

Emerging Trends: Legal Liability for Sexual Abuse in Custody

Professor Brenda V. Smith
Director of the Project on Addressing Prison Rape

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IMPACT/JUSTICE

NATIONAL
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CENTER



Lisa A. Capers

Program Director

National PREA Resource Center

lcapers@impactjustice.org

National PREA Resource Center Mission

The mission of the PRC is to assist adult prisons and jails, juvenile facilities, lockups, community confinement, and tribal facilities in their efforts to eliminate sexual abuse by increasing their capacity for prevention, detection, monitoring, responses to incidents, and services to victims and their families.

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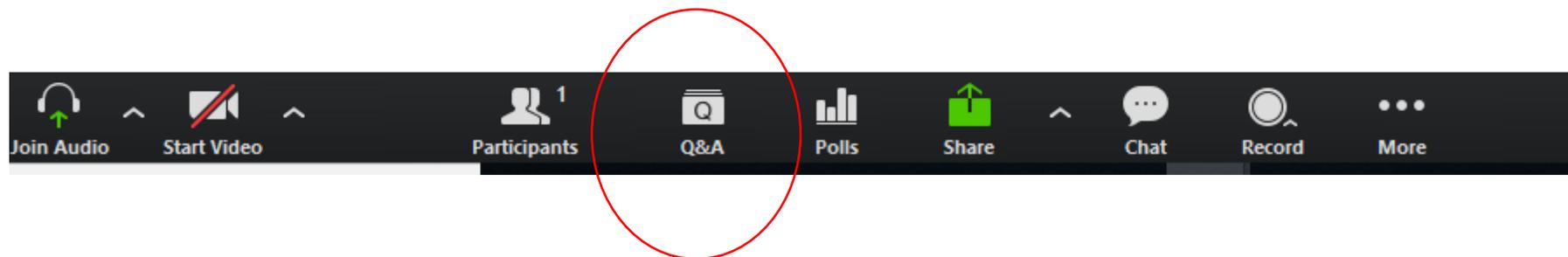
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Alex Stojsavljevic

PREA Management Office (PMO)

U.S. Department of Justice

Alex.Stojsavljevic@usdoj.gov



Brenda V. Smith

Professor of Law

Director, Project on Addressing Prison Rape

bvsmith@wcl.american.edu

Objectives

- **Discuss** two civil liability cases involving sexual abuse in custody.
- **Understand** agency liability and damages for failure to prevent and address sexual abuse in custodial settings.
- **Define** and discuss best practices and strategies to prevent and address sexual abuse in custodial settings.

Anselme & Honeycutt v. Griffin & Rumsey

No. 3:20CV0005, 2023 WL 33576 (W.D. Va. Jan. 4, 2023).

Case Facts

- Plaintiff Alysha Honeycutt was incarcerated at Fluvanna Correctional Center for Women (“FCCW”) in Fluvanna, Virginia.
- Shortly after midnight on November 20, 2019, Officer Raheem Rumsey called Ms. Honeycutt out of her cell.
- Rumsey took her to an employee-only area where the agency had no video surveillance.

Case Facts (cont.)

- Ms. Honeycutt waited several days before reporting the sexual assault.
- She contracted an STD as a result of the assault. The agency confirmed the diagnosis after testing her.
- November 28, 2019, Honeycutt filed an informal complaint against Officer Rumsey.
- Later she filed a formal grievance.
- The agency fired Officer Rumsey.

Claims and Damages Sought

Claims

- 8th Amendment.
- 42 U.S.C. § 1983 for deprivation of constitutional rights.
- Substantial physical injury, pain, suffering, and mental anguish.

Damages Sought

- \$5 million in compensatory damages.
- \$5 million in punitive damages.

Findings from the Court: Reasoning & Standards

- Officer Rumsey sexually assaulted Honeycutt.
- Officer Rumsey was acting in his official capacity as an employee of FCCW.
- Criminal sexual conduct was not “a legitimate part of her punishment nor compatible with contemporary standards of decency.”

Findings from the Court: Results

- Ms. Honeycutt was entitled to compensatory and punitive damages.
- Award of \$200,000 after comparing the damages awarded to awards to other plaintiffs with similar cases.
- The damages did not include costs and attorneys' fees.

Takeaways

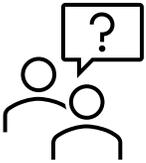
- Successful claims by incarcerated and formerly incarcerated individuals are possible.
- Courts will provide a remedy and award damages.
- Courts find serious constitutional violations when staff sexual abuse is present.

Questions: *Anselme & Honeycutt v. Griffin & Rumsey*

Can you identify the PREA Standards that are implicated in this set of facts?

Use the chat feature to share your answers.

PREA Standards Implicated

- § 115.15 Limits to cross-gender viewing and searches ✓
- § 115.51 Inmate reporting ✓
- § 115.61 Staff and agency reporting duties ✓
- § 115.22 Policies to ensure referrals of allegations for investigations ✓
- § 115.76 Disciplinary sanctions for staff ✓
- § 115.13 Supervision and monitoring 

Alvarado-Gonzalez v. Thompson, et al.

No. 3:19-CV-493-MAB, 2023 WL 2743553 (S.D. Ill. Mar. 31, 2023).

Case Facts

- Juan Alvarado-Gonzalez is 5'2" and weighs 120-30 pounds.
- On January 25, 2018, correctional authorities housed him with a cellmate who was much bigger than him.
- These assaults occurred for a month.
- Alvarado-Gonzalez wrote a note to two of the corrections defendants.

Case Facts (cont.)

- In March 2018, Mr. Alvarado-Gonzalez traveled to Cook County to appear for hearing.
- When he returned, he was placed with another incarcerated individual, who was bigger than him.
- The individual sexually assaulted Alvarado-Gonzalez several times between April and May 2018.

Case Facts (cont.)

- Thereafter, authorities placed Alvarado-Gonzalez in segregation for a month.
- On June 13, 2018, after leaving segregation, Alvarado-Gonzalez submitted an emergency grievance under PREA.
- On December 11, 2018, the warden notified Alvarado-Gonzalez that his complaint was unsubstantiated due to insufficient evidence.

Case Facts (cont.)

- Alvarado-Gonzalez reported to a clinician three days later on December 14, 2018, that he had been assaulted three times in prison and was afraid.
- The clinician reported to Inmate Affairs and completed an updated PREA form.

Claims

- Civil rights action pursuant to 42 U.S.C. § 1983.
 - Prison officials at Pinckneyville Correctional Center violated his constitutional rights.
 - Eighth Amendment claims of “failure to protect” and “cruel and unusual punishment” against all the defendants.

Findings from the Court

- The court found that plaintiff undisputedly began experiencing abuse after he was transferred to Pinckneyville on January 18, 2018.
- The court granted in part and denied in part defendants' motion for partial summary judgment.

Findings from the Court: Reasoning and Results

Defendants who placed plaintiff in his housing situations were not entitled to summary judgment.

- Defendants failed to fully account for and credit plaintiff's report.
- Defendants did not dispute his assertions that they celled him with individuals much bigger than him.
- Defendants did not dispute that those individuals were charged with more violent crimes, which posed an objectively serious risk of harm to plaintiff.
- Alvarado-Gonzalez sent the warden more than one hundred requests; the warden read and responded but took no action with respect to cellmate assignments.

Takeaways

- Courts will not grant correctional actors qualified immunity when they violate clearly established rights of an incarcerated individual.
- A well-established court finding in these cases is that prison officials have the “duty to protect a prisoner once they become aware he is in danger of assault by another prisoner...”

Questions: Alvarado-Gonzalez v. Thompson, et al.

Can you identify the PREA Standards that are implicated in this set of facts?

Use the chat feature to share your answers.

PREA Standards Implicated:

- § 115.51 Inmate reporting ✓
- § 115.61 Staff and agency reporting duties 
- § 115.62 Agency protection duties 
- § 115.35 Specialized training: Medical and mental health care ✓
- § 115.43 Protective Custody 

Discussion

Best Practices and Strategies

What Other Standards Did You Identify?

- You are the expert of your own situation and environment.
- You have a better idea of the vulnerabilities present.
- You have the power and responsibility to change them.

Additional PREA Standards Implicated:

- § 115.67 Agency protection against retaliation
- § 115.21 Evidence protocol and forensic medical examinations
- § 115.34 Specialized training: Investigations
- § 115.41 Screening for risk of victimization and abusiveness
- § 115.42 Use of screening information
- § 115.86 Sexual abuse incident reviews

Final Thoughts from Litigation – Lessons Learned

Audience participation please

Questions?



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Dana Shoenberg

PRC Director

dshoenberg@prearesourcecenter.org

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Thank you!

Notice of federal funding and federal disclaimer

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