

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA**

ASHLEY DIAMOND, )  
 )  
Plaintiff, )  
 )  
v. ) Civ. Action No. 5:15-cv-00050-MTT  
 )  
BRIAN OWENS, et al., )  
 )  
Defendants. )

**DECLARATION OF ASHLEY DIAMOND**

I, Ashley Diamond, hereby declare and state as follows:

1. I am a transgender woman and the plaintiff in this case. I have been in the custody of the Georgia Department of Corrections (“GDC”) since March 27, 2012.

2. Despite my status as a non-violent offender, medium-security inmate and transgender female, I have been housed in a series of GDC facilities with adult male felons who are “closed-security” inmates. Closed security inmates are considered to be the most dangerous in GDC custody, and many have assaultive histories or gang affiliations.

3. In closed-security environments, I have repeatedly been singled out based on my identity as a transgender woman and non-violent offender, and targeted for sexual assault.

4. Within the first two months of my incarceration at GDC, I was brutally sexually assaulted at the closed-security facility where I was housed.

5. Since then, I have become a victim of sexual assault whenever I have been housed with closed-security inmates. I have been sexually assaulted more than half a dozen times.

6. In May 2012, I was sexually assaulted by six gang members at Macon State Prison, a closed-security prison.

7. In October 2012, I was sexually assaulted at Baldwin State Prison, another facility housing closed-security inmates.

8. In January 2013, I was sexually assaulted at Baldwin State Prison again.

9. On or about January 1, 2014, I was sexually assaulted at Valdosta State Prison, a closed-security prison, just one day after I was transferred to the facility.

10. On or about February 9, 2014, I was sexually assaulted at Valdosta State Prison for a second time.

11. In April 2014, I was sexually assaulted at Valdosta State Prison for a third time.

12. That same month, I was sexually assaulted at Valdosta State Prison again.

13. On September 25, 2014, I was transferred to Baldwin State Prison, the facility where I was previously the victim of two sexual assaults. Once again, I became an immediate target for sexual harassment and abuse.

14. As a result of my sexual assaults, I was diagnosed with and continue to suffer from post-traumatic stress disorder (“PTSD”). My sexual assaults have also contributed to feelings of depression, hopelessness, and anxiety as documented in my GDC medical records and by GDC mental health professionals.

15. Transgender inmates in GDC custody are safely housed in transitional centers and medium-security prisons like Central State Prison and Johnson State Prison. When I was placed at Rutledge State Prison, a medium-security facility, my sexual assaults and sexual harassment stopped.

16. However, despite begging for safe housing placements and exhausting all administrative procedures available to me, GDC officials have taken no meaningful steps to

protect me from continued sexual violence. Instead, GDC officials continue to house me with close-security inmates, inconsistent with my security classification.

17. On February 19, 2015, I commenced this lawsuit, alleging that GDC officials violated the Eighth Amendment of the United States Constitution when they failed to reasonably protect me or provide me adequate medical care. As part of my relief, I requested a reasonably safe placement within GDC.

18. After filing my lawsuit, I was stigmatized by GDC personnel for being a troublemaker and subjected to a wave of retaliatory conduct. On March 10, 2015, I learned that a transfer request had been submitted to GDC's Central Office for review and approval by the Commissioner, Defendant Lewis, and staff.

19. Then, in the early morning hours of March 17, 2015, corrections officers entered my cell at Baldwin State Prison and told me to pack up all of my belongings. The officers informed me that I was being transferred effective immediately, but refused to disclose my destination.

20. When I asked the corrections officers whether I was being transferred to address my concerns about safety, they began laughing at me, and said no. When I asked why I was being transferred, the officers referred to my lawsuit and said "when you fuck with the GDC, they fuck you back."

21. Later that day, I arrived at Georgia State Prison, a facility that houses closed-security inmates and inmates considered by GDC to be especially problematic. I knew about Georgia State Prison because it has a lot of gang activity and some of the highest rates of sexual assaults within GDC.

22. After arriving at Georgia State Prison, I immediately felt unsafe, and in the two weeks since my transfer I have been repeatedly sexually abused, harassed, and threatened with sexual assault.

23. On or about March 19, 2015, two days after my transfer, an inmate entered my dormitory. Upon information and belief, the inmate was a member of the same gang as my attackers at Macon State Prison.

24. The inmate addressed me by name, began making comments of a sexual nature, and forcibly dragged me into a prison stairwell where he attempted to sexually assault me. I escaped when another inmate screamed and scared away my attacker.

25. When I informed corrections officers about my attack, I was told that incidents like this were frequent at Georgia State Prison.

26. One day later, on or about March 20, 2015, another inmate began following me around my dormitory. The inmate exposed himself to me, demanded to see my genitals, and said "I know you're a girl. Let me see that pussy. I know you have a pussy."

27. On or about March 21, 2015, I was threatened and sexually harassed by the inmate again. The inmate attempted to grab my privates and told me I needed protection "because someone is going to get that pussy anyway" when I attempted to run away.

28. Later that day when I entered the prison yard, six different inmates exposed their penises to me and began masturbating.

29. On or about March 22, 2015, the inmate who previously demanded to see my genitals lunged at me, grabbed my buttocks, and told me that "I need to get some of this cobra cock." Although I have been sexually harassed and intimidated by this inmate on a daily basis, and reported his behavior to staff, he has continued to reside in my living area.

30. Since arriving at GSP, I have also received a multitude of threatening and sexually explicit letters. I have been handed these letters while walking down the hall, returned to my dormitory to find them waiting for me, or had them slipped into my cell.

31. On or about March 21, 2015, I received a letter from an inmate who told that he “wanted to cum on my face,” and described in detail the sex acts he wanted to perform on me.

32. Since then, I have received other letters that have threatened me and described sex acts in graphic detail. In one letter, I was threatened and advised of my need for protection. In another letter, an inmate identified himself as a gang member, demanded to see me, and said that he had heard all about me from his fellow gang member who raped me at Macon State Prison.

33. After speaking to corrections officers about these incidents, I was threatened with retaliation by gang members who said that I am not welcome at Georgia State Prison.

34. Since my arrival at Georgia State Prison I have hardly slept. I lie awake at night in constant fear, knowing that another assault is imminent.

35. Living in perpetual fear of the next attack has exacerbated my PTSD symptoms, and I am battling feelings of hopelessness and anxiety. I worry that I will not survive the mental or physical anguish of another sexual assault.

36. Officials at Georgia State Prison are presently unable to keep me safe. Multiple GDC personnel have informed me that there is no protective housing available at Georgia State Prison for inmates like me who are considered to be at high risk for sexual assault, or who have been assaulted in the past and fear continued sexual victimization.

37. Nor are officials at Georgia State Prison willing to come to my aid: corrections officers at Georgia State Prison have repeatedly mocked me for being transgender and feminine.

In addition one officer, referring to my lawsuit and transfer, informed me “they’ve got something for your ass at Reidsville.”

38. On March 23, 2015, my attorney voiced concerns about my safety to GDC officials. Thereafter, on March 24, 2015, I was angrily confronted by an administrator at Georgia State Prison. The administrator threatened to lock me down in solitary confinement unless I prepared a statement saying that everything was fine at Georgia State Prison, and that I felt safe in my current housing placement.

39. As I informed the administrator that day during our conversation, I do not feel safe at Georgia State Prison. However, I prepared the statement she demanded of me, under duress, because I feared her threats about putting me into solitary confinement.

40. Every time I have been placed in solitary confinement, I have psychologically deteriorated, attempted suicide and/or engaged in self-harm.

41. As my medical and mental health records confirm, being placed in solitary confinement has consistently jeopardized my physical and mental well-being. These issues are so well-documented that mental health professionals at GDC have repeatedly cautioned against my placement in solitary confinement – even on a protective basis – based on the grave dangers to my mental and physical health.

42. I remain in constant fear for my safety to this day.

43. 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.

Dated: March 31, 2015

Respectfully submitted,

/s Ashley Diamond  
Ashley Diamond