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LDF Secures Victory in Case on Qualified Immunity Doctrine

Today, the U.S. Court of Appeals for the Tenth Circuit issued a decision in *Vette v. Sanders*, affirming the denial of qualified immunity and permitting Eric Tyler Vette's civil rights claims to proceed. The NAACP Legal Defense and Educational and Fund, Inc. (LDF), working with Rights Behind Bars, represented Mr. Vette, who was assaulted by police in Colorado in 2017 and subsequently sued officers for excessive force, alleging that a sergeant in the Montrose County Sheriff's office punched him, hit him in the face with a dog chain, and let a police dog bite him after he had been arrested.

In its decision, the Tenth Circuit reaffirmed that the denial of qualified immunity can only be appealed in limited circumstances where a defendant does not dispute factual findings made by the lower court. And it went on to hold that every reasonable police officer should know that hitting, punching, and letting a police dog bite an already-apprehended person violates the Fourth Amendment.. Mr. Vette's case now returns to the district court, where he will be permitted to proceed.

"Qualified immunity is a judge-made doctrine that has long been used to shield law enforcement from consequences," LDF Assistant Counsel Ashok Chandran said. "We commend the Court's ruling, which recognizes both the limited nature of qualified immunity generally and its particular impropriety in this case. Simply put, punching and hitting a handcuffed person with a dog chain and allowing a police dog to attack them is a clear violation of that individual's constitutional rights."

It is critical for our legal system to facilitate fair and effective accountability for law enforcement. Barriers to accountability, such as qualified immunity, must not allow law enforcement to escape consequences for their actions.

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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.

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