

19/07/2022

CONCLUSION PAPER

*RAN PRISONS Working Group Meeting**7-8 July 2022, Rome, Italy*

Dealing with false or non-compliance in prison – intervention strategies to mitigate risks

Key outcomes

With a large number of violent and extremist terrorist offenders (VETOs) to be released from prisons across the EU in the near future, their participation in distancing and disengagement interventions is desirable to the societies into which they will return. The time a VETO spends in prison offers a unique opportunity to engage them in such rehabilitation efforts, with the long-term goal of preventing recidivism. However, VETOs do not always comply with the obligations placed on them along the prison–exit continuum or take up voluntary offers for disengagement. While some may refuse to engage in programmes altogether, in rare cases, compliance is merely performed, either to obtain concession or, in very rare cases, with the intention of harming prison staff. The goal of this RAN PRISONS Working Group meeting was to explore the scale and nature of false and non-compliance of VETOs in prison, to determine the implications for their risk and needs management and identify available interventions and strategies, lessons learned and current needs of practitioners in dealing with the phenomena. The following key outcomes summarise the meeting’s overarching insights:

- Inmates’ compliance in the prevention and countering of extremism (P/CVE) context is generally understood beyond a VETO merely following the prison rules in order to get out of prison as quickly as possible or obtain preferential treatment. The **focus is generally on their participation in/commitment to prison programmes**, and more specifically in **disengagement, deradicalisation and resocialisation (DDR) interventions**.
- There are many forms of false and non-compliance and a **common understanding** of the scope and manifestations of these phenomena **is yet to be developed** among practitioners in the EU. While non-compliance is plainly visible, false compliance or deceptive behaviour is difficult to detect and address.
- Complying with DDR programmes (using participation as an indicator for compliance) does not equal successful rehabilitation. Social diagnostic and needs assessment tools applied by exit workers can be used more systematically and by a wider group of professionals, as they **focus on the inmate’s rehabilitation needs and sources of protective factors**, as opposed to only dealing with the security risks.

- **Case conferences and multi-professional panels are key** when assessing compliance but require a lot of trust and joint trainings to deal with contradicting assessments or tensions between different professionals. Factors to consider are a 'split image' the inmate shows to different practitioners and the role of informal leaders and group dynamics, especially in concentration regimes.
- A **combination of surveillance, dynamic security, and risk and needs assessment and management** seem to be required when dealing with (potential) false or non-compliance. However, prison staff need to be aware of the limitations of each and develop **an individualised approach** with the inmate that is based on transparency and trust. Training of prison staff is crucial to become self-reflective on the practitioners' role in the rehabilitation process, but also to gain awareness of religious, geopolitical and cultural factors in order to adequately recognise false compliance.

Highlights of the discussion

The discussion highlighted that addressing false and non-compliance of VETOs along the prison–exit continuum first requires a shared understanding of what is actually understood by the term compliance and thus what the overall desired goal is, as opposed to starting from the undesired.

What do we mean by compliance and non-compliance?

- **Definitions of what compliance means differ** and depend on what kind of behaviour is expected from VETOs. A distinction needs to be made between:
 - complying with general prison rules and not posing any physical threat to staff and other inmates; and
 - 'genuine' cooperation and participation in prison programmes (educational, vocational training, employment, among others), particularly DDR programmes.
- For most practitioners, **DDR of VETOs is the goal**. Therefore, compliance is generally understood to go beyond a VETO merely following the rules in order to get out of prison as quickly as possible or obtain preferential treatment. However, it would be naïve not to assume that this would be any offenders' primary goal ⁽¹⁾.
- With such an understanding of what practitioners aim for when working with VETOs in prison, compliance can be thought of as **a VETO's readiness for personal dissociation from extremist ideology and/or disengagement from the use of the violence** and, as a subsequent step, the participation in corresponding DDR programmes.
- **There are different forms of and reasons for non-compliance**. Non-compliance can look like **refusing communication, cooperation**, and simply not being open to engaging with prison staff or external service providers, such as exit organisations. It can also look like **disobeying rules** and in some cases **engaging in violent behaviour**, including the **assault of prison staff**.
 - There are many nuances behind such behaviour. Some inmates might be uncooperative because they revolt against the prison conditions, others because they reject their sentences and perceive themselves as victims.

⁽¹⁾ As Crewe has shown, compliant behaviour may be the result of different attitudes and motivations, such as: *normative*, meaning that it is based on moral acceptance of, or commitment to, the institutions or regulations at stake, or on a sense of allegiance or attachment to individuals who represent the authorities or are 'significant others' in our lives; *legitimate*, based on recognising the right of those in power to exercise their authority; *instrumental*, based on incentives and rewards or disincentives and deterrents; *habitual or fatalistic*, based on routines or conventions, or a sense that there is no alternative but to 'do things this way'; and *constraint-based or coercive*, based on physical control, surveillance, restriction or fear.
 Crewe, B. (2013). Compliance in prisons. In P. Ugwu-dike & P. Raynor (Eds), *What works in offender compliance: International perspectives and evidence-based practice* (pp. 119-142). Palgrave Macmillan. https://doi.org/10.1057/9781137019523_8

- VETOs as well as regular offenders may perceive prison staff as agents of a system by which they feel unfairly treated. Their thinking might be along the lines of “you are keeping me here”, as opposed to them being there on account of their own actions.
- For these latter reasons, external actors such as civil society organisations or religious counsellors might have a better chance at establishing contact with non-compliant inmates.
- **Non-compliance is generally clearly visible** and allows for prison staff to think of next steps, such as who would be the right person to approach the inmate and how.
- Depending on the quality of VETOs’ non-compliance, **practitioners’ responses** can look like continuously making the effort of trying to engage them, trying to work with incentives, persistently offering help in the form of participation in disengagement and rehabilitation programmes, trying to obtain support from qualified service providers such as exit organisations, or, if needed, taking safety measures, including a change of prison regime.
 - Although society should never give up on VETOs’ capacity for change (as their stance can change with time and a window of opportunity may emerge), there may be cases where there is truly very little hope of a change in mindset. It is a question to be addressed in the political realm of what to do in cases of hardcore ideologues who show no remorse whatsoever.
 - The challenge of what to do in **cases where VETOs demonstrate no interior motivation to change** and/or leave prison remains, as in isolated cases VETOs might think that they are better off in prison where they have food and shelter, especially if they do not feel that they have any social contacts outside of prison.
 - Complying with rehabilitation programmes (e.g. based on participation in such) does not equal successful rehabilitation. Social diagnostic and needs assessment tools applied by exit workers and other practitioners can be used more systematically, as they **focus on the inmate’s rehabilitation needs and sources of protective factors**, as opposed to only dealing with the associated security risks ⁽²⁾.
- **False compliance refers to a VETO’s intent to purposefully deceive prison staff.** This can look like feigning the display of remorse or only supposedly taking responsibility for their actions, knowing that exhibiting the desired behaviour and saying the right things asked of them by authorities can influence their overall sentence and release.
 - VETOs’ elaborate understanding of what is expected of them not least results from their **knowledge of P/CVE tools**, including from freely accessible resources and questions used in risk and needs assessment tools such as VERA-2R ⁽³⁾.
 - False compliance therefore raises the issue of assessing the **authenticity or genuineness of a VETO’s compliance** and is therefore more difficult to identify and interpret.
 - Instances of reoffending should not automatically lead to a **retrospective determination of an inmate’s behaviour as non- or falsely compliant** during their time in prison. There are lots of reasons why someone who might have had good intentions of starting a new life upon their release ends up reoffending. One particular challenge is that the support they received in their rehabilitation efforts effectively often ends at the prison doors.

How to deal with it? Practical considerations and experiences

Practitioners highlighted that in order to detect false compliance, it is **crucial to rely on multiple perspectives** and the comparison of assessments of different staff members engaging with a case, as well as on other inmates. **Multi-professional case conferences** in many contexts are conducted in different formats to gather professionals

⁽²⁾ RAN (2022). Lone Actors: Making use of needs and risk assessment tools in P/CVE, small-scale expert meeting 10 December 2021. https://home-affairs.ec.europa.eu/whats-new/publications/ran-small-scale-expert-meeting-lone-actors-making-use-needs-and-risk-assessment-tools-pcve-online_en

⁽³⁾ For more information, see: <https://www.vera-2r.nl/>

around the table and discuss cases from different perspectives. At the same time, there are many factors potentially playing a role in false or non-compliance that practitioners need to be aware of.

- False compliance **can create tension between different staff members and organisations** (within prison teams and with external actors) working with a VETO and holding different opinions. For example, splitting in case conferences can also occur — when different practitioners have opposite assessments of the same inmate. In some cases this can indicate inmates have deliberately worked towards creating tensions between different practitioners and weaken their assessment. Inmates can indeed **show a split image** to different professionals.
- **Trust in multi-agency/multi-professional settings** is crucial to feeling confident enough to express doubt that someone may be wrong, biased or naïve in their assessment. **Joint trainings** can help to align perspectives.
- **The role of informal leaders** within prisons needs to be considered when addressing false compliance. Practitioners reported cases of informal leaders influencing others who are then difficult to motivate to take part in any prison programmes.
- Especially in prison environments where VETOs are placed together, the **group dynamics** between them need to be considered, including how they influence and inform one another on prison rules, procedures and P/CVE interventions. Such ‘networking’ was observed by some practitioners who reported that inmates started providing the same standard answers and prepared narratives in risk assessment.
- **Concentrating VETOs** in the same wing can therefore backfire — while this regime helps maintain high security and prevents recruitment of other non-VETO inmates, it also gives them opportunities for many feedback loops and exchanges. Furthermore, VETOs in these wings do not have any alternative social contacts and different perspectives as in dispersal regimes.
- **Risk and needs assessment tools do not suffice** to obtain a final assessment of compliance in the sense of a VETO’s distancing from extremist ideology. The human factor (although fallible and subject to personal biases and blind spots) will always be crucial for a comprehensive understanding of where someone is situated in the process of reflecting on their past actions and distancing themselves from them.
 - Risk assessment tools are generally derived from theories of radicalisation, not deradicalisation. **Social diagnostic and rehabilitation needs assessment tools** should be used more systematically as complementary to risk assessments.
 - **Double standards** in the assumption of false compliance should be kept in mind when it comes to Islamist and right-wing VETOs. Visibility of double standards can contribute to non-compliance and confirm the self-perception of being a political prisoner.
 - **Prison surveillance can be detrimental to building trusted relationships** between prison staff and inmates.
 - **Understaffing of prisons** can be the reason for a lack of capacity to observe inmates but should not be used as a pretext to rely exclusively on risk assessment tools. At the same time, **personal risk for first-line practitioners** must be considered, as instances of VETOs assaulting prison staff have occurred.
 - **The dynamic security** approach can offer a way of dealing with false and non-compliance, due to better knowledge of the inmates and their needs.
- In terms of **care**, VETOs are not necessarily different from other inmates. Experiences shared by participants demonstrate that **individualised approaches** and psychological work is always required, as well as **well-trained staff** who are aware of religious and geopolitical aspects and cultural factors.

- For this, it is advisable to read a VETO's file if available and try to gain the best possible understanding of their biography. Taking someone seriously in their needs and experiences is a prerequisite for building a relationship. At the same time, some councillors avoid reading the inmate's file and prefer to make their own assessment.
- Some councillors working with inmates on disengagement noted that their approach is to **stimulate critical thinking** with the inmate and challenge their perceptions and attitudes, so sincerity is not a central precondition for this work.
- The use of **points/reward systems** was discussed and their role in motivating inmates to take part in programmes (educational, employment, DDR) and whether these can push them from non-to false compliance. Practitioners noted that in some cases rehabilitation programmes can incentivise false compliance, but this does not have to be bad if it helps to provide a beginning/an opening with the inmate.
- **Educational programmes** in Greece have been shown to act as a motivating factor for disengagement and compliance of VRWE/violent left-wing extremist inmates, especially higher education offerings.

Recommendations

- There is a need for more awareness and deeper understanding of what compliance of inmates (and VETOs in particular) in prison means, towards a **shared understanding** of its importance/value and what priority it should receive at the level of policy and prison management.
- Prison staff's notion of VETOs' compliance should go beyond not creating trouble to include **disengagement and rehabilitation as key objectives of the time spent in prison and work done with the inmate**. This should be ideally addressed during initial and ongoing staff trainings.
- Prison staff need to develop a **higher degree of acceptance of risk and trust in the possibility of change**, as opposed to the idea of absolute control over inmates' behaviour.
- Prison staff need to be **aware of different factors playing a role in potential false compliance and responses**, such as the role of informal leaders, group dynamics (especially in concentration prison regimes), as well as efforts to 'split' and create tensions within professional teams in their respective assessments.
- False compliance is hard to detect and address, hence **working with what-if scenarios** when it is suspected might help get different perspectives and possible actions.
- **Case conferences and multi-agency/multi-professional panels** need to take place not only with external actors but also within the prison teams working with the VETOs. These need to feel encouraged to challenge one another and their perceptions. Joint trainings should be offered to align perspectives of different professionals, including prosecutors.
- A **combination of surveillance, risk assessment and dynamic security** seem to be required when trying to identify, assess and deal with false compliance. Risk assessment tools have limitations, while excessive surveillance might hamper trust. **Social diagnostics and needs assessments** can be used more widely by professionals to complement risk assessment, as these tools focus on rehabilitation needs and protective factors and offer different perspectives on compliance.
- **Staff trainings** on theological and cultural aspects and geopolitical factors is important in order to approach inmates adequately and recognise false compliance. Furthermore, trainings should encourage **reflection of own role in the rehabilitation process and in the inmate's life, as well as own biases** and political leanings.
- It is important to **humanise the prison staff and management** and to consider working with external organisations, which might be perceived in a more neutral way by inmates.

Relevant practices

1. The **Multi-Agency Approach to Rehabilitation of radicalised detainees (MAR)**, organised by the Dutch Custodial Institutions Agency, is an approach for detainees held on extremism- or terrorism-related charges. Together with key partners, including the probation service, the municipality and the Custodial Institutions Agency, individual case conferences are organised for each detainee.
2. Violence Prevention Network's trademarked **anti-violence and competence training** (Antigewalt- und Kompetenztraining®) is a non-confrontational approach of engaging with radicalised persons and offenders that bridges accepting and questioning discursive elements based on a pedagogy of understanding with a resource-oriented and humiliation-free philosophy.
3. **The APAC Method** of the Association for the Protection and Assistance of Convicts (APAC) is a restorative justice approach practiced in prisons in Brazil. It is strongly influenced by Catholicism and grounded in the understanding that detainees must take responsibility for their actions and from then on change their behaviour and their lifestyle and plan a new future.

Follow-up

Based on the insights gained during this meeting, future RAN Practitioners events could look at the question of what kind of supervision and evaluation is needed after release to assess compliance with DDR interventions applied in prison and beyond, including what indicators should be used and whether this should be based on voluntary participation or surveillance. Secondly, a follow-up to the question of what skill sets prison staff require to be able to recognise false compliance would be advisable as well as addressing the question of how social diagnostic tools and rehabilitation needs assessments can be used more effectively and systematically to identify and address false compliance, including what will help practitioners to make better use of these tools. Lastly, the question of what difference voluntary vs compulsory participation in prison programmes makes could be further explored.

Further reading

Acheson, I., & Paul, A. (2021). *Hiding in plain sight? Disguised compliance by terrorist offenders*. Counter Extremism Project. https://www.epc.eu/content/PDF/2021/Disguised_compliance_by_terrorist_offenders.pdf

RAN Conclusion paper, 2021: [P/CVE in Prison and Dynamic Security](#), online meeting 27 May 2021.

RAN, 2021: [Returning to Extremism: An Overview on Terrorist Reoffending and Current Challenges](#)

RAN Ex post paper, 2019: [Current Challenges of Sentenced Extremists for Prison Regimes](#), RAN Prison and Probation & EuroPris meeting 'Prison regimes' 21-22 November 2019, Lisbon, Portugal.