



Sheriff Scott J. Braun

ELLIS COUNTY SHERIFF'S OFFICE

105 W. 12th St. Hays, Kansas 67601

Testimony to the House Committee on Federal and State Affairs

Chairman Kessler and Committee Members,

Thank you for the opportunity to appear before you today. I come before you as the Sheriff of Ellis County and as someone who has served more than 31 years in Kansas law enforcement. Throughout my career, I have learned that decisions involving public safety often carry significant responsibility and risk. The issue before us today involves both.

Kansas County Association Multiline Pool (KCAMP) currently provides liability coverage to 81 of the 104 sheriffs' offices in Kansas. The remaining counties are insured by Travelers or EMC or are self-insured. On March 12, 2025, KCAMP formally notified sheriffs that claims arising from participation in a 287(g) program may not be covered under their liability coverage. The notice further explained that the ICE Memorandum of Agreement places responsibility and costs on the local agency, and that any assistance from the Department of Justice in defending a lawsuit is discretionary and not guaranteed. Additionally, certain policy exclusions, including contractual liability and enforcement-related exclusions, could apply.

In practical terms, this creates serious exposure. The federal government does not guarantee a defense, and our insurance pool signals that coverage may not apply. That leaves the sheriff—and ultimately the county taxpayer—financially vulnerable.

This risk is not theoretical. Across the country, sheriffs have faced lawsuits for honoring ICE detainees. In some cases, they have incurred substantial defense costs and judgments without federal representation. KCAMP's own communication acknowledges that certain enforcement scenarios are ripe for litigation. The exposure is real and foreseeable.

At the same time, federal policy has created reimbursement programs and financial incentives tied directly to participation in 287(g). Counties and sheriffs that do not participate are not eligible for those specific reimbursements. In today's fiscal environment, counties must evaluate every available funding opportunity to support staffing, jail operations, equipment, and technology. Additionally, there has been ongoing federal discussion about conditioning or restricting certain funding streams based on cooperation with immigration enforcement. Regardless of one's view on federal policy, the financial uncertainty and potential hardship for counties is undeniable.

In Ellis County, this issue was carefully discussed with our County Commission. We reviewed the liability exposure, the KCAMP notice, the discretionary nature of federal defense, and the fiscal realities involved. After that discussion, we collectively decided that I would sign the 287(g) agreement on behalf of Ellis County. That decision was not made lightly; it was made to secure federal reimbursement opportunities and funding that directly support public safety operations and protect our local taxpayers.

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However, by doing so, we accept real risks—legal, financial, and professional. As sheriffs, we understand that our position carries responsibility. What is difficult is being placed in a situation where participation in a federally authorized program exposes counties to potentially catastrophic liability without guaranteed defense or indemnification.

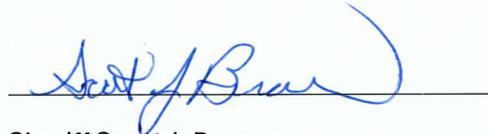
If sheriffs act in good faith under a federally authorized agreement, there should be clear statutory authority and state-level protection. Providing civil immunity for good-faith actions, representation by the Attorney General, and indemnification for judgments is not about politics. It is about fiscal responsibility and safeguarding Kansas taxpayers from exposure that could devastate a county budget.

Chairman Kessler and Committee Members, sheriffs across Kansas are willing to take on difficult responsibilities to keep our communities safe. We do so every day. But we should not have to stand alone when the risk extends beyond our office and threatens the financial stability of our counties.

I respectfully ask for your support in providing the clarity and protection necessary for Kansas sheriffs and counties to continue serving safely and responsibly.

Thank you for your time and consideration.

Respectfully submitted,



Sheriff Scott J. Braun
Ellis County, Kansas
Current Past President, Kansas Sheriffs' Association