

How Dangerous Are Released Terrorist Prisoners & What is Being Done to Manage This Risk?

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The past decade has seen a general increase in the number of people convicted for terrorism-related offences in England and Wales, with an accompanying rise in the number of terrorist prisoners. This year, between 90-100 terrorist prisoners will be considered for release in England and Wales and, if recent trends hold, approximately half of these prisoners will be released. Between 2013 and 2021, 443 terrorist prisoners were released,¹ averaging roughly 50 former prisoners back on the streets each year.

There have been long standing concerns regarding the potential danger posed by these individuals. Indeed, four of the last six successful terrorist attacks in England and Wales have all been carried out by either released prisoners (Fishmongers Hall, Streatham, Reading) or by current prisoners still serving their sentences (HMP Whitemoor). Apart from the Reading attack, these cases involved prisoners with previous convictions for terrorism-related offences. In November 2019, Usman Khan killed two people at Fishmongers' Hall and injured three others before being shot dead by police officers. Khan had spent eight years in prison after being convicted for planning terrorist attacks and had been released for almost a year. It was a tragic irony that the event at Fishmongers' Hall had been designed to showcase the successful rehabilitation of former prisoners. Just over two months later in February 2020, Sudesh Amman injured two people in an attack in Streatham, before he too was shot dead by police officers who had him under close surveillance. Amman had been released from prison just ten days earlier. He had spent 20 months in prison after being convicted of possessing and disseminating documents useful to terrorists.

Following these two attacks, the government has released statistics on re-offending by terrorist prisoners. The most recent statistics show that between 2013-2020 more than 387

¹ <https://www.independent.co.uk/news/uk/crime/terrorists-prison-uk-release-parole-board-b1983928.html>

terrorist prisoners were released, and seven of these were subsequently convicted for another terrorism-related offence, giving a re-conviction rate of 1.8 percent.² The re-offending rate rises to 2.3 percent once the cases of Khan and Amman are included. This overall low rate of reconviction is consistent with international statistics on re-offending by released terrorist prisoners, which has found their re-offending rates are low and in general far lower than the reconviction rates seen with other types of offenders.³

Nevertheless, in a context where roughly 50 terrorist prisoners are released each year, the current rates still mean that approximately one of these former prisoners can be expected commit fresh terrorist offences at some point in the future. When that offending potentially involves attacks the consequences can be extremely serious.

Concerns about the small minority who do re-offend has prompted an overhaul in how these offenders are handled. In response to Fishmongers' Hall and Streatham, the government introduced the Terrorist Offenders (Restriction of Early Release) Act 2020. Previously, terrorist offenders were automatically released on licence at the half-way point of their sentence. Now they are only eligible for release once they have served at least two-thirds of their sentence. Further, release is not automatic at this stage but requires a risk assessment and approval from the Parole Board. If the Parole Board decides against release, the prisoner would have to serve their full sentence. Additional measures were added in the Counter-Terrorism and Sentencing Act 2021 which increased the length of sentences for terrorist offences and abolished any possibility of early release for serious offenders who received Extended Determinate Sentences. The Act also brought in a requirement that all released terrorist prisoners spend at least 12 months on licence and all adult offenders can be required to take polygraph tests as part of their risk management.

These new measures joined a range of well-established frameworks and mechanisms for assessing and managing the risk with released terrorist prisoners. One especially important

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https://www.parliament.uk/writtenanswers/search?search_term=Terrorism+Prisoners%27+Release&order_field=datenew

³ For example see: Silke, Andrew, and John Morrison. *Re-offending by released terrorist prisoners: Separating hype from reality*. International Centre for Counter-Terrorism, 2020; Renard, T. (2020). 'Overblown: Exploring the Gap Between the Fear of Terrorist Recidivism and the Evidence.' CTC Sentinel, April, 1-11..

element is the Extremism Risk Guidance (ERG 22+) framework which is used for risk assessment of terrorist prisoners in custody and while on probation. The ERG was launched by the National Offender Management Service (now HM Prison & Probation Service) in 2011 and currently assesses terrorism-related offenders on 22 factors which are believed to be related to extremist offending (the “+” in the title is a reflection that the framework will consider other factors beyond the 22 if they are shown to be relevant to a particular case). In the early years following the ERG’s introduction, the framework was criticised over a lack of publically available information with questions being raised about its reliability and scientific basis. Much more information and research about the ERG has become available in recent years, to the point that of all the risk assessment frameworks designed for use with convicted terrorist offenders available internationally, the ERG is now almost certainly the framework with the most extensive and strongest evidence base.

A further crucial element to risk management in these cases are Multi-Agency Public Protection Arrangements (MAPPA).⁴ MAPPA was established in 2001 and was initially focused on improving the monitoring and management of convicted sexual and violent offenders, but the approach is also used for released terrorist offenders. MAPPA involves probation offices, prison services, police, and other stakeholders working closely together to assess and manage the released prisoner. Released prisoners will have licence conditions set which typically can include wearing a tag, curfews, restrictions on where they can go, who they can meet with, on internet use, on mobile phone use, etc. Breach of these conditions can lead to a recall to prison.

There have been 27 terrorist attacks in England & Wales over the past decade, two of which have been carried out by released terrorist prisoners. The low overall re-offending rate does not suggest that we will see a significant increase in the frequency of these type of attacks. In terms of casualties, however, both of the attacks by the released terrorist prisoners are in the top half of attacks. The median number of casualties across all attacks is just 1 per incident. For the released prisoners the average is 3.5 per incident (this does not include

⁴ Wilkinson, B. (2014). "Do Leopards Change Their Spots?: Probation, risk assessment and management of terrorism-related offenders on licence in the UK." In A. Silke (ed.), *Prisons, Terrorism and Extremism*. Routledge, 259-269; Marsden, S. V. (2016). *Reintegrating extremists: Deradicalisation and desistance*. Springer.

deaths of the perpetrators). Had they not been under surveillance, monitoring and other restrictions the impact would almost certainly have been even higher.

Overall, while policy and practice approaches to managing and assessing risk for released terrorist prisoners have transformed over the past decade, some important questions still remain. In particular, while the available evidence suggests that re-offending rates for released terrorist prisoners are very low, our understanding of the minority who do re-offend is poor. Current research does not provide much insight into the processes and risks around released prisoners who re-engage with terrorism and in particular we lack information on what distinguishes them from the majority who do not reengage and what important warnings signs might be. Going forward, there is an urgent need for more work in this area.

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