

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

ASHLEY DIAMOND,

Plaintiff,

v.

TIMOTHY WARD, *et al.*,

Defendants.

No. 5:20-cv-00453-MTT

DECLARATION OF ASHLEY DIAMOND

I, Ashley Diamond, hereby declare as follows:

1. Since my arrival at Coastal State Prison (“CSP”) in June 2020, I have suffered sexual harassment and sexual abuse, including everything from nonconsensual touching and kissing to groping and rape. Most of these sexual assaults took place in my dormitory at CSP, the N-B or “Faith and Character” dorm.
2. Even though I’ve complained to GDC officials and testified about the ways that CSP is not safe for me as a transgender woman, I returned to CSP following the Parties’ hearing on May 12-13, 2021 (“Hearing”), and have remained there ever since.
3. Despite repeated requests for a safety transfer, my housing has not changed: I have remained in CSP in the same dorm and same cell where I have suffered abuse and attacks.
4. I am still the only woman in my dormitory. I am with male inmates all day and all night. Many of them are gang members and sex offenders who threaten or harass me.
5. My cell is also in a high traffic area which allows men to peer through my window and catcall and sexually harass me.

6. Since the Hearing, I continue to be subjected to sexual abuse and harassment. For example, on at least a dozen occasions, men have sexually groped me. Sexual harassment directed at me occurs daily in the form of sexual threats, comments, requests, and coercion. On at least two occasions since the Hearing, men have sexually assaulted me.
7. I have also been sexually harassed, touched, and/or groped while going to chow (i.e. the dining area) or pill call (i.e. where I get my medications). When I walk down the hallways, I hear inmates yelling my name and making sexually charged comments. I see inmates look me over, lick their lips, and rub their crotches. And sometimes they grab or slap my breasts and buttocks as they walk by me. I often do not know the names of the people harassing and groping me.
8. In mid-July, while I was in my cell, I heard a commotion outside my door. I came out and learned from my dormmates that two men, not authorized to be in my dorm, had tried to crawl towards my cell. My dormmates had alerted a Sergeant who ordered that the men leave the dormitory.
9. In mid-July 2021, while I was in my cell, a man who I had previously reported for sending me threatening letters, came to my cell door window. He was not authorized to be in my dormitory. He knocked and said, "get up bitch." Luckily, although he continued to threaten me though my closed door, he left without attacking me. Later that day, there was a stabbing, which I witnessed from my cell window. I talked to my mental health counselor, Gerilyn Peppin, and the Mental Health Unit Manager, Tia Fletcher, about these incidents.
10. On or about August 4, 2021, I was sitting in the yard outside my dormitory when three gang members came up to me. One of the gang members who was living in my dormitory

at the time said, "Are you Diamond?" When I responded "yes," he threatened to kill me, saying, "If I catch you looking at me, I'll wet you up and pour you out," meaning he would stab me open and pour out my blood.

11. One morning in late September 2021, at around 5:30 or 6:00 am, after the doors are unlocked by GDC, I woke up to find that a man had slid into my cell and jumped into my bed. The attacker got on top of me, touched my buttocks and breasts, kissed me all over, and said, "Come on baby."
12. A man in in the cell next door to mine N.B., heard me screaming for the attacker to get off of me. N.B. ran to my cell, yelled at my attacker to get out, and the attacker left.
13. I did not know my attacker. I just knew that he was an inmate who was also a kitchen worker because he was wearing a hairnet and a plastic apron.
14. On or about September 30, 2021, I was walking back to my dormitory after taking a lawyer call. GDC staff told me that I would not get an escort to bring me back to my dormitory. I have to pass through two locked gates when getting from 3-A, the building where I take lawyer calls, to my dormitory.
15. Usually there is an officer standing at each gate to let people through. That day, there was no officer, so I waited by the gate for an officer to open it where there were at least, approximately, fifty male inmates gathered.
16. As I was standing by the gate, a man came up from behind me and grabbed and slapped my buttocks, saying, "Whassup Diamond." Two more men joined him and they passed me back and forth groping and grabbing my breasts and buttocks, pressing up on me, and putting their hands all over me, saying things like "you like that" and "that's what you're famous for." This assault lasted at least 30 minutes. I tried to get away but they kept

following me. Eventually, I was able to escape and ran to safety.

17. Later that day, after I had been sexually abused and grabbed again in the same area, I saw Ms. Wilson, a system analyst, and told her I was tired of being grabbed and groped and mistreated. She took me to see Mr. Dominick Pannazzo, a counselor, and told him that I needed to file a PREA. He said he would arrange a PREA interview in the morning. The next morning, I reported the PREA incident to Ms. Lasenna Rivers, another counselor.
18. On or about November 8, 2021, I was told by a dorm mentor, an inmate who runs the Evidence-Based Program, that a gang member had sent three other gang members after me to attack me. He informed Ms. Brandi Moore. I do not know the reason for the planned attack. I am very afraid that they will come after me.

PREA Reports and Interviews

19. Since the Hearing, I have reported incidents of sexual assault, and harassment directly to GDC staff, including Dr. Daniel Fass, Dr. David Roth, Ms. Gerilyn Peppin, who screen inmates for sexual assault and who are subject to GDC's must tell policy, as well as Ms. Brandi Moore and Ms. Willesha Warren, who supervise and manage my dorm.
20. There are also times that I have had difficulty reporting PREA incidents because of low staffing levels and equipment issues at CSP. When I'm in my dormitory, I rarely see staff members who I can hand in my PREA reports or grievances to. In the incident described above, involving the man who molested me in my cell, no staff were present to accept my complaint. The prison phones and the PREA kiosk were also down, so I couldn't even make a report using those means. There have been times when I was unable to connect to the PREA hotline when I tried calling, with the phone disconnecting before getting to the automated recording to report an assault. In addition to making PREA reports, and

participating in interviews, I also have given GDC staff the names of witnesses to my sexual assaults when I've known their names.

21. When I identified two people who witnessed the sexual abuse I've faced to GDC staffers to Ms. Moore and Ms. Warren, both witnesses were moved out of my dorm shortly thereafter. To my knowledge, neither of the witnesses I identified have been interviewed to this day. By moving my witnesses for their willingness to speak up about the abuse that I've faced and moving them to a section of the prison that is even less safe, GDC engaged in retaliation that left me feeling even more exposed and vulnerable.
22. Since the Hearing, no one from GDC has asked me to sit for a PREA interview concerning the incidents that I relayed prior to and during the Hearing, even though I've been willing to speak to GDC officials about sexual assault with or without counsel present so long as GDC takes steps to protect me from retaliation.
23. Based on the retaliation that I experienced every time I filed a PREA – including being threatened with lockdown, being approached by GDC staff to withdraw my report, having my cell tossed, losing privileges, being approached by aggressors, being called a “cancer” to the prison, being threatened by Unit Manager Jackson that he had people who could “deal” with “snitches,” and more – I began requesting and otherwise asking if I could have one of my lawyers join the PREA interview. I did this because I believed their presence would create an atmosphere where I would feel free to talk comfortably, in order to have a trusted advocate as a witness, and in order to ensure that my words would not be misconstrued or inaccurately reflected in the PREA documents.
24. In October 2021, I was finally asked to participate in a PREA interview with Investigator Furlow, but GDC limited the interview to the sexual assault I experienced in the yard in

September 2021. I gave the investigator the name of the two witnesses and their building, and he told me he was going to talk to them right away.

25. During the interview, I tried to talk about other safety issues, like the daily sexual harassment, groping, and the September assault in my cell, but the GDC investigator stopped me and told me that it was “not the time” to discuss those incidents and that we were to only speak about the yard incident.
26. The interview took place in 3-A building and lasted about half an hour. The GDC investigator told me I was being recorded. I saw him press the record button on an audio recording device as well as on a video camera directed towards me.
27. To this day, I don’t understand why GDC doesn’t want to hear about all the safety issues that I’m facing, or to continue investigating incidents of sexual abuse I’ve reported in the past.

Other Safety Issues at Coastal

28. Since the Hearing, Coastal State Prison has been in chaos. There are very few officers around. At night, the officer booth is rarely manned, there is often only one officer floating four buildings, and the officers often call in the count without entering the dormitory. Many nights, the gates are open and people roam around freely into my dormitory.
29. The situation at Coastal State Prison has gotten so bad that, one night, on or about August 11, 2021, a female correctional officer woke me up in the middle of the night and asked me to walk with her as she did her rounds. She said she was frightened because she was alone and the inmates would be pulling out on her, meaning they would unbutton their pants, pull out their penises, and start masturbating when she was around. I was scared

- but agreed to accompany her because I know what it's like. That's what they do to me.
30. Since late June 2021, I rarely have had escorts to bring me to chow, pill call, medical appointments, and mental health appointments.
31. As a result, I run to pill call when I'm able because I'm scared for my safety.
32. I have witnessed multiple stabbings. In late September, while standing in the yard, I observed two men stabbing each other. Witnessing physical violence towards others makes me further fearful for my safety.
33. On or about November 1, 2021, at approximately 6:30 am, a group of inmates with knives tried to enter our dormitory. I was trapped in the corridor after closing the door to N-B unit. I ran into N-A where Officer Strong intercepted the assailants. They were found in possession of weapons including several knives. Later, during inspection, I told the Warden of Care and Treatment about the incident and she said she had no knowledge of it. I also notified Deputy Jones.
34. On or about November 4, 2021, I notified nursing staff about the presence of knives in the dormitory. I told them that I was concerned about this serious risk and that I did not want to go to pill call without an escort.
35. To date, I still don't get escorts when going to chow, pill call, medical appointments, and mental health appointments. As a result, I frequently miss meals and cannot fully participate in programming like my work detail, art therapy, the gym, and the library.

Retaliation Since the May 12-13 Hearing

36. I learned from my dormmates that Deputy Warden of Care and Treatment Carl Betterson had called a dormitory-wide meeting immediately after the Hearing in which he described me as a nuisance and told other residents of my dorm that they are not to listen

to me or my concerns and that I was not a part of the evidence-based program.

37. This was just the beginning of a downward spiral of events that have led to an unsafe environment. Since the Hearing, I have continued to fear for my safety and experience triggers to my Post-Traumatic Stress Disorder. I do not feel like there have been any improvements to my safety.
38. GDC officials have transferred several men who were willing to look out for my safety and told others to stay away from me. GDC officials have also looked for any excuse to give me additional unfair and unwarranted discipline charges. I believe their actions are the result of my lawsuit and efforts to stand up for myself.
39. As a result of the retaliation described above, and because all of my efforts to report sexual abuse and mistreatment have been disregarded, reporting sexual assaults within GDC continues to feel dangerous as well as pointless. I still fear for my life if I report assaults and sexual misconduct by gang-affiliated aggressors, of which there are several. And although I'm sexually harassed so often it is impossible for me to document each incident, my complaints to GDC staff have also gone nowhere.

Mental Health Status

40. Since the Hearing, I have repeatedly struggled with suicidal feelings and tried to end my life on more than one occasion.
41. In late September, after days of harassment from several inmates and staff, I attempted to hang myself in my cell yet again. I was intercepted by another inmate.
42. As unsafe as I feel in my dormitory, there are some inmates in my dormitory that check in on me and look out for my safety. I do not think I should have to turn to other inmates for protection.

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

November 19, 2021.

Respectfully submitted,

/s Ashley Diamond¹

Ashley Diamond

¹ Signed electronically with prior Court permission; wet signature to follow.