

# Thinking before Leaping: The Need for More and Structural Data Analysis in Detention and Rehabilitation of Extremist Offenders

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## Abstract

In this ICCT Research Paper, Tinka M. Veldhuis and Eelco J.A.M. Kessels argue that our current understanding of detention and rehabilitation of extremist offenders is sub-optimal, and highlight several key questions that require answering before policy interventions can be truly optimised. The authors suggest that increased and structural data analysis is essential to produce evidence-based policies that are tailored to the problem and geared to an effective solution.

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## 1. Introduction

In recent years, the de-radicalisation and re-integration of convicted extremist offenders became one of the most rapidly developing areas in the countering violent extremism (CVE) domain.<sup>1</sup> Several states have introduced policies to manage and facilitate the re-entry process of extremist prisoners back into society. Probably the best known example is the rehabilitation programme of the Kingdom of Saudi Arabia, which offers a broad range of courses, therapies and trainings to persuade inmates from returning to extremist activities upon release.<sup>2</sup> But also countries like Singapore, Malaysia,<sup>3</sup> Indonesia<sup>4</sup> and others<sup>5</sup> have implemented programmes to promote inmate re-socialisation.

These efforts seem to suggest that the presence of violent extremist offenders in the correctional system produces unique challenges in most countries, that their rehabilitation requires extraordinary attention, and that existing policies are seemingly judged unfit to address these problems. However, when one sets out to get hold of comprehensive analyses of the suggested problems, it becomes clear that unambiguous problem-definitions are hard to find and that conclusive data about the extent and nature of the perceived threat are not readily available.<sup>6</sup> 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 paper, we suggest that several knowledge gaps exist in our knowledge of detention and rehabilitation of extremist offenders, and advocate for increased and structural data collection and analyses in this field. Importantly, our aim is not to review the entire scope of existing literature, to judge the necessity and effectiveness of specific existing programmes, nor to identify all the relevant research gaps. Rather, our key argument is that although research on the topic is gradually increasing, crucial questions remain that require answering before policies geared to deal with extremist prisoners can be truly optimised. Using examples, we aim to illustrate that our general overview of the issue is still premature and that strengthening the theoretical and empirical foundation of our understanding can assist in making policy interventions more effective. At the same time, we are acutely aware of the difficulties involved in data gathering and analysis in the prison context and with regard to rehabilitation programmes for violent extremist offenders. The paper describes a number of challenges and obstacles in this regard, before proceeding to draw some conclusions on the way forward.

## 2. Problem definitions

Rehabilitation and re-integration programmes, like all public policies, are designed to create social change. Their purpose is to alter a situation that produces dissatisfaction among people (and is therefore considered undesirable) into a more preferable status quo.<sup>7</sup> To achieve such change, policymakers are challenged to describe in concrete (ideally quantifiable) terms the difference between the current situation (A) and the desired situation (B),<sup>8</sup> and specify the autonomous developments that render B an unlikely outcome when no policy would be

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<sup>1</sup> Horgan, J. & Braddock, K. (2010). "Rehabilitating the Terrorists? Challenges in Assessing the Effectiveness of De-radicalization Programs." *Terrorism and Political Violence* 22 (1), pp. 1-25.

<sup>2</sup> Boucek, C. (2007). Extremist Re-education and Rehabilitation in Saudi Arabia. *Terrorism Monitor* 5 (16), pp. 1-4; El-Said, H. & Barrett, R. (2012). Saudi Arabia: the master of deradicalisation. In H. El-Said & J. Harrigan, *Deradicalising violent extremists. Counter-radicalisation and deradicalisation programmes and their impact in Muslim majority states* (pp. 194-226). New York: Routledge.

<sup>3</sup> El-Said, H. & Harrigan, J. (2012). *Deradicalising violent extremists. Counter-radicalisation and deradicalisation programmes and their impact in Muslim majority states*. New York: Routledge.

<sup>4</sup> Ungerer, C. (2011). *Jihadists in jail radicalisation and the Indonesian prison experience*. Barton, A.C.T.: Australian Strategic Policy Institute.

<sup>5</sup> See Bjørge, T. & Horgan, J. (Eds.). (2009). *Leaving Terrorism Behind: Individual and Collective Perspectives*. London: Routledge.

<sup>6</sup> Rappaport, A., Veldhuis, T. M. & Guiora, A. N. (2012). Homeland security and the inmate population: The risk and reality of Islamic radicalization in prison. In L. Gideon (Ed.), *Special Needs of Offenders in Correctional Institutions* (pp. 431-458). Thousand Oaks, CA: SAGE Publication.

<sup>7</sup> See for instance, Pawson, R. & Tilley, N. (1997). *Realistic Evaluation*. London: SAGE Publications; Pawson, R. (2006). *Evidence-based policy: A realist perspective*. London: SAGE Publications.

<sup>8</sup> Rochefort, D. A. & Cobb, R. W. (1994). *The Politics of Problem Definition: Shaping the Policy Agenda*. Lawrence, Kansas: University Press of Kansas; Veldhuis, T. M. (2012). *Designing Rehabilitation and Reintegration Programmes for Violent Extremist Offenders: A Realist Approach*. ICCT – The Hague Research Paper. Retrieved from <http://www.icct.nl/download/file/ICCT-Veldhuis-Designing-Rehabilitation-Reintegration-Programmes-March-2012.pdf>.

implemented. For instance, to assess whether rehabilitation programmes effectively reduce recidivism, one needs to compare post-intervention recidivism rates with the initial figures and rationalise whether a potential change can indeed be attributed to the intervention. Formulating problem-focused policies starts, as such, with an unambiguous description of the current problem, what causes it and what can realistically be done to solve it.<sup>9</sup>

One could wonder, of course, whether an all-inclusive account of the status quo is a necessary precondition for rehabilitation programmes to realise positive effects. After all, in most countries the proportion of extremist prisoners is very small<sup>10</sup> and history has shown that one individual can sometimes be enough to inflict massive societal damage. Indeed, a single extremist in a prison section may have a considerable impact on the other inmates and inspire them to join violent movements or engage in terrorist activities. This, however, should not legitimise randomly targeting broader groups of prisoners to increased security measures or, alternatively, to untested rehabilitative efforts. Such randomly implemented policies that are not tied to a well-defined problem nor tailored to a subject's specific characteristics are unlikely to improve a desired situation other than by chance. More to the point, prison staff who are unaware of potential concerns over inmate radicalisation and who lack knowledge about specific indicators of problematic behavioural changes, are unlikely to keep an eye out for that one influential prisoner and may not recognise him as a problem. Similarly, the presence of one charismatic extremist leader in a prison produces different challenges than a cohesive and structured terrorist network, leading to different policy decisions and considerations relating to security measures and collective or individual interventions.

As a general rule, policies that are ill-defined almost always lead to policy failure<sup>11</sup> and are likely to cause undesired side-effects. Especially for correctional interventions, which have profound consequences for individual lives, there is too much at stake to develop policy by trial and error. For example, well-intended 'de-radicalisation' programmes may unintentionally label the participants as 'extremists' or 'terrorists', thereby causing post-release problems such as discrimination and social rejection.<sup>12</sup> If left unexamined, such policies could end up doing more harm than good.

Similarly, it is hotly debated whether preventing the spread of extremism among prisoners is served best by segregating or dispersing extremist inmates, but the question is based on untested assumptions about inmate behaviour and the dynamics of prison radicalisation. For instance, to what extent is the assumption that (all) extremist prisoners have recruiting ambitions supported by in-depth analyses, and to what extent does this differ among various typologies of violent extremism and in different prison populations and institutions? Would it be reasonable to assume that members of a Tamil diaspora in Europe, who have been charged with financial support of the Tamil Tigers and detained in a prison dominated by European inmates, realistically aspire (let alone succeed) to recruit the indigenous prison population for their nationalist cause in Sri Lanka? Hence, it is fair to ask whether segregating these prisoners from the regular inmate population truly contributes to preventing the spread of violent extremist ideologies within prisons.

Also, the argument in favour of segregation of extremist prisoners appears partly based on the assumption that regular inmates are easily swayed by extremist messages. However, to the best of our knowledge, no studies exist that empirically tested, let alone supported this presumption. Rather, decades of research on social influence and the contagion of ideas sketches a nuanced picture of the circumstances under which people are likely to adopt the views and beliefs of others. Arguably, the likelihood that extremist ideas transmit from one individual to the next depends among other factors on social identification with the messenger, individual characteristics of both the recruiter and the recruited, coherence and consistency of the message, and the messenger's credibility and authority.<sup>13</sup>

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<sup>9</sup> Rochefort & Cobb (1994); Timmermans, A., Rothmayr, C., Serduelt, U. & Varone, F. (1998). *The design of policy instruments: Perspectives and Contexts*. Paper presented at the 56<sup>th</sup> Annual Meeting of the Midwest Political Science Association, Chicago, April 23-25.

<sup>10</sup> Hamm, M. S. (2012). *The Spectacular Few: Prisoner Radicalisation and Terrorism in the Post-9/11 Era*. New York: New York University Press.

<sup>11</sup> Stringer, J. K. & Richardson, J. J. (1980). Managing the political agenda: Problem definition and policy making in Britain. *Parliamentary Affairs*, 33 (1), pp. 23-39.

<sup>12</sup> See for a related argument Veldhuis, T.M., Gordijn, E.H., Lindenberg, S. & Veenstra, R. (2011). *Terroristen in Detentie. Evaluatie van de Terroristenafdeling. [Terrorists in Detention: Review of the Terrorism Wing]*. The Hague: WODC/Ministry of Security and Justice.

<sup>13</sup> See for example: Cialdini, R. B. & Goldstein, N. J. (2004). Social influence: compliance and conformity. *Annual Review of Psychology*, 55, pp. 591-621; Kahan, D. M. (1997). Social influence, social meaning, and deterrence. *Virginia Law Review*, 83 (2), pp. 349-95; Dow, T. E. (1969). The Theory of Charisma. *The Sociological Quarterly*, 10 (3), pp. 306-18.

By no means do we aim to suggest that problems with extremist prisoners are inexistent, that all countries know too little about the situation in their respective prisons or that currently running policies are unfounded. Rather, we stress that policy effectiveness can be optimised by obtaining an accurate understanding of the current situation and the underlying social dynamics responsible for social change, and developing policies that are tailored to the problem and focused on the solution.

### 3. Asking Questions: Illustrations of Untested Policy Assumptions

This section aims to illustrate some of the key questions that need to be asked and, to the extent possible, answered to increase the likelihood of policy success. To that end we highlight two frequently discussed concerns, namely the risk of violent extremist contagion among prisoners and the risk of post-release recidivism among extremist offenders. This section also points out some of the implicit assumptions that we feel require closer scrutiny and empirical underpinning. As a comprehensive literature review is beyond the scope of this paper, the function of this section is merely to draw attention to some of the key questions and concerns.

#### Questions concerning extremist contagion among prisoners

The potential spread of extremist ideologies throughout the prison population is probably the most frequently mentioned concern in relation to the detention of extremist offenders.<sup>14</sup> The presence of radicalised prisoners appears to have triggered images of violent belief systems spreading like wildfire throughout the inmate population, with 'regular' prisoners adopting violent ideologies brought into the prison system by terrorist offenders and extremists.

The presumably dominant causes for this phenomenon are generally sought at structural, social and individual levels. 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.<sup>15</sup> 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, provides a normative framework and offers a sense of control over an unknown future.

Second and related, prisoners may be dependent on fellow inmates for basic needs like security, friendship and a sense of belonging and therefore susceptible to persuasion and charismatic influence,<sup>16</sup> making them a vulnerable population for extremist individuals or groups trying to recruit inmates for extremist purposes.<sup>17</sup>

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 extremism among prisoners has 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 probably 'Shoe Bomber' Richard Reid, who was allegedly radicalised in prison before attempting to blow up an American Airline flight from Paris to Miami in December 2001.<sup>18</sup> Reid was said to have converted to Islam whilst imprisoned for petty crimes in the United Kingdom (UK) in the mid-1990s and to have turned to violent ideologies after his release from prison.<sup>19</sup> Another example is the 2004 case of Kevin James, who was suspected of recruiting several prisoners to Jam'iyat Ul-Islam

<sup>14</sup> E.g. Brandon, J. (2009). *Unlocking al-Qaeda: Islamist extremism in British prisons*. London: Quilliam Foundation; Hannah, G., Clutterbuck, L. & Rubin, J. (2008). *Radicalization or rehabilitation: Understanding the challenge of extremist and radicalized prisoners*. Cambridge: RAND Corporation.

<sup>15</sup> Maruna, S., Wilson, L. & Curran, K. (2006). Why God is often found behind bars: Prison conversions and the crisis of self-narrative. *Research in Human Development* 3 (2&3), pp. 153-58

<sup>16</sup> Brandon (2009).

<sup>17</sup> Cuthbertson, I. M. (2004). Prisons and the education of terrorists. *World Policy Journal*, 21 (3), pp. 15-22.

<sup>18</sup> Hamm, M. S. (2007). *Terrorist Recruitment in American Correctional Institutions: An Exploratory Study of Non-Traditional Faith Groups Final Report*. Washington, D.C.: U.S. Department of Justice.

<sup>19</sup> Ilardi, G. J. (2010). *Prison radicalisation – the devil is in the detail*. Peer-reviewed paper from ARC Linkage Project on Radicalisation Conference 2010. Retrieved from <http://www.arts.monash.edu.au/radicalisation/conferences-and-events/conference-2010/--downloads/prison-radicalisation-gji.pdf>.

Is-Saheeh (JIS), a group he founded whilst in prison, and inciting them to plot terrorist attacks on Jewish institutions and military targets in the Los Angeles area.<sup>20</sup>

Second, an exploration of existing literature also reveals that despite the scarcity of concrete evidence, the debate about prison radicalisation can be politicised and vulnerable to unsubstantiated rhetoric.<sup>21</sup> For example, in 2010, British think tank Royal United Service Institute (RUSI) warned that ‘some 800 violent radicals’ are to be released into UK society in the coming five to ten years.<sup>22</sup> The number was quickly refuted by the Ministry of Justice, who found the proposed figures unrecognisable and explicitly disagreed that jihadist radicalisation occurred at a rapid rate in British prisons.<sup>23</sup> Similarly, in 2005, author J.M. Waller proclaimed that radical Islamists groups dominate Muslim prison recruitment in the United States (US) and that the number of prison recruits should be estimated between 15-20% of the prison population.<sup>24</sup> Waller’s bold claims appeared unsupported by data however,<sup>25</sup> and Waller was criticised for not substantiating his statements.<sup>26</sup>

Fortunately, other authors base their claims on more validated data and shine a more nuanced light on the issue. In his 2012 book *The Spectacular Few*, Mark Hamm<sup>27</sup> 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 during or after imprisonment. In general, countries in the West can be said to face a minor threat of domestic radicalisation. Of the forty-six publicly reported cases of domestic Jihadist radicalisation in the US between 2001 and 2009,<sup>28</sup> only one appeared to have involved radicalisation in prison.<sup>29</sup>

Although rare, cases like Reid, James and others<sup>30</sup> indicate that prison radicalisation poses a realistic threat and deserves serious consideration and close scrutiny. 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.

Predominantly because of a lack of exact data that, we are unable to answer important 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 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?

<sup>20</sup> Ballas, D.A. (2010, October). *Prisoner Radicalization*. FBI Law enforcement Bulletin. Retrieved at <http://www.fbi.gov/stats-services/publications/law-enforcement-bulletin/October-2010/confronting-science-and-market-positioning>; Ilardi (2010); Hamm (2007).

<sup>21</sup> Rappaport et al. (2012).

<sup>22</sup> Milmo, C. (2010, August 27). Muslims ‘being turned into terrorists in jail’. *The Independent*. Retrieved from <http://www.independent.co.uk/news/uk/crime/muslims-being-turned-into-terrorists-in-jail-2063313.html>; Clarke, M., Soria, V. (2010). *Terrorism: The new wave*. *RUSI Journal*, 150, (4). See also Rappaport et al., (2011).

<sup>23</sup> Doyle, J. (2010, August 27). Muslim inmates ‘turning to terror’ as think tank says convicted terrorists are radicalising fellow inmates. *Mail Online*. Retrieved from <http://www.dailymail.co.uk/news/article-1306570/Muslim-inmates-turning-terror-think-tank-says-terrorists-radicalising-fellow-inmates.html>.

<sup>24</sup> Waller, J. M. (2003). *Terrorism: Radical Islamic Influence of Chaplaincy of the United States Military and Prisons: Hearing before the Subcommittee on Terrorism, Technology, and Homeland Security of the Committee on the Judiciary (S. Hrg. 108-443)*, U.S. Senate, 108<sup>th</sup> Cong., pp. 29-31.

<sup>25</sup> Rappaport et al. (2012).

<sup>26</sup> E.g. Hamm, M. S. (2009). *Prison Islam in the Age of Sacred Terror*. *British Journal of Criminology*, 49 (5), p. 681.

<sup>27</sup> Hamm, M. S. (2012). *The Spectacular Few: Prisoner Radicalisation and Terrorism in the Post-9/11 Era*. New York: New York University Press.

<sup>28</sup> Jenkins, B. M. (2010). *Would-Be Warriors: Incidents of Jihadist Terrorist Radicalization in the United States Since September 11, 2001*. Santa Monica: RAND Corporation.

<sup>29</sup> Bjelopera, J. P. (2011). *American Jihadist Terrorism: Combating a Complex Threat*. Congressional Research Service. Retrieved from <http://www.fas.org/sgp/crs/terror/R41416.pdf>.

<sup>30</sup> See for a more in-depth discussion of evidence concerning prison radicalisation Ilardi (2010); Hamm (2012) or Rappaport et al. (2012).



Second, larger (research) 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 and after imprisonment?
- What is the role of the prison experience in the radicalisation process? For example, under what circumstances and for what type of individuals is the prison environment likely to induce radicalisation during imprisonment, and for what type is the influence of imprisonment more likely to manifest itself in the period after release?
- To what extent are the processes by which inmates in prisons in Europe radicalise similar to or different from the radicalisation processes experienced by inmates in e.g. the Arab world, and how can differences be explained?

### Questions concerning recidivism and post-release extremism

A second 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,<sup>31</sup> the UK<sup>32</sup> and the Netherlands<sup>33</sup> experiencing average re-incarceration rates between 40-50%. In general, prisoners are known to face difficulties re-integrating into society<sup>34</sup> 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 that there is a tendency for released global jihadists to return to terrorist activities, whilst at the same time admitting that comprehensive statistics on global jihadist recidivism are lacking and that the number of released jihadists is not yet sufficient to deduce an actual trend towards reoffending.<sup>35</sup> 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 programme.<sup>36</sup> More recently, the US Director of National Intelligence reported that 27.9% of the 599 former detainees released from Guantanamo Bay were either confirmed or suspected of re-engaging in extremist activities.<sup>37</sup> However, in general these accounts reflect singular examples; as of yet, accurate, context-specific data and research on extremist prisoners' post-release behaviour is too meagre to allow for meaningful conclusions.

Again, important questions remain about the extent to which post-release violent extremism indeed poses a problem. First, there is a lack of reliable statistics on recidivism rates and other post-release outcomes among extremist offenders, which raises important questions like:

- What are 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 has refrained from recidivism and why?
- To what types of crime do convicted violent extremists return? For example, do those who re-offend usually return to violent extremism or do they tend to fall back on petty crime?

<sup>31</sup> See for example Pew Center on the States (2011). *State of Recidivism: The Revolving Door of America's Prisons*. Washington, D.C.: The Pew Charitable Trusts.

<sup>32</sup> UK Ministry of Justice (2012). *Proven Re-offending Statistics. Quarterly Bulletin. January to December 2010*, England and Wales. Ministry of Justice Statistics Bulletin.

<sup>33</sup> Wartna, B. S. J., Tollenaar, N., Blom, M., Alma, S. M., Bregman, I. M., Essers, A. A. M. & van Straalen, E. K. (2011). *Recidivism report 2002-2008. Fact sheet 2011-51*. The Hague: Research and Documentation Centre, The Netherlands Ministry of Security and Justice.

<sup>34</sup> Chiricos, T., Barrick, K. Bales, W. & Bontrager, S. (2007). The labeling of convicted felons and its consequences for recidivism. *Criminology* 45 (3), pp. 547-81.

<sup>35</sup> Pluchinsky, D. A. (2008). Global Jihadist Recidivism: A Red Flag. *Studies in Conflict & Terrorism*, 31 (3), pp. 182-200.

<sup>36</sup> Worth, R. F. (2009, January 26). 9 Alumni of Saudi Program for Ex-Jihadists Are Arrested. *New York Times*. Retrieved from: [http://www.nytimes.com/2009/01/27/world/middleeast/27saudi.html?\\_r=0](http://www.nytimes.com/2009/01/27/world/middleeast/27saudi.html?_r=0).

<sup>37</sup> Hosenball, M. (2012, March 5). Recidivism rises among released Guantanamo detainees. *Reuters*. Retrieved from: <http://www.reuters.com/article/2012/03/06/us-usa-guantanamo-recidivism-idUSTRE82501120120306>.

Second, more conceptual questions remain concerning the underlying processes related to 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?

These are merely a few of numerous illustrations of knowledge gaps in our understanding of the dynamics in detaining and rehabilitating extremist offenders. In order to improve policy design and implementation in this area, it would be relevant to identify in advance the factors that could possibly frustrate the process of problem identification.

## 4. Challenges and Obstacles

Policy analysts agree that the process of problem definition is influenced by contextual factors, such as how the issue gained agenda status, the level of public and political support, legislative or bureaucratic structures, and interpersonal networks of the key actors involved.<sup>38</sup> Below, we provide a few examples of factors that may be faced when identifying potential threats in relation to extremist prisoners.

### Methodological problems

Above all, research into extremist prisoners is confronted by methodological challenges.

First, prisons are complex research settings. They are closed institutions that intend to isolate their inhabitants from the general public. Interviewing or observing prisoners may be problematic due to restrictive visiting policies or the monitoring or recording of visits, which can make open and honest conversations with prisoners more difficult. External researchers depend on the relevant authorities and staff when conducting in-prison studies and often face reluctance to gain access.<sup>39</sup> Although understandable, the averseness of policymakers or prison officials to invite researchers to regularly examine and monitor inmates and programmes is one of the most important obstacles in identifying the roots of the problem.

Also, the inmates themselves are a difficult research population. They are disempowered and may not be (or feel) truly free to decide to participate in research or not. They may be vulnerable to exploitation, have lower levels of analytical or literacy skills or be easily influenced by even modest incentives. Even more so, prisoners may – rightfully or not – perceive researchers as government associates and be unwilling to engage with those they deem an enemy.

Second, 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,<sup>40</sup> which are politicised concepts and vulnerable to being (ab)used by states for political agendas or to legitimise action against opposition groups. Also, it is very difficult to develop reliable indicators that identify and distinguish radicalisation and recruitment efforts from regular inmate behaviour or, among Islamic inmates, non-violent Jihad.

Third, if measuring radicalisation is difficult enough, it is even harder to establish causality and to isolate the role of the prison context in (post-release) radicalisation or recidivism.<sup>41</sup> Some scholars have suggested – although concrete figures are not readily available – that a time lapse may occur between the moment of release

<sup>38</sup> E.g. Rochefort, D. A. & Cobb, R. W. (Eds.). (1994). *The Politics of Problem Definition*. Lawrence, KS: University Press of Kansas; Pawson & Tilley (1997).

<sup>39</sup> See for example Hamm (2012), pp. 65-6.

<sup>40</sup> 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.

<sup>41</sup> See Ilardi (2010).



and the actual moment of recidivism.<sup>42</sup> As time passes it becomes increasingly difficult to establish whether the seeds of radicalisation were sown before or during imprisonment or in the weeks, months or years after release. As such, it is nearly impossible to determine to what extent the radicalisation process can be attributed to the prison experience.

Unfortunately, the challenges are not merely methodological. At a more fundamental level, problems arise that may create substantial barriers to arriving at a coherent and comprehensive problem assessment. These are barriers that pertain not to the measuring capabilities, but to the sensitive nature of the matter at hand and the natural tendencies of people in approaching such problems.

### Fundamental challenges

First, problems related to the detention and rehabilitation of extremist offenders are what policy analysts call 'wicked' problems. In essence, wicked problems are of such complexity that they are inherently resistant to a clear and agreed solution.<sup>43</sup> Such problems are by nature ill-defined, multi-dimensional and rely on political judgments rather than scientific certitudes. They often produce incompatible objectives (e.g. prison-based family programmes to promote post-release re-integration versus restrictive confinement conditions to prevent extremist activities), while attempts to solve the problem often produce unforeseen circumstances (e.g. concentrating terrorism offenders to prevent extremist contagion may cause extremist prisoners to radicalise even further). As such, wicked problems go beyond the capacity of any one organisation to understand and respond to, and require cross-institutional collaboration to develop innovative solutions that can be continuously re-defined in the light of practical experience and bottom-up feedback.<sup>44</sup>

To complicate matters even further, issues concerning extremist prisoners are not only wicked, they are also associated with existential threats and fears. Terrorist threats cause utterly disordered and confusing situations, in which information about the origins, extent and possible consequences is lacking. A broad field of cross-disciplinary research consistently shows that under such uncertain and complex conditions, people tend to make sub-optimal decisions. For example, Janis<sup>45</sup> shows that stressful external threats, time pressure, moral dilemmas, high levels of uncertainty and problem complexity impair the decision-making process by inducing closed-mindedness, stereotyping, pressures toward uniformity, self-censorship and illusions of unanimity among decision-makers. The implication is that when faced with potential threats, policymakers tend to neglect to survey the relevant policy-alternatives but focus blindly on one specific policy strategy, while failing to oversee all possible consequences of that preferred intervention.<sup>46</sup>

Similar cognitive processes can be expected to occur in the area of terrorist detention. When faced with (real or perceived) concerns over violent radicalisation or extremist activities among prisoners, a natural response for policymakers would be to prioritise short-term concerns and to put less acute concerns on the back burner.<sup>47</sup> Indeed, in the direct aftermath of 9/11 the general approach to terrorist detention has been one of 'security-first', in which countries prioritised establishing control over extremist prisoners and preventing radicalisation and recruitment, while rehabilitation and re-integration received far less attention.<sup>48</sup> Such a response is understandable. In the face of danger our most acute priority is to establish (a sense of) safety, not to subject the object of the threat to close scrutiny and examination. Nevertheless, the potential consequence is that our current knowledge may be biased by emotions and fears, while our cognitive abilities to surpass such biases and arrive at an objective problem assessment may be impaired due to the inherently complex and 'wicked' nature of the problem.

Policymakers are not the only ones affected by the existential nature of extremist threats; other audiences can be expected to show similar responses. For example, violent extremism can become a taboo

<sup>42</sup> Brandon (2009); Hamm (2012).

<sup>43</sup> Rittel, H. & Webber, M. (1973). Dilemmas in a general theory of planning. *Policy Sciences*, 4: pp. 155-69.

<sup>44</sup> Head, B. W. (2008). Wicked problems in public policy. *Public Policy*, 3 (2), pp. 101-18; Roberts, N. C. (2000). Wicked Problems and Network Approaches to Resolution. *The International Public Management Review*, 1 (1), pp. 1-19.

<sup>45</sup> Janis, I. L. (1972). *Victims of Groupthink: a Psychological Study of Foreign-Policy Decisions and Fiascoes*. Boston: Houghton Mifflin.

<sup>46</sup> Janis, I. L. & Mann, L. (1977). *Decision making: a psychological analysis of conflict, choice, and commitment*. New York: Free Press; Janis, Irving L. (1982). *Groupthink: psychological studies of policy decisions and fiascoes*. Boston: Houghton Mifflin; Janis, I. L. (1989). *Crucial decisions: leadership in policymaking and crisis management*. New York: Free Press.

<sup>47</sup> Veldhuis, T.M. & Lindenberg, S. (2012). Limits of Tolerance under pressure: a case study of Dutch terrorist detention policy. *Critical Studies on Terrorism*, 5 (3), pp. 425-43.

<sup>48</sup> Neumann, P. (2010). *Prisons and Terrorism: Radicalisation and de-radicalisation in 15 countries*. London: The International Centre for the Study of Radicalisation and Political Violence.

among vulnerable communities, who – understandably – do not enjoy being scrutinised for potential extremist members and can be reluctant to cooperate in studies or programmes on the re-integration of ex-prisoners. The same holds for prison authorities, for whom it may be hard to acknowledge that extremism may persist among their inmate population or prison staff. If recognising inmate radicalisation is difficult enough, acknowledging it may indeed be even harder. Ironically, scholars may be similarly biased in their thinking about extremist prisoners, which can in turn influence the outcomes of their studies. For example, researchers may enter the prison system with stereotypical ideas about prisoners in general and extremists in particular, including implicit stereotypes that for instance link terrorism to Muslims<sup>49</sup> or classify criminals as unredeemable.<sup>50</sup> Research findings on terrorism or extremism in general and extremist prisoners in particular, should not go unchallenged but always approached from a critical perspective.

## 5. The Way Forward

Our intention has been to point out a few essential questions related to the presence of extremist offenders in the correctional system and to highlight that several obstacles, partly inherent to our cognitive understanding and reaction to the issue, prevent us from gaining clear insight into the greater picture. This imperfect understanding may, in turn, lead to sub-optimal policy and programme design. The ultimate question is whether these obstacles to data gathering and analysis can be overcome.

Above all we argue that, despite the various difficulties, more research and analysis is needed to develop evidence-based and tailored detention and re-integration policies. Assume, for example, that research would examine the conditions under which terrorism offenders are more or less likely to re-offend and would conclude that ex-prisoners are at the highest risk of re-offending between two and five years after being released from prison. These results not only indicate to security services that released prisoners who initially live seemingly law-abiding lives may still be at risk of re-offending, it also indicates the need of after-care programmes that continue at least five years after release from prison. In short, such detailed insights into the social dynamics at play can greatly improve policy effectiveness and efficiency.

To be more precise, different types of studies are required. On the one hand, pragmatic and policy-oriented data gathering and analysis needs to produce concrete figures on, among other issues, recidivism rates, the numbers of both non-violent and problematic conversions among inmates, the amount of terrorist plots conceived or coordinated in prison, etcetera. Crucially, such statistics should be updated regularly to account for autonomous developments and changing characteristics. Whether such prison-based assessments can be conducted by the prison authorities or require independent external research teams is subject for debate, but the key point is that policymakers and professionals are continuously updated on the current status of relevant issues.

On the other hand, theory-driven and empirical research is needed to determine the underlying mechanisms responsible for causing and changing the existing situation. For example, studies need to shed light on the dynamics of re-integration and recidivism. Established research paradigms from sociology, criminology and social-psychology can assist in deducing testable hypotheses about the factors affecting post-release outcomes such as employment and social embeddedness to identify the circumstances under which undesirable developments can be altered into a more preferable direction.

Furthermore, it is essential that the debate about extremism is open and that ambiguity, political correctness, and closed-mindedness is eradicated. Central to ‘wicked’ problems like violent extremism is that they are dynamic, and dependent on context and time. Concerns over inmate radicalisation may differ per country and depend on the societal and political context, previous experiences with terrorist attacks, the demographic and psychological make-up of the inmate population, and on institutional features of the prison system.<sup>51</sup> Similarly,

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<sup>49</sup> E.g. Ciftci, S. (2012). Islamophobia and threat perceptions: Explaining anti-Muslim sentiment in the West, *Journal of Muslim Minority Affairs*, 32 (3), pp. 293-309.

<sup>50</sup> Maruna, S. (2009). Once a criminal, always a criminal?: ‘Redeemability’ and the psychology of punitive public attitudes. *European Journal of Criminal Policy and Research*, 15, (1-2), pp. 7-24.

<sup>51</sup> E.g. El-Said & Harrigan (2012).

terrorist threats evolve as the backgrounds, motivations and tactics of the perpetrators change.<sup>52</sup> Inmate radicalisation may manifest itself differently over time, may become more (or less) frequent among some but not among other categories of inmates, and inmates may find alternative ways to prevent being caught or sanctioned by the authorities (e.g. being less expressive and making more efforts to ‘blend in’). The dynamic nature of the threat requires an open vision on the causes of and solutions to the problem, and it demands that alternative actions to the established method are not easily discarded but continuously considered and re-considered. Moreover, policymakers and other actors relevant in the decision making process need to be aware of how their judgments and attitudes may be unconsciously biased towards sub-optimal outcomes, and learn to recognise and prevent understandable but undesired cognitive processes that may ultimately lead to unfavourable policy outcomes.

None of what has been presented here is meant to underestimate the actual importance or likelihood of prisons as 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 emphasise the need to move beyond anecdotal evidence and untested assumptions, to structural and comprehensive research to inform the development and implementation of rehabilitation and reintegration programmes for violent extremist offenders.

After all, especially in a highly relevant area like terrorist detention and rehabilitation, too much is at stake to progress via trial and error. Not only do policies in this domain concern the safety of the public, they also have a profound impact on the lives of the individuals involved. Inmates are deprived of individual autonomy, isolated from friends and family, and delivered to the power and control of others. To optimise our contribution to international security and to minimise collateral damage, we are responsible to consider carefully the issue at hand before leaping into action.

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<sup>52</sup> Mueller, R. S. (2011, November 17). *Changing Threats in a Changing World: Staying Ahead of Terrorists, Spies, and Hackers*. Speech delivered at the Commonwealth Club of California, San Francisco, CA.