# ASKING THE RIGHT QUESTIONS TO OPTIMIZE DETENTION AND REHABILITATION POLICIES FOR VIOLENT EXTREMIST OFFENDERS[1]

**Tinka M. Veldhuis MSc** is a Research Fellow at the International Centre for Counter-Terrorism (ICCT) — The Hague. In addition, she is a Ph.D. fellow at the Department of Sociology of the University of Groningen and the Interuniversity Center for Social Science Theory and Methodology (ICS), and a Research Fellow at the Netherlands Institute of International Relations 'Clingendael'. Her research focuses on detention and rehabilitation policies for terrorism offenders.

**Eelco J.A.M. Kessels MA** is Programme Manager of the International Centre for Counter-Terrorism (ICCT) — The Hague. In this capacity, he coordinates the various research projects and activities of the Centre, and plays a central role in the centre's development and acquisition of new initiatives and training modules. Previously, he was a Research Fellow at Leiden University. His areas of interest include terrorism and counter-terrorism, de- and counter-radicalisation, and the rehabilitation and reintegration of violent extremist offenders.

## ABSTRACT

In this article, based on a larger research paper, we posit that the current understanding of detention and rehabilitation of violent extremist offenders is at risk of being sub-optimal. We highlight several questions that we feel require empirical scrutiny before policy interventions can be truly optimised.

## RÉSUMÉ

À travers cet article, qui est basé sur un rapport de recherche beaucoup plus large, nous soutenons que l'approche actuelle envers la détention et la réhabilitation de délinquants extrémistes violents n'est pas la meilleure qui soit. Nous allons dégager quelques questions qui, selon nous, nécessitent un examen empirique plus approfondi avant que des changements efficaces puissent être apportés à nos politiques.

## INTRODUCTION

In recent years, the de-radicalisation and re-integration of convicted extremist offenders has become one of the most rapidly developing areas in the countering violent extremism domain. Several states have introduced policies to manage and facilitate the re-entry process of extremist prisoners back into society.[2] These efforts seem to suggest that extremist prisoners produce unique correctional challenges in most countries, that their rehabilitation requires extraordinary attention, and that existing policies are judged unfit to address these issues. However, when one sets out to get hold of comprehensive analyses of the suggested problems, unambiguous problem-definitions are hard to find and conclusive data about the extent and nature of the perceived threat appear not readily available.[3] Hence, although the increased attention for extremist rehabilitation is commendable, it is a fair question whether we really have a clear view of the (extent of the) problem and, consequently, whether the designed policies are suitable to tackle it.

In this article, we suggest that gaps exist in our knowledge of detention and rehabilitation of extremist offenders. To illustrate this, we explore two frequently discussed areas of concern, namely the risk of violent extremist contagion among prisoners and the risk of recidivism among released extremist offenders, and

point out some implicit assumptions that we feel require closer scrutiny and empirical underpinning. As a comprehensive literature review or complete assessment of implemented policies is beyond the scope of this article, the purpose is merely to draw attention to some of the key empirical questions that require answering before policy interventions can be truly optimized.

## QUESTIONS CONCERNING EXTREMIST CONTAGION AMONG PRISONERS

The potential spread of extremist ideologies throughout the prison system is probably the most frequently mentioned concern in relation to the detention of extremist offenders.[4] The presence of radicalised prisoners appears to trigger images of violent belief systems spreading like wildfire among the inmate population, with regular prisoners adopting violent ideologies brought into the prison by terrorist offenders and extremists.

The presumably dominant causes for this phenomenon are generally sought at structural, social and individual level factors. First, prisons are in themselves seen as conducive environments for (sometimes) extremist ideologies, especially under conditions of overcrowding, gang domination and poor management. For instance, Maruna *et al.*[5] suggest that prisoners are confronted with existential life questions and that conversion to religion can be a coping strategy that imbues the experience of imprisonment with purpose and meaning, and offers a sense of control over an unknown future. Second, prisoners may be dependent on fellow inmates for basic needs like security, friendship and a sense of belonging and are therefore susceptible to persuasion and charismatic influence,[6] making them a vulnerable population for extremist individuals or groups trying to recruit inmates for extremist purposes.[7]

When scanning the relevant literature for concrete data on these issues, a few observations stand out. First, to our knowledge, quantitative assessments of how often violent extremist acts among prisoners have occurred in different countries, let alone of the responsible underlying mechanisms of inmate radicalisation, do not (publicly) exist. Generally, publications on inmate radicalisation rely on qualitative, often anecdotal evidence of inmate radicalisation. One of the most frequently offered examples is "Shoe Bomber" Richard Reid, who was allegedly radicalized in prison before attempting to blow up an American Airline flight in December 2001.[8] Reid was said to have converted to Islam while imprisoned for petty crimes and to have turned to violent ideologies after his release. [9]Another example is the 2004 case of Kevin James, who was suspected of recruiting several prisoners to an extremist group he founded in prison and inciting them to plot terrorist attacks in the Los Angeles area.[10]

Second, despite the scarcity of evidence, the debate about prison radicalisation can be politicized and vulnerable to unsubstantiated rhetoric.[11] For example, in 2010, British think tank RUSI warned that "some 800 violent radicals" are to be released into British society in the coming five to ten years.[12] The Ministry of Justice quickly refuted the number and explicitly disagreed that jihadist radicalisation occurred at a rapid speed in prisons in the United Kingdom (UK).[13] Similarly, in 2005, author J.M. Waller proclaimed that radical Islamists groups dominate United States (US) prisons and that the number of recruited prisoners should be estimated between 15-20% of the prison population.[14] However, Waller's bold claims appeared unsupported by data,[15] and Waller was criticized for not substantiating his statements.[16]

Fortunately, other authors base their claims on more validated data and outline a more nuanced perspective. In his 2012 book *The Spectacular Few*, Mark Hamm[17] builds on years of prison research and concludes that although prison radicalisation is too serious a concern to be ignored, only a minor proportion of the inmate population is at risk of turning to terrorism. In general, countries in the West can be said to face a minor threat of inmate radicalisation. Of the forty-six publicly reported cases of domestic jihadist radicalisation in the US between 2001 and 2009,[18] only one appeared to have involved radicalisation in prison.[19]

Although rare, cases like Reid, James and others[20] indicate that prison radicalisation can produce security concerns and deserves serious consideration. Nevertheless, it turns out to be surprisingly difficult, if not impossible, to identify documentation (or experts, for that matter) that provides an evidence-based and unambiguous account of the degree and nature of radicalisation among inmates and that specifies the contribution of the prison context in this process.

Consequently, important questions remain unanswered, of which we will mention only a few. Above all, exact figures are required to answer questions like:

- How large are the numbers and proportions of inmates with a terrorism or extremist background in prison per country?
- Are these prisoners mostly individual operators or embedded in larger, structured networks?
- How often has violent radicalisation among inmates and prison staff been reported in prison?
- How often have extremist offenders attempted to recruit fellow inmates, how often have these attempts been successful and, importantly, how often and why have they failed?
- How often have (successful and failed) terrorist plots been hatched in prison?

- What are the conversion rates, how often does conversion involve violent radicalisation and, in turn, how often does conversion eventually lead to acts of terrorism?
- To what extent do terrorist networks overlap with other criminal or extremist networks, within as well as beyond prison walls?

Second, questions remain about the underlying social and psychological dynamics responsible for causing prison radicalisation, including:

- Under what circumstances are inmates more at risk of turning to violent extremism, during as well as after imprisonment?
- What is the role of the prison experience in the radicalisation process? For example, under what circumstances and for whom can the prison experience become conducive to violent radicalisation, both during and after imprisonment?
- To what extent are social-psychological dynamics of inmate radicalisation similar or different among prison populations in different parts of the world, and which macro, meso and micro-factors could explain observed variances?

## QUESTIONS CONCERNING RECIDIVISM AND POST-RELEASE EXTREMISM

A second often mentioned issue related to extremist prisoners concerns the risk of recidivism and post-release extremist or criminal activities. This risk is not unique to extremists: recidivism rates among prisoners are high in general, with Western countries like the US,[21] the UK[22] and the Netherlands[23] experiencing average re-incarceration rates between 40% and 50%. In general, prisoners are known to face difficulties re-integrating into society[24] and the need to prepare inmates for their release and manage the re-entry process is evident.

When it comes to extremist offenders, however, data on recidivism rates are scarce. In 2008, former US State Department terrorism analyst Dennis Pluchinsky argued that sufficient anecdotal evidence exists to suggest a tendency for released global jihadists to return to terrorist activities, while at the same time admitting that comprehensive statistics are lacking and that the number of released jihadists is yet too small to detect trends in post-release outcomes.[25] Occasionally, accounts of alleged extremist recidivism reach the news, like when nine graduates of the Saudi rehabilitation programme were arrested for re-joining terrorist groups in 2009, forcing Saudi officials to adjust the previously claimed 100% success rate of the program.[26] More recently, the US Director of National Intelligence reported that 27.9% of the 599 released Guantanamo Bay detainees were either confirmed or suspected of re-engaging in extremist activities.[27] However, in general, these accounts reflect singular examples and as yet, the existing body of data and research on extremist prisoners is too small to allow for meaningful conclusions.

Again, important questions remain about the extent to which post-release violent extremism poses a problem. First, there is a lack of reliable statistics on re-entry outcomes for extremist offenders, leaving questions like:

- What are the recidivism rates among terrorism offenders in different countries and to what extent and why are these different from general recidivism rates?
- What proportion of released extremist offenders manages to find and maintain employment and housing after release?
- Which specific individuals have re-offended and, equally important, who are those that have refrained from recidivism and why?
- To what types of crime do recidivists return? For example, do re-offenders usually relapse in extremist activities or do they tend to fall back on petty crime?

Second, more conceptual questions remain concerning the underlying processes of recidivism and re-integration outcomes:

- What type of public reactions do terrorism offenders encounter upon release? Are they confronted with stigmatisation or, alternatively, received with appreciation by the community? Which country-level, community-level and individual-level factors play a role?
- How long after release are ex-prisoners at the highest risk of re-offending? Is this after a month, a year, ten years? What consequences does this have for rehabilitation and reintegration policies?
- To what extent do the confinement conditions (e.g. security level, segregation or dispersal policies, overcrowding) influence prisoners' self-image and post-release outcomes like psychological health and social skills?

To be sure, one faces a number of methodological challenges when trying to obtain answers to these questions.[28] Prisons are complex research settings. Researchers have limited access (albeit understandably) to inmate populations and interviewing or observing prisoners may be hindered by restrictive visiting policies or the monitoring of researcher-prisoner interactions. Inmates may be reluctant to trust and engage with analysts and may not be (or feel) truly free to decide to participate in research or not, or may be easily influenced by even modest incentives. Also, the concepts involved are inherently

difficult to define and measure. Years of research have not produced a universally accepted definition of crucial terms like radicalisation, extremism and terrorism,[29] which are politicized concepts and vulnerable to political use and exploitation. Such intangible concepts make it difficult to establish causality and to isolate the role of the prison context in (post-release) radicalisation or recidivism.[30]

## CONCLUSION

Our intention has been to draw attention to several questions concerning the detention and rehabilitation of extremist prisoners that we feel require empirical scrutiny in order to optimize policy and program design in this area. Problem analysis is a crucial element in the policy chain and theoretical and empirical examination of the current situation and its underlying mechanisms can assist policymakers in making accurate policy decisions.

As such, we argue for an increased investment in efforts to achieve comprehensive problem assessments, which we feel is essential to develop evidence-based and tailored detention and re-integration policies. On the one hand, there is a need for pragmatic and policy-oriented data gathering and analysis that produces concrete figures on, among other issues, recidivism rates, both non-violent and problematic conversions among inmates, terrorist plots conceived or coordinated in prison, etc. On the other hand, there is a need for more fundamental, theory-driven research into the underlying mechanisms responsible for causing and changing issues concerning the presence of extremist offenders in correctional systems.

To emphasize, by no means do we aim to suggest that prisons are unimportant environments for violent extremist radicalisation and recruitment. In contrast, given the importance of effective, evidence-based, goal-oriented, and time- and resource-efficient policies, we aim to emphasize the need to move beyond anecdotal evidence and untested assumptions towards structural and comprehensive research and data analysis in order to inform the development and implementation of rehabilitation and reintegration programs for violent extremist offenders.

### NOTES

[1] This article is based on a larger research paper: Veldhuis, T. M. & Kessels, E.J.A.M. [2013] *Thinking before Leaping: The Need for More and Structural Data Analysis in Detention and Rehabilitation of Extremist Offenders.* ICCT — *The Hague Research Paper*. Retrieved from http://www.icct.nl/download/file/ICCT-Veldhuis-Kessels-Thinking-before-Leaping-February-2013.pdf.

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[15] Rappaport, Veldhuis & Guiora [2011].

[16] E.g. Hamm, M. S. [2009] Prison Islam in the Age of Sacred Terror. *British Journal of Criminology*, 49(5): 681.

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[28] For reasons of focus we limit ourselves to mentioning only a few of several challenges in accurate problem analysis. For a more elaborate discussion of both methodological and fundamental issues, please refer to an extended version of this paper: Veldhuis, T. M. & Kessels, E.J.A.M. [2013].

[29] See for a critical discussion of the relevant terminology Schmid, A. [2013, forthcoming] *Radicalisation, De-Radicalisation and Counter-Radicalisation: Where Do We Stand in Our Understanding?* ICCT — *The Hague Research Paper*.

[30] See Ilardi [2010].