

University of Groningen

Captivated by fear

Veldhuis, Tinka

IMPORTANT NOTE: You are advised to consult the publisher's version (publisher's PDF) if you wish to cite from it. Please check the document version below.

Document Version

Publisher's PDF, also known as Version of record

Publication date:

2015

[Link to publication in University of Groningen/UMCG research database](#)

Citation for published version (APA):

Veldhuis, T. (2015). *Captivated by fear: an evaluation of terrorism detention policy*. [Thesis fully internal (DIV), University of Groningen]. [S.n.].

Copyright

Other than for strictly personal use, it is not permitted to download or to forward/distribute the text or part of it without the consent of the author(s) and/or copyright holder(s), unless the work is under an open content license (like Creative Commons).

The publication may also be distributed here under the terms of Article 25fa of the Dutch Copyright Act, indicated by the "Taverne" license. More information can be found on the University of Groningen website: <https://www.rug.nl/library/open-access/self-archiving-pure/taverne-amendment>.

Take-down policy

If you believe that this document breaches copyright please contact us providing details, and we will remove access to the work immediately and investigate your claim.

Downloaded from the University of Groningen/UMCG research database (Pure): <http://www.rug.nl/research/portal>. For technical reasons the number of authors shown on this cover page is limited to 10 maximum.

Chapter Three

The Terrorism Wing in Theory

More often than not, theories underlying a policy or program are not explicitly formulated in official documents; they reside primarily in the minds of the program architects. The realist approach therefore recommends that policy evaluators reconstruct and articulate these theories and then test them against available evidence (Pawson & Tilley, 1997). Such is the aim of this chapter. In particular, I follow Pawson and Tilley's (1997) suggestion to model the stakeholders' ideas about the mechanisms (M) by which the intervention is supposed to achieve its intended outcomes (O), and under which contextual conditions (C) this is likely to occur. In what follows, I will first discuss stakeholders' perceptions of the potential risks and problems associated with the imprisonment of terrorists. Second, I will examine their framing of the intervention's primary and secondary objectives, and the underlying social and psychological mechanisms by which the intervention is expected to realize these objectives. Thirdly, I aim to articulate the stakeholders' assumptions about the contextual conditions under which the intervention should be successful.

Problem Definitions

The first step in reconstructing the program theory of the terrorism wing will be to examine which problems and risks the stakeholders anticipated with regard to the imprisonment of terrorism offenders, whether they implicitly or explicitly agreed on the conceptualization of these issues, and how they prioritized the problem definitions during the decision making process. Based on the available documentation and relevant interviews, several problem definitions can be distinguished.

Problem definition 1: Recruitment and contagion of violent extremist ideologies in prison

Above all it became clear that all the stakeholders in the decision making process, representatives of policy making and operational actors alike, assumed that the influx of terrorism offenders into the prison system conveys a substantial risk of recruitment and contagion of violent radicalization among the broader inmate community. This risk was unanimously perceived as the most important problem. According to the stakeholders, the perceived risk of recruitment gained priority in the run-up to the Hofstad Case in 2005, when a group of young Muslims had been arrested on suspicion of terrorism related offenses. During this time, prison staff had reportedly observed a number (at least three, according to the stakeholders) of incidences in which alleged members of the Hofstad Group had attempted to influence fellow prisoners.

What stands out, both in the interviews as well as the available policy documentation, is that the stakeholders were almost solely concerned with radicalization among Muslims, whereas manifestations of other forms of extremism (e.g., related to leftwing, rightwing, or single issue orientations) among prisoners were perceived as less salient and less threatening. Relevant policy memos produced by the Prison Service, Intelligence Service and Counterterrorism Coordinator invariably emphasize the threat of radicalization among Muslims and make no mention of prisoners radicalizing in other ideological directions. For example, the documents regularly refer to the threat of “radical Islamists” “recruiting for jihad”, with one of the memos going so far as to explicitly refer to the terrorism wing as a “jihad wing”. As such, it becomes clear that the perceived risk of Islamist radicalization denotes the most dominant justification for the concentration model. However, when so asked the stakeholders uniformly emphasized that the concentration policy is not only targeted at Muslims but also intends to segregate different types of extremists from the mainstream prison population.

Problem definition 2: Overlap between jihadist and criminal networks

A second risk the stakeholders perceived concerns the possible overlap and collaboration between jihadist and other criminal networks in prison. Stakeholders feared that Islamist prisoners might use their time in prison to learn criminal techniques from or rely on the services of ‘regular’ criminals (e.g., the supply of weapons or passports) to prepare or coordinate terrorism activities outside of prison. To a large extent the origins of these concerns appear to

reside in historic evidence from other countries, such as the U.K. during the 1970s and '80s, when imprisoned members of the Irish Republican Army (IRA) cooperated with non-ideological prisoners to prepare clandestine activities. With these experiences in mind, the Dutch stakeholders perceived the possible risk of overlapping jihadist and criminal networks as real and present.

Problem definition 3: Intensification of radicalization and extremist network structures

Third, the stakeholders expressed concerns that violent extremist attitudes and networks might intensify when terrorism offenders are allowed to interact with each other. These risks were considered particularly relevant as a possible side-effect of the concentration model, which houses terrorism offenders within the same facility and bans their interactions with non-extremist prisoners. According to the stakeholders, detaining jihadists together may lead to closer relationships, more cohesive networks and mutual reinforcement of extremist beliefs.

Problem definition 4: Preparatory conduct of terrorism plots

Fourth, stakeholders feared that Islamist terrorism offenders might use their time in prison to hatch or coordinate terrorism plots, which could ultimately lead to an increased terrorist threat within and beyond prison walls. Like the risk of intensified radicalization, the risk of preparatory conduct of terrorism plots was considered primarily relevant as a potential side-effect of concentrated imprisonment: stakeholders assumed that the probability and risk of preparatory conduct increases with the possibility for interactions between terrorism offenders. From this, they derived that housing jihadists together in a separate prison unit might facilitate the prisoners with opportunities to collectively plot or coordinate violent extremist activities outside of prison.

Problem definition 5: Increased security threats within the prison system

Lastly, some (but not all) stakeholders referred in the interviews to the possible risk that the presence of terrorism offenders in the inmate population might trigger order problems and disturbances within the institution. According to the stakeholders, the decision making process was characterized by high levels of uncertainty as to how terrorism offenders would behave in prison, how they would interact with fellow inmates and prison staff, and whether they would

aim to cause riots or other order disruptions during their imprisonment. According to the stakeholders, it was generally assumed that terrorism offenders might convey an increased risk of security concerns within the institution.

The potential risk of institutional security threats is the only problem definition that was not unanimously mentioned and prioritized by all stakeholders. The interviews exposed that stakeholders attributed different levels of urgency to this problem. On the one hand, representatives of the operational actors (the Prison Service, specifically P.I. Vught) indicated that inmate management issues received top priority in the decision making process. These respondents emphasize that, during the decision making process, the issue of terrorism detention was largely framed as an institutional security and management issue of the Prison Service. As such, according to the operational actors, uncertainty about the background and behavior of terrorism offenders strongly influenced the level of intensity with which security measures were implemented to constrain terrorism offenders, in order to guarantee a safe and secure prison environment.

On the other hand, however, representatives of the policy making or advisory actors, like the Counterterrorism Coordinator and the Intelligence Services, indicated that institutional security was of little to no priority in defining the problems of terrorism detention. The interviews exposed that the policy actors interpreted the issue of terrorism detention as a societal problem rather than an institutional problem, and argued that the decision makers' key priority was to protect society from (the possible outcomes of) radicalization and terrorism. Hence, according to these actors the overarching goal of the concentration model is to realize public security rather than institutional security within the prison system. The operational details of the concentration model, how the policy would be delivered on a daily basis and how it might influence the inmates' confinement conditions or behavior in prison, was of little concern to these actors. For example, representatives of the Counterterrorism Coordinator and the Intelligence Services indicated that for them, the possibility that the concentration model might in the longer term lead to intensified ideological commitment among already radicalized prisoners was irrelevant during the decision making process. According to these stakeholders, the decision makers' primary focus was on achieving instant and immediate safety of the public.

In sum, relevant documentation and interviews revealed that the stakeholders unanimously agreed that the risk of radicalization and recruitment was perceived as the most urgent problem during the decision making process. Moreover, three other potential problems (i.e., network

overlap, intensification of relations among terrorism offenders, and preparatory conduct for terrorism plots) emerged from all the interviews. However, the interviews exposed an important discrepancy concerning the prioritization of institutional security. According to the operational actors, preventing security threats in prison received high priority in the decision making process, whereas according to the policy making actors, this was not a primary concern.

Assumed Causes

During the interviews, the respondents were asked to reflect on their ideas and assumptions about the underlying causes of the potential problems they perceived. Given the prioritization of the risk of radicalization among the general inmate population the most important question in this regard is which factors they assumed to cause (contagion of) radicalization among prisoners. The relevant policy documentation does not explicitly address this question.¹⁴ The decision makers indicated that during the preparation phase, little to no effort was made to conduct behavioral research into the causes of radicalization in the prison context. According to the decision makers, political and public unrest put (time) pressure on the decision making process and made in-depth research impossible.

The interviews also revealed, however, that the majority of stakeholders in the decision making process seemingly shared a series of implicit assumptions, which also emerge widely in the literature on prisoner radicalization and which portray violent extremist ideologies as a virus that infects entire inmate populations by spreading from one inmate to the other. Specifically, the stakeholders appeared to assume that (all) terrorism offenders convey an increased risk of recruiting fellow inmates, that these fellow inmates are vulnerable to such influence and that

¹⁴ Since 9/11, several governmental documents emerged that discuss the causes of and policy responses of radicalization and terrorism (see for example Tweede Kamer II 2004-2005, 29754, no. 26; Tweede Kamer II 2005-2006, 29754, no. 31; Tweede Kamer II 2006-2007, 29754, no. 108; Actieplan Polarisering en Radicalisering 2007-2011). As such, there is relevant policy documentation that deals with radicalization processes in general, albeit rarely with an emphasis on radicalization within the prison system, which could have been used to inform the decision making process behind the concentration model. During the decision making and policy preparation phases, *no* research has been conducted that explicitly addresses relevant questions about manifestations of extremism among prisoners.

openness to violent extremist belief systems is intensified by the deprivations of individual freedoms, which are inherent to the prison experience.

The interviews also demonstrated that most decision makers were (to varying degrees) familiar with insights from international literature on factors that are often associated with violent extremism. In particular, the representatives of the Counterterrorism Coordinator and the Intelligence Service exposed substantial knowledge about international and empirical insights into the dynamics and causes of radicalization and terrorism. When asked which factors can play a role in the emergence and spread of violent extremist ideologies among inmate populations, respondents mentioned several factors including relative deprivation, perceived injustice, charismatic leadership, identity issues, the lack of or search for meaning and significance during imprisonment, the need to belong, and social pressure or 'group think'.

Weighing of Policy Alternatives

The decision makers took two policy alternatives into consideration: concentrating terrorism offenders in separate prison units or dispersing them throughout different prisons. The decision makers did not formally compare or weigh both alternatives and no policy documentation is available that explicitly discusses the pros and cons of both alternatives. The interviews provide insight into the underlying reasoning behind the decision to concentrate, rather than disperse, terrorism offenders. The interviews reveal that both alternatives were assumed to convey positive and negative implications.

Dispersed detention was assumed to convey a risk of recruitment and radicalization among other prisoners. According to the decision makers, dispersing jihadists through the inmate population means exposing them to a potential pool of new recruits. In addition, they assumed that dispersal causes a risk of network overlap between jihadist and criminal networks. However, the decision makers also recognized potential benefits to a dispersal strategy: especially that dispersal may prevent intensification of jihadist commitment and networks by minimizing interaction opportunities between terrorism offenders. Also, it was assumed that dispersal reduces the risk of violent extremist activities among prisoners, by minimizing the opportunities for terrorism offenders to interact with each other and to coordinate or hatch clandestine operations.

Concentrated detention was assumed to increase the risk of specific side effects by increasing communication opportunities between the inmates, which may lead to an increased risk of terrorism activities and intensification of ideological commitment. Juxtaposing these downsides the decision makers argued that concentration also decreases the risk of recruitment and radicalization among other prisoners.

Table 3.1 depicts an overview of the assumed outcomes of both policy alternatives. The scheme represents the decision makers' beliefs about whether or not each policy strategy can contribute to preventing the perceived problems. For example, the table shows that the decision makers assumed that the concentration model would contribute directly to both preventing radicalization among fellow inmates and network overlap, but not to solving the remaining problems. In contrast, it was assumed that dispersal would not prevent the risk of radicalization and recruitment, but could contribute directly to preventing network intensification or terrorism activity.

In sum, it can be noted that the decision makers perceived pros and cons to both policy alternatives. The interviews revealed that the decision making process was predominantly based on the assumption that dispersal (or for that matter 'doing nothing') would convey an unacceptable risk of recruitment and radicalization, and that concentration of terrorism offenders is a suitable strategy to prevent this risk. This reasoning overruled concerns about possible side-effects of separate terrorism wings and ultimately persuaded the Minister of Justice to pursue concentration of terrorism offenders in separate prison units.

Table 3.1. *Policy as a means to address perceived problems*¹⁵

Problem definition	Policy Alternative	
	Concentration	Dispersal
Recruitment and contagion of violent extremist ideologies in prison	✓	-
Intensification of radicalization and extremist network structures	-	✓
Overlap between jihadist and criminal networks	✓	-
(Preparatory conduct of) terrorism offenses	-	✓

Anticipated Outcomes and Mechanisms

The interviews revealed that the decision makers had one primary objective in mind in formulating the policy strategy, and two secondary objectives that follow from side-effects of the concentration model. This section describes the assumed causal relationships between the envisioned instruments and the intended outcomes, which are schematically represented in Figure 3.1.

¹⁵ The perceived risk of security threats within the institution is not included in the table. According to the policy making actors, this problem definition did not play a role in the decision making process. The potential risk of institutional security issues was predominantly perceived and considered relevant among representatives of the Prison Service.

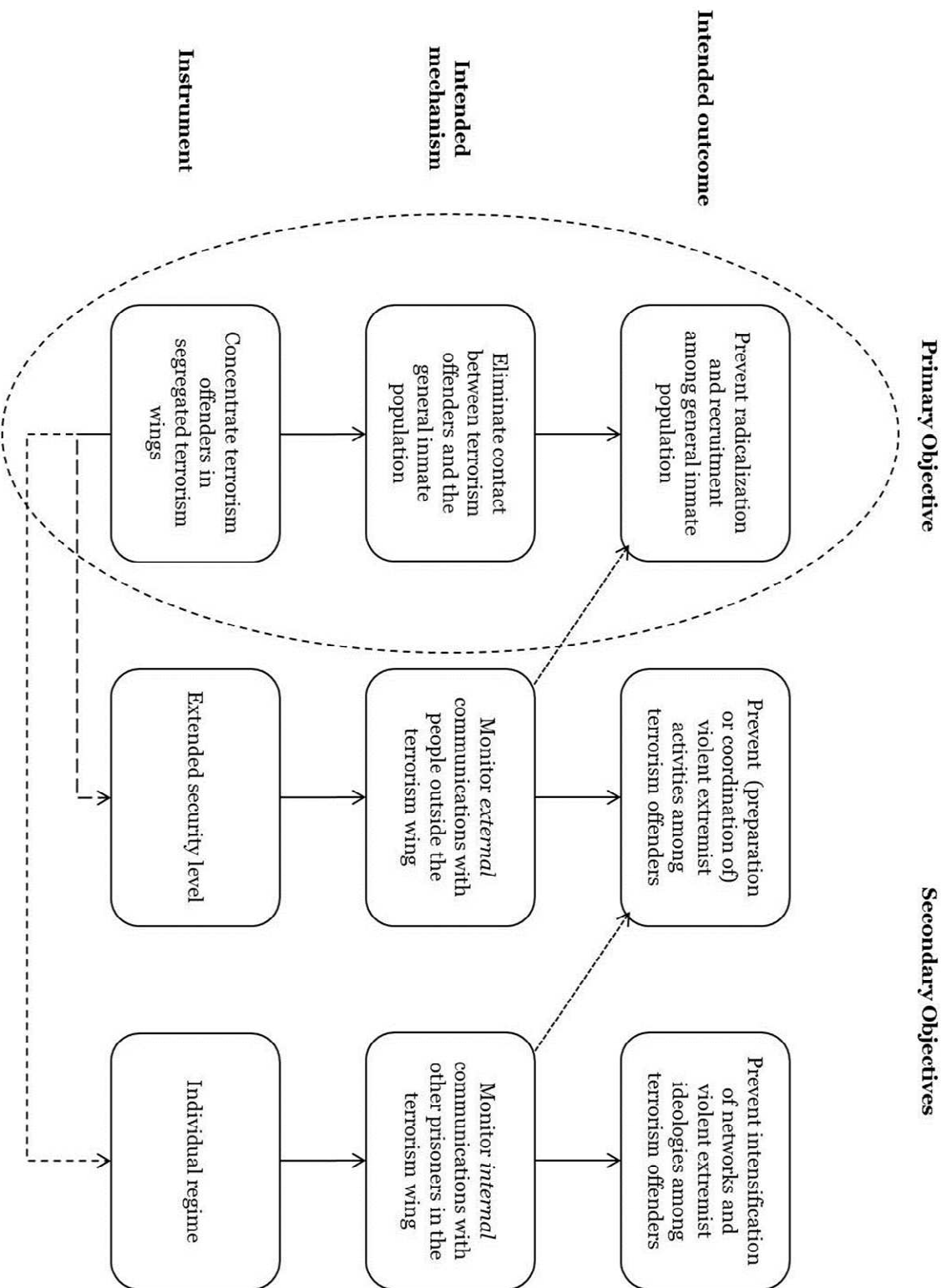


Figure 3.1. Program theory of the terrorism wing

Primary Objective

Primary objective:

To prevent extremist recruitment and radicalization among regular inmates

Above all, the terrorism wing serves to counter the spread of violent extremist ideologies and recruitment among the mainstream inmate population. The primary focus on preventing radicalization did not only emerge from the interviews but is also reflected in the fact that this is the only objective that is extensively discussed in relevant policy documentation. For example, the document that justifies the legal amendments required to legalize the concentration policy¹⁶ states that “the aim should always be to prevent persons with a terrorist background from recruiting or radicalizing other inmate categories”. Moreover, in September 2005, the Minister of Justice emphasized in writing to the parliament that preventing radicalization and recruitment in prisons constitutes the primary objective of the terrorism wing.

Primary instrument: Concentration of prisoners with a terrorism background on separate terrorism wings

To prevent radicalization and recruitment among prisoners, it was decided to incarcerate prisoners with a radical or terrorist background separately from the remainder of the inmate population. As such, a central characteristic of the concentration policy is thus that it eliminates interaction possibilities between terrorism offenders and other inmate categories.

Assumed causal mechanism

The central reasoning behind the concentration model is that by segregating terrorism offenders, they cannot have a radicalizing influence on other prisoners. This causal relationship is explicated in almost all relevant policy documentation and is presented as the central mechanism by which the terrorism wing pursues its primary objective. This line of reasoning rests on several important, yet implicit assumptions. First, it is assumed that terrorism offenders are motivated to recruit or radicalize other inmates, second, that these other inmates are susceptible to such efforts, and third, that direct contact between the recruiter and potential

¹⁶ In order to introduce the concentration model, the Regulation Selection, Placement, and Transfer of Detainees had to be amended such that it facilitates the allocation of prisoners with a terrorism background to terrorism wings (see Chapter Two).

recruit is a necessary precondition for radicalizing influence (and hence, that *without* direct contact there can be no – or at least much less – social influence between people). These assumptions can be seen as the core beliefs on which the policy rests.

Secondary Objectives

As noted, the decision makers expected the concentration model to produce undesired side effects, which in turn required additional solutions. Therefore, two secondary objectives were envisioned.

Secondary objective #1:

To prevent (preparation of) terrorism activities during imprisonment

The fear that the terrorist threat could be sustained from behind bars was fed by (inter)national media and documentation. For example, in 2002 the U.S. Central Intelligence Agency (CIA, 2002) stated that terrorist groups “use incarcerated members to recruit and train new members, and in some cases run terrorist organizations and manage or facilitate terrorist attacks” (p. 2). In a similar vein, the Dutch Intelligence Service (AIVD, 2004) warned that imprisoned jihadists might continue hatching terrorism plots behind bars. Therefore, the policy’s first secondary objective is to prevent (preparation of) terrorism activities during imprisonment. This objective is not explicitly formulated in the policy documentation but emerged from interviews with the decision makers.

Secondary instrument # 1: Extended security level

To prevent preparatory conduct of terrorism activity, it was decided to locate the terrorism wing within an *extended* security level, which is one level below the security level of the maximum security unit¹⁷. An extended security prison unit implements additional security measures to prevent (violent) in- and outbreaks and escapes and is designed to optimize monitoring and control of the inmates. According to Article 5 of the Regulation, the terrorism wing is suited to detain inmates with an ‘elevated’ or ‘high’ risk profile, whereas the maximum security unit houses inmates with an ‘extreme’ risk profile.

¹⁷ As laid down in the Penitentiary Principles Act, Article 13.

Assumed causal mechanism

Within the extended security level, prison staff are able to closely monitor the inmates' *external* communications. Visitors, with the exception of privileged visitors like solicitors, are pre-screened before being granted access and visits can be monitored live and via audio and video recordings. By increasing control over the inmates' external communication, the decision makers sought to prevent inmates from coordinating or facilitating terrorism activities outside prison with the help of external contacts. In addition, increased control over external communications is also expected to contribute to the policy's primary objective, by preventing contacts between terrorism offenders and prisoners detained elsewhere.

Secondary objective #2:

To prevent intensification of extremist networks and violent extremist ideology

The second secondary objective, which also emerges as a side effect of the concentration model, is to prevent terrorism offenders from further radicalizing each other and establishing a close-knit clandestine network. This secondary objective is not explicated but can be implicitly discerned from policy documentation. For example, the document that proposes the amendment of the Regulation, which was required in order to legalize the terrorism model, posits that where needed, it should also be possible to separate prisoners in the terrorism wing from each other, which reflects the objective to prevent ideological reinforcement among already radicalized prisoners.

Secondary instrument #2: Individual regime

To prevent intense contact between inmates in the terrorism wing the decision makers envisioned an individual regime in the facility, by which individual prisoners can be segregated from each other. The individual regime is defined in Article 22 of the Penitentiary Principles Act. Within an individual regime, the prison governor decides on a daily basis per individual inmate if and to what extent he or she may participate in individual or collective activities (Kelk, 2003). Notably, an individual regime does not imply that detainees undertake all activities (e.g., recreation, sports) on an individual basis: within an individual regime communal activities are considered a privilege rather than a right.

Assumed causal mechanism

The assumed causal relation between implementing an individual regime and preventing intensification of radicalization operates via the regime's influence on the inmates' *internal* communications. The individual regime allows the governor to separate individual inmates from each other, which should decrease the risk of clandestine behavior or ideological contagion. This causal relation is not explicated but emerges implicitly from several policy documents, including the proposed amendment of the Regulation, the Minister of Justice's reaction to the recommendation of the Council for the Administration of Criminal Justice and Protection of Juveniles (RSJ) and the Prison Service's 'Special detention for prisoners with a terrorist background' leaflet (DJI, 2007). By increasing control over the inmates' internal communications, the individual regime is also assumed to contribute to the first secondary objective: To prevent (preparation of) terrorism activities during imprisonment.

Intended Target Population

The envisioned target population was defined primarily by its association with terrorism. The selection criteria for the terrorism wing are laid down in the proposed amendment of the Regulation. To facilitate the implementation of the terrorism wing, a new article had to be added, which led to the formulation of Article 20a:

Article 20a. The Terrorism wing.

The terrorism wing houses inmates who are:

- (a) charged with a terrorism offense;*
- (b) sentenced for a terrorist offense*
- (c) spreading a message of extremism, including recruitment activities for purposes that challenge order and security in society or within the institution.*

Unless placement in the terrorism wing is counter-indicated by information from the GRIP or Public Prosecutor.

The amended Regulation does not distinguish on the basis of gender. Both male and female prisoners who meet the criteria in Article 20a can be allocated to the terrorism wing. In addition, the terrorism wing can house both prisoners on remand and convicted prisoners. Lastly, the Regulation facilitates placement in the terrorism wing of adolescents who are sixteen years or older who are charged as adults and meet Article 20a (see Chapter Six for a detailed discussion of the selection procedures).

Contextual Preconditions

The decision makers did not explicate contextual preconditions under which the policy is expected to successfully achieve its objectives. However, policy documentation and interviews reveal that the policy makers did in fact have specific preconditions in mind.

Monitoring

In its recommendation to the Minister of Justice, the Council for the Administration of Criminal Justice and Protection of Juveniles (RSJ) complained that the selection criteria for the terrorism wing were too broadly defined. In reaction, the Minister of Justice expressed the intention to install a Selection Advisory Committee for the terrorism wing ('SAC-TA'), based on the example of the SAC for the maximum security unit ('SAC-EBI'). The envisioned objective of the SAC-TA is to advise the selection official, who has discretionary powers to decide on placement and transfer of prisoners, concerning the allocation of inmates to the terrorism wing. According to the Minister, this committee needs to include the selection official, representatives of the Public Prosecutor's Office, the Detainee Intelligence Service, and a behavioral expert. In the letter, the Minister announced that the anticipated evaluation of the terrorism wing (i.e., the present study) could lead to a legal substantiation of the SAC-TA, if the evaluation so recommends.

Periodic Assessment

The amended Regulation describes assessment procedures to evaluate inmates' allocation to and stay in the terrorism wing. With respect to inmates who are allocated on the basis of criteria (c), namely the spreading of extremist messages, it is intended that the selection official (who is in turn advised by the SAC-TA) annually reviews the inmates' placement in the terrorism wing. The selection official's decision is open for appeal. With respect to criteria (a) and (b), being suspicion of or conviction for a terrorism offense, no period assessment is included. According to the substantiation for the amended Regulation, these criteria are objective and do not require evaluation.

Staff Training

The decision makers considered it important to minimize the risk of radicalization and recruitment not only among other prisoners, but also among prison staff. To that end, they

identified several requirements for staff working on the terrorism wing, above and beyond the qualifications required for general prison staff. For example, according to the competence profile, staff working on the terrorism wing should be self-reflective and flexible, able to resist influence attempts, and, for the sake of security, have a close eye for detail.

Several policy documents express the intention to provide additional training for staff working on the terrorism wing. The elements or components of this training are not specified. The Prison Service (DJI, 2007) states that staff needs to be trained to recognize (jihadist) radicalization and requires additional training that is aimed to promote safe and secure management of this offender category. Moreover, staff should receive training in ‘verbal judo’, which emphasizes communication techniques to prevent conflicts and provide constructive feedback. This way, staff will be trained to effectively manage potential conflict situations and respond adequately to verbal or physical aggression.

Rehabilitation

Rehabilitation¹⁸ is an important aim of the correctional system in the Netherlands. Section Two of the Penitentiary Principles Act states that sanctions ‘should prepare the convict as much as possible for his return into society’ (see also Buruma & Vegter, 2005). In the interviews, the decision makers acknowledged that rehabilitation is at the heart of penal law in the Netherlands.

However, rehabilitation is explicitly *not* an objective of the terrorism wing. In answer to a parliamentary question about rehabilitation of prisoners in the terrorism wing, the Minister of Justice replied that “the regimes on the (...) terrorism wing are not aimed at rehabilitation”¹⁹. The amended Regulation explicitly intends to transfer targeted prisoners to the terrorism wing as soon as possible (i.e., during pre-trial detention) and to sustain their stay in the terrorism wing for as long as possible. The proposed amendment posits that in cases of a substantial risk of radicalization or recruitment, the individual’s civil interests are subordinate to the policy’s

¹⁸ In Dutch, the term ‘resocialization’ is more commonly used than ‘rehabilitation’. In this book, I will use the term rehabilitation to refer to efforts geared toward returning inmates to society as law-abiding citizens, in order to conceptually align with the international debate on rehabilitation of violent extremism offenders. See Boone (2011) for a conceptual discussion of the Dutch rehabilitation and resocialization system.

¹⁹ Tweede Kamer II 2007/2008, 3017, p. 6124.

primary objective. In the interviews, the decision makers also explicitly deny that rehabilitation is an objective of the terrorism wing. In the words of one respondent:

“The terrorism wing did not have a rehabilitation objective. Prior to the policy’s introduction, the question was raised whether we should include the possibility of graduated release²⁰. To that end, the Regulation includes some rules on detention phasing. However, the most important aim was to develop a prison unit that would prevent the spread of radicalization. In doing so, we did not take the inmates’ interests into extensive consideration.”

Several respondents justified the lack of rehabilitation by arguing that rehabilitation is incompatible with the policy’s primary objective to prevent radicalization. Whereas the terrorism wing aims to impose restrictions on inmates’ individual autonomy and interactions with other prisoners, rehabilitation requires granting the inmates a certain degree of freedom to participate in collective courses or programs. Within the constraints of an extended security level and individual regime, so the respondents argued, pursuing rehabilitation is hardly possible.

To prevent inmates in the terrorism wing from being released into society unprepared, the amended Regulation facilitates the possibility for graduated release, by transferring inmates from the terrorism wing to units with normal security levels, which offer probational support. The possibility for graduated release only applies to prisoners who are convicted of terrorism offenses, not for prisoners on remand or who have been allocated to the terrorism wing for spreading violent extremist messages. The preconditions for eligibility for graduated release are specified in Article 26a, which was added to the Regulation to facilitate the policy’s legalization.

Article 26a.

An inmate who is allocated to the terrorism wing on the basis of criteria (b) of Article 20a, who has completed one third of his sentence and whose remaining sentence encompasses a minimum of four and maximum of twelve months will be transferred from the terrorism wing, unless:

- the inmate will or might be evicted*
- there is an increased societal risk in case of escape*

²⁰ The phasing of imprisonment (*detentiefasering*) includes creating less restrictions and offering more probational support toward the end of the sentence (see Nelissen, 1998).

- there are indications of radicalization or expressing extremist messages within the previous year of imprisonment in the terrorism wing, including recruitment activities.

In sum, rehabilitation of the inmates did not have priority during the decision making process. Despite its central role in the Dutch penitentiary law, rehabilitation is explicitly *not* formalized as an objective of the terrorism wing. To the decision makers, the objectives of the terrorism wing seemed irreconcilable with rehabilitation efforts. In an attempt to meet the rehabilitation principle, the decision makers intended to transfer (convicted) prisoners to more lenient regimes near the end of their sentence.

Conclusion

Relying on available policy documentation and interviews with relevant stakeholders, in this chapter I aimed to reconstruct the decision makers' underlying ideas about how concentration is supposed to contribute to preventing prisoner radicalization. In all, the reconstruction sketches a picture of a policy that was rapidly developed in response to the perception of a real and present security threat and designed to optimize control and minimize the risk of policy failure. Chapter Two revealed that the policy makers were involved in formulating the policy's overarching features but left the formulation of policy details largely in the hands of the operational actors. In the present chapter, it became clear that this informal transfer of responsibility for the policy design opened the window for concerns and interests at the operational level (e.g., pursue institutional safety and prevent operational failure) to shape the policy design. The result is an unbalanced intervention that primarily aims to guarantee instant security, both in society and within the prison system, with little regard for the prisoner's interests or for potential undesired policy outcomes that may manifest themselves in the middle or longer term future. Several findings give rise to this conclusion.

First, it is notable that the policy's architecture has not been formalized in policy documentation. The underlying rationale has not been explicated, no policy implementation plan or guidelines have been produced, and no instruction manual has been written to inform and guide prison

staff in managing prisoners in the terrorism wing.²¹ The document that elaborates on the proposed amendment to the Regulation (which had to be changed in order to legalize the implementation of the terrorism wing) is the only document that provides some insight, albeit incomplete, into the underlying ideas behind the concentration model. Because the intended policy has not been justified explicitly in documentation, it is unclear how the instruments are expected to contribute to the proposed objectives.

Second, the decision makers decided to approach the management of terrorism prisoners with a standardized, categorical policy that is aimed at a broadly defined target population (i.e., prisoners charged with terrorism) and leaves little space for differentiation and tailoring to situational or individual needs. For instance, this standardization is clearly reflected in the selection criteria for the terrorism wing, which are defined on the basis of general criteria rather than personal risks assessments. Two of the three selection criteria have been objectified (i.e., (a) suspicion of or (b) conviction for a terrorism-related offense) in order to facilitate a transparent and unambiguous selection procedure. The policy does not account for periodic assessments to evaluate, and where needed reconsider, these inmates' stay in the terrorism wing: in principle, prisoners charged with terrorism offenses are supposed to stay in the terrorism wing for the duration of their incarceration, regardless of personal circumstances. The standardization approach denoted a drastic deviation from penitentiary traditions and was met with criticism from the Council for the Administration of Criminal Justice and Protection of Juveniles (RSJ), which advised the Minister of Justice against the intended approach. Among other reasons, the Council considered it unnecessary and disproportionate to subject prisoners to more restrictive confinement conditions (i.e., isolation from other inmate categories in an extended security level and individual regime) on the basis of general criteria rather than individual circumstances.

Third, the policy entails a strong focus on achieving short term security objectives aimed at acute threat reduction, while longer term objectives and potential undesired policy outcomes are neglected in the policy design. The policy instruments are invariably geared toward optimizing control over the inmates and restricting their individual and behavioral autonomy, primarily by means of high security levels and restrictive regimes, whereas the inmates' individual interests and post-release reintegration prospects received little priority in the decision making process.

²¹ During the months of data collection, front-line personnel at terrorism wing were developing a staff manual, which explicates procedural guidelines for managing the prisoners. The manual was still in development when the study was finished.

The goal to counter radicalization and recruitment of fellow inmates was explicitly prioritized and perceived as incompatible with longer-term security goals; rehabilitation is explicitly rejected as an objective.

Fourth, a notable finding is that the decision making process focused solely on radicalization among Muslims, while little attention was paid to other manifestations of ideological extremism in the prison system. When asked, the decision makers unanimously agreed that the policy also intends to target non-jihadist extremists. However, in both the interviews and relevant documentation, the focus was consistently on prisoners with an Islamist background.

Fifth, it seems that, arguably as a result of the Prison Service's dominance in formulating policy details and the lack of policy documentation that explicates the policy's objectives and architecture, stakeholders held different interpretations of the policy's intended objectives and mechanisms. Interviews exposed that representatives of the policy-making actors (e.g., primarily the Ministry of Justice and the Counterterrorism Coordinator) and the operational actors (e.g., the Prison Service / P.I. Vught) attributed different levels of priority to perceived problems and objectives in the decision making process. For example, representatives of the policy making actors indicated that the decision makers' key priority was to protect society against the threat of radicalization and terrorism. Institutional security within the prisons, for instance with respect to the terrorism prisoners' potential behavior during imprisonment, was not of relevance to them. In addition, the policy making actors did not consider potential undesired side effects that may occur in the future, such as an increased risk of recidivism or post-release radicalization among the prisoners or their support community. In contrast, the operational actors acknowledged that preventing radicalization and terrorism were key priorities in the decision making process, but simultaneously argued that internal security in the prison was highly prioritized. According to these stakeholders, prevailing uncertainties about the behavior of these offenders during imprisonment largely shaped the decision makers' considerations about instruments and resulted in the implementation of additional security measures to counter potential risks of institutional disturbances.

Possibly, the discrepancies between stakeholders' understanding of the problem and the strong influence of the operational actors in the decision making process also explains why different actors attributed different functions and objectives to the envisioned instruments, such as the individual regime. On the one hand, representatives of the P.I. Vught, who played an important role in shaping the decision making process, proclaimed that the individual regime

predominantly serves to promote the security within the institution. On the other hand, representatives of the Counterterrorism Coordinator and the Intelligence Service stated that the individual regime does not only serve institutional security but also (and perhaps above all) prevents terrorism activities among the inmates. According to this view, the individual regime is predominantly geared toward security within society rather than the institution. In both lines of reasoning the anticipated mechanism operates by separating the prisoners in the terrorism wing from each other, but different parties explained the necessity for this in different ways. The observed discrepancies seem to suggest that the problem of terrorism detention was primarily interpreted as a societal risk during the agenda setting and policy preparation phase, but was (also) translated to an institutional risk during the operationalization phase.

In sum, the reconstruction of the agenda setting and policy preparation phases (Chapter Two) revealed that the policy was developed under conditions of high levels of external pressure (e.g., political, societal, and time pressure). The interviews with the stakeholders suggest that these pressures profoundly influenced the decision making process: not only did it prevent the decision makers conducting ex-ante evaluations of the intended policy strategy or examining the validity of the central policy assumptions, it also seems to have influenced how they cognitively framed the policy problem, its causes, and its solutions in a way that induced a strong orientation on the threat and on acute risk management. According to the decision makers, the pressing policy context is reflected in the intensity of the policy interventions and has given rise to a 'better safe than sorry' approach that is primarily geared toward facilitating control over the inmates, whereas rehabilitation and reintegration had no priority whatsoever. In Part Two, I will examine whether such an approach is supported by available theoretical and empirical knowledge.

Part Two

Theoretical and Empirical Observations on Prisoner radicalization

The findings of Part One revealed that to a large extent, the Dutch terrorism detention strategy is rooted in a few key assumptions about the dynamics by which prisoners may come to adopt violent extremist beliefs. Specifically, the decision makers seemed to assume that prisons are conducive to radicalization and that general inmates are prone to be susceptible to the social influence of terrorism offenders. These assumptions not only form the basis of the Dutch terrorism detention strategy but seem guiding notions in policy debates around the world.

In the literature on prisoner radicalization, the idea that prisons can be incubators of violent extremism is rather dominant. Prisons are often portrayed as ‘universities of terror’ (e.g., Clarke & Soria, 2009; Cuthbertson, 2004) where terrorism organizations actively seek to recruit new members into their ranks (e.g., CIA, 2002). Around the world, this view has given rise to prison policies that can best be characterized as ‘security first’ approaches, which are almost solely geared at reducing the potential threat of violent extremism and display little concern for future-oriented reintegration agendas (Neumann, 2010). The question, however, is whether these assumptions are based on realistic assessments or not, and whether they are supported by available evidence. Answering this question is essential in order to assure that a policy can be truly goal-oriented and to minimize the risk of potential undesired or even counterproductive policy outcomes (see Pawson & Tilley, 1997).

Therefore, in Part Two of this book I set out to evaluate some of the key assumptions in the international policy debate by testing them against theoretical and empirical observation. To begin with, in Chapter Four I aim to shed light on the validity of the assumption that prisons are fertile breeding grounds for radicalization, by unfolding a theoretical model that discusses the conditions under which and mechanisms whereby radicalization among inmates is more (or less) likely to occur.

Subsequently, in Chapter Five I will take a closer look at the idea that violent extremist beliefs may spread easily among inmate populations, by examining whether terrorism offenders are likely to obtain an influential social position in prison. To this end I will present the findings of survey research conducted in prisons in the Netherlands, which aimed to shed light on the social standing of terrorism offenders within the broader inmate community.