

Extract



Contradictions in the European prevention model

5/10/2018

Contradictions in the European prevention model

Abstract

Against the increase of the phenomenon of violent extremism leading to terrorism, many prevention practices and de-radicalization tools have been promoted at European level. Doubt, however, raise on the effectiveness of such models. The expert Sergio Bianchi, in "Radicalisation: no prevention without juridicalisation"¹, made a comparison among various tools used throughout European prisons, concluding that current models of radicalization prevention present contradictions of various kinds, which pose serious problems to the effectiveness of the model and the resulting implications for the democratic stability of members countries. This document is an extract of the paper published by Bianchi, summarising his main points and ideas.

Analysis

Over the last four decades, the debate surrounding radicalization has profoundly changed the European judicial and security sectors. The focus has shifted from punishment to prevention doctrines and practices, whose primary goal is to identify potential criminals before the crime is committed. This new 'prevention model' drove to the development of operating practices and analytical tools focused on identifying suspects, ideas, and behaviors on a pre-crime phase. All tools and practices that seem to be based on the wrong assumption that there is a predictive relationship between radicalization and terrorism, somehow generated by the adoption of ideas and behaviors that are different from the majority. Due to this misunderstanding some issues have been identified. Mostly of which are related to the Penitentiary System. For this reason, the paper mainly focuses on the prison sector, eventually using the case of the Italian Penitentiary System to clarify some concepts.

Great part of the concerns regard the **violent extremist risk assessment tools** used in European prisons to detect any violent and radical behavior or individual's adoption of a violent extremism belief system (e.g. HCR20, VERA2, VERA2 + REM, ERG22+).² Although the use of risk assessment tools in prisons is not new, as prison staff has always used methods to identify, evaluate and estimate inmates' risk of general violence or recidivism, preventing or responding to 'violent radicalization'³ required new tools based on different variables and indicators. It is by this need that new tools, aimed to prevent prisoners from being radicalized to violence as well as to provide an opportunity for prisoners to disengage from violence, were developed. Since their

¹ Bianchi, S. (2018)., "Radicalisation: no prevention without juridicalisation", Agenfor International. Full text available at: <https://drive.google.com/file/d/1M6i3yUa6KynMwKYDmnMzrybZn4f8Wdu9/view>.

² For more info, see: HCR20, (Webster et al., 1997); VERA-2, (Pressman & Flockton, 2014: 122-134); ERG 22+, (Lloyd & Dean, 2011); (Lloyd & Dean, 2016: 40-52).

³ It refers to 'violent radicalization' as the "process of adopting an extremist belief system with the intention and justification of using violence to achieve political, religious or social goals" (Pressman, 2016).

application, however, it has been questioned if these are proper tools and, more importantly, whether they are effective or not.

To this concern, a first matter is that the 'indications systems' on which risk assessment tools rely (i.e. VERA2, ERG 22+) mainly focus **on the ideology of prisoners**, stating what is wrong and right on their beliefs. This means that any individual who thinks differently from the majority risks to be considered a radical and, therefore, deserves to be monitored. As an example, in the Italian system commentaries on political events, such as 'criticism of Western intervention in Muslim countries', or 'criticism of the Italian government and institutions', are relevant to measure the risk of radicalization of an individual.⁴ This leads to two major risks. First, government and the Penitentiary System endanger to be denounced for ideological repression. Second, the focus on narratives and ideologies limit the criminal analysis perspective, excluding from the assessment some factors such as legislative, social and material facilitators found to be crucial in the process of radicalization.

In addition, the aforementioned indicators are **based on religion and ethnicity** to determine potential risk of extremism. The rating sheets of the VERA2 and ERG22+ predictive systems, indeed, use variables to determine potential risk of extremism and terrorism primarily targeting and profiling Muslim prisoners – especially of Arab origin – and of foreigners in general. As an example, in Italy all the 506 inmates that had come under the radicalized radar by December 2017 are Muslims. Such indicators risk, therefore, to be targeted as discriminatory. This issue is even more valuable now that the majority of the European penitentiary systems have a wide multicultural, multi-religious and multiracial detained population.

Related to this first two issues, originates a more general and lexical problem regarding the form of preventive measure going by the name of 'de-radicalization', which refers to the process of becoming less radical. As 'de-radicalization' requires the rejection or moderation of a belief or ideological system, it drives to strong criticism for being an 'ideology conversion system' which aims to altering the political opinion of an inmate – a practice that, again, goes against the freedom of expression. Practices to prevent an extremist to commit terrorist attacks should go under the name of '**disengagement**' and not 'de-radicalization'. This distinction, suggested by the United Nations Office on Drugs and Crime (UNODC), is significant since the former regards the framework of ideas, while the latter refers to the distinction between a fact (violence), which is often a crime, and preventive behavior.⁵

The indicators and variables used when applying a risk assessment tool of violent radicalization are not only dangerous because they rely on misleading information, but also because of the **lack of ability of operators** in using such tools and identifying actual risk of radicalization. Usually, Penitentiary Systems do not have proper staff to use such

⁴ GDAP 0384043 dated 14-11-2015; GDAP 0385582 dated 16-11-2015 and GDAP 0248805 dated 20-7-2016.

⁵ (UNODC, 2016: 71). The decision to use models of disengagement instead of deradicalization is consequence of the view of the Human Rights Committee of July 2003, UN Doc. CCPR/C/78/D/878/1999, para. 7.2, based upon the analysis of the sentence Yong-Joo Kang v. Republic of Korea.

tools, but prison staff (generally police) interpret behaviors, ideas and indicators to assess the risk of radicalization of each inmate. In order to be applied in a right way, tools require trained users with a knowledge of terrorism and, preferably, analytical experience as well as a basic knowledge of Islam. Majority of prison officers do not have the capability to interpret behavior and ideas of different cultures, interpreting signals of radicalization based on prejudices or even simple misunderstanding. This is particularly dangerous for religious radicalization, as people who created the indicators as well as the prison staff have little knowledge of Islam and risk to misinterpret religious practices to the adoption of violent extremism behavior.

Moreover, these models present important **institutional and legal implications** as they have been adopted without any organic legislation to regulate them. A first issue refers to the **preventive collection and exchange of information** on inmates. Risk assessment tools, indeed, require prison staff to collect individual's information (e.g. criminal records, personal and social record, habits) in order to determine any level of risk of violent radicalization. This first and preventive investigation, not regulated by any law, goes under the name of 'non-targeted surveillance', which particularly aims at specific groups (Muslims, Arabs or foreigners) regardless of their crime, gender or legal status. Following the first investigation, the 'vulnerable individual' is profiled, and personal information shared with intelligence agencies. Categorizing individuals as 'at-risk of radicalization' or 'radicalized' drives them to practical consequences as they have to go through preventive measures, it may alter the provisions of the sentence and the resocialization programs they are in. In legal terms, the individual ends on a list of proscribed people that may have serious and long lasting consequences, as – for example - being permanently surveilled. This mechanism drives to an imbalance in the institutional arrangements between the powers of the State and legal coherence with the general legislature and fundamental rights.

A second institutional consequence of the new model of 'prevention policing' regards the strong **reduction in the role of the magistrate** in favor of the penitentiary administration. Nowadays, all the preventive measures applied in the Penitentiary System are almost always taken in the absence of judicial procedure, but simply following and administrative means through the revision of prison rules and with specific prison service instructions.

One last critical element refers to **structural issues** at international level. Penitentiary systems in Europe started now diverging due to counter radicalization measures, which leads to confusion, overlapping and no linearity in the system. Practices against radicalization among European countries are not harmonized, neither are the procedures for the allocation of radical prisoners in different countries. All elements that impact on the concrete possibility of creating a legal formula of judicial cooperation.

To conclude, the advent of violent radicalization drove to a great change of the security and judicial sectors, now mainly focus on the 'prevention of crime' instead of the detection of already committed crimes. This 'pre-crime phase' under which the security sector is now working poses serious issues of various kind that question the

effectiveness of this 'prevention model'. The Penitentiary System is a clear representation of all concerns and contradictions raised. Specifically, this article shows that the risk assessment tools of radicalization to violence as well as the de-regulated pre-investigation measures used in the European prisons encourage an escalation towards terrorism and an exclusion of minor communities, due to their discriminatory and invasive nature. Also, this analysis underlines the lack of knowledge and competence of operators and prison staff when dealing with a sensitive phenomenon such as violent radicalization. Finally, a need of regulating such preventive measures by law is clearly stated in the paper in order to avoid illegal actions and maintain an order at national and European level. All in all, it has been proved that when talking about preventing violent radicalization in prison it is not about what works better or who is better, but the risk, here, is the inconsistency of the newly established 'de-radicalization' policies. Now, the real question to be answered at European level is, there, do these interventions do more harm or good?

References

- Bianchi, S. (2018)., "Radicalisation: no prevention without juridicalisation", Agenfor International. Full text available at:
<https://drive.google.com/file/d/1M6i3yUa6KynMwKYDmnMzrybZn4f8Wdu9/view>
- Lloyd, M. & Dean, C. (2016). *The Development of Structured Guidelines for Assessing Risk in Extremist Offenders*. Journal of Threat Assessment and Management, 2 (1), 40 - 52.
- Lloyd, M., & Dean, C. (2011). *ERG 22+ structured professional guidelines for assessing risk of extremist offending*. Ministry of Justice, England and Wales: National Offender Management Service. Offender Services and Interventions Group
- Pressman, E. 2016. "Risk Assessment Of Radicalization To Violence. Applications Of VERA-2 In Prisons". Presentation, The Hague, 2016.
- Pressman, D. E., & Flockton, J. (2014). *Violent extremist risk assessment development of the VERA-2 and applications in the high security correctional setting*. In A. Silke (Ed.), *Prisons, terrorism and extremism. Critical issues in management, radicalisation, and reform* (pp. 122143). London: Routledge
- UNODC, Handbook on the Management of Violent Extremist Prisoners and the Prevention of Radicalization to Violence in Prisons, Criminal Justice Handbook Series, New York, 2016, pg. 71.
- Webster, C.D., Douglas, K., Eaves, D., & Hart, S.D. (1997). *HCR-20: Assessing risk for violence: Version 2*. Vancouver, BC: Mental Health, Law, and Policy Institute, Simon Fraser University

