



Panel discusses qualified immunity at Backyard Brewery

Andrew Sylvia

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What is qualified immunity? That was the question on Wednesday night at Backyard Brewery as the **Americans for Prosperity Foundation** (AFPF) held a discussion on the legal principle used as a defense by government officials in response to civil lawsuits for alleged malfeasance.

Hosted by AFPF New Hampshire Deputy State Director Ross Connolly, the event focused on a panel including ACLU-NH Legal Director Gilles Bissonnette, Institute for Justice Attorney Keith Neely, Jay Schweikert of the Cato Institute and State Representative Tony Lekas (R-Hudson).

According to Connolly, the panel was chosen due to its work in relation to the topic in court rooms and at the legislative level. The four members of the panel opposed the concept of qualified immunity, feeling it fueled a crisis of unaccountability among government officials, particularly those in law enforcement, which in turn sowed mistrust among the general public that can potentially endanger government officials.

Although members of the panel could not cite significant instances of where qualified immunity was an obstacle to those in New Hampshire seeking remuneration for violations of constitutional rights, they noted cases elsewhere in the country such as **Jessup v. Fresno** where police officers were found to have stolen money while executing a search warrant and **Fraser v. Evans** where an individual was arrested for documenting police brutality.

Connolly says that the purpose of the event was not to advocate for a specific point of view, but to educate those in the audience about the topic, particularly the 10 to 20 state representatives in attendance.

“We wanted to break through some of the misinformation that surrounds the policy of qualified immunity,” he said. “It’s a big topic that can be very complicated for people to understand so this event tried to break down the policy into smaller bits for people to understand.”

Connolly added that his hope is that people realize addressing the topic of qualified immunity would not only help in rebuilding trust in the accountability of government but would also improve policing rather than attacking it, echoing statements by the panel that money should be spent on additional training for police officers or it should eventually be spent on defending costly lawsuits.

“I think it gets tied into larger national discussions such as defund the police and anti-police rhetoric and that’s not what we’re about. We want to uphold good police and promote good policing across the state of New Hampshire,” he said. “That was the point of this event, this is not about defunding the police, this is about government accountability across the board. Any non-elected government official has qualified immunity and if they violate citizens’ constitutional rights, there’s very little recourse for duress.”