

PENITENTIARY POLICY IN THE FIELD OF TERRORISM AND PREVENTION OF RADICALIZATION

Since 1972 (when the first member of the terrorist organization ETA was sent to prison) the Prison Administration has been experiencing progressively intense activity in dealing with this social problem. 1984 was the year in which the first person was imprisoned for the commission of a crime of jihadist nature and it was in 2004 that the first measures were taken, specifically aimed at the **prevention, detection, monitoring and neutralization** of possible radicalization processes in the penitentiary environment.

The Penitentiary Institution has been assigned functions or basic objectives contemplated in article 25.2 of the Spanish Constitution regarding the re-education and social reinsertion of convicts but, at the same time, it is also legally entrusted with other functions in order to contribute:

* First, it must contribute to the protection of essential legal rights of all citizens. With this I am referring to a responsibility in terms of the safety of the general public.

* Secondly, the Prison Administration is responsible for ensuring the life and physical integrity of the inmates and officials, as well as the safety of the prisons themselves in order to achieve the retention and custody of inmates and an orderly coexistence.

It is, therefore, necessary to implement security procedures adapted to the potential danger of inmates **integrated in the framework of the general security policy**. The Penitentiary System is one of the instruments available to the State **to face security threats and risks coming, especially, from terrorism**.

In this way, together with the actions of prosecution and protection (by means of the Security Forces), prevention requires the drawing up of an articulated **strategy** to improve information and intelligence services, as well as the approval of organizational surveillance, control and intervention rules and regulations in the face of attempts by inmates to continue with criminal activities in the penitentiary centres.

The number of inmates incarcerated for terrorist activities in penitentiary establishments has been increasing progressively. This has given rise to a need in the Penitentiary Administration to establish effective systems to prevent offences such as recruitment within prisons for terrorist purposes. That is, the implementation of control measures with respect to those inmates who, although unconnected with terrorist groups, are potentially very dangerous.

This circumstance becomes even more relevant in penitentiary centres when the inmates' activity is centred around use organized, extremist and violent approaches or intend to use the penitentiary environment to recruit followers to their radical ideology.

With this aim, for those inmates who require more stringent control, **inmate profiles** have been established and, in accordance with said profiles, general security measures, such as observation, knowledge and information by prison staff may be enhanced. These measures would allow individualized, specific monitoring of these inmates by the Penitentiary Administration. Said measures would be governed by the principles of necessity, proportionality and respect for dignity and fundamental rights.

The first milestone to be highlighted in this anti-terrorism policy was **the creation of organized control and monitoring systems** for certain groups of inmates.

Así, en el año 1996 **se crearon los Ficheros de Internos de Especial Seguimiento (FIES)**, con cinco categorías, incluyéndose en los distintos grupos en atención a los delitos cometidos, repercusión social de los mismos, pertenencia a bandas armadas, peligrosidad, etc., la tercera de las cuales (**FIES-3 BA**) incluye a todos aquellos internos ingresados por vinculación a bandas armadas o elementos terroristas, y aquellos que, de acuerdo con los informes de las Fuerzas de Seguridad, colaboran o apoyan a estos grupos.

Thus, in 1996 the **Files for Inmates Under Special Observation (FIES in Spanish)** were established. There are five categories, inclusion in the different groups according to the crimes committed, social repercussion of said crime, membership of an armed terrorist organization, potential danger, etc. , the third of which (FIES-3 BA) includes all those inmates sentenced to prison for links to armed gangs or terrorist organizations, and those who, according to the reports of the Security Forces, collaborate or support these groups.

The idea was to set up a **general information gathering and processing system** using all documentary or observation sources available and designed to be as complete as possible. It is kept up to date and enables decisions regarding the reinforcement of special observation of these inmates to be taken. This information is obtained in the prisons and transferred to the General Secretariat of Penitentiary Institutions for evaluation.

At the same time, as a result of these measures, the inmates included on the File can be accommodated in the most appropriate departments in the penitentiary centres themselves. Special attention is paid to the selection criteria for cellmates accompanying the observed inmate. The searching of their cells and belongings, etc., is increased. And, of course, it is also very important to transmit the information collected to the collegiate

bodies, especially the Review Board, that must take other decisions regarding the inmate in question.

Another important milestone in this matter was the introduction, in 2014, of a **NEW PROGRAM FOR THE PREVENTION OF RADICALIZATION IN PENITENTIARY INSTITUTIONS.**

Within the framework of the penitentiary strategy against jihadist terrorism, in line with the growing concern in the countries around us, initiatives leading to the detection and prevention of possible recruitment and radicalization processes within penitentiary institutions have been enhanced.

The aim is to limit the incidence of this terrorist phenomenon inside the prisons, to support the efforts that, at a general level, are being made nationally and internationally to face and to combat this form of terrorism and criminality in an effective, united and coordinated way.

In this line of work, a set of data and relevant variables are collected, analysed and collated to detect and limit incipient or consolidated radicalization processes.

The possible relations of some of the terrorists in prison, especially with persons with previous detentions are examined, regardless of whether or not they have been convicted of terrorism or other crimes. Thus, communication with and visits by these people, relations established between them or with third parties and relations with other forms of organized or terrorist crime, are observed.

Attitudes and behaviour indicative of practices constituting risks, that cannot and must not go unnoticed by the Penitentiary Administration, are also closely observed

Dentro de esta estrategia de control, la Instrucción de la Secretaría General de Instituciones Penitenciarias ha establecido en el año 2014 **tres niveles de control** que sistematizan las categorías de internos que participan en la radicalización islámica, categorizándolos en los denominados **grupos A, B y C**, a los que se les aplican, además de las normas genéricas para los internos FIES, otras de carácter específico. Tras un estudio adecuado e individualizado de cada interno de riesgo, si se constata una evolución preocupante en un afectado, podrá proponerse al Centro Directivo la inclusión en alguno de los grupos mencionados.

Within this control strategy, in 2014 the General Secretariat of Penitentiary Institutions established **three levels of control** that systematize the categories of inmates participating in Islamic radicalization, categorizing them into the so-called **A, B and C groups**. In addition to the generic rules for FIES inmates, others of a specific nature also apply. After a in-depth, individualized risk study of each inmate, their inclusion in

one of the aforementioned groups could be proposed to the Central Services should any disturbing development be observed.

- **Group A:** Includes inmates indicted for or convicted of the crime of terrorism.
- **Group B:** Inmates involved in acts of proselytism, exerting pressure on, or coercive recruitment of, other inmates.
- **Group C:** Fanaticised fundamentalist Muslims, members of pressure or especially vulnerable groups.

The way the Penitentiary Administration deals with this type of criminality is fully integrated with the detection, prevention, follow-up and intervention of violent radicalism and necessarily **involves the active participation of each and every member of the prison staff** as well as the **coordinated action by all the areas** of the Penitentiary Institutions.

Therefore, for the program to run adequately the total involvement of all members of staff, decision-making bodies and, especially, those who, in some way, reach agreements or take decisions affecting the inmates concerned, to be able to carry out joint action.

In order to achieve this coordination, it is necessary to **implement a seamless and coordinated information system** among all the unipersonal and collegiate bodies of the Centre charged with carrying out analyses, studies, assessments or adoption of relevant prison resolutions with this type of inmate.

Within these rules, special emphasis is placed on the observation of communications and visits with these people, the relations established between them or with third parties and the relations with other forms of organized or terrorist crime.

Attitudes and behaviour indicative of practices constituting a risk that cannot and must not go unnoticed by the Penitentiary Administration are also studied.

Along with the aforementioned measures, others related to internal separation, access to certain jobs or other destinations outside the department where they are housed, exit permits, classification in degrees of treatment are also adopted, Any texts, recordings or other audio or video storage systems containing reflections or speeches by radical authors, favouring recruitment or radicalization, are withdrawn. In addition, the interception of communications, control of the money they receive and the senders, etc,... are also contemplated.

In the making of agreements by collegiate bodies regarding FIES inmates of the groups indicated (A, B and C), it should be taken into account that the members of the bodies are aware of the instrument for assessing the risk of violent radicalism, which concludes aspects of security and treatment, for the deliberation of the proposal and

the vote. To this end, the members of the collegiate bodies are provided with a copy of **the risk assessment instrument**, highlighting three variables to be taken into account:

- **Risk:** What is understood to be the probability that a person will reoffend criminally or repeat the behaviour that led to his imprisonment.
- **Need:** It is the consideration of those factors that have directly motivated the criminal act (interpersonal violence, impulsivity, drug addiction, etc.)
- **Responsiveness:** Which is the response of the subject to certain styles of intervention, to which he or she can respond more or less satisfactorily, so that the person's capacity to learn from a given treatment is maximized.

Naturally, high risk profiles will require more intense intervention, which should focus on the dynamic variables that have caused the crime or led to such personal radicalization. Taking into account that not all inmates in the field of violent extremism have the same profile, it is necessary for interventions to be adapted to their needs, particularities and levels of risk.

This level of risk, understood to be something dynamic and subject to change, cannot be understood as a still photograph of the person. The intervention and the course of the internment in prison itself can modify it. For this reason, the detection of those factors linked to crime and the evaluation of criminogenic needs are a fundamental part of prison treatment and should, therefore, guide it.

All instructions correspond to recommendations made in the international working groups, to which the General Secretariat of Penitentiary Institutions belongs, in which practices are shared in the approach towards and treatment of violent radicalism.

Finally, in order to carry out this control and monitoring program, described by the General Secretariat of Penitentiary Institutions, the so-called **CONTROL GROUPS** were created in 2008. These are made up of highly qualified civil servants who are in charge of carrying out the aforementioned actions and are directly answerable to the Deputy Director of Security and the Director of the Penitentiary Institutions.

These are specific units for the gathering, analysis and collation of information. Their scope of action focuses on:

- Homegrown Terrorism (ETA, GRAPO, Galician Resistance)
- International terrorism (fundamentally of a Jihadist nature)
- Prevention, detection and neutralization of radicalization processes in prisons.

In short, to summarize, we can specify the following extremes:

- **The main risks to neutralize through penitentiary policy are the following:**
 - The possibility that internal extremists can carry out **proselytizing, radicalization and recruitment** among the prison population.
 - Cohesion attempts of inmates indicted or convicted for terrorist crimes of a jihadist nature.
 - The pursuance of criminal activity during their stay in prison.
- **¿ What should be done in these cases? OVERALL OBJECTIVE:**
 - Avoid attracting new terrorists through **prevention, detection and intervention** of possible radicalization processes that could be initiated in prisons, seeking the detection, neutralization, disengagement and deradicalization of those inmates with an entrenched assumption of an extremist ideology.
- **What to do? SPECIFIC OBJETIVES.**
 - Neutralize the **potentially radical subjects**, categorized as such from their criminal ideology (terrorism of a Jihadist nature)
 - **Detect, identify and neutralize** inmates who, having entered prison for **other types of crime**, could be or become radicalizing agents.
 - **Identify radicalization risk variables** in those inmates who may be receiving direct and harmful influence from others or who are in a particularly vulnerable state and **intervene**.
 - **Maintain security, order and normal coexistence inside penitentiary institutions.**
 - Promote the participation of extremist inmates in **treatment programs**.
 - **Deactivate religious fanaticism** as a source of violent radicalism.
 - Improve and optimize coordination and cooperation procedures with **State Security Forces**.
- **How to deal with these risks and achieve the objectives set?**
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 - With an adequate distribution, classification and internal separation of these inmates.
 - Have an adequate, modern and safe Penitentiary Centre **infrastructure** network.

- **Human resources** in sufficient numbers and with adequate training.
- Exercise a specific control and monitoring of these inmates through **observation and other security measures provided for in the current regulations.**
- Through specific controls on the **people with whom they communicate or request to communicate these inmates as well as on the movements of money.**
- **The interception of their communications** (written, oral and telephone) in accordance with the provisions of penitentiary legislation.
- **Specific intervention and treatment programs.**

In addition to the above, let us not forget that the primary purpose of the sentences and of the Penitentiary Institutions is to achieve re-education and social reinsertion. Therefore, it is necessary to address the intervention and treatment of the inmates detected as a violent radical and the disengagement and de-radicalization of those who have an entrenched assumption of an extremist ideology.

Therefore, the following specific objectives must be achieved:

- Identification of radicalization risk variables.
- Identification and promotion of antisocial protection factors.
- Encouragement and work on the criminal assumption as an element that facilitates personal change.
- Stop recruitment processes between inmates through the analysis of recruitment processes.
- Promotion of the personal and psychological autonomy of the inmates, favouring attitudes of respect, interpersonal tolerance and awareness of the magnitude of the damage caused through violent acts.
- Deactivation of religious fanaticism, as a source of violent radicalism, through a moderate interpretation of religion.
- Promotion of respect for the social order and the values of coexistence of our Democratic State of Law, as well as to comply with the legal requirements of requesting pardon by the victims and reparation for the damage caused.
- Among other measures

The inmates involved should perceive the program as an instrument of support, and never an imposition by the Penitentiary Administration.

It will be run entirely in Spanish, with the necessary adjustments for a full understanding of the contents and will be maintained throughout the whole stay of the inmate in the Centre.

The signing of a good-behaviour contract is recommended in which the minimum conditions to be respected for the adequate and standardized running of the program are specified.

In summary, the program is structured in the following phases:

*** Personal awareness and therapeutical alliance:**

- * An analysis of the inmate's personal history is carried out.
- * A religious experience story is formulated.
- * Knowledge of the emotional state of the inmate is proposed.
- * Attempts to facilitate the acceptance that much behaviour originates in inflexible and impervious thoughts.
- * It is important to define and know the self-concept of the subject, strengthening their identity and self-esteem.
- * The participants are invited to think about their values, trying to make them aware of them.

*** Regarding personal change strategies:**

- * Empathy is fostered towards real and potential victims.
- * Cultural and religious pluralism is fostered through the knowledge of other religions.
- * The cognitive distortions that inmates hold in relation to their beliefs are sought to be changed. with special emphasis on those that justify violent radicalism.
- * An attempt will be made to promote awareness of one's own behaviour and of the causes or reasons that originate and maintain it, facilitating self-observation and a style of adapted behaviour.
- * An acceptance of the benefits implied by an attitude devoid of extremism and radicalism of an ethnic religious nature will be fostered, as well as the possibilities opened by a life distanced from exposure to crime.

* Finally, a commitment towards personal change is to be sought, in which the inmate should participate and which would become a new lifestyle.

Regarding the **methodology**, an **individualised intervention** of is proposed, It must be intensive, continuous and focused on the dynamic variables of criminogenic character that are detected.

It also includes a **group format** and the possibility of including support inmates that could act as role models, without ruling out the presence of ex / extremists who have renounced violence. Similarly, the strengthening of the work of moderate Imams that can counteract the deviation in the interpretation and experience of sacred texts, as well as NGOs and associations within the framework of the promotion of prosocial values and coexistence, is contemplated.

In this area, the implication of the teachers of the penitentiary institutions is of extraordinary interest for the program. The SERA has proved an effective instrument as an intensive educational program in three dimensions (personalized, individual and collective) in durations ranging from 4 weeks (cycle 1), 8 weeks (in cycles 1 and 2) or 12 weeks (in cycles, 1, 2 and 3).

This social disassociation program addresses risks and needs through the development of the social and human capital of young and adult delinquents estimated as already radicalized or at risk of radicalization, whatever the polarization issue of their radicalization.