



**For Immediate Release**  
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**LDF Media**  
212-965-2200 / [media@naacpldf.org](mailto:media@naacpldf.org)

## **LDF Secures Victory in Qualified Immunity Excessive Force Case Involving Taser and Pepper-Spray Deployment**

On Friday, the U.S. Court of Appeals for the Ninth Circuit issued a [decision](#) in *Getzen v. Long*, affirming the District Court's denial of qualified immunity and permitting David Getzen's civil rights claims to proceed to trial. The [Legal Defense Fund](#) (LDF), working with Rights Behind Bars, represented Mr. Getzen, who was twice electrocuted and pepper-sprayed in his own home by Deputy Jeff Long of the Yavapai County Sheriff's Office in Arizona. In February 2022, LDF and Rights Behind Bars filed the [brief](#) in this appeal.

In its ruling, the Ninth Circuit affirmed that Deputy Long's conduct violated the Fourth Amendment because Mr. Getzen had shown no resistance to the officer's commands and had done nothing to threaten the officer in any way. And, the Ninth Circuit further held, any reasonable officer would have known that using such significant force on a non-resisting person violated the law. Mr. Getzen's case now returns to the District Court for further proceedings.

"Any reasonable officer should know that twice tasing and pepper-spraying an unarmed and unmoving person is excessive and unlawful," said LDF Assistant Counsel Ashok Chandran. "We commend the Court's ruling recognizing as much, and are pleased that Mr. Getzen will have the opportunity to present his claims to a jury."

"Qualified immunity too often shields officers' unlawful conduct from scrutiny, curtailing vital methods of ensuring public safety and limiting police abuses," said Oren Nimni, Litigation Director at Rights Behind Bars. "We are, therefore, encouraged by the Court's decision to hold law enforcement officials accountable for their actions in this case, and that Mr. Getzen can continue to pursue justice for what he suffered."

It is critical for our courts to hold law enforcement accountable when they violate the law. LDF's [Qualified Immunity Working Group](#) advocates for an end to qualified immunity through public advocacy while working to limit the doctrine's scope through litigation. If you would like to refer a case to the Working Group, please contact [qualifiedimmunity@naacpldf.org](mailto:qualifiedimmunity@naacpldf.org).

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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.*