

# Remedying Prison Abuse: Insight into a Successful Claim

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Prison staff are hired to promote safety, security and the well-being of the community and of people in custody. PREA practitioners know, however, that sometimes prison staff are accused of harming the incarcerated individuals under their care.<sup>1</sup> Abuse of individuals in custody contributes to incidence of mental health issues, recidivism, and psychological and physical trauma amongst incarcerated individuals.<sup>2</sup> Staff abuse can rise to the level of a potential constitutional violation. However, the remedies available to individuals experiencing abuse in custody are limited, expensive, and difficult to access. Staff or incarcerated individuals who report abuse can face retaliation.<sup>3</sup> Each year, incarcerated individuals file thousands of pro se claims against correctional agencies, states, localities and individual officers.<sup>4</sup> Courts dismiss the vast majority of these claims because pro se litigants: (1) state or frame claims that are not suitable for relief; (2) fail to include enough detail about the incident; or (3) fail to exhaust administrative remedies.<sup>5</sup>

There are times when claims by currently or previously incarcerated individuals are successful. One example of a successful custodial abuse claim is *Anselme & Honeycutt v. Griffin & Rumsey*.<sup>6</sup> Plaintiff Alysha Honeycutt was incarcerated at Fluvanna Correctional Center for Women (“FCCW”) in Fluvanna, Virginia.<sup>7</sup> Shortly after midnight on November 20, 2019, FCCW Correctional Officer Raheem Rumsey summoned Ms. Honeycutt out of her cell and took her to an employee-only area where the agency had no video surveillance.<sup>8</sup> Honeycutt testified that she could not refuse Officer Rumsey’s instructions or else she could have faced a disciplinary charge or he could have withheld food.<sup>9</sup> Instead, she decided to comply.<sup>10</sup> Once there, Officer Rumsey used physical force to ensure Honeycutt engaged in sexual intercourse with him while he covered her mouth.<sup>11</sup> The encounter lasted a few minutes until Officer Rumsey received a call over the intercom.<sup>12</sup> Officer Rumsey left Honeycutt in the room for a few minutes with instructions to Ms. Honeycutt to “stay right there” while he was answering a call from another correctional officer.<sup>13</sup> She remained and he returned to sexually assault Ms. Honeycutt again.<sup>14</sup> Ms. Honeycutt waited several days before reporting the sexual assault because she felt humiliated and did not want to acknowledge the trauma.<sup>15</sup> However, when Officer Rumsey returned to her cell a few days later, she pushed past him and ran to the unit manager’s office to inform him that she believed she had a sexually transmitted infection.<sup>16</sup> The agency confirmed the diagnosis after testing.<sup>17</sup> On November 28, 2019, Honeycutt filed an informal complaint against Officer Rumsey, and a few weeks later she filed a formal grievance.<sup>18</sup> After Honeycutt reported the incident, the agency informed her that they had dismissed Officer Rumsey from his employment at the prison.<sup>19</sup>

Honeycutt was released from prison in September 2022.<sup>20</sup> After being released from custody, Honeycutt continued to experience trauma.<sup>21</sup> Honeycutt lives with a fear of black men, which is particularly distressing given that while multiracial, she identifies as a black woman. Additionally, Honeycutt reported holding hostility and suspicion toward every man in her life including her father.<sup>22</sup> Honeycutt testified that four years later, she still struggles to accept that the assault was not her fault and that, “had she been smarter, she ‘wouldn’t have let herself get in a situation like that.’”<sup>23</sup>

Honeycutt sought \$5 million in compensatory damages and \$5 million in punitive damages against Officer Rumsey for causing “substantial physical injury, pain, suffering, and mental anguish.”<sup>24</sup> She filed her claim pursuant to 42 U.S.C. § 1983 for a deprivation of her constitutional rights, specifically, her Eighth Amendment right to be protected from cruel and unusual punishment.<sup>25</sup> Officer Rumsey ultimately admitted his sexual misconduct toward Honeycutt, so the question before the court was whether this abuse rose to the level of an Eighth Amendment violation, which requires the plaintiff to meet both objective and subjective requirements.<sup>26</sup> Specifically, a prison guard’s “sexual conduct” toward an inmate violates the Eighth Amendment when a prison guard acted “subjectively with a sufficiently culpable state of mind” and the conduct was “objectively repugnant to contemporary standards of decency.”<sup>27</sup>

The court found that the facts from Honeycutt’s Complaint and her testimony “unquestionably demonstrate[d]” that Officer Rumsey sexually assaulted Honeycutt while he was acting in his official capacity as an employee of FCCW.<sup>28</sup> The court found that Officer Rumsey subjecting Honeycutt to “criminal sexual conduct” is not “a legitimate part of Honeycutt’s punishment nor compatible with contemporary standards of decency.”<sup>29</sup> Therefore, the court found that Honeycutt satisfied the objective prong of the Eighth Amendment claim. The court also found that Honeycutt satisfied the subjective prong because it viewed Rumsey’s conduct as establishing that he acted maliciously and sadistically with the purpose to cause harm.<sup>30</sup> Honeycutt was entitled to compensatory and punitive damages, but the court limited the total amount to \$200,000 after comparing the damages awarded to other plaintiffs with similar cases.<sup>31</sup> These damages do not include costs and attorneys’ fees.

Ultimately, the takeaway from this case is the following: despite courts’ dismissal of many pro se claims, successful pro se claims by incarcerated and formerly incarcerated individuals are possible and courts will provide a remedy and award damages. Successful claims for relief are based on serious constitutional violations which courts have routinely found when staff sexual abuse is present.

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<sup>1</sup> *Inmate Abuse in U.S. Prison Facilities*, LEGAL EXAMINER, <https://www.legalexaminer.com/category/legal/inmate-abuse/> (last visited Apr. 4, 2023).

<sup>2</sup> *Id.*

<sup>3</sup> Because these claims are all public, correctional officers can see when an incarcerated individual files a claim against them. This can result in harsh treatment inside the prison. *See, e.g., Foley v. Paul*, 2022 WL 111871 (7th Cir. 2023).

<sup>4</sup> Since there is no Constitutional right to an attorney when filing prison grievances, an incarcerated individual may have to pay out of pocket for legal representation or file claims without an attorney. *See Michael Santos, Filing Grievances*, PRISON PROFESSORS, <https://prisonprofessors.com/filing-grievances/#:~:text=Prisoners%20do%20not%20have%20a,the%20documentation%20on%20their%20own> (last

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visited Apr. 4, 2023). Many incarcerated individuals choose to do the latter. and may have their legal claims dismissed if they fail to follow exact procedures. *See id.*

<sup>5</sup> *See e.g., Brass v. Montgomery*, No. 22-CV-1466-BAS-MSB, 2023 WL 2468963 (S.D. Cal. Mar. 10); *Urrutia v. Welch*, No. 23-3010-JWL, 2023 WL 2536758 (D. Kan. Mar. 16, 2023); *Fleming v. Michigan Dep't of Corr.*, No. 1:23-CV-285, 2023 WL 2782363 (W.D. Mich. Apr. 5, 2023).

<sup>6</sup> *Anselme & Honeycutt v. Griffin & Rumsey*, No. 3:20CV0005, 2023 WL 33576 (W.D. Va. Jan. 4, 2023).

<sup>7</sup> *Id.* at \*1.

<sup>8</sup> *Id.* at \*2.

<sup>9</sup> *Id.* at \*3.

<sup>10</sup> *Id.*

<sup>11</sup> *Id.* at \*1.

<sup>12</sup> *Id.* at \*3.

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> *See id.* at \*3.

<sup>16</sup> *Id.* at \*4.

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> *See id.* at \*5.

<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

<sup>23</sup> *Id.*

<sup>24</sup> *Id.* at \*8.

<sup>25</sup> *Id.* at \*1.

<sup>26</sup> *Id.* at \*6.

<sup>27</sup> *Id.*

<sup>28</sup> *Id.* at \*7.

<sup>29</sup> *Id.*

<sup>30</sup> *Id.*

<sup>31</sup> *Id.* at \*9–10.