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LDF Issues Response Brief in Qualified Immunity Case Involving Prison Officials

Yesterday, the Legal Defense Fund (LDF) submitted an appellate [brief](#) on behalf of Germaine Smart, who alleges that he was sexually assaulted in an Alabama State Prison in 2017 by a St. Clair Correctional Facility officer.

In response to the assault, Mr. Smart filed a sexual misconduct grievance with the prison. However, despite two witnesses supporting Mr. Smart's account, and despite partial corroboration from another correctional officer, an Alabama Department of Corrections investigator reviewed the complaint and declared it to be unfounded. The official who allegedly assaulted Mr. Smart then retaliated against him by charging him with "lying" based on the investigative findings, even though prison regulations expressly forbade the officer from doing so. Prison officials then convened an unauthorized hearing, found Mr. Smart guilty, and placed him in disciplinary segregation as punishment.

After Mr. Smart filed a pro se lawsuit, the District Court ruled that the doctrine of qualified immunity shielded the prison officials from accountability even though the Court found that Mr. Smart had presented enough evidence to move forward with his claim that the officers retaliated against him in violation of his First Amendment rights. Mr. Smart retained LDF to represent him on appeal.

LDF's brief argues that the District Court erred in granting qualified immunity to the correctional officials that violated Mr. Smart's constitutional rights. The brief makes three chief arguments. First, the brief argues that prison officials violated state regulations and therefore acted outside of their discretionary authority when they punished Mr. Smart — and that officials who act outside of their authority are not entitled to qualified immunity. Second, the brief argues, there exist numerous cases that establish the unconstitutionality of the officials' alleged behavior. In its third and final argument, the brief notes that no reasonable official could believe that they could lawfully punish Mr. Smart when state regulations and

the Eleventh Circuit Court of Appeals have clearly stated that an individual cannot be charged or punished under these circumstances.

“Prison officials violated Germaine Smart’s constitutional rights, and when Mr. Smart filed a complaint stating he was sexually assaulted by a prison guard, they made the egregious decision to punish him,” said LDF Deputy Director of Litigation Chris Kemmitt. “It should have been plainly obvious to any prison guard that retaliating against an incarcerated person and punishing them for filing a sexual assault complaint is unlawful.”

“Incarcerated individuals are at great risk of sexual assault, and prisons in Alabama have long been known to be replete with sexual abuse and neglect,” said LDF Assistant Counsel Georgina Yeomans. “Incarcerated people should be protected from this abuse, not retaliated against for reporting it. Qualified immunity must not be used to shield prison guards who violate federal law and state regulations and disregard the rights of incarcerated persons.”

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Founded in 1940, the Legal Defense Fund (LDF) is the nation’s first civil rights law organization. LDF’s Thurgood Marshall Institute is a multi-disciplinary and collaborative hub within LDF that launches targeted campaigns and undertakes innovative research to shape the civil rights narrative. In media attributions, please refer to us as the Legal Defense Fund or LDF. Please note that LDF has been completely separate from the National Association for the Advancement of Colored People (NAACP) since 1957—although LDF was originally founded by the NAACP and shares its commitment to equal rights.