

Lawsuit challenges 'custom' of jailing people for being poor

Lawrence County sobriety program jails people who can't pay for monitoring, lawsuit alleges



JONATHAN ELLIS

JUN 18, 2023 • PAID



9



5

Share



When John Sitar showed up at the Lawrence County Jail on March 15, he had a problem.

Sitar was a participant in the county's 24/7 sobriety program. As part of the program, he was required to replace a testing patch that monitored for illegal substances every two weeks. Each patch costs \$50.

When he didn't have \$50 to get a new patch, Sitar was thrown in jail.

“Sitar’s punishment for lack of \$50 – a mandatory incarceration for at least twenty-four hours, even after the \$50 was paid – punished him for poverty, which violated his right under (sic) Fourth Amendment to be free from illegal search and seizure, and his right under the Fourteenth Amendment to due process of law and equal protection of law,” the lawsuit says.

Sitar is represented by Rapid City attorney Jim Leach.

The lawsuit seeks to breach Dean and the sergeant of their protection of qualified immunity, alleging they were acting in the “custom, practice, and policy” with intentional disregard to Sitar’s constitutional rights.

That action is now the basis of a federal lawsuit filed by Sitar against Lawrence County Sheriff Brian Dean and the sergeant who jailed him. The lawsuit alleges that Lawrence County has a "custom" of jailing people because they are poor.

In Sitar's case, he was jailed immediately after avowing that he didn't have money to pay for a new testing patch. His lawsuit alleges that the incarceration broke federal civil rights law because it happened without due process, coming at the hands of a sergeant in charge of the jail at the time. There was no hearing or presentation to a judge.

Lawrence County has not responded to the suit. Sheriff Dean did not respond to a request for comment.

After Sitar was jailed, he was able to find someone to help him pay the \$50 for a new testing patch, the lawsuit says. But he was still not released from jail until after 24 hours had expired.