:28:28
5 I was her direct supervisor. And her duties were 10:28:34
6 answering phones, taking dictation, just basically 10:28:37
7 my right-hand woman. She did everything. 10:28:47

8 Q Got it. 10:28:50

9 And was there anyone else who reported to 10:28:52
10 you directly? 10:28:55

11 A Yes. The security threat group sergeant, 10:28:57
12 at the time, he had already left, and right before 10:29:05
13 I left or transferred, he came back. And I tell 10:29:08
14 you, his name escapes me. 10:29:16

15 Q Got it. 10:29:21

16 A But he was over -- and I'll think of his 10:29:23
17 name in a minute. But he was over all my security 10:29:26
18 threat group individuals. His job duties were, 10:29:29
19 when offenders come into the system, come into 10:29:34
20 Coastal, he would prescreen them, take pictures of 10:29:37
21 any tattoos, do any backgrounds on them and their 10:29:41
22 affiliations, if they were affiliated. 10:29:48

23 Q Got it. 10:29:54

24 And that individual, might his name have 10:29:54
25 been Mitchell? 10:29:57

1 A Yes. Thank you. Thank you. 10:29:58
2 Sergeant Mitchell. 10:30:00
3 Q Got it. 10:30:04
4 Now, is there anyone else who reported 10:30:07
5 directly to you? 10:30:09
6 A Yes. My admin assistant -- and excuse 10:30:10
7 me. I tell you, I've been going through a lot of 10:30:21
8 stuff. But one thing is, I cannot recall names a 10:30:25
9 lot. 10:30:28
10 But I did have an admin assistant, and 10:30:31
11 she was responsible for any legal aspects of 10:30:35
12 policies and procedures. Any policies and 10:30:42
13 procedures that come down to us from central 10:30:45
14 office, her responsibility was to get that out to 10:30:48
15 the staff and update the necessary books. 10:30:52
16 And any new staff that came on board, she 10:30:58
17 was over my media area as well, putting their name 10:31:02
18 and titles up on the television that was out in 10:31:07
19 the lobby to let other staff know of the new staff 10:31:12
20 that were coming on board. 10:31:17
21 Q Got it. 10:31:19
22 If you think of her name over the course 10:31:23
23 of the day, you can just let us know. 10:31:24
24 A Yes, I will. 10:31:26
25 Q Now, Coastal State Prison where you used 10:31:29

1 to work, we've been speaking about it for some 10:31:35
2 time, it's a men's prison, correct? 10:31:37
3 A Correct. 10:31:40
4 Q It's near Savannah, Georgia? 10:31:42
5 A Correct. 10:31:45
6 Q How many inmates does CSP -- can I call 10:31:47
7 it CSP from time to time, Coastal State Prison? 10:31:53
8 A Yes. 10:31:56
9 Q Okay. How many inmates did CSP house at 10:31:57
10 the time -- approximately, at the time you joined 10:32:03
11 in July of 2019? 10:32:05
12 A Approximately 1800 offenders. 10:32:08
13 Q Okay. Did that number fluctuate much 10:32:15
14 during your time as warden? 10:32:19
15 A Yes. We never physically had that many 10:32:21
16 inmates in the prison. We never reached full 10:32:26
17 capacity. That basically was how many beds we had 10:32:29
18 at the time that I was assigned there. 10:32:33
19 Q So you had 1800 beds, not 1800 inmates? 10:32:36
20 A Correct. 10:32:41
21 Q Approximately how many inmates would you 10:32:42
22 say you had while you were there, at the high? 10:32:44
23 A I think the most that I remember having 10:32:48
24 was over 17 -- over 1700, probably the low 1700s. 10:32:52
25 Q Okay. What about staff members? I'm 10:32:58

1 sorry. Let me strike that. 10:33:02

2 As far as the people that were housed at 10:33:03

3 CSP, am I correct that they had a variety of 10:33:08

4 conviction backgrounds? 10:33:14

5 A Yes. 10:33:16

6 Q Some people at Coastal were there for 10:33:17

7 violent offenses? 10:33:24

8 A Yes. 10:33:25

9 Q And some people were there for nonviolent 10:33:26

10 offenses? 10:33:32

11 A Yes. 10:33:33

12 Q And you also had some residents who were 10:33:33

13 gang-affiliated? 10:33:40

14 A Yes. 10:33:41

15 Q Approximately -- and those individuals 10:33:42

16 often would be, I think, as you described earlier, 10:33:47

17 part of your either security threat group or 10:33:51

18 otherwise monitored by personnel? 10:33:54

19 A Yes. 10:33:58

20 Q Approximately how many inmates were 10:34:00

21 security threat group members, as far as perhaps 10:34:04

22 the high? 10:34:06

23 A The highest that I remember being -- 10:34:08

24 Mitchell reporting to me was probably in the low 10:34:13

25 300s, probably 310, 315, somewhere around there. 10:34:16

1 Q Got it. 10:34:22

2 And now, what about staff, how many staff 10:34:25

3 were there at Coastal when you joined in July 10:34:29

4 2019, approximately? 10:34:34

5 A Approximately 300, 320. 10:34:39

6 Q And what about at the time of your 10:34:42

7 departure? 10:34:46

8 A Well, we were probably in the high 200s, 10:34:49

9 probably 280. 10:34:57

10 Q So your staffing levels at Coastal 10:35:00

11 decreased over time? 10:35:03

12 A Yes. 10:35:05

13 Q What were the sources of those decreases, 10:35:06

14 in your eyes? 10:35:11

15 A A lot of the -- a lot of the issues 10:35:13

16 stemmed with COVID. We lost a lot of staff. When 10:35:18

17 COVID hit, they were -- what I would hear were 10:35:23

18 afraid of catching COVID. So they opted to go 10:35:31

19 home. 10:35:35

20 Q Got it. 10:35:36

21 What's the lowest your staffing has been 10:35:38

22 since July 2019? 10:35:41

23 A Oh, wow. We had -- our vacancy rate, I 10:35:45

24 can't remember, but it was -- we had probably 70, 10:35:54

25 80 officer vacancies. Our officer vacancy rate 10:36:02

1 was pretty high. 10:36:08

2 Q Got it. 10:36:09

3 How did that impact your operations at 10:36:11

4 the facility? 10:36:16

5 A Well, we had to ramp up our recruitment 10:36:19

6 and retention. We had to shut some posts down 10:36:27

7 that were not more important than other posts and 10:36:31

8 man the more important posts. 10:36:36

9 Q Can you give us an example of that? 10:36:39

10 A So we had -- 10:36:41

11 (Cross-talk.) 10:36:42

12 A We had split shift officers. Split shift 10:36:43

13 officers are those officers that are five and two, 10:36:46

14 work five days a week and off on Saturday and 10:36:49

15 Sunday. We called them split shift officers. We 10:36:51

16 had to shut down a lot of those posts and put 10:36:55

17 those officers on shift to cover where the need 10:36:58

18 was. 10:37:04

19 Q Okay. As far as the operations of the 10:37:05

20 prison, I understand you're saying that between 10:37:15

21 2019 and 2020, and 2021, I guess -- sorry. 10:37:23

22 What was your last day at Coastal, to be 10:37:27

23 clear? 10:37:30

24 A My last physical day was, I want to say, 10:37:30

25 December 17th. 10:37:36

1 Q Okay. 10:37:38

2 A But official -- my last official day was 10:37:39

3 December 31st. 10:37:42

4 Q Okay. Can we, for purposes of today's 10:37:43

5 deposition, describe the period between, I guess, 10:37:50

6 July 1st, 2019, and let's say the 17th of December 10:37:53

7 2021 as kind of your time at Coastal, just for 10:38:00

8 sake of using a shorter phrase? 10:38:06

9 A You said describe my time there? 10:38:09

10 Q Yeah. If I say during your time at 10:38:11

11 Coastal, will you understand that I'm referring to 10:38:13

12 the period between July 1st, 2019, and 10:38:16

13 December 17th, 2021? 10:38:21

14 A Okay. Yes. Now I am, yes. 10:38:24

15 Q Okay. So how -- where did you observe 10:38:26

16 the staffing decreases during your time at 10:38:33

17 Coastal, aside from corrections officers? 10:38:37

18 A To be honest with you, it fluctuated the 10:38:42

19 whole time I was there. It reached its highest 10:38:50

20 during COVID, during the COVID season, late 2020 10:38:56

21 to '21. 10:39:04

22 Q Okay. And when you say it reached its 10:39:06

23 highest, what do you mean? 10:39:08

24 A The highest vacancies. 10:39:09

25 Q Was that when you were hitting 70 or 80 10:39:12

1 officer vacancies? 10:39:17

2 A It was during that time, yes. In 2021, 10:39:22

3 that's when I got the 70, 80 officer vacancies. 10:39:24

4 Q Is that the highest vacancy level you 10:39:28

5 experienced, or did it go higher at some point? 10:39:30

6 A That was the highest. That was the 10:39:35

7 highest that I experienced. 10:39:37

8 Q Okay. And you said that you had to make 10:39:39

9 adjustments to the operations at Coastal in 10:39:43

10 response to those vacancies? 10:39:48

11 A Yes. 10:39:51

12 Q Can you describe -- you described the 10:39:53

13 example of having to get rid of, I think, split 10:39:56

14 shift was the term that you used. 10:39:59

15 Were there other adjustments that you had 10:40:02

16 to make? 10:40:03

17 A Yes. I requested overtime pay for those 10:40:05

18 officers that we needed to work extra hours. So 10:40:11

19 that was an adjustment that we made, giving the 10:40:18

20 officers more time. 10:40:23

21 Q Were there instances where you had to 10:40:25

22 have a single officer managing more than one 10:40:28

23 housing unit or dormitory at Coastal? 10:40:34

24 A Yes, there were times. 10:40:39

25 Q How many housing units -- what's the most 10:40:42

1 housing units that you had officers manning or 10:40:46
2 supervising at a time? 10:40:50

3 A Probably one or two, two being the most 10:40:54
4 that I can recall. I'm thinking back now. 10:41:00
5 Probably two. 10:41:07

6 Q Okay. 10:41:08

7 A Two or three dorms being the most, I 10:41:09
8 think three being the most dorms that we had to 10:41:12
9 have one officer manage two dormitories. 10:41:14

10 Q And so that's to say that in a 10:41:18
11 dormitory -- a dormitory, there might not be an 10:41:25
12 officer present because they would be attending to 10:41:28
13 another dormitory as part of their shift? 10:41:31

14 A Correct. They would be floating from one 10:41:36
15 dormitory to the other. 10:41:39

16 Q Up to three dorm -- floating between up 10:41:40
17 to three dormitories at once? 10:41:44

18 A No. Two dormitories, one officer between 10:41:45
19 two dormitories. 10:41:50

20 Q Okay. 10:41:51

21 A But we had three dormitories that we had 10:41:52
22 officers floating. But one officer did no more 10:41:55
23 than two dormitories. 10:42:00

24 Q Okay. When Coastal State Prison is fully 10:42:02
25 staffed, how many officers are assigned to a 10:42:08

1 single dormitory? 10:42:10

2 A One officer. 10:42:13

3 Q Okay. Now, you mentioned that there were 10:42:14

4 a number of vacancies during your time as warden. 10:42:20

5 Would you have welcomed additional 10:42:25

6 personnel? 10:42:27

7 A Yes. 10:42:30

8 Q How would you have utilized additional 10:42:31

9 personnel, if you had it? 10:42:34

10 A We would have, of course, used those 10:42:37

11 officers on split shift officers, the ones that I 10:42:41

12 told you I had to reassign. Of course, 10:42:45

13 transports, chow hall, various positions like 10:42:54

14 that, locations like that. 10:42:58

15 Q Okay. Would you have also reduced the 10:43:00

16 number of assignments, dormitory assignments that 10:43:04

17 each officer had? 10:43:10

18 A Yes. 10:43:11

19 Q Why would you have done that? 10:43:13

20 A Because each dormitory would have one 10:43:17

21 officer per dormitory. 10:43:22

22 Q Do you agree that would have been helpful 10:43:23

23 from an inmate safety perspective? 10:43:26

24 A Yes. 10:43:30

25 Q And since -- during your time at Coastal, 10:43:32

1 did you see more problems -- did you experience 10:43:38
2 problems with inmate safety and inmate-on-inmate 10:43:44
3 violence? 10:43:49
4 A Day one, yes. It was my whole time at 10:43:51
5 Coastal. 10:43:56
6 Q What types of problems did you observe? 10:43:57
7 And excuse me if I'm blowing my nose a 10:44:03
8 lot today. 10:44:05
9 A I didn't observe personally, but issues 10:44:05
10 that I would hear of would be fights in the 10:44:10
11 dormitory between inmate on inmate for various 10:44:14
12 reasons, as small as a candy bar or bathroom time 10:44:21
13 or anything of that nature. 10:44:28
14 Q During your time as warden, is it true 10:44:31
15 there were stabbings at the prison? 10:44:35
16 A During my time as warden or during my 10:44:39
17 time at Coastal? 10:44:42
18 Q Was there ever -- during your time as 10:44:44
19 warden at Coastal. Sorry. 10:44:47
20 A Okay. All right. 10:44:48
21 Yes, yes. 10:44:50
22 Q Some fatal? 10:44:51
23 A Yes. 10:44:54
24 Q Approximately how many stabbings do you 10:44:56
25 recall? 10:45:07

1 A There were numerous over the two and a 10:45:07
2 half year period. 10:45:10
3 Q Okay. What other types of inmate safety 10:45:11
4 problems took place during your time as warden at 10:45:17
5 Coastal? 10:45:19
6 A Other than the fighting and the 10:45:22
7 occasional assaults, that basically was it. 10:45:29
8 Q And when you saw assaults -- 10:45:32
9 A Well -- I'm sorry. 10:45:33
10 Q Please go ahead. 10:45:37
11 A I'm sorry. 10:45:39
12 Fights, the occasional stabbing. We did 10:45:42
13 have -- we have PREAs. Those are considered 10:45:47
14 assaults. So we had those as well. 10:45:52
15 Q Do you recall how many PREAs you had on 10:45:57
16 an annual basis during your time as warden of 10:46:02
17 Coastal? 10:46:07
18 A No, I do not recall the number. I know 10:46:08
19 we had -- we recently, in 2021, had an audit, a 10:46:13
20 PREA audit, and I really can't recall the actual 10:46:18
21 number that the auditor told me. 10:46:25
22 Q Okay. 10:46:28
23 A But it was under -- it was under a 10:46:29
24 hundred. 10:46:31
25 Q Is it possible, just based on -- sorry. 10:46:34

1 Would numbers that appear in GDC's annual 10:46:38
2 PREA report likely be reflective of the number of 10:46:42
3 PREA incidents you received in a given year? 10:46:47
4 A Yes. 10:46:50
5 Q You're familiar with GDC's annual PREA 10:46:52
6 report? 10:46:55
7 A I am. 10:46:58
8 Q Okay. And so based on those numbers that 10:46:59
9 are available, do you think it's possible that in 10:47:06
10 2019, you had about 36 PREAs that were filed at 10:47:10
11 the facility? 10:47:16
12 A I don't remember that because I came in 10:47:23
13 the middle of 2019. So I'm not aware of the total 10:47:25
14 number each year. 10:47:29
15 Q Okay. What about the numbers for 2020, 10:47:30
16 do you happen to be familiar with those? 10:47:34
17 A No. I did glance over the report during 10:47:37
18 that time frame, but I can't remember the number. 10:47:40
19 Q Does 62 PREAs sound accurate? 10:47:44
20 A Yes, probably, yes. 10:47:54
21 Q And am I correct that Coastal has also 10:47:55
22 had problems or issues related to inmate deaths 10:48:01
23 and COVID? 10:48:09
24 A Yes, at the hospital, yes. 10:48:12
25 Q For a period, you were the facility that 10:48:15

1 was leading Georgia when it came to inmate 10:48:19

2 fatalities? 10:48:22

3 A Yes. So I was told, yes. 10:48:24

4 Q Okay. Now, stepping back, what were your 10:48:26

5 job duties as warden of Coastal State Prison? 10:48:33

6 A I oversaw the day-to-day operations 10:48:37

7 through subordinate staff. I supervised by 10:48:40

8 walking around. I went on inspections daily to 10:48:44

9 various parts of the prison, looking over the 10:48:50

10 infrastructure of the prison, speaking to inmates, 10:48:55

11 speaking to staff. 10:48:59

12 Q And so is it fair to say that you had job 10:49:04

13 duties related to kind of the overall operation of 10:49:11

14 the prison? 10:49:17

15 A Yes. 10:49:19

16 Q What were your duties -- how would you 10:49:21

17 describe your responsibility with respect to kind 10:49:24

18 of the overall operation of the prison? 10:49:27

19 A It was my job to make sure the prison ran 10:49:31

20 smoothly. It was my job, through my subordinate 10:49:34

21 staff, to make sure that the staff had what they 10:49:39

22 need in order to do their jobs. It was my job to 10:49:42

23 make sure the offenders had what they needed and 10:49:47

24 received education and things that would advance 10:49:52

25 them after their prison term. 10:49:59

1 Q With respect to inmates, did you also 10:50:03
2 have a duty to ensure their health and safety? 10:50:05
3 A Yes. 10:50:09
4 Q And did you understand you had a duty to 10:50:10
5 protect prisoners from sexual abuse? 10:50:15
6 A Yes. 10:50:18
7 Q And you also had a duty to make sure the 10:50:19
8 officer -- sorry -- the offenders received health 10:50:27
9 care when they needed it? 10:50:30
10 A Yes. 10:50:32
11 Q And did you have a duty to kind of 10:50:32
12 supervise personnel at Coastal State Prison? 10:50:36
13 A Yes, through subordinate staff and 10:50:41
14 directly, yes, combination. 10:50:46
15 Q And one of your responsibilities was 10:50:48
16 making sure the staff of Coastal State Prison 10:50:51
17 complied with federal and state law? 10:50:53
18 A Yes. 10:50:57
19 Q As well as GDC policy? 10:50:58
20 A Correct. 10:51:01
21 Q Now, when you were warden at Coastal, did 10:51:04
22 you complete performance reviews of any kind? 10:51:08
23 A Yes. 10:51:11
24 Q Of who? 10:51:13
25 A Of my direct reports. 10:51:16

1 Q Okay. And those are the people that you 10:51:18
2 named earlier today? 10:51:23
3 A Yes. 10:51:24
4 Q Did you receive performance reviews as 10:51:26
5 well? 10:51:28
6 A Yes. 10:51:30
7 Q Who gave you your performance reviews? 10:51:31
8 A My supervisor, Stan Shepard. 10:51:35
9 Q Okay. Is Stan Shepard -- is he still 10:51:38
10 your supervisor to this day? 10:51:43
11 A No. 10:51:44
12 Q Who is your supervisor in your new role? 10:51:46
13 A Shay Hatcher. He's the unit -- he's the 10:51:49
14 regional director of the north region. 10:51:53
15 Q Okay. Now, did you also, as warden of 10:51:55
16 Coastal State Prison, have responsibilities 10:52:01
17 related to disciplining personnel who engaged in 10:52:04
18 misconduct? 10:52:10
19 A Yes. 10:52:10
20 Q Did you have duties related to ensuring 10:52:11
21 that personnel received proper training? 10:52:15
22 A Yes. 10:52:19
23 Q Including training related to the federal 10:52:20
24 Prison Rape Elimination Act? 10:52:25
25 A Yes. 10:52:27

1 Q You're familiar with the federal Prison 10:52:29
2 Rape Elimination Act and its standards? 10:52:34
3 A Yes. 10:52:35
4 Q Is it okay if I call them the PREA -- 10:52:35
5 call the act and its standard PREA today? 10:52:40
6 A Yes. 10:52:43
7 Q Okay. And let's see. 10:52:45
8 Have you received training related to 10:52:50
9 PREA? 10:52:52
10 A Yes. 10:52:53
11 Q When did you receive PREA-related 10:52:55
12 trainings? 10:53:00
13 A PREA training has been ongoing annually 10:53:01
14 through in-service, warden meetings. It seems 10:53:05
15 like every time we went to a meeting, you know, 10:53:12
16 they talked about a lot of various subjects, and 10:53:14
17 PREA was one of them. 10:53:19
18 Q So you're expected to understand and 10:53:21
19 implement the standards as warden? 10:53:26
20 A Yes. 10:53:28
21 Q Are you familiar with the PREA resource 10:53:29
22 center? 10:53:33
23 A Yes. 10:53:34
24 Q You know it's an initiative run by the 10:53:35
25 DOJ? 10:53:41

1 A I'm sorry. 10:53:43

2 Q I'll ask a different question. 10:53:47

3 How are you familiar with the PREA 10:53:49

4 resource center? 10:53:51

5 A Through my trainings, it was mentioned. 10:53:55

6 Q Okay. So they're considered to be an 10:53:58

7 authority when it comes to the PREA standards? 10:54:01

8 A Yes. 10:54:05

9 Q And have you received training -- when is 10:54:06

10 the last time you received PREA training? 10:54:14

11 A 2021. And I -- of course, I read 10:54:20

12 policies all the time, daily. I read SOPs. And 10:54:25

13 PREA, of course, is one of our policies. 10:54:30

14 Q So you're familiar with GDC's PREA SOP 10:54:33

15 numbered 208.06? 10:54:36

16 A I am. 10:54:41

17 Q Okay. And it's a policy that you have 10:54:43

18 responsibilities under as warden? 10:54:47

19 A I do. 10:54:51

20 Q What are some of the responsibilities you 10:54:51

21 have under the PREA policy as warden -- when you 10:54:57

22 were warden of Coastal State Prison? 10:55:01

23 A To ensure that any allegation is fully 10:55:07

24 investigated in a timely manner. 10:55:10

25 Q Any allegation of sexual abuse or sexual 10:55:13

1 assault? 10:55:18

2 A Yes. 10:55:18

3 Q And you understood that officers -- the 10:55:20

4 officers you supervised at Coastal had a duty to 10:55:26

5 investigate PREA allegations? 10:55:28

6 A Yes. Staff assigned to that duty, yes. 10:55:30

7 Q Had they had a duty to investigate until 10:55:34

8 they were able to make or reach a determination? 10:55:38

9 A Yes. 10:55:41

10 Q And what other duties did you have under 10:55:44

11 the PREA policy when you were at Coastal? 10:55:49

12 A Just ensuring that that process ran 10:55:55

13 smoothly and ran by the policy, and like I said, 10:55:57

14 any allegation of any kind based on PREA was 10:56:05

15 immediately handled swiftly and investigated per 10:56:12

16 policy. 10:56:19

17 Q Is it true that under the GDC's PREA 10:56:20

18 policy -- is it okay if I refer to the SOP 208.06 10:56:24

19 as GDC's PREA policy today? 10:56:30

20 A Yes. 10:56:34

21 Q Okay. Under GDC's PREA policy, as 10:56:35

22 warden, you had a duty to generate a coordinated 10:56:40

23 response plan to sexual abuse incidents, correct? 10:56:43

24 A Correct. 10:56:47

25 Q What's a coordinated response plan? 10:56:48

1 A Our response plan was based on our 10:56:55
2 investigation. We had staff that was designated 10:56:57
3 to be the coordinator, retaliation specialist. 10:57:01
4 And so our plan was basically once the 10:57:08
5 investigation had started, to make sure that ran 10:57:13
6 smoothly and all aspects of the investigation was 10:57:17
7 handled appropriately and actions taken 10:57:21
8 accordingly. 10:57:24
9 Q Did you have a duty to sign off on 10:57:26
10 investigations and their dispositions? 10:57:31
11 A Once the SART team met and gave me their 10:57:34
12 recommendation, yes, my duty was to review their 10:57:39
13 recommendation and their evidence, based on what 10:57:42
14 was collected, and sign off on that, approving 10:57:47
15 that or disapproving that. 10:57:51
16 Q Okay. As warden, did you also have a 10:57:53
17 duty to develop procedures related to evidence 10:57:58
18 retention and PREA complaints? 10:58:00
19 A Yes. 10:58:04
20 Q Did you develop procedures related to 10:58:05
21 those issues? 10:58:09
22 A Yes. We have procedures in place. PREAs 10:58:10
23 were confidential. They were kept in the PREA 10:58:14
24 manager's office that was behind two locked doors. 10:58:18
25 They were not open for anyone to come in and 10:58:23

1 review them. 10:58:28

2 Q And what about procedures related just to 10:58:30
3 collection and retention of evidence related to a 10:58:33
4 PREA complaint, did you have procedures you 10:58:36
5 developed concerning that matter? 10:58:39

6 A Yes. Yes. If there was any allegations 10:58:41
7 of sexual abuse, we had procedures where we would 10:58:44
8 call outside sources or a SANE -- SANE nurse, 10:58:49
9 sexual assault nurse, that would come and take 10:58:56
10 evidence, and we would forward that to our 10:58:59
11 external investigations unit separate from the 10:59:03
12 prison. 10:59:08

13 Q What about video evidence? 10:59:09

14 A Yes. If there was any video -- if there 10:59:12
15 were any video evidence, we would retain that, and 10:59:15
16 that would be marked and kept with the packet, 10:59:18
17 with the investigation packet. 10:59:26

18 Q Got it. 10:59:27

19 So you, as warden, had a duty to ensure 10:59:28
20 that video evidence related to PREAs was retained? 10:59:32

21 A Yes. If it was available, yes. 10:59:36

22 Q Did you have a duty under the policy to 10:59:39
23 ensure that inmates had safe housing? 10:59:45

24 A Yes. 10:59:47

25 Q And did you have a duty to ensure that 10:59:48

1 staffing levels at the prison were adequate as far 10:59:56
2 as PREA is concerned, or prevention of sexual 11:00:01
3 assault and abuse are concerned? 11:00:04
4 A I'm sorry. Can you please repeat that? 11:00:06
5 Q Sure. 11:00:09
6 Did you have a duty to review staffing 11:00:11
7 levels to see if they were appropriate to assist 11:00:15
8 in preventing abuse incidents? 11:00:21
9 A Yes. 11:00:28
10 Q Okay. How did you take -- what steps did 11:00:28
11 you take to implement the duty to kind of ensure 11:00:32
12 that inmates had safe housing? 11:00:38
13 A Basically, their housing assignments, 11:00:42
14 where they were housed, how they were housed. 11:00:47
15 And, you know, for different groups of 11:00:50
16 inmates, for instance, my transgenders that I had, 11:00:56
17 I would house them at the front of the dormitory 11:01:04
18 close to the officer station, would try to put 11:01:07
19 them in two-man rooms, two-person rooms. 11:01:12
20 If they were in an open dormitory, they 11:01:16
21 would be close to the window, right at the control 11:01:18
22 room where the officer can see them sitting in the 11:01:21
23 control room. And they would be right close to 11:01:24
24 the exterior door and the -- the exit door. 11:01:28
25 I implemented procedures like that. That 11:01:33

1 was just some of the examples of some of the 11:01:35
2 procedures that I implemented for some of my 11:01:37
3 groups, the different groups that I had. 11:01:40
4 Q Got it. 11:01:43
5 And we've been speaking a bit about 11:01:47
6 housing units within Coastal. 11:01:49
7 How many housing units were there in 11:01:51
8 total? 11:01:53
9 A Ten housing units, ten living units. 11:01:55
10 Q Okay. And were those broken into 11:02:00
11 dormitories, or how were they distinguished one 11:02:04
12 from the other? 11:02:07
13 A I'm sorry. I'm sorry. We had 12. I'm 11:02:08
14 trying to count them as I talk to you. I think we 11:02:12
15 had 12 housing units. 11:02:15
16 Q Was each housing unit a dormitory, or 11:02:17
17 were they designated in a different manner? 11:02:21
18 A Each housing unit -- we had some open 11:02:23
19 dormitories, and we had some closed dormitories. 11:02:27
20 The closed dormitories were rooms that housed 11:02:31
21 anywhere from two inmates, some rooms housed four 11:02:37
22 inmates, some rooms housed six inmates. The open 11:02:41
23 dormitories could house up to 48 offenders. Our 11:02:46
24 specialty dormitories can house up to 90 11:02:54
25 offenders, 92 offenders. 11:02:59

1 Q Got it. 11:03:02
2 And earlier -- I'm so sorry. 11:03:04
3 Is it accurate to say, then, that Coastal 11:03:09
4 had 12 dormitories, or is there a different way 11:03:12
5 that the housing units were distinguished one from 11:03:16
6 the other? 11:03:18
7 A They had 12 buildings, 12 buildings. 11:03:19
8 Some of the buildings had multiple dormitories 11:03:24
9 within those buildings. 11:03:29
10 Q Okay. So earlier, when you were speaking 11:03:31
11 about staff shortages at Coastal, how many -- 11:03:35
12 would officers be assigned to multiple buildings 11:03:43
13 or multiple dormitories? 11:03:46
14 A Buildings. 11:03:49
15 Q Okay. So when an officer was floating, 11:03:50
16 they would be covering up to two buildings at a 11:03:55
17 time? 11:03:59
18 A Yes. 11:04:00
19 Q And how many dormitories are in each of 11:04:02
20 the buildings? 11:04:07
21 A It varies. It varies. And unless you 11:04:11
22 know the layout of Coastal -- the front of 11:04:18
23 Coastal, there's seven dormitories -- seven 11:04:22
24 buildings. And in those seven buildings, there's 11:04:25
25 four ranges, four individual ranges that have 11:04:29

1 inmates in -- on each range, an A, a B, a C, a D 11:04:34
2 range. And those go on -- 11:04:40
3 Q And what is a range exactly? 11:04:42
4 A A range is an area within a dormitory 11:04:44
5 that's cut off from other areas in that dormitory 11:04:48
6 that can house up to 30 inmates on a range. 11:04:54
7 Q Is it equivalent to a floor of a 11:04:59
8 dormitory, or is there a different way to 11:05:02
9 understand it? 11:05:05
10 A There's two -- there's two ranges on the 11:05:07
11 main floor, and there's two ranges upstairs. 11:05:10
12 Q Okay. And what separates one range from 11:05:14
13 another? 11:05:18
14 A A door. 11:05:20
15 Q A door that is kind of a locking door? 11:05:22
16 A Yes. Yes, it's a locking door to prevent 11:05:26
17 other inmates from going from range to range. 11:05:29
18 Q Okay. What other things should we know 11:05:33
19 about Coastal as far as its physical layout? You 11:05:38
20 said there's seven buildings in the front. 11:05:41
21 A Yes, and there's -- 11:05:44
22 (Cross-talk.) 11:05:46
23 A Yes, ma'am. 11:05:46
24 And there's two buildings to the left -- 11:05:49
25 if you're walking down the front -- the flattop, 11:05:50

1 as we called it, there's two buildings to the 11:05:55
2 left, one building housing a specialty dorm, our 11:05:58
3 evidence-based in another building housing RSAT, 11:06:03
4 residential substance abuse treatment offenders, 11:06:07
5 probation and inmates. Those two dorms in 11:06:12
6 there -- there was two dorms. 11:06:15

7 At the back of the prison was our ADA 11:06:16
8 dormitories, Americans with Disabilities Act 11:06:22
9 dormitories. 11:06:24

10 And then there was one dormitory to the 11:06:25
11 far right of the prison that housed our 11:06:29
12 residential substance abuse treatment offenders. 11:06:32
13 So it was a total of three dormitories that housed 11:06:35
14 RSAT. 11:06:39

15 Q Okay. Now, where were inmates served 11:06:40
16 meals? Did that vary? 11:06:49

17 A Yes. We had one dining hall that was in 11:06:52
18 the back of the prison that fed the ADA offenders, 11:06:56
19 and the RSAT dormitory in the evidence-based 11:07:04
20 dormitory. 11:07:10

21 And then there was the main dining hall 11:07:11
22 that fed the seven dormitories at the front of the 11:07:14
23 prison. 11:07:17

24 And then the stand-alone dormitory that 11:07:18
25 belonged to RSAT, they were all-inclusive. They 11:07:21

1 had their own chow hall inside the dormitory. So 11:07:24
2 they never left the building when they went to 11:07:29
3 eat. 11:07:31
4 Q You mentioned the evidence-based 11:07:31
5 dormitory. Where was that located on the Coastal 11:07:39
6 compound? 11:07:42
7 A It was on the far left of the prison. If 11:07:44
8 you come inside the prison and you enter on the 11:07:47
9 flattop, as I call it, where the seven buildings 11:07:54
10 were, you take a left, and you walk straight down, 11:07:57
11 and the evidence-based building was in that 11:08:00
12 location. 11:08:05
13 Q And did the evidence -- the 11:08:07
14 evidence-based dormitory, it did not have its own 11:08:10
15 chow hall? 11:08:15
16 A No. 11:08:16
17 Q That's where you said they traveled to 11:08:16
18 eat at a chow hall that also served a few other 11:08:21
19 dormitories? 11:08:25
20 A Yes. The ADA dormitories, Americans with 11:08:25
21 Disabilities Act dormitories. 11:08:29
22 Q What was the -- about how far a travel 11:08:31
23 distance was the chow hall? 11:08:35
24 A Less than 50 yards. 11:08:39
25 Q Okay. And as far as pill call, where did 11:08:46

1 inmates who were in the evidence-based dormitory 11:08:48
2 have to go for pill call? 11:08:51
3 A Pill call, evidence-based inmates 11:08:54
4 walked -- medical was adjacent to the 11:08:58
5 evidence-based dormitory. Our medical building 11:09:00
6 was adjacent to our evidence-based building, and 11:09:04
7 they would walk to the outside window of medical 11:09:08
8 to receive their medication. 11:09:13
9 Q Approximately how many yards away would 11:09:14
10 you say those two buildings were? 11:09:19
11 A I would say about 30 yards. 11:09:21
12 Q Okay. And the evidence-based dormitory, 11:09:32
13 it's also known at Coastal as the N building? 11:09:35
14 A Yes. 11:09:37
15 Q It's a dormitory that houses male 11:09:38
16 offenders? 11:09:42
17 A Yes. 11:09:42
18 Q How many beds are there in all? 11:09:43
19 A One side had 96, and one side had 98. 11:09:53
20 Q And by "side," what are you referring to? 11:09:59
21 A When you walk into the evidence-based 11:10:03
22 dormitory, there's a foyer. And in this foyer, 11:10:06
23 the two dormitories are split. There's an A side 11:10:11
24 and a B side. 11:10:15
25 So if you walk into the dormitory, if you 11:10:17

1 turn to the right, that's dorm -- that's NA. And 11:10:20
2 there's a door that you would have to -- the 11:10:25
3 officer would have to open for you to gain 11:10:27
4 entrance into there. 11:10:30

5 Or if you turned to the left, there's a B 11:10:31
6 side that the officer would have to open and you 11:10:34
7 would gain entrance into there. And right in the 11:10:37
8 center is a control room. 11:10:41

9 Q When you described the sides, is that 11:10:42
10 another way of referring to a range, or is there 11:10:45
11 another way you'd refer to the dorm? 11:10:49

12 A Yes. You can refer to that as a range, 11:10:51
13 yes. 11:10:55

14 MS. EZIE: Okay. I see we've been going 11:10:55
15 for about an hour. Can we take a short restroom 11:10:59
16 break or stretch break for folks? 11:11:03

17 MR. CHALMERS: Yes. That would be good. 11:11:06
18 Thank you. 11:11:07

19 VIDEOGRAPHER: We're going off the 11:11:08
20 record. The time is 11:11. This is the end of 11:11:09
21 recording 1. 11:11:12

22 (Recess from 11:11 a.m. until 11:23 a.m.) 11:11:14

23 VIDEOGRAPHER: The time is 11:23. We're 11:23:34
24 on the record at the start of recording 2. 11:23:41

25 MS. EZIE: Thank you. 11:23:43

1 BY MS. EZIE: 11:23:47

2 Q Okay. So Mr. Benton, we were just 11:23:47

3 talking about the evidence-based dormitory at 11:23:49

4 Coastal. 11:23:54

5 What is the evidence-based dormitory, in 11:23:57

6 your words? 11:24:00

7 A The evidence-based dormitory is a 11:24:01

8 dormitory that houses offenders that have met the 11:24:05

9 criteria to be housed in that area. 11:24:09

10 Evidence-based is a program that has been 11:24:15

11 established, and it works on self-programming 11:24:19

12 where the offenders play a part in the betterment 11:24:26

13 of their own lives by administrating -- 11:24:33

14 administering groups and coming up with plans. 11:24:36

15 They basically form a community of education, of 11:24:48

16 positive programming, and do an outstanding job. 11:24:55

17 I was introduced to it at Coastal. And 11:25:01

18 it's an outstanding program. And all the 11:25:07

19 offenders in the prison, they try to get to that 11:25:12

20 dormitory. That's their goal. 11:25:16

21 And my goal, as warden at Coastal, was to 11:25:19

22 try to make the entire prison an evidence-based 11:25:23

23 prison. 11:25:27

24 Q And what would that have entailed? 11:25:29

25 A Just going dorm at a time, one dorm at a 11:25:33

1 time. We started in N building because initially 11:25:37
2 I was told that was the faith and character 11:25:42
3 dormitory. And so we started there because we 11:25:46
4 already had a strong foundation with the offender 11:25:51
5 population wanting something better for their 11:25:55
6 lives. And so we turned the faith and character 11:26:00
7 dormitory over to an evidence-based dormitory. 11:26:04

8 And then once that was established, we 11:26:08
9 were going to venture off into creating an 11:26:12
10 evidence-based dorm with another dormitory, and 11:26:16
11 that's literature, contracts, and take some 11:26:21
12 offenders that were graduates from the 11:26:28
13 evidence-based dormitory and put them in these new 11:26:31
14 dormitories that we were trying to start up as an 11:26:38
15 evidence-based. 11:26:40

16 Q Okay. So -- but currently at Coastal 11:26:42
17 State Prison, there is just one evidence-based 11:26:52
18 dormitory? 11:26:57

19 A No. Before I left, there were 11:26:57
20 approximately two, and they were working on a 11:26:59
21 third before I left. 11:27:01

22 So we had -- we had a dormitory in 11:27:02
23 O building that was evidence-based, and we had a 11:27:07
24 dormitory in Q building that was evidence-based, 11:27:11
25 just one range. You know, there's four ranges. 11:27:19

1 So one range in each dormitory was evidence-based. 11:27:22

2 But N building was the initial dormitory 11:27:27

3 that was deemed evidence-based, and those other 11:27:33

4 two smaller dormitories were added on. 11:27:38

5 Q And so what changed about the two smaller 11:27:41

6 dormitories at the point they became 11:27:46

7 evidence-based? 11:27:48

8 A Well, basically, it was the inmates that 11:27:50

9 were in there that were assigned to that 11:27:57

10 dormitory, we wanted to try to incorporate the ADA 11:27:59

11 offenders. We had a lot of individuals that were 11:28:04

12 in wheelchairs that could not be in N building 11:28:09

13 that wanted to be a part of evidence-based. 11:28:13

14 So we basically brought the program to 11:28:15

15 them and made one of the dormitories that had a 11:28:18

16 lot of wheelchair offenders that met the criteria 11:28:22

17 and made that evidence-based. 11:28:27

18 So we introduced the literature to them, 11:28:28

19 and they signed the necessary contracts, and 11:28:31

20 that's how we moved it from -- some of them in 11:28:37

21 N building to those other buildings. 11:28:42

22 Q Got it. 11:28:44

23 And so when you use the phrase 11:28:46

24 "evidence-based," you're referring to a type of 11:28:49

25 programming that is offered to inmates? 11:28:52

1	A	Yes.	11:28:55
2	Q	And it's not a phrase that's used to	11:28:57
3		designate dormitories that specifically house PREA	11:29:01
4		victims, correct?	11:29:06
5	A	Correct.	11:29:07
6	Q	And is it true that within N building,	11:29:09
7		the evidence-based dormitory housed inmates who	11:29:16
8		had a variety of criminal histories?	11:29:19
9	A	Yes.	11:29:24
10	Q	Some of those offenders had violent	11:29:26
11		convictions?	11:29:32
12	A	Yes.	11:29:35
13	Q	Some of the offenders in the	11:29:36
14		evidence-based dormitory were convicted sex	11:29:39
15		offenders?	11:29:43
16	A	Probably, but I can't say factually. But	11:29:46
17		probably. You know, the evidence-based dormitory,	11:29:55
18		we did not screen for violence or any crime that	11:29:59
19		you committed in the past; it was based on what	11:30:08
20		you did while you were currently in prison. It	11:30:12
21		was based on those facts and that information that	11:30:18
22		was collected by the counselors over that	11:30:20
23		dormitory and the senior counselor that ran the	11:30:25
24		program.	11:30:29
25	Q	Okay. So you weren't, as part of the	11:30:33

1 creation of those dormitories, screening out 11:30:37
2 people who were -- had been convicted of sex 11:30:41
3 offenses, correct? 11:30:45
4 A Correct. 11:30:46
5 Q And you were not screening out, when it 11:30:47
6 came to housing people in N building, people who 11:30:50
7 were gang affiliated? 11:30:55
8 A We would look at the affiliations. If 11:30:59
9 they had no activity, no recent activity of any 11:31:03
10 kind, we would not ostracize them or, you know, 11:31:07
11 push them to the side. We gave everyone an 11:31:14
12 opportunity to participate that met the criteria. 11:31:18
13 Q Okay. And so gang-affiliated offenders 11:31:23
14 were allowed to reside in the evidence-based 11:31:29
15 dormitory in N building? 11:31:34
16 A Some, yes. 11:31:35
17 Q And what about people who had violent 11:31:37
18 convictions, they were also permitted to reside in 11:31:46
19 the evidence-based dormitory? 11:31:49
20 A Yes. It was open to every inmate that 11:31:51
21 was in the prison. 11:31:54
22 Q Got it. 11:31:58
23 And so what, if any, criteria were you 11:31:59
24 using to decide whether inmates could be permitted 11:32:01
25 in the dormitory? 11:32:05

1 A The criteria, I cannot recall, but I did 11:32:07
2 remember seeing all the criteria prior to this 11:32:16
3 occurring. But there's several -- several that 11:32:21
4 was noted that the offender had to have -- had 11:32:24
5 accomplished or met prior to even being 11:32:30
6 interviewed. 11:32:34
7 The last step is for an interview of the 11:32:36
8 offender by the chief counselor over that 11:32:39
9 dormitory. And based on those findings, then they 11:32:43
10 were either placed in the dormitory or told that 11:32:49
11 they did not meet the criteria. 11:32:55
12 Q Okay. Now -- let's see. 11:32:59
13 Now, Coastal State Prison was a mental 11:33:02
14 health II level facility; is that correct? 11:33:16
15 A Correct. 11:33:18
16 Q And within GDC, there's mental health 11:33:19
17 level II facilities, right? 11:33:23
18 A Yes. 11:33:25
19 Q There's also mental health level III 11:33:26
20 facilities? 11:33:30
21 A Yes. 11:33:31
22 Q What's the distinction between the two? 11:33:31
23 A Mental health level II offenders do not 11:33:38
24 require as much attention as mental health 11:33:44
25 level III and mental health level IV. 11:33:47

1 Q Okay. And so facilities that are able -- 11:33:51
2 that are designated mental health level III 11:33:56
3 facilities, am I correct that they are able to 11:33:59
4 provide a greater amount of service related to 11:34:02
5 mental health? 11:34:06
6 A Yes, you may say that, yes. 11:34:10
7 Q Okay. And at no point was Coastal State 11:34:12
8 Prison, while you were warden, designated a 11:34:22
9 level III mental health facility, correct? 11:34:25
10 A Correct. 11:34:28
11 Q Now, I want to talk a little bit about 11:34:31
12 the cell layout in the evidence-based dormitory. 11:34:35
13 Am I correct that the dorms are not 11:34:39
14 locked 24/7? 11:34:42
15 A Correct. 11:34:45
16 Q They're programmed to lock and unlock 11:34:46
17 automatically? 11:34:50
18 A No. 11:34:53
19 Q How are -- when are they locked or 11:34:55
20 unlocked? 11:34:58
21 A They are supposed to be locked at the end 11:35:00
22 of the day when the offenders go to bed. 11:35:06
23 Q And is that -- how is that accomplished? 11:35:11
24 Is there an officer -- is there a program that 11:35:16
25 allows all the cells to be locked at once, for 11:35:20

1 instance? 11:35:24

2 A The officer walks the dormitory and 11:35:24

3 secures each door. 11:35:27

4 Q Okay. So it's a more manual system? 11:35:30

5 A Yes. 11:35:34

6 Q And so at the end of the day, what time 11:35:36

7 are you referring to? 11:35:40

8 A 11:00 p.m. 11:35:43

9 Q Okay. So at 11 p.m., the cells are 11:35:45

10 locked for the evening? 11:35:48

11 A The last stand-up count of the day, yes, 11:35:52

12 when the offenders go in to be at their cells, 11:35:55

13 they're supposed to be secured. 11:35:59

14 Q Got it. 11:36:00

15 And can you describe the process by which 11:36:01

16 doors get secured? 11:36:05

17 A Yes. The officer -- once the officer 11:36:09

18 counts the inmate, the inmate -- the offender goes 11:36:13

19 into the room, and the door is secured, is closed. 11:36:16

20 Q With a key? 11:36:19

21 A No. It locks. Once the officer closed 11:36:21

22 the door, the door is supposed to secure right 11:36:25

23 there. 11:36:28

24 Q Okay. And so when you say "closed the 11:36:29

25 door," can you just describe how that functions? 11:36:33

1 I'm trying to visualize it. 11:36:36

2 A The doors are sliding doors. 11:36:38

3 Q Okay. 11:36:45

4 A And once the officer walks and the inmate 11:36:45

5 goes into the room, is officer closes the door, or 11:36:51

6 the offender closes the door, and it secures. 11:36:54

7 Q Okay. Now, every time the sliding door 11:36:58

8 is shut, does it lock, or only when an officer has 11:37:06

9 sort of ended the count for the day? 11:37:12

10 A When the officer closes the door, the 11:37:16

11 door is supposed to secure. 11:37:19

12 Q Okay. When are doors reopened in the 11:37:21

13 morning? 11:37:29

14 A When offenders are getting up to prepare 11:37:30

15 themselves for breakfast, the officer unlocks the 11:37:34

16 doors. They can do it manually, or they can do it 11:37:40

17 from the control room. 11:37:43

18 Q Okay. What time of day does that occur? 11:37:45

19 A Normally at 5:00 a.m. count. 11:37:52

20 Q Okay. So typically, in the 11:37:54

21 evidence-based dormitory, the cell doors are only 11:37:59

22 locked between 11:00 p.m. and 5:00 a.m.? 11:38:03

23 A Typically, yes, normally. 11:38:07

24 Q And beginning at 5:00 a.m., the doors can 11:38:09

25 be -- are at times unlocked via the control room? 11:38:15

1 A Correct. 11:38:22

2 Q And so it doesn't require that -- it 11:38:25
3 doesn't require an interaction between an inmate 11:38:28
4 and an officer for the doors to unlock in the 11:38:31
5 morning? 11:38:35

6 A Not necessarily. Like I said, sometimes 11:38:37
7 the door can be opened manually, requiring a key 11:38:40
8 to go and unlock the door. 11:38:45

9 Q Okay. But the doors do not require a key 11:38:47
10 to lock? 11:38:51

11 A If it's working in good order, no. 11:38:55

12 Q Had there been issues with the doors in 11:38:58
13 the evidence-based dormitory? 11:39:03

14 A Yes, there has been some issues. 11:39:05

15 Q What issues have you experienced -- did 11:39:07
16 you experience in your time as warden in that 11:39:12
17 dormitory? 11:39:15

18 A The offenders would try to manipulate the 11:39:17
19 doors because they did not want to be locked in 11:39:21
20 their room for whatever reason, so they would use 11:39:24
21 methods of preventing the door from securing all 11:39:29
22 the way. It looked secure, but it really wasn't. 11:39:33

23 There would be some mechanical issues 11:39:39
24 with the doors that required maintenance to come 11:39:42
25 and adjust or repair the mechanisms, the locking 11:39:44

1 mechanism. 11:39:50

2 Q Got it. 11:39:52

3 So although doors are supposed to be 11:39:53

4 locked during certain hours, that wasn't always 11:39:57

5 the case in the evidence-based dormitory? 11:39:59

6 A Correct. 11:40:03

7 Q And in any event, inmate cells are 11:40:06

8 unlocked for the majority of the day? 11:40:11

9 A Correct. 11:40:14

10 Q And during those hours, can inmates come 11:40:16

11 and go as they please? 11:40:21

12 A Inmates in the dormitory are not supposed 11:40:25

13 to go into other inmates' rooms unless they're the 11:40:29

14 roommate. Each cell in that dormitory are two-man 11:40:34

15 cells, two-person cells. If the person does not 11:40:42

16 have a roommate, of course, then it turns into a 11:40:47

17 one-person cell. But all of the rooms can house 11:40:49

18 up to two offenders. 11:40:54

19 And the procedure is -- was relayed to 11:40:56

20 that dormitory that if you do not live in that 11:41:03

21 room, you do not go into that room. 11:41:05

22 Q When you say "the procedure was relayed," 11:41:08

23 what do you mean? 11:41:11

24 A Procedure was relayed in writing and 11:41:12

25 verbally from security, from counselors, from me, 11:41:15

1 on inspection as a reminder. That's what I meant 11:41:21
2 by "relayed." 11:41:26

3 Q And the procedure, you mean the rule or 11:41:29
4 the recommendation that inmates do not enter cells 11:41:32
5 that do not belong to them? 11:41:36

6 MR. CHALMERS: Objection, form. 11:41:38
7 You can answer. 11:41:39

8 Q Mr. Benton? 11:41:46

9 MR. CHALMERS: Warden Benton, you can 11:41:48
10 answer. 11:41:50

11 A I'm sorry. Could you repeat the 11:41:50
12 question? 11:41:52

13 Q Sure. 11:41:52

14 You stated the procedure was relayed. I 11:41:53
15 wanted to confirm what procedure you were 11:41:56
16 referring to. 11:41:58

17 A Yes. The procedure about inmates not 11:41:59
18 being allowed in other inmates' rooms if they were 11:42:03
19 not assigned to that room. 11:42:06

20 Q And you said that it appeared in writing? 11:42:08

21 A Yes. Yes. It was put out in memo form. 11:42:14
22 It was put out verbally by counselors and security 11:42:18
23 staff and administration staff, administrative 11:42:24
24 staff. 11:42:28

25 Q Where did that -- where did this rule, or 11:42:29

1 procedure, rather, appear in writing? 11:42:32

2 A In the form of memos from myself, from 11:42:36
3 the deputy warden of care and treatment, from the 11:42:40
4 counselor, the chief counselor that was over the 11:42:45
5 dormitory, and I want to say I saw it in one of 11:42:47
6 her contracts. 11:42:51

7 Q When you say "her contracts," what do you 11:42:53
8 mean? 11:42:58

9 A The written contract. Each offender that 11:42:58
10 is in the evidence-based dormitory signs a 11:43:01
11 contract that they are aware of the dos and the 11:43:05
12 don'ts. 11:43:09

13 Q Do you have -- does Coastal State Prison 11:43:12
14 maintain copies of those contracts? 11:43:14

15 A I believe they do. 11:43:17

16 Q Do you know where those records are 11:43:20
17 maintained? 11:43:22

18 A It should be with the chief counselor 11:43:24
19 and/or a copy in the offender's file, 11:43:32
20 institutional file. 11:43:36

21 Q Who was the chief counselor of the 11:43:38
22 evidence-based dormitory? Or strike that. 11:43:40

23 Was there a chief counselor of the 11:43:44
24 evidence-based dormitory? 11:43:46

25 A Yes, there was. 11:43:49

1 Q Who was that person during your time as 11:43:51
2 warden? 11:43:56
3 A Here we go. Her name, it escapes me. I 11:43:58
4 apologize. 11:44:06
5 Q And was there any other staff that were 11:44:08
6 assigned to the evidence-based dormitory? 11:44:17
7 A Yes. There were counselors assigned. So 11:44:21
8 there were -- there were -- there was -- there was 11:44:27
9 a chief counselor, and there was a counselor, a 11:44:31
10 part of the evidence-based staff. 11:44:38
11 Q Those individuals were not present in the 11:44:40
12 dormitory at all times, correct? 11:44:42
13 A Not at all times, no. Their offices were 11:44:45
14 in the dormitory. 11:44:51
15 Q Okay. Were there -- you mentioned that 11:44:53
16 in addition to perhaps being in inmate contracts, 11:45:02
17 the procedure you were describing about inmates 11:45:07
18 not entering others' rooms appeared in written 11:45:09
19 memos. Is that accurate? 11:45:14
20 A Yes, if I remember correctly. 11:45:16
21 Q Who, if anyone, received those memos? 11:45:19
22 A They will be posted on the board in the 11:45:25
23 dormitory. 11:45:28
24 Q Where was the board in the dormitory? 11:45:30
25 A When you walk into the dormitory, right 11:45:34

1 there on the wall, all the offenders were -- know 11:45:37
2 that if they want information, all they would have 11:45:43
3 to do is go to the board. The counselors would 11:45:46
4 put up memos from myself, from the deputy wardens. 11:45:49
5 Any information that needed to be relayed to the 11:45:57
6 dormitory, information would be put on the 11:46:00
7 bulletin board. 11:46:04

8 Q Okay. So the procedure you're describing 11:46:05
9 respecting entry into inmates' cells, it was 11:46:10
10 not -- it did not come in the form of a memo that 11:46:17
11 was handed out to offenders individually, correct? 11:46:20

12 A I can't -- I can't answer that question 11:46:24
13 honestly because I don't know if the chief 11:46:27
14 counselor handed out the memos individually to 11:46:30
15 every offender. I can't say that. But all I know 11:46:34
16 is that it was relayed to the dormitory in memo 11:46:39
17 form, and the memo was put up on the reading 11:46:44
18 board. 11:46:47

19 Q Do you believe copies of that memorandum 11:46:49
20 exist between -- from the period of June 2020 to 11:46:53
21 the time of your departure? 11:46:59

22 A It should. 11:47:03

23 Q Where would those records have been 11:47:04
24 maintained? 11:47:07

25 A The chief counselor should have a copy of 11:47:10

1 it. 11:47:15

2 Q And sitting here, you can't recall who 11:47:15

3 that person may be? 11:47:20

4 A I'm looking at my phone right now, as a 11:47:22

5 matter of fact, to see if I can find her name. 11:47:25

6 And I apologize. 11:47:27

7 Q Well, no need to do that, including 11:47:29

8 because we're hoping to have your undivided 11:47:33

9 attention. 11:47:37

10 A Yes, ma'am. 11:47:37

11 Q But if you do recall the name at some 11:47:38

12 point, please let us know. 11:47:40

13 Okay. Now, was there any enforcement of 11:47:41

14 the rule preventing -- rather, procedure about 11:47:51

15 inmates not entering cells that do not belong to 11:47:58

16 them? 11:48:02

17 A Yes. Disciplinary reports would be 11:48:02

18 issued, up to removing the offender from the 11:48:07

19 dormitory. 11:48:11

20 Q Okay. Were there times that you're aware 11:48:14

21 of where the rule -- the procedure was not 11:48:18

22 followed? 11:48:21

23 A Oh, yes. Yes. 11:48:22

24 Q It sounds like it was not uncommon for 11:48:27

25 the procedure not to be followed? 11:48:29

Transcript of Brooks Benton
Conducted on May 10, 2022

66

1 A No, no. I was saying yes in the way 11:48:32
2 meaning that, yes, I'm quite sure the rule was not 11:48:37
3 followed every time. The inmates, they -- some of 11:48:45
4 them choose to do what they want to do, and until 11:48:49
5 they're caught, you know, they'll continue to do 11:48:51
6 what they can get away with. 11:48:55

7 Q That was true in your time as warden, 11:49:01
8 even in the evidence-based dormitory? 11:49:03

9 A Oh, yes. Oh, yes. 11:49:05

10 [REDACTED] 11:49:07

11 [REDACTED] 11:49:14

12 [REDACTED] 11:49:17

13 [REDACTED] 11:49:19

14 [REDACTED] 11:49:22

15 [REDACTED] 11:49:25

16 [REDACTED] 11:49:33

17 [REDACTED] 11:49:38

18 [REDACTED] 11:49:40

19 [REDACTED] 11:49:46

20 [REDACTED]. 11:49:52

21 Q I want to make sure that we have a clear 11:49:58
22 visual of the layout of N building. 11:50:02

23 So can you describe it for us again -- 11:50:09

24 A Yes. 11:50:13

25 Q -- as far as kind of the physical layout? 11:50:14

1 A N building is a building consisting of 11:50:20
2 two dormitories, one on the A side, one on the B 11:50:26
3 side. So we would call it NA and NB. 11:50:31
4 When you walk into the front door of the 11:50:35
5 dormitory, there's a vestibule or a foyer, and you 11:50:38
6 walk -- when you walk in the front door, you walk 11:50:43
7 straight up to the front of the control room. 11:50:46
8 If you turn to the right, you'll go on 11:50:51
9 NA. There's a door right there that you have to 11:50:54
10 walk through. If you turn to the left, there's a 11:50:57
11 NB side. You open that door, you walk in, you're 11:51:01
12 inside NB. 11:51:06
13 Both dormitories, inside the dormitories, 11:51:09
14 there's two levels. There's the main level, and 11:51:14
15 there's a second-story level. 11:51:18
16 One side holds, I want to say, 11:51:23
17 96 offenders, and one side holds 90 -- no, I think 11:51:27
18 one side holds 91 offenders, and one side holds 11:51:32
19 90 offenders. 11:51:36
20 Q Thank you. 11:51:41
21 Are there -- and the thing that separates 11:51:43
22 the NA side from the NB side is a locked door; is 11:51:48
23 that correct? 11:51:55
24 A Correct. 11:51:55
25 Q It's not a gate or a hallway, just a 11:51:56

1 door? 11:52:01

2 A No, it's a locked door, a small hallway, 11:52:02

3 and then another locked door that goes into the 11:52:07

4 other side of the dormitory -- I mean, other side 11:52:09

5 of the dorm. 11:52:12

6 So when you walk out of NA, you walk into 11:52:13

7 that foyer or that hallway that I mentioned 11:52:17

8 earlier. Then you walk over to the other side to 11:52:19

9 NB, and there's another door, a locked door there 11:52:25

10 that will get you into NB once it's opened. 11:52:30

11 Q Got it. 11:52:36

12 Mr. Benton, is there, by chance, a pen or 11:52:37

13 paper in the room with you? 11:52:40

14 A Yes. 11:52:42

15 Q How are your drawing skills? Do you 11:52:44

16 think you could sort of help us get an even better 11:52:48

17 visual of the NB side of the dormitory if we asked 11:52:52

18 you to show us where things are located? 11:52:55

19 A I can try my best. 11:53:00

20 Q I won't hold it against you if you're not 11:53:03

21 Picasso. 11:53:08

22 What I am curious to know is, what the 11:53:08

23 common areas, if any, of the NB dormitory are. 11:53:12

24 A The common areas -- once you walk into 11:53:20

25 the dormitory, it's an open dormitory. It's -- as 11:53:23

1 soon as you walk in, you have cell doors on your 11:53:30
2 far right when you walk in, and they go down a 11:53:37
3 wall, they go down the back wall, and then they 11:53:41
4 come up a wall. 11:53:46

5 So in the middle of this dormitory, it's 11:53:50
6 an open dormitory. The ceilings are 30 feet high, 11:53:52
7 because like I said, there's two floors. And 11:53:59
8 that's the common area. It's a big open area. 11:54:04

9 And within this common area, there's 11:54:08
10 tables where offenders are able to come out of 11:54:12
11 their rooms and sit down at the tables to talk to 11:54:15
12 one another. There's TVs in these areas. 11:54:21

13 There is a dayroom, as we call it, where 11:54:28
14 there's TVs in the dayroom where the inmates can 11:54:33
15 go inside a dayroom that has glass windows, you 11:54:36
16 can see who's inside the room just by standing 11:54:41
17 outside. It's a glass room area. And inside that 11:54:47
18 dayroom, there's TVs in there. 11:54:51

19 The shower area is in the -- is in the 11:54:55
20 open area of the dorm. 11:54:59

21 So that's the picture of one side of 11:55:03
22 N building. 11:55:09

23 And the other side mirrors the other 11:55:09
24 side. So the A side mirrors the B side. 11:55:13
25 Everything you see in the A side, you're going to 11:55:16

1 see in the B side. 11:55:19

2 Q Got it. 11:55:21

3 You mentioned showers. Can you describe 11:55:22

4 the shower area -- strike that. 11:55:28

5 To confirm, inmates in the N building did 11:55:31

6 not have showers in their cell? 11:55:35

7 A No, there's no showers in the cells. 11:55:38

8 Q So where did inmates in NB shower? 11:55:41

9 A Showers are in the common area against 11:55:47

10 the wall. There's four showers on the wall. And 11:55:50

11 there's shower curtains on each shower. 11:55:58

12 Q They're not shower stalls with doors? 11:56:02

13 A No. No. They had shower curtains. 11:56:06

14 Q Can you describe the shower curtains? 11:56:10

15 A Satin. Some of them were -- some shower 11:56:15

16 curtains were rubber. Some were a thick satin 11:56:23

17 shower curtain. They were put on a pipe that 11:56:29

18 would slide -- that you could slide back and 11:56:35

19 forth. 11:56:40

20 Q Am I correct that the shower curtains 11:56:40

21 didn't run the full length of the shower? 11:56:43

22 A The full length -- 11:56:50

23 Q They didn't touch the ground? They 11:56:51

24 stopped short of it? 11:56:55

25 A No. No. 11:56:56

1 Q Do you know about how short of the floor 11:56:59
2 they stopped? 11:57:02
3 (Cross-talk.) 11:57:05
4 A They would stop -- they would stop at the 11:57:06
5 shin area of an offender. 11:57:10
6 Q Okay. And were there any showers that 11:57:14
7 were completely private? 11:57:24
8 A All the showers were private. It was 11:57:28
9 only one -- the policy is one inmate per shower. 11:57:31
10 Q But to confirm, they were in a -- the 11:57:37
11 showers were together in a common area? 11:57:40
12 A Yes. They were in the dormitory. 11:57:43
13 Q And they were in a common area with 11:57:47
14 respect to one another, correct? 11:57:51
15 A Yes. 11:57:54
16 Q So there were no doors separating one 11:57:56
17 shower to another shower? 11:58:00
18 A No. 11:58:02
19 Q Just curtains? 11:58:04
20 A Yes. 11:58:06
21 Q And where were inmates supposed to dress 11:58:07
22 and undress when they were going to use the 11:58:13
23 shower? 11:58:16
24 A The showers were big -- big, spacious 11:58:18
25 showers. So the inmates would bring their 11:58:26

1 clothing inside the shower with them and hang it 11:58:28
2 up on the adjacent wall. 11:58:30

3 Q How big were the showers in NB? 11:58:35

4 A I can't give you the measurements. All I 11:58:40
5 can tell you is that the showers were big enough 11:58:43
6 to probably put two or three guys in there at one 11:58:46
7 time. It was spacious in there for one person. 11:58:52

8 And enough room for the offender to place 11:58:56
9 his clothing or their clothing up on above on one 11:59:00
10 of the rails to prevent it from getting wet. So 11:59:06
11 when they finished their shower, they dried off 11:59:09
12 and got dressed before they came out of the 11:59:12
13 shower. 11:59:15

14 Q Okay. At Coastal State Prison, were 11:59:17
15 there any showers that had shower doors instead of 11:59:21
16 curtains? 11:59:28

17 A No. All the showers had curtains, but in 11:59:30
18 our segregation unit, there were doors -- bars on 11:59:33
19 those showers. 11:59:39

20 Q Okay. Within Coastal State Prison, were 11:59:40
21 there any housing units where an inmate could 11:59:47
22 shower without any other inmates in an adjacent 11:59:51
23 shower area? 11:59:56

24 A No. No. Each dorm in Coastal, if it was 11:59:58
25 on the flattop, as I called it earlier, the seven 12:00:03

Transcript of Brooks Benton
Conducted on May 10, 2022

1	dormitories on the top, there's a shower on each	12:00:08
2	range, and it's a spacious shower in there, and it	12:00:12
3	had a curtain as well. All the showers had	12:00:17
4	curtains, slide curtains, except for segregation.	12:00:20
5	[REDACTED]	12:00:26
6	[REDACTED]	12:00:29
7	[REDACTED]	12:00:31
8	[REDACTED]	12:00:34
9	[REDACTED]	12:00:40
10	[REDACTED]	12:00:43
11	[REDACTED]	12:00:48
12	[REDACTED]	12:00:51
13	[REDACTED]	12:00:58
14	[REDACTED]	12:01:01
15	[REDACTED]	12:01:05
16	[REDACTED]	12:01:12
17	[REDACTED]	12:01:19
18	[REDACTED]	12:01:20
19	[REDACTED]	12:01:24
20	[REDACTED]	12:01:26
21	[REDACTED]	12:01:30
22	[REDACTED]	12:01:34
23	[REDACTED]	12:01:40
24	[REDACTED]	12:01:46
25	[REDACTED]	12:01:50

Transcript of Brooks Benton
Conducted on May 10, 2022

1	[REDACTED]	12:01:56
2	[REDACTED]	12:02:01
3	[REDACTED]	12:02:05
4	[REDACTED]	12:02:08
5	[REDACTED]	12:02:10
6	Q Okay. Now, we haven't broached the	12:02:12
7	subject of Ashley Diamond yet. But am I correct	12:02:18
8	that you're familiar with an inmate named Ashley	12:02:20
9	Diamond?	12:02:24
10	A I am.	12:02:25
11	Q Ashley Diamond was housed in the NB	12:02:26
12	building when she was at Coastal, correct?	12:02:32
13	A Initially.	12:02:35
14	Q She wasn't initially housed in NA and	12:02:41
15	then moved to NB?	12:02:46
16	A Yes, you are correct.	12:02:49
17	[REDACTED]	12:02:52
18	[REDACTED]	12:02:55
19	[REDACTED]	12:03:05
20	[REDACTED]	12:03:11
21	[REDACTED]	12:03:14
22	[REDACTED]	12:03:17
23	[REDACTED]	12:03:21
24	Initially, Ms. Diamond was assigned to	12:03:25
25	NA, and then moved to NB.	12:03:29

Transcript of Brooks Benton
Conducted on May 10, 2022

1	[REDACTED]	12:03:32
2	[REDACTED]	12:03:36
3	[REDACTED]	12:03:37
4	[REDACTED]	12:03:42
5	[REDACTED]	12:03:46
6	[REDACTED]	12:03:50
7	[REDACTED]	12:03:54
8	[REDACTED]	12:03:58
9	[REDACTED]	12:03:59
10	[REDACTED]	12:04:06
11	[REDACTED]	12:04:16
12	[REDACTED]	12:04:18
13	[REDACTED]	12:04:21
14	[REDACTED]	12:04:27
15	[REDACTED]	12:04:37
16	[REDACTED]	12:04:38
17	[REDACTED]	12:04:43
18	[REDACTED]	12:04:48
19	Q And the dayroom in NB, you said, was a	12:04:51
20	contained room, but the walls or windows -- had	12:04:57
21	walls or windows made of glass?	12:05:01
22	A Had windows, yes.	12:05:04
23	Q How large were those windows?	12:05:06
24	A There was glass from the top to the	12:05:10
25	bottom, from the top of the door frame to the	12:05:13

Transcript of Brooks Benton
Conducted on May 10, 2022

1	bottom of the floor, if I remember correctly, as I	12:05:18
2	stated, that you could basically walk into the	12:05:22
3	dormitory and immediately look over to the dayroom	12:05:26
4	and tell who's in the dayroom.	12:05:28
5	[REDACTED]	12:05:31
6	[REDACTED]	12:05:35
7	[REDACTED]	12:05:40
8	[REDACTED]	12:05:43
9	[REDACTED]	12:05:48
10	[REDACTED]	12:05:51
11	[REDACTED]	12:05:53
12	[REDACTED]	12:06:01
13	[REDACTED]	12:06:05
14	[REDACTED]	12:06:09
15	[REDACTED]	12:06:14
16	[REDACTED]	12:06:16
17	[REDACTED]	12:06:22
18	[REDACTED]	12:06:27
19	[REDACTED]	12:06:29
20	[REDACTED]	12:06:32
21	[REDACTED]	12:06:37
22	[REDACTED]	12:06:42
23	[REDACTED]	12:06:45
24	[REDACTED]	12:06:51
25	[REDACTED]	12:06:56

Transcript of Brooks Benton
Conducted on May 10, 2022

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1	[REDACTED]	12:07:00
2	[REDACTED]	12:07:02
3	[REDACTED]	12:07:06
4	[REDACTED]	12:07:07
5	[REDACTED]	12:07:09
6	[REDACTED]	12:07:13
7	[REDACTED]	12:07:19
8	[REDACTED]	12:07:23
9	[REDACTED]	12:07:30
10	[REDACTED]	12:07:31
11	[REDACTED]	12:07:34
12	[REDACTED]	12:07:39
13	[REDACTED]	12:07:40
14	[REDACTED]	12:07:42
15	[REDACTED]	12:07:45
16	Q Okay. Now, we spoke briefly about an	12:07:46
17	inmate named Ashley Diamond. You're aware that	12:08:00
18	Ashley Diamond is a transgender woman?	12:08:04
19	A Yes.	12:08:08
20	Q How did you learn that Ashley Diamond was	12:08:08
21	transgender?	12:08:13
22	A When Ms. Diamond was assigned to my	12:08:17
23	prison, I was given a phone call by Mr. Robert	12:08:21
24	Toole, division director, who advised me that I	12:08:25
25	would be receiving an offender named Ashley	12:08:28

1 Diamond who was a transgender. 12:08:32

2 Q Okay. What did -- approximately when did 12:08:33

3 you receive that phone call from Toole? 12:08:36

4 A I want to say -- I can't tell you 12:08:42

5 directly, but I want to say it was right before 12:08:47

6 she arrived at my facility, probably days, 12:08:51

7 probably a week prior to her being physically 12:08:56

8 assigned, arriving. 12:09:04

9 Q Okay. As warden, did you have many 12:09:07

10 interactions with Robert Toole? 12:09:12

11 A Not too many. He's the division 12:09:16

12 director, so he would -- he would make his rounds. 12:09:19

13 Of course, he had the whole state prisons. So he 12:09:24

14 would make his rounds at my facility from time to 12:09:30

15 time. 12:09:33

16 Q What did Mr. Toole communicate to you 12:09:33

17 during the call you described? 12:09:38

18 A Told me that I would be receiving an 12:09:42

19 offender named Ashley Diamond, and she was a 12:09:45

20 transgender. 12:09:49

21 Q Did he explain why you were going to be 12:09:51

22 receiving her? 12:09:54

23 A He told me that she was a high-profile 12:09:57

24 offender, and that he felt that she would do good 12:10:04

25 at Coastal State Prison. 12:10:07

Transcript of Brooks Benton
Conducted on May 10, 2022

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1 I had just left from being the warden at 12:10:09
2 Lee Arrendale State Prison who housed 1800 12:10:15
3 females. So he said that he felt Coastal would be 12:10:19
4 a good fit for Ms. Diamond. 12:10:23
5 Q At the time of Mr. Toole's call, did you 12:10:27
6 have any understanding of who had decided to place 12:10:33
7 her at Coastal State Prison? 12:10:36
8 A No. I assumed it was Mr. Toole, since he 12:10:41
9 was the director of facility operations, that he 12:10:45
10 was placing her there. 12:10:49
11 Q And did you have any understanding beyond 12:10:50
12 what you just conveyed of why Ashley Diamond was 12:10:55
13 being placed at Coastal State Prison? 12:10:59
14 A Only what I just said, that he felt that 12:11:04
15 Coastal State Prison would be a good fit for her. 12:11:09
16 Q Now, you indicated that Ashley Diamond 12:11:15
17 was described as a high-profile offender. 12:11:17
18 What does that mean? 12:11:21
19 A Basically, that she was incarcerated at 12:11:24
20 one other time, and that she was housed at another 12:11:29
21 facility. And on this time of her incarceration 12:11:36
22 that he was sending her to Coastal, he did not 12:11:40
23 want to send her, I guess, to the prison that she 12:11:45
24 was at the first time she was incarcerated. 12:11:47
25 Q So you understood that Ashley had been 12:11:55

1 incarcerated within GDC one prior time? 12:11:58

2 A Yes. 12:12:01

3 Q Were you -- did you learn anything about 12:12:02

4 what transpired during Ashley's first period of 12:12:07

5 incarceration? 12:12:10

6 A I did some research. I did some 12:12:12

7 research. I looked Ashley Diamond up, as I do for 12:12:15

8 a lot of inmates coming to my facility. 12:12:18

9 Q What did you learn? 12:12:22

10 A I learned that she was assigned to 12:12:25

11 Georgia Diagnostic and Classification Prison at 12:12:30

12 one point when she was incarcerated last. 12:12:33

13 Q And when you said you looked her up, 12:12:38

14 where were you doing your research? 12:12:41

15 A I looked in SCRIBE, the Georgia 12:12:46

16 Department of Corrections site that has all the 12:12:49

17 offenders. 12:12:54

18 Q So what information was available about 12:12:55

19 Ashley on SCRIBE? 12:12:58

20 A Nothing. Just where her last prison was 12:13:00

21 and if there was any disciplinary reports written, 12:13:05

22 just basically has her history of when she was 12:13:09

23 incarcerated last at GDC. 12:13:12

24 Q Did you learn then or at any time 12:13:15

25 subsequent that Ashley had been sexually abused 12:13:23

1 during her first time in GDC? 12:13:29

2 A No. No, I didn't -- I didn't learn that. 12:13:32

3 During my private research, when I was 12:13:37

4 home, I Googled Ashley Diamond and saw that she 12:13:40

5 had filed a lawsuit against GDC. 12:13:46

6 Q When did you -- and you learned that that 12:13:50

7 lawsuit alleged that she had been sexually abused 12:13:54

8 in prison? 12:13:59

9 A Yes. 12:13:59

10 Q When did you approximately do the -- your 12:14:00

11 Google research concerning Ashley? 12:14:04

12 A I really can't recall, but I know it was 12:14:09

13 before she arrived. 12:14:11

14 Q And why did you decide to Google Ashley 12:14:12

15 before she arrived? 12:14:16

16 A Because I understood that she was a past 12:14:18

17 inmate of GDC and that she filed a lawsuit. So I 12:14:24

18 was curious, and so I Googled her. 12:14:29

19 Q And when did you first hear that Ashley 12:14:35

20 Diamond had filed a lawsuit? 12:14:37

21 A I can't recall when I first heard that. 12:14:39

22 I know I heard it, and I can't remember from who 12:14:43

23 or when. But I remember hearing the information. 12:14:45

24 Q Did you ever -- 12:14:58

25 (Cross-talk.) 12:14:59

1 Q My apologies. Please continue. 12:15:00
2 A No, no, that was it. I'm sorry. 12:15:01
3 Q Okay. Did you ever speak to anyone 12:15:03
4 within GDC about Ashley's first lawsuit? 12:15:09
5 A No, no, I did not. That was before my 12:15:13
6 time. Didn't know anything about it. It did not 12:15:17
7 play a part in her coming to my facility. 12:15:23
8 Q And are you aware that her first lawsuit 12:15:29
9 also alleged that she had problems accessing 12:15:35
10 health care for gender dysphoria? 12:15:39
11 A No. 12:15:43
12 Q Is gender dysphoria a condition that 12:15:46
13 you've heard of before? 12:15:48
14 A Yes. 12:15:50
15 Q What's the context that you've heard 12:15:52
16 about gender dysphoria? 12:15:54
17 A Gender dysphoria, the context that I 12:15:57
18 heard it in was that a person feels and believes 12:16:00
19 they are -- they identify with the opposite sex. 12:16:08
20 Q Okay. Were you familiar with gender 12:16:15
21 dysphoria in connection with your duties as 12:16:21
22 warden? 12:16:24
23 A Yes, I was. 12:16:24
24 Q You have inmates at Coastal State Prison 12:16:25
25 who have gender dysphoria diagnoses? 12:16:30

1 recommendations, they were placed in -- at the 12:18:06
2 front of dormitories that they were assigned to. 12:18:10
3 Q Do you recall which of the dormitories at 12:18:15
4 Coastal housed transgender offenders at various 12:18:21
5 times? 12:18:24
6 A Every last one of them. All 12. 12:18:25
7 Q And do all of the dormitories in Coastal 12:18:28
8 State Prison have a letter designation, like 12:18:33
9 N building? 12:18:38
10 (Cross-talk.) 12:18:40
11 A A letter designation saying... 12:18:41
12 Q How are the dormitories referred to? How 12:18:44
13 are they distinguished? By letter? 12:18:47
14 A No. The classification committee has the 12:18:51
15 designations of each dormitory. And all -- the 12:18:57
16 majority of the dormitories are general population 12:19:04
17 dormitories. 12:19:07
18 There's some dormitories are designated 12:19:07
19 RSAT dormitories. There's some dormitories 12:19:09
20 designated as evidence-based dormitories. There's 12:19:13
21 some dormitories designated as ADA dormitories. 12:19:19
22 And that was the designation. 12:19:25
23 COURT REPORTER: I think we lost the 12:19:33
24 witness. 12:19:36
25 MS. EZIE: We sure did. 12:19:38

1 place her in my best dormitory, and that was my 13:04:13
2 evidence-based. And that's where we put her. 13:04:16

3 I passed that information on to my intake 13:04:21
4 crew, advised them that we were getting Ashley 13:04:24
5 Diamond in once she completed -- because I think 13:04:30
6 that was -- if I'm not mistaken, I think that was 13:04:37
7 during COVID, the beginning of COVID, because I 13:04:42
8 think we were quarantining people. 13:04:46

9 If I'm remembering correctly, I think we 13:04:49
10 were in the quarantine phases. So anybody that 13:04:53
11 came in, we were quarantining them. And I think 13:04:56
12 when she got there, we placed her in NA quarantine 13:05:01
13 for the first two weeks. 13:05:06

14 So yes, that was the information I passed 13:05:08
15 on to my intake crew where she was going once they 13:05:11
16 intaked her in. 13:05:15

17 Q Got it. 13:05:19

18 And you recall being told by Robert Toole 13:05:20
19 to place Ashley Diamond in your best dormitory? 13:05:24

20 A He said, What dormitory -- if I remember 13:05:29
21 correctly, and this was a while ago, he said, 13:05:34
22 Where is your best dormitory; and I told him, 13:05:37
23 N building. 13:05:40

24 (Cross-talk.) 13:05:46

25 A I'm sorry. 13:05:47

1 Q So were you instructed to place Ashley 13:05:47
2 Diamond in N building at that time? 13:05:50
3 A Yes. 13:05:51
4 Q And did you have an understanding about 13:05:54
5 why you'd been asked to identify the best 13:06:00
6 dormitory? 13:06:02
7 A At that time, no. He -- basically, he 13:06:09
8 gave me instructions -- and I want to say -- and 13:06:13
9 like I said, I can't remember, but I want to say 13:06:15
10 probably during that period, it probably did come 13:06:19
11 up, but I can't recall. And I don't want to 13:06:22
12 speculate or speak out of turn, but I think it may 13:06:26
13 have come up of why we wanted to place her in the 13:06:30
14 best dormitory, because of her safety. But I 13:06:34
15 can't remember exact words. 13:06:40
16 Q Got it. 13:06:48
17 Is it fair to say that there were 13:06:49
18 concerns about Ashley's safety within GDC? 13:06:51
19 A I didn't receive that when he told me 13:07:02
20 that. I just assumed that we were -- because they 13:07:03
21 wanted her to be safe. I didn't -- I didn't look 13:07:10
22 into anything about what he told me. He just told 13:07:13
23 me, you know, to place her in that dormitory at 13:07:18
24 the front of the dormitory in the first room, and 13:07:22
25 that's what I did. 13:07:25

1 Q Got it. So Robert Toole ultimately 13:07:28
2 decided which cell Ashley Diamond should be housed 13:07:32
3 in? 13:07:37
4 A Yes. 13:07:38
5 Q You were not involved in that 13:07:41
6 determination? 13:07:43
7 A No. No. 13:07:45
8 Q From the time -- and that cell, if I'm 13:07:49
9 not mistaken, after -- following quarantine, was a 13:07:53
10 cell in NB; is that correct? 13:07:58
11 A No. The first cell that she was placed 13:08:02
12 in was in NA. That's where she was quarantined 13:08:04
13 at, in NA. The first cell -- when you walk into 13:08:08
14 that dormitory, the first cell on the left was 13:08:11
15 where she was housed. 13:08:14
16 And then once she came off of quarantine, 13:08:16
17 then she was placed in NB, in the first cell 13:08:19
18 closest to the exit door in NB. 13:08:22
19 Q Is that on the first or second floor of 13:08:27
20 the dormitory? 13:08:30
21 A The first floor. 13:08:30
22 Q Cell 136? Does that sound right? 13:08:32
23 A Yes, yes. Closest to the door, yes. 13:08:35
24 Q And from that point forward, was Ashley 13:08:38
25 Diamond's cell placement ever reconsidered? 13:08:45

1 A No. No. 13:08:51

2 Q Was -- do you know why Ashley Diamond -- 13:09:02

3 sorry, strike that. 13:09:04

4 So no consideration was given to placing 13:09:06

5 Ashley Diamond on the second floor of the 13:09:09

6 dormitory? 13:09:10

7 A No. He wanted her on the first floor, 13:09:13

8 the first cell closest to the exterior door, 13:09:16

9 closest to the control room. 13:09:20

10 Q Is there a cell that is above her cell on 13:09:22

11 the second floor of the dormitory? 13:09:27

12 A It is. 13:09:29

13 Q What number is that cell, if you recall? 13:09:33

14 A I don't recall. 13:09:35

15 Q In any event, there's a cell immediately 13:09:36

16 above cell 136 on floor 2? 13:09:38

17 A Yes, it is. 13:09:42

18 Q How close is that cell to the control 13:09:44

19 room? 13:09:51

20 A Of course, it's a little bit farther away 13:09:51

21 because it's up -- upstairs. But if I had to give 13:09:53

22 an approximate, I would say -- well, Ashley 13:10:02

23 Diamond's cell on the first floor is approximately 13:10:12

24 probably about 10 feet from the control room -- 13:10:15

25 about 20 feet from the control room. So upstairs, 13:10:18

1 I would add probably about 10 more feet. 13:10:21

2 Q Okay. Can you describe the control room 13:10:24

3 in N building. 13:10:30

4 A The control room is in the center of the 13:10:32

5 building. When you walk in the front door, that's 13:10:34

6 the first thing you see. You can't even see a 13:10:36

7 dormitory when you walk into the front door. 13:10:39

8 The front door opens, you walk down a 13:10:41

9 short hallway, a short, wide hallway, and you get 13:10:44

10 in at the control room. There's a door that leads 13:10:49

11 into the control room. 13:10:52

12 When you go into the control room, the 13:10:53

13 control room officer has access, visible access to 13:10:56

14 both sides, the A and B side, just by walking from 13:11:00

15 one side of the control room to the other. 13:11:03

16 Q Got it. 13:11:08

17 And what is the physical layout of the 13:11:09

18 control room? 13:11:12

19 A Physical layout of the control room, 13:11:13

20 there's desks. There's a cage in there. You open 13:11:16

21 the cage -- once you enter the door, you go up a 13:11:24

22 couple of stairs, and you're met with a cage door. 13:11:27

23 And you open that cage door, and you are then into 13:11:31

24 the control room. 13:11:35

25 There's counter space around the entire 13:11:37

1 control room, counter space right underneath the 13:11:41
2 window. There are huge windows that are 13:11:44
3 probably -- I want to say probably four feet in 13:11:49
4 height, and it goes around the entire control room 13:11:53
5 where you can have -- where the offenders are 13:11:56
6 visible to the control room officer if she or he 13:12:00
7 is walking around in the control room. 13:12:05

8 Q Now, earlier you described N building 13:12:06
9 having two floors, correct? 13:12:13

10 A Yes. 13:12:15

11 Q Is the control room also two stories 13:12:16
12 tall? 13:12:20

13 A No. No. But if you look out of the 13:12:21
14 control room window, you can see the upstairs 13:12:24
15 floors in both dormitories. There's a railing -- 13:12:28
16 there's a railing that's upstairs, and it goes all 13:12:32
17 around the inside of the dormitory on the upstairs 13:12:38
18 level. 13:12:42

19 So if the officer walks to the end of the 13:12:42
20 control room and looks into the dorm, they can see 13:12:45
21 the downstairs, all the cells, and they can look 13:12:49
22 up and see upstairs, all the cells. 13:12:53

23 Q Got it. 13:12:55

24 So the cells on the second floor of 13:12:57
25 N building are equally visible if you are in the 13:13:02

1 control room? 13:13:06

2 A Yes. 13:13:07

3 Q Now, how many officers can be in the 13:13:08

4 control room at a given time? 13:13:14

5 A Besides the supervisor, just one. 13:13:19

6 Q And was there a control room supervisor 13:13:21

7 during the time you were warden? 13:13:25

8 A The supervisors float throughout the 13:13:27

9 whole prison. So the supervisor's job is to go 13:13:31

10 from dormitory to dormitory checking on the 13:13:35

11 officer and showing that the officers are making 13:13:38

12 their rounds and doing stuff like -- of that 13:13:41

13 nature. 13:13:46

14 Q Okay. And what type of equipment is in 13:13:46

15 the control room? 13:13:54

16 A The officers' radios, a telephone, and 13:13:58

17 that's about it. Yeah. Well, the officer carries 13:14:05

18 their radio on them. But there's, of course, a 13:14:13

19 telephone there and -- yeah, that's about it. 13:14:17

20 Q Is the control room where video 13:14:24

21 recordings from N building are also housed or 13:14:27

22 kept? 13:14:31

23 A The box -- the big box is stored in the 13:14:32

24 control room, yes. 13:14:40

25 Q Okay. Now, is the control room in 13:14:41

1 N building -- during your time as warden, was it 13:14:46
2 staffed 24/7? 13:14:49
3 A No. 13:14:51
4 Q And was the evidence-based dorm 13:14:52
5 N building, was it subject to the float policy you 13:14:58
6 described earlier due to staffing shortages? 13:15:01
7 A There was no float policy. It was 13:15:05
8 just -- yes, due to staff shortage, I made the 13:15:09
9 call to float that dormitory. That was one of our 13:15:13
10 best dormitories -- or that was our best 13:15:18
11 dormitory. 13:15:20
12 Q So there were not officers who were in 13:15:22
13 N building 24/7, correct? 13:15:27
14 A There was officers in N building 24/7, 13:15:32
15 but some of the hours of that day were spent going 13:15:39
16 from -- going between two dormitories. 13:15:43
17 (Cross-talk.) 13:15:48
18 A It wasn't an everyday thing, but from 13:15:49
19 time to time, due to being challenged with staff, 13:15:52
20 an officer was required to walk across to the 13:15:57
21 other dorm that was directly in front of it. 13:16:01
22 Q What was the name of that dormitory? 13:16:05
23 A That was T building, T as in Tom. And 13:16:09
24 that was your RSAT building. 13:16:12
25 Q Got it. 13:16:15

1 And so there were times where, rather 13:16:23
2 than having one officer be continuously in 13:16:26
3 N building, the officers were floating between 13:16:30
4 dormitories? 13:16:35

5 A Yes, between T and N, yes. 13:16:36

6 Q And earlier, I had asked you a question 13:16:44
7 about how buildings are designated. And you 13:16:48
8 provided me some helpful information about, you 13:16:52
9 know, some dorms being general population, RSAT, 13:16:55
10 what have you. 13:16:58

11 I was curious to know more granularly, 13:17:02
12 what names did buildings have. 13:17:12

13 Was each dormitory or building assigned a 13:17:14
14 letter name, like N building? 13:17:18

15 A Yes, it was. 13:17:19

16 Q So, for instance, there was -- was there 13:17:20
17 an A building? 13:17:23

18 A No, there was not an A building. There 13:17:25
19 was a T building, an N building, an O building, a 13:17:28
20 Q building, an L building, and a D, D as in delta, 13:17:32
21 building, an E, echo, building, F, J, K, and G and 13:17:39
22 H. 13:17:48

23 Q Okay. And Ashley was ultimately placed 13:17:50
24 in N building, correct? 13:17:58

25 A Yes. 13:18:01

1 Q Okay. And when did you first meet Ashley 13:18:02
2 Diamond? 13:18:11

3 A I met Ms. Diamond the day that she 13:18:12
4 arrived at the facility. 13:18:15

5 Q That day, if I'm not mistaken, was -- 13:18:18
6 would have been June 3rd, 2020 -- or excuse me -- 13:18:23
7 June 4th, 2020? 13:18:27

8 A Yes. Whatever day she arrived, yes, I 13:18:28
9 was on -- I don't know if I was on inspection or 13:18:33
10 not, but I came to intake, because she was 13:18:38
11 delivered to us, and she was there when I arrived. 13:18:44

12 She was in intake going through the 13:18:50
13 intake process when I arrived to intake. I think 13:18:52
14 she was just about to take her picture. The 13:18:55
15 officer was about to take her photo when I walked 13:18:58
16 in. 13:19:01

17 Q What do you recall about -- did you 13:19:02
18 interact with Ashley Diamond that day? 13:19:07

19 A Yes, I did. I introduced myself to her. 13:19:10
20 She told me who she was. I told her I was the 13:19:14
21 warden at Coastal, and she said she was glad to 13:19:19
22 meet me, happy to meet me. 13:19:22

23 Q How would you describe Ashley Diamond's 13:19:25
24 appearance? 13:19:28

25 A She was dressed appropriately at that 13:19:29

1 time. She had -- if I'm not mistaken, she had her 13:19:35
2 uniform on. She had her -- like I said, she had 13:19:39
3 already went through -- I think she went through 13:19:42
4 the intake process already because she had her 13:19:44
5 blue striped uniform on. 13:19:46

6 Q Was the uniform she was issued a male 13:19:51
7 uniform or a female uniform? 13:19:54

8 A It was a male uniform. 13:19:56

9 Q And could you tell from her appearance 13:20:00
10 that Ashley Diamond was transgender? 13:20:04

11 A I wouldn't say that, not from her 13:20:07
12 appearance, because she had -- she was dressed as 13:20:15
13 a male offender. She had the blue stripes on. 13:20:18

14 Q You served as a warden at a female 13:20:22
15 facility, correct? 13:20:27

16 A I did. 13:20:28

17 Q Two facilities, in fact? 13:20:29

18 A Yes. 13:20:32

19 Q So you're familiar with the uniforms that 13:20:33
20 female offenders are issued? 13:20:36

21 A Yes. 13:20:38

22 Q How would you describe those uniforms? 13:20:39

23 A The female offender is issued a khaki 13:20:42
24 two-piece uniform. The male offender, of course, 13:20:47
25 is issued a white with a blue stripe button-down. 13:20:50

1 Female has a khaki button-down two-piece uniform. 13:20:55
2 Q Got it. 13:21:06
3 Now, let's see. So ultimately, you were 13:21:07
4 not involved in the decision to house Ashley at 13:21:15
5 Coastal, correct? 13:21:20
6 A Correct. 13:21:21
7 Q And you were not involved in the 13:21:23
8 selection of her cell, initially, at least? 13:21:29
9 A Correct. 13:21:32
10 Q Did you ever learn that Ashley had 13:21:33
11 requested a female facility placement prior to 13:21:41
12 Coastal? 13:21:45
13 A No. 13:21:46
14 Q Is that something you are aware of 13:21:47
15 sitting here today? 13:21:51
16 A Yes. 13:21:52
17 Q When did you become first aware that 13:21:53
18 Ashley Diamond had requested a female facility 13:21:57
19 placement? 13:21:59
20 A If I'm not mistaken, and it's been a 13:22:01
21 while ago, I think it was from Ashley Diamond. 13:22:04
22 Q What do you recall? 13:22:07
23 A I just recall -- and we've had numerous 13:22:10
24 conversations, Ashley Diamond and myself. And 13:22:13
25 during one of those conversations, I believe she 13:22:16

1 said, Warden, you know, I'm trying to get to a 13:22:22
2 female facility, something of that nature. And I 13:22:25
3 said, Okay. 13:22:27
4 Q And, in fact, Ashley Diamond -- I'm 13:22:30
5 sorry. 13:22:36
6 Did she explain to you why she was trying 13:22:36
7 to get to a female facility? 13:22:39
8 A No, she didn't go into too much detail at 13:22:40
9 that point. She just said that she was trying to 13:22:43
10 get to a female facility. 13:22:47
11 No, I take that back. 13:22:49
12 She said she was trying to get to a 13:22:51
13 female facility because she felt that she would be 13:22:52
14 safer in a female facility versus a male facility. 13:22:59
15 She did say that. 13:23:02
16 Q That's something she communicated to you? 13:23:03
17 A Yes. 13:23:06
18 Q On how many occasions did you have 13:23:08
19 communications to that effect, if you recall? 13:23:12
20 A That was it. That was it about that 13:23:15
21 topic. 13:23:18
22 Q Okay. Now, it's true, Ashley Diamond 13:23:19
23 also submitted a grievance while she was at 13:23:24
24 Coastal State Prison seeking a transfer to a 13:23:28
25 female facility, correct? 13:23:30

1 A I can't recall. I can't recall that. 13:23:33

2 Q As warden, do you have any responsibility 13:23:41

3 when it comes to the grievance process? 13:23:43

4 A Yes, I have staff, grievance coordinators 13:23:47

5 that are tasked with being over that, and I do 13:23:52

6 sign off on the grievances once they reach my 13:23:57

7 office. 13:24:00

8 Q So you are, as warden, made aware of 13:24:01

9 grievances as they come in? 13:24:06

10 A Yes, I am. 13:24:08

11 MS. EZIE: Okay. I would like to mark as 13:24:14

12 Exhibit -- Benton Exhibit 1 a document that was 13:24:20

13 produced in discovery as DEF_1150. If you're able 13:24:23

14 to push it to Mr. Chalmers, the title of the 13:24:31

15 document should be DEF -- it should have DEF_1150 13:24:34

16 in the title. 13:24:40

17 (Exhibit Benton-1 marked for 13:24:46

18 identification and attached to the transcript.) 13:24:46

19 BY MS. EZIE: 13:24:46

20 Q And Mr. Benton, I'm going to show it to 13:24:47

21 you now. It's a one-page document. Let me know 13:24:50

22 if you're able to see my screen. 13:24:52

23 A Yes. 13:24:54

24 Q Let me know when you've had a chance to 13:24:54

25 read that, please. 13:24:57

1 MR. CHALMERS: I have it, Counsel. 13:25:18
2 MS. EZIE: Thank you. 13:25:20
3 A Yes, I've seen it. 13:25:44
4 Q Okay. And you've seen this document 13:25:45
5 before? 13:25:47
6 A No, I can't recall me seeing this 13:25:48
7 document. 13:25:51
8 Q But you do see that it was filed while 13:25:52
9 Ashley Diamond was at Coastal State Prison? 13:25:58
10 A Yes. Yes, I see Coastal State Prison on 13:26:00
11 that. 13:26:02
12 Q This is an offender grievance form? 13:26:03
13 A Yes, it is. 13:26:10
14 Q And do you see that it indicates that the 13:26:15
15 form was received at Coastal State Prison on 13:26:18
16 June 15th, 2020? 13:26:24
17 A Yes, yes, I see that date. 13:26:28
18 Q And you see that Ashley Diamond is 13:26:30
19 indicating in this grievance that she's a 13:26:37
20 transgender woman? 13:26:39
21 A Yes, I see that. 13:26:41
22 Q And that she's indicating that she has 13:26:43
23 faced repeated sexual and physical assaults in GDC 13:26:47
24 custody? 13:26:51
25 A Yes, I read that. 13:26:52

1 Q And that she has also had a lack of 13:26:54
2 constitutionally required medical care? 13:27:00
3 A Yes, I read that. 13:27:04
4 Q And that she has filed PREAs and has 13:27:09
5 vocally requested to be transferred to a female 13:27:13
6 facility? 13:27:15
7 A Yes. 13:27:16
8 Q But she had not received a response to 13:27:16
9 those requests. 13:27:19
10 Do you see that? 13:27:20
11 A Yes. 13:27:21
12 Q When Ashley Diamond indicated to you that 13:27:25
13 she wanted to be housed at a female facility for 13:27:27
14 safety reasons, how did you respond? 13:27:30
15 A As I stated, it was a conversation 13:27:34
16 that -- it was basically, she told me that she 13:27:39
17 wanted to go to a female facility. And I don't 13:27:42
18 remember my response, but I do remember her saying 13:27:48
19 that she would like to go to a female facility 13:27:50
20 because she feels that she would be safer. 13:27:53
21 Q Did you take any steps, after having that 13:27:55
22 communication with Ashley, to explore whether she 13:27:58
23 could be placed at a female facility? 13:28:03
24 A I did not. 13:28:05
25 Q And have you ever taken steps, during 13:28:09

1 your time as warden of Coastal State Prison, to 13:28:15
2 see whether Ashley Diamond's request to be at a 13:28:18
3 female facility could be accommodated? 13:28:22
4 A I did not. 13:28:25
5 Q Now, are you -- do you have any 13:28:34
6 understanding of the process by which transgender 13:28:40
7 people in GDC are given facility placements? 13:28:46
8 A I am not. I do not. 13:28:51
9 Q Are you familiar with the transgender 13:28:53
10 management SOP? 13:28:59
11 A I've reviewed it some time ago, but 13:29:02
12 cannot recall -- I can't remember specifics. 13:29:07
13 Q Now, you served as warden of two female 13:29:14
14 facilities, correct? 13:29:22
15 A I did. 13:29:23
16 Q Specifically, Whitworth state prison? 13:29:23
17 A Yes. 13:29:28
18 Q And Lee Arrendale State Prison? 13:29:28
19 A Yes. 13:29:33
20 Q Can you tell us when you served as warden 13:29:33
21 at each facility? 13:29:38
22 A I served as warden in July of 2013 at 13:29:42
23 Whitworth Women's Facility until July of 2017, I 13:29:51
24 was transferred to Lee Arrendale State Prison. 13:30:02
25 Q Got it. 13:30:06

1 And what prompted your transfer from one 13:30:10
2 facility to the other? 13:30:12

3 A The current warden at Lee Arrendale State 13:30:14
4 Prison was transferred to another facility, so 13:30:18
5 there was a vacancy, and I was transferred to that 13:30:24
6 facility. 13:30:28

7 Q Got it. 13:30:31

8 Now, Lee Arrendale and Whitworth, they 13:30:33
9 both house female offenders? 13:30:36

10 A Yes, they do. 13:30:38

11 Q What security level were offenders at Lee 13:30:39
12 Arrendale? 13:30:45

13 A Lee Arrendale was a special missions 13:30:47
14 prison, level V prison, and the security 13:30:50
15 designations were minimum, medium, and maximum 13:30:55
16 security. 13:31:02

17 Q Maximum security within GDC is known as 13:31:05
18 closed security? 13:31:09

19 A Yes, closed security, correct, yes. 13:31:10

20 Q Okay. So at Lee Arrendale, there were 13:31:12
21 minimum, medium, and closed security offenders? 13:31:16

22 A Correct. 13:31:20

23 Q What about at Whitworth? 13:31:21

24 A The same. 13:31:24

25 Q And so during your time as warden, were 13:31:31

1 there inmates at Lee Arrendale and Whitworth that 13:31:35
2 had been convicted of nonviolent offenses? 13:31:42
3 A Yes. 13:31:45
4 Q Including theft offenses? 13:31:46
5 A Yes. 13:31:49
6 Q Burglary? 13:31:49
7 A Yes. 13:31:52
8 Q Receipt of stolen property? 13:31:53
9 A Yes. 13:31:58
10 Q Were there offenders who had been
11 convicted of violent offenses? 13:32:04
12 A Yes. 13:32:08
13 Q At Lee Arrendale and Whitworth, were
14 there inmates who had health conditions that 13:32:15
15 required medical treatment? 13:32:18
16 A Yes. 13:32:20
17 Q Or mental health treatment? 13:32:20
18 A Yes. 13:32:24
19 Q When inmates needed medical care, were
20 they able to receive it? 13:32:32
21 A Yes. 13:32:33
22 Q When inmates at Lee Arrendale or
23 Whitworth required mental health care, were they
24 able to receive it? 13:32:41
25 A Yes. 13:32:41

1 Q And could they be transferred to 13:32:42
2 hospitals, if needed? 13:32:44
3 A Yes. 13:32:46
4 Q At Lee Arrendale and Whitworth, were 13:32:49
5 there inmates who required a mental health 13:32:52
6 level II services? 13:32:56
7 A Yes. 13:32:57
8 Q Were either facility able to accommodate 13:32:58
9 inmates who had mental health level III services? 13:33:04
10 A Yes, Lee Arrendale. 13:33:08
11 Q So Lee Arrendale was able to accommodate 13:33:11
12 both mental health level II and mental health 13:33:15
13 level III offenders? 13:33:18
14 A Yes. 13:33:22
15 Q And were there drug treatment programs at 13:33:23
16 Lee Arrendale or Whitworth? 13:33:25
17 A Yes. 13:33:27
18 Q Were there other types of programming 13:33:28
19 available to offenders? 13:33:35
20 A Yes. 13:33:36
21 Q Including educational programming? 13:33:36
22 A Yes. 13:33:42
23 Q And let's see. 13:33:47
24 During your time as warden, were there 13:33:56
25 ever inmates at Whitworth or Lee Arrendale that 13:33:59

1 committed disciplinary infractions? 13:34:03

2 A Yes. 13:34:05

3 Q What kinds of disciplinary infractions? 13:34:07

4 A Various kinds of theft, assault, 13:34:12

5 fighting, insubordination, failure to follow 13:34:20

6 instructions, lying, many, many different 13:34:27

7 offenses. 13:34:32

8 Q Were there ever occasions where offenders 13:34:34

9 were found to be in possession of contraband? 13:34:40

10 A Yes. 13:34:44

11 Q What types of contraband? 13:34:44

12 A Drugs, manufactured alcohol, weapons, 13:34:48

13 excessive property, tobacco. 13:35:02

14 Q Were there ever occasions where offenders 13:35:10

15 were caught having sexual activity? 13:35:14

16 A Yes. 13:35:19

17 Q That was something that was also the 13:35:23

18 basis of disciplinary infractions at times? 13:35:24

19 A Yes. 13:35:27

20 Q How were disciplinary charges like the 13:35:27

21 charges we've been describing -- how were they 13:35:31

22 handled? 13:35:34

23 A Through the disciplinary process. 13:35:35

24 Q So there was a means of responding to 13:35:39

25 behavioral problems with inmates? 13:35:45

1 could be, for instance? 13:37:11

2 A Some were. Some tried to grow their hair 13:37:14

3 all the way down past their midsection. It was 13:37:24

4 just too long. So they had to get a little trim. 13:37:28

5 But on average, no. 13:37:31

6 Q There was no rule that prevented inmates 13:37:33

7 at Lee Arrendale or Whitworth, for instance, 13:37:38

8 having shoulder length hair? 13:37:44

9 A Oh, no. 13:37:45

10 Q And female inmates at Lee Arrendale and 13:37:46

11 Whitworth, were they issued undergarments? 13:37:55

12 A Yes. 13:37:58

13 Q Including panties? 13:37:58

14 A Yes. 13:38:03

15 Q And bras? 13:38:03

16 A Yes. 13:38:05

17 Q Were there ever periods where panties and 13:38:06

18 bras were not made available to inmates at Lee 13:38:11

19 Arrendale and Whitworth? 13:38:14

20 A Only to my transgender population that 13:38:16

21 required -- that requested boxers. 13:38:19

22 Q Okay. So you did have some transgender 13:38:21

23 inmates at Lee Arrendale and Whitworth? 13:38:25

24 A Oh, yes. 13:38:28

25 Q But those inmates were transgender men? 13:38:29

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1 A Yes. 13:38:33

2 Q Have you, in your time as warden of Lee 13:38:35

3 Arrendale and Whitworth, ever known of transgender 13:38:39

4 women to be housed at those facilities? 13:38:43

5 A No. 13:38:47

6 Q Now, do you have any understanding of the 13:38:48

7 criteria that are used to assign transgender 13:38:57

8 inmates to male versus female facilities? 13:39:03

9 A No. 13:39:08

10 Q And so you can't say one way or another 13:39:08

11 whether Ashley Diamond was eligible for a female 13:39:16

12 facility placement? 13:39:20

13 A No, I cannot. 13:39:21

14 Q Okay. And to your knowledge, from the 13:39:22

15 time that Ashley arrived at Coastal State Prison 13:39:29

16 to the present day, was any attempt made to place 13:39:34

17 Ashley Diamond at a female facility? 13:39:38

18 A Not to my knowledge. 13:39:41

19 Q Okay. Now, after Ashley Diamond arrived 13:39:45

20 at Coastal State Prison, you see, from at least 13:39:51

21 the grievance that we reviewed, that she voiced 13:39:57

22 concerns about -- she voiced an interest in being 13:40:03

23 housed at a female facility, correct? 13:40:07

24 A Yes. 13:40:10

25 Q In addition to submitting PREAs and 13:40:11

1 grievances that talked about a female facility 13:40:16
2 placement, she spoke to you about those 13:40:19
3 preferences as well? 13:40:23
4 A You said submitting PREAs in reference to 13:40:26
5 being transferred to a female facility? 13:40:29
6 Q Correct. That's something that Ashley's 13:40:31
7 grievance indicated that she did, right? 13:40:37
8 A Oh, in the past, yes, prior to Coastal. 13:40:40
9 Q That's something that, to your knowledge, 13:40:44
10 she did? 13:40:47
11 A Yes, based on the grievance that I just 13:40:48
12 reviewed. 13:40:50
13 Q Okay. And, in fact, Ashley Diamond 13:40:50
14 requested a female facility placement in PREAs 13:40:58
15 that she submitted at Coastal as well; is that 13:41:02
16 right? 13:41:06
17 A I can't recall. She submitted PREAs. 13:41:06
18 She may have. I just can't recall right at this 13:41:12
19 minute without seeing it for myself. 13:41:15
20 Q But you do recall that, after arriving at 13:41:17
21 Coastal State Prison, Ashley voiced concerns about 13:41:21
22 her safety at Coastal, correct? 13:41:24
23 A Yes. 13:41:27
24 Q And she submitted PREA complaints 13:41:28
25 concerning incidents of alleged sexual abuse? 13:41:35

1 A Yes. 13:41:39

2 Q Did she also speak to you about safety 13:41:40

3 concerns that she had? 13:41:46

4 A Yes. 13:41:48

5 Q What do you recall? 13:41:50

6 A As I stated earlier, she said she wanted 13:41:52

7 to go to a female facility because she felt that 13:41:55

8 remaining at a male facility, she would not be 13:42:01

9 safe. 13:42:05

10 Q Now, would you agree that transgender 13:42:06

11 people in men's prisons face unique risks when it 13:42:13

12 comes to sexual abuse? 13:42:19

13 A Sexual abuse or any type of abuse? 13:42:24

14 Q How about we say any type of abuse. 13:42:32

15 A Sure, yes. 13:42:36

16 Q But GDC policy recognizes that 13:42:37

17 transgender offenders also face a heightened risk 13:42:42

18 of sexual assault; is that right? 13:42:45

19 A Yes. 13:42:47

20 Q You agree that transgender offenders can 13:42:48

21 face a heightened risk of sexual assault in GDC 13:42:53

22 custody? 13:42:57

23 A Yes, some of them, yes. 13:43:00

24 Q Particularly transgender women? 13:43:02

25 A I can't say that because it's on both 13:43:06

1 sides, if you're asking for my opinion. 13:43:11

2 Q Okay. So transgender people, both men 13:43:13

3 and women, can face a heightened risk of sexual 13:43:18

4 abuse within GDC? 13:43:22

5 A Yes. 13:43:23

6 Q And as a result, that -- whether 13:43:23

7 someone's transgender is part of the screening 13:43:27

8 process that GDC applies when it comes to 13:43:30

9 classifying offenders? 13:43:36

10 A Yes. 13:43:38

11 MR. CHALMERS: Objection to form. 13:43:39

12 Q There's a PREA victim classification 13:43:41

13 process within GDC? 13:43:44

14 A Yes. 13:43:48

15 Q And when individuals identify as 13:43:49

16 transgender, that is considered to be a risk 13:43:54

17 factor for sexual victimization? 13:43:57

18 A Yes. 13:44:03

19 Q And, in fact, Ashley Diamond was 13:44:03

20 classified as a PREA sexual victim when she 13:44:07

21 arrived at Coastal State Prison; is that correct? 13:44:10

22 A I can't remember, but I think she was. 13:44:15

23 Q PREA sexual victims are people who are 13:44:20

24 identified as being at a high risk for sexual 13:44:24

25 abuse? 13:44:29

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1	A	Yes.	13:44:29
2		MS. EZIE: I would like to mark as Benton	13:44:35
3		Exhibit 2 a document that, for purposes of	13:44:39
4		identifying it among the various documents, it	13:44:46
5		should say -- give me one moment -- PREA victim	13:44:50
6		classifications Coastal.	13:44:58
7		Tech friends, can you let me know if	13:45:03
8		you're able to see it or locate it? I'm going to	13:45:05
9		put it on my screen, and hopefully that will help	13:45:08
10		you identify it as well.	13:45:11
11		This will be Benton Exhibit 2.	13:45:12
12		(Exhibit Benton-2 marked for	13:45:14
13		identification and attached to the transcript.)	13:45:18
14		BY MS. EZIE:	13:45:18
15	Q	And Mr. Benton, I'm just going to make it	13:45:19
16		full size and then ask you if you can see my	13:45:21
17		screen.	13:45:24
18		A/V TECH: And I did find it here. This	13:45:27
19		is the tech.	13:45:29
20	A	Yes.	13:45:30
21	Q	Thank you.	13:45:30
22		MS. EZIE: Mr. Chalmers, let me know when	13:45:33
23		you have your copy.	13:45:35
24		MR. CHALMERS: I will. I don't have it	13:45:36
25		yet. Is it a one-page document?	13:45:39

1 MS. EZIE: I believe it's three pages. 13:45:41

2 Q So Mr. Benton, are you able to see the 13:45:43

3 first page, or would you like me to make the text 13:45:47

4 a little larger? 13:45:50

5 A Yes, make it larger, please. I can see 13:45:50

6 it, but it's very small. 13:45:52

7 Q How is that? 13:45:57

8 A Yes, that's good. 13:45:58

9 Q Okay. Let me know when you'd like me to 13:45:59

10 turn to the next page, please. 13:46:02

11 A I've seen this document before. 13:46:15

12 Q Okay. Do you see -- let me just turn to 13:46:16

13 the next page, because again, there's more than 13:46:18

14 one page. This is page 2. Let me know if or when 13:46:20

15 you'd like me to move to the next page. 13:46:25

16 I'll represent that this was a 13:46:38

17 classification that was not performed at Coastal, 13:46:40

18 but it was performed at Georgia Diagnostic 13:46:43

19 Classification Prison. 13:46:45

20 A Yes. 13:46:47

21 Q But let me know when you'd like me to 13:46:47

22 move to the next page. 13:46:49

23 A Yes, ma'am. 13:46:50

24 Q Okay. I should move or -- 13:46:51

25 A Yes. 13:46:54

1 Q Okay. This should be the last page. 13:46:54
2 A Yes, ma'am. 13:47:07
3 MS. EZIE: Okay. Mr. Chalmers, can we 13:47:10
4 proceed? 13:47:13
5 MR. CHALMERS: Yes, I have it. 13:47:14
6 MS. EZIE: Okay. 13:47:16
7 Q So Mr. Benton, you said you have seen 13:47:17
8 this document before? 13:47:23
9 A Yes, I have. 13:47:24
10 Q What is this document, Benton Exhibit 2? 13:47:27
11 A It's the offender PREA classification 13:47:31
12 detail form that every offender fills out when 13:47:35
13 they arrive at the facility. 13:47:43
14 Q Okay. And the purpose of this form is to 13:47:44
15 identify whether someone is a PREA sexual victim? 13:47:51
16 A Yes, ma'am. 13:47:57
17 Q And this is the form that was completed 13:47:59
18 for Ashley Diamond, to your knowledge? 13:48:05
19 A Yes, ma'am. It should be completed on 13:48:07
20 every offender, yes, ma'am. 13:48:10
21 Q It was completed -- this page -- page 1 13:48:11
22 of this exhibit is the PREA classification that 13:48:15
23 Ashley Diamond received on June 11, 2020, at 13:48:19
24 Coastal State Prison? 13:48:26
25 A Yes, ma'am. 13:48:26

1 Q And it identified her as a sexual victim, 13:48:27
2 including because she was a former victim of 13:48:34
3 institutional prison or jail rape or sexual 13:48:38
4 assault. 13:48:46

5 Do you see that at the top? 13:48:46

6 A Yes, ma'am. 13:48:47

7 Q So that's something that Coastal State 13:48:48
8 Prison officials were notified of, that Ashley 13:48:52
9 Diamond had experienced sexual assault or rape in 13:48:55
10 prison before? 13:49:00

11 A Yes, ma'am. 13:49:02

12 Q It also indicated that Ashley Diamond had 13:49:05
13 a developmental disability or a mental or physical 13:49:09
14 illness or disability. 13:49:15

15 Do you see that? 13:49:17

16 A Yes. 13:49:18

17 Q You were aware at some point that Ashley 13:49:19
18 Diamond did have mental health conditions? 13:49:26

19 A Yes. 13:49:29

20 Q Including gender dysphoria? 13:49:30

21 A Yes. 13:49:32

22 Q She also has post-traumatic stress 13:49:34
23 disorder? 13:49:40

24 A Yes, ma'am. 13:49:41

25 Q That's something you were aware of during 13:49:41

1 your time as warden? 13:49:45

2 A Yes, ma'am. 13:49:47

3 Q It also indicates that Ashley Diamond was 13:49:48

4 transgender or perceived to be transgender or 13:49:54

5 gender nonconforming? 13:49:57

6 A Yes, ma'am. 13:49:59

7 Q You were aware that Ashley Diamond was 13:50:00

8 transgender from the point that she arrived at 13:50:03

9 Coastal? 13:50:06

10 A Yes, ma'am. 13:50:06

11 Q And this form indicates that she had a 13:50:08

12 prior history of sexual victimization or sexual 13:50:13

13 abuse, correct? 13:50:17

14 A Yes. 13:50:18

15 Q And that she perceived herself as 13:50:18

16 vulnerable? 13:50:24

17 A Yes. 13:50:25

18 Q And that she also had a history -- a 13:50:26

19 conviction history that was exclusively 13:50:31

20 nonviolent. 13:50:33

21 Do you see that? 13:50:34

22 A Yes. 13:50:34

23 Q Okay. So to my earlier question, does 13:50:35

24 this refresh your recollection that Ashley Diamond 13:50:45

25 was, indeed, classified as a PREA sexual victim 13:50:48

1 when she arrived at Coastal State Prison? 13:50:51

2 A Yes. 13:50:53

3 Q Okay. I'll stop the screen share. 13:50:56

4 And you're aware that when individuals 13:50:59

5 are PREA sexual victims, that special 13:51:08

6 considerations should be given to their housing 13:51:11

7 placements? 13:51:14

8 A Correct. 13:51:15

9 Q And are you aware that when offenders are 13:51:16

10 transgender, their housing placements are also 13:51:19

11 supposed to be reviewed biannually? 13:51:23

12 A Yes. 13:51:27

13 Q Was that a policy that was followed at 13:51:27

14 Coastal State Prison? 13:51:32

15 A Yes. 13:51:33

16 Q Who was responsible for reviewing 13:51:34

17 transgender housing placements biannually? 13:51:38

18 A The classification committee. 13:51:42

19 Q And what is the classification committee? 13:51:45

20 A Classification committee is a group of 13:51:49

21 individuals that review an offender's file, 13:51:52

22 criminal history, work history, and determine, 13:52:03

23 based on skill set, based on behavior, where 13:52:08

24 they're placed. 13:52:15

25 Q Who at Coastal State Prison is a member 13:52:15

1 of that committee? 13:52:17

2 A The chief counselor, another care and 13:52:19

3 treatment counselor, a security representative, a 13:52:25

4 sergeant or above, and the operations analyst. 13:52:30

5 Q I know that was a few folks. 13:52:34

6 Can you identify who held those roles by 13:52:38

7 name and title between June 2020 and the time of 13:52:42

8 your departure? 13:52:48

9 A Oh, wow. Ms. Rivers, Cynthia Rivers, 13:52:49

10 when I first arrived at Coastal, was the chief 13:52:59

11 counselor. 13:53:03

12 The counselors that sit on the 13:53:08

13 classification committee can vary. There is 13:53:10

14 not -- there's not one name. It's a group of 13:53:14

15 them. And depending on what's going on on that 13:53:20

16 particular day, a care and treatment staff member 13:53:23

17 is chosen. 13:53:27

18 The policy says, you know, the chief 13:53:29

19 counselor, care and treatment staff, a security 13:53:30

20 representative, and the operations analyst. 13:53:33

21 So at that time, I can't give you a name. 13:53:35

22 The only name that I can give you is the chief 13:53:38

23 counselor who was over the classification 13:53:41

24 committee. 13:53:43

25 Q And that was Ms. Rivers? 13:53:44

1 A Ms. Rivers at that time, yes, was over 13:53:45
2 the classification committee. And the same thing 13:53:50
3 with the security representative. They change. 13:53:52
4 As long as it's a sergeant or above. 13:53:58
5 Q Do you have any responsibilities related 13:54:01
6 to the classification committee? 13:54:04
7 A Yes. If an offender is being classified 13:54:07
8 outside the institution, I have to sign off on it. 13:54:10
9 I have to be one of the signatures approving that 13:54:14
10 offender to be classified on a work detail outside 13:54:18
11 the institution. 13:54:21
12 If the offender is not being classified 13:54:23
13 on the outside of the institution, myself or the 13:54:25
14 deputy warden of care and treatment can sign off 13:54:28
15 on it. 13:54:31
16 Q And what types of classifications can 13:54:32
17 offenders at Coastal State Prison receive? 13:54:35
18 A We have different job classifications as 13:54:42
19 far as, you know, where these offenders work 13:54:49
20 throughout the day. 13:54:52
21 Of course, the living units, the 13:54:55
22 classification committee assigns them to a living 13:55:00
23 unit. So work and living units, the 13:55:04
24 classification committee is the one that 13:55:08
25 recommends them for those areas. 13:55:12

1 Q Okay. And is a housing assignment a type 13:55:15
2 of classification? 13:55:23

3 A Yes. It's a part of the classification 13:55:25
4 as well, where an offender lives. 13:55:28

5 Q How so? 13:55:32

6 A Based on mental health -- when an 13:55:36
7 offender arrives at the institution, they're 13:55:43
8 screened by mental health, and they're screened by 13:55:45
9 general population counselors. And then they meet 13:55:48
10 with their counselor. And then within a seven-day 13:55:52
11 period, they receive their initial classification. 13:55:56
12 And that initial classification basically tells 13:56:01
13 them where they will be working at. 13:56:05

14 When they arrive at the facility that 13:56:11
15 day, they're seen during the intake process by GP 13:56:13
16 counselors and mental health counselors. And then 13:56:17
17 information is relayed to the classification chair 13:56:22
18 from mental health and the GP counselors about 13:56:24
19 where they live at. 13:56:29

20 Q Got it. 13:56:31

21 But to confirm, this process was not the 13:56:33
22 process followed with respect to Ashley Diamond's 13:56:37
23 housing, correct? 13:56:40

24 A Correct. 13:56:41

25 Q Did the classification committee at 13:56:43

1 Coastal State Prison complete biannual 13:56:51
2 reassessments of Ashley Diamond's housing? 13:56:53
3 A It's supposed to be done. I can't tell 13:56:56
4 you whether or not it was done or not. 13:57:00
5 Q When classifications are -- when PREA 13:57:03
6 reassessments are completed, is there normally 13:57:07
7 some type of documentation that is generated? 13:57:10
8 A Yes, there should be. Yes, there is, 13:57:14
9 yes. The mental health -- like I said, my mental 13:57:22
10 health departments plays a big part of that 13:57:25
11 assessment when an offender comes into the 13:57:28
12 facility. 13:57:30
13 Q Okay. So if Ashley Diamond received 13:57:31
14 biannual reassessments with respect to her 13:57:35
15 housing, they would be -- it would be reflected in 13:57:39
16 writing somewhere? 13:57:42
17 A Yes, it should be. 13:57:43
18 Q Now, you mentioned that there were 13 13:57:46
19 other transgender offenders at -- sorry -- 15 to 13:57:51
20 16 other transgender offenders at Coastal State 13:57:56
21 Prison. 13:58:00
22 Do you know if they received biannual 13:58:01
23 housing reassessments? 13:58:04
24 A They're supposed to have. I can't tell 13:58:08
25 you right -- sitting right here whether or not 13:58:10

1 they did or not without looking at their file. 13:58:13

2 Q Okay. So you know there was a 13:58:15

3 requirement that applied to all transgender 13:58:19

4 offenders, including Ashley Diamond, that biannual 13:58:22

5 reassessments be completed? 13:58:26

6 A Yes. 13:58:30

7 Q And am I correct that part of that 13:58:31

8 reassessment was supposed to involve analyzing 13:58:35

9 whether adjustments should be made to an inmate's 13:58:39

10 housing? 13:58:47

11 A Yes. 13:58:47

12 Q Now, as a warden, you have a role when it 13:58:48

13 comes to, at the very least, housing -- sorry -- 13:58:53

14 facility transfers; is that correct? 13:59:01

15 A I have some say on specific transfers, 13:59:05

16 but not -- I don't get involved with the 13:59:10

17 day-to-day transfers that happen daily or weekly. 13:59:14

18 Q Okay. But you can make recommendations 13:59:18

19 about whether inmates are transferred away from 13:59:23

20 Coastal State Prison? 13:59:29

21 A Yes. 13:59:30

22 Q And you can make recommendations related 13:59:32

23 to safety transfer requests? 13:59:34

24 A Yes. 13:59:38

25 Q Who -- are your recommendations final, or 13:59:38

1 do they have to be approved by someone? 13:59:45

2 A Oh, yes, they have to be approved by my 13:59:47

3 supervisor. If it's a warden-to-warden swap, 13:59:49

4 per se, or if I want someone transferred, I would 13:59:54

5 have to contact my supervisor. 13:59:59

6 Q Okay. And that's Stan Shepard? 14:00:01

7 A Yes, at that time. 14:00:07

8 Q When Ashley Diamond notified you that she 14:00:08

9 wanted to be at a female facility for safety 14:00:10

10 reasons, did you contact Stan Shepard? 14:00:12

11 A I don't -- I don't remember if I did or 14:00:16

12 didn't. I honestly cannot remember if I did or 14:00:20

13 didn't. I talked to him a lot, not just about 14:00:26

14 Ashley Diamond, but about different things 14:00:30

15 concerning the facility or just the day-to-day 14:00:34

16 operations. So I cannot recall that. 14:00:40

17 Q Did any of the other transgender inmates 14:00:42

18 who were housed at Coastal State Prison request 14:00:48

19 female facility placements, to your knowledge? 14:00:51

20 A No. No, ma'am. Not to my knowledge. 14:00:54

21 Q Sorry. When you say "no," you're saying 14:01:01

22 they did not make those requests to you 14:01:03

23 personally? 14:01:04

24 A Correct. 14:01:05

25 Q You don't know whether they, like Ashley 14:01:09

1 Diamond, submitted grievances seeking female 14:01:12
2 facility placements? 14:01:15
3 A No, I do not recall seeing a grievance 14:01:15
4 come across my desk from any other transgender 14:01:18
5 requesting to be transferred to a female facility. 14:01:22
6 Q But you can't say one way or another 14:01:26
7 whether grievances like that were filed? 14:01:30
8 A No, I cannot. 14:01:33
9 Q And do you know whether any of the other 14:01:35
10 transgender inmates at Coastal had requested 14:01:39
11 female facility placements prior to their arrival 14:01:43
12 at your facility? 14:01:48
13 A I do not. 14:01:48
14 Q Okay. Were there any other transgender 14:01:49
15 offenders who were housed in the N building 14:01:56
16 alongside Ashley? 14:02:02
17 A I don't know if alongside Ashley, but 14:02:05
18 there were other transgender offenders assigned to 14:02:08
19 N building in my tenure at Coastal. 14:02:13
20 Q What about during the time Ashley Diamond 14:02:19
21 was housed there? 14:02:21
22 A Yes. 14:02:22
23 Q Were they housed in NA or NB? 14:02:24
24 A Both. 14:02:28
25 Q Do you recall the names of any of those 14:02:29

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1	offenders?	14:02:32
2	A No. But if I saw their picture, I	14:02:32
3	probably would remember them. But no, I do not	14:02:35
4	recall specific names.	14:02:38
5	Q Okay. Now, were transgender offenders	14:02:45
6	who were housed at Coastal State Prison, were they	14:02:52
7	allowed to wear female uniforms?	14:02:58
8	A No.	14:03:00
9	Q And that was true of Ashley Diamond as	14:03:01
10	well?	14:03:05
11	A Correct.	14:03:06
12	Q Were transgender offenders who were	14:03:07
13	housed at Coastal State Prison allowed to grow	14:03:09
14	their hair to their shoulders?	14:03:14
15	A They were allowed to grow their hair. I	14:03:19
16	would not say to their shoulders.	14:03:20
17	Q So they were subject to restrictions on	14:03:23
18	their hair length that did not apply in female	14:03:27
19	prisons?	14:03:31
20	A Probably you would be correct in that --	14:03:32
21	Q Okay.	14:03:41
22	A -- statement, yes.	14:03:42
23	Q Were transgender offenders at Coastal	14:03:43
24	State Prison allowed to access cosmetics?	14:03:52
25	A Yes.	14:03:55

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1 Q They were allowed to access cosmetics? 14:03:57
2 A Yes. They had some. 14:04:00
3 Q Which cosmetics were they able to access? 14:04:01
4 A As far as I'm aware, I allowed some of 14:04:06
5 them -- some of the transgenders to wear a minimum 14:04:12
6 amount of makeup, nothing loud. 14:04:15
7 Q What type of makeup? 14:04:18
8 A I'm not -- I'm not into the makeup realm, 14:04:21
9 so blushes, a little bit of lipstick, something 14:04:25
10 subtle. 14:04:36
11 Q Were the makeup allowances at Coastal 14:04:38
12 State Prison more restrictive -- more limited than 14:04:43
13 during your time as warden at Whitworth and Lee 14:04:47
14 Arrendale? 14:04:54
15 A Yes. 14:04:54
16 Q And was Ashley Diamond ever permitted to 14:04:55
17 wear cosmetics? 14:04:59
18 A Oh, yes. Yes. 14:05:01
19 Q Was she issued them by the facility? 14:05:04
20 A That, I do not know. All I do remember 14:05:08
21 is from time to time I would see her with makeup 14:05:11
22 on her face. 14:05:14
23 Q Okay. And so when you say she was 14:05:16
24 allowed to wear makeup, you're saying that you 14:05:20
25 tolerated it. Is that fair? 14:05:25

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1 find it, let me know, and I can put it in the 14:07:15
2 chat. 14:07:17
3 I'm putting it on my screen, and if you 14:07:19
4 could push it to Mr. Chalmers, I'd appreciate it. 14:07:21
5 A/V TECH: This is the technician. It 14:07:25
6 was 007408? 14:07:26
7 MS. EZIE: Correct. And DEF would be the 14:07:28
8 prefix. It's on my screen now, so that hopefully 14:07:32
9 will help. 14:07:35
10 (Exhibit Benton-3 marked for 14:07:18
11 identification and attached to the transcript.) 14:07:38
12 BY MS. EZIE: 14:07:38
13 Q Mr. Benton, are you able to see this 14:07:41
14 document? 14:07:42
15 A You need to make it a little bit bigger. 14:07:47
16 Q Okay. 14:07:49
17 A Yes, ma'am. 14:07:50
18 Q It's a two-page document. So I'm going 14:07:51
19 to zoom it in, and you just let me know when you 14:07:53
20 need me to scroll down, okay? 14:07:56
21 A Yes, that's good. 14:07:58
22 Q Okay. 14:07:59
23 A Yes, ma'am. 14:08:41
24 Q Okay. I should scroll down a little 14:08:42
25 further? 14:08:44

1 A Yes. 14:08:45

2 Q Okay. So now I'm straddling -- 14:08:46

3 MR. CHALMERS: I have the document. 14:08:50

4 MS. EZIE: You do have it? Great. 14:08:54

5 Q So now I'm straddling pages 1 and 2. I 14:08:56

6 think that's all of the text of the email besides 14:09:00

7 the signature block, just so you can see. 14:09:02

8 So going back up, let me know when you've 14:09:04

9 had a chance to read it. 14:09:06

10 A Yes. 14:10:16

11 Q Okay. So let's actually start with this 14:10:16

12 email, this portion of the email. 14:10:25

13 So just to confirm, Mr. Benton, this is 14:10:27

14 an email thread that you received during your time 14:10:30

15 as warden? 14:10:33

16 A Yes. It appears, yes. 14:10:35

17 Q And it's discussing Ashley Diamond? 14:10:37

18 A Yes. 14:10:43

19 Q And this -- let's scroll back up. This 14:10:44

20 is an email that you received in June -- on 14:10:48

21 June 12th of 2020? 14:10:53

22 A Yes. 14:10:54

23 Q Who is Tia Fletcher? 14:10:55

24 A Mental health unit manager. She's over 14:10:59

25 my mental health unit. 14:11:02

1 Q Is she a GDC employee? 14:11:04

2 A No. She's MHM. 14:11:07

3 Q What is MHM? 14:11:16

4 A That's a good question. I know all these 14:11:21

5 acronyms. Mental health -- I can't -- I can't 14:11:24

6 tell you right now. It escapes me. But it's a 14:11:32

7 mental health contractor that GDC has. 14:11:37

8 Q Got it. 14:11:43

9 And so at Coastal State Prison, you 14:11:44

10 relied on contracted health care providers to 14:11:49

11 provide services to inmates? 14:11:53

12 A Yes. We had several outside contractors. 14:11:57

13 Mental health, medical, and RSAT. 14:12:03

14 Q Were you involved in their hiring or 14:12:08

15 selection? 14:12:11

16 A No. That was central office. That was a 14:12:13

17 state contract. 14:12:17

18 Q Okay. So did you know anything about the 14:12:18

19 background or qualifications of individual 14:12:25

20 providers? 14:12:28

21 A Yes. I had access to that. A lot of 14:12:30

22 these staff members were already in place when I 14:12:33

23 got there. But I had access to their information, 14:12:35

24 as warden. 14:12:39

25 Q What type of information did you have 14:12:40

1 access to? 14:12:42

2 A Their applications, their résumés, if I 14:12:44

3 requested. Anything that I requested, I was 14:12:48

4 given. 14:12:51

5 Q Okay. 14:12:51

6 A Anything about anybody that worked inside 14:12:52

7 my facility, I had access to their credentials and 14:12:56

8 information. 14:13:01

9 Q And that's true of the mental health 14:13:05

10 providers contracted through MHM? Is it MHM 14:13:07

11 Centurion? Is that accurate? 14:13:13

12 A Yes, it's that now, yes. They had 14:13:14

13 changed over the years. 14:13:17

14 Q Okay. And what about medical providers, 14:13:19

15 were there contracted medical providers that 14:13:23

16 Coastal State Prison used as well? 14:13:27

17 A Yes. It's now called Wellpath. It was 14:13:30

18 Medical College of Georgia for a long time. And 14:13:34

19 just recently, within the last year, changed over 14:13:38

20 to Wellpath. 14:13:42

21 Q Okay. Is Medical College of Georgia the 14:13:44

22 same as Augusta? 14:13:48

23 A Yes. 14:13:50

24 Q Okay. And so those were providers that 14:13:51

25 were contracted from outside of GDC to provide 14:13:54

1 health care to inmates as well? 14:14:01

2 A It initially was Medical College of 14:14:04

3 Georgia, and then it transferred to Augusta 14:14:06

4 University, and then it transferred to Wellpath. 14:14:09

5 Q Okay. Did you have access to the 14:14:12

6 applications and résumés of those providers from 14:14:17

7 the physical health side? 14:14:24

8 A I did if I requested it. I never 14:14:25

9 requested it. 14:14:27

10 Q Okay. To your knowledge, from June 2020 14:14:29

11 to present, did Coastal State Prison have any 14:14:36

12 gender dysphoria specialists in its employ? 14:14:40

13 A Yes. 14:14:44

14 Q Who were those individuals? 14:14:45

15 A Our medical director, our director of 14:14:48

16 medical. Of course, we had a full mental health 14:14:52

17 staff, psychiatrists, psychologists, mental health 14:14:57

18 counselors, certified counselors. 14:15:02

19 In the medical field, like I said, I had 14:15:06

20 MDs, doctors, PAs, physician's assistants, RNs, 14:15:11

21 LPNs. 14:15:18

22 Q I'm sorry. Just to clarify, so you were 14:15:19

23 describing just now the types of mental health and 14:15:23

24 medical providers that you had at Coastal State 14:15:27

25 Prison, correct? 14:15:30

1 A Yes. 14:15:30

2 Q What about providers whose specialization 14:15:32

3 or expertise was the treatment of gender 14:15:35

4 dysphoria, did you have any such providers at 14:15:38

5 Coastal State Prison? 14:15:41

6 A Yes. Our medical directors -- our 14:15:42

7 medical directors that I've had over the years 14:15:45

8 were the ones that signed off on the designation 14:15:47

9 of gender dysphoria. 14:15:50

10 Q So you're indicating that they -- when 14:15:53

11 you said, signed off on the diagnosis, what do you 14:15:57

12 mean? 14:16:01

13 A When they met with the doctors, based on 14:16:01

14 the doctors' determination and interaction with 14:16:09

15 the offender, they documented which offenders had 14:16:14

16 gender dysphoria. 14:16:22

17 Q Okay. So you had doctors who diagnosed 14:16:23

18 gender dysphoria for inmates at Coastal State 14:16:27

19 Prison, correct? 14:16:31

20 A Yes. 14:16:32

21 Q What about inmates -- sorry. 14:16:32

22 What about physicians whose training or 14:16:36

23 specialization was gender dysphoria, did you check 14:16:38

24 résumés to see whether that was a specialty any of 14:16:41

25 the providers had prior to arriving at Coastal 14:16:48

1 State Prison? 14:16:51

2 A No, I did not. 14:16:51

3 Q Okay. And you don't know, sitting here 14:16:53

4 today, whether any of your providers, in addition 14:16:58

5 to treating -- or diagnosing the inmates you had 14:17:03

6 at Coastal with gender dysphoria, had gender 14:17:06

7 dysphoria as a specialty? 14:17:10

8 A No, I did not. 14:17:13

9 Q Okay. So going back to this email, I'm 14:17:14

10 going to scroll down to the bottom. 14:17:21

11 Do you see that the first part of the 14:17:27

12 chain is from someone named Tamara Cantera? 14:17:28

13 A Yes. 14:17:34

14 Q Who is Tamara Cantera? 14:17:34

15 A She was one of my mental health 14:17:37

16 counselors. 14:17:38

17 Q She was also a contracted provider? 14:17:39

18 A Yes. 14:17:41

19 Q And she's describing in this email chain 14:17:41

20 an interaction that she had with Ashley Diamond 14:17:49

21 after her arrival at Coastal? 14:17:52

22 A Yes. 14:17:54

23 Q Do you see that in this email, Ashley 14:17:56

24 Diamond -- it indicates that she requested female 14:18:02

25 items? 14:18:07

1 exhibit down. 14:19:32

2 Well, let's see. Before we step away, am 14:19:33

3 I correct that very shortly after Ashley Diamond's 14:19:40

4 arrival, she reported to your staff that she had 14:19:43

5 experienced sexual abuse at Georgia Diagnostic and 14:19:48

6 Classification Prison? 14:19:55

7 A I'm aware now, yes. 14:19:55

8 Q Well, you were also made aware in June 14:19:57

9 2020, correct, when you received this email? 14:20:02

10 A Yes. You're probably correct, yes. 14:20:04

11 Q Okay. Do you recall any steps you 14:20:06

12 took -- sorry. Strike that. 14:20:11

13 Am I correct that under GDC policy, 14:20:13

14 there's a duty to investigate and forward for 14:20:16

15 investigation all PREA complaints? 14:20:22

16 A Yes. 14:20:26

17 Q Even complaints that concern facilities 14:20:27

18 other than your own? 14:20:30

19 A Yes. 14:20:32

20 Q What's the process that is supposed to be 14:20:32

21 followed when you learn of a PREA incident at a 14:20:36

22 different facility? 14:20:40

23 A The process is, once we find out -- when 14:20:43

24 an offender arrives at our facility and claims 14:20:47

25 something happened at another facility, we contact 14:20:50

1 that other facility's PREA or grievance 14:20:53
2 coordinator, depending on what the allegation and 14:20:58
3 accusation is, if they said it took place at that 14:21:01
4 facility. 14:21:04

5 We contact that person there, and we take 14:21:05
6 the statements from the individual, make copies, 14:21:11
7 and forward that to that facility. However, we 14:21:17
8 also forward it on as well to investigations. 14:21:22

9 Q Okay. The PREA process you just 14:21:28
10 described is a process that's required under GDC 14:21:34
11 policy? 14:21:40

12 A Yes. 14:21:40

13 Q And did you take steps to investigate -- 14:21:41
14 sorry. 14:21:51

15 Did you follow the steps that you just 14:21:52
16 outlined when you learned that Ashley Diamond 14:21:54
17 experienced a PREA incident at GDCP that had not 14:21:58
18 yet been investigated by their SART team? 14:22:03

19 A I'm quite sure I did. But like I said, 14:22:07
20 being this is over two and a half years later, I 14:22:10
21 can't recall unless I see a document. 14:22:13

22 Q Okay. I'm going to take down my screen. 14:22:15

23 To confirm, if you had gone through the 14:22:21
24 notification process you just outlined, would 14:22:30
25 there be written documentation? 14:22:32

1 A Yes, yes. It would have been from the 14:22:38
2 PREA coordinator or from the grievance 14:22:41
3 coordinator, depending on what it was. In this 14:22:43
4 case, it was a PREA that she identified. It would 14:22:45
5 have been the PREA coordinator contacting the PREA 14:22:49
6 coordinator there and obtaining witness statements 14:22:52
7 and us going through the PREA policy. 14:22:57

8 Q Okay. And as warden, you had a duty to 14:23:00
9 make sure that procedure was followed? 14:23:04

10 A Yes. The information passed on, yes. 14:23:08

11 Q Okay. Sitting here today, you're not -- 14:23:11
12 you can't say whether it was? 14:23:17

13 A I cannot. 14:23:19

14 Q Now, isn't it true that Ashley Diamond, 14:23:23
15 following her arrival at Coastal State Prison, 14:23:34
16 actually went several months without access to 14:23:38
17 female undergarments? 14:23:43

18 A I cannot comment on that. Like I said, 14:23:46
19 it's a process. When she first got there, she was 14:23:50
20 in quarantine for several weeks. After she got 14:23:53
21 into general population, moving freely, I can't 14:23:58
22 say whether or not she went a period of time 14:24:05
23 without it. 14:24:09

24 But I do know that there's a process. We 14:24:09
25 can't just go and purchase something for an 14:24:12

1 offender that says they are what they are. They 14:24:14
2 have to -- I have to see something in writing from 14:24:18
3 the doctor saying that she suffers from gender 14:24:21
4 dysphoria. 14:24:26

5 And I take that document, I forward that 14:24:26
6 document to central office requesting the items 14:24:29
7 that she has requested. 14:24:33

8 Q Okay. Do you -- now, during your time as 14:24:36
9 warden, am I correct that you instituted a 14:24:46
10 process -- or a practice, rather, of having staff 14:24:50
11 members generate weekly reports concerning Ashley 14:24:59
12 Diamond? 14:25:02

13 A Yes. 14:25:07

14 Q Those are reports that were circulated 14:25:07
15 via email? 14:25:10

16 I'll ask another question. 14:25:21

17 How were those weekly reports generated? 14:25:22

18 A I'm sorry. Some of them were verbal. 14:25:25
19 They would come and give the information to my 14:25:29
20 secretary, and then she would relay the 14:25:31
21 information to me, and I would relay it to my 14:25:33
22 supervisor. 14:25:35

23 Q Your supervisor here being Stan Shepard? 14:25:37

24 A Yes. 14:25:40

25 Q Is it true that at times, you would relay 14:25:42

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1	that information to him over email?	14:25:45
2	A Text.	14:25:49
3	Q Over text message?	14:25:50
4	A Yes.	14:25:52
5	Q So you did send text messages concerning	14:25:53
6	Ashley Diamond?	14:25:59
7	A Yes.	14:26:02
8	Q Who did you send text messages to	14:26:02
9	concerning Ashley Diamond? Like, who were the	14:26:06
10	recipients of text messages?	14:26:08
11	A Stan Shepard.	14:26:11
12	Q Is that the only person you text messaged	14:26:15
13	with?	14:26:17
14	A Yes.	14:26:18
15	Q And what device did you use to send or	14:26:18
16	receive text messages concerning Ashley Diamond?	14:26:23
17	A My cell phone.	14:26:26
18	Q Was that a GDC-issued device?	14:26:29
19	A Yes.	14:26:31
20	Q What's the phone number on that device?	14:26:32
21	A [REDACTED]	14:26:37
22	Q Did you ever send text messages	14:26:45
23	concerning Ashley Diamond from other devices than	14:26:49
24	the cell phone you just mentioned?	14:26:53
25	A No.	14:26:55

1 Q And with respect to Stan Shepard, your 14:26:56
2 practice was to send text messages, not emails? 14:26:59

3 A Yes. It was a weekly report. Anything 14:27:04
4 out of the normal daily occurrences, I would send 14:27:08
5 him text messages on, appointments, anything of 14:27:15
6 that nature. 14:27:19

7 Q Whose idea was it to begin this practice 14:27:20
8 of issuing weekly reports? 14:27:26

9 A Mr. Shepard. 14:27:29

10 Q So it's something that he requested that 14:27:32
11 you do? 14:27:34

12 A Yes. 14:27:35

13 Q Do you recall when he made that request? 14:27:37

14 A I cannot, to be honest with you. 14:27:43

15 Q Do you know why he made the request? 14:27:46

16 A I assumed he just wanted to make sure 14:27:50
17 that everything was going well with Ashley 14:27:53
18 Diamond. He wanted to stay in the loop on 14:27:56
19 anything that happens concerning her. And I took 14:28:00
20 it that way when he told me to start doing it, 14:28:04
21 start sending him weekly updates on anything that 14:28:08
22 happens to Ashley Diamond, anything that occurs, 14:28:12
23 any appointments, any -- anything of that nature. 14:28:15

24 Q Are you aware that -- you're aware that 14:28:25
25 as of the summer of 2020, GDC was concerned that 14:28:29

1 Ashley Diamond might begin litigation against the 14:28:33
2 department? 14:28:37

3 A I don't know -- I can't recall when. I 14:28:40
4 just remember receiving a document in reference to 14:28:44
5 that. But I can't recall when I received that. 14:28:48

6 Q What document are you thinking of? 14:28:50

7 A A document from your agency saying 14:28:54
8 something in reference to some of the complaints 14:29:02
9 that she was issuing. 14:29:06

10 Q Got it. 14:29:08

11 Is it possible you're referring to a 14:29:10
12 third-party PREA notice? 14:29:13

13 MR. CHALMERS: Objection, form. 14:29:15

14 You can answer. 14:29:17

15 A No. Just a document I received, I want 14:29:19
16 to say from your agency, with a list of concerns 14:29:25
17 that she had. I can't recall if it was a PREA or 14:29:29
18 anything of that nature. If it was a PREA, then I 14:29:34
19 would have passed it on to my PREA department, and 14:29:38
20 they would have started investigations. 14:29:41

21 Q Okay. So you were aware that Ashley 14:29:43
22 Diamond had safety concerns even after arriving at 14:29:51
23 Coastal State Prison, correct? 14:29:58

24 A Yes. 14:29:59

25 Q And even after being placed in the 14:30:01

1 evidence-based dormitory? 14:30:03

2 A Yes. 14:30:05

3 Q What were some of the concerns -- the 14:30:06
4 safety concerns you were made aware of? 14:30:10

5 A As I stated earlier, Ashley Diamond, when 14:30:13
6 I had a conversation with her, she said, Warden, I 14:30:16
7 would like to go -- to be assigned to a female 14:30:20
8 facility because I'm concerned for my safety. And 14:30:23
9 that's basically how it went. 14:30:27

10 I'm trying to remember anything else that 14:30:29
11 she said in reference to that. I don't really 14:30:33
12 know if she went into detail. She just said -- 14:30:36
13 and she did tell me that she had some issues at 14:30:40
14 GDCP and that the staff there did not treat her 14:30:49
15 appropriately, the medical staff and the 14:30:52
16 administration. 14:30:54

17 MS. EZIE: We've been going for about an 14:31:00
18 hour and a half. Might I request a five-minute 14:31:03
19 break for the restroom? 14:31:05

20 MR. CHALMERS: Yes, that sounds good. 14:31:08

21 MS. EZIE: Do people anticipate needing 14:31:12
22 more than five minutes, or does that sound 14:31:14
23 sufficient? 14:31:15

24 THE WITNESS: I'm good. 14:31:18

25 MS. EZIE: Okay. See you in -- 2:36. 14:31:19

1 VIDEOGRAPHER: We're going off the 14:31:23
2 record. The time is 2:31. It's the end of 14:31:24
3 recording 3. 14:31:28
4 (Recess from 2:31 p.m. until 2:38 p.m.) 14:31:30
5 VIDEOGRAPHER: The time is 2:38. We're 14:38:39
6 on the record at the start of recording 4. 14:38:44
7 BY MS. EZIE: 14:38:50
8 Q Mr. Benton, we were talking just now 14:38:51
9 about cosmetics and undergarments. You outlined a 14:38:54
10 process that you could follow to request 14:39:06
11 undergarments for transgender offenders, correct? 14:39:10
12 A Yes. 14:39:14
13 Q Were you aware of any process that 14:39:14
14 existed within GDC to request items such as access 14:39:20
15 to female cosmetics in a formal manner? 14:39:27
16 A Yes, yes. Working at a female prison, 14:39:35
17 I'm aware of, you know, they receive the packages, 14:39:40
18 like you said earlier. 14:39:44
19 And like I said, at Coastal, I cannot 14:39:47
20 recall any of my transgenders writing me 14:39:51
21 requesting makeup. The only thing that I recall 14:39:55
22 some of them writing me is requesting 14:40:01
23 undergarments. 14:40:03
24 Q Okay. What items were in the female 14:40:04
25 package, in your experience? 14:40:09

1 A Oh, it's been a while ago. Lipstick, 14:40:12
2 eyeliner -- I really don't know if eyeliner -- I 14:40:24
3 know lipstick, I know some blushes. That's about 14:40:27
4 all I can remember. 14:40:32

5 Q You're not aware of any of those items 14:40:35
6 being issued to transgender offenders at Coastal, 14:40:39
7 correct? 14:40:44

8 A No, I'm not aware. 14:40:45

9 Q And we just looked at an exhibit 14:40:50
10 together, Benton Exhibit 3, where you would agree 14:40:52
11 that Ashley Diamond was requesting access to the 14:40:56
12 female package inclusive of cosmetics, correct? 14:40:59

13 A I saw that in that email where she 14:41:04
14 mentioned it -- 14:41:06

15 Q That's an email that you received? 14:41:08

16 A -- wanting a package. 14:41:10

17 Q Okay. And that's an email that you 14:41:12
18 received? 14:41:14

19 A Yes. 14:41:14

20 Q Did you take any steps following receipt 14:41:16
21 of that email to see if Ashley could be issued a 14:41:19
22 female package? 14:41:23

23 A I did not, because the manner in which I 14:41:24
24 received the email, it appeared, as Ms. Fletcher 14:41:27
25 said, this right here was confidential, and the 14:41:33

1 delivery process. So I was just basically being 14:41:38
2 made aware of the conversation. 14:41:41

3 Q So you didn't take any steps, following 14:41:45
4 receipt of that email, to see whether Ashley 14:41:49
5 Diamond was in the process of being issued a 14:41:52
6 female package? 14:41:55

7 A I did not. 14:41:57

8 Q And you don't know whether -- sorry. 14:41:58
9 And to your knowledge, she was never 14:42:03
10 issued a female package while at CSP? 14:42:05

11 A I'm not aware. I remember seeing makeup 14:42:10
12 on her face. Don't know if that came by way of a 14:42:13
13 package. But that's the only way I can right now 14:42:16
14 attribute why she would have makeup. But I can't 14:42:22
15 say that I am aware. 14:42:27

16 Q Okay. Ashley Diamond is not the only 14:42:28
17 transgender offender that you saw wearing makeup 14:42:36
18 at times, correct? 14:42:39

19 A Correct. 14:42:41

20 Q Do you have any understanding of why 14:42:44
21 transgender offenders may wish to wear makeup? 14:42:47

22 A Yes, I do. 14:42:51

23 Q What's your understanding? 14:42:52

24 A They identify with female. So 14:42:56
25 identifying with female, they want the things that 14:42:59

1 females have. 14:43:02

2 Q Did you understand that being able to 14:43:05

3 have the things that females have in a prison 14:43:09

4 environment could be an aspect of their health 14:43:14

5 care as transgender people? 14:43:16

6 A Did I understand? 14:43:20

7 Q Yes. 14:43:22

8 A Yes. 14:43:24

9 Q Okay. And specifically, that it could be 14:43:25

10 important to their gender dysphoria health care? 14:43:33

11 A Yes. 14:43:38

12 Q Okay. Now, we were also speaking about 14:43:39

13 bras and underwear just before the break. And you 14:43:51

14 saw that beginning in June of 2020, Ashley Diamond 14:43:55

15 requested issuance of female bras and panties, 14:44:00

16 correct, or female undergarments specifically? 14:44:06

17 A Yes. 14:44:09

18 Q Are you aware that Ashley Diamond did not 14:44:14

19 receive bras until September of 2020? 14:44:16

20 A I'm not aware of the date. But I am 14:44:23

21 aware that she did not initially receive that upon 14:44:25

22 arriving at Coastal because she had to go through 14:44:28

23 the process that everyone follows. 14:44:32

24 Q And the process you described about 14:44:43

25 requesting them to higher-ups within GDC, where is 14:44:44

1 that process outlined? 14:44:48

2 A The process was explained to me from my 14:44:53

3 supervisor. Any of my transgenders, once they 14:44:55

4 followed the process and has been identified as 14:45:00

5 being diagnosed with gender dysphoria, may request 14:45:04

6 undergarments. 14:45:08

7 And I, at that point, would contact my 14:45:09

8 supervisor requesting those items once the doctor, 14:45:13

9 the medical doctor, has said that that offender 14:45:19

10 suffers from gender dysphoria. 14:45:24

11 Q Understood. 14:45:29

12 During your time as warden of Coastal 14:45:30

13 State Prison, were there any other items that 14:45:32

14 transgender offenders were able to receive related 14:45:36

15 to their gender expression? 14:45:39

16 A The only ones that I remember just 14:45:42

17 blatant are, they wanted to receive undergarments. 14:45:45

18 That was the main and the biggest -- the biggest 14:45:49

19 item of request. 14:45:54

20 I cannot recall ever receiving a request 14:45:55

21 in writing from an offender requesting anything 14:45:59

22 other than bras and panties. 14:46:03

23 Q And I'll just note, with the exception of 14:46:09

24 the email we just saw where Ashley made a direct 14:46:11

25 request for cosmetics and a female package? 14:46:14

1 A Correct. That was, yes, further down 14:46:16
2 into the email, yes. 14:46:19

3 Q But what about as far as procedures 14:46:21
4 within GDC, there was a procedure to request and 14:46:26
5 have undergarments issued to transgender 14:46:30
6 offenders, correct? 14:46:33

7 A Yes. 14:46:34

8 Q Was there a process to request and allow 14:46:34
9 transgender offenders to wear female -- to grow 14:46:40
10 their hair as long as females in GDC? 14:46:46

11 A In a male prison? 14:46:51

12 Q Yes. 14:46:54

13 A I can't recall. But I'm quite sure there 14:46:55
14 is a policy that outlines the dress code of an 14:46:58
15 inmate. 14:47:04

16 Q You think -- is there a set of 14:47:05
17 accommodations that transgender offenders are able 14:47:07
18 to receive to the dress code policy, to your 14:47:11
19 knowledge? 14:47:16

20 A Not to my knowledge. 14:47:16

21 Q So within male prisons, transgender 14:47:19
22 offenders are expected to dress like male inmates, 14:47:24
23 correct? 14:47:31

24 A Correct. 14:47:32

25 Q And they're expected to follow the 14:47:32

1 appearance guidelines that apply to male inmates, 14:47:36
2 correct? 14:47:39

3 A Correct, to a certain extent. 14:47:39

4 Q The exception that you're aware of only 14:47:44
5 applies to undergarments; is that accurate? 14:47:47

6 A Undergarments and some makeup. As I 14:47:52
7 stated, I allowed her to wear some makeup, or my 14:47:55
8 transgenders, I allowed them to wear some makeup. 14:47:58

9 Q Got it. 14:48:01

10 But there was no process, that you're 14:48:03
11 aware of, for makeup to be formally issued to 14:48:04
12 those inmates by GDC? 14:48:09

13 A In a male facility, no. 14:48:12

14 Q And so in instances where transgender 14:48:14
15 offenders were wearing makeup, it was likely 14:48:19
16 contraband? 14:48:22

17 A Not necessarily. As I stated, I myself 14:48:25
18 observed some of my transgenders with some subtle 14:48:31
19 makeup on, and I did not address it because it was 14:48:37
20 not -- it was not loud or blatant. So I did not 14:48:41
21 address it. 14:48:46

22 I can't say what my officers did. I 14:48:47
23 don't recall seeing any disciplinary reports on 14:48:50
24 any of my transgenders being in makeup, written up 14:48:56
25 for having makeup on. 14:49:02

1 Q Okay. But just to confirm, you're not 14:49:04
2 aware of a procedure where makeup was formally 14:49:06
3 issued to them? 14:49:14
4 A Correct. 14:49:14
5 Q Now -- let's see. 14:49:16
6 MS. EZIE: So I'd like to mark as Benton 14:49:22
7 Exhibit 4 a document that was produced in 14:49:24
8 discovery as DEF_0057 -- sorry, I'm not helping 14:49:30
9 you out, am I -- DEF_005797. It's a one-page 14:49:44
10 document. 14:49:53
11 I'm going to share it on my screen, and 14:49:53
12 I'm going to ask that the Planet Depos staff 14:49:56
13 kindly push it to Mr. Chalmers. 14:49:58
14 (Exhibit Benton-4 marked for 14:50:01
15 identification and attached to the transcript.) 14:50:02
16 BY MS. EZIE: 14:50:02
17 Q Should I zoom in on the text a little 14:50:03
18 bit, Mr. Benton? 14:50:05
19 A Please do. 14:50:05
20 Q Okay. Let's see. Okay. 14:50:06
21 And let me know when you've had a chance 14:50:16
22 to read that. 14:50:18
23 A Yes, I read it. 14:50:19
24 Q Do you see that this is an email to you 14:50:20
25 from Constance Nettles? 14:50:25

1 A Yes. 14:50:28

2 Q Who is Constance Nettles? 14:50:28

3 A She's a GP counselor, general population 14:50:31
4 counselor. 14:50:35

5 Q Okay. She's not the counselor you were 14:50:36
6 thinking of earlier who's over the evidence-based 14:50:40
7 dormitory? 14:50:46

8 A No. Her name is Willesha Warren. 14:50:46

9 Q Willesha Warren. Okay. Thank you for 14:50:50
10 remembering. 14:50:54

11 A Yes. Old brain. 14:50:55

12 Q Names aren't my strong suit either. 14:50:58
13 Okay. And so do you see this is an email 14:51:02
14 that Constance Nettles sent you on August 7, 2020? 14:51:05

15 A Yes. 14:51:10

16 Q And in this email, she's indicating that 14:51:10
17 as of August 7th, 2020, more than two months after 14:51:15
18 Ashley Diamond's arrival, she had not received 14:51:20
19 any -- she had not received bras? 14:51:26

20 A Yes, I see that here. But I don't know 14:51:28
21 if she had -- 14:51:32

22 (Cross-talk.) 14:51:33

23 A I'm sorry. 14:51:34

24 Q I'm sorry. Please continue. 14:51:34

25 A No, I said I see that here in this email, 14:51:38

1 but I don't know if she had received some prior to 14:51:41
2 this because I have sent up several requests for 14:51:46
3 Ms. Diamond to receive undergarments. 14:51:53

4 She would lose them; they would get 14:51:56
5 stolen; and so I do remember sending up several 14:51:58
6 requests to get her panties and bras. And for the 14:52:03
7 most part, she did receive it. 14:52:07

8 Of course, this one right here, it's 14:52:10
9 stating that she received one, but didn't receive 14:52:11
10 the other. 14:52:13

11 MS. EZIE: Okay. Let's take a look at 14:52:26
12 another message. This one is marked -- this one 14:52:27
13 is produced in discovery as DEF_007961. This will 14:52:30
14 be Benton Exhibit 5. 14:52:41

15 Just give me one second to pull it up, 14:52:43
16 please. 14:52:45

17 (Exhibit Benton-5 marked for 14:52:46
18 identification and attached to the transcript.) 14:52:47

19 BY MS. EZIE: 14:52:47

20 Q This, if I didn't say it already, 14:53:00
21 produced in discovery as DEF_007961. It's a 14:53:02
22 two-page document. The second page, I believe, is 14:53:21
23 just -- doesn't have anything but signature 14:53:24
24 blocks. But I'm going to turn back to the first 14:53:27
25 page, and let me know if you need me to make it 14:53:29

1 any larger. 14:53:32

2 A Yes, please. 14:53:33

3 MS. EZIE: And Planet Depos team, if you 14:53:34

4 could push this to Mr. Chalmers, please, I'd 14:53:37

5 appreciate it. 14:53:40

6 A Yes, I've seen it. 14:53:59

7 Q Okay. Do you see that it indicated -- 14:54:00

8 MR. CHALMERS: (Inaudible). 14:54:05

9 MS. EZIE: Sorry. Are you still waiting 14:54:06

10 for it? 14:54:09

11 MR. CHALMERS: I have it now. 14:54:09

12 Q Okay. Do you see this is an email to you 14:54:11

13 from Yolanda Preyer? 14:54:13

14 A Yes. 14:54:15

15 Q Dated July 23rd, 2020? 14:54:16

16 A Yes. 14:54:18

17 Q She's the person you identified as your 14:54:19

18 secretary? 14:54:22

19 A Yes. 14:54:23

20 Q This is an example of one of the weekly 14:54:25

21 reports that you described earlier? 14:54:28

22 A Yes. 14:54:31

23 Q This one from July 20th to 24? 14:54:33

24 A Yes. 14:54:41

25 Q And do you see that it's indicating that 14:54:41

1 Ashley Diamond requested undergarments as of that 14:54:43
2 date as well, of this report? 14:54:46

3 A Yes. 14:54:54

4 Q Okay. Does this refresh your 14:55:00

5 recollection that perhaps Ashley Diamond's 14:55:01

6 original request for undergarments was not filled 14:55:03

7 until August 14th with respect to panties, or 14:55:08

8 would you like to see some additional documents? 14:55:12

9 A I'm sorry. I cannot answer that because, 14:55:14

10 as I stated, she sent me several requests. So 14:55:17

11 just seeing this one or another one out of 14:55:23

12 context, I can't say that that's when she first 14:55:27

13 received her items. 14:55:30

14 I would have to contact central office 14:55:31

15 and have them go back into their files to see when 14:55:34

16 they first sent her her items to Coastal. 14:55:37

17 Q Okay. I'll stop the screen share. 14:55:40

18 So you think there should be a record 14:55:43

19 that would show when Ashley Diamond first received 14:55:47

20 undergarments? 14:55:50

21 A There should be some documentation 14:55:52

22 somewhere when she received her first -- I mean, 14:55:55

23 and she would have it as well. But yes, there 14:55:58

24 should be some documentation of when she 14:56:01

25 received -- started receiving undergarments and 14:56:04

1 panties. 14:56:09

2 Q Okay. And you don't recall when that 14:56:09

3 request -- sorry. You don't recall right now when 14:56:16

4 that request may have been made? 14:56:23

5 A The initial request, no, ma'am, I'm 14:56:25

6 sorry. 14:56:29

7 Q Okay. Is it fair to say that at times, 14:56:29

8 the process of getting undergarments to 14:56:43

9 transgender offenders could take months, if not 14:56:48

10 weeks? 14:56:54

11 A Yes. 14:56:55

12 Q Did you ever encounter that issue with 14:56:57

13 respect to getting panties and bras to female 14:57:01

14 offenders at female facilities? 14:57:04

15 A Yes. 14:57:06

16 Q There were months or weeks at female 14:57:07

17 facilities where female inmates did not have bras 14:57:12

18 or panties? 14:57:15

19 A You're talking about transgender? 14:57:15

20 Q No. 14:57:17

21 A Okay. I'm sorry. I thought you were 14:57:18

22 talking about transgenders at female facilities. 14:57:20

23 Q So it sounds like at female facilities, 14:57:23

24 you encountered transgender men who also had long 14:57:27

25 delays accessing undergarments that matched with 14:57:33

1 their gender; is that correct? 14:57:36

2 A Yes. 14:57:38

3 Q But at female facilities, did 14:57:39

4 female-identified inmates wait long periods to 14:57:44

5 access bras or panties? 14:57:46

6 A No, because we had those in stock at the 14:57:48

7 prison, at the female facilities. 14:57:52

8 Q Understood. 14:57:54

9 So if Ashley Diamond had been housed at a 14:57:56

10 female prison, the process of accessing bras and 14:58:00

11 panties would have been less complicated? 14:58:03

12 A You could say that, yes. 14:58:08

13 Q You wouldn't expect that there might be 14:58:09

14 month-long delays -- 14:58:15

15 A No. 14:58:17

16 Q -- is that fair? Okay. 14:58:18

17 Okay. Now, with respect to Ashley 14:58:21

18 Diamond's appearance -- I realize that the 14:58:39

19 pandemic might make answering this question a 14:58:42

20 little difficult. But were there times that you 14:58:45

21 ever observed her with facial hair? 14:58:49

22 A Yes. Yes. There were very few times, 14:58:54

23 but yes. 14:58:59

24 Q Did you ever get an understanding about 14:59:00

25 how Ashley felt about having facial hair? 14:59:05

1 A No, I didn't. Ashley Diamond normally 14:59:09
2 kept herself up pretty good. There was some 14:59:15
3 information in reference to her wanting to go to 14:59:22
4 the TC and that -- I'm trying to recall -- that 14:59:26
5 she got some bad information or whatnot, and for a 14:59:39
6 small period of time, she let herself go, and I 14:59:44
7 saw some facial hair one time when I was on 14:59:51
8 inspection. 14:59:55
9 Q Got it. 14:59:59
10 Are you aware that Ashley Diamond sought 15:00:00
11 hair removal treatment while she was at Coastal 15:00:06
12 State Prison? 15:00:11
13 A I did not. I was not aware. 15:00:11
14 Q And sounds like you don't know whether 15:00:15
15 she ever received facial hair removal treatment? 15:00:26
16 A No, I'm not aware. 15:00:30
17 Q Okay. Now, Ashley Diamond, while at 15:00:32
18 Coastal, also received hormone therapy, correct? 15:00:44
19 A Yes. 15:00:50
20 Q And as part of her hormone therapy 15:00:50
21 treatment, she was required to have appointments 15:00:56
22 with endocrinologists? 15:00:59
23 A Yes. 15:01:03
24 Q Am I correct that at times, up to ten 15:01:03
25 months passed between her endocrinology 15:01:11

1 appointments? 15:01:15

2 A I'm not aware of that information. 15:01:16

3 Q Did you have any role in scheduling 15:01:19

4 appointments for her? 15:01:22

5 A No, ma'am. 15:01:24

6 Q Do you know who, if anyone, did? 15:01:26

7 A Medical. I don't know the specific name 15:01:29

8 of the person responsible for Ashley Diamond, but 15:01:34

9 my medical staff would have been. 15:01:39

10 Q Okay. Now, we've spoke a little bit 15:01:43

11 about transgender offenders that you interacted 15:01:54

12 with at Whitworth and Lee Arrendale. 15:01:57

13 Approximately how many transgender men 15:02:04

14 have you met during your time with the department? 15:02:08

15 A Oh, wow. I would say close to a hundred, 15:02:12

16 because I was deputy warden of care and treatment 15:02:26

17 at Lee Arrendale for a time. I was deputy warden 15:02:28

18 of security at Lee Arrendale for a time. I left, 15:02:31

19 became warden at another facility, and then came 15:02:36

20 back to Lee Arrendale as warden. 15:02:39

21 So over those years that I was at Lee 15:02:42

22 Arrendale, I encountered transgenders. 15:02:45

23 Q Okay. Have you ever -- and sorry. 15:02:48

24 Approximately what time span, what years were you 15:02:53

25 working at Lee Arrendale in some capacity? 15:02:55

1 A 2009 -- I was reassigned at the end of 15:02:59
2 2008, but I was out on medical leave, so I did not 15:03:04
3 physically return until January of 2009 15:03:07
4 physically, until 2013. I left for four years and 15:03:13
5 came back in 2017 as warden. 15:03:19
6 Q Got it. 15:03:24
7 Is there one document that provides a 15:03:26
8 good summary of all the roles you've had in 15:03:29
9 corrections? 15:03:34
10 A I've held a lot of roles. God has 15:03:35
11 blessed me to be in a lot of different positions 15:03:43
12 in my 30 years in corrections. 15:03:47
13 Q So what would be a good document -- so I 15:03:50
14 don't have to trouble you with all the details of 15:03:54
15 your experience, what document, if any, would 15:03:58
16 reflect all the roles you've had? 15:04:01
17 A Oh, I can't even begin to think of what 15:04:04
18 document. I mean, I can tell you all the roles 15:04:10
19 that I've held in my 30 years. 15:04:12
20 Q How long do you think it would take us? 15:04:18
21 A Oh -- 15:04:20
22 Q Is it worth -- 15:04:21
23 A No, it wouldn't be that -- it would be 15:04:22
24 quick. 15:04:24
25 Q Okay. 15:04:25

1 A I started in '93 as a correctional 15:04:25
2 officer. Then I got promoted to counselor 15:04:29
3 associate, and then counselor OR, and then chief 15:04:33
4 counselor. 15:04:39

5 Q What facility or facilities did you hold 15:04:40
6 those positions? 15:04:42

7 A I started off at Hart detention center, 15:04:43
8 later changed over to Whitworth Women's Facility. 15:04:47
9 But back then, it was a male facility. It was a 15:04:51
10 detention center. Hart detention center as a 15:04:54
11 cadet and an officer. 15:04:57

12 And then from the time span of 2003 -- I 15:04:59
13 mean, '93 to '95, I was a counselor. No, I was an 15:05:03
14 officer from '93 to '94. Then I got promoted to 15:05:11
15 counselor. '94 to '95, I was promoted to a 15:05:14
16 counselor, and then chief counselor. 15:05:19

17 In '96, I left Hart detention center. By 15:05:22
18 that time it turned over to Whitworth Parole 15:05:25
19 Revocation Center. And I got transferred to 15:05:29
20 Alcovy Diversion Center as assistant 15:05:35
21 superintendent. And these were males as well. In 15:05:36
22 a diversion center, they were males. 15:05:40

23 Then from there, in 2000, I was 15:05:43
24 transferred from Alcovy Diversion Center. I 15:05:45
25 stayed there from 1998 to 2000. In 2000, I 15:05:49

1 transferred to IW Davis Probation Detention 15:05:56
2 Center. I remained there eight years as assistant 15:05:59
3 superintendent, second in command of our all-male 15:06:04
4 detention center. 15:06:08

5 Then from that period, end of 2008, I got 15:06:09
6 transferred to Lee Arrendale State Prison. I was 15:06:13
7 out on medical leave, and then when I came back, 15:06:17
8 IW Davis had closed down, and my new assignment 15:06:19
9 was deputy warden of care and treatment at Lee 15:06:23
10 Arrendale State Prison the end of 2008. I 15:06:25
11 physically started January 2009. 15:06:28

12 So from January 2009 to December 2012, I 15:06:31
13 was deputy warden of care and treatment. 15:06:40

14 Then from December 2012 to July 2013, I 15:06:42
15 was deputy warden of security at Lee Arrendale. 15:06:47
16 And then that's where I got promoted to warden in 15:06:51
17 June of -- July of 2013. 15:06:54

18 Q Got it. 15:06:58

19 And that takes us up through your 15:06:59
20 appointment to warden of Coastal on July 1st, 15:07:03
21 2019? 15:07:09

22 A Yes. 15:07:10

23 Q Thank you. I'm very impressed you knew 15:07:11
24 all of that from memory. 15:07:14

25 Now, in all of your years with the 15:07:18

1 department, have you received any training related 15:07:21
2 to transgender offenders? 15:07:23

3 A Yes, I have. 15:07:27

4 Q Okay. What type of training have you 15:07:29
5 received concerning transgender offenders? 15:07:34

6 A When I first arrived at Lee Arrendale 15:07:37
7 State Prison, because I'd never worked with 15:07:42
8 females before, I was sent to training on the 15:07:44
9 female population. 15:07:51

10 And during that training -- I can't 15:07:54
11 remember -- I can't remember to save my life the 15:07:56
12 name of the training. I don't know if it was a 15:07:59
13 deputy wardens meeting or a female services 15:08:02
14 meeting. But they informed us about the female 15:08:10
15 population and the differences, of course, male 15:08:19
16 versus female. 15:08:22

17 And during that training, I received 15:08:23
18 transgender training in reference to the 15:08:25
19 transgender population, transgender male, 15:08:30
20 transgender females. 15:08:35

21 Q Is that likely the first time you 15:08:36
22 received training on the subject of transgender 15:08:39
23 people? 15:08:43

24 A Official training, yes. 15:08:44

25 Q Had you ever interacted with transgender 15:08:47

1 people prior to that training? 15:08:52

2 A Yes, yes, all throughout my life. 15:08:53

3 Q Particularly in the context of 15:08:57

4 corrections? 15:09:00

5 A Yes, yes. I interacted with staff and 15:09:02

6 offenders. 15:09:06

7 Q There are -- are there transgender staff 15:09:07

8 that you've encountered at GDC facilities? 15:09:10

9 A I have. I have in the past. 15:09:13

10 Q Were there any at Coastal during your 15:09:17

11 time as warden? 15:09:20

12 A That, I don't -- I don't recall. I mean, 15:09:21

13 I try not to make a designation of someone just 15:09:27

14 because they wear their hair short or anything of 15:09:31

15 that nature. But I don't recall interacting or 15:09:34

16 knowing that I had any transgender staff at 15:09:42

17 Coastal. 15:09:46

18 Q Okay. And approximately what year would 15:09:46

19 you have received the training you just described 15:09:51

20 concerning transgender topics? Would that have 15:09:54

21 been in 2009? 15:09:57

22 A 2009, 2010, 2011. I mean, it was 15:09:59

23 basically annual. And if it wasn't training, it 15:10:06

24 was an informational session in meetings that I 15:10:12

25 would attend. So, I mean, I received -- and then, 15:10:16

1 of course -- you know, of course, me reading 15:10:24
2 literature, policies and stuff of that nature, of 15:10:26
3 course, that I can't -- I can't bring back up on 15:10:30
4 the drop of a dime. But, of course, if shown to 15:10:35
5 me, it would spark a memory. 15:10:38

6 MS. EZIE: Okay. Why don't we turn to a 15:10:47
7 document that was produced in discovery as 15:10:48
8 DEF_028527. This will be Benton Exhibit 6. 15:10:53

9 I'm going to put it on my screen. It is 15:11:03
10 a seven-page document. And if you could kindly 15:11:06
11 push it to Mr. Chalmers, I'd appreciate it. 15:11:09

12 (Exhibit Benton-6 marked for 15:11:13
13 identification and attached to the transcript.) 15:11:13

14 BY MS. EZIE: 15:11:13

15 Q Mr. Benton, I'm going to make it full 15:11:25
16 size just so you can see the whole page, and then 15:11:27
17 I'm assuming, based on past practice, you're going 15:11:29
18 to want me to zoom in a little, so you can just 15:11:32
19 tell me how much to zoom in. 15:11:36

20 A Yes, ma'am. 15:11:37

21 Q But you can see the full page of page 1 15:11:37
22 at this time, inclusive of the number at the 15:11:40
23 bottom? 15:11:42

24 A Yes, I can see it. It just needs to be 15:11:43
25 enhanced a little bit. 15:11:46

1 Q Okay. I'm going to go ahead and blow it 15:11:47
2 up, and you can just tell me where to stop. 15:11:50
3 A Okay. Blow it up a little bit more. 15:11:56
4 Q Okay. 15:11:59
5 A That's good. 15:12:00
6 Q Okay. Just let me know when you'd like 15:12:01
7 me to scroll down. 15:12:05
8 A You can scroll down. 15:12:06
9 MS. EZIE: Okay. Mr. Chalmers, if you 15:12:08
10 can confirm when you have a copy. 15:12:10
11 MR. CHALMERS: I'm looking for it. What 15:12:12
12 is this one called? 15:12:14
13 MS. EZIE: It's DEF_028527. It's going 15:12:15
14 to be -- 15:12:20
15 MR. CHALMERS: Okay, I have it. 15:12:21
16 MS. EZIE: -- Exhibit 6. 15:12:26
17 Q Should I keep scrolling? 15:12:30
18 A Are you talking to me? 15:12:34
19 Q Yes. Just if you'd like me to scroll 15:12:52
20 down. 15:12:54
21 A I'm sorry. Yes, you can scroll. This 15:12:55
22 looks like a copy of my training history. 15:12:58
23 Q Okay. That's what I wanted to confirm, 15:13:00
24 if this would be -- if this is a record that would 15:13:01
25 reflect all of the trainings you've received? 15:13:02

1 (Cross-talk.) 15:13:07

2 A It wouldn't reflect all of it. It's 15:13:07
3 missing some training. It wouldn't reflect all of 15:13:10
4 it. But it's missing. I've had this conversation 15:13:12
5 before, that I'm not receiving credit for some of 15:13:14
6 the training that I've had over the years, 15:13:18
7 specialized training. 15:13:21

8 Q Okay. Do you have a recollection today 15:13:23
9 of what, if any, trainings might be missing? 15:13:30

10 A No, not right off the rip right now at 15:13:35
11 this second. But I know in the past, I've 15:13:39
12 mentioned that to post, that they did not have all 15:13:42
13 of my trainings. I think one year, I was missing 15:13:46
14 in-service that I knew I completed, but they had 15:13:50
15 no document stating that I completed it. 15:13:53

16 Q Okay. 15:13:58

17 A But this right here is a good depiction 15:13:59
18 of the training that I've received over the years. 15:14:02

19 Q Got it. 15:14:06

20 Do you -- on this list, do you see an 15:14:09
21 entry that corresponds to the training you believe 15:14:11
22 first described to you transgender offenders? 15:14:15

23 A Oh, no, no, I don't. I think that was 15:14:21
24 listed under specialized training, if I recall. 15:14:23
25 But I can't -- I can't say one hundred percent. 15:14:27

1 Q Might it be this one from March 2009? 15:14:30

2 A It could be, but like I said, I can't 15:14:45

3 swear to it. 15:14:48

4 Q Okay. Well, from 2009, when you first 15:14:49

5 received some instruction on transgender 15:14:53

6 offenders, to present, how many times have you 15:15:00

7 attended trainings where transgender people have 15:15:02

8 been a subject of discussion? 15:15:05

9 A You said separate from when? 15:15:12

10 Q 2009 is the first time you recall 15:15:14

11 attending a training where transgender people were 15:15:18

12 discussed at GDC. 15:15:21

13 A Yes. 15:15:22

14 Q How many times since then have you 15:15:22

15 attended transgender-related training? 15:15:24

16 A I can't honestly tell you that. Several 15:15:28

17 trainings. The topic was spoke about during the 15:15:34

18 training. But I can't tell you whether or not it 15:15:38

19 was 8, 10, 20. 15:15:44

20 Q Can you -- I'll put this material away. 15:15:46

21 Can you recall what topics were discussed 15:15:48

22 related to transgender offenders? 15:15:51

23 A Just the different designations, what the 15:15:58

24 definition of transgender, bisexual, gay, lesbian. 15:16:00

25 You know, they defined a lot of -- a lot of those 15:16:11

1 designations, and they talked in general about 15:16:16
2 what each area was about and how those individuals 15:16:20
3 felt and what they believed and so on and so 15:16:27
4 forth. 15:16:33

5 Q Okay. Have you ever received training on 15:16:33
6 how to communicate professionally with transgender 15:16:37
7 offenders? 15:16:43

8 A Yes. 15:16:43

9 Q When is the first time you received 15:16:45
10 training on that subject? 15:16:48

11 A Oh, wow. I refer back to when I started 15:16:51
12 working with the female population. You know, 15:16:58
13 they taught us that transgenders -- of course, the 15:17:04
14 transgenders that identify with male do not like 15:17:11
15 to be called "Mrs." and "she," and vice versa with 15:17:16
16 the ones that identify with female does not like 15:17:23
17 to be called "Mr." or "he." 15:17:25

18 Q Okay. So you were aware that transgender 15:17:31
19 people like to be referred to using the pronouns 15:17:38
20 that correspond to their gender identity? 15:17:43

21 A Yes. 15:17:45

22 Q Is that -- but that's not necessarily 15:17:46
23 something that you have followed during your time 15:17:51
24 as warden, that guidance? 15:17:55

25 A I have, to a certain extent. If I don't 15:17:58

1 call them "she" or "ma'am," I will call them 15:18:02
2 inmate. 15:18:04
3 Q Okay. But it's accurate that you 15:18:06
4 referred to Ashley Diamond as "he" in many GDC 15:18:13
5 documents? 15:18:17
6 A Sometimes I have, yes. 15:18:18
7 Q Why is that? 15:18:20
8 A Just memory, forgot. I'm in a male 15:18:21
9 environment, so it's quick to say, you know, "he," 15:18:27
10 you know, "get him out of there." And then I 15:18:31
11 catch myself. So it's just ignorance on my part. 15:18:34
12 Q Okay. And sometimes you have a habit of 15:18:38
13 referring to transgender people as "transgenders," 15:18:44
14 correct? 15:18:47
15 A I'm sorry? 15:18:50
16 Q Sometimes you refer to transgender people 15:18:51
17 as "transgenders" with an S? 15:18:54
18 A I don't recall that. If I'm talking to 15:18:57
19 an individual, I try to keep it singular. 15:19:01
20 Q Okay. But in documents, for instance, 15:19:04
21 you refer to, you know, your transgenders from 15:19:07
22 time to time? 15:19:14
23 A Your transgenders? 15:19:14
24 Q Mm-hmm. 15:19:16
25 A What's the conversation? 15:19:16

1 Q Let's see if I can find an example. Give 15:19:20
2 me one moment, please. 15:19:23
3 Well, in any event, are you aware that 15:19:29
4 the phrase "transgenders" is considered 15:19:31
5 derogatory? 15:19:35
6 A If I'm talking about multiple, then no, I 15:19:37
7 was not aware of that. If I'm talking about 15:19:42
8 multiple individuals. 15:19:44
9 Q I think -- would you consider it 15:19:46
10 offensive to refer to multiple black people as 15:19:53
11 "the blacks"? 15:19:57
12 A No. African-Americans. 15:19:59
13 Q Okay. 15:20:03
14 A Plural. 15:20:04
15 Q Okay. And what did the training about 15:20:06
16 communicating effectively with transgender people 15:20:15
17 consist of, to the best of your recollection -- 15:20:18
18 A Just -- 15:20:23
19 Q -- beyond what we've -- 15:20:23
20 (Cross-talk.) 15:20:25
21 A Just what you've said earlier, how to -- 15:20:25
22 how to communicate with them and what their likes 15:20:28
23 and dislikes are. 15:20:32
24 Q Do you know who within -- I'm sorry. 15:20:34
25 Please continue. 15:20:38

1 A Sorry. As it pertains to the individual, 15:20:39
2 what their likes or dislikes are. 15:20:43

3 Q Do you know who within GDC is expected to 15:20:46
4 receive training on that subject matter? 15:20:51

5 A I would think all staff. 15:20:54

6 Q Okay. 15:20:59

7 A But no. 15:21:00

8 Q As warden, do you have any responsibility 15:21:03
9 for ensuring that personnel receive mandatory 15:21:06
10 trainings? 15:21:14

11 A Yes. 15:21:15

12 Q Okay. Now, I'd like to turn to the 15:21:18
13 subject of Ashley Diamond's safety concerns. 15:21:25

14 Now, you indicated earlier that she 15:21:32
15 voiced some safety concerns to you. 15:21:40

16 Is it true that she also submitted PREA 15:21:44
17 complaints? 15:21:47

18 A Yes. She filed several PREAs. 15:21:49

19 Q She filed PREAs in a couple different 15:21:53
20 ways? 15:21:58

21 A As far as I know, she filed them -- yes, 15:22:03
22 yes, I guess verbally and in writing. 15:22:09

23 Q Okay. And those PREA complaints 15:22:12
24 concerned safety problems that she alleged she was 15:22:18
25 having in her dormitory, the evidence-based 15:22:23

1 dormitory? 15:22:28

2 A Yes. 15:22:28

3 Q And you understood that by making a 15:22:29

4 complaint -- or receiving a complaint with a PREA 15:22:36

5 allegation, you and your personnel had a duty to 15:22:40

6 investigate, correct? 15:22:44

7 A Correct. 15:22:45

8 Q Now, let's see. Are you familiar with 15:22:47

9 SART investigation checklists? 15:22:55

10 A Yes. 15:22:58

11 Q What are they? 15:23:01

12 A I can't recall them one by one, but 15:23:03

13 there's a listed checklist on what SART must 15:23:07

14 follow in dealing with PREA. 15:23:12

15 Q And what is SART? 15:23:15

16 A Sexual assault response team. 15:23:20

17 Q That's a team that exists at the facility 15:23:24

18 level? 15:23:27

19 A Yes. 15:23:28

20 Q There was a SART team at Coastal when you 15:23:29

21 were there? 15:23:35

22 A Yes. 15:23:36

23 Q Who was a member of the SART team between 15:23:37

24 June 2020 and the time of your departure? 15:23:41

25 A Members of the team consist of medical 15:23:47

1 staff, counseling staff, the coordinator, PREA 15:23:51
2 coordinator, and the retaliation monitor and 15:24:00
3 mental health staff. 15:24:08

4 Q Who was the retaliation monitor at 15:24:09
5 Coastal State Prison between June 2020 and your 15:24:15
6 departure? 15:24:17

7 A I cannot recall. Sorry. I want to 15:24:20
8 say -- it was one of my counselors, I can tell you 15:24:24
9 that for a fact. But I can't tell you the name. 15:24:28
10 Because only the counselors are designated as 15:24:33
11 retaliation monitors. 15:24:38

12 Q Okay. Now, were SART investigation 15:24:44
13 checklists supposed to be completed after every -- 15:24:46
14 or as part of every sexual assault investigation? 15:24:51

15 A Yes. 15:24:54

16 Q Why is that? 15:24:55

17 A That's policy. That's part of the 15:24:59
18 policy. And so they're supposed to follow policy. 15:25:04

19 Q Did you have -- as warden, did you have a 15:25:08
20 duty to make sure that policy was followed? 15:25:12

21 A Yes, I did, as warden. 15:25:15

22 MS. EZIE: I'm going to show you an 15:25:20
23 exhibit that has been marked as DEF_888. There 15:25:22
24 will be a space for my colleagues at Planet Depos, 15:25:28
25 if you could push that to Mr. Chalmers. It's a 15:25:32

1 one-page document. 15:25:35

2 (Exhibit Benton-7 marked for 15:25:40

3 identification and attached to the transcript.) 15:25:40

4 BY MS. EZIE: 15:25:40

5 Q I'm going to put it on my screen now, 15:25:37

6 Mr. Benton. Let me know if you're able to see it. 15:25:39

7 A I can see it, yes. It just has to be 15:25:45

8 blown up. 15:25:48

9 Q It is a one-page document. It has a 15:25:48

10 stamp at the bottom. I'm going to go ahead and 15:25:50

11 blow it up now. And tell me if that's big enough, 15:25:52

12 or would you like it a little bigger? A little 15:25:56

13 bigger? 15:25:57

14 A A little bit more, yes. 15:25:57

15 Q Okay. 15:25:59

16 A Yes, that's good. 15:26:01

17 MS. EZIE: Okay. Mr. Chalmers, please 15:26:07

18 let me know when you have a copy. 15:26:09

19 MR. CHALMERS: I will. I don't think I 15:26:10

20 have it yet. 15:26:12

21 Okay. I have it now. 15:26:19

22 Q Okay. Mr. Benton, is this a SART 15:26:22

23 Investigation Checklist? 15:26:25

24 A It is. 15:26:26

25 Q It's the kind that was supposed to be 15:26:27

1 filled out after -- or as part of every PREA 15:26:30
2 investigation your facility conducted? 15:26:34
3 A It is, yes. 15:26:36
4 Q To your knowledge -- strike that. 15:26:37
5 Do you agree it was important that these 15:26:45
6 checklists be completed in connection with each 15:26:50
7 sexual abuse incident that was -- 15:26:55
8 A It is. 15:26:57
9 Q -- alleged? 15:26:56
10 A I'm sorry. 15:26:58
11 Q Why is that? 15:26:58
12 A It is. 15:26:58
13 MS. EZIE: Sorry, Lisa. 15:27:03
14 Q Why is that? 15:27:04
15 A Just so we can be systematic in our 15:27:05
16 approach on any allegation to make sure all Is are 15:27:08
17 dotted and Ts are crossed and we don't forget and 15:27:14
18 miss anything. 15:27:17
19 Q Was this -- was the policy of generating 15:27:18
20 a SART investigation checklist followed with 15:27:23
21 respect to each sexual abuse incident alleged at 15:27:28
22 Coastal State Prison? 15:27:31
23 A I can't tell you if it was followed on 15:27:32
24 every case. 15:27:35
25 Q But it should have been, per GDC policy? 15:27:37

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Conducted on May 10, 2022

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1 A Yes. 15:27:40

2 MS. EZIE: Okay. I will take that down. 15:27:45

3 Q Now, there was also a checklist that your 15:27:46

4 agency was supposed to complete -- your facility 15:27:54

5 was supposed to complete at the conclusion of 15:27:58

6 every investigation, correct? 15:28:01

7 A Correct. 15:28:03

8 Q A checklist called the Sexual Abuse 15:28:05

9 Incident Review Checklist? 15:28:09

10 A Yes. It was a part of the incident 15:28:12

11 report, as we call it, an incident report. 15:28:14

12 MS. EZIE: I'd like to mark as Benton 15:28:20

13 deposition Exhibit 9 -- although I'm starting to 15:28:27

14 wonder how I can identify it for you all. 15:28:31

15 MR. CHALMERS: Excuse me. We're on 8, 15:28:37

16 right? 15:28:39

17 MS. EZIE: Thank you. Exhibit 8. 15:28:39

18 I'm trying to see what I called it so I 15:28:45

19 can find it for all of you. So I'm going to put 15:28:48

20 the file name in the chat. It's the Sexual Abuse 15:29:02

21 Incident Review Checklist, PREA SOP attachment 9. 15:29:07

22 Well, maybe -- hopefully that's sufficient to 15:29:14

23 identify it. 15:29:18

24 I'm going to put it on my screen. And 15:29:21

25 thank you, I believe this is Exhibit 8, not 9. 15:29:23

1 Benton Exhibit 8, rather.

2 And yes, unfortunately, I did not name it 15:29:30
3 with a file name or the Bates name, but please let 15:29:32
4 me know if you're able to find it based on this 15:29:35
5 title, Sexual Abuse Incident Review Checklist, and 15:29:37
6 push it to Mr. Chalmers. It's a one-page 15:29:41
7 document. 15:29:45

8 (Exhibit Benton-8 marked for 15:29:27
9 identification and attached to the transcript.) 15:29:47

10 BY MS. EZIE: 15:29:47

11 Q Okay. Mr. Benton, are you able to see 15:29:48
12 this document? 15:29:50

13 A I am. 15:29:52

14 Q Is this a copy of the checklist we were 15:29:54
15 just discussing that's to be completed following 15:30:00
16 PREA allegations -- 15:30:03

17 A Yes. 15:30:06

18 Q -- or PREA investigations? 15:30:06

19 A Yes. 15:30:08

20 Q And it's a checklist that asks whether 15:30:08
21 there are things that the facility can improve in 15:30:17
22 terms of safety based on a PREA allegation? 15:30:24

23 A Yes. 15:30:27

24 Q And that includes whether there's 15:30:28
25 adjustments needed to staffing? 15:30:31

1 correct? 15:32:00

2 A It appears, yes. 15:32:01

3 Q She complained that she was having safety 15:32:03

4 problems related to being a transgender person? 15:32:07

5 A Not specifically, but just problems being 15:32:16

6 in the dormitory. It just is so much she would 15:32:23

7 speak about on top of the vast amount of PREAs 15:32:38

8 that she would file. But yes, she had concerns of 15:32:43

9 being in a male prison. 15:32:49

10 Q She made you aware of the safety concerns 15:32:52

11 she had, being a transgender woman in a male 15:32:56

12 facility like Coastal? 15:33:01

13 A She made me aware of not being safe in a 15:33:03

14 male facility, yes. 15:33:11

15 Q Okay. Now, isn't it true that Ashley 15:33:12

16 Diamond indicated that she was being sexually 15:33:21

17 harassed in her dormitory? 15:33:24

18 A Yes, through the PREAs and -- yes. 15:33:28

19 Q She indicated that she was being sexually 15:33:34

20 harassed by multiple people in the evidence-based 15:33:37

21 dormitory? 15:33:41

22 A Don't know about multiple people. But 15:33:45

23 she had mentioned that she was being sexually 15:33:48

24 harassed, offenders making catcalls and stuff of 15:33:52

25 that nature. 15:33:57

1 Q Do you have any reason to believe that 15:33:58
2 that did not occur within the dormitory? 15:34:04

3 A Do I have reason to believe it did not 15:34:11
4 occur? 15:34:13

5 Q Correct. 15:34:13

6 A Yes, I do. 15:34:14

7 Q What reason is that? 15:34:15

8 A Just the time that Ms. Diamond has been 15:34:19
9 at Coastal, she has repeatedly not been honest 15:34:23
10 with some of her information that she would bring 15:34:28
11 forward, or she would shut down and not give us -- 15:34:32
12 she would give us a little bit, but would not 15:34:37
13 continue on with the investigation, impeding us 15:34:40
14 looking deeper into what her allegations were. 15:34:44

15 It's been explained to her that it's a 15:34:48
16 process, that you can't stop in the middle of it, 15:34:51
17 let's continue on and find out if what you say is 15:34:54
18 actually true. She would not give us names, you 15:34:57
19 know. So she would impede the investigation. 15:35:03

20 So that's some of my hesitation on 15:35:06
21 believing some of the things that she would bring 15:35:11
22 up. 15:35:13

23 But in her bringing up accusations or 15:35:14
24 allegations, they would be investigated anyway, to 15:35:18
25 the best of our ability. 15:35:21

1 MS. EZIE: Let's start with a document 15:35:26
2 that was produced in discovery as DEF_005317. I'm 15:35:27
3 going to put it on my screen. And it's a one-page 15:35:46
4 document. Please push it to Mr. Chalmers. 15:35:54
5 (Exhibit Benton-9 marked for 15:35:59
6 identification and attached to the transcript.) 15:35:59
7 BY MS. EZIE: 15:35:59
8 Q Mr. Benton, is that large enough for you 15:36:00
9 to see, or would you like me to blow it up? 15:36:02
10 A A little bit more, please. 15:36:05
11 Q Okay. 15:36:07
12 A That's good. 15:36:07
13 Q Let's see if I can just make the whole 15:36:08
14 thing visible. Can you see it now in its 15:36:10
15 entirety? 15:36:12
16 A Yes. 15:36:13
17 Q Okay. Let me know when you've had a 15:36:13
18 chance to read it. 15:36:15
19 MR. CHALMERS: This one is 5317, did you 15:36:40
20 say? 15:36:43
21 MS. EZIE: Yes. 15:36:43
22 MR. CHALMERS: Okay. I have it. 15:36:44
23 MS. EZIE: Thanks. 15:36:45
24 Q Are you ready to proceed, or are you 15:37:38
25 still reading? 15:37:40

1 A I've reviewed it. 15:37:40

2 Q Okay. Mr. Benton, is this an email that 15:37:41

3 you received from Tamara Cantera in July of 2020? 15:37:46

4 A Yes. 15:37:53

5 Q And it is describing some reports that 15:37:54

6 Ashley Diamond made to Tamara Cantera? 15:38:03

7 A Yes. 15:38:08

8 Q Tamara Cantera had a role with respect to 15:38:08

9 SART investigations; is that correct? 15:38:13

10 A Yes. 15:38:14

11 Q And what role was that? 15:38:15

12 A At that time, she was over SART. I think 15:38:20

13 she was the SART leader, as a matter of fact, if 15:38:26

14 I -- if I'm remembering correctly. 15:38:30

15 Q And what does it mean to be the SART 15:38:32

16 leader? 15:38:36

17 A She's basically over the SART team. She 15:38:37

18 brings the team together. She presents the 15:38:40

19 information. They discussed it in a closed 15:38:43

20 meeting style area. And she prepares the 15:38:47

21 documents. 15:38:53

22 Q Did she -- did you rely on her to conduct 15:38:54

23 PREA investigations? 15:39:01

24 A No. She was not an investigator. 15:39:02

25 Q So what was her role exactly? 15:39:06

1 A She compiles the information given to 15:39:09
2 her. She was a mental health counselor, so she 15:39:14
3 had access to the offender on the mental health 15:39:18
4 side. We have a separate PREA investigator that 15:39:22
5 investigates any and all accusations from 15:39:28
6 offenders. So Ms. Cantera, she typed up the PREAs 15:39:33
7 for presentation to the SART team. 15:39:41

8 Q Okay. Now, do you see that in this 15:39:45
9 report that Cantera made to you, she indicated 15:39:52
10 that Ashley Diamond had stated multiple people had 15:39:55
11 been sexually harassing her in her dormitory? 15:40:00

12 A Correct. 15:40:03

13 Q Have you ever received information that 15:40:05
14 that statement is false? 15:40:07

15 A Didn't receive it one way or the other 15:40:11
16 because she shut down during the investigation. 15:40:15
17 She would not give us information, would not give 15:40:18
18 us names, would not give us room numbers. She 15:40:21
19 shut down. As it's stated in this memo, she would 15:40:24
20 come up with excuses, I'm too emotional, or I need 15:40:32
21 to speak to my attorneys. 15:40:37

22 Q Do you think it's an excuse to say that 15:40:39
23 you're too emotional to discuss a sexual abuse 15:40:46
24 incident? 15:40:50

25 A No, no, I don't think -- no, no, it's 15:40:50

1 not. 15:40:56

2 Q You're aware that Ashley Diamond has a 15:40:57

3 PTSD diagnosis, correct? 15:41:02

4 A Yes. 15:41:04

5 Q And do you see that, according to these 15:41:05

6 notes, Ashley Diamond was never told that she 15:41:11

7 could not have a lawyer present for interviews? 15:41:18

8 Do you see that? 15:41:22

9 MR. CHALMERS: Objection. 15:41:26

10 You can answer. 15:41:26

11 A I'm sorry? 15:41:32

12 Q When Ashley Diamond received -- requested 15:41:33

13 that her attorneys be present -- strike that. 15:41:35

14 Do you see that in this email, Tamara 15:41:40

15 Cantera indicates that deputy warden of care and 15:41:47

16 treatment Betterson informed her that Ashley -- 15:41:51

17 "her" being Cantera -- that Ashley Diamond's 15:41:55

18 interviews had to be completed in the presence of 15:41:58

19 her attorney? 15:42:02

20 A Yes. I did read that, and I do remember 15:42:04

21 having a conversation with Mr. Betterson asking 15:42:07

22 where he got that information from. 15:42:09

23 Q Where did he get that information from? 15:42:11

24 A He basically -- if I remember correctly, 15:42:14

25 he told me that's what Ashley Diamond used so many 15:42:17

1 times when he was investigating or trying to get 15:42:24
2 to the bottom of a PREA, that, I need my attorneys 15:42:27
3 present, I need my attorneys present. 15:42:31

4 So he would take it upon himself to end 15:42:33
5 the meeting and then come back later, at a later 15:42:37
6 date to try to see if she would open up and try to 15:42:39
7 get to the gist of her allegation. 15:42:43

8 When I read this email -- I do remember 15:42:47
9 reading it. When I read it, it confused me, 15:42:49
10 because I said, that's -- I don't understand why 15:42:52
11 he would say that we can't talk to her without her 15:42:56
12 attorneys present, which that's not a part of our 15:43:01
13 investigation process. 15:43:04

14 Q And when you say it's not a part of your 15:43:08
15 investigation process, what do you mean? 15:43:13

16 A That it's not a part of the PREA process 15:43:15
17 that we contact an offender's attorney while we're 15:43:18
18 doing our investigation. 15:43:22

19 Q Is it always the case that offenders who 15:43:25
20 file PREAs are represented by legal counsel? 15:43:28

21 A No. 15:43:33

22 Q You were aware, correct, that as of July, 15:43:33
23 Ashley Diamond had retained counsel for potential 15:43:42
24 litigation against the department? 15:43:45

25 A I was aware that it was forthcoming. 15:43:49

1 Q Are you aware, as of July 2020, that 15:43:53
2 there was potentially litigation forthcoming? 15:43:57

3 A Yes. 15:43:59

4 Q Are you aware that there were GDC 15:44:02
5 officials who refused to speak to Ms. Diamond's 15:44:06
6 attorneys without counsel because of the 15:44:13
7 litigation that was potentially pending? 15:44:17

8 A No, I was not aware of that. 15:44:21

9 Q Are you aware that typically, when 15:44:23
10 litigation is pending and people retain counsel, 15:44:32
11 that counsel are supposed to be involved in 15:44:36
12 communications thereafter? 15:44:39

13 A I'm not aware of that within GDC prisons. 15:44:41

14 MS. EZIE: Okay. Let's take a look at a 15:44:50
15 document that I'm going to mark as Benton 15:44:52
16 Exhibit 10, and it's a document that was produced 15:44:59
17 in discovery as DEF_005314. 15:45:04

18 It should be on my screen. It's a 15:45:17
19 few-page document. Hopefully, Mr. Chalmers is 15:45:21
20 receiving a copy. 15:45:25

21 (Exhibit Benton-10 marked for 15:45:28
22 identification and attached to the transcript.) 15:45:28

23 BY MS. EZIE: 15:45:28

24 Q I have it blown up to the size that 15:45:29
25 you've requested in the past, Mr. Benton, but let 15:45:30

1 me know if you'd like me to scroll down. 15:45:32

2 MR. CHALMERS: And I have it now. 15:45:52

3 MS. EZIE: Thank you. 15:45:53

4 Q Now, Mr. Benton, let me know if you want 15:45:57

5 me to scroll down. I will say my question 15:46:01

6 concerns the portion of the email that is 15:46:04

7 currently on the screen. 15:46:05

8 A Yes. 15:46:10

9 Q So do you see the top email is an email 15:46:14

10 that was sent to you and an individual named Maya 15:46:19

11 Rajaratnam -- 15:46:25

12 A Yes. 15:46:26

13 Q -- from Jennifer Ammons? 15:46:28

14 A Yes. 15:46:30

15 Q Who is Jennifer Ammons? 15:46:32

16 A Our legal advisor, or the 15:46:38

17 State's attorney, GDC's attorney. 15:46:41

18 Q She is a GDC employee, correct? 15:46:42

19 A She is. 15:46:47

20 Q And do you see that she is acknowledging, 15:46:54

21 as of July 10th, 2020, that there was litigation 15:46:55

22 that had been threatened involving Ashley Diamond 15:46:58

23 and the department? 15:47:02

24 A Yes. 15:47:04

25 Q And that as a result, she believed she 15:47:05

1 needed representation by the Attorney General's 15:47:09
2 office? 15:47:14
3 A Yes. 15:47:14
4 Q So she declined to speak concerning 15:47:15
5 Ashley Diamond without representation from her 15:47:19
6 attorneys, correct? 15:47:23
7 A Correct. 15:47:25
8 Q Going back to the prior message, are you 15:47:29
9 aware of any procedure that bars inmates who have 15:47:33
10 legal representatives because of pending 15:47:39
11 litigation from having those attorneys participate 15:47:42
12 in PREA interviews? 15:47:47
13 A Yes. It's not a part of the PREA policy 15:47:51
14 where we contact the offender's attorney while we 15:47:54
15 are in the middle of an investigation, an internal 15:47:58
16 investigation. 15:48:01
17 Q When you say it's not part of the policy, 15:48:01
18 is that to say that the policy doesn't address 15:48:05
19 this issue one way or the other? 15:48:07
20 A No. What I'm saying is, a part of the 15:48:10
21 PREA policy, it does not state that we are 15:48:14
22 inclined to contact the offender's attorney during 15:48:19
23 an internal PREA investigation. 15:48:22
24 Q What policy are you referencing? 15:48:24
25 A The PREA policy. 15:48:25

1 Q PREA SOP 208.06? 15:48:27

2 A I'm sorry. I can't give you the number. 15:48:34

3 Q Is it the GDC PREA SOP? 15:48:38

4 A Yes. 15:48:43

5 MS. EZIE: Why don't we pull it up and 15:48:48

6 look at it together. 15:48:49

7 Is this the procedure you're describing, 15:48:53

8 Mr. Benton? And if so, we can mark it -- it's 15:48:55

9 called PREA SOP, and I now see I mislabeled it, 15:48:59

10 but it should be in the folder as PREA SOP 208.08. 15:49:03

11 The typo is that that should be a 6. This is now 15:49:08

12 Benton Exhibit 11. 15:49:14

13 Please push it to Mr. Chalmers. 15:49:15

14 (Exhibit Benton-11 marked for 15:49:17

15 identification and attached to the transcript.) 15:49:18

16 BY MS. EZIE: 15:49:18

17 Q Mr. Benton, is this the policy you're 15:49:19

18 referencing? 15:49:20

19 MR. CHALMERS: Can we hold on just a 15:49:28

20 second until I get the document? 15:49:29

21 A/V TECH: I believe it just finished 15:49:38

22 uploading. 15:49:39

23 MR. CHALMERS: Okay. Yes, I have it. 15:49:39

24 Thanks. 15:49:53

25 Q Mr. Benton, is this the policy that you 15:49:53

1 believe indicates that attorneys for offenders who 15:49:57
2 have legal counsel cannot be contacted as part of 15:50:03
3 the PREA process? 15:50:07
4 MR. CHALMERS: Objection to form. 15:50:09
5 (Cross-talk.) 15:50:11
6 THE WITNESS: I'm sorry. 15:50:13
7 MR. CHALMERS: You can answer. 15:50:14
8 A An offender that files a PREA -- yes, 15:50:15
9 yes, this is the policy that I'm referring to that 15:50:21
10 I'm not aware of an offender has the right to have 15:50:23
11 his attorney present during an internal 15:50:30
12 investigation of a PREA. 15:50:32
13 Q Okay. And to clarify, my question was, 15:50:35
14 does this or any other policy you're aware of 15:50:39
15 prohibit an attorney -- an offender's attorney 15:50:42
16 from participating in the PREA process? 15:50:46
17 A Not that I'm aware of. 15:50:48
18 Q Okay. I'll stop my screen share. 15:50:50
19 Now, you became aware that Ashley Diamond 15:50:54
20 wanted to be joined by her attorneys as part of 15:51:03
21 the PREA investigation process, correct? 15:51:08
22 A I was. 15:51:10
23 Q She made the request to officials at 15:51:11
24 Coastal on more than one occasion? 15:51:16
25 A I believe she did. 15:51:19

1 Q And she also explained the reason why she 15:51:20
2 was requesting an attorney to be present as well, 15:51:29
3 correct? 15:51:33

4 A I'm quite sure she did, but I don't 15:51:34
5 recall her specific reasoning behind it. All I do 15:51:41
6 know is that she probably felt that she would not 15:51:48
7 receive a good look at her -- at her allegation, a 15:51:52
8 good investigation. 15:52:01

9 Q And why do you -- why is that your 15:52:02
10 understanding? 15:52:06

11 A Based on previous documentation and 15:52:07
12 information of past prison -- her past prison 15:52:11
13 experience. 15:52:15

14 Q So there had been occasions where Ashley 15:52:15
15 Diamond made PREA complaints on her own without 15:52:18
16 legal support where she was disappointed by the 15:52:22
17 outcome? 15:52:26

18 A I don't know that. All I can go by is 15:52:28
19 what she said, and she said that in a statement to 15:52:31
20 the counselor, that she could not trust the GDCP 15:52:34
21 staff. 15:52:40

22 Q Okay. So Ashley Diamond indicated to GDC 15:52:41
23 personnel that she had difficulty -- that she had 15:52:44
24 had poor experiences in the PREA process before? 15:52:51

25 A Based on that document you showed me 15:52:54

1 earlier, that's what I read. 15:52:56

2 Q Isn't it true that Ashley Diamond also 15:52:59

3 voiced concerns that participating in PREA 15:53:02

4 interviews might negatively impact her safety -- 15:53:05

5 A She did not. 15:53:13

6 (Cross-talk.) 15:53:14

7 Q -- at least where inmates were concerned? 15:53:14

8 A I'm sorry. She did not report that to 15:53:17

9 me. 15:53:19

10 Q Are you aware that she made those reports 15:53:20

11 or statements to CSP personnel? 15:53:23

12 A Yes. 15:53:28

13 Q Are you aware that Ashley Diamond said 15:53:30

14 that she wanted to be joined by her attorneys 15:53:34

15 because her allegations concerning inmates were 15:53:39

16 sensitive in nature? 15:53:44

17 A No, I was not -- I do not recall. 15:53:46

18 Q Isn't it true that she said she was 15:53:54

19 worried about retaliation from inmates? 15:53:59

20 A I believe she did mention something 15:54:06

21 similar to that, yes. But as I -- as the policy 15:54:10

22 dictates, if she complains about an individual, we 15:54:17

23 remove that aggressor from that area, and that 15:54:21

24 aggressor does not return back to that area. 15:54:27

25 Q And what policy are you referencing 15:54:31

1 there? 15:54:33

2 A The PREA policy. 15:54:34

3 Q The one we marked as Exhibit 11? 15:54:36

4 A Yes. During the investigation, if an 15:54:39

5 inmate that files a PREA claims sexual assault of 15:54:43

6 any kind or intimidation or whatnot, we separate 15:54:48

7 the inmates. We leave the victim there. We move 15:54:53

8 the aggressor to segregation. 15:54:57

9 Q Is that a policy that you followed in 15:55:01

10 each and every occasion? 15:55:04

11 A To my recollection, yes. Any allegation 15:55:07

12 that she brought up of assault, that offender was 15:55:10

13 removed from that dormitory. 15:55:15

14 Q What if -- and is it your testimony that 15:55:18

15 they would also be placed in segregation? 15:55:22

16 A Yes, pending the outcome of the 15:55:25

17 investigation. 15:55:28

18 Q Now, isn't it true that Ashley Diamond 15:55:29

19 also expressed concern about inmates who were gang 15:55:33

20 affiliated? 15:55:37

21 A Not to me. I'm not aware of her making 15:55:41

22 specific notations or verbalizing specific 15:55:45

23 information on she's scared of the gangs. 15:55:50

24 Q It's true that she made those statements 15:55:56

25 to CSP personnel? 15:56:00

1 A I can't recall. 15:56:05

2 MS. EZIE: Let's look at a document that 15:56:09

3 was produced in discovery as DEF_960. It is going 15:56:11

4 to be Benton Exhibit 12. I'm going to put it on 15:56:16

5 my screen. 15:56:25

6 Let me know if you're able to see it, 15:56:26

7 Mr. Benton. 15:56:29

8 And please push it to Mr. Chalmers. 15:56:31

9 (Exhibit Benton-12 marked for 15:56:46

10 identification and attached to the transcript.) 15:56:57

11 MR. CHALMERS: What is the Bates number 15:56:57

12 on this one? 15:56:58

13 MS. EZIE: 960. 15:56:59

14 MR. CHALMERS: Okay, I have it. 15:57:07

15 THE WITNESS: I've read it. 15:57:18

16 BY MS. EZIE: 15:57:09

17 Q Is this a document that you've seen 15:57:19

18 before, Mr. Benton? 15:57:21

19 A I do not recall seeing this document. 15:57:23

20 Q Do you see -- do you recognize documents 15:57:26

21 of this type? 15:57:29

22 A I recall her handwriting. 15:57:31

23 Q This is Ashley Diamond's handwriting? 15:57:36

24 A Yes. 15:57:38

25 Q And this form is -- 15:57:39

1 (Cross-talk.) 15:57:41

2 Q Pardon. This form -- 15:57:42

3 A I'm sorry. 15:57:44

4 Q -- is a form that's used within GDC? 15:57:44

5 A That's a witness statement, yes. 15:57:47

6 Q And it indicates that it was submitted in 15:57:51

7 October of 2020 when Ashley Diamond was at 15:57:54

8 Coastal? 15:57:57

9 A Submitted to whom? 15:57:58

10 Q I'm not -- I didn't ask who it was 15:58:01

11 submitted to. But do you see it's saying the 15:58:06

12 place is Coastal, the date is October 8, 2020, and 15:58:09

13 as you indicated, it appears to be Ashley 15:58:14

14 Diamond's writing? 15:58:16

15 A Yes. Yes, I do see that. 15:58:17

16 Q It also has a stamp at the bottom, 15:58:19

17 DEF_960. 15:58:24

18 Do you see that? 15:58:25

19 A No, ma'am. Where? 15:58:26

20 Q Right here. 15:58:28

21 A Yes, yes. I see it now. It hadn't 15:58:30

22 scrolled up. 15:58:35

23 Q Are you aware that this stamp, DEF, 15:58:36

24 indicates that this is a document that was 15:58:41

25 produced in discovery by GDC and its attorneys? 15:58:43

1 A Yes. 15:58:47

2 Q So do you see that Ashley is explaining 15:58:50

3 some of her -- the reasons why she's requested 15:58:56

4 that her counsel join her for interviews? 15:59:00

5 A Yes, I read it. 15:59:03

6 Q And it includes that some of the people 15:59:05

7 involved in her PREA complaints are affiliated 15:59:09

8 with gangs? 15:59:12

9 A Yes. But I don't see any names listed of 15:59:16

10 those individuals. 15:59:22

11 Q Well, sure. 15:59:24

12 But she's also indicating that she has 15:59:25

13 safety concerns related to identifying gang 15:59:27

14 members, correct? 15:59:30

15 A Yes, I've read that. 15:59:33

16 Q So -- and while you haven't seen this 15:59:34

17 document, according to your testimony today, you 15:59:41

18 are aware that Ashley Diamond made these requests 15:59:45

19 to have her counsel join her for interviews on 15:59:49

20 multiple times, correct? 15:59:53

21 A Yes, based on reading -- yes, the 15:59:54

22 documents that y'all sent me, that y'all copied 15:59:59

23 me. 16:00:03

24 Q Now, the purpose of the PREA process is 16:00:04

25 to prevent and respond to sexual abuse, correct? 16:00:11

1 A Don't know if it's meant to prevent, but 16:00:18
2 to respond, yes, to allegations immediately with 16:00:21
3 an investigation. 16:00:26
4 Q Okay. Would you agree that goal is 16:00:27
5 advanced when PREA victims feel comfortable enough 16:00:30
6 to participate in the PREA process? 16:00:35
7 A Yes. 16:00:38
8 Q And do you see that Ashley Diamond, here 16:00:40
9 and elsewhere, indicated that she would feel more 16:00:43
10 comfortable participating in the PREA process if 16:00:46
11 she could be joined by an advocate? 16:00:49
12 A Yes. 16:00:53
13 Q So why wasn't her request granted? 16:00:55
14 A As I stated earlier, I have not seen it 16:01:00
15 written where, during an internal investigation, 16:01:06
16 we are to contact the offender's attorney and to 16:01:09
17 have them present during the internal 16:01:14
18 investigation. 16:01:17
19 Q Did you, after becoming aware that Ashley 16:01:18
20 Diamond had made this request, take any steps to 16:01:21
21 see whether her request could be granted? 16:01:25
22 A We finished the investigation based on 16:01:31
23 where we went with it as far as when Ms. Diamond 16:01:34
24 shut down and would not move forward. This 16:01:38
25 information was passed up to my supervisor. 16:01:42

1 Q Who is your supervisor? 16:01:47

2 A Any information -- any PREAs -- any PREAs 16:01:49

3 that we have at the facility of an assault nature 16:01:52

4 is passed up, is relayed to my supervisor. 16:01:56

5 MS. EZIE: Okay. Madam Court Reporter, 16:02:00

6 could you repeat my two questions ago question 16:02:05

7 concerning -- not the name of the supervisor, but 16:02:11

8 the prior question. 16:02:15

9 (The court reporter read from the record
10 as follows:)

11 "QUESTION: Did you, after becoming aware
12 that Ashley Diamond had made this request, take
13 any steps to see whether her request could be
14 granted?" 16:02:31

15 Q Your answer, Mr. Benton? 16:02:31

16 A She's made so many requests, I cannot 16:02:33

17 honestly say yes or no. But more than likely, it 16:02:35

18 would be yes. But like I said, so many requests 16:02:40

19 came from her. This specific one, I cannot 16:02:45

20 recall. But more than likely, I passed it on to 16:02:50

21 my supervisor. 16:02:53

22 Q And by "requests," you mean her requests 16:02:55

23 to have counsel join her for interviews? 16:03:00

24 A Yes. 16:03:04

25 Q Do you recall ever asking anyone at any 16:03:05

1 time whether Ashley Diamond's request to be joined 16:03:11
2 by her attorneys for PREA interviews could be 16:03:14
3 granted? 16:03:17
4 A No, I did not. 16:03:19
5 Q Did you understand that by not advancing 16:03:28
6 that request, you might be limiting Ms. Diamond's 16:03:31
7 participation in the PREA interview process going 16:03:36
8 forward? 16:03:39
9 A I did not. 16:03:39
10 Q Did you ever learn what -- and I'm 16:03:44
11 turning back now to, I believe it is Exhibit -- I 16:03:54
12 believe this is Exhibit 10. Let me just confirm. 16:04:01
13 Sorry. It's Exhibit 9, this email that 16:04:03
14 you received from Tamara Cantera. Do you see that 16:04:11
15 this email indicates that Betterson had contacted 16:04:17
16 legal, and an evaluation of Ms. Diamond's request 16:04:21
17 to have counsel be joined -- to join her for 16:04:26
18 interviews was pending? 16:04:30
19 A Yes, I read that. 16:04:32
20 Q Do you recall Carl Betterson speaking to 16:04:33
21 legal about Ms. Diamond's request? 16:04:38
22 A I do not, no -- 16:04:40
23 Q Did you ever -- 16:04:42
24 A -- do not recall. 16:04:43
25 Q -- speak to him regarding this email? 16:04:44

1 A I do not. 16:06:08

2 Q And do you see that the email also 16:06:12

3 references that Ashley Diamond had concerns 16:06:14

4 related to genital binding and complications from 16:06:19

5 genital binding? 16:06:27

6 A Yes. 16:06:28

7 Q What do you understand that to be -- a 16:06:29

8 reference to be? 16:06:31

9 A That she did not like her -- what she was 16:06:33

10 born with, and was tying it up. 16:06:39

11 Q You understand this to be related to 16:06:46

12 Ashley Diamond's gender dysphoria? 16:06:48

13 A Yes. 16:06:50

14 Q And isn't it true that during her time at 16:06:55

15 Coastal State Prison, Ashley Diamond did engage in 16:06:59

16 genital binding? 16:07:01

17 A I think, if I recall correctly, a nurse 16:07:07

18 stating that she had bound herself, yes. 16:07:14

19 Q And -- 16:07:19

20 A If I remember correctly. 16:07:20

21 Q Okay. And do you understand that this -- 16:07:22

22 sorry. 16:07:30

23 To confirm, there were medical personnel 16:07:30

24 at Coastal State Prison that confirmed that Ashley 16:07:34

25 Diamond engaged in genital binding while she was 16:07:40

1 incarcerated? 16:07:43

2 A As I stated, I do remember one time in 16:07:46

3 particular. I think we were trying to obtain a 16:07:49

4 urine specimen to test her urine because she 16:07:52

5 appeared to be under the influence, and when she 16:07:56

6 went to medical, I think I do recall one of my 16:07:59

7 medical staff saying that she had something tied 16:08:03

8 around her genital area. 16:08:07

9 Q That's something that the medical 16:08:09

10 personnel were able to visually verify? 16:08:13

11 A At that time, yes. 16:08:16

12 Q And it's also the case that Ashley 16:08:18

13 Diamond received medical care for castration 16:08:27

14 attempts when she was at Coastal State Prison, 16:08:31

15 correct? 16:08:33

16 A I'm not aware of that. 16:08:34

17 Q You were notified that she had attempted 16:08:38

18 castration in some of the PREA notices that you 16:08:42

19 received from Ms. Diamond's counsel? 16:08:46

20 A Yes. Based on what you've told me, yes. 16:08:49

21 Based on the information that you gave me, yes. 16:08:53

22 Q And you also were notified by personnel 16:08:56

23 at Coastal that Ashley had self-harmed at times, 16:09:04

24 correct? 16:09:09

25 A Yes. 16:09:09

1 Q And that she had also attempted or had 16:09:10
2 thoughts of committing suicide? 16:09:19
3 A Yes. 16:09:21
4 Q Not just once, but on multiple occasions? 16:09:22
5 A Yes. 16:09:26
6 Q And that was a subject matter for which 16:09:27
7 she required emergency medical attention at times, 16:09:34
8 correct? 16:09:38
9 A Mental health attention. We immediately 16:09:39
10 transferred her to a higher level facility. 16:09:46
11 Q A facility that had acute crisis 16:09:50
12 stabilization units? 16:09:54
13 A Correct. 16:09:55
14 Q And Ashley Diamond was placed on suicide 16:09:56
15 precautions a number of times while at Coastal 16:10:00
16 State Prison, correct? 16:10:04
17 A Correct. 16:10:05
18 Q Including the week of October 29th, 2020? 16:10:06
19 A Yes. 16:10:13
20 MS. EZIE: Okay. Let's -- we've been 16:10:18
21 going for a little bit. I'd like to take at least 16:10:19
22 a five-minute break. 16:10:21
23 Would folks like a little bit longer? 16:10:23
24 COURT REPORTER: Ten would be nice. 16:10:27
25 MR. CHALMERS: Ten would be good. 16:10:28

1 VIDEOGRAPHER: I'll bring us off. 16:10:34
2 The time is 4:10. We're off the record 16:10:36
3 at the end of recording 4. 16:10:39
4 (Recess from 4:10 p.m. until 4:25 p.m.) 16:10:41
5 VIDEOGRAPHER: The time is 4:25. We're 16:25:02
6 on the record at the start of recording 5. 16:25:05
7 BY MS. EZIE: 16:25:09
8 Q Now, Mr. Benton, earlier, we looked at an 16:25:09
9 email where Ashley Diamond said that she was being 16:25:14
10 sexually harassed in her dormitory. 16:25:18
11 Do you recall that? 16:25:21
12 A Yes. 16:25:22
13 Q Do you recall also being notified that 16:25:22
14 Ashley Diamond was the victim of an attempted rape 16:25:27
15 in July 2020 in her dormitory? 16:25:30
16 A Yes. 16:25:33
17 Q How did you -- how were you notified of 16:25:34
18 that PREA allegation? 16:25:38
19 A I think by way of PREA. I can't 16:25:41
20 recollect, but I want to say it was by way of 16:25:48
21 PREA. I don't know if she verbalized it first. 16:25:53
22 She had to have verbalized it first. I don't know 16:26:01
23 if she -- what I mean verbalized it first, I don't 16:26:04
24 mean -- I don't know if she told her counselor in 16:26:07
25 a counselor setting or if she mentioned it to the 16:26:10

1 officers. I can't recall the specifics. 16:26:13

2 Q Okay. But it's fair to say that you were 16:26:17

3 notified about the incident shortly after it 16:26:22

4 occurred -- allegedly occurred? 16:26:26

5 A I was notified of the incident. I can't 16:26:31

6 recall the time frame, if it was right after or 16:26:34

7 days after. I can't recall that. 16:26:37

8 Q Okay. You were notified within -- 16:26:40

9 certainly within a month -- the same month of the 16:26:47

10 incident that was alleged? 16:26:49

11 A I think so. I would think so, yes. 16:26:52

12 Q Okay. Is it possible that you were 16:26:55

13 notified even within the same week of the 16:26:59

14 incident? 16:27:03

15 A Could have, yes. 16:27:04

16 Q Okay. 16:27:05

17 A It's possible. 16:27:06

18 Q Do you recall that Ashley Diamond alleged 16:27:07

19 that the incident -- the attempted rape took place 16:27:11

20 in the evidence-based dormitory? 16:27:14

21 A Yes. 16:27:17

22 Q And that she was in the cell -- in her 16:27:18

23 cell at the time of the attempted rape? 16:27:22

24 A I thought -- and I may be getting them 16:27:28

25 mixed up. I thought she was upstairs in the dorm 16:27:35

1 and guys tried to pull her into a room. 16:27:42

2 Q Unfortunately, I think that Ashley has 16:27:46

3 had more than one sexual abuse incident in the 16:27:50

4 dormitory. So I believe you're thinking of 16:27:54

5 another one. 16:27:56

6 Do you recall that Ashley Diamond's 16:27:58

7 attorneys submitted a PREA complaint, a 16:28:02

8 third-party PREA complaint about the incident? 16:28:06

9 A Yes, I do remember seeing that in a 16:28:09

10 letter sent to us from your agency. 16:28:12

11 Q Okay. So you received a copy of that 16:28:15

12 PREA notice? 16:28:21

13 A Yes. 16:28:24

14 MS. EZIE: Okay. I'd like to turn to a 16:28:30

15 document that should be marked as PREA notice 16:28:32

16 (July 20th, 2020). I'm going to pull it up on my 16:28:39

17 screen. It's going to be Benton Exhibit 13. 16:28:53

18 If you could push it to Mr. Chalmers, I 16:28:57

19 would appreciate it. 16:29:00

20 (Exhibit Benton-13 marked for 16:29:08

21 identification and attached to the transcript.) 16:29:08

22 BY MS. EZIE: 16:29:08

23 Q Mr. Benton, are you able to see my 16:29:09

24 screen? 16:29:11

25 A Yes. 16:29:11

1 Q Should I make this document larger? 16:29:11
2 A Just a little bit. Yes. 16:29:16
3 Q Is that too large, or just right? 16:29:22
4 A You can go down a little bit if it's 16:29:25
5 better for you. You can reduce it if you need to. 16:29:27
6 Q Okay. I think it's all right. 16:29:32
7 MS. EZIE: Mr. Chalmers, can we proceed? 16:29:39
8 MR. CHALMERS: I don't have it yet. I 16:29:42
9 don't have it yet. 16:29:44
10 MS. EZIE: Okay. Folks at Planet Depos, 16:29:47
11 were you able to locate it? 16:29:51
12 A/V TECH: Yes. It says that it's 16:29:52
13 already -- 16:29:54
14 MR. CHALMERS: I have it now. I have it 16:29:54
15 now. It takes just a second. I've got it now. 16:29:56
16 MS. EZIE: All right. Thank you. 16:29:59
17 Q This is a copy of the PREA notice 16:30:01
18 concerning Ashley Diamond's July 3rd sexual abuse 16:30:05
19 allegation, Mr. Benton; is that correct? 16:30:11
20 MR. CHALMERS: Objection to form. This 16:30:13
21 is counsel testifying. 16:30:14
22 You can answer. 16:30:17
23 A Yes. 16:30:19
24 MS. EZIE: Okay. That was a speaking 16:30:26
25 objection, Mr. Chalmers. Please minimize speaking 16:30:27

1 objections. 16:30:29

2 MR. CHALMERS: It was not, Counsel. You 16:30:30

3 don't get to identify what the documents are like 16:30:31

4 you're trying to do here. 16:30:33

5 MS. EZIE: Okay. I think an objection to 16:30:37

6 form is a proper objection, and that in any 16:30:39

7 event... 16:30:42

8 Q Mr. Benton, do you see that this states 16:30:42

9 it is a notice of constitutional and PREA 16:30:49

10 violations on behalf of Ashley Diamond? 16:30:53

11 A Yes. 16:30:56

12 Q It's dated July 20th, 2020? 16:30:57

13 A Yes. 16:31:01

14 Q And earlier, I asked you if you had 16:31:01

15 received a PREA notice from Ashley Diamond's 16:31:04

16 attorneys concerning a sexual abuse incident in 16:31:08

17 July. 16:31:11

18 Do you recall that? 16:31:12

19 A Yes, I recall that question. 16:31:13

20 Q Is this a copy of the letter that you 16:31:15

21 remember receiving? 16:31:19

22 A I do remember receiving documents from 16:31:22

23 the Southern Poverty Law Center, and I'm quite 16:31:28

24 sure this right here is probably one of them as 16:31:33

25 well. I think I was cc'd in this, if I'm not 16:31:35

1 mistaken. 16:31:40

2 Q Yes, that's my understanding, too, 16:31:42

3 although I'm sure your counsel would say that it's 16:31:45

4 not my role to answer questions today or to be 16:31:50

5 testifying, quote, unquote. 16:31:54

6 Now, turning on to page number 2, do you 16:32:00

7 see that this letter describes the sexual abuse 16:32:02

8 incident that Ms. Diamond alleges? 16:32:06

9 A Yes. 16:32:10

10 Q And turning to the middle of page 2, do 16:32:11

11 you see that this paragraph that I'm highlighting 16:32:15

12 describes the date of the incident and where it 16:32:19

13 occurred? 16:32:24

14 A I just read that paragraph, yes. 16:32:26

15 Q Okay. Do you agree that that 16:32:47

16 paragraph -- this paragraph of Exhibit 13 16:32:53

17 identifies the date of Ms. Diamond's attempted 16:32:57

18 rape? 16:33:00

19 A Based on this letter, yes. 16:33:03

20 Q And it describes where the attack took 16:33:04

21 place? 16:33:12

22 A Yes, it does. 16:33:12

23 Q It identifies her cell as the location of 16:33:14

24 the attack? 16:33:17

25 A Yes. 16:33:17

Transcript of Brooks Benton
Conducted on May 10, 2022

1	Q	And it states that two other incarcerated	16:33:18
2		people intervened and stopped the attack?	16:33:24
3	A	Yes.	16:33:27
4	Q	And do you see that two paragraphs down,	16:33:28
5		it describes that Ashley Diamond also saw, on	16:33:34
6		July 16th, 2020, someone enter her cell without	16:33:40
7		permission?	16:33:46
8	A	I'm reading.	16:33:51
9		Yes, I've read it.	16:34:05
10	Q	Okay. And it identified her cell as the	16:34:06
11		place where that incident occurred?	16:34:10
12	A	Yes.	16:34:12
13		[REDACTED]	16:34:12
14		[REDACTED]	16:34:22
15		[REDACTED]	16:34:25
16		[REDACTED]	16:34:28
17		[REDACTED]	16:34:30
18		[REDACTED]	16:34:31
19		[REDACTED]	16:34:33
20		[REDACTED]	16:34:33
21		[REDACTED]	16:34:35
22		[REDACTED]	16:34:39
23		[REDACTED]	16:34:41
24		[REDACTED]	16:34:41
25		[REDACTED]	16:34:44

Transcript of Brooks Benton
Conducted on May 10, 2022

1	[REDACTED]	16:34:46
2	[REDACTED]	16:34:50
3	[REDACTED]	16:34:53
4	[REDACTED]	16:34:59
5	[REDACTED]	16:35:00
6	[REDACTED]	16:35:02
7	[REDACTED]	16:35:08
8	[REDACTED]	16:35:11
9	[REDACTED]	16:35:19
10	[REDACTED]	16:35:22
11	[REDACTED]	16:35:24
12	[REDACTED]	16:35:26
13	[REDACTED]	16:35:30
14	[REDACTED]	16:35:33
15	[REDACTED]	16:35:40
16	[REDACTED]	16:35:42
17	[REDACTED]	16:35:44
18	[REDACTED]	16:35:50
19	[REDACTED]	16:35:57
20	[REDACTED]	16:36:01
21	[REDACTED]	16:36:05
22	[REDACTED]	16:36:09
23	[REDACTED]	16:36:15
24	[REDACTED]	16:36:17
25	[REDACTED]	16:36:19

Transcript of Brooks Benton
Conducted on May 10, 2022

1	[REDACTED]	16:36:21
2	[REDACTED]	16:36:25
3	[REDACTED]	16:36:29
4	[REDACTED]	16:36:32
5	[REDACTED]	16:36:39
6	[REDACTED]	16:36:39
7	[REDACTED]	16:36:41
8	[REDACTED]	16:36:43
9	[REDACTED]	16:36:46
10	[REDACTED]	16:36:48
11	[REDACTED]	16:36:50
12	[REDACTED]	16:36:51
13	[REDACTED]	16:36:55
14	[REDACTED]	16:36:56
15	[REDACTED]	16:37:01
16	[REDACTED]	16:37:03
17	[REDACTED]	16:37:04
18	[REDACTED]	16:37:12
19	[REDACTED]	16:37:15
20	[REDACTED]	16:37:19
21	[REDACTED]	16:37:23
22	[REDACTED]	16:37:26
23	[REDACTED]	16:37:26
24	[REDACTED]	16:37:28
25	[REDACTED]	16:37:30

Transcript of Brooks Benton
Conducted on May 10, 2022

1	[REDACTED]	16:37:34
2	[REDACTED]	16:37:36
3	[REDACTED]	16:37:40
4	[REDACTED]	16:37:45
5	[REDACTED]	16:37:45
6	[REDACTED]	16:37:46
7	[REDACTED]	16:37:48
8	[REDACTED]	16:37:49
9	[REDACTED] tion.	16:37:50
10	Q [REDACTED]	16:37:54
11	[REDACTED]	16:37:58
12	[REDACTED]	16:38:05
13	[REDACTED]	16:38:09
14	[REDACTED]	16:38:10
15	[REDACTED]	16:38:12
16	[REDACTED]	16:38:14
17	[REDACTED]	16:38:21
18	[REDACTED]	16:38:22
19	[REDACTED]	16:38:25
20	[REDACTED]	16:38:29
21	[REDACTED]	16:38:33
22	[REDACTED]	16:38:34
23	[REDACTED]	16:38:38
24	[REDACTED]	16:38:42
25	Q Okay. Now, what -- I'll take this down.	16:38:45

1 What, if any, steps -- sorry. 16:38:57

2 After you received this abuse allegation, 16:39:01

3 did you initiate an investigation into Ashley 16:39:04

4 Diamond's complaint? 16:39:06

5 A I cannot recall that right now. All I 16:39:07

6 know is, every allegation that Ashley Diamond 16:39:09

7 submitted or was submitted was investigated, to 16:39:11

8 the best of my knowledge. 16:39:16

9 Q Are you aware that as of November 2020, 16:39:21

10 Grace Atchison had no record of this PREA 16:39:29

11 complaint being investigated? 16:39:33

12 A No, I was not aware. 16:39:35

13 MS. EZIE: I'd like to mark as Benton 16:39:38

14 Exhibit 14 a document that was produced in 16:39:42

15 discovery as DEF_006904. 16:39:44

16 I'm going to ask that it be pushed to 16:39:54

17 Mr. Chalmers, and I'm going to bring it up. It's 16:39:56

18 a one-page document. 16:39:59

19 (Exhibit Benton-14 marked for 16:40:04

20 identification and attached to the transcript.) 16:40:15

21 BY MS. EZIE: 16:40:15

22 Q Is this a good size, Mr. Benton? 16:40:16

23 A Yes. 16:40:18

24 MR. CHALMERS: I have it now. 16:40:51

25 Q Mr. Benton, let me know when you're done 16:40:54

1 reading that. 16:40:57

2 A Yes, I've read it. 16:41:25

3 Q Okay. Who is Grace Atchison? 16:41:26

4 A Statewide PREA coordinator. 16:41:29

5 Q Do you see that this is an email she sent 16:41:32

6 you and Carl Betterson on November 17th, 2020? 16:41:34

7 A Yes. 16:41:40

8 Q And do you see that it indicates there 16:41:41

9 was no record of a SART investigation into this 16:41:45

10 complaint? 16:41:48

11 A Yes, there was no computer record of it. 16:41:49

12 Q Were there any other records, to your 16:41:53

13 knowledge? 16:41:56

14 A There's -- when we do an investigation, 16:41:56

15 we do the paper investigation, and then once the 16:41:59

16 investigation is over with, it's uploaded to the 16:42:03

17 computer, in the computer where Grace Atchison 16:42:05

18 would see the PREA. 16:42:09

19 In this case right here, I'm 16:42:13

20 understanding that a PREA was done, but it had not 16:42:14

21 been updated -- it was not updated to SCRIBE at 16:42:17

22 the time that Grace found -- or did not find it. 16:42:20

23 And I think Mr. Betterson had it but had not 16:42:24

24 uploaded it in SCRIBE, if I'm thinking correctly. 16:42:29

25 Q Okay. Was updating or uploading 16:42:35

1 materials to SCRIBE part of investigation 16:42:40
2 procedure that was supposed to be followed for 16:42:43
3 PREA complaints? 16:42:46
4 A Yes. It's part of the PREA manager's job 16:42:47
5 to upload the documents to SCRIBE so the statewide 16:42:52
6 PREA coordinator can see them. 16:42:56
7 Q Okay. I'll stop the screen share. 16:42:59
8 So to the extent you recall there being 16:43:03
9 an investigation into this PREA complaint, what 16:43:08
10 did the investigation consist of? 16:43:11
11 A Speaking with the -- speaking with the 16:43:14
12 offender. Once you get a witness statement from 16:43:18
13 the offender, any names provided by the offender, 16:43:22
14 by the victim, then that -- the aggressor -- the 16:43:26
15 alleged aggressor would be secured in segregation, 16:43:32
16 and then the investigator will go and receive a 16:43:37
17 statement from the alleged aggressor. 16:43:41
18 And the offender, depending on the 16:43:45
19 timeline and what the accusation was, would be 16:43:48
20 seen by medical. All PREAs, be it 2 days old or 16:43:53
21 20 days old, they're taken to medical, and an 16:44:02
22 evaluation is done with the victim medically. 16:44:07
23 Once the investigator receives the 16:44:11
24 statements from both parties, then they turn their 16:44:13
25 findings over to the PREA manager, who turns them 16:44:18

1 over to the SART team. They schedule a meeting, 16:44:26
2 and they discuss all information in the SART 16:44:28
3 meeting. 16:44:32
4 Q Got it. 16:44:34
5 Am I correct, Mr. Benton, you're just 16:44:35
6 describing the PREA -- one of the ways that PREA 16:44:37
7 complaints can be investigated generally? 16:44:42
8 A Yes. 16:44:44
9 Q That's not -- you're not describing the 16:44:45
10 investigation that took place with respect to 16:44:49
11 Ashley Diamond's July 3rd PREA incident, correct? 16:44:51
12 A No, ma'am. 16:44:55
13 Q And you're aware that anonymous PREA 16:44:56
14 reports are permissible under GDC policy, correct? 16:45:02
15 A Correct. 16:45:05
16 Q So not all PREA complaints begin with a 16:45:07
17 witness statement? 16:45:12
18 A I'm sorry? 16:45:17
19 Q Not all PREA complaints involve a witness 16:45:19
20 being interviewed -- sorry -- a victim being 16:45:24
21 interviewed as part of the PREA process? 16:45:27
22 A All PREA victims are interviewed as part 16:45:31
23 of the PREA process. 16:45:36
24 Q What about in cases where PREA complaints 16:45:37
25 are anonymous? 16:45:39

1 A If it's anonymous, if it's about an 16:45:41
2 individual, that individual will be interviewed, 16:45:44
3 not the person that anonymously submitted the PREA 16:45:47
4 complaint. The person that is brought up in the 16:45:51
5 anonymous complaint, that's the person that will 16:45:55
6 be interviewed. 16:45:58

7 Q Okay. But -- so you would agree that 16:46:00
8 victims -- having a victim with an interview is 16:46:08
9 not -- having an interview with a victim is not 16:46:11
10 the only way that PREA complaints can be 16:46:13
11 investigated, correct? 16:46:16

12 A I'm unclear what that question is. 16:46:19

13 Q Not all PREA complaints have victims who 16:46:23
14 are willing to be interviewed, correct? 16:46:26

15 A Oh, yes, yes. If they state that, that 16:46:29
16 they do not want to be interviewed, then we will 16:46:33
17 document that on the witness statement. 16:46:35

18 Q And some PREA complaints will be 16:46:38
19 anonymous, so you won't know who the victim is, 16:46:40
20 correct? 16:46:44

21 A If someone sent in a PREA complaint about 16:46:46
22 themselves, then you are correct, we wouldn't know 16:46:53
23 who the victim is unless we knew the handwriting 16:46:56
24 or whatnot. 16:46:59

25 Q Okay. And anonymous PREA complaints are 16:47:01

1 permitted under GDC policy, right? 16:47:04

2 A Yes. 16:47:07

3 Q So are third-party PREA complaints, 16:47:08

4 right? 16:47:11

5 A Yes. 16:47:11

6 Q And whether or not a victim is 16:47:12

7 comfortable being interviewed, you still have a 16:47:15

8 duty to investigate, correct? 16:47:18

9 A To the best of our ability, yes. 16:47:21

10 Q Okay. So after you received this PREA 16:47:23

11 complaint describing the dates and locations of a 16:47:29

12 sexual assault that Ashley Diamond experienced, 16:47:36

13 what investigation steps were taken with respect 16:47:39

14 to this complaint? 16:47:42

15 A I cannot recall that -- 2020. 16:47:44

16 Q Okay. 16:47:49

17 A Not for that specific incident, PREA 16:47:51

18 incident. 16:47:54

19 Q Okay. So right now, you don't know what 16:47:59

20 the investigation, if any, into Ashley Diamond's 16:48:11

21 July 3rd PREA allegation consisted of? 16:48:13

22 A At this minute, no, I do not. Unless 16:48:18

23 somebody brought me in that file to recollect my 16:48:21

24 memory, I don't know what transpired in that 16:48:24

25 allegation, that specific PREA allegation. 16:48:28

1 Q We just reviewed the PREA allegation, 16:48:32
2 right, so I'm asking -- 16:48:35
3 A Yes. 16:48:36
4 Q -- about the investigation. 16:48:37
5 A Correct, correct. So I cannot tell you 16:48:38
6 100 percent what transpired during that 16:48:42
7 investigation unless I can see the file in front 16:48:46
8 of me, the investigative file. Then I can tell 16:48:49
9 you what exactly happened. But I don't want to 16:48:52
10 speculate. I know what the policy says is 16:48:55
11 supposed to happen, but I can't tell you whether 16:48:58
12 or not it happened or not without seeing the file. 16:49:01
13 Q And what files in particular would be 16:49:07
14 indicative? 16:49:08
15 A The investigation file. The incident 16:49:09
16 report, the witness statements, SART report, 16:49:11
17 everything that goes with the packet, the 16:49:21
18 investigation packet. 16:49:25
19 Q Okay. Do you recall that ultimately -- 16:49:38
20 do you recall the disposition of Ms. Diamond's 16:49:41
21 PREA complaint in the end? 16:49:44
22 A No, ma'am, I don't. 16:49:46
23 Q Okay. Is it true that video of 16:49:48
24 Ms. Diamond's -- video from outside Ms. Diamond's 16:50:08
25 cell on July 3rd was not ultimately preserved from 16:50:13

1 the department? 16:50:16

2 A I'm not aware. 16:50:20

3 Q Did you understand that you had a duty to 16:50:24

4 preserve video evidence related to Ashley 16:50:26

5 Diamond's assault allegations? 16:50:29

6 A Yes, if it was available, yes. 16:50:31

7 Q You had a duty to preserve it regardless 16:50:33

8 of whether it corroborated or disproved her 16:50:37

9 allegation? 16:50:44

10 A Yes. 16:50:46

11 Q And you were instructed to preserve video 16:50:52

12 evidence regarding Ashley Diamond's assault 16:50:55

13 allegations by GDC as well as Ashley Diamond's 16:50:57

14 counsel; is that correct? 16:50:59

15 A I was given that information. I can't 16:51:02

16 remember the time frame. I was given that 16:51:05

17 instruction. But I can't remember the time frame 16:51:08

18 when I was given it as it refers -- relates to the 16:51:10

19 date of July 3rd. 16:51:15

20 Q Can you recall any steps you took to 16:51:18

21 ensure that video evidence related to Ashley 16:51:26

22 Diamond's assault allegations was preserved? 16:51:29

23 A I can only tell you what steps I took. 16:51:33

24 Once I received the notice, I had a staff member 16:51:36

25 review the footage of any and all allegations. 16:51:42

1 Not just Ashley Diamond, but of any dormitories 16:51:49
2 that had cameras that we had allegations of PREAs, 16:51:55
3 she would pull -- roll back the camera and see if 16:51:59
4 there was something visible or not visible to 16:52:03
5 see -- 16:52:06
6 Q Who is the staff member -- 16:52:06
7 A -- if the cameras were working. 16:52:08
8 Q Who is the staff member who you're 16:52:10
9 describing here? 16:52:13
10 A The deputy warden of security's 16:52:14
11 secretary. I knew you was going to ask me that. 16:52:18
12 But it was the deputy warden of security's 16:52:27
13 secretary. Her name -- oh, Jesus. It's going to 16:52:30
14 come to me. I can't think of it right now. And 16:52:35
15 she's still working there. So I do know that. 16:52:40
16 Q Is your testimony today that you 16:52:49
17 specifically contacted the staff member concerning 16:52:52
18 Ashley Diamond's assault allegations? 16:52:57
19 A It is my testimony today that once I 16:53:00
20 receive notice to preserve any evidence, video or 16:53:03
21 otherwise, I turn to her and ask her, if there are 16:53:08
22 any allegations concerning Ashley Diamond, I 16:53:15
23 needed them recorded. 16:53:18
24 Q And -- 16:53:21
25 (Cross-talk.) 16:53:22

1 A I'm sorry. 16:53:23

2 Q And how did you make these requests, to 16:53:25

3 the extent you made them? 16:53:30

4 A Verbally. I called her into my office 16:53:32

5 and told her what I needed her to do. 16:53:36

6 Q Now, you did have the ability to review 16:53:41

7 and retrieve videos of Ashley's dormitory from 16:53:43

8 specific days, if you wanted to, correct? 16:53:48

9 A Yes, I did. 16:53:50

10 Q And you did so from time to time? 16:53:51

11 A Yes, I did. 16:53:54

12 Q Particularly when Ashley Diamond was 16:53:55

13 accused of misconduct at the facility? 16:53:59

14 A I did not review it always. My deputy 16:54:04

15 warden of security, I would have them -- have him 16:54:07

16 check it out, review it, and let me know if there 16:54:12

17 was anything that he saw. 16:54:16

18 Q But you would -- it was your practice, 16:54:19

19 when Ashley Diamond was the target of a 16:54:23

20 disciplinary charge, to request and preserve video 16:54:27

21 footage of those incidents? 16:54:33

22 A Yes. 16:54:34

23 Q You did that in writing? 16:54:37

24 A No. What, a request in writing? 16:54:40

25 Q Yes. Did you have the ability to access 16:54:45

1 the cameras directly, or did you need someone to 16:54:49
2 retrieve them for you? 16:54:52
3 A Both. I had access, and I've verbally 16:54:54
4 told people to pull up certain dates. 16:54:59
5 Q Okay. And you did, in fact, request and 16:55:04
6 retrieve a video concerning an inmate who 16:55:13
7 allegedly entered Ashley Diamond's cell in 16:55:20
8 December 2020 to help her clean the floors? 16:55:22
9 A Yes. 16:55:27
10 Q You requested a video from October 31st 16:55:29
11 when Ashley Diamond was alleged to have engaged in 16:55:34
12 sexual behavior consensually with another inmate? 16:55:38
13 A Yes. 16:55:42
14 Q You requested footage of the dormitory on 16:55:43
15 February 1st, 2021, when Ashley Diamond was 16:55:50
16 alleged to have used contraband in the dormitory? 16:55:55
17 A Yes. 16:56:00
18 Q Are there any other dates that you 16:56:01
19 requested that video be specifically preserved 16:56:06
20 concerning Ashley? 16:56:11
21 A I can't recall. 16:56:12
22 Q What steps did you take to ensure that 16:56:19
23 video from Ashley Diamond's dormitory was 16:56:24
24 preserved once litigation became contemplated in 16:56:27
25 this matter? 16:56:34

1 A I had the deputy warden of security's 16:56:35
2 secretary go back as far as she could to pull -- 16:56:38
3 if we had dates, to pull those dates and record 16:56:42
4 any interaction concerning Ashley Diamond. 16:56:48
5 Q And this is the staff member whose name 16:56:54
6 you don't recall? 16:56:57
7 A Yes. And I'm still thinking about it. 16:56:58
8 Q When did you make that request of the 16:57:02
9 staff member? 16:57:05
10 A When I received the notice to preserve. 16:57:12
11 Q What notice are you referring to? 16:57:18
12 A The notice that I received from my 16:57:22
13 department to preserve anything dealing with 16:57:25
14 Ashley Diamond in writing, in video, anything of 16:57:28
15 that nature. 16:57:31
16 Q Do you recall the month or year that you 16:57:33
17 received that notice? 16:57:36
18 A No, I don't. I'm assuming it was in 16:57:38
19 2021. But I may not be correct. 16:57:43
20 Q Now, do you recall that Ashley Diamond 16:57:48
21 alleged that a staff member, Rodney Jackson, held 16:57:51
22 a dormitory-wide meeting where she was discussed? 16:57:58
23 A Yes. 16:58:02
24 Q And where there were crude references to 16:58:04
25 her genitalia from the staff member, according to 16:58:09

1 Ms. Diamond? 16:58:17

2 A Alleged, yes. Alleged, yes. 16:58:17

3 Q That incident happened in July of -- 16:58:19

4 sorry. That incident happened -- was alleged to 16:58:25

5 have happened on June 19th of 2020? 16:58:28

6 A Yes. 16:58:30

7 Q You were instructed to preserve video 16:58:30

8 evidence of that incident, weren't you? 16:58:37

9 A I don't recall, but I thought I did. I 16:58:42

10 don't recall being told to preserve that. But 16:58:46

11 based on her allegations, I thought I did. I 16:58:52

12 thought I had it recorded. 16:58:55

13 Q You understand that, based on the 16:58:59

14 allegations, a recording should have been 16:59:03

15 preserved? 16:59:05

16 A Based on her allegations and when she 16:59:08

17 alleged it, yes. 16:59:12

18 Q And you agree that videos concerning 16:59:13

19 Ashley Diamond from days that she made PREA 16:59:19

20 allegations should have been preserved -- should 16:59:23

21 not have been deleted under any circumstances, 16:59:27

22 correct? 16:59:30

23 A Correct, correct, yes. 16:59:30

24 Q Did you ever take steps to ensure that 16:59:32

25 video from outside Ashley Diamond's cell was not 16:59:38

Transcript of Brooks Benton
Conducted on May 10, 2022

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1	being deleted automatically?	16:59:41
2	A I don't understand the question. We	16:59:47
3	don't record 24 hours a day downloading footage	16:59:51
4	because we don't have that capability. When we	16:59:58
5	find out that there is -- something is being	17:00:01
6	reported, then we go to the camera and attempt to	17:00:04
7	record.	17:00:10
8	[REDACTED]	17:00:12
9	[REDACTED]	17:00:19
10	[REDACTED]	17:00:21
11	[REDACTED]	17:00:24
12	[REDACTED]	17:00:25
13	[REDACTED]	17:00:29
14	[REDACTED]	17:00:34
15	[REDACTED]	17:00:38
16	[REDACTED]	17:00:42
17	[REDACTED]	17:00:45
18	[REDACTED]	17:00:48
19	[REDACTED]	17:00:49
20	[REDACTED]	17:00:52
21	[REDACTED]	17:00:56
22	[REDACTED]	17:01:00
23	[REDACTED]	17:01:01
24	[REDACTED]	17:01:06
25	[REDACTED]s --	17:01:12

Transcript of Brooks Benton
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1	[REDACTED]	17:01:16
2	[REDACTED]	17:01:22
3	Q So videos have still been subject to	17:01:24
4	deletion under the parameters you described since	17:01:30
5	this litigation began?	17:01:35
6	MR. CHALMERS: Objection, form. That	17:01:37
7	misstates his testimony.	17:01:38
8	But you can answer.	17:01:40
9	A We have recorded -- any allegations that	17:01:43
10	have been forthcoming by Ashley Diamond or any	17:01:47
11	allegations that have been forthcoming from staff	17:01:50
12	or offenders in relations to Ashley Diamond, we	17:01:54
13	have attempted to record that right there. [REDACTED]	17:02:00
14	[REDACTED]	17:02:05
15	Q Okay. Are you aware that there are no --	17:02:12
16	there is no recording of Ashley Diamond's	17:02:22
17	dormitory that was provided to Ms. Diamond's	17:02:28
18	counsel from July 3rd -- the July 3rd PREA	17:02:33
19	incident that she alleges?	17:02:37
20	A No, I'm not aware.	17:02:39
21	Q Do you know whether Coastal staff	17:02:41
22	attempted to see whether Ashley Diamond had any	17:02:48
23	physical evidence related to her July 3rd assault?	17:02:52
24	A If, during the PREA investigation, she	17:02:56
25	produced it, no.	17:03:03

Transcript of Brooks Benton
Conducted on May 10, 2022

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1 Q Do you know -- 17:03:08
2 A Other than that -- 17:03:08
3 (Cross-talk.) 17:03:10
4 Q -- whether it was requested? 17:03:10
5 A No, I'm not aware. 17:03:11
6 Q Are you aware that Ashley Diamond 17:03:13
7 indicated that the offender who assaulted her was 17:03:20
8 moved to H building -- the offender who assaulted 17:03:25
9 her on July 3rd was moved to H building on 17:03:29
10 July 30th, 2020? 17:03:34
11 A No, I'm not aware. 17:03:39
12 MS. EZIE: Okay. I think this might be a 17:03:56
13 good time just to go on what's likely to be our 17:03:57
14 final break. We can keep it to five minutes, if 17:04:00
15 that's okay. 17:04:02
16 MR. CHALMERS: Sure, that's fine. 17:04:05
17 VIDEOGRAPHER: We're going off the 17:04:07
18 record. The time is 5:04. 17:04:09
19 (Recess from 5:04 p.m. until 5:16 p.m.) 17:16:21
20 VIDEOGRAPHER: The time is 5:16. We're 17:16:21
21 on the record continuing recording 5. 17:16:24
22 BY MS. EZIE: 17:16:27
23 Q Okay. Mr. Benton, ultimately, the -- 17:16:30
24 Ashley Diamond's July 3rd allegation was marked 17:16:33
25 unfounded, correct? 17:16:37

1 folder as Grace Atchison, A-T-C-H-I-S-O-N, 17:17:58
2 Declaration. This is going to be Benton 17:18:03
3 Exhibit 14. 17:18:06
4 MR. CHALMERS: It's going to be 15, 17:18:13
5 Counsel, I think. 17:18:16
6 MS. EZIE: Well, thank you. In that 17:18:17
7 case, Exhibit 15. 17:18:19
8 Is that what you have as well, Planet 17:18:22
9 Depos? 17:18:24
10 A/V TECH: Yes. We should be at 15. 17:18:24
11 MS. EZIE: Okay. Thank you. So sorry. 17:18:26
12 This is going to be Benton Deposition 17:18:28
13 Exhibit 15. 17:18:31
14 (Exhibit Benton-15 marked for 17:18:36
15 identification and attached to the transcript.) 17:18:37
16 BY MS. EZIE: 17:18:37
17 Q Are you able to see my screen, 17:18:37
18 Mr. Benton? Should I make this document larger? 17:18:39
19 A Yes, please. 17:18:41
20 Q Okay. 17:18:43
21 A Just a little bit. Yeah, that's good. 17:18:46
22 MS. EZIE: Okay. Mr. Chalmers, do you 17:18:57
23 have a copy? 17:18:59
24 MR. CHALMERS: Yes, I do. 17:19:05
25 Q Okay. I want to direct you, Mr. Benton, 17:19:10

1 to -- I'm sorry. I am scrolling. And I wanted to 17:19:15
2 direct you to a portion of this declaration that 17:19:25
3 appears to be a summary of the PREA allegations 17:19:28
4 that Ms. Diamond made while she was at Coastal 17:19:31
5 State Prison and at her prior facility. It begins 17:19:39
6 on page 6 of the document. 17:19:43

7 And as you can see in this paragraph that 17:19:47
8 begins at paragraph 22, Ms. Atchison, or whoever 17:19:51
9 prepared the declaration on her behalf, attempted 17:19:57
10 to have a paragraph on each allegation that 17:20:00
11 Ms. Diamond submitted. 17:20:06

12 Do you see that, as I continue to scroll? 17:20:07

13 A Yes. 17:20:10

14 Q Do you see on page 7, there's a bullet 17:20:11
15 that says, June 18th, 2020, describing an incident 17:20:21
16 where -- the incident we just described involving 17:20:25
17 Rodney Jackson of GDC? 17:20:30

18 A Yes. 17:20:33

19 Q And you do recall being notified via the 17:20:34
20 PREA process that Ashley Diamond felt that Rodney 17:20:41
21 Jackson engaged in inappropriate behavior with 17:20:45
22 respect to her? 17:20:50

23 A Yes. 17:20:53

24 Q Now, Rodney Jackson is no longer at 17:20:53
25 Coastal State Prison, correct? 17:20:59

1 A Yes. He retired. 17:21:01

2 Q Okay. He was not disciplined following 17:21:02

3 this PREA allegation that Ms. Diamond made 17:21:07

4 concerning him? 17:21:12

5 A I can't recall. I do know that, based on 17:21:14

6 the allegation, I removed him from the area 17:21:19

7 pending investigation. 17:21:23

8 Q Okay. 17:21:25

9 A He was the unit manager over that 17:21:26

10 dormitory and other dormitories. And so I do 17:21:29

11 remember the allegation and me immediately 17:21:34

12 removing him from that area via investigation, 17:21:38

13 until investigation was completed. 17:21:45

14 Q Okay. And ultimately, when he left 17:21:46

15 Coastal State Prison, however, it was not a 17:21:52

16 termination related to discipline for this 17:21:55

17 incident? 17:21:59

18 A No, it was not. 17:22:00

19 Q Okay. Do you see that the next paragraph 17:22:02

20 of this declaration describes the July 3rd 17:22:06

21 incident that we've been discussing for some time? 17:22:11

22 A Yes. 17:22:14

23 Q And do you see at the top of page 8, it 17:22:16

24 indicates that the allegation was determined to be 17:22:24

25 unfounded? 17:22:28

1 A Yes. 17:22:30

2 Q Is your understanding -- or does that 17:22:30

3 refresh your recollection that Ashley Diamond's 17:22:35

4 July 3rd complaint was ultimately found to be 17:22:37

5 unfounded at the facility level? 17:22:41

6 MR. CHALMERS: Objection. 17:22:44

7 A Yes. 17:22:45

8 Q Okay. Now, at the point that Ashley 17:22:47

9 Diamond's PREA complaint was marked unfounded, you 17:22:51

10 had not received proof that her sexual abuse 17:22:54

11 claims were false, correct? 17:22:56

12 A I'm sorry. On which incident? On this 17:23:02

13 incident, July 3rd? 17:23:05

14 Q Yes, the July 3rd incident. 17:23:06

15 A I did not receive proof that her 17:23:09

16 alleged -- 17:23:13

17 Q The alleged incident did not occur, had 17:23:13

18 you? 17:23:16

19 A Did not occur. No, no. 17:23:16

20 Q And to this day, you've never received 17:23:20

21 evidence that the July 3rd allegation was false? 17:23:24

22 A Never received it either way, false or 17:23:30

23 true. 17:23:33

24 Q Okay. Now, aren't unfounded allegations 17:23:34

25 within the PREA context allegations that have been 17:23:41

1 proven to be untrue? 17:23:45

2 A Unfounded, to me, meaning that they could 17:23:50
3 find no information -- yes, yes. To answer you, 17:23:54
4 yes. 17:23:59

5 Q Specifically, not that there was not 17:23:59
6 information to corroborate or -- to prove or 17:24:04
7 disprove the allegation, but specifically that an 17:24:09
8 unfounded allegation is an allegation that has 17:24:12
9 been proven false, correct? 17:24:15

10 A Yes, unfounded, yes, not true. 17:24:17

11 Q So in what manner had -- why was 17:24:20
12 Ms. Diamond's allegation marked unfounded -- why 17:24:23
13 was Ms. Diamond's July 3rd PREA allegation marked 17:24:29
14 unfounded? 17:24:31

15 A The only thing I can tell you, and not 17:24:32
16 having it right in front of me, is that the 17:24:35
17 information during the investigation based it 17:24:37
18 unfounded. 17:24:42

19 And once it reached the SART team, based 17:24:43
20 on the investigation and all the information that 17:24:45
21 was collected, that the SART recommendation was 17:24:49
22 that this PREA to be found unfounded. 17:24:53

23 Q You're speculating, correct? 17:24:58

24 A I am, because I don't have the file in 17:25:02
25 front of me. 17:25:04

1 Q Okay. But you agree that the only 17:25:05
2 circumstance where a PREA allegation should be 17:25:09
3 marked unfounded is if, at the facility level, 17:25:11
4 there is proof that it did not occur? 17:25:14
5 A Correct. 17:25:18
6 Q If it was simply the case that it was 17:25:20
7 unclear whether the allegation was true, the 17:25:26
8 appropriate response would have been to mark the 17:25:29
9 complaint unsubstantiated? 17:25:32
10 A Not necessarily. If they can't 17:25:37
11 substantiate truth or non-truth, then it would be 17:25:40
12 unsubstantiated. If it's unfounded, that means, 17:25:46
13 just like you said earlier, evidently they had 17:25:49
14 evidence to prove it did not happen. 17:25:53
15 Q You're not aware of what that evidence 17:25:56
16 is, sitting here today? 17:25:59
17 A Sitting right here today, no, I cannot 17:26:01
18 tell you that. 17:26:03
19 Q Okay. And you understand, based on the 17:26:05
20 GDC PREA policy, that in cases where an 17:26:11
21 allegation -- an investigation produces 17:26:15
22 insufficient evidence to make a determination 17:26:17
23 about whether or not an event occurred, the proper 17:26:21
24 procedure is to mark that allegation 17:26:26
25 unsubstantiated, correct? 17:26:28

1 A Correct. 17:26:30

2 Q Not unfounded, correct? 17:26:32

3 A Correct. 17:26:37

4 Q Now, I'm stopping the screen share. 17:26:40

5 You're aware that Ashley Diamond also 17:26:43

6 alleged that she was sexually assaulted in 17:26:47

7 September of 2020, correct? 17:26:52

8 A I can't recall. Like I said, there's 17:26:55

9 just so many. I can't recall -- 17:26:59

10 Q So many instances of sexual abuse that 17:27:05

11 Ms. Diamond -- 17:27:07

12 A No.

13 Q -- claims she experienced at Coastal 17:27:08

14 State Prison? 17:27:11

15 A So many reported allegations, yes. 17:27:11

16 Q Do you see -- does it sound accurate that 17:27:14

17 Ashley Diamond reported that she was sexually 17:27:25

18 assaulted several times over the course of a 17:27:28

19 single weekend in September? 17:27:30

20 A I can't recall. 17:27:36

21 MS. EZIE: Okay. I'd like to pull up 17:27:50

22 as -- I believe we are, what, up to Benton 17:27:52

23 Exhibit 16 -- a document that was produced in 17:27:54

24 discovery as DEF_008420. I'm putting it on my 17:27:58

25 screen now. 17:28:06

1 If you could push it to Mr. Chalmers, I'd 17:28:06
2 appreciate it, please. 17:28:09
3 (Exhibit Benton-16 marked for 17:28:12
4 identification and attached to the transcript.) 17:28:13
5 BY MS. EZIE: 17:28:13
6 Q Mr. Benton, it's a two-page document. 17:28:14
7 The second page, as you can see, is just the end 17:28:17
8 of a -- kind of a signature block. 17:28:20
9 I'm going to make it larger. Let me know 17:28:23
10 when you'd like me to scroll down, please. 17:28:26
11 A Yes, you can scroll. 17:28:28
12 Q Okay. 17:28:29
13 MR. CHALMERS: I'm sorry, Counsel. What 17:28:40
14 is our DEF number? 8420? 17:28:41
15 MS. EZIE: Yes, that's correct. 17:28:46
16 MR. CHALMERS: Thanks. 17:28:47
17 Okay, I have that. 17:29:06
18 MS. EZIE: Okay. 17:29:07
19 Q Now, Mr. Benton, were you able to read 17:29:08
20 this document? 17:29:14
21 A Yes. 17:29:14
22 Q Do you see that it's alleging that Ashley 17:29:15
23 Diamond was sexually assaulted on three separate 17:29:19
24 days, September 18th, September 19th, and 17:29:23
25 September 20, in her dormitory? 17:29:26

1 A Yes. 17:29:29

2 Q And you instructed Carl Betterson to 17:29:29

3 investigate it? 17:29:33

4 A Yes. 17:29:34

5 Q And he claimed that he was working on it? 17:29:34

6 A Yes. 17:29:39

7 Q Now, you're aware that Ashley Diamond 17:29:40

8 alleges that Carl Betterson subjected her to 17:29:45

9 conduct that violates GDC's PREA policies, 17:29:51

10 correct? 17:29:56

11 A No. 17:29:56

12 Q You're not aware that Ashley Diamond 17:29:56

13 filed a PREA against Carl Betterson on 17:30:00

14 September 1st -- September 7th, rather, 2020? 17:30:02

15 A A PREA against Mr. Betterson? 17:30:09

16 Q Yes. 17:30:12

17 (Cross-talk.) 17:30:14

18 Q Sorry, it was September 1st. 17:30:15

19 You don't recall that? 17:30:18

20 A No, I can't recall it. But if you said 17:30:19

21 that she did submit that, then I'm quite sure 17:30:22

22 there's some record of it. 17:30:27

23 Q Okay. Let's go back to the document that 17:30:29

24 we introduced as Benton Exhibit 15. It's the 17:30:33

25 Atchison declaration. 17:30:37

1 Do you see that on page 8, there's a 17:30:40
2 discussion of a September 1st, 2020 PREA 17:30:45
3 allegation? 17:30:49
4 A Yes. 17:30:50
5 Q And that it states that Diamond alleged 17:30:50
6 Deputy Warden Betterson called her a cancer to the 17:30:57
7 prison? 17:31:00
8 A Yes, I'm reading that now. 17:31:01
9 Q And do you see that it indicated that the 17:31:23
10 allegation was deemed unfounded because of 17:31:29
11 Diamond's refusal to cooperate in the 17:31:33
12 investigation? 17:31:36
13 A Yes. 17:31:37
14 Q When PREA complaints are resolved, as 17:31:39
15 warden, you do have to either concur or reject the 17:31:45
16 findings, correct? 17:31:51
17 A Yes. 17:31:54
18 Q So to your knowledge, is this a finding 17:31:55
19 that you concurred in the result? 17:32:01
20 A Well, as it's stated in the document, 17:32:08
21 that it was not a PREA because it was not sexual 17:32:11
22 in nature. It was more of a grievance than a 17:32:16
23 PREA. So it was found unfounded, not true based 17:32:20
24 on the PREA designation. 17:32:25
25 Q When allegations are deemed to have 17:32:29

1 occurred but to not meet the criteria of PREA, 17:32:35
2 isn't there a different label that is available 17:32:38
3 for use at the facility level? 17:32:41
4 A Well, it's not supposed to go forward. 17:32:44
5 If it does not meet the ramifications -- or the 17:32:47
6 policy of a PREA, it's not supposed to move 17:32:50
7 forward. The counselors or the PREA monitor are 17:32:53
8 supposed to redirect them to where they need to 17:32:58
9 file complaints of a non-PREA issue. 17:33:01
10 Q Okay. 17:33:05
11 A So it should have been a grievance. 17:33:05
12 Q So it should have been designated not 17:33:09
13 PREA, as opposed to unfounded, assuming the event 17:33:11
14 took place as alleged? 17:33:15
15 A Correct. That's my opinion. 17:33:16
16 Q Now, so does this document refresh your 17:33:20
17 recollection that Ashley Diamond made a PREA 17:33:25
18 complaint about Carl Betterson? 17:33:28
19 A Yes. Yes. In reading this, yes. 17:33:34
20 Q Turning back to Exhibit 16. 17:33:37
21 Now, am I correct that even after Ashley 17:33:42
22 Diamond made a complaint against Carl Betterson, 17:33:49
23 he was the GDC official in charge of investigating 17:33:53
24 her PREA complaints? 17:33:56
25 A No, not solely. He was not solely the 17:33:58

1 investigator. There was -- other people are part 17:34:01
2 of his team. 17:34:05

3 Q Who else besides Carl Betterson was 17:34:05
4 involved in PREA investigations concerning Ashley 17:34:08
5 Diamond? 17:34:11

6 A The actual PREA investigator would be a 17:34:11
7 lieutenant or above. 17:34:15

8 Q Okay. Did you ever consider asking Carl 17:34:16
9 Betterson to step aside from Ashley Diamond's PREA 17:34:23
10 investigations because he may have a conflict of 17:34:27
11 interest? 17:34:30

12 A No. 17:34:30

13 Q Why not? 17:34:33

14 A Because I had no cause to do so. There 17:34:35
15 was no -- there was no evidence. There was -- 17:34:38
16 Mr. Betterson has -- had proven himself, up until 17:34:41
17 that point of the allegation, to have great 17:34:44
18 integrity and great professionalism. 17:34:49

19 Q How would you evaluate Carl Betterson as 17:34:53
20 an investigator? 17:34:57

21 A He did a great job. He was -- 17:35:00

22 Q Over the years -- 17:35:03
23 (Cross-talk.) 17:35:06

24 A I'm sorry. 17:35:07

25 Q Over the years, how many PREA complaints 17:35:08

1 was he able to -- 17:35:11

2 MR. CHALMERS: Actually, Counsel, can we 17:35:12

3 allow the witness to finish that answer. 17:35:14

4 A He paid attention to detail. He 17:35:17

5 investigated PREAs up to that point in the absence 17:35:21

6 of an investigator. He investigated PREAs. He 17:35:26

7 received the training -- same training that the 17:35:31

8 investigators received. And at no time before 17:35:34

9 that allegation did anyone say anything to dispute 17:35:38

10 that. 17:35:44

11 Q Okay. Now, ultimately, Carl Betterson -- 17:35:46

12 sorry. 17:35:57

13 You received Ashley Diamond's September 17:35:57

14 PREA allegations, correct? 17:36:02

15 A Yes. 17:36:04

16 Q And this incident also was alleged to 17:36:07

17 have taken place in her dormitory? 17:36:11

18 A I can't recollect, but I think you're 17:36:16

19 right. 17:36:21

20 Q Let's pull back up Exhibit -- I believe 17:36:29

21 this is 15, the Grace Atchison declaration. 17:36:35

22 Do you see here that it's describing -- 17:36:42

23 Atchison is describing the allegations as they 17:36:46

24 were reported? 17:36:49

25 A Which date? September 18? 17:36:51

1 Q Yes. 17:36:54

2 A Okay. Let me read it for a minute. 17:36:55

3 I've read it. 17:37:49

4 Q Okay. Now, in your time as warden, have 17:37:50

5 you -- of Coastal, did you ever receive 17:37:59

6 information indicating Ms. Diamond's allegations 17:38:03

7 concerning the September 18th, 19th, and 20th were 17:38:06

8 false? 17:38:10

9 A I can't recall, unless I have the file in 17:38:13

10 front of me, what the response was, what the 17:38:15

11 disposition was. 17:38:18

12 Q I'm sorry. I asked a different question. 17:38:19

13 I said, have you ever received 17:38:22

14 information indicating these allegations were 17:38:24

15 false? 17:38:26

16 A If it was unfounded, then yes. 17:38:31

17 Q Is that speculation? 17:38:39

18 A Yes, because that's all I can go off now 17:38:43

19 because I don't have the file in front of me. 17:38:46

20 Q Okay. 17:38:49

21 A And I don't remember -- I don't remember 17:38:50

22 that. 17:38:52

23 Q Again, to confirm, I wasn't asking about 17:38:55

24 the disposition of the request; I was asking about 17:38:57

25 whether you knew that this information did not 17:39:02

1 occur as alleged. 17:39:06

2 A And I can't honestly answer that 17:39:08

3 truthfully without having the information, the 17:39:10

4 file in front of me. 17:39:15

5 MS. EZIE: Okay. Well, let's take a look 17:39:18

6 at -- this document, we can mark it as Benton 17:39:21

7 Exhibit 17. It's produced in discovery as 17:39:24

8 DEF_940. 17:39:29

9 (Exhibit Benton-17 marked for 17:39:32

10 identification and attached to the transcript.) 17:39:32

11 BY MS. EZIE: 17:39:32

12 Q Are you able to see my screen, 17:39:33

13 Mr. Benton? 17:39:34

14 A Yes, I am. If you can blow it up a 17:39:35

15 little bit. 17:39:38

16 MS. EZIE: If you can please push it to 17:39:38

17 Mr. Chalmers, I'd appreciate it. 17:39:40

18 Mr. Chalmers, can we proceed? 17:40:19

19 MR. CHALMERS: Yes, you can go ahead. 17:40:28

20 Q Okay. Mr. Benton, do you see that this 17:40:30

21 is a memo from Carl Betterson to you? 17:40:33

22 A Yes. 17:40:38

23 Q It's regarding the disposition of the 17:40:40

24 PREA complaints that we just described? 17:40:43

25 A Yes. 17:40:46

1 Q And do you see that on September 30th, 17:40:47
2 2020, the same day it was referred to you for 17:40:51
3 investigation, the complaint was marked unfounded? 17:40:55
4 A Yes. 17:40:58
5 Q And -- 17:40:59
6 A Well, I don't see -- I'm sorry. 17:41:01
7 Reading this to me, yes, I see it now. 17:41:04
8 Q Okay. Why was this -- why was 17:41:11
9 Ms. Diamond's allegation marked unfounded, 17:41:17
10 according to this memo from Mr. Betterson? 17:41:19
11 A Based on his statement that he has tried 17:41:23
12 ample times to get information from Ms. Diamond so 17:41:28
13 we could proceed with the investigation, and she 17:41:34
14 didn't want to cooperate. 17:41:39
15 Q You said it indicates ample times. 17:41:40
16 Isn't it true this letter indicates one 17:41:43
17 attempt was made to interview Ms. Diamond? 17:41:46
18 A Yes, yes. But I don't know, by this, how 17:42:02
19 many times that day he tried to receive 17:42:06
20 information -- or get information from her. 17:42:10
21 Q Well, it only indicates one attempt, 17:42:13
22 right? 17:42:16
23 A Yes. He said "an attempt," yes. 17:42:18
24 Q And in any event, the allegation was 17:42:23
25 closed and marked unfounded on the same day you 17:42:28

1 received it at the facility level? 17:42:33

2 A Yes, because he could not move forward. 17:42:36

3 Q Why couldn't Mr. Betterson move forward? 17:42:40

4 A Because Ms. Diamond would not give him 17:42:44

5 the needed information to move forward to go after 17:42:49

6 the alleged culprits to secure them, lock them 17:42:54

7 down in segregation, to move forward with the 17:42:59

8 investigation. 17:43:03

9 Q Now, so to confirm, on September 30th, 17:43:05

10 2020, GDC did not determine that Ashley Diamond's 17:43:14

11 sexual assault allegations concerning these 17:43:21

12 September dates was false, correct? 17:43:25

13 A GDC did not determine that her 17:43:33

14 allegations were false? 17:43:36

15 Based on the lack of information, yes, it 17:43:37

16 determined that they were false because it was 17:43:43

17 made unfounded. 17:43:45

18 Q You marked it unfounded, but did you 17:43:47

19 receive proof that the allegations were untrue, 17:43:50

20 according to this memorandum? 17:43:54

21 A Either way, no, I did not. 17:43:56

22 Q Have you ever received information that 17:43:59

23 Ms. Diamond's sexual abuse allegations from these 17:44:02

24 days did not occur? 17:44:05

25 A Did or did not, no, I have not. 17:44:10

1 Q Isn't the proper procedure -- when GDC 17:44:12
2 staff do not receive sufficient evidence to make a 17:44:19
3 determination about the veracity of a complaint, 17:44:22
4 isn't the proper procedure to mark it 17:44:28
5 unsubstantiated? 17:44:30

6 A This, in my opinion, could have went both 17:44:40
7 ways, yes, unfounded or unsubstantiated. But it's 17:44:45
8 based on the information that was available at 17:44:49
9 that time. But in my opinion, I believe it could 17:44:56
10 have went either way. 17:44:59

11 Q Did you communicate that to 17:45:00
12 Mr. Betterson? 17:45:01

13 A No, because as I stated, it could have 17:45:03
14 went either way, so I went with the unfounded 17:45:06
15 based on the information that was provided me at 17:45:10
16 the time. 17:45:15

17 Q Now, isn't it true that ultimately, 17:45:15
18 nearly all of Ashley Diamond's PREA complaints 17:45:18
19 that she submitted at Coastal State Prison were 17:45:22
20 marked unfounded because of her participation or 17:45:25
21 lack thereof in the interview process? 17:45:30

22 A I can't recall if all of them were marked 17:45:34
23 unfounded, but I do recall Ms. Diamond not 17:45:36
24 participating in the majority of all of them. 17:45:41

25 Q Okay. Have you ever received proof that 17:45:45

1 any of Ashley Diamond's PREA complaints were 17:45:56
2 false? 17:46:00

3 A No. 17:46:12

4 Q And Mr. Benton, did you ever notify 17:46:14
5 Ashley Diamond that if she did not participate in 17:46:21
6 PREA interviews without her counsel present, that 17:46:24
7 her complaints would be marked unfounded? 17:46:28

8 A I have not had that conversation with 17:46:32
9 Ms. Diamond, but my staff has. 17:46:34

10 Q Who on your staff instructed Ms. Diamond 17:46:37
11 that her complaints would be marked unfounded if 17:46:39
12 she continued to request that her attorneys join 17:46:42
13 her for interviews? 17:46:45

14 A I can't speculate. But I -- and I'm not 17:46:47
15 going to assume. So my SART staff, my 17:46:52
16 investigator, Mr. Betterson, my deputy warden of 17:46:59
17 care and treatment. So those individuals should 17:47:03
18 have informed her that if she does not participate 17:47:09
19 in the investigation, it won't go anywhere. 17:47:13

20 Q So your testimony is that Ashley Diamond 17:47:17
21 should have been notified that her PREA 17:47:20
22 allegations would be denied as unfounded if she 17:47:24
23 did not participate in the PREA interview process 17:47:27
24 without her attorneys present? 17:47:30

25 A Ms. Diamond would have been notified at 17:47:32

1 the conclusion of the PREA investigation that her 17:47:35
2 PREA allegation was unfounded for the reason that 17:47:38
3 it was documented. So that would have told -- 17:47:41
4 (Cross-talk.) 17:47:45
5 A That would have informed her of why it 17:47:46
6 was being deemed unfounded because of lack of 17:47:49
7 participation. 17:47:53
8 Q Was Ms. Diamond -- do you know that 17:47:53
9 Ms. Diamond received copies of these PREA 17:47:57
10 conclusions prior to seeking discovery in this 17:48:01
11 case? 17:48:06
12 A I can't tell you for a fact that she 17:48:06
13 received those documentations. All I can tell you 17:48:10
14 is that she was supposed to receive them. 17:48:13
15 Q Okay. Now, did you ever notify 17:48:18
16 Ms. Diamond that her request to have her attorneys 17:48:24
17 join her for interviews was not going to be 17:48:27
18 granted? 17:48:31
19 A I had no conversation with Ms. Diamond in 17:48:32
20 reference to her attorneys being present during an 17:48:35
21 investigation. 17:48:39
22 Q Did anyone else -- did you instruct 17:48:41
23 anyone else at GDC to notify Ms. Diamond that her 17:48:44
24 request to be joined by counsel during interviews 17:48:50
25 was not going to be granted? 17:48:53

1 A I did not notify anyone, because my staff 17:48:56
2 already knew that the attorneys would not be 17:48:59
3 present during an internal investigation. So they 17:49:02
4 probably -- Mr. Betterson specifically probably 17:49:04
5 informed her that. But that may be a speculation. 17:49:07
6 Q You don't know for a fact whether Carl 17:49:12
7 Betterson communicated that to Ms. Diamond at all? 17:49:17
8 A I do not. 17:49:20
9 Q And are you aware that there are staff 17:49:23
10 members who indicated that they believed 17:49:28
11 Ms. Diamond would be allowed to have her attorneys 17:49:32
12 join her? 17:49:36
13 A No, I am not. I'm not aware. 17:49:38
14 (Reporter interruption.) 17:51:29
15 VIDEOGRAPHER: We are now going off the 17:51:29
16 video record. The time is 5:49.
17 (Recess from 5:49 p.m. until 5:51 p.m.)
18 VIDEOGRAPHER: The time is 5:51. We're 17:51:38
19 on the record continuing recording 5. 17:51:40
20 BY MS. EZIE:
21 Q Mr. Benton, did you ever instruct your 17:51:50
22 staff to inform Ms. Diamond -- sorry. 17:51:55
23 MS. EZIE: Maybe we can read back the 17:52:00
24 last question. 17:52:01
25 (The court reporter read from the record 17:52:16

1 as follows:)

2 "QUESTION: And are you aware that there
3 are staff members who indicated that they believed
4 Ms. Diamond would be allowed to have her attorneys
5 join her?"

6 BY MS. EZIE:

17:52:17

7 Q Mr. Benton, are you aware that Ashley
8 Diamond was never told that her request to have
9 attorneys be present for interviews would end the
10 PREA investigation process?

17:52:17

17:52:23

17:52:27

17:52:30

11 A No, ma'am, not aware.

17:52:35

12 Q Are you aware that Ms. Diamond --

17:52:39

13 sorry -- Ms. Cantera was asked under oath, Did you
14 inform that Ms. -- did you inform Ms. Diamond that
15 declining to share details without counsel present
16 would end a PREA investigation; and her response
17 was, No, I did not, I told her the opposite?

17:52:41

17:52:45

17:52:49

17:52:51

17:52:54

18 A No, I was not aware.

17:52:58

19 Q But you are aware that Ms. Cantera, in
20 her email to you, indicated her belief that
21 arrangements were being made for Ms. Diamond's
22 lawyers to join her, correct?

17:53:00

17:53:05

17:53:09

17:53:12

23 A Based on Mr. Betterson's response.

17:53:15

24 Q And you do not know of any instance,

17:53:19

25 apart from, as you indicated, receiving the

17:53:30

1 dispositions of her PREA complaints in discovery, 17:53:34
2 where Ms. Diamond was notified that her PREA 17:53:42
3 allegations would be dismissed as unfounded, 17:53:45
4 meaning they were false, if she did not 17:53:49
5 participate in an interview without her attorneys 17:53:53
6 present? 17:53:56

7 A You're asking, did I know that -- can you 17:54:01
8 repeat that, please? 17:54:06

9 Q Sure. 17:54:07

10 You never informed Ms. Diamond that her 17:54:11
11 PREA allegations would be deemed false if she did 17:54:14
12 not sit for an interview, correct? 17:54:17

13 A I did not notify her, yes, correct. 17:54:19

14 Q You did not instruct your staff to notify 17:54:22
15 Ashley Diamond that her PREA complaints would be 17:54:27
16 deemed false if she did not sit for an interview 17:54:30
17 without her attorneys present, correct? 17:54:33

18 A Myself and Mr. Betterson had 17:54:36
19 conversations in reference to what Ms. Diamond was 17:54:38
20 requesting, and during those conversations, it was 17:54:42
21 made clear that no attorney was coming into this 17:54:45
22 facility to be a part of the internal 17:54:49
23 investigation. 17:54:52

24 Q Conversations that you and Mr. Betterson 17:54:53
25 had with yourselves? 17:54:58

1 A Yes. So I am not aware if Mr. Betterson 17:54:59
2 told her or not. So I guess the long answer would 17:55:05
3 be no. 17:55:09
4 Q And turning back to what we previously 17:55:11
5 marked as Exhibit -- Betterson Exhibit 12 -- 17:55:18
6 sorry, is it 12? 17:55:32
7 MR. CHALMERS: 17? 17:55:34
8 MS. EZIE: I believe it's 12. I'm 17:55:36
9 referring to a document that was produced in 17:55:38
10 discovery as DEF_960, I believe. Just give me a 17:55:40
11 moment to pull it up. Yeah. 17:55:53
12 A/V TECH: That is correct, it is 17:55:54
13 Exhibit 12. 17:55:56
14 MS. EZIE: Thank you so much. 17:55:57
15 Q Do you see, Mr. Benton, that as of 17:55:58
16 October 8th, 2020, Ashley Diamond was still 17:56:01
17 awaiting a response to whether her requests for 17:56:05
18 counsel to be present during interviews was going 17:56:11
19 to be granted at the facility level? 17:56:13
20 A Based on this statement, yes. 17:56:16
21 Q Isn't it true there are ways to 17:56:19
22 investigate PREA complaints that don't involve 17:56:28
23 having a witness -- having an interview with a 17:56:33
24 victim? 17:56:37
25 A No. If you know a victim, if you know of 17:56:41

1 a victim, then the interview will occur. 17:56:47

2 Q Okay. 17:56:52

3 (Cross-talk.) 17:56:53

4 A I'm sorry. 17:56:53

5 If it's anonymous, like you said earlier, 17:56:53

6 then there's no way of finding out who the victim 17:56:58

7 is if they've submitted something anonymously. 17:57:01

8 Q And there's still a duty to investigate 17:57:05

9 anonymous reports, correct? 17:57:07

10 A Try to, yes. 17:57:10

11 Q Okay. Now, when Mr. Betterson indicated 17:57:12

12 that he was marking Ms. Diamond's PREA complaint 17:57:18

13 unfounded due to her lack of interview 17:57:22

14 participation, he didn't indicate any other steps 17:57:26

15 to investigate Ms. Diamond's claim that had been 17:57:31

16 taken, correct? 17:57:34

17 A He did not. 17:57:36

18 Q Are you aware of any other investigative 17:57:38

19 steps that were taken to investigate Ms. Diamond's 17:57:40

20 PREA complaints from September 2020 other than 17:57:44

21 asking her to sit for an interview? 17:57:47

22 A I am not. 17:57:50

23 Q Are you aware that Ms. Diamond made PREA 17:57:51

24 complaints in October concerning incidences where 17:57:59

25 inmates entered her dormitory? 17:58:05

Transcript of Brooks Benton
Conducted on May 10, 2022

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1	A	Yes.	17:58:07
2	Q	Are you aware that those incidences --	17:58:09
3		sorry. And attacked her in her cell.	17:58:14
4		Do you recall that?	17:58:18
5	A	Yes.	17:58:20
6		[REDACTED]	17:58:21
7		[REDACTED]	17:58:25
8		[REDACTED]	17:58:30
9		[REDACTED]	17:58:32
10		[REDACTED]	17:58:37
11		[REDACTED]	17:58:38
12	Q	There was no video preserved from the	17:58:41
13		dates where she alleged attacks, correct?	17:58:45
14	A	I'm not aware.	17:58:48
15	Q	And Ms. Diamond also alleged that she was	17:58:54
16		assaulted in the dayroom of her dormitory in	17:59:03
17		March 8th and March 9th of 2021.	17:59:07
18		Do you recall that?	17:59:11
19	A	I don't recall.	17:59:12
20	Q	Are there -- in the evidence-based	17:59:15
21		dormitory, is there something called mentors?	17:59:20
22	A	Yes.	17:59:23
23	Q	What are dormitory mentors?	17:59:24
24	A	Mentors are offenders that have been	17:59:29
25		there for a while and have -- they're there to	17:59:32

1 assist new inmates that come to the dormitories, 17:59:36
2 assist them with information necessary for them to 17:59:43
3 make it through the program, giving them 17:59:48
4 information on group times, on meeting times. 17:59:51
5 Some of the mentors facilitate meet/greet groups. 17:59:56
6 And that's basically what they're used for. 18:00:00
7 Q Ms. Diamond alleges that she reported her 18:00:04
8 sexual abuse incidents to the prison mentors in 18:00:12
9 March 8th and March 9th. 18:00:17
10 Are they a means by which PREA complaints 18:00:20
11 can be made? 18:00:23
12 A PREA complaints can be made, as we 18:00:25
13 discussed earlier, second-party, third-party. If 18:00:29
14 those individuals choose to come forward and 18:00:34
15 present that, then it would be taken as such. 18:00:38
16 Q Okay. Was there any investigation that 18:00:41
17 was launched into Ashley Diamond's allegation that 18:00:45
18 she was assaulted in the dayroom of the prison 18:00:50
19 dormitory on March 8th and March 9th of 2021? 18:00:53
20 A I can't recall if it was or not. If it 18:00:56
21 was, I'm sure investigation was done. If it was 18:01:00
22 reported to a staff member, then it would have 18:01:02
23 been reported to the PREA team, and an 18:01:05
24 investigation would have been completed, if it was 18:01:11
25 reported. 18:01:14

1 Q Okay. Now, are you aware that Ashley 18:01:14
2 Diamond alleges in March 29th of 2021, that 18:01:21
3 inmates used a fan to knock down her shower 18:01:25
4 curtain as she was showering? 18:01:30
5 A I remember hearing something about it. 18:01:34
6 Don't know how I received the information. I 18:01:37
7 don't know if I received it from Diamond -- 18:01:40
8 Ms. Diamond or if I received it from a staff 18:01:42
9 member. But I do remember hearing that one of the 18:01:45
10 fans blew her curtain open while she was taking a 18:01:51
11 shower. 18:01:56
12 Q Ms. Diamond was not given a time -- an 18:01:57
13 opportunity to shower at a time where male inmates 18:02:02
14 were not also showering, correct? 18:02:05
15 A That, I'm not aware of. I had no -- 18:02:11
16 Ms. Diamond has never reported to me wanting to 18:02:17
17 shower in a different area other than inside the 18:02:20
18 building. 18:02:23
19 Q Has she -- but PREA indicates that 18:02:25
20 transgender inmates are supposed to be given an 18:02:30
21 opportunity to shower separately from other 18:02:32
22 inmates, correct? 18:02:35
23 A Yes, it does, if they request it. 18:02:37
24 Q If they request it, or that's the policy 18:02:41
25 of PREA? 18:02:43

1 A If they request it. Some inmates don't 18:02:43
2 choose to go outside the dorm. Some transgender 18:02:48
3 offenders don't choose to go outside the dorm 18:02:52
4 because they know their shower is individual 18:02:55
5 showers, one-person showers. 18:02:58
6 Q Isn't it true that Ashley Diamond 18:02:59
7 expressed that she was concerned that she was 18:03:02
8 unable to shower privately, as outlined in PREA 18:03:06
9 guidelines? 18:03:12
10 A I don't recall that. 18:03:12
11 Q What, if anything, did you -- are you 18:03:23
12 aware that following the PREA allegation Ashley 18:03:27
13 Diamond made with respect to the shower curtain 18:03:32
14 being blown open, that she was evaluated by a 18:03:36
15 staff member who recommended that she be 18:03:40
16 transferred away from her dormitory? 18:03:43
17 A No, I'm not aware. 18:03:46
18 Q Are you familiar with a GDC provider 18:03:48
19 named Gerilyn Pepin? 18:03:54
20 A Yes, I am. 18:03:56
21 Q Who is Gerilyn Pepin? 18:03:57
22 A Pepin was a counselor. 18:04:00
23 Q Was she a part of the PREA investigation 18:04:02
24 process? 18:04:05
25 A I can't recall that she was at that time. 18:04:06

1 The team changed over. 18:04:11

2 Q Is there a role in the PREA investigation 18:04:16

3 process for providers to make recommendations 18:04:21

4 concerning the treatment of alleged victims going 18:04:24

5 forward? 18:04:27

6 A Is there a -- I'm sorry. Say that again? 18:04:29

7 Q A place or an opportunity for GDC 18:04:31

8 providers to make recommendations regarding the 18:04:35

9 way that PREA allegations should be handled with 18:04:39

10 respect to inmate safety going forward? 18:04:44

11 A Yes. 18:04:45

12 Q What is supposed to happen when 18:04:47

13 recommendations are received as part of PREA 18:04:51

14 investigations? 18:04:54

15 A It depends on the recommendation. If the 18:04:55

16 provider is requesting a change of prison, that is 18:04:58

17 reviewed. If they're requesting a change of dorm, 18:05:04

18 that is reviewed. If they're requesting the 18:05:08

19 removal of the aggressor, that is reviewed. 18:05:12

20 Q And who is supposed to review those 18:05:18

21 recommendations? 18:05:20

22 A The supervisor of that counselor. 18:05:21

23 Q Is that something that you have a role in 18:05:24

24 reviewing as well? 18:05:28

25 A Not necessarily. If it goes up to the 18:05:29

1 deputy warden's level, they can handle that. 18:05:32

2 Q Okay. To confirm, you never -- strike 18:05:35

3 that. 18:05:43

4 Now, let's turn back to October. You do 18:05:43

5 recall that Ashley Diamond made several PREA 18:05:54

6 complaints in October of 2020? 18:05:58

7 A I can't recall how many complaints she 18:06:05

8 made in October 2020 unless I see the file. 18:06:08

9 Q But she did make PREA complaints in 18:06:15

10 October 2020, if you recall? 18:06:18

11 A Yes, I do recall. 18:06:19

12 Q One of the allegations was that she was 18:06:21

13 assaulted by an inmate while she was asleep? 18:06:23

14 A Yes, I do recall that. 18:06:27

15 Q An inmate named Christopher Graham. 18:06:28

16 Do you recall that? 18:06:34

17 A Don't recall the name, but I do recall 18:06:35

18 the incident. 18:06:37

19 Q Okay. And Ashley Diamond also alleged 18:06:37

20 that she was sexually assaulted by an inmate named 18:06:44

21 Earl Thigpen? 18:06:50

22 A I recall that. 18:06:53

23 MS. EZIE: Okay. I'm so sorry to require 18:06:55

24 my own spider break equivalent, but my doorbell is 18:07:00

25 ringing. Can we go briefly off the record. 18:07:03

Transcript of Brooks Benton
Conducted on May 10, 2022

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1 Hopefully, I'll be back in the next few minutes. 18:07:06

2 VIDEOGRAPHER: We're going off the 18:07:10

3 record. The time is 6:07. 18:07:11

4 (Recess from 6:07 p.m. until 6:09 p.m.) 18:09:25

5 BY MS. EZIE: 18:09:25

6 Q Mr. Benton, did you ever retrieve video 18:09:29

7 from the days that Ms. Diamond -- the time period 18:09:41

8 Ms. Diamond alleged that she was attacked by 18:09:46

9 inmates in her dormitory to -- in connection with 18:09:50

10 her allegations? 18:09:56

11 A I can't recall if I did. I know if -- 18:09:59

12 once I received the information, the video was the 18:10:03

13 first place that my staff went to try to pull it 18:10:08

14 up based on the time frame. If it was after the 18:10:11

15 30-day window, then it could not be retrieved. 18:10:16

16 Q Any time an allegation was made -- any 18:10:20

17 time you received an allegation ██████████ 18:10:25

18 ██████████, your practice should have been to 18:10:29

19 preserve the video, correct? 18:10:34

20 A Correct. 18:10:36

21 Q Now, Ashley Diamond also alleges that -- 18:10:38

22 sorry. 18:10:53

23 Over the course of several days, you 18:10:54

24 heard testimony about Ashley Diamond's sexual 18:10:56

25 abuse allegations in Macon, Georgia, correct? 18:11:00

1 A Yes. 18:11:05

2 Q You heard testimony from Ashley Diamond, 18:11:06

3 correct? 18:11:09

4 A Correct. 18:11:10

5 Q Along with other witnesses who claimed 18:11:11

6 they had observed sexual abuse incidents in her 18:11:15

7 dormitory? 18:11:20

8 A Correct. 18:11:21

9 Q And Ahmed Holt also testified during the 18:11:23

10 course of that hearing, correct? 18:11:28

11 A He did. 18:11:30

12 Q Were you there when he testified? 18:11:31

13 A I was. 18:11:35

14 Q And who is Ahmed Holt? 18:11:36

15 A He's the assistant commissioner over 18:11:39

16 facilities operations. 18:11:42

17 Q And do you recall that Ahmed Holt 18:11:42

18 indicated there was no expiration date for PREA 18:11:47

19 investigations? 18:11:51

20 A Yes. 18:11:51

21 Q Is that true? 18:11:53

22 A Yes. 18:11:56

23 Q Do you recall that Ahmed Holt stated that 18:11:57

24 Ashley Diamond's PREA complaints could be 18:12:01

25 investigated further following the hearing? 18:12:03

1 A Yes. 18:12:06

2 Q Since the hearing, have you reopened any 18:12:07

3 of the investigations into Ashley Diamond's PREA 18:12:12

4 complaints at Coastal? 18:12:15

5 A I have not. 18:12:18

6 Q Why not? 18:12:20

7 A I wasn't instructed to do so. 18:12:22

8 Q But you had the ability, correct? 18:12:25

9 A To reopen investigations that were deemed 18:12:29

10 unfounded? 18:12:32

11 Q Correct. 18:12:34

12 A Yes. Yes, I had the ability once I was 18:12:36

13 given the direction to do so. 18:12:42

14 Q Ahmed Holt, at the hearing, indicated 18:12:45

15 that Ms. Diamond's past PREA complaints could be 18:12:49

16 investigated further, correct? 18:12:52

17 A Could be, yes. 18:12:54

18 Q You're not aware of any barrier that 18:12:55

19 prevented you from doing that following the 18:12:59

20 hearing? 18:13:02

21 A I can't -- I can't recollect what 18:13:02

22 happened or what was going on during that time. 18:13:05

23 There was some stuff going on personally with me 18:13:09

24 during that time. So I can't -- I can't 18:13:11

25 recollect, at that specific moment, what was going 18:13:14

1 on. But I knew there was -- I had some personal 18:13:17
2 issues going on. 18:13:21

3 Q Okay. Just to clarify my question, there 18:13:21
4 was nothing in -- there was nothing that prevented 18:13:26
5 your personnel at Coastal State Prison from 18:13:29
6 reexamining Ashley Diamond's PREA complaints 18:13:34
7 following the hearing, correct? 18:13:38

8 A I guess if they were -- if they were not 18:13:40
9 told to do so, they would not do it on their -- 18:13:50
10 reopen it on their own. 18:13:53

11 Q And you never instructed them to do so? 18:13:55

12 A I did not. 18:13:58

13 Q You never attempted to contact any of the 18:14:00
14 witnesses who testified at the hearing and 18:14:06
15 provided information concerning Ashley Diamond's 18:14:10
16 safety? 18:14:14

17 A I did not. 18:14:15

18 Q You didn't instruct any of your personnel 18:14:19
19 to do that either, correct? 18:14:22

20 A I did not. 18:14:22

21 Q Why not? 18:14:28

22 A I was not advised to do so. 18:14:29

23 Q Wasn't that entire hearing about Ashley 18:14:31
24 Diamond's concerns for her safety in Coastal? 18:14:36

25 MR. CHALMERS: Objection. 18:14:40

1 allegation. 18:16:13

2 But Ms. Wilkerson -- that's her name, the 18:16:14

3 deputy warden of security's secretary. 18:16:18

4 Ms. Wilkerson reviewed footage daily, just 18:16:22

5 randomly chose different times to look into the 18:16:26

6 dorm to see what she could see. So that was after 18:16:28

7 the hearing. 18:16:32

8 Q Okay. What about between July -- between 18:16:33

9 the period when you received Ashley Diamond's 18:16:43

10 first complaint of inmate-on-inmate sexual abuse 18:16:46

11 at Coastal State Prison and the point of the 18:16:50

12 parties' hearing, what steps did you take to 18:16:56

13 protect Ashley Diamond from sexual abuse at 18:17:01

14 Coastal? 18:17:05

15 A Started an investigation based on the 18:17:06

16 allegation and based on information presented 18:17:09

17 during the investigation. 18:17:14

18 Q And the investigations you're referring 18:17:17

19 to are the investigations we've been discussing 18:17:19

20 today? 18:17:22

21 A Correct. 18:17:22

22 Q Do you know whether, over the course of 18:17:24

23 any of these investigations, Ashley Diamond was 18:17:28

24 asked for -- whether she had physical evidence to 18:17:32

25 corroborate her sexual abuse claims? 18:17:36

1 A During the investigation, yes, she was 18:17:40
2 asked during the investigation. 18:17:42

3 Q Where is that reflected? 18:17:45

4 A If she was -- it's reflected in the 18:17:48
5 report. If she shut down and failed to go along 18:17:51
6 with the investigators by giving testimony or 18:17:56
7 information, then it wouldn't have went any 18:17:59
8 further, because that was her opportunity to give 18:18:02
9 that evidence. Or if she did not want to give the 18:18:06
10 evidence to, just for example, Mr. Betterson, she 18:18:11
11 could have gave the evidence to me. 18:18:15

12 Q Isn't participating in an interview and 18:18:22
13 providing evidence -- physical evidence of assault 18:18:24
14 two different things? 18:18:27

15 A It is. It is. But it's received during 18:18:28
16 the same process. 18:18:32

17 Q So your testimony is that if there were 18:18:34
18 instances where Ms. Diamond indicated her 18:18:37
19 reluctance to participate in an interview, staff 18:18:41
20 would not ask her whether she had other evidence 18:18:43
21 that she was able to share concerning the 18:18:47
22 assaults? 18:18:49

23 A No, because once she shuts down and said 18:18:51
24 she did not want to move forward, then they 18:18:53
25 wouldn't ask her if she had any evidence because 18:18:56

1 she's already told them that she don't want to 18:18:59
2 participate or didn't want to talk about it or 18:19:02
3 wanted her attorneys present. 18:19:04

4 Q Those are all different things, correct? 18:19:06

5 A Correct, you're right. 18:19:10

6 Q And so to your knowledge, there have not 18:19:13
7 been attempts -- you're not aware of any attempts 18:19:19
8 that Coastal staff made to collect physical 18:19:25
9 evidence that Ms. Diamond might have related to 18:19:28
10 her sexual assaults? 18:19:30

11 A I personally am not aware, correct. 18:19:32

12 Q Are you aware of any occasions where 18:19:35
13 personnel at Coastal attempted to speak to inmates 18:19:39
14 who had cells adjacent to Ashley Diamond to see if 18:19:45
15 they witnessed anything unusual? 18:19:49

16 A The investigator, when they investigate, 18:19:52
17 they go and talk to other inmates in the 18:19:56
18 dormitories, and that should be a part of the 18:20:01
19 investigation packet. 18:20:03

20 Q Are you aware of any instances where 18:20:05
21 inmates in Ashley Diamond's dormitory were 18:20:09
22 approached to see if they had information relevant 18:20:13
23 to her sexual abuse claims? 18:20:16

24 A Because there have been so many of them, 18:20:21
25 I do know that there have been witness statements 18:20:24

1 in some of her PREA allegations. But I cannot 18:20:29
2 tell you which one or how many. 18:20:33

3 Q Are you speaking about, for instance, the 18:20:39
4 incident from October 2020 where Ms. Diamond 18:20:44
5 alleged that Earl Thigpen witnessed an assault? 18:20:48

6 A I don't know specifically. That may be 18:20:54
7 one of them, yes. 18:20:57

8 Q Okay. Are you aware of instances where 18:20:58
9 officers endeavored to speak to people who may 18:21:05
10 have witnessed sexual abuse incidents just based 18:21:09
11 on their proximity to Ms. Diamond's cell? 18:21:15

12 A No. 18:21:19

13 Q Are you aware of any incidents where the 18:21:21
14 officers who were assigned to the evidence-based 18:21:25
15 dormitory were contacted to see if they observed 18:21:32
16 anything out of the ordinary on the days 18:21:36
17 Ms. Diamond alleged attacks? 18:21:38

18 A Oh, I'm quite sure, yes. The officer is 18:21:41
19 one of the main people that the investigator 18:21:44
20 speaks with to see if they remember seeing 18:21:47
21 anything. 18:21:50

22 Q If a contact of that nature occurred, 18:21:51
23 would it have been documented? 18:21:54

24 A Yes. The officer should have written a 18:21:56
25 witness statement. 18:21:59

1 Q If there's no witness statement, then an 18:22:00
2 officer interview likely did not occur? 18:22:06
3 A Correct. 18:22:09
4 Q Now, did you ever take steps, following 18:22:11
5 Ms. Diamond's sexual abuse incidents, to determine 18:22:21
6 if there needed to be adjustments to the policies 18:22:25
7 or procedures at Coastal State Prison? 18:22:30
8 A In reference to her allegations? 18:22:35
9 Q Correct. 18:22:40
10 A Did I think to make adjustments to the 18:22:43
11 policies and procedures of the GDC? 18:22:46
12 Q Did you ever evaluate whether adjustments 18:22:48
13 were needed? 18:22:52
14 A Other than the information that she 18:22:53
15 provided us -- if she provided us with information 18:22:59
16 on an aggressor, we would remove that aggressor 18:23:05
17 from the dormitory, place him in segregation 18:23:08
18 pending the outcome of the investigation. 18:23:13
19 I have transferred numerous amount of 18:23:16
20 inmates that were deemed aggressors to other 18:23:18
21 facilities because of the fear of retaliation from 18:23:24
22 the victim. 18:23:28
23 Q Have you ever done that in relation to 18:23:36
24 Ms. Diamond? 18:23:37
25 A No, because she -- the only one I can 18:23:38

1 think of that she mentioned a name was Thigpen, 18:23:42
2 and he was locked -- he was secured in segregation 18:23:46
3 following the investigation. And I think he was 18:23:51
4 ultimately transferred, but I can't -- I can't 18:23:53
5 swear to that. 18:23:57

6 Q You're aware that Thigpen is a convicted 18:24:02
7 sexual offender, correct? 18:24:06

8 A No, I'm not aware. As I stated earlier, 18:24:07
9 we have several inmates throughout all of the 18:24:12
10 dormitories that probably fit that designation. 18:24:16

11 Q Including in the evidence-based 18:24:18
12 dormitory? 18:24:21

13 A Correct. 18:24:21

14 Q Now, has -- Ms. Diamond was briefly 18:24:23
15 offered escorts at Coastal State Prison, correct? 18:24:36

16 A She was. 18:24:39

17 Q Why was that? 18:24:41

18 A It was necessary at that time because of 18:24:43
19 her many allegations of catcalling and stuff of 18:24:49
20 that nature. So I wanted to ensure that she got 18:24:53
21 to medical, received her medication, and got back 18:24:57
22 to the dormitory, got to her -- 18:24:59

23 (Cross-talk.) 18:25:04

24 Q Sorry. 18:25:04

25 A -- got to her attorney calls, and did not 18:25:05

1 deviate other places. 18:25:10

2 Q Okay. Why were those escorts -- when 18:25:14

3 were those escorts discontinued? 18:25:22

4 A I can't recall. 18:25:24

5 Q Why were they discontinued? 18:25:29

6 A I can't recall that they were 18:25:33

7 discontinued. My directive was that she be 18:25:35

8 escorted to and from medical. That really was the 18:25:39

9 only place -- to and from medical, to and from the 18:25:45

10 chow hall. Those were the only two places that 18:25:48

11 she needed to go to. 18:25:52

12 And once a week or twice a week, she had 18:25:54

13 attorney calls. She was escorted to the attorney 18:25:57

14 calls. Ms. Diamond would finish the attorney 18:26:00

15 calls and find herself somewhere else in the 18:26:03

16 prison instead of waiting on her escort, as she 18:26:06

17 was instructed. So it was for our safety and her 18:26:09

18 safety why I had her escorted. Sometimes she 18:26:13

19 would be found in locations she was not supposed 18:26:18

20 to be. 18:26:19

21 Q Now, is it true that Ashley Diamond's 18:26:21

22 attorney calls were monitored by GDC staff? 18:26:24

23 A No. From the outside of the room, yes. 18:26:28

24 Q Why was that? 18:26:32

25 A To make sure staff remained quiet during 18:26:34

1 the attorney call. And that's done on every 18:26:37
2 inmate that has an attorney call. 18:26:42

3 Q Isn't it true that you had officers send 18:26:45
4 you memos following Ashley Diamond's attorney 18:26:48
5 calls? 18:26:52

6 A Officers send me memos? No, that's not 18:26:53
7 true. 18:26:56

8 MS. EZIE: Okay. I'd like to mark as the 18:27:09
9 next Benton exhibit a document that was produced 18:27:11
10 in discovery as DEF_006407. It will be 18:27:13
11 document -- sorry -- Exhibit Number 18. 18:27:25

12 I'm going to quickly show it. If you 18:27:29
13 could push it to Mr. Chalmers, I'd appreciate it. 18:27:32

14 (Exhibit Benton-18 marked for 18:27:37
15 identification and attached to the transcript.) 18:27:53

16 BY MS. EZIE: 18:27:53

17 Q Let me know when you'd like me to scroll 18:27:53
18 down, Mr. Benton. 18:27:55

19 A Yes, you can scroll down. 18:28:04

20 Q Keep scrolling? 18:28:10

21 A Yes. 18:28:11

22 Q Okay. This is -- let's see. In 18:28:13
23 fairness, I don't think you're copied on this, at 18:28:19
24 least not at the top. 18:28:22

25 MS. EZIE: Let's look at another document 18:28:27

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1 to summarize information that was conveyed on 18:29:54

2 Ms. Diamond's call? 18:29:58

3 A No. I took it as information that was 18:29:59

4 summarized outside of the room based on what they 18:30:02

5 saw at the glass door, based on what they saw 18:30:08

6 inside the room. They saw that she was upset for 18:30:11

7 some reason. 18:30:14

8 Q Do you see that it's indicating, Offender 18:30:15

9 Diamond was asked if everything was going okay and 18:30:18

10 he responded yes? 18:30:22

11 A Yes. I see that. I read that. 18:30:24

12 Q Do you understand that -- what do you 18:30:26

13 understand that to be a reference to? 18:30:30

14 A As I stated earlier, that they observed 18:30:32

15 her distraught and asked was she okay, and she 18:30:35

16 responded yes. 18:30:41

17 There's a door -- there's a door with a 18:30:44

18 glass, so you can see what's going on inside the 18:30:48

19 room, but they can't hear the conversation. 18:30:52

20 Q Okay. Was Ms. Diamond -- I'm going to 18:30:58

21 stop the share. 18:31:02

22 Was Ms. Diamond, during her time at 18:31:03

23 Coastal State Prison, ever the subject or target 18:31:05

24 of criminal investigations? 18:31:09

25 A I know I referred information up to 18:31:12

1 investigations. So yes, to answer your question, 18:31:23

2 I think she was. 18:31:25

3 Q What was -- what did you refer up for 18:31:26

4 investigation? 18:31:29

5 A I can't remember. I know, just thinking 18:31:30

6 off the top of my head, she was in possession of 18:31:35

7 marijuana. She was in possession, I want to say, 18:31:38

8 of some cocaine. It was found in her cell. 18:31:44

9 That's the only thing right now I can think of. 18:31:52

10 Q Are you familiar -- 18:31:59

11 (Cross-talk.) 18:32:01

12 Q My apologies. Did you have anything 18:32:02

13 further to say? 18:32:04

14 A That's the only thing I can think of at 18:32:04

15 this time. 18:32:06

16 Q Are you familiar with an individual named 18:32:06

17 Rojure Farlow? 18:32:13

18 A Yes. Yes, Investigator Farlow. 18:32:13

19 Q Who is Investigator Farlow? 18:32:16

20 A He works for the Georgia Department of 18:32:19

21 Corrections, and he is an investigator. 18:32:21

22 Q Do you know that he's -- are you aware of 18:32:24

23 any investigations he has conducted involving 18:32:31

24 Ashley? 18:32:34

25 A Yes, I am. Don't know specifics because 18:32:35

1 when he's -- when he is on property and 18:32:38
2 investigating, I'm not made aware of 18:32:43
3 investigations or the outcome immediately. 18:32:48
4 Q Are you aware of what, if any, subjects 18:32:53
5 he was investigating with respect to Ashley? 18:32:58
6 A I can't recall. I know he spoke to, I 18:33:01
7 want to say, one or two offenders, but I can't 18:33:09
8 recall. Like I said, when he comes on property, 18:33:14
9 you know, we basically let him do his job. But 18:33:18
10 he's an outside entity and answers to higher 18:33:22
11 powers. 18:33:28
12 Q Mr. Farlow's investigations are not PREA 18:33:29
13 investigations? 18:33:32
14 A If we refer the PREA investigations -- 18:33:34
15 the PREA report outside the facility, then yes, he 18:33:38
16 can be, on the outside, yes. And in that process, 18:33:41
17 it's in policy, if we deem something to be of 18:33:47
18 criminal nature, we forward it outside -- to our 18:33:50
19 outside GDC partners, investigation team, or as we 18:33:54
20 call it, IA, internal affairs. 18:33:59
21 MS. EZIE: Okay. I may be done. If we 18:34:08
22 could just take a -- go off the record, do a time 18:34:10
23 check, and probably give me five minutes. 18:34:14
24 VIDEOGRAPHER: We've been on the record 18:34:17
25 for 6 hours and 52 minutes. 18:34:19

1 MS. EZIE: Okay. And I'll just step 18:34:22
2 away, and hopefully, we'll get you out of here 18:34:26
3 soon, unless your counsel has follow-up. 18:34:30
4 Thank you. 18:34:31
5 VIDEOGRAPHER: The time is 6:34. It's 18:34:37
6 the end of -- we're just going off the record. 18:34:40
7 (Recess from 6:34 p.m. until 6:46 p.m.) 18:34:43
8 VIDEOGRAPHER: The time is 6:46. We're 18:46:14
9 on the record continuing recording 6. 18:46:24
10 BY MS. EZIE: 18:46:26
11 Q Now, earlier today, Mr. Benton, we spoke 18:46:27
12 about -- we spoke about PREA records concerning 18:46:29
13 Ms. Diamond. 18:46:39
14 To the extent there are PREA records 18:46:40
15 concerning investigative steps that were taken or 18:46:44
16 not taken, would those records exist in paper? 18:46:47
17 A All PREA reports are paper until uploaded 18:46:55
18 in SCRIBE. But yes, to answer your question. 18:47:00
19 Q And where would those records be 18:47:03
20 maintained for all of Ashley Diamond's PREA 18:47:05
21 complaints? 18:47:08
22 A Along with the other -- the PREA file 18:47:10
23 that's secured in the deputy warden's office. 18:47:14
24 Q Okay. What about videos that have been 18:47:17
25 preserved concerning Ashley Diamond or her sexual 18:47:20

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1 abuse complaints, where would those be maintained? 18:47:25

2 A Those videos would be on file in the 18:47:29

3 deputy warden of security's office. 18:47:32

4 Q And who is that person currently at 18:47:34

5 Coastal, if you know? 18:47:37

6 A If she's still there, Ms. Wilkerson. The 18:47:38

7 deputy warden of security is Zechariah Jones. 18:47:42

8 Q Okay. Who is the staff member who you 18:47:45

9 would have directed to download videos of Ashley 18:47:52

10 Diamond's -- related to Ashley Diamond's PREA 18:48:00

11 allegations if -- in the event you did? 18:48:03

12 A Ms. Wilkerson. 18:48:08

13 Q Okay. And where would records 18:48:11

14 identifying whether the cameras [REDACTED] 18:48:20

15 [REDACTED] were subject to maintenance -- where 18:48:26

16 would those records be located? 18:48:28

17 A Those records, that's an outside source. 18:48:33

18 So any time the cameras go down, there's a number 18:48:36

19 that was called to the IT -- GDC IT department, 18:48:40

20 and a ticket was put in via the phone. 18:48:46

21 Q Okay. Did you get confirmation of those 18:48:51

22 calls in writing? 18:48:57

23 A No. 18:48:59

24 Q When you say, a ticket was put in, what 18:49:01

25 kind of documentation would you receive that your 18:49:04

1 call had been logged? 18:49:09

2 A I would speak to an individual -- or we 18:49:12

3 would speak to an individual -- I was not the only 18:49:15

4 one making calls. 18:49:17

5 But we would speak to an individual on 18:49:18

6 the other line and tell them that one of the 18:49:20

7 cameras or -- I mean, just what issue was 18:49:24

8 happening with the cameras. Camera 1 is down and 18:49:27

9 not recording, not showing anything on the 18:49:31

10 monitor, can you send someone out to investigate, 18:49:35

11 just something of that nature. 18:49:40

12 And then the person receiving the call 18:49:41

13 would say, we'll place a ticket and get a 18:49:43

14 repairman out as soon as possible. 18:49:46

15 Q And in cases where a repairperson was 18:49:48

16 sent, you would have a physical record in the form 18:49:51

17 of a work order? 18:49:55

18 A I would not. They would. Their 18:49:56

19 department would. 18:50:01

20 Q What's the name of that department? 18:50:02

21 A It's the IT department. It's the 18:50:05

22 department over cameras, the prison cameras 18:50:08

23 throughout the state. 18:50:12

24 Q And it would just be referred to as the 18:50:13

25 GDC IT department? 18:50:15

1 A Yes. I mean, that's what I refer them 18:50:17
2 to. I don't know if there's another name that 18:50:21
3 they go by. But I've always referred them to IT. 18:50:23
4 MS. EZIE: Okay. Counsel, my 18:50:31
5 understanding is that the documents we just 18:50:32
6 described would all be responsive to existing 18:50:34
7 discovery, so I would just ask that steps be taken 18:50:37
8 to preserve it. 18:50:40
9 MR. CHALMERS: We've already done it. 18:50:42
10 We've already searched for and collected and 18:50:43
11 produced anything that could possibly be found in 18:50:46
12 the way of maintenance records for cameras. 18:50:48
13 There's nothing more, Counsel. Everything he's 18:50:50
14 described, we've looked for. 18:50:53
15 MS. EZIE: Okay. Well, thanks for your 18:50:55
16 time, Mr. Benton. I think I've concluded my 18:50:58
17 questions. 18:51:01
18 THE WITNESS: You're welcome. Thank you. 18:51:02
19 MS. EZIE: Anything from you, 18:51:07
20 Mr. Chalmers? 18:51:09
21 MR. CHALMERS: Yes, I have some 18:51:10
22 questions. 18:51:12
23 EXAMINATION 18:51:13
24 BY MR. CHALMERS: 18:51:14
25 Q Warden Benton, you said if a PREA 18:51:15

1 allegation was received, that the video would be 18:51:18
2 checked, that was the practice? 18:51:21
3 A Yes. 18:51:23
4 Q And you were asked this question. Your 18:51:24
5 practice should have been to preserve the video, 18:51:30
6 and you answered, yes. 18:51:33
7 Do you recall that? 18:51:35
8 A Yes. 18:51:35
9 Q Did Coastal State Prison download and 18:51:36
10 save video footage if, when you went to look at 18:51:42
11 the video, there was nothing on the video? 18:51:46
12 A No. 18:51:48
13 Q Okay. In those instances, the video 18:51:50
14 would not -- you wouldn't download and save video 18:51:53
15 that shows nothing? 18:51:56
16 A Correct. 18:51:57
17 Q In your understanding, was that in line 18:52:00
18 with what GDC wanted the facility to do? 18:52:03
19 A Yes. 18:52:07
20 Q That was consistent with policies? 18:52:07
21 A Yes. 18:52:10
22 MR. CHALMERS: Can we pull up, please, 18:52:16
23 Exhibit 15, which was the Grace Atchison 18:52:18
24 declaration. 18:52:21
25 MS. EZIE: And I'm sorry. This is 18:52:23

1 certainly my mistake, but I tried to object to 18:52:27
2 form to the last two questions, and I just 18:52:29
3 happened to be on mute. If you could note my 18:52:31
4 objections, I would appreciate it. 18:52:34

5 MR. CHALMERS: Thank you. 18:52:41

6 And then -- so if you could go to near 18:52:42
7 the bottom of page 7, please. If we could just 18:53:07
8 scroll down to that. Yes, that's it. 18:53:10

9 Q Warden Benton, you recall you were asked 18:53:18
10 about Grace Atchison's declaration. 18:53:20

11 You recall that? 18:53:22

12 A Yes. 18:53:23

13 Q This was not -- 18:53:24

14 A Yes.

15 Q This was not your declaration, first off, 18:53:26
16 correct? 18:53:28

17 A Correct. 18:53:29

18 Q And you didn't review it and sign it at 18:53:30
19 the time it was submitted, correct? 18:53:34

20 A Correct. 18:53:36

21 Q But nonetheless, you were asked earlier 18:53:37
22 today to look at it and then answer questions 18:53:39
23 based on it. So I'm going to ask you a few 18:53:42
24 questions. 18:53:45

25 You understand that Ms. Atchison would 18:53:46

1 base her declaration on PREA records, correct? 18:53:53

2 A Correct. 18:53:56

3 Q What she says here in her declaration she 18:53:58

4 would draw from the PREA records, correct? 18:54:02

5 A Correct. 18:54:05

6 Q You would not expect her to just make up 18:54:07

7 this information and put it in a declaration, 18:54:10

8 would you? 18:54:13

9 A Correct. 18:54:14

10 Q Now, if you look on this page that we've 18:54:16

11 had pulled up, it says near the bottom that as to 18:54:20

12 that July 3rd allegation, which is an allegation 18:54:25

13 of sexual assault and attempted rape, it says, 18:54:30

14 Diamond refused to discuss the allegation on two 18:54:33

15 occasions stating she wanted her attorneys 18:54:36

16 present. 18:54:38

17 Do you see that language? 18:54:39

18 A Yes. 18:54:40

19 Q We've heard from a mental health 18:54:40

20 counselor and seen documentation in this case to 18:54:45

21 the effect that you directed the mental health 18:54:48

22 folks to go try to talk to Diamond on three 18:54:51

23 separate occasions about this incident. 18:54:55

24 Do you remember that? 18:54:57

25 A Yes. 18:54:58

1 Q Can we just scroll down in this exhibit 18:54:59
2 to the next page. Right there. A little bit 18:55:06
3 further down so he can see the September 1. 18:55:09
4 That's good. 18:55:12
5 Do you recall what -- going back to that 18:55:13
6 July 3rd, when you directed the mental health 18:55:23
7 counselor to talk to Ms. Diamond, or try to talk 18:55:26
8 to Ms. Diamond, do you recall if they ever got 18:55:30
9 information from her? 18:55:33
10 A No. They said she would not talk. 18:55:35
11 Q In this September 1 incident that's 18:55:39
12 described, this is the one where Ms. Diamond made 18:55:44
13 an allegation about Deputy Warden Betterson, it's 18:55:47
14 written again in the declaration, Diamond again 18:55:51
15 refused to participate in PREA interviews. 18:55:54
16 Do you see that? 18:55:57
17 A Yes. 18:55:57
18 Q And then can we scroll down to 18:55:58
19 September 18. Okay. 18:56:01
20 This is the one that -- where Ms. Diamond 18:56:06
21 described several incidents over a period of a 18:56:11
22 weekend. 18:56:15
23 Do you recall looking at that earlier? 18:56:15
24 A Yes. 18:56:17
25 Q So if we can scroll down to the next 18:56:18

1 page. We're still talking about the same 18:56:32
2 September 18 incident. A little bit higher, 18:56:35
3 please. Right there. 18:56:38
4 And it says again, in this description 18:56:40
5 about the September 18th incident, Diamond refused 18:56:42
6 to cooperate in the interview process. 18:56:44
7 Do you see that? 18:56:47
8 A Yes. 18:56:47
9 Q Are these descriptions from July 3rd, 18:56:48
10 2020, September 1, 2020, September 18, 2020, of 18:56:53
11 Diamond refusing to cooperate in the PREA 18:56:59
12 investigation, is that consistent with what you 18:57:03
13 recall? 18:57:05
14 A Yes. 18:57:06
15 Q And then we -- we don't have to bring it 18:57:07
16 up, but Exhibit 17, we saw the memo from Carl 18:57:19
17 Betterson about the September -- I believe it was 18:57:22
18 about a September 18 incident where he said that 18:57:24
19 Ms. Diamond did not participate in the 18:57:29
20 investigation. 18:57:31
21 Do you recall looking at that? 18:57:32
22 A September the 30th or 18th? 18:57:34
23 Q It may have been 30th. 18:57:36
24 Can we pull up Exhibit 17, please, just 18:57:38
25 to be sure. 18:57:41

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1 A Yes, I remember this. 18:57:47

2 Q Okay. So here again, Mr. Betterson 18:57:49

3 indicated to you that offender Diamond stated that 18:57:55

4 she did not want to talk about the incident. 18:58:01

5 A Yes. 18:58:04

6 Q And is that actually what you recall, 18:58:05

7 that at that time, September 2020, Ms. Diamond was 18:58:08

8 still refusing to talk about these incidents? 18:58:11

9 A Yes. 18:58:14

10 Q These refusals to participate in a PREA 18:58:19

11 investigation, in your experience, is that 18:58:26

12 consistent with an offender who is afraid for 18:58:30

13 their safety? 18:58:33

14 A No. 18:58:35

15 Q Do you recall at the May hearing, or at 18:58:37

16 the end of the May hearing where Judge Treadwell 18:58:49

17 indicated to Ms. Diamond's lawyers they should 18:58:52

18 reconsider their advice that she not participate 18:58:55

19 in the PREA process? 18:58:57

20 Do you remember that? 18:58:59

21 A Yes. 18:58:59

22 Q Okay. After the May hearing, did 18:59:01

23 Ms. Diamond come to you and say, okay, I'm ready 18:59:05

24 to talk about my PREA complaints now? 18:59:08

25 A She did not. 18:59:11

1 MS. EZIE: Object to form. 18:59:13

2 Q After the May hearing, did Ms. Diamond 18:59:17

3 ever inform you that her lawyers had said, it's 18:59:20

4 okay now, I can talk to you about my PREA 18:59:23

5 complaints? 18:59:26

6 A She did not. 18:59:27

7 MS. EZIE: Object to form. 18:59:27

8 Q At any time after that May 2021 hearing, 18:59:30

9 did Ms. Diamond say, those old allegations where I 18:59:33

10 refused to participate, can you please open up the 18:59:37

11 investigation and I will participate now? 18:59:40

12 MS. EZIE: Object to form. 18:59:42

13 A She did not. 18:59:43

14 Q Go ahead and answer so it's clear we have 18:59:45

15 it. 18:59:48

16 A She did not. 18:59:49

17 Q Thank you. 18:59:50

18 Have you ever received proof that 18:59:55

19 Ms. Diamond's PREA complaints were true? 18:59:59

20 A Did not. 19:00:04

21 Q Are you aware of any PREA investigations 19:00:08

22 where sexual abuse was claimed or alleged by 19:00:11

23 Ms. Diamond and it was confirmed? 19:00:16

24 A Did not. 19:00:18

25 MR. CHALMERS: Those are all the 19:00:54

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1 questions I have. 19:00:55

2 And we will -- I don't believe we 19:00:56

3 indicated this, but Warden Benton will reserve 19:00:57

4 signature, will read and sign. 19:01:02

5 THE WITNESS: Yes, sir. 19:01:04

6 MR. HENEFELD: I have no questions for 19:01:06

7 the warden. Thank you, Warden. 19:01:08

8 THE WITNESS: You're welcome. Thank you. 19:01:09

9 MS. EZIE: Good evening, all. 19:01:12

10 COURT REPORTER: Anything else for the 19:01:15

11 record? Was there anything we needed to designate 19:01:16

12 confidential? 19:01:22

13 MS. EZIE: Not on the end of plaintiff at 19:01:23

14 this time. 19:01:27

15 MR. CHALMERS: No, I don't believe so. 19:01:27

16 The lawyers are subject to redacting if we file 19:01:33

17 anything that should be redacted. But as far as 19:01:36

18 the transcript itself, no. Thank you, though, for 19:01:38

19 asking. 19:01:40

20 VIDEOGRAPHER: Then we're going off the 19:01:41

21 record. The time is 7:01. That's the end of 19:01:43

22 recording 6. 19:01:46

23 COURT REPORTER: Counsel, before you 19:01:49

24 leave, can I just confirm your transcript orders. 19:01:51

25 MS. EZIE: Yes, please. 19:01:53

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1 MR. CHALMERS: Yes. 19:02:06

2 COURT REPORTER: Would you like a rough 19:02:06

3 draft, and do you need the transcript sooner than 19:02:07

4 two weeks? 19:02:10

5 MS. EZIE: Two weeks is your ordinary 19:02:12

6 turnaround? 19:02:13

7 COURT REPORTER: Yes. 19:02:14

8 MS. EZIE: Is one week considered 19:02:20

9 expedited? 19:02:23

10 COURT REPORTER: Yes, ma'am. Anything 19:02:25

11 sooner than two weeks is expedited. 19:02:27

12 MS. EZIE: I think only because I was not 19:02:32

13 able to -- I'm happy to have Mr. Chalmers give his 19:02:35

14 transcript order before I bore you with my issue. 19:02:43

15 But I'm just wondering what to do about the 19:02:43

16 realtime charge. 19:02:45

17 COURT REPORTER: Ms. Meeropol connected, 19:02:45

18 you did not, so it will just be one, at least from 19:02:45

19 my perspective.

20 MS. EZIE: Mr. Chalmers, if you want to 19:03:10

21 give your order, I'm in contemplation. 19:03:12

22 MR. CHALMERS: I don't need it expedited. 19:03:14

23 I'd just like a full with exhibits, please. And I 19:03:17

24 don't need the video. Thank you. 19:03:19

25 COURT REPORTER: Mr. Henefeld, do you 19:03:24

1 need a transcript? 19:03:27

2 MR. HENEFELD: Yes, ma'am. Just an 19:03:27

3 electronic full with the exhibits. And I do not 19:03:29

4 need a copy of the video either. 19:03:31

5 COURT REPORTER: Regular two-week 19:03:34

6 delivery is fine? 19:03:37

7 MR. HENEFELD: That's fine, yes, ma'am. 19:03:38

8 COURT REPORTER: Ms. Ezie? 19:03:44

9 MS. EZIE: Could I follow up via email? 19:03:47

10 Is that terribly inconvenient? 19:03:50

11 COURT REPORTER: Not at all. 19:03:53

12 MS. EZIE: Thanks, all. 19:04:09

13 (Off the record at 7:04 p.m.)

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ACKNOWLEDGEMENT OF DEPONENT

I, BROOKS BENTON, do hereby acknowledge that I have read and examined the foregoing testimony, and the same is a true, correct and complete transcription of the testimony given by me, and any corrections appear on the attached errata sheet signed by me.

(DATE)

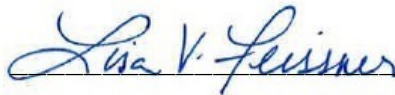
(SIGNATURE)

C E R T I F I C A T E

1
2
3 I, Lisa V. Feissner, RDR, CRR, CLR, do
4 hereby certify that the witness was first duly
5 sworn by me and that I was authorized to and did
6 report said proceedings.

7 I further certify that the foregoing
8 transcript is a true and correct record of the
9 proceedings; that said proceedings were taken by
10 me stenographically and thereafter reduced to
11 typewriting under my supervision; that reading and
12 signing was requested; and that I am neither
13 attorney nor counsel for, nor related to or
14 employed by, any of the parties to the action in
15 which this deposition was taken; and that I have
16 no interest, financial or otherwise, in this case.

17
18 IN WITNESS WHEREOF, I have hereunto set my
19 hand this 19th day of MAY, 2022.

20
21 

22 Lisa V. Feissner, RDR, CRR, CLR

23
24 (The foregoing certification of this
25 transcript does not apply to any reproduction of
the same by any means, unless under the direct
control and/or supervision of the certifying
reporter.)

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EXHIBIT 7

STATEMENT (Continued)

At 11:15 pm About a week ago I went to check on ~~Doimeon~~ ^{Doimeon} when I ~~opened~~ ^{opened} the door of his Room I saw someone Roben on her Butt he to me to come get some too. I told him to get the Hell out of ~~his~~ ^{Doimeon's} Room or I was going to tell someone. he told me he was just talking to Doimeon. He did walk out of Doimeon's Room. And went to his Room. He never went back in Doimeon's Room no more.

AFFIDAVIT

I, Eric Thayer HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. 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.

[Signature]
(Signature of Person Making Statement)

WITNESS

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

INSTITUTION OR ADDRESS

(Signature of Person Administering Oath)

INSTITUTION OR ADDRESS

(Typed Name of Person Administering Oath)

(Authority to Administer Oath)

INITIALS OF PERSON MAKING STATEMENT

[Initials]

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

WITNESS STATEMENT			
PLACE <i>Caswell State Prison</i>	DATE <i>10/15/2020</i>	TIME	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME <i>Thigpen Eric</i>	EMPLOYEE ID NUMBER		STATE ID NO
INSTITUTION OR ADDRESS			
SWORN STATEMENT			
I, _____, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH.			
EXHIBIT	INITIALS OF PERSON MAKING STATEMENT <i>ET</i>		PAGE 1 OF _____ PAGES
<small>ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF ___ TAKEN AT ___ DATED ___ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE ___ OF ___ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.</small>			

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