

NOT FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 25-12240
Non-Argument Calendar

MELANIE BETANCOURT,
as Personal Representative of the Estate of Alberto Betancourt,
Plaintiff-Appellant,
versus

OFFICER VICTOR SANCHEZ,
SERGEANT JAVIER PINEDA,
OFFICER ALBERTO RAFAEL, III,
OFFICER YOLANDA FERRER,
LIEUTENANT BRIAN PFEIFFER, et al.,
Defendants-Appellees.

Appeal from the United States District Court
for the Southern District of Florida
D.C. Docket No. 1:24-cv-22121-WPD

Before LUCK, LAGOA, and ED CARNES, Circuit Judges.

PER CURIAM:

Alberto Betancourt died after several officers of the Miami-Dade Police Department tried to help him while he was in the throes of a mental health episode. They decided to take him for an involuntary psychiatric examination under Florida’s Baker Act. Betancourt resisted their efforts.

After a brief struggle, the officers secured him in handcuffs, sat him up, and called for paramedics to perform a medical exam on him before they took him for the psychiatric examination. But before the paramedics’ arrival, Betancourt lost consciousness and his heart stopped. The officers administered CPR in an unsuccessful attempt to revive him. He was transported to the hospital where he was pronounced dead.

Betancourt’s widow and personal representative of his estate Melanie Betancourt (“the estate”) sued the officers involved under 42 U.S.C. § 1983 for unlawful arrest, excessive force, and failure to intervene in violation of the Fourth Amendment.¹ The estate also sued Miami-Dade County (County) under § 1983 for municipal liability based on a failure to train theory. The district court dismissed the operative complaint² under Fed. R. Civ. P. 12(b)(6)

¹ The estate uses the phrase “false” arrest. Even though there is no substantive difference, we will use the phrase “unlawful” arrest.

² The operative complaint here is the estate’s Third Amended Complaint, which this opinion will simplify to “the complaint.”

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for failure to state a claim for which relief can be granted and on qualified immunity grounds. The estate appeals. We affirm.

I.

Because this appeal comes to us at the motion to dismiss stage, “we accept the facts alleged in the complaint as true and view them in the light most favorable” to the estate. *Johnson v. City of Atlanta*, 107 F.4th 1292, 1297 (11th Cir. 2024).

In its complaint, the estate refers several times to the officers’ body camera footage. Responding to the estate’s references to it in the complaint, the defendants submitted in support of the motion to dismiss all of the video and audio footage from the body cameras of all nine officers who were at the scene that night. Under the incorporation-by-reference doctrine, that evidence can be considered without converting the motion into one for summary judgment. *See Baker v. City of Madison*, 67 F.4th 1268, 1276–77 (11th Cir. 2023) (“Under the incorporation-by-reference doctrine, a court may consider evidence attached to a motion to dismiss without converting the motion into one for summary judgment if (1) the plaintiff refers to certain documents in the complaint, (2) those documents are central to the plaintiff’s claim, and (3) the documents’ contents are undisputed.”) (quotation marks omitted).

We’ve held that when those requirements are met and the recorded camera footage is “clear” and “obviously contradicts” the facts alleged in the complaint, “we accept the video’s depiction . . . and view the facts in the light depicted by the video.” *Id.* at 1277–78 (citation omitted). If the video evidence “utterly discredit[s]” the

allegations of the complaint, we will not rely on a “visible fiction” recounted in the complaint or in any testimony. *Scott v. Harris*, 550 U.S. 372, 380–81 (2007); *accord, e.g., Baker*, 67 F.4th at 1277–78; *Lewis v. City of W. Palm Beach*, 561 F.3d 1288, 1290 n.3 (11th Cir. 2009). But if the video footage leaves room for ambiguity, we “construe all ambiguities . . . in [the estate’s] favor.” *Baker*, 67 F.4th at 1277. As shaped by those rules, here are the facts.

On a summer night in June 2022 at around 10:21 p.m., Betancourt called the Miami-Dade Police Department’s non-emergency number three times asking for a welfare check on his minor son. He informed the dispatcher that his son did not live with him but instead with his ex-girlfriend, who was the boy’s mother. He was worried because he hadn’t seen or heard from his son recently.

Officer Lazaro Fernandez responded to Betancourt’s 911 call, arriving at the house at approximately 10:47 p.m. He saw Betancourt and Melanie Betancourt³ standing on the front porch conversing loudly and ignoring Officer Fernandez’s questions about someone having called for the police. Before approaching the house, Officer Fernandez received a phone call, during which he explained: “I’m in front of this guy’s house. This is going to be a problem, so hurry up and get over here. . . . The guy doesn’t want to come out of the house.” As he made his way to the front porch,

³ Because the Betancourts share the same last name, we will refer to Melanie individually by her first name, and sometimes as “the estate” when it involves her capacity as the personal representative of it.

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the dispatcher radioed to alert him to the fact that during one of his 911 calls Betancourt had threatened “to slit his wrists.”

While Officer Fernandez was having conversations on the phone and on the police radio, Betancourt and his wife continued their argument. Once Officer Fernandez reached the front porch, however, Melanie, now seated on a bench on the porch and holding her small dog, introduced herself. Betancourt remained standing in the front doorway, talking on the phone and explaining to the person on the other end that he has “post-traumatic stress disorder,” (PTSD) that he “gets overwhelmed,” and that his “son is missing.”

Officer Fernandez and Melanie had to convince Betancourt to get off the phone. Officer Fernandez told Betancourt that he “could hang up [the phone] if [he] want[ed]” because he was “here” and he would be the “one . . . to write the report” for him. Betancourt told Officer Fernandez that his ex-girlfriend had “kidnapped” his son. Betancourt, obviously agitated, also told Officer Fernandez that he wanted “to know what the fuck [he had to] do next in order to get [his] fuckin’ kid, bro.” Melanie immediately tried to calm Betancourt and told him to “relax” and that she knew he was “stressed.” But Betancourt grew more agitated and raised his voice. Officer Fernandez also tried to calm him, saying: “I understand the issue you’re having with your child, but screaming and yelling isn’t going to solve it, man.”

Then Betancourt, with Melanie interjecting comments, continued to tell Officer Fernandez about the situation with his son:

saying that his ex-girlfriend wouldn't talk to him; she "took off" with his son "out of the blue"; he hadn't seen his son in almost two-and-a-half years; his son lives with his mother, who shares custody of him with Betancourt, and the ex-girlfriend wasn't supposed to go anywhere without Betancourt knowing where; and that she had "used some bullshit, saying [he] killed the dog" because she wanted to get a restraining order against Betancourt to prevent him from seeing his son.

Betancourt began answering some of Officer Fernandez's questions. While his voice still sounded somewhat agitated, Betancourt began to calm down, which was evidenced by him lowering his voice and leaning against a wall of the house. During this conversation, two more officers arrived, Officers Yolanda Ferrer and Michael Marrero.

After Officer Fernandez had gathered preliminary information, he told the Betancourts that he'd be right back after getting some paperwork from his patrol car. All three officers conversed on the street near the police car, and Fernandez contacted the dispatcher to confirm what Betancourt had said during one of the 911 calls. Dispatch confirmed that Betancourt had "made a bunch of comments: that he ha[d] PTSD; that he was having a dispute with his current wife about his ex-[girlfriend], and he [had] said something about slitting his wrists." As the three officers made their way back to the front porch, Officer Fernandez informed his fellow officers that last time he had responded to a call from Betancourt, he had "a rifle in the house."

When the officers returned to the porch, Betancourt and Melanie were continuing to argue. Betancourt repeated: “I need to find out what exactly I need to do,” to which Melanie replied: “Yeah, but it’s 10:00 o’clock at night.” Officer Fernandez interrupted their conversation to explain to both of them that Betancourt had made statements to the dispatcher that “raised [the officer’s] awareness.” He recounted two of those statements that concerned him: 1) Betancourt had told the dispatcher that he had PTSD — to which Melanie nodded her head in agreement; and 2) he had told the dispatcher that he wanted to slit his wrists, to which Melanie shook her head. It’s unclear what Melanie meant by shaking her head at that statement.⁴ But Betancourt stated that he didn’t want to slit his wrists, saying “No, I just said the words.” Officer Fernandez explained, “you can’t say those things, man, because it ties our hands.” And Melanie again nodded her head in agreement and said, “Exactly.” At this time, Betancourt was calm and conversational.

Over the next minute and a half or so, Betancourt argued with all three officers and with Melanie. The conversation started calmly but deteriorated. Betancourt vehemently denied that he had any true intent to hurt himself and insisted that he just wanted the police to come to his door so that he could figure out the next

⁴ But whether Melanie believed that Betancourt seriously intended to harm himself, as his statements to the dispatcher indicated, is immaterial. What matters is whether a reasonable officer on the scene could have concluded that Betancourt needed emergency assistance. *See infra* Section IV.

steps he needed to take to see his son. Officer Fernandez tried to explain that even though he believed Betancourt did not really mean what he had told the dispatcher, he had made those statements on a recorded line, which prevented the officers from ignoring them.

As the officers continued to question Betancourt about his statements to the dispatcher, his agitation increased, and while he remained seated on the bench, Melanie repeatedly reminded him to calm down. Betancourt insisted that all he'd said to the dispatcher was the rhetorical question: "What the fuck does someone have to kill themselves to get the cops to come to their door now?"

Finally, Officer Marrero explained that Betancourt needed to come with the officers to see a doctor "just to get some help," and Officer Fernandez brought out his handcuffs. At that, Betancourt's agitation increased, and he protested, "I'm not gonna go see the doctor." Betancourt continued to argue with the officers, but he allowed Officer Fernandez to place one cuff on one wrist and stand him up while he continued protesting.

Betancourt repeatedly demanded that the officers call their "shift leader," and when Officer Marrero tried to secure Betancourt's other wrist behind his back, Betancourt sat back down on the bench. All three officers, as well as Melanie, pleaded with Betancourt to listen instead of continuing to argue and refusing to obey the officers' orders. Tensions rose as Officer Marrero held Betancourt's left arm and yelled at him to "stand up!" Melanie also

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raised her voice while continuing to plead with Betancourt to “relax,” “stop,” “calm down,” and to “listen” to the officers.

Because Betancourt refused to do that, Officer Marrero yanked him up, and Officer Fernandez quickly grabbed Betancourt’s arm, forcing him to turn around. Betancourt physically resisted, pulling his arms away, saying “I hadn’t done shit to you guys,” and he sat back down, while Melanie screamed, “stop, Albert!” Betancourt continued to resist, and Officer Fernandez warned him that he was going to taze him. Melanie kept begging Betancourt to comply with the officers, saying, “just let them.” The officers tried again to get Betancourt to stand up, and he resisted even harder. He pushed against the officers, kicked his legs, and landed back down on the bench.

In response, Officers Marrero and Fernandez quickly backed up and off Betancourt, drawing their tasers. Officer Fernandez ordered him to “get on the fuckin’ ground.” Betancourt remained still and seated on the bench, and he refused to comply, saying: “what the fuck did I do to you. I didn’t do shit to you.” Betancourt and the officers engaged in a tense, verbal exchange, during which no officer touched him as he continued to sit on the bench, not threatening anyone, but still refusing to follow orders. Officer Fernandez continued to order Betancourt to “get on the ground,” pointing a taser at his chest. Betancourt refused, saying “it’s not fair”; “I don’t wanna hurt myself, I don’t wanna hurt you”; and “I’m sitting down in the chair.”

During all of this, Melanie continued to loudly beg Betancourt to listen to the officers. The officers spent more than two minutes trying to reason with Betancourt, unsuccessfully ordering him to cooperate. Officer Ferrer promised Betancourt that she'd call the shift leader and move his handcuffs to the front if he complied with their orders. Then Officers Fernandez and Marrero tried once again to get Betancourt to stand up, and again he forcibly resisted, this time leading to a struggle between him and the officers on the floor of the porch. Betancourt yelled and screamed at the officers about his son while Melanie urged him to stop resisting and to turn over for the officers to place the cuffs on him. During the struggle, Officer Fernandez said, "Albert, the whole world is coming now, bro."

More officers arrived to assist, and when they finally managed to force Betancourt onto his stomach, it took three officers to hold him down so that they could secure him in handcuffs and leg restraints. Because Betancourt continued to struggle and resist, one officer told another to "hit him." And an officer slapped Betancourt in the head a few times with an open palm. Officers continued to plead with Betancourt to "work with us" and to "stop resisting," and one officer placed a knee on Betancourt's back while he lay face down on the ground. Throughout the struggle, Melanie continued to tell Betancourt to stop and at one point said, "Albert, they are here to help you, but you have to stop resisting."

As soon as Betancourt was secured, the officers got off him, rolled him to his side, and one told him, "It's gonna be alright, man,

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it's okay; we're here to help you, okay?" Another officer called for paramedics to come to the scene and perform a medical exam on Betancourt because the officer noticed blood on Betancourt's face after the struggle.

Melanie told the officers, "I'm sorry, guys." She explained to them that Betancourt was "on Xanax" but he hadn't taken it for a "couple of days" and his psychiatrist had been out of town. Betancourt called out to Melanie and said, "the feds got you." To which Melanie responded, "You called them for help and you're resisting, so that's why this happened." Meanwhile, Officer Fernandez explained to other officers off to the side that Betancourt was "mentally unstable."

As the group of officers awaited the paramedics' arrival,⁵ Betancourt complained that he couldn't breathe and called for help, so an officer helped reposition him multiple times, allowed Betancourt to lean against his leg, and told him, "We are here to help you." Eventually, Betancourt positioned himself so that he was laying on his side and facing a wall of the house. Less than two minutes after Betancourt shifted positions and started lying on his side, he became unresponsive. Two officers tried to get him to respond, saying "You okay, buddy?"

⁵ Melanie allowed an officer inside the house while she retrieved Betancourt's medications. She brought out a handful of pill bottles, and the officer instructed her to place them on the front porch bench so that when the paramedics arrived, they could transport Betancourt with his medications.

When Betancourt didn't respond to that, or to the officers shaking him, or to his name, the officers removed his handcuffs, rolled him back over, checked his breathing, began CPR, and placed automated external defibrillator (AED) pads on his chest. They followed the device's instructions. After analyzing Betancourt's heart rhythm, it advised against administering a shock, so they didn't. The officers continued to provide basic life support until paramedics arrived and took over. They transported Betancourt to the hospital where he was pronounced dead upon arrival.

According to the County Medical Examiner, Betancourt's cause of death was atherosclerotic and hypertensive heart disease with a contributory cause of methamphetamine use. The Medical Examiner also noted that Betancourt's medical history included "adjustment disorder with anxiety," as well as a family-reported history of "post-traumatic stress disorder," "suicidal ideations," and "previous hospitalizations under [the] Marchman Act."⁶

II.

⁶ Florida's Marchman Act allows for the involuntary commitment of an individual if there is a good-faith reason to believe that he has lost self-control due to substance abuse and either may cause harm to himself or others or is in need of substance-abuse services. *See* Fla. Stat. § 397.675.

The estate sued the nine responding police officers, bringing 42 U.S.C. § 1983 claims of Fourth Amendment violations based on unlawful arrest (Count I) against Officers Fernandez, Marrero, and Ferrer; excessive force (Count II) and failure to intervene (Count III) against eight of the officers involved; and of municipal liability (Count IV) against the County.⁷

The defendants moved to dismiss the complaint. They argued that it failed to state a claim for relief, and they asserted a qualified immunity defense. The district court granted the motion on both grounds and dismissed the estate’s complaint with prejudice. The estate timely appealed.

III.

We apply the same *de novo* standard of review to a district court’s grant of a Rule 12(b)(6) motion to dismiss whether it is based on failure to state a claim, *Edwards v. Prime, Inc.*, 602 F.3d 1276, 1291 (11th Cir. 2010), or on qualified immunity grounds, *see Gates v. Khokhar*, 884 F.3d 1290, 1296 (11th Cir. 2018). At the motion to dismiss stage, for a complaint to overcome an assertion of qualified immunity, it “must plausibly plead that the defendant violated the plaintiff’s federal rights and those rights were clearly established.” *Jackson v. City of Atlanta*, 97 F.4th 1343, 1350 (11th Cir. 2024); *see Mitchell v. Forsyth*, 472 U.S. 511, 526–27 (1985) (“Unless

⁷ The estate also brought claims for discrimination based on disability under 42 U.S.C. § 12132 and wrongful death under Florida law, but it does not contest in this appeal the district court’s dismissal of those claims. Nor does it contest the dismissal of any claims against Captain William Filgueiras.

the . . . allegations state a claim of violation of clearly established law, a defendant pleading qualified immunity is entitled to dismissal before the commencement of discovery.”).

We have repeatedly emphasized that “qualified immunity questions should be resolved at the earliest possible stage of a litigation.” *Jackson*, 97 F.4th at 1355 n.5 (quotation marks omitted); *see also Cottrell v. Caldwell*, 85 F.3d 1480, 1487 (11th Cir. 1996) (“In cases where defendants are entitled to qualified immunity, it is imperative that they receive the benefits of that defense prior to trial through Fed. R. Civ. P. 12(b)(6), Fed. R. Civ. P. 12(c), or Fed. R. Civ. P. 56(c).”). Denials of qualified immunity that are based on pure issues of law, or on the application of law to fact, are immediately appealable. *See, e.g., Ortiz v. Jordan*, 562 U.S. 180, 188 (2011); *Mitchell*, 472 U.S. at 530; *see also Hall v. Flournoy*, 975 F.3d 1269, 1271 (11th Cir. 2020). An appeal of a qualified immunity issue brings up any pure merits issues bound with it. *See Scott*, 550 U.S. at 384, 386 (reversing denial of qualified immunity after concluding that the officer’s use of force was reasonable and therefore didn’t violate the Fourth Amendment); *Land v. Sheriff of Jackson Cnty.*, 85 F.4th 1121, 1126, 1129 (11th Cir. 2023) (affirming summary judgment in favor of officer after concluding the officer had probable cause to arrest the plaintiff and therefore did not violate the Fourth Amendment).

IV.

The estate contends that the district court erroneously failed to accept as true the allegations of the complaint and made imper-

missible credibility determinations in favor of the defendants. It argues that the court misconstrued the complaint by making factual inferences in the defendants' favor, leading it to the wrong conclusion that the officers are entitled to qualified immunity on the unlawful arrest and excessive force claims.

A. The Allegations that the Estate Argues were Misconstrued

In the complaint, the estate alleges that Officer Fernandez muted the audio on his body camera three times while he was on scene at the Betancourt residence. It alleges that this occurred for 37 seconds while he spoke with Officers Marrero and Ferrer next to his police vehicle before the officers attempted to take Betancourt into custody; for three minutes and 40 seconds when Fernandez and another officer had a discussion after Betancourt had been restrained; and for about 14 minutes while he talked with other officers when Betancourt was receiving CPR. The estate alleged that Officer Fernandez's failure to record the conversations during those times when the microphone was muted without justification amounts to "spoliation of evidence." Notably, the complaint contains no allegations that Officer Fernandez intentionally muted his body camera audio in bad faith or with ill intent.

Before this Court, the estate argues that in evaluating recording evidence while the audio was muted, the district court erroneously drew inferences in favor of the defendants. And it argues, without providing any authority to support it, that "[e]vidence spoliation is a factual allegation that, if true, supports both individual constitutional violations and municipal liability theories

about inadequate supervision and policies.” According to the estate, its “spoliation allegations” create sufficient “questions of fact about [the] officers’ intent,” such that dismissal is precluded at the pleading stage. And it speculates that the audio would have cast a different light on the video had it not been muted.

To support those arguments, the estate focuses on those three intermittent moments when Officer Fernandez muted his body camera audio and argues that the district court failed to address that “missing” audio. In the estate’s view, those three moments in time “are particularly significant” and “critical” because they occurred when Officer Fernandez was 1) discussing with the other officers what Betancourt had said to the dispatcher on the recorded line, 2) conversing with other officers after Betancourt had been restrained, and 3) conversing with other officers while Betancourt was receiving CPR. Why those times were more critical than the times Betancourt and the officers were communicating with each other, which were fully recorded, the estate doesn’t say.

The estate speculates that *if* the dispatcher had told Officer Fernandez that Betancourt “was calm” when he made his recorded-line statements, or *if* the dispatcher had told Officer Fernandez he didn’t believe Betancourt’s statements, “that would significantly undermine any justification for invoking the Baker Act.” But, of course, the estate did not allege in the complaint that had happened.

And, the estate argues, that *if* after Betancourt was restrained the officers had made incriminating statements about how

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they wanted to teach him a lesson, or *if* they had said to one another that they couldn't back out now, those statements would undermine any justification for invoking the Baker Act and the officers' claims that they were trying to help Betancourt. But, of course, the estate did not allege in the complaint that had happened.

The estate's speculation doesn't stop there. It argues further that the audio could have captured the officers admitting that they had probably been too rough with Betancourt — *if* they had been too rough, and *if* they had admitted it out loud. Or, the estate speculates the audio could have recorded a debate amongst the officers about whether their force was excessive *if* they had such a debate. But, of course, the estate did not allege in the complaint any of those “ifs,” and there is no reason to believe that they are anything but make-believe.

According to the estate, what we “must do under the standard, is give [it] the favorable inferences” where the audio is muted. But the standard permits only “*reasonable* inferences.” *See Bailey v. Wheeler*, 843 F.3d 473, 480 (11th Cir. 2016) (“drawing all *reasonable* inferences in a plaintiff's favor” during a *de novo* review of a denial of immunity at the motion to dismiss stage) (emphasis added). It does not permit hypothesized inferences or inferences derived from assuming the worst, or inferences on steroids. Drawing favorable inferences that are reasonable does not mean making assumptions and speculative conclusions about what *could* have happened or *might* have happened while the audio of one officer's recording device was muted, especially when the rest of the footage

shows officers helping Betancourt reposition himself, telling him things will be okay and that they are there to help, and then promptly attempting to provide lifesaving CPR. *See generally Davila v. Delta Air Lines, Inc.*, 326 F.3d 1183, 1185 (11th Cir. 2003) (explaining at the motion to dismiss stage “conclusory allegations, *unwarranted factual deductions* or legal conclusions masquerading as facts will not prevent dismissal”) (emphasis added). Again, what matters is not what went on between the officers and what they said to each other. What matters is what went on between Betancourt and Melanie and the officers, and what they said back and forth, and the video and audio captured that.

In the face of all that, the estate argues that *if* officers intentionally destroyed (by failing to record all of the audio) evidence, that supports “the inferences of consciousness of wrongdoing and Constitutional violations.” It argues that officers who destroy (by failing to record all of the audio) evidence “cannot claim they acted reasonably when their own conduct suggests awareness of impropriety.” But that argument runs smack into binding Supreme Court precedent that: “An action is ‘reasonable’ under the Fourth Amendment, regardless of the individual officer’s state of mind, as long as the circumstances, viewed *objectively*, justify the action.” *Brigham City v. Stuart*, 547 U.S. 398, 404–06 (2006) (explaining how the reasonable officer standard applies in emergency-aid doctrine cases) (quotation marks and brackets omitted).

As we will explain, *infra* at 22–25, Betancourt’s seizure occurred in the non-criminal emergency setting. And under the emergency-aid doctrine, we ask whether a reasonable officer on the scene could have concluded, under the circumstances, that Betancourt needed emergency assistance. *See Marbut v. Phillips*, 176 F.4th 1256, 1265 (11th Cir. 2026) (“[A] reasonable officer on the scene could conclude that Marbut needed emergency assistance following a suspected overdose.”). This is not a subjective inquiry; it’s an objective one. *See Brown v. City of Huntsville*, 608 F.3d 724, 734–35 (11th Cir. 2010) (explaining that the reasonable-officer standard “is an objective one and does not include an inquiry [into] the officer’s subjective intent or beliefs”).

The estate contends that the district court failed to address its evidence spoliation allegation and should have accepted its “well-pleaded fact[]” as true. But contrary to the estate’s argument, the spoliation allegation wasn’t well-pleaded factually. It was conclusory and speculative. The estate points to no allegation in the complaint asserting that any officer muted his camera audio because he intended to destroy evidence or hide knowledge of wrongdoing. *See generally Coquina Invs. v. TD Bank, N.A.*, 760 F.3d 1300, 1313 n.13 (11th Cir. 2014) (explaining that it’s not this Court’s responsibility “to parse a record to search out facts or evidence not brought to the [C]ourt’s attention”) (alteration adopted and quotation marks omitted). And its speculations and conclusions about the story the audio *might* have told fail to move the needle because they are not supported by well-pleaded factual allegations. *See Ashcroft v. Iqbal*, 556 U.S. 662, 679 (2009) (“While legal conclusions can

provide the framework of a complaint, they must be supported by factual allegations.”).

Even if one of nine officers briefly muting part of his body camera audio did amount to spoliation, which we seriously doubt, we will not assume the officers acted in bad faith when the complaint does not even allege that they did, and when the video and the audio that was recorded soundly refute the estate’s speculative wishes. *See Tesoriero v. Carnival Corp.*, 965 F.3d 1170, 1184 (11th Cir. 2020) (explaining that “an adverse inference is drawn from a party’s failure to preserve evidence only when the absence of that evidence is predicated on bad faith. And bad faith in the context of spoliation, generally means destruction for the purpose of hiding adverse evidence”) (citation and quotation marks omitted).

The estate’s unsupported arguments provide no basis for reversing the district court’s judgment. In our recitation of the facts, we drew all *reasonable* inferences in the estate’s favor.⁸ It is with

⁸ The estate also argues that the district court resolved medical evidence in the defendants’ favor, pointing to the fact that the district court concluded that Betancourt’s death was caused by “atherosclerotic and hypertensive heart disease[.]” The estate argues that the district court shouldn’t have made that conclusion when the medical examiner’s report, which was both incorporated and quoted in the complaint, noted the multiple injuries Betancourt sustained before his death. The medical examiner’s report lists atherosclerotic and hypertensive heart disease as Betancourt’s cause of death and methamphetamine use as a contributory cause. But that is not necessary to our analysis, so we won’t discuss it further.

The estate also argues that the district court characterized the officers’ conduct as “helpful” despite the complaint’s allegations that the officers were

those facts in mind that we turn to whether the officers are entitled to qualified immunity.

B. Qualified Immunity

The factual allegations in the complaint and the video evidence establish the officers' entitlement to qualified immunity. Qualified immunity shields from liability government officials sued in their individual capacities when acting within their discretionary authority if their conduct "does not violate clearly established statutory or constitutional rights of which a reasonable person would have known." *Harlow v. Fitzgerald*, 457 U.S. 800, 818 (1982).⁹

acting with "malice" and "deliberate indifference." The video footage directly contradicts the estate's conclusory allegations. Given that, the district court did not err in refusing to accept those allegations as true. *See Scott*, 550 U.S. at 380.

⁹ For the first time on appeal, the estate contends that the district court erred in analyzing the officers' entitlement to qualified immunity collectively instead of individually. But the estate invited that error in its argument responding to the defendants' motion to dismiss when it continually referred collectively to the actions and inactions of the "MDPD officers." *See Swinford v. Santos*, 121 F.4th 179, 191 (11th Cir. 2024) (holding that the plaintiff invited error "by continually referring to the officers' actions collectively, rather than individually, and she failed to preserve such an argument for appeal because she did not raise it in opposing the motion to dismiss"). Therefore, any challenge to the district court's collective qualified immunity analysis cannot be brought before this Court. *See F.T.C. v. AbbVie Prods. LLC*, 713 F.3d 54, 65 (11th Cir. 2013) ("It is a cardinal rule of appellate review that a party may not challenge as error a ruling invited by that party.") (quotation marks and ellipses omitted).

Because it is undisputed that the officers here were acting within their discretionary authority, the estate must show that, for each of its claims against the officers, the complaint sufficiently alleges facts showing the officers' conduct (1) violated a constitutional right and (2) that the right was clearly established at the time of the conduct. *Roberts v. Spielman*, 643 F.3d 899, 904 (11th Cir. 2011); *see also Crocker v. Beatty*, 995 F.3d 1232, 1240 (11th Cir. 2021) (explaining that we may address either prong alone or both in either order). We need not go past the first prong here.

1. *The Unlawful Arrest Claim*

The district court determined that the officers did not violate Betancourt's Fourth Amendment rights by arresting him for the purpose of involuntary commitment under Florida's Baker Act. The estate argues that, in reaching that conclusion, the court took the defendants' version of events as true. But we have reviewed the record *de novo* and have drawn all reasonable inferences in the estate's favor, and we conclude that it has failed to carry its burden to show that qualified immunity does not apply here because it has not shown the violation of a constitutional right.

The Fourth Amendment allows "officers to . . . seize [an individual] in response to non-criminal emergencies," such as mental-health emergencies. *Marbut*, 176 F.4th at 1263. Under the emergency-aid doctrine, an officer doesn't violate the Fourth Amendment when effectuating an "otherwise illegal" seizure if he has "an objectively reasonable basis for believing that [his] intervention is

needed to prevent serious harm.” *Id.* at 1263–64 (quotation marks and brackets omitted).

To evaluate the objective reasonableness of an officer’s conduct, we “look[] at the totality of the circumstances.” *Id.* at 1265 (quotation marks omitted). In this case, the circumstances the officers faced involved Betancourt himself, an individual who admitted he had PTSD and was “over-stressed”; who had a previous interaction with at least one responding officer, during which that officer learned Betancourt had a rifle in his house; who was agitated and unable or unwilling to listen to or follow instructions from his wife and the officers; and who had made self-harm statements to the dispatcher on a recorded line.

It doesn’t matter that Betancourt continued to insist that he didn’t mean his statements about seriously harming himself. *See generally id.* (“As in other Fourth Amendment cases, officers responding to an emergency are not required to sift through conflicting evidence or resolve issues of credibility in the heat of the moment.”) (quotation marks omitted). And under these circumstances, it doesn’t matter whether Officer Fernandez subjectively believed that Betancourt’s statements to the dispatcher weren’t serious. The fact that Betancourt made the statements, serious about them or not, during a 911 call, coupled with his behavior after the officers’ arrival, his admitted mental-health disorder, and his inability or unwillingness to follow commands, make it “at least arguable” that the officers “had an objectively reasonable basis to conclude that seizing [Betancourt] was necessary to avoid serious

harm” to Betancourt or to others. *Id.* (quotation marks omitted). Based on the totality of the circumstances, “a reasonable officer on the scene could [have] conclude[d] that [Betancourt] needed emergency [mental health] assistance.” *Id.*¹⁰

Nor does it matter to the emergency-aid doctrine that the officers did not go to the Betancourt place that evening for emergency aid purposes. The estate’s argument that the emergency-aid doctrine is inapplicable because the officers weren’t responding to a mental health emergency also fails. We decline to hold that when an officer responds to a routine call, he has no discretion to determine once he is on the scene that the situation is a mental health emergency. The possibility of a person harming himself or someone else because of a mental health episode that becomes apparent after the officer arrives on the scene is as much an emergency as any other. *See generally id.* at 1265 (“We should not oversimplify a complex situation with the benefit of hindsight. Nor should we ignore the need for a prompt assessment of sometimes ambiguous information concerning potentially serious consequences.”) (quotation marks, brackets, and citation omitted).

The officers did not violate Betancourt’s Fourth Amendment rights when they seized him because they had an objectively

¹⁰ The estate’s arguments that the officers violated the Fourth Amendment because they violated Florida’s Baker Act fail. The “Fourth Amendment does not transform alleged violations of state law into constitutional violations.” *Marbut*, 176 F.4th at 1266. And, therefore, “state-law arguments do not overcome the officers’ qualified immunity.” *Id.*

reasonable basis to conclude that he was a danger to himself and others, and he needed emergency mental health assistance. It isn't a close call, and we affirm the district court's dismissal of the unlawful arrest claim. *See generally Andrews v. Warden*, 958 F.3d 1072, 1076 (11th Cir. 2020) ("We may affirm for any reason supported by the record.") (quotation marks omitted).

2. *The Excessive Force Claim*

On the excessive force claim, the district court explained that the estate "maintain[ed] the arrest itself was unconstitutional and [did] not contend that the amount of force police used in effectuating their arrest would be unlawful even if the arrest itself was valid." For that reason, the excessive force claim could not survive the dismissal of the unlawful arrest claim. Alternatively, the court concluded that the excessive force claim failed on the merits because the officers used no more force than was necessary to detain Betancourt.

In its initial brief to this Court, the estate challenged only the alternate basis for the dismissal of the claim and didn't address the court's conclusion that the estate hadn't argued that the force was excessive even if the arrest was valid. "To obtain reversal of a district court judgment that is based on multiple, independent grounds, an appellant must convince us that every stated ground for the judgment against him is incorrect." *Sapuppo v. Allstate Floridian Ins. Co.*, 739 F.3d 678, 680 (11th Cir. 2014). So, "[w]hen an appellant fails to challenge properly on appeal one of the grounds on which the district court based its judgment, he is deemed to

have abandoned any challenge of that ground, and it follows that the judgment is due to be affirmed.” *Id.* And we have a longstanding rule “that an appellant who does not raise an issue in [its] *opening brief* may not do so in [its] reply brief.” *Miccossukee Tribe of Indians of Fla. v. Cypress*, 814 F.3d 1202, 1210 (11th Cir. 2015) (emphasis added and quotation marks omitted).

The estate’s reply brief argues that it did not abandon its excessive force claim because its “excessive force claim has never been linked to the [unlawful] arrest claim” before this Court or the district court. But the district court dismissed the excessive force claim on the independent ground that the claim could not “be independently maintained” apart from the unlawful arrest claim. The estate never addresses that part of the district court’s decision.

Because the estate failed “to challenge properly on appeal one of the grounds on which the district court based” the dismissal of the excessive force claim, it “is deemed to have abandoned any challenge of that ground, and it follows that” the district court’s dismissal of that claim “is due to be affirmed.”¹¹ *Sapuppo*, 739 F.3d at 680.

¹¹ The estate also forfeited the issue regarding judgment against it on the excessive force claim because it failed to carry its burden to show the officers were not entitled to qualified immunity. *See Piazza v. Jefferson Cnty.*, 923 F.3d 947, 951 (11th Cir. 2019). Even though the district court didn’t reach the clearly established prong, the estate also didn’t argue it before the district court. It argued only that the complaint’s factual allegations were sufficient to show that the officers’ force was excessive in violation of the Fourth Amend-

V.

For its failure to intervene claim against eight of the responding nine officers, the estate argues only that, in the event this Court reinstates the excessive force claim, the “failure to intervene claim would necessarily follow.” We haven’t reinstated the excessive force claim.

VI.

The estate also challenges the dismissal of its claim for municipal liability against the County based on failure to train. But to state a claim for municipal liability, a plaintiff must sufficiently allege that (1) “constitutional rights were violated; (2) the municipality had a custom or policy that constituted deliberate indifference to that constitutional right; and (3) the policy or custom caused the

ment. But it was the estate’s burden to show that the factual allegations support that “(1) the officer[s] violated a constitutional right *and* (2) the right was clearly established at the time of the alleged violation.” *Id.* (emphasis added). The estate didn’t do much better in its initial brief to this Court, where it raised the clearly established prong issue only in a perfunctory manner. *See N.L.R.B. v. McClain of Ga., Inc.*, 138 F.3d 1418, 1422 (11th Cir. 1998) (“Issues raised in a perfunctory manner, without supporting arguments and citation to authorities, are generally deemed to be waived.”). In addition, the estate failed to carry its burden to show that the officers’ use of force violated a right that was clearly established at the time of the alleged violation. *See Ingram v. Kubik*, 30 F.4th 1241, 1250–51 (11th Cir. 2022) (explaining at the motion to dismiss stage that “officers are entitled to qualified immunity if the plaintiff fails to show either that there was some constitutional violation or that it was clearly established”), *abrogated in part on unrelated grounds by Marbut*, 176 F.4th 1256; *see generally Andrews*, 958 F.3d at 1076.

violation.” *Plowright v. Miami-Dade County*, 102 F.4th 1358, 1370 (11th Cir. 2024) (quotation marks omitted). For the reasons we have explained, the estate failed to sufficiently allege that Betancourt’s “constitutional rights were violated.” *Id.* It follows that the district court did not err in dismissing the failure-to-train municipal liability claim.

AFFIRMED.