

# Using Multi Agency Public Protection Arrangements to manage and supervise terrorist offenders

Findings from an exploratory study

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# Preface

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Since the September 11 attacks, and in particular since the Madrid and London bombings in 2004 and 2005, European Member States have intensified the fight against terrorism. In several countries this has resulted in the imprisonment of individuals convicted of terrorism offences.

Some of these individuals are serving long sentences and will not be released for a decade or more, but there are some who will be released soon – in the next five years. In the UK when these offenders are released from prison they will be subject to supervision by the police and probation service under Multi-Agency Public Protection Arrangements (MAPPA). MAPPA were introduced in 2000 for the supervision of violent and sexual offenders in the community, and were extended to cover terrorist offenders in 2010.

In 2010 RAND Europe conducted a small, scoping study which aimed to explore likely opportunities and challenges in applying this multi-agency approach to the supervision of terrorist offenders. The objective of this study was to bring into focus some issues which may require further attention by researchers and policymakers interested in understanding and assessing the effectiveness of post-release supervision of terrorist offenders.

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# Summary

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Since 2000 Multi-Agency Public Protection Arrangements (MAPPA) have been used to manage violent and sexual offenders on release from prison. Under these arrangements, offenders are identified, assessed and subject to supervision and monitoring in order to protect the public. Central to MAPPA is that key agencies – including police, probation, housing, social services, education and health – are under a statutory duty to share information and cooperate. In 2009 these arrangements were extended to cover those convicted of terrorist offenders.

RAND Europe conducted an exploratory study to examine potential challenges in applying MAPPA to terrorist offenders<sup>1</sup> and the readiness of those involved to do so. The research aimed to identify priorities for further attention by policymakers and researchers looking at the effectiveness of post-release supervision of terrorist offenders.

The study was based on interviews conducted in 2010 with 10 key informants: eight practitioners from police and probation services involved with supervision of terrorist offenders under MAPPA in two urban areas; and two interviewees from the Reducing Re-offending Group at the National Offender Management Service (NOMS). While this is a small sample, at the time this study was conducted only a limited number of practitioners were involved in the management and supervision of terrorist offenders. The selected interviewees had relevant experience and knowledge in this field and were thus able to raise useful points. The study was informed by a targeted review of the literature on MAPPA and official MAPPA guidance.

Findings from the study relate to information sharing, risk assessment and risk management and are summarised here:

## **Sharing sensitive counter terrorism intelligence in MAPPA was a new challenge**

The inclusion of terrorist offenders in MAPPA may mean that information and intelligence held by Special Branch or the security services might need to be shared to inform risk assessment and management. This information may be more sensitive than that usually shared by the police with MAPPA partners (for example, including

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<sup>1</sup> Guidance issued by the National Offender Management Service refers to ‘Terrorists and Domestic Extremists’ which covers those convicted of offences under the Terrorism legislation. Animal rights extremism, environmentalist extremism, far right political extremism and far left political extremism are mentioned expressly in the Guidance. The Guidance makes no reference to Islamist terrorists. However, individuals or groups inspired by or affiliated with Al Qa’ida were clearly of concern at the time of writing and interviewees had such individuals in mind during discussions with the research team.

information from informants or undercover sources). The police may feel they cannot sufficiently sanitise intelligence so that it retains its value for risk assessment, yet does not compromise sources.

### **Special Branch is a newcomer to MAPPA**

Trust between individuals facilitates information sharing, and that trust develops over time through face-to-face contact. The police officers based in units like Special Branch have not been involved in MAPPA so far, so in some instances trust has yet to develop between MAPPA agencies and these specialist units. There were signs from our interviews that relationships between specialist police units and the probation service were beginning to develop. The interviewees thought that co-location of probation offenders in police units might facilitate trust and information sharing in terrorist cases supervised under MAPPA.

### **Existing tools may not be valid for assessing risks posed by terrorist offenders**

Specialist instruments are used to assess the risk that a sexual or violent offender supervised under MAPPA might reoffend and cause serious harm to the public. Official guidance from NOMS recognises that these tools are likely to have limitations in terrorist cases, as in other high or very high risk cases, because terrorist offenders might have few previous convictions (translating into a low risk scores) and because the usual factors to be considered may not be present; that is, the factors associated with committing terrorist offences may be very different from those associated with the commission of sexual and violent offences.

### **Risk assessment tools for terrorist cases lack a robust evidence base**

Instruments to assess the risk or reoffending by sexual and violent offenders were developed using, and validated against, data from large samples of similar offenders. The small number of known and convicted terrorist offenders is an insufficient basis for a similarly actuarial approach to risk assessment. NOMS was<sup>2</sup> developing a tool which practitioners could use to assess the risk that a person previously convicted of a terrorist offence may reoffend. However, the evidence base on the circumstances which lead to violent extremism or about the risk or protective factors for this behaviour is limited.

### **Terrorist offenders may need new risk management tools and techniques**

For sexual and violence offenders risk management under MAPPA typically includes working with offenders' families, cognitive behavioural therapy and the provision of other accredited programmes to address offending behaviour. Interviewees had mixed views on whether or not terrorist offenders will benefit from the same suite of interventions: some interviewees felt that the same kind of activities will be necessary as with sexual and violent offenders – for example, challenging attitudes and beliefs. Other interviewees felt entirely different types of approaches may be necessary, for example, to address deeply held religious or political beliefs.

### **Probation officers had yet to build a body of professional experience in supervising terrorist offenders**

Interviewees thought that professional judgement was important in the risk assessment and management process. At the time the interview were conducted most probation officers

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<sup>2</sup> At the time the research was conducted in 2010.

with terrorist offenders on their case load had no previous experience to draw upon to inform their supervision of these individuals.

**Curfews, police home visits and contact restrictions may be likely to be supplemented by covert surveillance in terrorist cases**

It is common in MAPPAs to impose physical restrictions on sexual and violent offenders to reduce triggers and opportunities for harmful behaviour. In terrorist cases the use of covert surveillance measures may be important for public protection but introduces challenges around sharing information with other agencies, and with the offenders themselves.

**All interviewees thought that using MAPPAs for terrorism cases was the best option available**

While this exploratory study identified some issues arising from the application of MAPPAs to terrorist cases, those involved who participated in this research all felt that this was the best option available. The first few years of operation provide a valuable opportunity to begin to develop a body of practice, experience and evidence to inform future policy developments.



# Acknowledgements

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The research team would like to thank each of the ten interviewees who made time to meet with us.

We would also like to thank Jennifer Rubin and Neil Robinson who provided insightful quality assurance reviews.



On release from prison in England and Wales most offenders serving sentences longer than 12 months will receive some supervision and support from the probation service on their return to the community. Because of the particular risk posed to the public by those who have committed violent and sexual offences, special statutory arrangements are in place for their supervision called Multi Agency Public Protection Arrangements or MAPPA.<sup>3</sup>

MAPPA, introduced in 2000, formally assigns statutory responsibility jointly to the police, prison and probation services to undertake multi-agency risk assessment, information sharing and risk management of sexual and violent offenders. MAPPA uses a combination of restrictive measures (surveillance, curfews, reporting requirements) and rehabilitative measures (interventions to improve basic skills, thinking skills, etc.) to protect the public.

In answer to a parliamentary question in 2009, the then Home Secretary Jack Straw announced that MAPPA would be extended to include the supervision of terrorist offenders on their release from prison.<sup>4</sup>

This report describes findings from an exploratory study conducted in 2010 which aimed to examine potential challenges in applying MAPPA to terrorist offenders and the readiness of those involved to do so. The research aimed to identify priorities for further attention by policymakers and researchers looking at the effectiveness of post-release supervision of terrorist offenders.

## 1.1 **Research questions**

As this was an exploratory study, our approach was to ask interviewees what they saw as the salient issues and challenges arising from the application of MAPPA to terrorist offenders. Based on knowledge of the literature and the MAPPA process, the research team also identified two aspects of the use of MAPPA to explore in the study:

- **Information sharing** - the kinds of information needed to risk assess and manage terrorist offenders might be more likely to be collected from clandestine sources (for example, by specialist branches of the police). It might be more difficult to share this information than it is to share less security-sensitive information collected about sexual and violent offenders.

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<sup>3</sup> MAPPA are used in England and Wales. Scotland and Northern Ireland had adopted similar arrangements.

<sup>4</sup> HC Deb, 3 November 2009, c902W. The Criminal Justice and Immigration Act (2008) amended Schedule 15 of the Criminal Justice Act 2003 to extend MAPPA to cover terrorist and extremist offences.

- **Risk assessment** - the factors which cause or which are associated with terrorist offending are less well researched and less-well understood than the factors associated with violent and sexual offending (about which there is a considerable body of evidence). It might be more difficult to assess the risk of a terrorist re-offending (and thus future harm to the public), as compared to sexual and violent offenders. It might also be more difficult to target interventions to decrease likelihood of reoffending in the future.

## 1.2 **Research approach**

We employed two methods in this study:

- A targeted literature review of existing research on MAPPA.
- Semi-structured interviews with expert informants.

### **Literature review**

A targeted search was conducted to identify evaluations of MAPPA and official guidance produced by the National Offender Management Service. Home Office and Ministry of Justice statistics were identified which provided information about MAPPA case loads. The search was undertaken by searching Home Office and Ministry of Justice websites and conducting a search for grey and academic literature using Google Scholar.

### **Expert interviews**

We conducted ten interviews in 2010.

- Eight interviews were with practitioners from the police and probation service who were involved with MAPPA in two urban criminal justice areas.
- Two interviewees were from the Reducing Re-offending Group at the National Offender Management Service headquarters.

At the time of conducting the interviews the management and supervision of terrorist offenders was an area in which very few practitioners had any experience, thus identifying and selecting key informants to interview was difficult. We wanted to speak to practitioners who were already supervising terrorist offenders under MAPPA or who would be doing so soon – and might therefore have some knowledge of the challenges (or at least have thought about them). There are no official data about which areas of the country have received terrorist offenders on release from prison. Therefore we spoke to personal contacts in two different police forces to identify areas into which convicted terrorists had or would soon be released. Area A was suggested to us as a potential research site by our police contacts, and we were put in touch with officers in the Public Protection department of the police force in Area A. From there we employed a snowball approach to identify other interviewees in that area.

The second area in which we conducted interviews was identified by our literature search; a practitioner working in the probation service in Area B had written an article in a peer-reviewed journal about MAPPA and the management of dangerous offenders. We approached the practitioner about our research, and she put us in contact with probation and police practitioners involved in MAPPA who were involved in preparing for the

supervision of terrorist offenders. During interviews in area A we were told about the development of guidance in relation to the supervision of terrorist offenders by the National Offender Management Service. Interviewees in Area A put us in touch with the relevant team in NOMS, who also agreed to be interviewed.

While we recognise that ten interviews is by no means a robust evidence base from which to draw general conclusions, at the time the interviews were conducted there were only a small number of practitioners who were grappling with the issue of supervising terrorist offenders under MAPPA. Interviews with just ten knowledgeable practitioners can, in this context, provide useful evidence – constituting some of the first empirical data on this issue and highlighting issues for future research and analysis.

A weakness of our approach is that we are missing the perspective of police officers working in Special Branch or in regional Counter Terrorism Units. As we explain below, we found that these police specialist units are rather separate from officers working in other teams and functions – and our snowballing approach did not bridge that divide. Officers working in Special Branch or Counter Terrorism Units are by nature secretive, and less willing to talk about this topic.

The job title of each of our interviewees is set out in Table 1. Each of the interviews lasted between 1-2 hours, was fully transcribed and was analysed using qualitative data analysis software NVivo.

**Table 1: Interviewees**

Interviewee number	Role
1.	Forensic Psychiatrist, Probation Service, Area A
2.	Senior Probation Officer, Area A
3.	MAPPA Coordinator Probation Service, Area A
4.	MAPPA Coordinator, Probation Service, Area A
5.	Probation Senior, Counter Terrorism Unit, Area A
6.	MAPPA Coordinator, Probation Service, Area B
7.	Manager of Public Protection Team, PREVENT lead, Probation Service, Area B
8.	Detective Inspector, Public Protection Team, Police, Area B
9.	Reducing Re-offending Group, NOMS
10.	Reducing Re-offending Group, NOMS

### 1.3 Structure of this report

Chapter 2 provides a short introduction to MAPPA and outlines the number of terrorists expected to be supervised under MAPPA. Chapter 3, 4 and 5 set out findings from this study relating to information sharing, risk assessment and risk management respectively. Chapter 6 provides a summary of findings.



## CHAPTER 2 **Multi Agency Public Protection Arrangements and their application to terrorist offenders**

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MAPPA were formally created in 2000,<sup>5</sup> although they evolved from multi-agency arrangements which had been used since the mid-1990s for the assessment and management of offenders on the sex offender register.<sup>6</sup> MAPPA put the inter-agency cooperation and information sharing which was already occurring in some areas on an *ad hoc* basis on a statutory footing and thus ensured a multi-agency approach was taken across the country. The premise of MAPPA is that both the information needed to assess the risk<sup>7</sup> posed by an offender and the powers and levers to manage that risk, are held by different agencies and organisations with which an offender might interact.

In 2003 MAPPA was ‘upgraded’ by a new statutory provision which added the prison service to the list of ‘responsible authorities’ – which already included the police and probation services.

Thus statutory responsibility for establishing MAPPA in each of the 42 criminal justice areas in England and Wales now rests with the Police, Prison and Probation Services. The following agencies also have a ‘duty to cooperate’:<sup>8</sup>

1. Local Authority Social Care Services
2. Health Authorities or Strategic Health Authorities
3. NHS Trusts
4. Primary Care Trust or Local Health Board
5. Jobcentre Plus
6. Youth Offending Teams

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<sup>5</sup> They were created under s. 67 & 68 Criminal Justice and Courts Services Act 2000.

<sup>6</sup> The Sexual Offences Act 2003 created a Sexual Offenders’ Register, and offenders found guilty of such offences must comply with the notification requirements of that act – which includes telling the police where they are living.

<sup>7</sup> MAPPA guidance refers to the risk of reconviction, the risk of reoffending, or the risk of serious harm (National Offender Management Service, 2012, p.2).

<sup>8</sup> Under s. 324(6) Criminal Justice Act 2003.

7. Registered Social Landlords who accommodate MAPPA offenders
8. Local Housing Authorities
9. Local Education Authorities
10. Electronic Monitoring service providers
11. UK Border Agency

## 2.1 Who is supervised by MAPPA?

Adults and young people supervised under MAPPA are categorised by legislation into three groups, according to the offence for which they have been convicted and the sentence they received. This categorisation is set out in Table 2.

**Table 2: Categorisation of the types of offender supervised under MAPPA**

Category	Description	Length of supervision	Number in 2010/11
<b>Category 1</b>	Registered Sex Offenders (RSO).	No longer supervised when their period of registration expires (registration can be for life).	37,225
<b>Category 2</b>	Violent and other Sexual Offenders who are (1) convicted of murder or listed sexual and violent offences (including some terrorist offences) <sup>9</sup> and (2) sentenced to 12 months custody or more.	Usually stop being supervised under MAPPA when their licence expires, they are discharged from hospital etc.	13,785
<b>Category 3</b>	Other dangerous offenders – an open category through which offenders considered to be dangerous can be supervised under MAPPA (commonly because a previous offence indicates that they are capable of causing serious harm to the public).	These individuals are no longer supervised when risk they pose assessed to have reduced sufficiently.	479
<b>Total</b>			<b>51,489</b>

Source: Ministry of Justice, 2011

## 2.2 Management levels under MAPPA

There are three levels of management under MAPPA (set out in Table 3) which differ in the number of agencies involved in the management of the case. Table 4 shows a breakdown of the number of offenders in each risk category managed at each level.

<sup>9</sup> Offence types included under Category 2 are listed in Schedule 15 of the Criminal Justice Act 2003. Terrorism-related offences included in Schedule 15 are: weapons training (s. 54 Terrorism Act 2000); directing terrorist organisation (s. 56 Terrorism Act 2000); possession of article for terrorist purposes (s. 57 Terrorism Act 2000); inciting terrorism overseas (s. 59 Terrorism Act 2000); Use etc. of nuclear weapons (s. 47 of the Anti-terrorism, Crime and Security Act 2001); preparation of terrorist acts (s. 5 Anti-terrorism, Crime and Security Act 2001); training for terrorism (s. 6 Terrorism Act 2006); making or possession of radioactive device or material (s. 9 Terrorism Act 2006); use of radioactive device or material for terrorist purposes etc. (s. 10 Terrorism Act 2006); terrorist threats relating to radioactive devices (s. 11 Terrorism Act 2006).

**Table 3: Levels of management of MAPPA offenders**

Level	Title	Description
Level 1	Ordinary Agency Management.	Where an offender can be managed by the single agency responsible for supervision/ case management of the offender (this can be used for Category 1 and 2 offenders).
Level 2	Active Multi-Agency Management.	Offenders who are assessed as posing a serious risk of harm and who require active involvement and coordination of interventions from other agencies.
Level 3	Active Multi-Agency Management.	Same as level 2, but where it is considered that senior level practitioners must be involved because of the nature of the risk or the resources needed.

**Table 4: Breakdown of offenders managed at level 2 and level 3 MAPPA 2010/11**

Category	Level 2	Level 3	Total
<b>1. RSOs</b>	3,337	308	3,645
<b>2. Violent offenders and other sexual offenders</b>	3,287	281	3,568
<b>3. Other dangerous offenders</b>	1,338	145	1,483
<b>Total</b>	<b>7,962</b>	<b>734</b>	<b>8,696</b>

Source: Ministry of Justice, 2011

Note: Ministry of Justice figures do not provide a breakdown of level 1

The level selected for a particular case is determined by the complexity of that case, rather than the level of risk posed by the case, although it is more likely that higher risk offenders will be managed at level 2 or 3 (National Offender Management Service, 2012, p. 44). An offender can move between supervision levels, depending on changes in their case.

Each person subject to MAPPA supervision has a case manager. This might be their Offender Manager (probation officer) when they are subject to supervision by the probation service on licence (following release from prison) or on a community sentence. Offenders subject to the notification requirements of the Sexual Offences Act 2003 will have a designated police officer.

### 2.3 How many terrorist offenders might be subject to MAPPA?

Those convicted of terrorist offences are a small sub-set of all convicted offenders. However, as indicated by their inclusion in MAPPA, they are considered to pose a risk of serious harm. In the words of one of our interviewees:

It's not just that there may be a very small number of people; it's also [that] the results could be catastrophic [if they reoffended].

*Manager of Public Protection Team, PREVENT lead, Probation Service, Area B*

In 2008-9 28 prisoners convicted under terrorist or terrorist-related legislation were released from prison in England, Wales and Scotland. Of these, five were deported or extradited. This means a total of 23 who might have been discharged into the community and potentially supervised under MAPPA. More will have been released in years since then so the case load of terrorist cases under MAPPA will grow, but this gives a sense of the

numbers relative to the national MAPPA case load of approximately 50,000 people in 2010/11.

We do not have information about the nature of the offences convicted by those 28 offenders released in 2008-9, nor do we know whether their offences were connected with a particular ideology, for example, far left or right political views, or with groups linked to Al Qa'ida. However, comments by our interviewees primarily focused on individuals who held violent Islamist beliefs.

## 2.4 Evaluations of MAPPA

MAPPA, or MAPPA-style arrangements, have been subject to three Home Office-sponsored evaluations (Kemshall *et al.*, 2005; Maguire *et al.*, 2001; Wood and Kemshall, 2007). These evaluations focus upon implementation and outputs of the MAPPA process (frequency of meetings, multi-agency attendance at meetings, level of information shared and types of information shared, for example) rather than outcomes of MAPPA (in terms of effectiveness in protecting the public). The latter is very difficult to measure. Broadly, these evaluations suggest that the implementation and operation of MAPPA improved over time, with better information sharing and cooperation between agencies and more consistency in the use of MAPPA emerging from each consecutive evaluation.

Additionally, there has been a joint inspection of MAPPA by the inspectorates of the police and the probation service (HMI Probation and Constabulary, 2011). Throughout this report we draw upon these evaluations, where relevant, in order to distinguish issues which are problematic about MAPPA generally, and those which might be particularly problematic for supervising terrorist offenders under MAPPA.

This chapter has provided background to the MAPPA process and an indication of the numbers of terrorist offenders who might be subject to MAPPA in the immediate future. The next chapter presents findings from the interviews conducted in this study related to information sharing.

## CHAPTER 3 **Information sharing in relation to terrorist offenders**

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One of the ways in which MAPPA seeks to achieve its objectives is through encouraging criminal justice and other agencies to share information: *the structure of MAPPA provides a framework which supports and enables lawful, necessary, proportionate, secure and accountable information sharing* (National Offender Management Service, 2012, pp. 51-53).

The inclusion of terrorist offenders in MAPPA may create new tensions in relation to information sharing, not previously experienced (or not experienced to the same extent) with sexual and other violent offenders. This is because information relevant to risk assessment of a terrorist offender is more likely to come from covert, human sources and thus be more difficult to share with MAPPA participants.

The tension between sharing and controlling information in contexts such as MAPPA, is explained in this quotation from an HIMC report on Special Branch and Ports policing:

Special Branch, in keeping with the rest of the police service, is moving towards greater openness; this is also an operational necessity if the Branch is to establish closer links to front line officers in daily contact with the community. It is important, however, that this openness is not used as an excuse to relax security; most Special Branch business involves sensitive information, equipment and techniques which must be safeguarded to national standards.

*Her Majesty's Inspectorate of Constabulary, 2003, p. 11*

### 3.1 **Interviewees' concerns about sharing new kinds of information relevant to terrorism cases**

Several interviewees had reservations about the willingness of Special Branch units to share information:

The whole basis [of] MAPPA is ... sharing information and agencies becoming more open than they've ever been before... there's a tendency, understandably ... for the police ... to want to hold on to that information and not disseminate it ... to other agencies.

*Interviewee 1, Forensic Psychiatrist, Probation Service, Area A*

This interviewee expected that the police would be less likely to share information about terrorist offenders, compared to sexual and violent offenders:

For our sexual offenders and violent offenders the legislation has been in place for so long [that] the police ... share information very readily - appropriately, proportionately, but very readily. ...If a district probation officer rang in and said, 'so and so's been arrested last night will you tell us something about it?' I think they [the probation officer] would be told that information. If they did the same on a terrorist case I think they wouldn't be told that information [by the police].

*Interviewee 1, Forensic Psychiatrist, Probation Service, Area A*

Although interviewees from the central NOMS team believed that arrangements were in place:

We've identified a process by which Security Service information is fed in ... [so] I'm confident that we're not going to be managing people under MAPPa with really key intelligence missing.

*Interviewee 10, Reducing Re-offending Group, NOMS*

During interviews three reasons for the anticipated lack of information and intelligence sharing from these specialist police units were mentioned: the information is genuinely more sensitive; there is no prior relationship of trust with specialist police units; and a culture of secrecy exists among counter terrorism officers.

### **The information is genuinely more sensitive**

Interviewees understood that information and intelligence about terrorists, their activities, networks and associates was highly sensitive:

And you can understand the sensitivity of sharing information in that [MAPPa] forum, there's a confidentiality clause already, but ... does there need to be a super-confidentiality clause around terrorist issues? ... obviously a lot of the people there aren't vetted at all.

*Interviewee 8, Detective Inspector, Public Protection Team, Police, Area B*

One probation officer who was currently seconded to work within the local police Counter Terrorism Unit commented that she now had a better understanding of the problem of information sharing from the police perspective:

I had no idea just how difficult information sharing actually was. I just thought they [police] were being a bit funny.

*Interviewee 5, Probation Senior, Counter Terrorism Unit, Area A*

### **There is no prior relationship of trust with specialist police units**

Findings from previous research into MAPPa suggest that trust between individuals facilitates information sharing, and that trust develops over time through face-to-face contact. The police officers based in Special Branch have not been involved in MAPPa or with the agencies or individuals involved in MAPPa meetings in relation to sexual and violent offenders. The need for them, potentially, to become involved only comes about because of the inclusion of terrorist offenders in MAPPa.

Interviewees commented that specialist police units had limited engagement even with other parts of the police:

Even intelligence<sup>10</sup> doesn't necessarily know what the Special Branch is doing.

*Interviewee 6, MAPPA Coordinator, Probation Service, Area B*

The position of specialist units was in contrast to other branches of policing which had become used to sharing information in the MAPPA context:

I imagine they'd [specialist units] be quite suspicious of services<sup>11</sup> whereas we've [the MAPPA group] had quite a long time with [the] sex offender management unit [in the police] ... people build up a relationship and a rapport.

*Interviewee 4, MAPPA Coordinator, Probation Service, Area A*

Guidance on MAPPA notes the importance of building links with these specialist police units:

To enable the Offender Manager or Case Manager to provide a comprehensive report, it is essential that the police share all relevant information. It is crucial that there is good communication between the different police teams including Counter Terrorism Units, Special Branch, Basic Command Units and Public Protection Units.

*National Offender Management Service, 2012, p.116*

Mirroring the process of trust-building which characterised the development of MAPPA, trust had yet to develop between MAPPA agencies and these specialist units:

it's... like a micro version of MAPPA in the sense that the problems that we had when MAPPA first started about getting probation on board and working alongside probation, and not just probation but other agencies, and the police, encouraging them to be more forthcoming with information... because people are very guarded initially.

*Interviewee 2, Senior Probation Officer, Area A*

There were some signs that relationships between specialist police units and the probation service were beginning to develop. For example, an interviewee (7)<sup>12</sup> from the probation service had been invited to attend regular police counter terror officer meetings. A police officer also explained how he and a probation officer attend fortnightly counter terrorism meetings held by the police (8).

### **A history of secrecy among counter terrorism officers**

Interviewees commented that there could be a greater culture of secrecy among counter terrorism officers which could provide a barrier to information sharing:

I think the information sharing issues are manifest. It's not normal business for police officers who ... have signed the official secrets act and normally deal with information that is graded at confidential ... to start thinking and managing individuals with housing officers, social workers, probation officers. It goes against the grain.

*Interviewee 2, Senior Probation Officer, Area A*

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<sup>10</sup> The interviewee was referring to the Force Intelligence Unit.

<sup>11</sup> By 'services' the interviewee is indicating non-police agencies such as probation, housing, health, social services etc which are involved in MAPPA.

<sup>12</sup> Numbers in brackets refer to interviewee number. See Table 1.

We will need information from them [Counter Terrorism Unit] and... there's a lot of work to be done about them having the confidence to share information with other agencies because I think they still very much work in a protected way.

*Interviewee 4, MAPPA Coordinator, Probation Service, Area A*

The history of the Special Branch providing MAPPA with information is not great, the centre's trying to improve what they do, or what information they'll give us, they're quite secretive.

*Interviewee 6, MAPPA Coordinator, Probation Service, Area B*

We were not able to test these concerns through an interview with anyone from Special Branch or a Counter Terrorism Unit. From their perspective, secrecy could be a legal requirement if the information falls within the Official Secrets Act. We were also unable to assess whether Special Branch officers felt they could sufficiently sanitise intelligence so that it retains its value for risk assessment of terrorist cases, yet does not compromise sources.

One interviewee (2) mentioned that police are reluctant to share information with other agencies for fear of information might be 'leaked' or shared inappropriately, although in practice the interviewee said he did not know of any examples of information shared in MAPPA being compromised.

While we were not able to hear the views of police officers in Special Branch or Counter Terrorism Units on this, it might be the case that some police officers perceive that those working in housing or social services lack experience in handling protectively marked information. This might lead to a lack of trust, which is necessary for sharing such information.

### 3.2 **Information was expected to be forthcoming from the prison service**

It is normal practice for information to be passed from a prison where an offender had been serving a sentence to MAPPA professionals, and interviewees felt there would be fewer problems in gaining prison information than information from Special Branch.

It's ... familiar territory for us, because we'll want to know who's been visiting, who he's been phoning, who he's been writing to, so we'll get all that info from the prison.

*Interviewee 3, MAPPA Coordinator, Probation Service, Area A*

We were also told (by interviewee 7) that prisons were already sharing information with the probation service regarding their concerns about people vulnerable to radicalisation.

Three interviewees (3, 5 and 8) mentioned the potential to gather relevant information from prison imams. Our interviewees did not elaborate on the kinds of information they thought imams might uniquely be able to provide, neither did they mention that this could be a sensitive issue.

### 3.3 **Co-location of probation officers in police units might facilitate information sharing**

In one of the areas in which we conducted interviews there was already a MAPPA Support Unit, consisting of police and probation staff and based in the police station. A member of the Unit (1) commented that this co-location in the police station had led to very good information sharing between police and probation in relation to the high-risk sexual and violent offenders on the MAPPA caseload. Another added that:

Because we're a small specialised unit we have quite a lot of experience working with some of the specialist police agencies.

*Interviewee 3, MAPPA Coordinator, Probation Service, Area A*

Also in this area a probation officer was seconded to the Police Counter Terrorism Unit. Co-location builds trust between individual police and probation officers and increases the ability of individuals to see things from the perspectives of other agencies, which eases information sharing. However, (and this point was not mentioned by interviewees), co-location could increase the chance that information is shared which should not be; there might be a case for retaining some distance between Counter Terrorism Units and MAPPA practitioners.

### 3.4 **Involving fewer agencies in MAPPA for terrorist offenders might facilitate information sharing**

Four interviewees suggested that one way to facilitate sharing of sensitive information related to terrorism was to reduce the number of agencies present at MAPPA meetings, as these quotations illustrate:

My guess would be that a narrower number of agencies [should be] around the table for terrorism cases, because there's a sense that we need to keep it as confined as possible.

*Interviewee 1, Forensic Psychiatrist, Probation Service, Area A*

You could argue that ... you may not want someone who sits on the housing providers ... committee to ... have sensitive information... So it's probably having a smaller MAPPA and then redactions of minutes.

*Interviewee 7, Manager - Public Protection Team, PREVENT lead, Probation Service, Area B*

One interviewee disagreed with this on the basis that there are already confidentiality arrangements and no history of breaches or information leaks. The possibility of a restricted-membership MAPPA meeting might not, however, be unique to terrorist offender cases. One interviewee suggested that information is already shared with a smaller than usual number of agencies in gang cases:

It's the same with some of our gang members... the amount of police intelligence that's informing our assessment, I think a decision was made to really keep that tight, and we didn't want that to be area wide, it was to be just in one unit where there were tight relationships.

*Interviewee 1, Forensic Psychiatrist, Probation Service, Area A*

The MAPPA guidance expressly suggests that altering the agencies in attendance at a MAPPA meeting could be one possible solution to difficulties about information sharing:

Information-sharing between agencies and managing security are likely to be significant issues. MAPP meetings will probably need a different composition of attendees from usual. When considering who should be invited, the MAPPA Co-ordinator should consult police colleagues. This is a case where the invitations should be agreed on a case-by-case basis.

*National Offender Management Service, 2012, p. 117*

This chapter has presented findings on a number of issues related to sharing information about terrorist offenders between agencies involved in MAPPA. The next chapter turns to the topic of risk assessment of terrorist offenders.

## CHAPTER 4 **Assessing risk of reoffending by terrorist offenders**

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The Offender Assessment System (OASys) is the standard tool used by prison and probation services to assess how likely an adult offender is to re-offend. Risk Matrix 2000 is a specialist tool used designed to predict the likelihood of reconviction for a sexual or violent offence in the long term.<sup>13</sup> These tools are based upon criminological research and analysis of data on cohorts of offenders which provides evidence of associations between particular behaviours and/or characteristics and risk of re-offending (more detail is provided on these tools in Appendix B).

At the time of conducting this study, there was no specific tool for assessing the risk of reoffending by terrorist offenders, although NOMS was reported to be developing one. The key challenge is the limited available evidence base on which to base a risk assessment tool. Instruments to assess the risk posed to the public by sexual and violent offenders were developed using, and validated against, data from large samples of similar offenders. Assessing the risk of reoffending by terrorists is well-recognised as posing challenges to those trying to counter or prevent violent extremism (Horgan and Braddock, 2010).

### 4.1 **Guidance on assessing risk of reoffending by terrorist offenders**

NOMS guidelines instruct practitioners to conduct an OASys assessment on all offenders supervised by MAPPA, including terrorist offenders. MAPPA guidance suggests that questions within OASys about offender motivations might be helpful to practitioners trying to assess an offender's intent "and should stimulate thought as to whether an individual's involvement with others who hold what could be identified as extreme religious and or political views could be associated with offending behaviour"<sup>14</sup> (National Offender Management Service, 2012, p. 117).

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<sup>13</sup> For more information on OASys or Risk Matrix 2000 please see (National Offender Management Service, 2012, p. 61-62).

<sup>14</sup> An assumption is built in this statement that associating with others with extremist views is likely to generate extremist behaviour. We note that an alternative hypothesis might be generated: that associating with those who do not hold shared extremist views (i.e. holding 'mainstream' views) may have the same (or more of) an effect. For example, a person with extremist the person may be disgusted by mainstream attitudes and behaviours of the mainstream person; they might experience prejudice.

The guidance does, however, recognise that OASys is likely to have limitations in terrorist cases “as in other high or very high risk cases” because terrorist offenders might have few previous convictions, translating into a low static risk scores on standard assessment instruments (National Offender Management Service, 2012, p. 117).

#### 4.2 OASys could be a starting point for assessing risk of reoffending by terrorist offenders

Our interviewees pointed to some strengths of OASys; it is ‘holistic’ and ‘very comprehensive’ (interviewee 1); it contains sections on ‘attitudes, emotional wellbeing, thinking’ (interviewee 6) which could be pertinent to terrorist cases; and it asks ‘questions about what connections [an offender] has’ which would include the people with whom they spent time. If their peer group is solely ‘Muslims who share their extremist views’ this could indicate increased risk (interviewee 10). However, interviewees acknowledged two major problems:

- **Common criminogenic needs<sup>15</sup> may be absent:** for example terrorist offenders as well as some sex offenders may be able to ‘integrate quite well in the community, hold down jobs’ (interviewees 3), which would traditionally indicate low risk under OASys.
- **Terrorist offenders might not have an offending history:** as noted in the NOMS guidelines, an interviewee pointed out that previous convictions are used as an important indicator of increased risk in an OASys assessment:

With terrorist offenders [the balance] will probably be the opposite of what you’ve got with sex offenders and violent offending, you’ve got a lot of conviction information with the latter normally, and a small amount of intelligence, whereas probably with a lot of terrorist offenders the intelligence will be quite significant, but that actual offending history might not.

*Interviewee 2, Senior Probation Officer, Area A*

#### 4.3 The importance of practitioner experience in assessing risk of reoffending

Research into the operation of the public protection panels which were a precursor to MAPPA found that risk assessment tools were only a starting point for discussions among practitioners from police, probation and other agencies who knew the offender and could engage in a more holistic and rounded assessment (Kemshall and Maguire, 2001). Researchers described the process as ‘anything but scientific’, incorporating practitioners’ instincts, even when not supported by hard evidence. The MAPPA guidance stresses that professional judgement and expertise is important in risk assessment – in addition to risk assessment tools:

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<sup>15</sup> Criminogenic needs refer to a number of factors (for instance, substance abuse, antisocial behaviour, personality traits, etc.) which tend to be correlated with criminal conduct.

Risk assessment must never become formulaic. There must always be a place for using discretion and professional judgement.

*National Offender Management Service, 2012, p. 61*

Our interviewees also reported that they felt professional judgement was important when making decisions about sexual and violent offenders. Interviewees thought that a practitioner-led approach to risk assessment was truly dynamic, as these interviewees commented:

I think people are knowledgeable enough around the MAPPA panel to know that the OASys reconviction score isn't what they're worried about, and [the] ... Risk Matrix 2000 score, for sex offenders, isn't really what we're bothered about ... we're much more focused on the dynamic risk, so that's all that we can monitor and change and manage.

*Interviewee 1, Forensic Psychiatrist, Probation Service, Area A*

MAPPA meetings happen every 6, or 8, or 12 weeks, and that is not very dynamic. Dynamic risk assessment happens on the phone between different people managing the case.

*Interviewee 5, Probation Senior, Counter Terrorism Unit, Area A*

It could also be the case that practitioners used their professional experience to understand an offenders' frame of mind:

We're not supposed to, [but we] use our intuition ... our experience of dealing with offenders and getting into someone's mind-set.

*Interviewee 6, MAPPA Coordinator, Probation Service, Area B*

Professional judgement appears (both in our explorative research and in larger-scale research into MAPPA) to be perceived by practitioners as important in risk assessment processes. This raises at least two questions. Firstly, a question which is beyond the scope of this study, as to the strengths and limitations of using expert judgement and the extent to which it is in accordance with evidence-based practice. Second, a question directly relevant to this study, about whether practitioners have relevant skills and experiences to bring to bear in terrorist cases. MAPPA guidance states that the skills required to assess and manage terrorist cases do not differ significantly from other MAPPA cases (National Offender Management Service, 2012: 117). But this interviewee thought this might not be the case:

Nobody will have specialist terrorist experience... I think it's such a specialist area that ... in my ten years of working in probation I've had minimal opportunities to develop. I'd be surprised if [other]... psychologists feel as comfortable [assessing a terrorist offender] as assessing a domestic violence or sex offender. I'd be very surprised. Because we're ... relying on a wealth of training and a wealth of assessment tools that we know well, in addition to, understanding why people might think or feel the way they do.

*Interviewee 1, Forensic Psychiatrist, Probation Service, Area A*

Professional judgement and expertise, as perceived by the interviewees, is built on training and experience. Whilst probation officers have experience of working with violent and sexual offenders, they might not have experience of working with terrorist offenders. Allied

to this lack of experience one interviewee anticipated some pressure to assess terrorist offenders as high risk – given the social and political focus on terrorism:

It's probably going to be quite a brave probation officer who says - about someone with a long sentence who was conspiring to blow up a shopping centre or half of London - 'I think this man is low risk'.

*Interviewee 6, MAPPA Coordinator, Probation Service, Area B*

We can question, however, whether this pressure is unique to terrorist cases or a feature of public protection more generally. As the author of previous MAPPA evaluations explains:

Public protection and risk management failures elicit public scrutiny and blame, resulting in the dismissal of staff and occasionally Home Secretaries. It is also characterized by public anxiety, fear, distrust of experts and intense media scrutiny.

*Kemshall and Wood, 2008*

Cases in which offenders supervised under MAPPA go on to commit serious further offences are rare, but receive intense media scrutiny and public attention. Kemshall and Wood (2008) describe a “better safe than sorry” approach where the absence of evidence of risk does not necessarily mean a person is labelled as low risk.

#### 4.4 **Will the development of new risk assessment tools for terrorists and violent extremists help?**

NOMS was developing a risk assessment which can be applied to terrorists and other domestic extremists as well as gang members. At the time of conducting this research it was not in the public domain, but we learned from interviewees that it has 21 items and looks at: beliefs; intent; motivation; and capability, amongst other things (interviewee 5).

This tool, however, is reported to be quite different to existing instruments such as OASys and Risk Matrix 2000 which were developed using data from thousands of offenders. The small number of known and convicted terrorist offenders is an insufficient basis for an actuarial approach to risk assessment which requires large numbers. Even amongst the group of convicted terrorists, there is no agreement amongst practitioners or researchers as to the characteristics of a terrorist profile or a group of criminogenic needs (or their equivalent) that can be used as proxies for risk.

Interviewees from NOMS said that their risk assessment tool was based upon talking to:

... convicted TACT [Terrorism Act] offenders [and] ... others who have exited from new religious movements, gangs [and] those who would describe themselves as extremists who actually were convicted and have walked away from it.

*Interviewee 10, Reducing Re-offending Group, NOMS*

This demonstrates a commitment to using available empirical evidence, however, there is a question as to whether the people whom NOMS have surveyed in the development of their risk assessment tools are representative; it is possible that those who have voluntarily left a new religious movement, gang or terrorist group are different from those who do not choose to exit. For example, they may have more ‘protective’ factors in their background

that helped them eventually choose to leave their group, or they may have been less deeply committed to the group.

From our interviews with representatives from NOMS it appears that this new risk assessment tool is seen as a test model, to be used to help practitioners in their decision making alongside OASys and Risk Matrix 2000.

NOMS are, however, not alone in wanting and attempting to devise a risk assessment tool for terrorist offences.<sup>16</sup> Academics writing about violent extremism have also suggested that such tools could usefully be developed:

Although it may not be possible to predict with accuracy who will become a terrorist or violent extremist, it may well be possible to construct a tool which will be able to assess the dangerousness of radical extremists. Radicalisation is a dynamic process. If sufficient characteristics of the processes are understood, and the motivation and factors that lead to ideological violence known, the risk of future violence may be predicably by determining the presence and degree of these factors and characteristics.

*Pressman, 2009*

There are ethical considerations raised by the use of such risk assessment tools to identify individuals who might commit further acts of violence. It is beyond the scope of this study to explore them in depth, but we note the risk of ‘false positives’ – those assessed to be likely to commit violent acts who do not in fact go on to do so. A complicating factor is distinguishing between thoughts about being violent and actually being violent. Not all those who hold radical or extreme views seek to express that radicalisation through engagement in terrorism, just as not all those who are involved in terrorism are necessarily ‘radical’ themselves (Horgan and Braddock, 2010).

This issue was not raised by interviewees, but once NOMS has developed a tool there is a question about how it might be assessed, evaluated and validated. A good risk assessment tool might:

- Be empirically grounded in the risk factors with a proven track record in the research literature.
- Be validated against a relevant offender group.
- Differentiate risk categories.
- Have inter-rater reliability.<sup>17</sup>
- Be validated using a UK population (Kemshall, 2003).

While these would be useful elements to draw upon when evaluating a risk assessment tool for terrorist offenders, it would be difficult to satisfy all these criteria, given the small number of terrorist cases.

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<sup>16</sup> For example Public Safety Canada has developed risk assessment tools. See Pressman (2009).

<sup>17</sup> Inter-rater reliability refers to the degree of consensus or agreement among those conducting the assessments using a particular tool. It is thus useful in understanding whether a particular tool is adequate for measuring a given phenomenon consistently

This chapter has presented findings from interviews regarding the assessment of the risk that a terrorist offender supervised under MAPPA will reoffend. The following chapter focuses on how MAPPA practitioners manage those identified risks in terrorist cases.

## CHAPTER 5 **Risk management strategies for terrorist offenders**

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Each offender supervised under MAPPA has a risk management plan. MAPPA guidance states that risk management plans should be dynamic and therefore need to be monitored and tailored appropriately to reduce risk of harm:

In effect, it is what staff do with an offender that is crucial. Risk management is not an exact science as it is not possible to eliminate risk entirely. It is, therefore, critical that the decisions made are defensible, the Risk Management Plan ...is implemented and monitored through regular reviews, and adjustments to the plan are made as necessary.

*National Offender Management Service, 2012, p. 64*

### 5.1 **Challenges of building a relationships with terrorist offenders**

The relationship between the probation officer and offender has been recognised as central to effective probation intervention (Dowden and Andrews, 2004; Partridge, 2004). Two interviewees expressed concerns about their ability to develop the offender-probation officer relationship, as this quotation illustrates:

If I was to sit down with a terrorist, I just feel that the ability for that individual to relate to my experience and me to relate to theirs, it is far removed from any other offence type for me... the cultural differences somehow ... make it hard.

*Interviewee 1, Forensic Psychiatrist, Probation Service, Area A*

A second interviewee said that lack of familiarity with dealing with terrorist offenders meant he was not '*as comfortable as normal*' when meeting and building a relationship with a convicted terrorist, but that this type of offender may not be any different from other high risk offenders.

I think when I first went in, I felt quite deskilled in terms of, I've not worked with anyone who might be talking to me about Islam and trying to justify his behaviour, but in effect, it's another bloke who's in prison at another level, who has the same issues as everybody else.

*Interviewee 3, MAPPA Coordinator, Probation Service, Area A*

According to our interviewees, international and political context had an impact on relationship-building. Two interviewees commented on this:

One of the issues about this group is that for some of them, they have an anti-West standpoint and will not engage in any way because you're authority. So one of the things we're developing is a motivational engagement intervention which ... doesn't talk about their offending in any way, just looks at what's important to them in their lives, and their issues in their lives and their life in the future.

*Interviewee 9, Reducing Re-offending Group, NOMS*

It's about then getting the confidence of the person you're working with, because he's very suspicious of me, he sees me as closely aligned with the CJS [Criminal Justice System], also, unlike a lot of people we work with, I think people that are convicted of terrorist offences don't have a history of involvement with the probation service.

*Interviewee 3, MAPPA Coordinator, Probation Service, Area A*

An interviewee from NOMS argued that despite challenges that may arise, it is important to place emphasis on the time spent with the offender, which can be a powerful motivator for change:

For someone who might not have had really any contact outside a fairly narrow group of Muslim people, to have someone from the hated group, and I'm not saying all our staff achieve this, but the best of our staff do... to form an alliance and form a relationship... just that, is very important in beginning to get people to question some of their assumptions around how they construct the world.

*Interviewee 10, Reducing Re-offending Group, NOMS*

### **Challenges of working with the families of terrorist offenders**

It would be common for practitioners to have contact with family members of sexual or violent offenders supervised under MAPPA. The importance of recognising differences in working with Muslim families, or families of ideologically motivated prisoners was highlighted by interviewees, particularly in relation to sensitivity to community values and religious commitments:

... he [the offender] couldn't understand why the probation service was involved, what my role might be, and I only thought afterwards of course when I'd said that we can provide a link with your family, that there are issues there about a man going to visit a Muslim woman. And at that point, I hadn't even begun to consider what my role would be, whereas we're used to doing that sort of through-care with partners, families.

*Interviewee 3, MAPPA Coordinator, Probation Service, Area A*

## **5.2 What rehabilitative or protective interventions should be used for terrorist offenders?**

The MAPPA Guidance lists rehabilitative interventions for offenders which focus on "developing the offenders' own ability to avoid and manage risk situations" (National Offender Management Service, 2012, pp. 67-68) including attendance at accredited cognitive-behavioural programmes, suitable and stable accommodation and referral for medical or psychological interventions. The guidance also lists "protective interventions" which are "strategies with a strength-based approach, supported by the assumption that offenders want better lives, not simply the promise of less harmful ones" (p. 68). Examples include a pro-social network, the provision of stable relationships and involvement in other

activities to divert the offender from offending, such as appropriate employment or voluntary work.

Such supervision and treatment programmes are used to enhance offenders' internal controls so they can limit problematic behaviour and avoid key triggers and risky situations. For sex offenders, cognitive behavioural programmes supported by one-on-one work have been seen as the most effective methods (Kemshall and Wood, 2007).

### **Criminological needs of terrorist offenders**

Our interviews reveal mixed views as to whether terrorist offenders will need new kinds of rehabilitative interventions. Some interviewees felt that the same kind of activities and interventions will be necessary as with sex and violent offenders. For example, two interviewees (3, 5) felt that criminogenic factors for terrorist offenders may be similar to other violent offenders:

I think there's a lot of mystification that goes about terrorist offenders, when actually 80% of their criminological needs are the same as any other offender – it's about group associations and susceptibilities, and contacts with individuals, and there is sometimes a CT element to the risk assessment ... because that's what they're in for, but also they have a lot of criminological needs ... if you just treat someone as an extremist, you're not going to get to them, personally.

*Interviewee 5, Probation Senior, Counter Terrorism Unit, Area A*

Some felt there was not a good understanding as to what interventions would be useful. For example, interviewees commented about the potential relevancy, or lack thereof, of cognitive behaviour programmes for terrorist offenders who might have highly developed thinking skills (6, 7).

Some felt it was not known what factors should be addressed by which interventions, as these quotations illustrate:

There isn't a body of knowledge. If we have a sex offender we know exactly the sorts of programmes to avail the people, some of the training, specific work with people who've committed sex offences or domestic violence offences but nobody's got this level of experience [with terrorist cases].

*Interviewee 3, MAPPA Coordinator, Probation Service, Area A*

The external controls of our licences, the licence conditions, about where they're housed, all that, we would need to do that the same as we would with any other case really. But I think the internal controls [are] the problem... what intervention is going to be appropriate?

*Interviewee 4, MAPPA Coordinator, Probation Service, Area A*

### **Addressing religion and faith as part of a risk management strategy**

Two interviewees commented on the possible need to address faith-related issues as part of an intervention to prevent reoffending by terrorist offences. An interviewee from NOMS commented that:

... these offenders will justify or partially justify their offending based on their understanding of the faith, [but] you find that their actual knowledge of the faith is slightly limited or distorted at best and so some educational, supportive challenging dialogue-type approaches on some aspect of Islam.

*Interviewee 9, Reducing Re-offending Group, NOMS*

This dialogue, the interviewee explained, might be facilitated by a prison chaplain or Imam, rather than by a probation officer. One interviewee commented that the prison and probation service lack of experience with these types of interventions:

If we're working with people who've committed offences ... because of their ideological and maybe religious view ... to achieve change and to look at how we manage those people is probably going to be even more difficult than with sexual and violent offenders where we have programmes in place, we have excellent experience on how to manage them...it's a whole new area for us ...they're looking at how they can develop programmes within the ...what can you do to ask people to begin to question some of the beliefs that have supported this behaviour, and nobody's got a lot of experience on it.

*Interviewee 3, MAPPA Coordinator, Probation Service, Area A*

An interviewee from NOMS raised questions about the role of faith in the risk of terrorist reoffending. Faith would usually be considered a protective factor in sexual and violent offenders, but this might not be the case for violent extremism:

We've had these debates, but faith generally is seen as a protective factor against offending, [but] with this area of offending [terrorism-related] it seems to be a potential influencing factor, so it's about trying to make what may be an influencing factor into a protective factor and trying to realign people's understanding of their faith, and how they live their life through their faith.

*Interviewee 9, Reducing Re-offending Group, NOMS*

### 5.3 **Restrictive interventions employed in the management of terrorist cases are likely to be similar as for other MAPPA cases**

MAPPA Guidance lists restrictive interventions for offenders supervised under MAPPA "aimed at controlling and reducing opportunities for harmful behaviour, for example, by restricting access to particular venues... or to previous victims" (National Offender Management Service, 2012, pp. 67).

Kemshall and Wood identified the most frequently used interventions as:<sup>18</sup>

- Licence conditions (curfews, exclusion zones, accommodation restrictions)
- Behavioural restrictions
- Police home visits
- Contact restrictions

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<sup>18</sup> These type of controls are more prevalent with offenders managed at level 3, but are also used at level two.

### **Licence conditions and accommodation**

Interviewees highlighted the importance of imposing appropriate licence conditions on terrorist offenders, as with other kinds of offenders under MAPPA. This interviewee explained the range of restrictions which can be included in a licence:

I guess for terrorism that would be similar... to what we do in the case of the gang members ... if we know there are other terrorist groups or specific named terrorists or named gang members ... we can make that a licence condition specifically that they can't have contact with [them]... there'll be, for example, exclusion zones. It might be that ... [they] can't have particular items or products within their possession.

*Interviewee 1, Forensic Psychiatrist, Probation Service, Area A*

In this quotation the interviewee highlights experience of MAPPA professionals in housing and managing high-risk and high-profile individuals:

A lot of those skills and the information we have and the resources are transferable, because we manage already very high profile people when they come out of prison who have been in the media spotlight, so our hostels and ourselves are used to managing people who have to have very strict curfews, day time sign ins, it may involve liaison with the police over surveillance ... I envisage they will present a lot of the same issues that most of our very high risk cases present, and that's around accommodation, suitable accommodation, and about restrictive licence conditions.

*Interviewee 3, MAPPA Coordinator, Probation Service, Area A*

One issue which might be specific to some terrorist offenders is who to inform in the community of a prisoners' release and who should know about an offender's licence conditions. Practitioners have discretionary power under MAPPA to make disclosures about an offender under supervision, for example, to accommodation providers, employers, voluntary groups and other services providers, and in some instances to members of the public (Wood and Kemshall, 2007). This interviewee mentioned possible disclosure issues:

I imagine he'll want to practice his religion when he comes out, so he'll want to go to a mosque, so that means there's going to be disclosure issues about who we tell in the mosque.

*Interviewee 3, MAPPA Coordinator, Probation Service, Area A*

### **Balancing covert and overt risk management**

Three interviewees mentioned the challenge of balancing covert and overt risk management in terrorist cases. Many offenders supervised under MAPPA would be subject to some surveillance by the police (Wood and Kemshall, 2007). Interviewees reported that offenders might be told that they were being monitored as part of the approach to risk management. This might not be the case with terrorist offenders who could be subject to covert surveillance by the police. These two quotations explain further:

Think the challenge from this area of work and the thing that we need to get right is how you manage the interface between covert and overt ways of working.

*Interviewee 10, Reducing Re-offending Group, NOMS*

If you take sex offenders ... I think a lot of it is quite overt about what's happening to them, in terms of what's happening to them management-wise because then actually that

feeling of intensity of supervision is part of that process of what keeps them in check. Whereas with terrorist offenders, it's different, and being quite honest, it can be a conflict, I'm not saying it happens but it's just an observation, there can be a conflict between the covert side of policing of terrorist offenders and what's going on in MAPPA.

*Interviewee 2, Senior Probation Officer, Area A*

#### 5.4 **Involvement of third party organisations as brokers in risk management**

The involvement of third party organisations such as Muslim community groups and mosques was brought up a number of times during the interviews, and was regarded with mixed views. The motivations behind third party organisations are largely to assist in providing assessments of the offender, to 'broker' relationships between probation officer and offender, and provide training and understanding in Islamic theology to police or probation officers, as this interviewee commented:

We've got people from various different faith groups, and I think it's really helpful, talking about what their faith means to them, so I can see where there's value in that.

*Interviewee 1, Forensic Psychiatrist, Probation Service, Area A*

This interviewee went on, however, to express concerns as to whether this information would necessarily mean he was able to build a relationship with terrorist offenders as using this knowledge in practice would be challenging.

As two interviewees explained, Muslim community groups were brought into prisons to provide an interface between certain offenders and probation. In both cases, the purpose of the interaction was to obtain a better assessment of the offender:

There's one locally that was funded specifically to provide a link between us and terrorist cases, in terms of acting in almost a negotiation role, in bringing the two parties to communicate, and then enable us to get better assessments.

*Interviewee 1, Forensic Psychiatrist, Probation Service, Area A*

Their role is as I understand it, is to go into the prison service and to talk to individuals that have been identified as terrorists about the need to engage with probation and what that might bring and then my understanding was they work with the probation officer in gaining an assessment.

*Interviewee 2, Senior Probation Officer, Area A*

Third parties might be used as an 'interface' between probation officer and offender (Interviewee 3) as well as ensuring that the approach taken to managing terrorist offenders retains the confidence of the community, especially local Muslim communities (Interviewee 2).

Some interviewees (1, 8 and 10) expressed reservations as to the extent to which third party organisations were able to provide these kinds of services or act in these roles, as this interviewee explains:

I've been invited to a number of conferences, a number of meetings, to speak to these organisations, and when you chip away beyond the surface, you'll find that they can't actually deliver the service they're saying they can.

*Interviewee 4, MAPPA Coordinator, Probation Service, Area A*

This chapter has discussed interviewees' comments regarding the management of terrorist offenders under MAPPA. The next and final chapter summarises the findings set out here, as well as in chapters 3 and 4.



6.1 **MAPPA was perceived by interviewees to be the best approach currently available**

There was a consensus among interviewees that using MAPPA to manage those convicted of terrorism-related offences was the best approach currently available, as these quotations illustrate:

MAPPA has its faults but it's the very best system that we have ... having worked in probation pre-MAPPA and post it's the very best system we have in place for ensuring that people share information and that we put together robust action plans that do protect the public.

*Interviewee 1, Forensic Psychiatrist, Probation Service, Area A*

Yes. I think a multi-agency approach is appropriate but you have to be sensitive in its application and not apply a one size fits all approach.

*Interviewee 5, Probation Senior, Counter Terrorism Unit, Area A*

There was some concern expressed about over-burdening MAPPA arrangements and about high expectations:

There's a kind of an expectation ... that's almost higher than with other groups of offenders. We're going to be de-radicalising terrorists, when we still haven't quite worked out armed robbers.

*Interviewee 10, Reducing Re-offending Group, NOMS*

6.2 **Interviewees would like more training, but also noted the need to build experience**

Training is needed, but some interviewees had concerns about whether training leads to more effective officers, in absence of practical experience:

Probation has put out all this compulsory training, and it bothers me because I feel that there's a sense then that staff will know what they're doing, and [just because you have the training] doesn't mean that you can then engage [with violent extremists].

*Interviewee 1, Forensic Psychiatrist, Probation Service, Area A*

The need for staff training was anticipated by NOMS who were hosting quarterly workshops in which practitioners who are or will be working on these cases can discuss the

challenges and share their experiences (Interviewee 9). One interviewee commented on these:

They're [NOMS] looking at trying to equip us to feel more confident [holding]... training events, just to share knowledge, and I suppose also to share anxieties about these cases, what have the difficulties been.

*Interviewee 3, MAPPA Coordinator, Probation Service, Area A*

Interviewees from NOMS made a similar point:

You reassure offender managers that they have the skills to do the job. Because I think that's what we've faced ... people are always paralysed by the fact that they've got this terrorist offender and they don't know what to do with him. And I've started talking, they've started talking about Islam, and I can't take this any further. So I think that's the other side of that, if they're then used to dealing with things in the way that they would normally deal with things, it may be with a couple of other aspects of it, they feel more confident, they feel more skilled.

*Interviewee 9, Reducing Re-offending Group, NOMS*

One interviewee mentioned the need for joint training between probation, police and others.

## 6.3 Summary of report findings

### Information sharing

Adaptions might be needed to tailor the MAPPA approach, originally designed for the management of risk posed by sexual and violent offenders, to the management of terrorist offenders. For example, increasing involvement of policing Counter Terrorism Units and Special Branch and limiting the number of non-policing agencies involved in MAPPA, to restrict the extent of sharing of sensitive intelligence information.

Evidence on the development of MAPPA indicates that information sharing is facilitated when agencies and individuals become used to working with each other and develop trusted relationships. Time will tell whether trust develops with police units which are new to the MAPPA process and other responsible authorities, or whether cultural norms of secrecy, common in such units, act as a barrier to sharing information necessary to assess and manage risk. Co-location of professionals from different agencies might facilitate the development of such trusted relationships and the sharing of information.

### Assessing risk of reoffending

The small numbers of convicted terrorists and the nascent evidence base about factors associated with reoffending by terrorist offenders mean that risk assessment of terrorist cases is likely to be undertaken in a different way to that using OASys or Risk Matrix 2000. NOMS in the UK as well as other governments and researchers internationally, are seeking to develop risk assessment tools and techniques which might, in the future, be used by professionals operating MAPPA.

### Risk management of terrorist cases

The evidence about effective interventions and strategies to manage assessed risk is also in development. Some traditional MAPPA techniques – licence conditions and using

appropriate accommodation – seem as applicable to terrorist cases as to sexual and violent offenders. Others, such as cognitive-behavioural approaches and looking at peer and family relationships, might need to be adapted for use with terrorist cases.

At the time this research was conducted practitioners interviewed for this study tended to express concern about their lack of experience, the possible lack of relevance of their training, the challenges of building essential relationships with terrorist offenders, and how, if at all, religion and faith should feature in the management of terrorist offenders. Some practitioners interviewed felt that differences in culture created distance and prevented relationship-building with terrorist offenders. It is not clear from the interviews the extent to which such differences are perceived or real. Other interviewees pointed out that many of the (criminogenic) needs of terrorist offenders were similar to those reported by other high-risk cases. Interviewees also questioned whether the usual approaches and strategies they employed to the management of sexual and violent offenders under MAPPA would be effective. As the caseload of terrorists supervised under MAPPA grows this will provide opportunities to investigate the extent to which these concerns diminish or persist in practice.

This scoping study has highlighted ways in which MAPPA might be easily adapted to incorporate terrorist offenders, as well as some issues which pose more substantial challenges. In doing so it should be useful to practitioners and policymakers in identifying areas of focus for further policy and practice development. It also provides insight into challenges that other countries might face in applying multi-agency approaches to management of terrorist offenders in the community.



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## **APPENDICES**

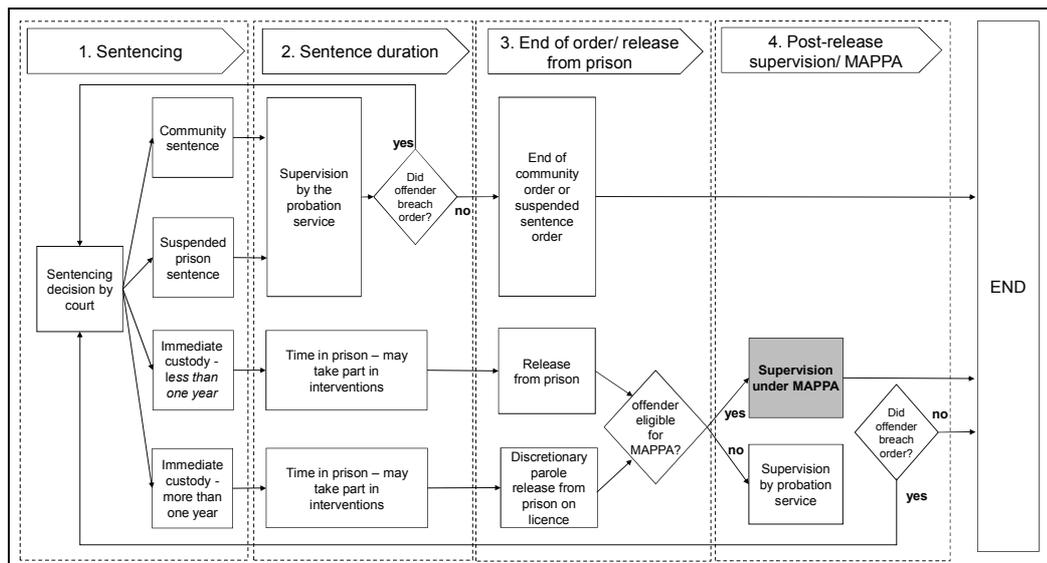
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# Appendix A: Post-sentence processes in England and Wales

In this Appendix we provide some context for those not familiar with the criminal justice system in England and Wales,

Figure A-1 provides a simplified schematic of what happens to an offender once they are sentenced in England and Wales. This study focused on the use of MAPPA in the post-release stage – the box shaded grey.



**Figure A-1: Post-sentencing stages of criminal justice system in England and Wales**

In the main, people convicted and sentenced for terrorist offences travel the same path through the criminal justice and sentencing system as those convicted for any other type of offence.

## Sentencing

Box A-1 outlines sentences available to the courts in England and Wales which include community sentence; suspended sentences; immediate custody and fines.

**Box A-1 Sentences likely to be imposed upon terrorist offenders**

**Imprisonment:** the most severe penalty available to the courts which is reserved for the most serious offences. In accordance with statutory provisions and sentencing guidelines, the court sets the amount of time that an offender should spend in prison, but does not specify what else they should do during that time, in terms of rehabilitative interventions or programmes.

**Community sentences:** Community sentences can be up to three years in length and courts are able to attach any of the following 12 conditions to a community order:

- |                          |                                     |   |
|--------------------------|-------------------------------------|---|
| 1. Unpaid work           | 5. Curfews                          | 9. Drug rehabilitation                        |
| 2. Specified activities  | 6. Exclusions from specified places | 10. Alcohol treatment                         |
| 3. Accredited programmes | 7. Residence in specified places    | 11. Supervision by a responsible officer      |
| 4. Prohibited activities | 8. Mental health treatment          | 12. Attendance centres for younger offenders. |

**Suspended Sentence Orders:** this sentence should only be used where the court is inclined to pass a custodial sentence of less than 12 months. The SSO consists of:

- An operational period, during which the custodial sentence is suspended
- A supervision period, during which requirements can be imposed upon an offender (the same requirements as the community order).

If the offender does not reoffend during the operational period, and fulfils the requirements, a SSO will be served wholly in the community. If the SSO is breached, the court must activate the suspended sentence unless there are strong reasons for not doing so. If such reasons are found, the court can impose more onerous requirements or lengthen the supervision period.

**Fine:** a financial penalty. The amount of the fine will be determined by the offenders' income and ability to pay, as well as by the seriousness of the offence.

**During sentence**

If an individual is given a community sentence or a suspended sentence they are subject to supervision by the probation service for the duration of the order. A probation officer should be assigned to them and a plan should be drawn up as to the frequency of meetings with the supervising officer, any programmes or interventions the offender will participate in, and so on. Provided the offender does not commit further offences and abides by the conditions, the community order is successfully completed.

If an individual is sentenced to immediate custody a plan should be drawn up as to any programmes they might participate in within the prison – this will usually be done by a probation officer working in a prison.

**Release from prison**

The vast majority of offenders serving custodial sentences will be released on parole before the end of their sentence. The point at which they are released from prison on parole depends upon the length of their sentence (see Table A-1, below).

**Licence and post-release supervision**

What happens to an offender after they are released from prison is determined, firstly, by the length of their sentence, and secondly, by the kind of offence they committed and the level of risk they are assessed as posing to the public. As shown in Table A-1, those sentenced to less than 12 months in prison are not subject to any supervision or restrictions on release. Those sentenced to 12 months or more are released on licence and are subject to statutory supervision by the probation service.

At the release point there is also a decision to be made about whether an offender should be subject to MAPPA.

**Table A-1 Arrangements for release from prison and post-release supervision in England and Wales**

Sentence length	Parole/ early release provision	Post-release arrangements
Less than 12 months	Released automatically half way through their sentence.	<ul style="list-style-type: none"> <li>• Adults not subject to supervision following release</li> <li>• Young offenders are subject to a minimum of three months supervision.</li> <li>• All are 'at risk' until the very end of their sentence; if they commit a further imprisonable offence before the end of their original sentence, the court dealing with the new offence may add all or part of the outstanding sentence to any new sentence it imposes</li> </ul>
Between 12 months and four years	Released automatically half way through their sentence	<ul style="list-style-type: none"> <li>• Released on licence</li> <li>• Subject to statutory supervision by the probation service up to three quarters of their term (or to the end in case of some sex offenders)</li> <li>• Are considered 'at risk' to the end of the original sentence</li> </ul>
4 years or more	Eligible for parole half way through their sentence  If parole is not granted then release occurs at the two-thirds point (or at a subsequent parole review if earlier)	<ul style="list-style-type: none"> <li>• Released on licence</li> <li>• Subject to statutory supervision by the probation service up to three quarters of their term (or to the end in case of some sex offenders)</li> <li>• Are considered 'at risk' to the end of the original sentence</li> </ul>



## Appendix B: Risk-assessment tools used in England and Wales

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The Offender Assessment System (OASys) is the standard tool used by prison and probation services to assess how likely an adult offender is to re-offend.<sup>19</sup> An OASys assessment will (or should) usually be conducted at pre-sentence stage, at the start of most community and custodial sentences and at regular intervals during the sentence. OASys consists of three components: offending-related factors; risk of serious harm screening; and the sentence plan.

- **Offending related factors:** OASys includes 12 factors – covering both static (e.g. offending history), and dynamic factors, including: accommodation; education, training and employment; relationships; drug and alcohol misuse; emotional well-being; thinking and behaviour.
- **Risk of serious harm screening:** defined as *...a risk which is life-threatening and/or traumatic, and from which recovery, whether physical or psychological, can be expected to be difficult or impossible.*<sup>20</sup>
- **Sentence plan:** This summarises work which should be completed to address the offending-related factors and manage risk of serious harm issues

The 12 offending-related factors in OASys is evidence-based, drawing upon criminological research linking these factors with offending behaviour. Research into the operation of OASys suggests it is a good predictor of reconviction (Howard, 2006),<sup>21</sup> although there are inconsistencies in the assessments completed by different users (Howard, 2006).

### **Risk assessment for sexual and violent offenders**

It is well recognised that OASys has limitations in assessing sexual and violent offenders, since the tool has not been designed or validated for these offenders.

Risk Matrix 2000 is a specialist tool designed to predict the likelihood of reconviction for a sexual or violent offence in the long term (up to 15 years) amongst men aged 18 and over

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<sup>19</sup> A similar but specifically designed tool for juveniles is in use by youth justice services.

<sup>20</sup> In the OASys Manual.

<sup>21</sup> Although the Offender Group Reconviction Scale (OGRS), which only looks at static risk factors related to previous offences, was found to be a better predictor. When OASys and OGRS are used together the prediction is better than using either alone (Howard, 2006).

who have at least one conviction for a sexual offence (committed when the offender was over the age of 16).

Risk Matrix 2000 only looks at static risk factors (age, history of co-habitation, number of previous convictions for sexual offences) (National Offender Management Service, 2012, p. 62).

Research found that that Risk Matrix 2000:

- Significantly predicted violent recidivism by sex offenders and by combined sex/violent offender.
- Has marginal accuracy in predicting sexual reconviction in the sex offender group (Craig *et al.*, 2006).

## Appendix C: Terrorist offenders

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This Appendix seeks to clarify offences for which ‘terrorist’ offenders are convicted and presents data about the characteristics and profile of terrorists in the criminal justice system in England and Wales.

The Terrorism Act 2000 defines terrorism as the use or threat of action ‘*designed to influence the government or to intimidate the public or a section of the public, and the use or threat is made for the purpose of advancing a political, religious or ideological cause*’.<sup>22</sup> When MAPPA Guidance (p.114) talks about terrorist offenders it refers to individuals convicted of an offence under the following legislation:<sup>23</sup>

- Terrorism Act (2000)
- The Anti-terrorism, Crime and Security Act (2001)
- Prevention of Terrorism Act (2005)
- Terrorism Act (2006)
- Counter Terrorism Act (2008)

Additionally, the guidance states that “*Other offenders may also be considered to be terrorist offenders particularly where the circumstances of the offence demonstrated a terrorist motive*” (p. 157). For example, individuals involved in terrorist activities might be charged under other laws or legislation not specifically drafted to cover terrorism. For example, money laundering, conspiracy to cause explosions, and so on. This group are referred to as ‘terrorist-related’ offences.

### **The UK ‘terrorist’ population**

Home Office data reports that 312 people were been convicted of ‘terrorist-related’ offences between 2001 and 2012.<sup>24</sup> This includes 169 convicted under terrorism laws (listed above) and 143 convicted under other laws not specific to terrorism.

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<sup>22</sup> Terrorism Act 2000 s.1. The section goes on to specify that a terrorist action is one which: involves serious violence against a person, or involves serious damage to property, or endangers a person’s life, other than that of the person committing the action, or creates a serious risk to the health or safety of the public or a section of the public, or is designed seriously to interfere with or seriously to disrupt an electronic system.

<sup>23</sup> The MAPPA guidance makes a distinction between terrorist offenders, and ‘domestic extremists’ – by which it means individuals who are members of far-right or far-left groups, animal rights groups or environmental protest groups. Both ‘domestic extremists’ and ‘terrorist offenders’ can be managed under MAPPA.

<sup>24</sup> (Home Office, 2013)

The Home Office published data about the sentences received by offenders convicted of terrorist offences and terrorist-related offences in 2011/12 who were dealt with by the Crown Prosecution Service (CPS) Counter Terrorism Division.<sup>25</sup> The information available about the sentences received by terrorist offenders is set out in table C-1.

**Table C-1: Sentencing for terrorism and terrorism related offences in 2010-2011 and 2011-12**

Length of sentence	Total year ending 30 Sep 2011	Total year ending 30 Sep 2012
Non-custodial	1	1
Under 1 year	0	1
1 – 4 years	0	8
4 – 10 years	2	5
10 – 20 years	1	5
20 – 30	1	1
Indeterminate Sentence For Public Protection	1	3
Life sentence	1	0
<b>Total</b>	<b>7</b>	<b>24</b>

Source: (Home Office, 2013, table C.02)

Note: The figures include offences under terrorism legislation and und non-terrorism legislation where the case was deemed to be terrorism-related.

We have some information from 2009 about convicted of terrorist offenders released from prison. This is set out in table C-2.

**Table C-2: Total number of prisoners convicted under terrorist or terrorist related legislation discharged from prison in England, Wales and Scotland in 2008-9**

Ended sentence	23
Deported	4
Extradited	1
<b>Total</b>	<b>28</b>

Source (Home Office, 2009: table 1.15)

<sup>25</sup> The reason the statistics only refer to offenders dealt with by this Unit of the CPS is that for those individuals convicted under non-terrorist legislation, there is no way of identifying from the court data collected by the Ministry of Justice those offences which had a terrorist motive.