



Managing High-Profile Inmates in a Jail Setting

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Guess who they are bringing in the door? That is not a question that most detention supervisors want to hear. The arrival of a high-profile inmate brings with it a whole set of problems that disrupts the routine of the facility. Most detention facilities, whether run by a sheriff or a local department of corrections, have well-established policies for the safe housing of inmates. The best policies reflect a combination of applicable state and federal law, along with applicable case law and what are considered “best practices” in the corrections field. The policies and practices that result allow appropriate decisions to be made regarding housing and conditions of confinement for most every inmate that may be placed into custody. However, an added dimension may arise when a detention facility is given custody of a high-profile inmate.

The phrase “high-profile inmate” is a label that everyone in the corrections profession has heard or used at one time or another — but what makes one inmate high profile and another simply a management problem? The distinction seems to lie solely in perception — perceptions of the staff, other inmates and the public, most typically as a result of coverage by the news media. If one attempts to ignore the “high-profile” label that has been applied to the inmate, then the agency may be opening the door to an almost unlimited list of negative repercussions: bad publicity, security breaches, corruption of staff, impact on the inmate’s pending criminal actions, or even death or injury to staff or the inmate. Threats can come from either internal or external sources.

All of these negative repercussions may arise at any time, but the presence of a high-profile inmate may compound the possibility and will almost certainly result in future litigation and enhanced media coverage of the incident and of a facility. In dealing with this type of inmate, several considerations must be taken into account: physical security of the facility, physical security of the inmate, behavior of the inmate within the facility, compliance with any court orders and transport of the inmate (if needed).

For better or worse, the Sedgwick County Sheriff’s Office in Wichita, Kan., has experienced three such high-profile situations, two of prominent national attention and one only less so. Here are the facility’s experiences.

Terry Nichols

Oklahoma City Bombing Suspect

Length of Stay: 18 days — April 22, 1995, to May 19, 1995

Terry Nichols helped Timothy McVeigh build the bomb that destroyed the Alfred P. Murrah Federal Building in Oklahoma City, killing more than 160 innocent people. The bomb was constructed in Kansas and Nichols helped stash a getaway car in Oklahoma City for McVeigh to leave the scene after the bomb exploded. Nichols was arrested in Kansas by federal authorities and housed in the Sedgwick County Adult Detention Facility in Wichita for 18 days between April 22, 1995, and May 19, 1995. The crime drew international publicity.

Special Conditions of Confinement. Nichols was confined under conditions established by the U.S. Marshals Service. He was housed in a single cell, away from the rest of the inmates. A deputy was assigned to monitor him 24 hours a day, seven days a week. Deputies were rotated on a frequent basis. Conversation between Nichols and the deputy assigned to watch him was severely restricted and the deputy was required to record all conversations or anything that Nichols said. Any time Nichols was moved anywhere within the facility, extra precautions were taken to ensure his personal security and the security of the facility. For example, halls were cleared, and at least two deputies were used to move him. Also, he was placed in leg irons for movement. Deputies accompanied Nichols everywhere within the facility, and he was served his meals in his cell.

Behavior in the Facility. Nichols was somewhat sullen and did not cause any problems inside the institution. He made no known efforts to contact the media.



Court Orders. None.

Internal/External Threats. Due to the nature of the crime and the proximity of Wichita to Oklahoma City, there was a real danger that the other inmates would not greet Nichols warmly. Therefore, there was a reason to keep him separated from the general population for his own safety. In addition, there was much speculation at the time that the bombing was part of a larger conspiracy and that possible external threats existed. Security for the facility was enhanced by the sheriff's office. All sheriff's office personnel were told to keep an extra watch on the exterior of the facility for suspicious activity. The U.S. Marshals Service and the Federal Bureau of Investigation dealt with any possible external threats.

Transport. Nichols left the facility on May 10, 1995, in the custody of the U.S. Marshals Service. Security was high and several vehicles were used to transport him to his next destination in federal custody. For his own safety, Nichols was dressed in a bullet-resistant vest during transport. The event was photographed extensively by the media.

Jonathan and Reginald Carr

Murder Suspects

Length of Stay: 700 days — Dec. 15, 2000, to Nov. 15, 2002

Jonathan and Reginald Carr are brothers who together participated in a crime spree in Sedgwick County, Kan., that left five people dead and another person severely wounded. Their crimes were made more horrific by the sexual abuse of several of the victims and the particularly cruel way in which their crimes were accomplished. The nature of their crimes and brutal murders of their victims caused a national media frenzy and a trial that lasted almost two years.

Special Conditions of Confinement. Although they were housed in general population, a high level of security was observed. Both inmates were green suited (a custody classification) to mark the need for separation from witnesses and each other. The Carrs were viewed as an escape risk.

Behavior in the Facility. The Carrs did not behave well inside the facility. Both brothers engaged in physical altercations with inmates and staff. An attempt was made by one brother to bribe a deputy into smuggling marijuana into the facility (it was reported by the deputy and a case was made). One brother was found with another inmate's identification card. In short, they were a high-security risk. They made no known efforts to contact the media.

Court Orders. A gag order was in force by the court to all participants in the trial, including the deputies of the Sedgwick County Sheriff's Office.

Internal/External Threats. The Carrs faced both internal and external threats. Many of the internal threats came from the fact that they did not get along very well with other inmates. Other threats were a result of the nature of their

crimes; they were not very popular. Members of several white supremacist groups made external threats against the Carr brothers because their victims were white and the Carrs are not. The white supremacist groups viewed this as a racial hate crime and demonstrations were held at the state capitol in Topeka by the National Socialist Movement and the Ku Klux Klan, and Matt Hale, World Church of the Creator leader, spoke. Direct threats were made against the Carrs and against the security of the trial at these rallies and on Internet sites. Both Carr brothers received threats against their lives through the mail, which were taken very seriously and dealt with on a case-by-case basis.

Transport. The Carrs left the facility on Nov. 15, 2002, and were transported by deputies of the Sedgwick County Sheriff's Office to the El Dorado Correctional Facility of the Kansas DOC. A multiple-car convoy of sheriff's vehicles was used for the transport. Coordination had been arranged with the Butler County Sheriff's Office to join Sedgwick County deputies at the county line and they assisted with traffic control for the convoy until its arrival at the facility. The media had camped outside the sally port of the detention facility and followed the convoy the entire route of travel, giving a live, real-time broadcast of the transport.

Dennis Rader

The BTK Killer

Length of Stay: 174 days — Feb. 26, 2005, to Aug. 19, 2005

On Saturday, Feb. 26, 2005, at 7:58 p.m., Dennis L. Rader was booked into the Sedgwick County Detention Facility on 10 counts of murder in the first degree. Rader is the self-named "BTK" serial killer that began terrorizing Wichita, Kan., in the early 1970s. After 30 years, he was caught and the appellation of high-profile inmate was a foregone conclusion. Unlike previous high-profile inmates, the circumstances surrounding the investigation and planned arrest resulted in a remarkable situation: advance notice.

On the day of arrest, but prior to the arrest occurring, selected detention staff were informed that a suspect had been identified and would be arrested for the BTK homicides. The arrest occurred shortly after noon on Friday, Feb. 25, 2005, and by the evening newscast, the local media had picked up on the story. Using the knowledge gained from previous experiences with high-profile inmates, along with the advance notice, the detention staff were able to prepare and plan for what was sure to become a lengthy stay.

Planning. Although the facility knew that an inmate would be arriving, this did not include any details about who the individual was for obvious and valid reasons. The arrest had yet to occur and law enforcement knew that any hint of the impending arrest might tip off the suspect who could flee or attempt to destroy evidence that might still exist. Therefore, planning proceeded on the basis of what was known factually and what could be surmised, and that was sufficient to make preparations.





Combining known facts with reasonable suppositions can provide guidance in how to apply existing policy and procedures when faced with a high-profile inmate. During this planning stage, it is important not to become bogged down in every nuance of the proposed conditions of confinement at the outset. Instead, planners should focus on the high-profile dimension and how that will impact the facility.

The first supposition discussed revolved around safety issues. By the time this high-profile inmate was booked into the facility, it would be well known to the public and, therefore, to the other inmates in the facility. It was decided that upon him being brought into booking, all movement in the booking area would cease and all inmates being processed would be locked down. This was to reduce any possible confrontation between the high-profile inmate and other unclassified inmates. Processing of this inmate into the facility would occur immediately upon his arrival so that the booking area could resume normal operations as soon as possible. Since housing would be at a premium, the decision was made that the high-profile inmate would be housed in the medical clinic — one of the few places in the facility that would have an open cell. Further, a deputy initially would be assigned (in the same manner as had occurred with Nichols) as a one-on-one watch until more permanent arrangements could be made and any threats to or from the inmate could be properly assessed.

The second supposition was that the detention center would receive calls from various attorneys, claiming to represent the suspect and demand immediate access. This assumption was based on historical precedence — the same situation developed when the Carr brothers were booked into the facility. In response, it was decided that if the inmate or the arresting officers informed detention staff that he did in fact have an attorney, it would be accepted as fact. If in the alternative, attorneys arrived claiming to represent him, those names would be recorded and the high-profile inmate would be contacted periodically to see if any of those claiming to be his attorney did in fact represent him.

The third supposition was that every aspect of this inmate's incarceration would undergo scrutiny both during and after his incarceration in the detention facility. This scrutiny would come from the district attorney's office, public defender's office and the public via the media. The answer to this possible issue was limited contact with the high-profile inmate by staff and limited access to his information, and clear communications between supervisory and line staff as well as other criminal justice agencies involved.

Shortly after the arrest on Friday, the story began to circulate in the local media. With preliminary protocols established for this high-profile inmate completed, the speculation in the media was confirmed to detention supervisory staff and they were informed of the guidelines that were developed.

Intake. Approximately 31 hours after the arrest, Rader was brought to the detention facility for formal booking. The established guidelines were implemented and Rader was moved quickly to his cell in the medical clinic. Prior planning allowed everything to be ready and resulted in minimal disruption to normal operations. Phone calls were received from the media and from attorneys. Both were fielded with confidence by detention staff due to the planning and clear communication of these contingencies to detention staff prior to the inmate being booked.

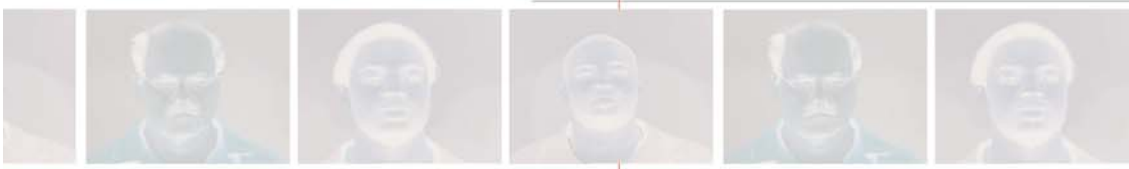
Special Conditions of Confinement. Each watch had designated sufficient personnel to provide adequate security in relationship to staffing requirements of the facility. These were the only security staff that interacted with the inmate. The contracted medical provider also limited contact to specific health care staff. These measures were developed as a pre-emptive measure for two primary reasons.

First, there was concern that the more personnel who had contact with Rader, the higher the probability might be that inappropriate information could find its way to the public and adversely affect any trial that would take place. Second, the more people who interacted with Rader, the greater the possibility that personnel might find themselves on a witness list for either the prosecution or the defense. While giving testimony is part of the job, a lengthy witness list comprised of detention personnel could adversely affect operations as the trial progressed. Additionally, the inmate file was maintained in the watch commander's office to reduce temptation of staff who might access the information because of simple curiosity. For similar reasons, the health care administrator maintained Rader's medical file separately.

To clarify the conditions of confinement, the captain of detention operations issued a special order that clearly delineated the protocols, which were modified as needed during Rader's length of stay. For example, Rader was moved from his isolated cell in the medical clinic to a secure housing unit. This move was the result of several factors: the increased budgetary impact of having one deputy assigned to one inmate for an extended time; and the method of supervision — direct pod — of the detention facility. Once the reality of having this high-profile inmate in custody stabilized with staff and other inmates, the decision was made to try and integrate Rader as much as possible into normal operations.

Prior to moving him into any sort of inmate population, the location within the facility was determined. All inmates in that housing area were interviewed and reclassified by the classification sergeant, taking into account the heightened possible threat posed. Thereafter, Rader was successfully moved in with 11 other inmates.





Coordination. The first question in dealing with a high-profile inmate in terms of coordination is determining who are the stakeholders. A list should include the detention staff who will be managing the inmate on a daily basis; the prosecuting attorney on the case; the public defender or defense attorney assigned; the investigating agency; and the agency or unit of the organization that is responsible for transporting the inmate and/or court security. This is not meant to be a comprehensive list; another stakeholder might be the court directly or the local hospital. With the Sedgwick County Sheriff's Office, a key stakeholder is an attorney from the legal department who has expertise in correctional law.

Within a few hours of Rader's arrest, the detention facility established a defined group of custody staff who would be interacting with the inmate on a daily basis. The Monday after the arrest, a meeting was held with the prosecuting attorneys and the lead investigator in the serial murder case to establish concerns, responsibilities and requirements of all parties involved. Although this may sound simplistic or even unnecessary, the value of such a meeting should not be overlooked. The meeting adjourned with a clear understanding of each player's role and how each could best assist the other. A meeting was also held with the assigned detention staff and one of the lead prosecutors, which assisted in building a team mentality in that the prosecutor could directly articulate her expectations and answer questions that deputies might have.

Once the public defender was appointed, members of the detention staff and members of the defense team also met to address issues of mutual concern. Throughout Rader's stay, being able to work closely with the defense team provided a conduit that allowed the detention facility and the defense team to share information that was appropriate and legally allowed.

Behavior in the Facility. Rader did not cause any problems during his confinement within the facility. He did enjoy the media attention and contacted the media on the telephone and via mail on several occasions.

Internal/External Threats. Only one specific threat occurred during Rader's stay. Information was received that certain inmates were planning an attack against Rader. These inmates were not housed in the same section as Rader, but were in the same housing unit. Although there was no direct evidence, the information received was deemed credible enough that the involved inmates were moved from the housing unit and separated from one another. No overt acts ever occurred.

Court Orders. Various court orders were received, some initially sealed from the public. For example, sealed court orders were initially received that mandated that all incoming and outgoing mail to Rader be read by detention staff for threats or plans of escape. Another court order required that all media requests be turned over to Rader's public defender. Each of these court orders created new issues that had to be addressed.

Transport. Rader was transported to the custody of the secretary of corrections at the El Dorado Correctional Facility on Aug. 19, 2005. Due to a recent Tennessee shooting and the escape of an inmate during transport in which a deputy was killed 10 days earlier, security was extraordinarily high during this transport. Sheriff Gary Steed personally delivered Rader to DOC custody. A multiple-car convoy was used. Extensive coordination had taken place prior to the transport with DOC officials and the Butler County Sheriff's Department (El Dorado is in Butler County). The transport went off without incident. However, as usual in high-profile cases, the media went along for the ride.

Dealing With the Sum

The arrival of a high-profile inmate is a manageable event, but it will cause extra effort for both detention managers and detention staff. Go over policies with staff to refresh and reinforce what must be done. Emphasize professionalism. Inform staff of any court orders or special conditions of confinement that must be met. Plan for unique security issues; someone labeled as a high-profile inmate may create additional concerns merely by having this label attached. Expect heightened media inquiries and be prepared with a plan. Keep good lines of communication open among all the stakeholders who are involved in the case, especially when dealing with a pretrial inmate.

The role of the jail in the custody of a high-profile inmate is like that of a supporting actor in a movie. Jail officials may not be the stars of the show. Those are roles of the defendants, the arresting officers and the lawyers. However, if jail staff fail to give an Academy-Award-winning performance, they may ruin the whole show. By proper planning and professional execution of that plan, a flawless performance will result.

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