

EX POST PAPER

RAN P&P and CEP

(Confederation of European Probation)

Introduction

What are the challenges faced by the probation services when dealing with radicalised persons and returning foreign terrorist fighters (FTFs) in probation? What are the needs of probation officers in terms of training *vis-à-vis* this specific group of offenders? Although experience of probation with FTFs is still very limited, it is possible to discuss developments by looking, for example, at how probation deals with other types of serious offenders, e.g. sexual offenders and domestic terrorists from previous conflicts.

RAN's Prison and Probation Working Group organised a joint meeting to discuss these challenges with the Confederation of European Probation (CEP). The event took place in Dublin (IE) at the premises of the Irish Probation Service.

This ex post paper reflects the discussions that took place during the meeting, and especially during the

smaller group discussions organised to foster interaction between participants.

How to deal with radicalised persons in probation?

As mentioned in the RAN P&P Practitioners' Working Paper¹, experts confirmed that:

- **Supervision and monitoring** of offenders or persons suspected of being radicalised has to be carried out very closely. France, for example, has standardised procedures in place and in some cases. Some countries apply electronic monitoring.
- Probation officers working with these offenders need to be **specialised**. France has two specialised probation officers per probation office. Training can help officers to understand radicalisation processes and how to communicate with radicalised persons. Training should also ensure officers avoid the stigmatisation and discrimination of probation clients.
- When **matching a client with an officer**, gender tends not to be taken into account, whereas ideology is in some cases, depending on the probation officer's skills.
- Trust is a very important, and necessary for successful probation work. At the same time, the relationship between the probation officer and the offender can be undermined by **confidentiality issues**. How to overcome this conflict is an ongoing question. A practical solution can be to apply the 'need-to-know' principle: while it is important to communicate relevant information to the intelligence services and maintain cooperation with them, information is not shared in bulk or comprehensively. A similar dilemma arises in work with other vulnerable groups with a significant risk of relapse, e.g. sexual offenders: there can be a conflict between building a relationship of trust and the need to share information.

In the German state of Lower Saxony, the exchange of information with law enforcement authorities is only possible within the round table meetings in the presence of the competent authority of supervision of conduct. For further exchange of information between probation service and police the consent of the offenders under probation is necessary. Offenders are informed about the multi-agency approach and of the ongoing flow of information between different actors. However, those on probation tend to be very motivated and realise that the advantages of having a trusting relationship with the probation officer are higher than the disadvantages that might result from the exchange of information. From a different point of view, adopting a multi-agency approach can protect the client from reoffending: if the offender is surrounded by friends and / or family members who try to induce recidivism, (s)he can justify abstention by saying s(he) is under an exceeding multiagency supervision and therefore s(he) cannot be involved.

- **Transition management** is crucial, especially during the initial period after release. Experience with sexual offenders has shown that clients can be very unstable in the early days, and that preparation for the release needs to start early.

¹ RAN P&P Approaches to violent extremist offenders and countering radicalization in prison and probation. Available at https://ec.europa.eu/home-affairs/what-we-do/networks/radicalisation_awareness_network/about-ran/ran-p-and-p_en

- Categorisation based on solid **risk assessment** by experts gives probation staff directions on how to act. For example, the Lower Saxony programme K.U.R.S. uses categorisation based on a risk assessment carried out by a special assessment unit within the penitentiary. Offenders are categorised as belonging to one of three levels: CAT A (high risk of recidivism); CAT B (latent risk, estimated protective factors); CAT C (all other offenders). The United Kingdom has a risk assessment tool which can be filled in three meetings with the client and gives an idea not only of the risk, but also of the degree of specialisation the probation officer has to have to work with the client (e.g. a high score indicates the person needs a highly specialised officer with security clearance to ensure the flow of information).

Risk assessment is also important for the safety of the probation officers. For example, the United Kingdom has a system in place that logs officers in when they enter a house, and logs them out when they leave. The system also knows when they should be back in the office – if the officer is not back and cannot be reached, police go directly to the house visited. The police can also engage with the probation officers before the visit: this usually allows the officers to feel safer. In Belgium, the client's family, as well as the client him / herself, is checked before any probation officer goes into the client's house alone.

Other elements for consideration when dealing with radicalised offenders on probation have been identified as:

- As for radicalised offenders in prison, every intervention during probation should be **tailored** to the individual and his or her circumstances. The reasons for radicalisation can be very different from one individual to another, and it is very important to identify the main drivers for each individual in order to know what to address.
- **Risk assessment** tools need to be used as part of a **multi-agency approach**, and not as standalone standardised procedures: doing this ensures that any judgments made will be based on a comprehensive picture of an offender, created through information from different actors in different agencies;
- The involvement of **ex-offenders** can be useful but it is important to take into account that political nervousness *vis-à-vis* this group of offenders is higher than for any others. The involvement of families can also be very fruitful, although some practitioners reported difficulties in evaluating whether a family might have a positive impact or represent a risk factor.

The challenge posed by returning terrorist fighters

Over the last year, Europe has also been faced with the challenge posed by returning terrorist fighters: radicalised persons who left for a conflict zone and then subsequently decided to return to their home

country². Challenges include the returnees' diverse profiles; the difficulties in prosecuting them because of a lack of evidence and – by consequence – the short duration of sentences, which makes an effective exit intervention and reintegration difficult.

Research on Northern Irish ex terrorist prisoners showed that they face significant resettlement issues when released. Among other problems, they experience unemployment, poverty, mental health issues, alcohol abuse and difficult personal relationships. This has influenced the probation approach to terrorists in Northern Ireland: it combines supervision of offender licence conditions with a focus on addressing offenders' resettlement issues. Probation staff do not need to engage in ideological or motivational discussions with clients, but rather focus on resettlement issues. Desistance through resettlement, and in particular employment, seems to work. However, several prerequisites have been identified for this approach to work:

- The work has to be voluntary.
- Training and guidance for staff is key and would ideally include practical development groups.
- Staff safety and staff consciousness about potential threats must be ensured.
- Specific circumstances and experiences may play a role in some locations. For example, in some countries someone on probation needs to declare his / her judicial circumstances when applying for a job. This might hamper the outcome any interventions.

Returnees are considered a special group of probationers. But to what extent they differ from other radicalised offenders or probation services' other clients? For the time being, returnees are a small group, part of the wider group of radicalised offenders. And in addition to being limited in number, differences from one individual to another can be significant. This is in addition to the moral challenges faced by a probation officer who has to deal with someone who has committed very brutal actions. Returnees can be killers, radicalised, disillusioned, traumatised or unwillingly returned; they can be all these together, none of them, or only some of them. This makes it clear that the spectrum of degrees of 'radicalisation' is very wide, and in each case the roundtable of stakeholders from the various agencies needs to take into consideration many other external circumstances that might have an impact on the outcome of the intervention.

Some EU Member States have had specific experiences with returnees from Ukraine (pro-Russian) and Kosovo: returnees from both countries regarded themselves as soldiers fighting a war, and not as criminals. However, when back they found that the majority of people at home did not see them as heroes.

Work in the case of the returnees from Ukraine was cognitive, i.e. they had to adjust to the idea that they were not heroes. The returnee from Kosovo felt he had a duty to join the fighting in Kosovo, but realised it as a negative and traumatising experience and actually regretted having left. In this second case, offering an alternative life model was necessary to maintain self-confidence and overcome the psychosis.

² At the RAN Event on Returning Terrorist Fighters which took place on 19 June, RAN also launched a Handbook on responses to returnees. https://ec.europa.eu/home-affairs/what-we-do/networks/radicalisation_awareness_network/conferences_en

In some instances, returnees might be similar to ‘regular prisoners’ to a certain extent, and treating them differently because of low political acceptance of risk might create the only difference between them and the regular prison population. This was identified as a risk in itself by some practitioners: because of the low-risk acceptance level, inappropriate approaches might be followed in an attempt to show that something is being done.

Experience in some EU Member States shows that it is important to focus on those issues around resettlement, leaving aside the ideology. The role of probation is identified as support for reintegration work and social control work, alongside that of the police. Rehabilitation efforts by probation service aiming to de-radicalise, has proven unsuccessful in dealing with domestic terrorists, and was not therefore expected to be successful for religiously inspired returnees.

Training probation staff

Training probation staff is key to dealing with radicalised clients on probation successfully. This should address not only signalling and networking, but also safety measures to ensure security for probation staff and their families. Austria has an education programme comprising three modules: 1) Psychological aspects of radicalisation; 2) The ideological–religious background to radicalisation; 3) The political and historical background of terrorist organisations and recruitments. In the United Kingdom, training is implemented in a ‘de-centralised’ way (the trainers go and meet probation officers), and in some cases also in collaboration with intelligence services. In particular, representative teams of the intelligence services makes it possible to create a dialogue which would have not taken place otherwise.

Additional advice in relation to training includes:

- let people express their concerns and disagreements;
- use case studies;
- clarify that training might focus on a specific type of violent extremism and radicalisation, but that lessons learnt will mostly apply to different ideological backgrounds as well – this avoids application of bias;
- show how to cool down a heated discussion and repair relationships that have been damaged during work;
- teach how to counter clients’ narrative and support the legitimacy of an officer’s position.

In terms of ensuring staff safety, it is important to train officers to develop the ability to identify risks and judge what is an ‘acceptable risk’. The first section of this paper refers to existing good practices to ensure safety. Training should also include social media: social media savviness helps to protect officers. Knowledge of social media tends to be greater among probation officers of younger generations compared to those recruited some time ago, but training can fill this gap.

In terms of training for networking and signalling, to what extent should universities prepare students for the job? This question was raised in Dublin. In Spain, for example, a special agreement with universities is in place to make sure students are trained in the skills needed for dealing with this group of offenders. The

value of learning by doing over learning by studying was however confirmed and remains an important step in developing the skills for the job. Some level of training should also extend to mentors from civil society organisations, in particular when they work with families.

Finally, it was reiterated by participants that all of the above will only work within structured, multi-agency cooperation which also encompasses different levels of training and needs. This structure can be further strengthened through cooperation with non-judicial organisations and civil society organisations involved with these offenders.

Annex 1: PC-CP Handbook: Practical ways of addressing radicalisation and violent extremism

Vivian Geiran, chairman of the Council for Penological Co-operation of the Council of Europe, presented the PC-CP Handbook and the work of the Council for Penological Co-operation. In its work on P&P settings, the PC-CP was tasked with developing guidelines and practice standards to help P&P practitioners reduce the risk of radicalisation. Both prison and probation settings are seen as possible incubators of radicalisation. However, those settings also present opportunities to identify risks and intervene to stop the radicalisation process.

Several issues have been identified by the PC-CP:

- The pathways from radicalisation to terrorism are many and no single response can address them all: there are many signs of radicalisation, but there are also grey areas which can hamper the identification of signs.
- The tendency is to focus on individual offenders convicted for terrorist offences, as they form a very important part of the group. However, there are also many offenders who have not been convicted for terrorism-related crimes but do show signs of radicalisation.
- Another current issue is the big focus on prisons as opposed to probation and communities.
- Reluctance, mistrust, caution and other interagency issues prevent optimal sharing of information.

The Handbook was updated in March 2016 and resulted in a very practical approach for policy-makers, managers and prison and probation staff: information was collected from the field. As, it is very important that everyone showing signs of violent extremism and radicalisation is reached out, those officers who are tasked with performing a first screening are precious, and need training.

On the ongoing debate on concentration versus dispersal of radicalised prisoners, the handbook presents advantages and disadvantages of both but notes that it is not possible to support in absolute terms one solution or the other. In general, there is no correct solution to the problem, but the sharing of information and good practices remains one of the most valuable paths towards a solution.