

Berger: relatively simple dispute has turned into expensive litigation.

(KAIR)--A relatively simple dispute has turned into expensive litigation.

That's the word delivered in a news release issued Wednesday by Atchison City Manager Becky Berger regarding a lawsuit filed by the City against Atchison County Sheriff Jack Laurie last year.

The release says it was filed in Atchison County District Court "in response to the Sheriff's repeated unlawful refusal to accept detainees arrested by the Atchison Police Department", with the release noting that the Court agreed with the City, ordering Laurie to accept the detainee at the heart of the suit into his custody on December 21. The inmate had been housed in the Doniphan County Jail, where he was taken after the Sheriff's Office said he should receive medical treatment, prior to being booked.

Laurie's countersuit alleges that the City routinely takes prisoners in need of care to the jail, instead of to the hospital, in violation of their constitutional rights, in order to avoid the treatment cost, which is deferred to the County.

Berger calls Laurie's allegations "completely groundless," with the claim converting "a relatively simple dispute into expensive litigation," with "the Sheriff's baseless claims" resulting "in a growing legal bill that has exceeded \$30,000 to date."

An attorney cited in the release, Curt Tideman, says "Laurie is now asking the Court to determine the constitutional rights of numerous detainees who never claimed that their rights were violated," calling the countersuit "a shameful waste of public funds."

Berger, in the release, says every dollar spent by the City on the case "is a dollar that can't go toward streets or sidewalks or to improve our parks."

Expecting Laurie's countersuit claims to be rejected, Tideman says there are Kansas statutes permitting the City to claim the fees, if that happen.

Editor's note: Below is Berger's statement, in full.

For Immediate Release

City Sues Sheriff Who Responds by Driving Up Legal Bills

In response to the Sheriff's repeated unlawful refusal to accept detainees arrested by the Atchison Police Department, the City filed a lawsuit against Sheriff Jack Laurie last December, to force the Atchison County Jail to accept a prisoner. The case was filed in Atchison County District Court and the Court agreed with the City, ordering Jack Laurie to "accept" the detainee "into his custody" on December 21, 2021. Prior to the order, the prisoner had been housed in the Doniphan County Jail, at taxpayer expense, where the Doniphan County Sheriff accepted the prisoner without any of the objections which had been raised in Atchison County.

Sheriff Laurie, however, filed a countersuit alleging that Atchison Police routinely violate constitutional rights of detainees by failing to administer to their medical needs. While these allegations are completely groundless, they have converted a relatively simple dispute into expensive litigation. The Sheriff's baseless claims have resulted in a growing legal bill that has exceeded \$30,000 to date. Every request to mediate the dispute has been rejected or ignored by the Sheriff.

This legal expense is totally unnecessary. The initial lawsuit simply asked the Court to decide whether Sheriff Laurie had the legal right to reject the prisoner. He had no such right," attorney Curt Tideman said. "Sheriff Laurie is now asking the Court to determine the constitutional rights of numerous detainees who never claimed that their rights were violated. It's a shameful waste of public funds but the City has no real choice but to defend itself against this frivolous case. Fortunately, there are Kansas statutes, backed up by case law, permitting the City to claim the fees they are spending due to Sheriff Laurie's actions if, as I expect, his claims are rejected.

We have limited resources and too many needs as it is," City Manager Becky Berger said. "Every dollar we spend on this litigation is a dollar that can't go toward streets or sidewalks or to improve our parks. The loser in all of this is the city taxpayers, who are also county taxpayers.