

# RAN P&P

## Ex post paper

26<sup>st</sup> November 2015, Vught



### Working group meeting - Case-study Terrorist Wing in Vught

The first RAN P&P meeting with the support of the RAN Centre of Excellence took place in the form of a study-visit to the penitentiary institute (PI) in Vught, the Netherlands. In this PI there is a specialised wing for offenders charged with or convicted for terrorist related offences. The main objective of this visit was to get a more in-depth understanding of how this regime, in which terrorist offenders are grouped, is organised and how it works in reality.

Prison regimes<sup>1</sup> have been one of the much discussed themes both within the RAN P&P working group as well as within Member States and at the European level. RAN P&P has provided an overview of advantages and disadvantages of different regimes in the RAN P&P practitioner working paper October 2015. This visit adds to the insights already available for a better understanding of the prison regime in place in the Netherlands and the influence of that regime on (potentially) radicalised offenders.

This ex-post paper will present the main outcomes of the visit to the PI in Vught that prison and probation practitioners may take as lessons learned.

### Introduction to Vught PI

PI Vught is one of the largest prisons in the Netherlands, where many offenders who are difficult to handle or treat in other Dutch prisons are transferred to.

In total the PI in Vught has eight different regimes:

1. Detention centre;
2. Prison (also houses offenders with life long sentences);
3. A facility for habitual offenders;
4. Institute for long stay detention under hospital orders (for offenders with life long sentences who don't receive treatment anymore);
5. Intensive specialist care for unstable offenders who can't be handled anywhere else;
6. 2 units of penitentiary psychiatric centres for mentally ill offenders. All offenders/patients who are difficult to treat and sensitive for media exposure are placed here;
7. Maximum security facility for offenders who could have the means and opportunities to escape with great exposure and a safety risk for the public;
8. Terrorist wing (TW).

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<sup>1</sup> The word regime both applies to grouping/dispersing terrorist offenders as well as the specific characteristics of these regimes.

There are currently 650 offenders and 830 members of staff. Indeed, one of the rule of the prison is that staff are always in the majority. In the case of the terrorist wings there is a high level of security with always a majority of staff members compared to offenders present.

In Vught prison there are both a prison governor and a director psychiatric, given the specialist care indication of some of the regimes. Part of the staff members are 6 psychiatrists and 30 psychologists and within the PI there are 24/7 prison guards with medical skills at work.

### The PI Vught terrorist wing and regime

Since 2006 PI Vught has established a terrorist wing within the maximum security facility and regime. This establishment was a direct consequence of the terrorist activities and arrests around the Hofstadgroep.<sup>2</sup> The main motivations behind the establishment were the following:

- It is important to prevent offenders in regular wings of the prison from being influenced by radical ideas that are used for propaganda by other convicted offenders in relation to today's terrorism. This is both in the interest of public order and security both in society and within penitentiary facilities.
- The treatment and supervision of this group of offenders calls for a specific type of knowledge and expertise (in relation to multicultural professionalism and Islamic movements for example).

Objective criteria for placement of offenders in these wings were formulated when the TW was introduced. The offenders placed in the TW are those who:

- Men and women above the age of 16 (if adult law has been applied);
- Are suspected of a terrorist offence;
- have been convicted (whether or not without appeal) for a terrorist offence;
- have propounded or propagated a radical message prior to or during detention.

These objective criteria are in place to avoid the need to demonstrate that a person belongs to the TW exclusively on radicalisation criteria (a longer period of time is necessary to be able to make this assessment) and to avoid procedural errors in appeals against placement (since the criteria are based on the criminal charges, not subjective judgements). Proximity to where the offender lives is not taken into account when they are transferred to the Vught TW. Under aged offenders will not automatically be placed in the TW but this will be decided on a case-to-case basis and only in line with the above mentioned criteria.

At the moment (December 2015), the Netherlands has 17 cells in TW's in two different institute's (PI Vught and PI De Schie). Except for one offender maximum security facility (lifelong sentence), all those convicted or charged with terrorist related offenses are placed in these cells. They concern both convicted offenders as well as offenders in custody. Currently only supporters of jihadism are held in the TW. They share the idea of being part of the global jihadist movement. Despite this common conviction,

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<sup>2</sup> Hofstadgroep: Radical Islam group that came together to plot terrorist attacks. The group met each other a.o. in the house of Mohammed Bouyeri, who assassinated columnist Theo van Gogh. Mohammed B. now serves a life long sentence in the PI Vught.

the profiles of the offenders placed in the TW are very diverse. All current offenders are male and over 18.

The decision to transfer (not initially place) an offender to the terrorist wing comes after consultation with a multi-agency team consisting of intelligence services, behavioural experts, imams etc). There is no judicial control in the sense that a judge has the mandate to place or transfer someone to a specific regime. The offender does have a right to appeal against the decision or make a complaints. A judge will decide whether the appeal or complaint is just, but then the case will go back to be treated within the system.

The transfer of a offender from the terrorist to the regular wing is also an administrative decision taken within the prison and can start from a complaint of the offender or based on advice of the prison staff.

In the Netherlands, offenders usually serve 2/3 of their sentence in detention before being released on parole/ conditional release. The last year of detention is often the moment when offenders are being transferred to a lighter security regime in order to prepare for return to society. This also highly depends on the risk level assessed. If this is very high, there will be no early release/ release on parole. During detention there is a case evaluation every month, done by a multidisciplinary team with the public prosecutor, probation, National Coordinator for Safety and Terrorism, psychiatrists etc.

### **Regime at the terrorist wing**

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In general the following rules are in place for the regime at the TW:

- Offenders in the TW do not come in contact with other offenders of other wings;
- Every contact with the 'outside world' is monitored through visual monitoring and recording (no live listening). The registration is stored for four years and shared with the intelligence services. Phone calls are allowed twice a week (10 minutes each); visits are scheduled as 1 hour per week. Offenders may choose to have the meeting with or without glass. Every communication is translated by external translators if it is not in Dutch (including written letters);
- Visitations take place upon entering and leaving the PI, as well as after visits if they took place in a room without transparent glass partition. In general, visitations take place after every contact with the outside world. This is the rule with the highest number of complaints by offenders of this wing.
- The prison governor decides whether offenders are allowed to take part in group activities. Examples of these activities are; offenders of the terrorist and maximum security wings can pray with an imam on Friday afternoons, cook together, do sports and fitness together. There is a maximum around 30 hours per week outside their cells. They can be in a group of maximum four per activity. If they wish, they can also study and enrol (offline) to university courses (materials are provided by teachers upon check by prison staff).
- Contact with social workers and psychologists is permitted. The TW has its own psychologist. Meetings take place in the visiting room.
- No labour is permitted; however, some cooperation with NGOs is in the pipeline. Offenders on the TW do get a small allowance to buy things, e.g. specific food.
- The offenders may wear specific clothes and eat at specific times in line with their religion.

- Search dogs are not being used in the TW.
- There are no weapons in the entire prison except for a weapon stick and pepper spray.
- The main language on the wing is Dutch. Staff can call in help from translators if they want to know what offenders are shouting to each-other. Experience shows that the current offenders in the wing also have Dutch as their main language and that their Arabic language skills are not very well developed.

In the event of a hostage situation, particular rules are in place: doors will close automatically, staff retreats and prison negotiators will take the lead in solving the situation. If needed, special intervention team are requested to intervene and the chief prosecutor of Justice takes up the authority over the prison. In 'normal' hostage situations, the offender has the objective to come out of the prison. This might be different should Islamic extremist offenders take a hostage position. Therefore new exercises with the special forces are being set up in case of this different scenario.

### **Staff of the Terrorist Wing**

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Prison staff need to have some specific requirements to work in the TW: they need to be open to other cultures and understand motivations behind offenders' actions. Of the main competences: integrity, empathetic, pro-active, stress resistant, collaborate, flexibility and motivation, most emphasis is on empathy and motivation. Because it is a particular group of offenders, it is important staff is motivated to do this work. For the Vught TW, language is not a particular criteria. It is preferred to have diversity in staff members but at the moment all staff is male and predominantly from Dutch origin. Staff members can stay at the wing for four years and then need to change regime for at least 9 months to make sure they don't get tunnel vision. Afterwards they may return to the TW.

Extensive training is required for staff in order to be able to observe and interact properly with offenders, as well as recognise (early) signs of radicalisation. Because the TW is part of the maximum security regime, the staff will have extensive training for that and in addition specific training to deal with terrorist offenders. Interaction is really important in this context, since it is the prerequisite for a trust-based relationship. Being isolated from the rest of offenders, these offenders act like a group: the rise of a problem with one of them has the potentiality to become a problem with all of them. At this moment, offenders are not yet included in the training programmes.

There is a support team to help staff that are confronted with difficult situations or incidents. There is also 'intervision', a group talk to share cases and to discuss with peers how these cases could/should be handled. When an incident happens, the support team talks with the staff member: right after the incident, after a couple of days later and after a couple of weeks later.

### **Regime development**

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Around 1.5 years ago a new wave of offenders entered the TW. This development clearly showed that the 10 year old regime of the TW might not fit anymore. Especially the high security measures are not suitable for the different profiles of offenders now staying in the TW. It is key that the regime on the

wings is normalized and to differentiate security measures based on the level of risk of the offender (both inside and outside prison).

Trust is a complex concept in a prison environment. This is especially the case in TW's and maximum security settings that are built on alertness, suspiciousness and distrust both from offenders and staff. On the other hand, if it is not possible to build some form of intelligent trust, this will impede the resocialisation and disengagement process of terrorist offenders.

The Dutch government and the penitentiary system see both advantages and disadvantages to the grouped approach:

Some advantages are:

- Limited risk of recruitment and mingling with organized crime;
- Target group is visible and good to observe – enhancement of knowledge and skills;
- Custom-made detention environment and intervention is possible;
- Specialized staff instead of generalized staff.

Disadvantages are instead:

- Strong mutual influence and cohesion in the group with the risk of disrupt de-radicalisation programmes;
- Strong sense of injustice related to the regime – also support from the outside world for the detention regime of this group;
- Raised status in the area/prison (so far this doesn't seem to be the case towards other Muslim offenders in other wings).
- New bonds between extremist offenders can be formed.

A more tailor-made approach might leverage the disadvantages of the system, especially because this might break cohesion. To help develop this tailor made approach, Vught uses different assessment tools. The newest one is in particular for terrorist offenders. It is the VERA II model translated and adjusted to the Dutch context. The security regime around terrorist offenders should become based on the outcomes of the assessment and behavioural reports.

## Development of risk assessment tools for terrorist offenders

One of the main objectives of imprisonment is to prevent future acts of, in this case, terrorism. There are three levels of prevention:

- Primary prevention involves warnings about the negative consequences of criminal behaviours to avoid people becoming criminal in the first place;
- Secondary prevention consists of detection and trial – taking the criminal away from the society prevents him from committing another crime;
- Tertiary prevention is the analysis of criminal risk factors, i.e. what factors are involved in the risk of developing a criminal behaviour, to reduce future crimes and teach desired behaviours to avoid reoffending.

For release, resocialisation and rehabilitation there several models are used, respectively focused on:

- Welfare promotion (good live model);
- Optimization of autonomy and social participation (rehabilitation model);
- Recidivism prevention (risk-need-responsivity (RNR) model).

Risk factors that are taken into account for ordinary criminal violence are historical (static), clinical (dynamic), protective factors and future risk factors (risk management, such as exposure to destabilising influences). As for radicalisation and violent extremism, risk factors could be really different. For example, criminogenic needs or psychopathy are often not seen in violent extremism offenders and certainly are not prevalent; actions are well planned rather than impulsive. Therefore it is very difficult to have a valid outcome from a risk assessment process for a terrorist, since they do not score very high on the same indicators.

The need for risk assessment doesn't only exist in the prison and probation context, but more broadly in the criminal justice system. The Dutch Institute Forensic Psychiatry and Psychology (NIFP) uses the psychiatric autopsy model: afterwards establishing feelings and motivations of violent incident. This model is valid for several phenomena: lone actor multiple homicide, right wing terrorism, school shooters, individual or organised Islamist terrorism and jihadism. They are asked to make case analysis and risk assessments in the trials of offenders charged with terrorist (related ) crimes.

**VERA II and REM risk assessment model**

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Risk assessment methods for ordinary violence cannot be used for violent extremism. The NIFP and the Dutch Coordinator for Safety and Terrorism are cooperating to develop better risk assessment tools. Violent Extremism Risk Assessment (VERA) protocol is a Structured Professional Judgment (SPJ) which means that it is a model that identifies risk scenario's on the basis of:

1. Systematic & Structured risk assessment process
2. Accepted methodology risk assessment (SAVRY, SVR-20, HKT-30, HCR-20<sup>V3</sup>)
3. Criterion-definition: evidence based & reliability
4. Professional weighing of indicators (not binary)
5. Judgment = estimation likelihood re-offending
6. No counting-up but weighing + consensus
7. Transparency (far reaching decisions court/prison)
8. Repeat identifying/measuring change

The main categories of indicators for VERA II are:

<b>Attitudes and beliefs (ideology):</b>
• Commitment to an ideology justifying violence;
• Perceived victim of personal/group injustice and grievances;
• Dehumanization/demonization of identified targets of injustice;
• Rejection of democratic pluralistic society and values;
• Feelings of hate, frustration, persecution, alienation;

<ul style="list-style-type: none"> <li>• Hostility to national collective identity/identity conflict;</li> <li>• Lack of empathy, understanding outside one's own group.</li> </ul>
<b>Context and intent (affiliations, actions):</b>
<ul style="list-style-type: none"> <li>• Seeker, consumer, developer of extremist materials;</li> <li>• Identification of a target (person, place, group) in response to perceived injustice;</li> <li>• Personal contact with violent extremists;</li> <li>• Anger and expressed intent to act violently;</li> <li>• Expressed desire to die for the cause and/or martyrdom;</li> <li>• Expressed intent to plan, prepare violent action;</li> <li>• Susceptible to influence, authority indoctrination.</li> </ul>
<b>History and capability:</b>
<ul style="list-style-type: none"> <li>• Early exposure to pro-violent militant ideology;</li> <li>• Network of family and friends involved in violent action;</li> <li>• Prior criminal history of violence;</li> <li>• Tactical, paramilitary, explosives training;</li> <li>• Extremist ideological training;</li> <li>• Access to funds, resources, organizational skills.</li> </ul>
<b>Commitment and motivation:</b>
<ul style="list-style-type: none"> <li>• Glorification of violent action;</li> <li>• Driven by criminal opportunism;</li> <li>• Commitment to group belonging, group ideology as motivator;</li> <li>• Driven by moral imperative, moral superiority;</li> <li>• Driven by excitement, adventure.</li> </ul>
<b>Protective factors:</b>
<ul style="list-style-type: none"> <li>• Re-interpretation of ideology: less rigid, absolute;</li> <li>• Rejection of violence to obtain goals;</li> <li>• Change of vision of enemy;</li> <li>• Involvement in offence-related programs;</li> <li>• Community support for non-violence;</li> <li>• Family support for non-violence.</li> </ul>

VERA <sup>v2</sup> /VERA <sup>v2</sup> -NL (Pressman, Duits, Rinne, Flockton)	Low	Moderate	High
BELIEFS & ATTITUDES			
CONTEXT & INTENT			
HISTORY & CAPABILITY			
COMMITMENT & MOTIVATION			
PROTECTIVE ITEMS			
<i>JUDGMENT</i>	<i>Low</i>	<i>Moderate</i>	<i>High</i>

For people working with this model, there are more lead and probe questions behind the risk indicators

The Risk Assessment Extremism for Managing (REM) is an additional assessment tool still on trial; only a small sample for now has been tested. It needs to be validated: it has created several discussions on the

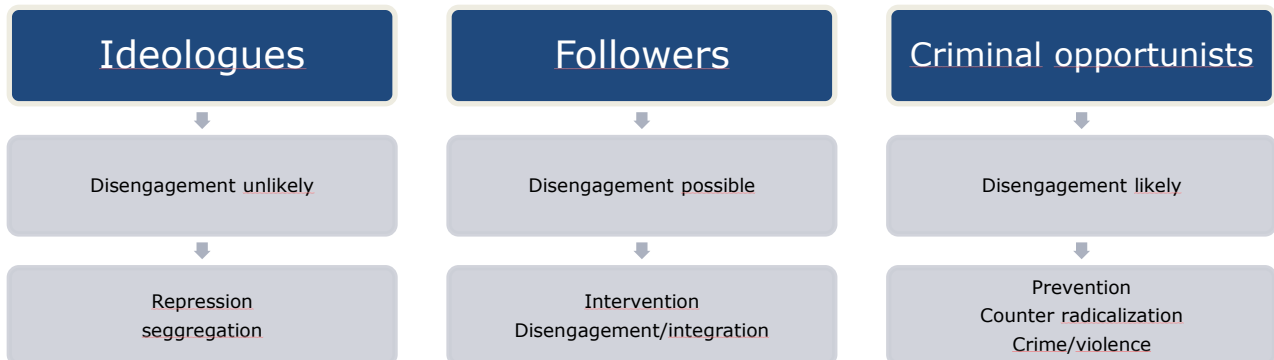
combination of risk assessment and risk management in the same tool, on who is going to use this instrument (certainly, they need to be trained and able to get information from different sources) and on how the evaluation of this instrument could work. The tool is made of indicators such as criminal and personal history, radicalisation, personality and psychiatric traits.

### General profiles of terrorist offenders in the TW

Based on preliminary work with the risk assessment tools, three types of offenders in the TW may be distinguished:

- Ideologues are usually the leaders with strong beliefs;
- Followers are usually those with weak identities, susceptible for influence and mentally disturbed;
- Criminal opportunists with a weak to no ideological basis but only attracted to it because of potential personal gain.

In this case, profiling is necessary to identify the right strategy for each type of offender: ideologues are unlikely to disengage, while followers and criminal opportunists can disengage (in particular, the latter are likely to). Therefore, ideologues need to be separated and monitored; followers can be manipulated and reintegrated into society; finally, criminals are rehabilitated, but they could go back to ordinary criminality.



### Training of staff to deal with radicalisation and terrorist offenders

From 2016 on, there will be a new training organised by the Dutch Custodial Institutions Agency for all prison and probation staff and other professionals working in this field. The development of the training programme is finished and has been piloted in Vught. The main aim of the programme is to make sure that during detention offenders do not radicalize (further).

Training goals - Employees are able to identify signals of radicalization and act accordingly to their responsibilities:

- observe, identify, report;
- enter into dialogue (with offenders, colleagues, specialists);
- (risk)assessing, referral, interventions and follow up;



- contribute to a non polarizing prison climate;
- contribute to non polarizing team collaboration;

There are several course organised for staff:

All employees primary process	- Basic 1-day training; - E-learning module; - Internal education (special attention officers).
Heads of department/management	1-day training
Employees TW	2-day training
Special attention officers	4-day training
Religious Counsellors	interview/supervision

Every training has five basic components:

- Introduction
- Radicalisation process
- Basic theoretical knowledge of the Islamic religious landscape
- Action perspective (which signs are to be observed, start conversation, write report, knowledge of procedures and different roles)
- Professional attitude (become aware of own personal perspective and how this affect their professional behaviour and attitude).

The content of each component varies depending on the focus of the training group. For example, for special attention officers, the focus is on interpretation of signs: there is not a comprehensive lists of what are the signs of radicalisation, rather it is more a matter of a professional judgment. For religious counsellors, the important element of the training is the sharing of information and confidentiality issues. For each group, the specific training outcomes and results have been defined.

## Experiences in other EU countries

In the final part of the meeting, participants were invited to share experiences and practices of their country as regards radicalisation in prison:

- In Belgium, terrorist offenders arrested so far will be located in regular wings and their location there will be assessed consequently to decide whether it is necessary to locate them in specialized wings (only for ideologues). They will be allowed to spend 2/3 of the sentence in high security regime while taking part to disengagement programs, in order to put them later under the regular detention regime;
- In Norway, terrorist offenders are dispersed throughout the country; however all the options are there and Norway also has the ability to assemble terrorist offenders without calling it a terrorist wing;
- The same is true for Spain, where they are located in isolation wings with other offenders;
- In Italy, 29 terrorist offenders are imprisoned in three penitentiaries with high-security wings but separated from other offenders. Rehabilitation programmes are custom-made. Two hundreds

offenders are under observation in different prisons. A compulsory training for jail staff is to be finalized by the Ministry of Justice. There is also a discussion going on about the similarities with organised crime and the possibility of exploit what has already been put in place in the past to deal with this new threat without duplicating efforts;

- In Germany, there is a discussion going on about what regime should be followed. In the '70s there were terrorist wings. For now, there are not specialized wings for terrorists. Tegel prison has 900 offenders and 40% are Muslim. Social workers have a special focus.

## Developments after the visit

At the time of the visit, there was an important case in court around Dutch foreign fighters called the 'context case' or 'Jihad-trial'. After the visit, there was a court ruling giving 9 offenders sentences ranging from 7 days to 6 years with different conditions for release and probation. Not all offenders are in the country at this moment in time. The judges decided that, except for three 'followers', the suspects formed a terrorist organisation with an aim to recruit youngsters for violent Jihad.

In Vught, an extra facility is now taking into use as the terrorist wing. All the offenders from the high security wing visited by our group, have been transferred to the new facility. With this, the total capacity has increased and in 2016 there will be an evaluation of the total capacity to see if it fits with the expected number of offenders. The current increase in capacity is not a direct consequence of the context-case but the court ruling does provide a strong indication that more offenders charged with terrorist (related) activities will come into the prison system in the near future.

The TW in Vught has also started cooperation with the Dutch Exit facility, in particular the family support unit. There will be cooperation with families to let them understand the regime their family member is in, to cooperate on visits and to see if the family can play a positive role in a rehabilitation and resocialisation process.

## Annexes

This report is based on the following presentations given during the study visit and attached:

- Yola Wanders, Director of the TW in Vught - PPT with general presentation on the TW
- Erik Masthoff, Director of Forensic Care and Treatment, Vught Prison – PTT on Profiling and dealing with suspects and convicts of terrorism
- Nils Duits, psychiatrist NIFP and Coordinator Jihadism – PTT on REM: Risk analysis Extrémism for Monitoring
- Presentation delivered by the Dutch Custodial Institutions Agency – PTT on Training radicalisation for the national Dutch Custodial Institutions Agency