

NEW HAMPSHIRE UNION LEADER

Last-ditch push to end government lawsuit immunity

Kevin Landrigan

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CONCORD — The co-founders of the iconic Ben & Jerry's Ice Cream franchise led a last-ditch, bipartisan effort Monday to convince state legislators to end qualified immunity for police officers and other public employees.

Ben Cohen and Jerry Greenfield said they decided to mount the national campaign to give justice to victims of police brutality.

“The only people who benefit from qualified immunity are bad cops,” Greenfield said at a news conference on the steps of the State House. “Good cops have nothing to worry about; this isn't anti-cop at all. We say, love the good ones, but you have to prosecute the bad ones.”

The issue of whether citizens can sue government agencies for civil damages was one of the most divisive dealt with last summer by the state-created Commission on Law Enforcement Accountability, Community and Transparency, which failed to reach a compromise on the subject.

Last month, a move to pass it as a separate bill (**HB 111**) narrowly failed in the House, 184-178.

State Rep. Paul Berch, D-Westmoreland, said he'll offer a revised measure as an amendment when the House Judiciary Committee takes up another police reform bill (**SB 96**) which would create a fund to support body and dashboard cameras for local police departments.

Berch said this latest proposal would leave employees immune from lawsuits and it would require victims to sue government employers for any damages.

The plan also makes it clear that elected officials and judges would not face any lawsuit for “judicial or legislative activity.”

“We aren’t asking for anything different than government actors subject to the same standards as people who work on your home or serve your food,” Berch said.

‘National narrative’ panned

Mark Morrison, president of the New Hampshire Police Association, said these employees can still be sued if found to have acted “recklessly” or with “wanton disregard.”

“The suggestion that police officers are free to commit misconduct free from liability is not a factual statement in New Hampshire,” Morrison said in a statement. “This national narrative being pushed on New Hampshire fails to understand our laws and fails to understand that New Hampshire values their law enforcement community partners.”

Former Supreme Court Justice and trial lawyer Chuck Douglas promoted the cause, while admitting there was a small incidence of police misconduct here compared to other states.

“Fortunately in New Hampshire, this is not a widespread problem; there is not systemic police abuse,” Douglas said. “Those who are bad need to be accountable, and that’s why the amendment is important.”

Those backing the concept range from the fiscally conservative Americans for Prosperity and the Cato Institute to the socially liberal Americans for Civil Liberties Union and Leadership Committee for Civil and Human Rights.