

Sheriff responds to City's lawsuit statement

(KAIR)--The City of Atchison is trying to dump their obligations regarding the proper care and treatment of persons in their custody, on the Sheriff and County.

That word comes in a response from Atchison County Sheriff Jack Laurie to a [release](#) issued Wednesday by Atchison City Manager Becky Berger, regarding an ongoing lawsuit between the City and the Sheriff, as first filed by the City in December of last year.

In her statement, the first made publicly by Berger since the filing was made in Atchison County District Court in December, said “a relatively simple dispute has turned into expensive litigation” due to Laurie’s countersuit against the City’s appeal to the Court to require Laurie to accept all Atchison Police arrests into the jail.

Laurie, in his response, maintains claims made in his countersuit, saying that he has asked the City of Atchison, for years, to “do its job by implementing effective procedures to make clear that when their police officers arrest individuals, they cannot dump them at the county jail” if they are in need of immediate medical care. Laurie has maintained the City does that to defer the medical costs to the County.

Saying that he never received any communication from Berger prior to the filing of the lawsuit by City Attorney Robert Campbell, as shown during a sworn court deposition Laurie cites as evidence in his response, he says Berger “is in no position” to blame him, the Sheriff, for litigation expenses, saying that Campbell is already on the City’s payroll.

In her release Wednesday, Berger said the cost of the case has climbed to \$30,000.

Adding that it’s his belief that Berger failed to consult with all members of the Atchison City Commission prior to the lawsuit’s filing, Laurie states that “if someone has been arrested and has serious medical needs, dumping them at the jail and being indifferent to their medical needs is unlawful, and is an invitation to lawsuits from those individuals,” adding that as Sheriff, he is “obligated to protect Atchison County and the Sheriff’s Office from such lawsuits.”

The City’s lawsuit was filed December 19, alleging that Laurie, in his official capacity as County Sheriff, is violating Kansas statute by having what the legal document calls “a policy not to accept prisoners brought to the jail by Atchison police officers if they meet or don’t meet certain criteria.”

Editor's note: Below is Laurie's response, in full:

FOR IMMEDIATE RELEASE: In response to Becky Berger's Press Release

Atchison City Manager Becky Berger has admitted that she never directed that an investigation occur before ordering what she now describes as a relatively simple lawsuit be filed against me (Jack Laurie), using YOUR tax dollars to do so.

When asked in her sworn deposition why she did not communicate with me prior to suing me Berger said, 'is there a requirement to do that?' If her lawsuit was truly a relatively simple lawsuit, maybe the professional courtesy of a phone call or a simple letter laying out her claims might have been considered.

Becky is in no position to blame me for litigation expenses, as the attorney who filed the lawsuit is already on the City of Atchison's payroll. If, City Attorney Robert Campbell were not competent enough to litigate a lawsuit that he filed under her direction, perhaps she should have explored other options. Alternatively, maybe she should have consulted with her Elected City Commissioners, as a whole, as a fiscally responsible City Manager would do. I have good reason to believe that all members of the City Commission were not even made aware of the lawsuit until after it was filed. Now because of her actions, Atchison County taxpayers, including those who live in the City, will bear the cost of her inexperience in oversight of the police department.

Having sued me as a county official, did she really expect me not to defend the lawsuit by telling the Sheriff's/Atchison County's side of the lawsuit? The truth is, for years I asked that the City of Atchison do its job by implementing effective procedures to make clear that when their police officers arrest individuals, they cannot dump them at the county jail if and/or when they need immediate medical attention. The City is trying to dump their obligations regarding the proper care and treatment of persons in their custody, on the Sheriff and County. The Atchison County jail is not a medical facility!

While claiming to abide by the law, the Atchison Police Department's standard operating procedures on these issues have not been updated since 2003, and have never been subjected to external legal review for legal compliance. Police Chief Mike Wilson admitted that in his own deposition. Never has the Atchison police department been audited for legal compliance, Berger separately admitted.

I was employed by the City of Atchison in its police department for a number of years. At no time during my tenure did Chief Wilson ever provide training for me or my colleagues on our obligations under federal law to determine whether someone we had in our custody was fit for confinement in the county jail before we take them there. Now, seeing the conduct of Atchison police officers from the

other side because I am now in charge of the county jail, their misconduct is apparent. Unfortunately, the misconduct has continued even during the pendency of Mrs. Berger's lawsuit.

In other instances, City police will "un-arrest" suspects in their custody to avoid their obligation to seek medical care for those persons. That is a separate violation of state law. If you go to the trouble of arresting persons, the sudden decision to unarrest them when you see that they need medical attention is profoundly suspicious, not to mention dangerous. It happens quite frequently with the Atchison Police Department and dispatch records demonstrate this.

Taxpayers expect the law enforcement community to comply with law not ignore it and that includes the Atchison Police Department. If someone has been arrested and has serious medical needs, dumping them at the jail and being indifferent to their medical needs is unlawful, and is an invitation to lawsuits from those individuals. As Sheriff, I am obligated to protect Atchison County and the Sheriff's Office from such lawsuits. Now that the City has acted precipitously, to retaliate against me for exposing its conduct, it seems proper to make a public record of the evidence for the entire community to evaluate on its own. That, apparently, has Ms. Berger worried for the first time about her lawsuit's expenses. I suspect it is not the expense that truly has her worried.

Please let me remind you, this lawsuit was filed roughly 45 days after my successful November 2020 re-election campaign. A political campaign that the City Manager allowed city employees to use city resources, vehicles, tax dollars, and their official position titles to campaign against me in the sheriff election. Why are your tax dollars being wasted and used for political purposes?

Please feel free to contact me with any questions.

Jack Laurie, Sheriff

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