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Supreme Court Recognizes Malicious Prosecution Claims Under Fourth Amendment in Case Involving NYPD

Today, the U.S. Supreme Court issued a significant ruling in favor of individuals subject to unreasonable seizures by law enforcement officials in *Thompson v. Clark*. In its [decision](#), the court recognized a claim for malicious prosecution under the Fourth Amendment when an individual is detained by law enforcement officers without probable cause. The Court further held that plaintiffs bringing such a claim must show only that the underlying criminal charges brought against them ended without a conviction, not that the prosecution ended with an affirmative indication of innocence—a standard that would have been impossible to meet in many cases.

Larry Thompson sued a New York City police officer who arrested him in 2014 for allegedly abusing his newborn daughter. A medical report found no signs of abuse, but rather diaper rash. The lower courts dismissed Mr. Thompson’s suit because, while the abuse charges against him were dismissed, neither the prosecutor nor the court referred to Mr. Thompson’s innocence in dismissing those charges. The Supreme Court’s decision today reinstates Mr. Thompson’s lawsuit.

In June 2021, the [NAACP Legal Defense and Educational Fund, Inc](#) (LDF) filed an [amicus brief](#) in *Thompson v. Clark* arguing that the lower courts’ requirement that malicious prosecution plaintiffs show that the underlying prosecution ended in a manner affirmatively indicating innocence undermined the ability of plaintiffs to seek remedy for baseless arrests and prosecutions. LDF’s brief argued that because charges are often dropped with little explanation, requiring plaintiffs to address unjustified criminal charges adds an overwhelming burden. The brief also emphasized that the lower courts’ restrictive precedent would have a racially discriminatory impact, as Black people are disproportionately subject to unreasonable arrests and detentions. In response to today’s Supreme Court’s decision, LDF Director of Litigation Sam Spital released the following statement:

“Today’s decision is an important step toward accountability for law enforcement officers who detain people without probable cause. We are glad the Court rejected a requirement that victims of such unconstitutional seizures point to an affirmative indication of innocence in the dismissal of their underlying prosecution, as that standard would often pose an insurmountable bar to recovery for serious constitutional violations. Black Americans are more likely to be unlawfully arrested and detained, and malicious prosecution claims are a critical mechanism for victims of such law enforcement abuses to obtain accountability.”

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Founded in 1940, the NAACP Legal Defense and Educational Fund, Inc. (LDF) is the nation’s first civil and human rights law organization. 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. 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 NAACP Legal Defense Fund or LDF. Follow LDF on [Twitter](#), [Instagram](#) and [Facebook](#).