

Civil Liability for Police Misconduct



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Civil Liability for
Police Misconduct

Federal Claims
42 U.S.C. § 1983

State Law Claims

R.S.A. 541-B

R.S.A. 507-B

Qualified Immunity (Federal Claims)

- Plaintiff must show that the officer (1) violated a constitutional right and (2) that the right was clearly established such that a reasonable officer would have known that the right was being violated.

Immunity under State Law

- Official Immunity
- Immunity under RSA 541-B
- Discretionary Function Immunity

Defense and Indemnification

- The State will defend and indemnify a State Trooper provided that the employee acted within the scope of his or her official duty and the acts were not wanton or reckless.