EXECUTIVE SUMMARY

- The current and projected make-up of the prison system, the effective management of the prison population and the importance of rehabilitation cannot adequately be considered without including the challenges posed by individuals who have been convicted of extremism and terrorism-related offences.  
- Concern about prisons turning into “hotbeds of extremism” has been repeatedly mentioned by academics and practitioners as one of the most pressing security issues that requires an immediate response. While both prison and probation are supposed to be strong partners in de-radicalisation and resettlement, instead of promoting disengagement from violence, these systems frequently facilitate extremism. 
- According to Europol, in recent years there has been an increase in terrorism-related arrests in the UK, France and Spain. The largest proportion of arrests in the EU in 2013-2015 was linked to Islamist terrorism, compared to smaller numbers of arrests for separatist, left-wing and right-wing terrorism. According to the Home Office, the number of people arrested for terrorism-related offences in Britain rose by 58% to a record high of 412 in 2017.

The phenomenon of returning foreign fighters is another concern for the British criminal justice system, including prosecution and incarceration. In October 2017, the BBC reported that 121 British foreign fighters have been convicted, but little information is available about how exactly inmates with foreign military training will be managed in the UK prison system. Although British prisons have a long history of coping with terrorists and political and religious extremists, the increase in legislative scope and security responses in the wake of the 7 July 2005 atrocities led to a significant increase in conviction rates for terrorist offences. As of the end of 2017, there were 224 prisoners convicted for terrorism-related offences in jails in Britain at the end of 2017 – an increase of 24% compared to the previous year.

Unlike traditional criminals whose illicit activities are often disrupted in prisons, violent extremists might be comfortable with their convictions because of opportunities to preach in correctional institutions. Following an inquiry into the spread of Islamism in prison carried out by Ian Acheson, the Government announced plans to create three ‘separation centres’ which are expected to hold the most subversive offenders. As of January 2018, HMP Frankland near Durham has been created. This is the first time the UK Government has practised the policy of separating terrorism-related offenders.

At the same time, most of the mass media coverage of the UK experiment with regard to tackling radicalisation in prisons has been negative and has focused on drawing parallels between UK separation centres and Guantanamo Bay, labelling the centres “jihadi jails”. One of the main criticisms revolves around the idea that segregation is counter-productive as it could potentially give an elevated status to the most dangerous extremists and intensify the issue of Islamism in prisons.

Despite this, separating the most dangerous terrorism-related offenders is in truth the only viable solution for mitigating the threat of prison radicalisation.

Further, we recommend that the Government should consider creating a dedicated prison intelligence unit comprised of terrorism experts, human rights lawyers, criminologists and psychologists. The task of the unit would be to gather and analyse intelligence about radical tendencies in prisons and to develop deradicalisation incentives for people awaiting release.

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1. ISLAMISM IN BRITISH PRISONS

1.1 Individuals are usually more receptive to political and religious ideologies at times when they are questioning their own identity. Prisons are environments conducive to a search for new meanings, hope and recognition to fill the void. Recent reports confirm that prison radicalisation and the spread of Islamism are growing threats to British correctional institutions and overall national security.9

1.2 The following factors contribute and amplify the issue of prison radicalisation:
1) push factors (e.g. harsh prison conditions, overcrowding, tense staff-prisoner relations and perceptions of injustice); 2) pull factors (radical ideology as a means of acquiring belonging, membership, prestige and the protection of gangs) and 3) facilitating factors (radical preachers and literature).

1.3 In many European contexts, a growing percentage of Muslims in prison reflects general demographic tendencies. However, in Britain, the percentage rise in Muslim prisoner numbers has been far greater than the increase in the Muslim population generally. As of 2015, Muslim inmates accounted for 14.4% of those behind bars, compared with 7% in 2002.10 Research suggests that around one-third of Muslim inmates are from Caribbean or African backgrounds and the Muslim prison population is set to continue rising rapidly because of the large numbers of Muslim teenagers in young offender establishments.11 Around 58% of Muslim prisoners are aged 28 or under (compared with 45% of the overall population). However, only a fraction of inmates are serving time because of ‘political’ crimes: according to the Ministry of Justice, less than 1% of the total Muslim prisoner population was convicted for terrorism-related offences in 2014.12

12 Ministry of Justice data shows that between October 2012 and January 2015 there were 104 Muslims out of 178 prisoners who had been jailed for terrorism-related offences. Shaw D., ‘Why the surge in Muslim prisoners?’ BBC News, 11 March 2015.
13 According to the Lammy Review, the number of Muslims in prison has increased by almost 50% over the last decade from 8,900 to 13,200. Muslims now make up 15% of the prison population, but just 5% of the general population. The Lammy Review, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/643001/lammy-review-final-report.pdf
1.4 The Lammy Review published in 2017 demonstrates the existence of an increasing pool of Muslim offenders jailed for petty or serious organised crimes who could potentially fall prey to radical preachers feeding on the individual vulnerabilities and marginalisation prevalent in prisons. There have recently been reports that Michael Adebolajo, one of the Lee Rigby killers who was given a whole-life sentence, may have helped convert inmates to Islam and has been exerting a considerable influence on other prisoners as a “charismatic” person. Abdullah el-Faisal, a Jamaican preacher deported from Britain, has also had an important influence on some inmates, including a former prisoner who went to Yemen after his release, hoping to participate in a suicide mission.

1.5 Although radicalisation is a continuous process and it is very difficult to find firm evidence that certain terrorists have been radicalised in jails, European case studies demonstrate that there is a link between previous convictions and participation in extremist groups or “lone wolf” attacks. Khaled Masood, who drove a car across Westminster Bridge towards Parliament in March 2017 injuring 50 people and killing four, has an extensive criminal record, having been convicted three times since he was 18. In 2000, he was imprisoned for two years for a violent knife attack; he converted to Islam and started using a new name in jail. Masood was later sent back to prison for another six months for possession of an offensive weapon.

2. THE UK EXPERIMENT

2.1 In an attempt to crack down on Islamist radicalisation behind bars, the Government has recently announced plans to implement separation as part of its strategy of managing terrorist offenders. As of March 2018, HMP Frankand has a specialist unit that houses the most dangerous and actively proselytising prisoners.

2.2 Prisoners can be sent to separation centres on any of the following grounds: the interests of national security; prevention of terrorist acts; dissemination of radical views and beliefs; and any behaviour used to undermine discipline in prison. While assessing the potential of the British experiment, one of the most important questions to ask is: under what conditions will separation be effective in the UK?

15 Roots of violent radicalisation, House of Commons Home Affairs Committee, 6 February 2012.
17 Ibid.
19 Ibid.
2.3 Experts identify three main policies for dealing with violent or non-violent extremists in prisons: containment, dispersal or a mixed approach. Although dispersal is the most common strategy for dealing with terrorism-related offenders, at least a partial regime of separation either in isolation or in small groups has already been implemented by most of the nation states that face the threat of Islamism. Therefore, this policy should not be dismissed without understanding the goals and objectives of the management of extremism-related offenders.\textsuperscript{20}

2.4 Prisons that house extremists open new channels of communication and new political perspectives for offenders convicted of non-ideological crimes. The policy of separation recently introduced in the UK aims to break this vicious circle. Addressing the prevailing criticism of the containment policy in the UK, it is important to understand the differences between ethno-political and religious terrorism, particularly its Islamist context. Although the strategy of separating prisoners in Northern Ireland in the 1970s and 1980s is regarded as a failure,\textsuperscript{21} it is counterproductive to draw parallels between the practice of separation of Islamism-related offenders and IRA paramilitaries. These two groups operate in very different social contexts and are characterised by different goals, motives and recruitment strategies. Moreover, it is important to understand the differences between separation, segregation and isolation, as these practices are not synonymous and are often conflated in the public debates.

2.5 Although there is a risk that a new intervention will generate additional safety concerns, separating the most dangerous terrorism-related offenders is the only viable solution for mitigating the threat of prison radicalisation. However, in order to manage this aspect of the prison population in the coming years, it will be crucial to develop a comprehensive policy framework that takes into account the recent dynamics of radicalisation threats, including demographic changes such as gender and age.

3. POLICY RECOMMENDATIONS

*Developing a comprehensive policy framework factoring in the concepts of disengagement and desistance*

3.1 The successful management of terrorism-related offenders in prisons requires a policy framework based on a clear understanding of the aims of the implemented

\textsuperscript{20} Ibid.

\textsuperscript{21} This policy is viewed as a failure primarily because separation provided prisoners with a barrier against informants, thereby facilitating disruptions of prison routine and even escape attempts.

policies. Defining the aims of the policies is crucial because they will determine how successful the new policies are, including the separation centres. Policymakers first need to define whether the ultimate goal of separation is ‘disengagement’ (giving up violent ideology) or ‘desistance’ (cessation of offending), and this will inevitably depend on the individual profiles of the offenders.

Reviewing the length of sentences and considering alternative penal options

3.2 The increasing trend for shorter sentences for the dissemination of extremist materials, possession for terrorist purposes and encouragement of terrorism creates a challenge for the management of terrorism-related offenders and aggravates the existing issue of prison radicalisation by creating more grievances linked to the perceived injustice of the criminal justice system. It is imperative that alternative options to custody are considered for less serious offenders, as a means of preventing extremists from spreading Islamism in prisons.

Devising rehabilitation programmes which take into account individual profiles and the length of sentences

3.3 Prison managers need to retain the scope to operate a range of options to counter radicalisation when considering individual cases. For people who are already in custody, the focus should be on flexible and responsive rehabilitation programmes based on psychological and social interventions. However, while devising these initiatives, it is important to consider the age of current inmates. While evidence suggests that interventions are more beneficial for juvenile delinquents, these initiatives might not have the same outcome for older extremists.

3.4 Differentiation within separation centres is essential for ensuring the effectiveness of individualised programme treatments. The population of convicted offenders is not homogenous and there should not be a single, uniform approach. Besides differing by social backgrounds, age, levels of training and contact with terrorist organisations, prisoners differ by the sentences received. There should be a clear demarcation line between individuals who are serving indeterminate sentences and those who have a scheduled release date, as these factors will influence the objectives of the deradicalisation programmes applied to them.


23 That being said, more research is needed regarding the link between an offender’s age and opportunities for disengagement from violence.
Reviewing updating risk assessment tools used in custody: gender and age

3.5 ERG 22+ is a framework intended to carry out risk assessments post-trial. While al-Qaeda-inspired ideology did not attract many young people, as evidenced by the age group of those in custody, there is an increasing trend for young offenders (i.e. those aged under 25) to be convicted and prosecuted, which was not fully considered while testing ERG 22+. This new trend should be reviewed and addressed. Moreover, the factors included in the current risk assessment did not take into account female participation in Islamist terrorism and therefore were not gender-sensitive. It is imperative that the risk assessment criteria included in ERG 22+ are updated in order to reflect and adequately tackle current demographics, and that both the gender and the age aspects are factored in.

Ensuring effective aftercare processes and mentoring upon release

3.6 At least 27 prisoners in England and Wales convicted under the Prevention of Terrorism Act 2000 are scheduled for release within the next five years. This number does not take into account inmates convicted under other Acts and scheduled to be released soon. Currently, every released extremist offender enters a Disengagement and Desistance Programme. The aftercare component should continue to be an important part of deradicalisation initiatives. For the released inmates, all affiliation to gangs and extremist groups should be monitored and documented. Furthermore, mentoring upon release of vulnerable inmates should be a mandatory part of the re-integration process. The fact that families could potentially reject released inmates aggravates this issue and suggests a need for individualised re-integration programmes that, besides personal vulnerabilities, would consider the family background, social circumstances and social networks.

Creating a prison intelligence unit composed of interdisciplinary experts

3.7 Intelligence gathering should be a crucial aspect of offender management. The Government should consider creating a dedicated prison intelligence unit comprised of terrorism experts, human rights lawyers, criminologists and psychologists. The task of the unit would be to gather and analyse intelligence about radical tendencies in prisons and to develop deradicalisation incentives for people awaiting release.

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25 Author interviews.
Assessing prosecution and custody strategies applied to returning foreign fighters

3.8 While there is an ongoing debate in Britain regarding criminal justice strategies that should be applied to individuals who are returning to the country having fought with or against so-called Islamic State (‘foreign fighters’), it is important that the Government consider what strategy could be an appropriate response for those returnees who will be prosecuted and will enter the UK correctional institutions, as their wrong placement might exacerbate the risks posed by prison radicalisation.

Providing more clarity regarding statistical data

3.9 Although we have set out above the number of prisoners convicted for terrorism-related offenders currently in custody in Britain, this number is not indicative of the number of extremists in custody, as extremist offenders are sometimes prosecuted and convicted for other crimes. This issue should be addressed, as clarity regarding the actual number of extremists in custody is essential for devising new policy initiatives.

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27 Author interviews.