

MANAGING TERRORIST OFFENDERS UPON RELEASE FROM PRISON

Is multi-agency offender management appropriate for
terrorist offenders released from prison?

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This paper provides a summary report on findings from a study that looked at whether multi-agency offender management approaches are appropriate for terrorist offenders on release, and if so, how they may need to be adapted, based on the case of the UK MAPPA system. The paper concludes that multi-agency approaches are reported to be the most appropriate approaches to manage terrorist offenders on release, but that they may need to be tailored to ensure that the right agencies are involved, all relevant information is shared, and risk assessment tools are effective. The research highlighted that the current lack of experience with terrorist offenders, in particular those of Muslim descent, is a challenge to the management of these offenders upon release.

INTRODUCTION

Since 9/11, and in particular since the Madrid bombings in 2004, European Member States have intensified the fight against terrorism (European Council, 2013). In several countries this has resulted in the imprisonment of individuals convicted of terrorist offences. Only a minority will serve long sentences; most are given custodial terms of just a few years or less. Member States are therefore facing the task of supervising and managing terrorist offenders who are coming to the end of their sentences and being released into the community, the goal of which is to minimize the risk of reoffending and maximize their reintegration into society.

It is widely recognised that vulnerability to violent extremism is associated with a range of risk factors, and thus requires various services such as the police, intelligence services, education and health services to collaborate and intervene (Home Office, 2011). Similar multi-agency approaches to address multifaceted challenges are also recognized as the best response to manage the risk posed by other violent offenders and sexual offenders (ACPO and NPIA, 2010). In the late 2000s, the UK therefore extended to terrorist offenders the statutory Multi-Agency Public Protection

Arrangements (MAPPA) that has been in place since 2000 to manage violent and sexual offenders.

Given these arrangements are relatively new and as yet untested, there is nonetheless a question as to whether this offender management system is appropriate for terrorist offenders and, if not, how it may need to be adapted. A better understanding of these questions in the UK context can inform offender management approaches that other European Member States are currently applying to their convicted terrorists. This paper presents the results of a study carried out by RAND Europe in 2011 to examine these questions (cf. Disley and Weed, 2013).

The aim of this report is to highlight the appropriateness of the multi-agency approach to managing terrorist offenders on release according to those who work with these arrangements, and some of the challenges associated with this system.

CHALLENGES

This report summarizes the results of a study that used the UK MAPPA system as a case to assess the appropriateness of using multi-agency approaches to manage terrorist offenders and the challenges associated with this case management system for terrorist offenders. Different multi-agency approaches will however entail their own specific benefits and challenges and this report does not attempt to extrapolate from these lessons to other systems.

The report also summarizes the perspective of a limited number of professionals on the appropriateness of the multi-agency approach to managing terrorist offenders on release and some of the challenges associated with this. At the time of the study, only a limited number of professionals had managed terrorist offenders on release under MAPPA, so the findings are drawn from a relatively small sample of participants.

METHOD

RAND Europe followed a two-step approach to study the potential applicability of MAPPA to terrorist offenders.

First, a targeted literature search was conducted to identify material related to the implementation, use and evaluation of MAPPA in the UK. This search led to research sources ranging from policy documents, relevant legislation, academic papers and evaluation reports published in English since 2000.

Second, the research team carried out ten interviews. Interviewees were selected on the basis of their experience managing terrorist offenders, and were identified through the literature review and personal contacts.



The research team spoke with eight practitioners from the UK police and probation services involved with the supervision of terrorist offenders under MAPPA in two urban criminal justice areas. The team also interviewed two professionals from the Reducing Re-offending Group at the National Offender Management Service (NOMS). The research team was not able to speak with police officers from the regional Counter Terrorist Units (CTU), mainly due to the challenges of contacting these individuals and the limited number involved in MAPPA at the time of the study. The perspective of the CTUs is therefore not directly represented in our results, although other interviewees and the literature provided insight into their experience.

RESULTS AND CONCLUSIONS

The research revealed some challenges specific to applying MAPPA to terrorist offenders on release, namely determining 1) the agencies that need to be involved in the management of terrorists offenders on release and the approach that they should follow, 2) the extent and ease with which key information is shared between agencies, and 3) the capacity of probation officers to assess the risk that terrorist offenders pose to the public.

First, interviewees raised questions as to whether a different, and possibly smaller, set of agencies and representatives may need to be involved in the management of some terrorist offenders on release, given the sensitivity of the information that may need to be shared in the process of managing them. This is a similar situation to the management of certain gang offenders: “[The anxiety around sharing information about terrorist offenders is] the same [as] with some of our gang members... a decision was made to really keep [the amount of police intelligence that’s informing our assessment] tight ... [the information] was to be [kept] just in one unit where there were tight relationships.”

On the other hand, the management of terrorist offenders on release may require new partners to be involved in a multi-agency approach. A probation officer’s approach to managing a terrorist offender may need to be tailored to the specific drivers of the terrorist’s actions, which may be different from those related to sexual or violent offenders. Practitioners may need to work with local, non-government organizations and institutions which have not previously been involved in MAPPA. For example, one interviewee commented that: “I imagine [the individual being supervised will] want to practice his religion when he comes out [of prison], so he’ll want to go to a mosque, so that means there’s going to be disclosure issues about who we tell in the mosque.”

Similarly, cultural specificities may affect the approaches that probation officers adopt. One interviewee explained that to manage Islamist terrorist offenders on release, he and his colleagues had started developing a different engagement strategy: “One of the things we’re developing is a motivational engagement intervention which ... doesn’t talk about their offending in any way, [but] just looks at what’s important to them in their lives, and their issues in their lives and their life in the future.” Another interviewee adds that: “For someone who might not have had really any contact outside a fairly narrow group of Muslim people, to have [a Western probation officer] ... form an alliance and form a relationship ... just that is very important in beginning to get people to question some of their assumptions around how they construct the world.”

Second, interviews highlighted that a key challenge arising from multi-agency approaches to managing terrorist offenders on release is different agencies’ willingness to share information with one another. The need to improve information sharing was a key objective of MAPPA, and evaluations of these arrangements report that the various agencies involved in the management of violent and sexual offenders reportedly share information freely most of the time (Wood, 2007). However, there was a perception that the security services in particular may find it difficult to share information with the other agencies involved in the management of terrorist offenders, when that information is from covert or sensitive sources. One interviewee expressed that: “The level of anxiety around information exchange is a whole new level.”

The research suggested that certain agencies’ limited experience collaborating and a lack of trust between these agencies (which may itself be a product of limited experience collaborating) can explain some of the challenges that agencies have experienced in sharing information about terrorist offenders. One interviewee explained that: “for our sexual offenders and violent offenders the legislation has been in place for so long the police ... will share information very readily - appropriately, proportionately, but very readily.” Whilst the police have been key partners in MAPPA since this tool was launched, Special Branch and other departments responding to terrorist threats have not been involved so far. One interviewee highlighted, for example, that: “even [the intelligence division] doesn’t necessarily know what the special branch is doing.” Another reflected that he imagined specialist units to be “quite suspicious” of the various services involved in MAPPA.

Interviewees expressed that promoting the colocation of different agencies has improved information-sharing in relation to non-terrorist offenders. This approach is being trialed to improve the management of terrorist



offenders. One probation officer interviewed was at the time seconded to work within the local police CTU, and commented that this enabled a better understanding of the problem of information sharing from the police perspective: "I had no idea just how difficult information sharing actually was. I just thought they [police] were being a bit funny. I think the information sharing issues are manifest. It's not normal business for police officers who ... have signed the official secrets act and normally deal with information that is graded at confidential ... to start thinking and managing individuals." Jackson (2009) confirmed that colocation was reported to lead to improved relations between agencies, commenting on the Security Service's establishment of new regional offices in order to improve collaboration with the police.

The third issue highlighted by this study is the lack of evidence on which to base assessments of the risk posed by terrorist offenders. Risk assessment tools that are used to guide the management of sexual and violent offenders are based on empirical research on large populations for which risk and protective factors have been robustly identified. There is a lack of similar research in relation to terrorist offenders (see the focus document *Limitations to the terrorist literature*). Although there is a large literature on the potential risk and protective factors for terrorist offenders, the available evidence does not provide an insight into the predictive power, if any, of these factors. As a result, it is difficult to know whether the risk and protective factors that feature in risk assessment tools for sexual and violent offenders are also valid for terrorist offenders.

Interviewees explained that the experience of agencies in managing violent and sexual offenders is an essential complement to the risk assessment tools, allowing practitioners to bring expert judgement to their supervision. However, they noted that such a body of experience has yet to develop in relation to the management of terrorist cases. One interviewee explained that: "I'd be surprised if [other]... psychologists feel as comfortable [assessing a terrorist offender] as assessing a domestic violence or sex offender...Because we're ... relying on a wealth of training and a wealth of assessment tools that we know well in addition to understanding why people might think or feel the way they do."

Overall, the study found that the experience of a number of UK professionals using MAPPA to manage terrorist offenders on release supports the widespread view of researchers, policymakers and practitioners' that multi-agency approaches are appropriate for managing terrorist offenders, given the wide range of factors that are associated with vulnerability to violent extremism.

The study provided an insight into some of the challenges that European Member States may face as they start applying such approaches to terrorist offenders being released into their communities. The

research suggested that policymakers and practitioners may wish to consider the agencies that need to be involved in the management of terrorist offenders as, to be effective, the MAPPA process for terrorist offenders may require a different and smaller set of agencies than those involved in the management of sexual and violent offenders. It also noted that these agencies may benefit from colocation as a way of increasing (trust and) information sharing. Moreover, the research pointed to the fact that it would be valuable for academics to generate better evidence about the risk and protective factors for terrorist offenders.

This would help professionals working under MAPPA to empirically assess the risk posed by the offenders whom they manage, while they acquire the experience that will enable them to complement these risk assessments with their own expert judgment. And finally, the research suggested that practitioners may benefit from developing their knowledge of the cultural specificities of the populations with whom they work, in particular Islamist terrorist offenders, to tailor their approach to offender management.

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