Terrorism & the Corrections Industry

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1. Introduction

Terrorism in its many forms has had a strong impact on the correctional industry. It has affected the prisons, the inmates, the staff and the conditions under which the inmates are held and the legal and human rights framework under which the industry operates. This is particularly in relation to the collection of intelligence, the relationship between terrorists and criminals, the importance of collaboration with other agencies, security conditions (including human rights concerns and torture, technology, buildings, funding), the recruitment of future terrorists (for example militant Islam, white supremacists) and also the specific effects that the “war on terror” has had on the state of the corrections industry.

2. Definitions

Although terrorism has been used throughout history by individuals, groups and governments to intimidate groups or individuals into retreating from the threat of violence, neither academics nor policy makers agree on how to define terrorism (Lentini, 2003, p.368). The term terrorism was first coined by Robespierre during the French Revolution (Levinson, 2002, p.1604). He perceived it as an effective means of governing (Wardlow, 1982). Levinson (2002, p.1615) distinguishes a difference between terror and terrorism. That is, “terror” constitutes a threat which is used by a government or its agents as a means of social control. “Terrorism” refers to the execution of these threats and the spread of fear by revolutionaries who seek to use this fear to change or destroy the existing government or social/political/religious order. Genkin (2005, p.12) distinguishes 4 essential properties of terrorist organizations that distinguish them from either crime gangs, social protest movements that may have accidentally turned violent, or guerrilla organizations that attack only military targets. These are that the act is politically motivated, deliberate in its actions (that is, not accidental), violent (threatened or acted out) and civilian oriented (directed against civilian or civilian targets).

Lentini (2003, p.368) maintains that among all the definitions there is a “general consensus that terrorism involves using, or threatening to use, violence against innocent people or non-combatants in order to effect political change and achieve political goals … [and] its tactics include murders, kidnapping, shootings and bombings.”

Terrorism can be subdivided by the way in which it is accomplished (suicide, narcoterrorism, cyberterrorism, weapons of mass destruction), the location or audience (domestic, international) and/or the underlying reason for the acts (religious, nationalistic, ethnic, political, ideological) (White, 2006).

Suicide terrorism is a particular problem in recent times and has been defined by Bloom (2004, p.1) as “violent, politically motivated attacks carried out in a deliberate state of awareness by a person who blows up himself or herself together with a chosen target. The premeditated certain death of the perpetrator is the precondition for the success of the attack .. it encompasses attacks of military targets .. the assassination of prominent leaders .. and the attack of large numbers of civilians”. It is often used by the powerless to empower themselves by “achieving a balance of terror that would otherwise be unachievable .. self sacrifice [is seen] as the ultimate tool against a powerful enemy” (Madsen, 2005, p.99-100). Suicide and non-suicide terrorism can use a variety of methods, focused on the tool used to perpetrate the crime (that is, guns, bombs, drugs, computers, and weapons of mass destruction or any combination of these).

The corrections industry is the umbrella term used here to designate the methods used to confine individuals in a secure location. That is a “place for the confinement of persons in lawful detention, especially persons convicted of crimes. A place or condition of confinement or forcible restraint”... Different terms are used in different jurisdictions for these places, of which the most frequently used terms including gaols, jails, prisons, correctional centres and detention centres. They can be either domestic or military prisons. The aims of a prison include to punish and/or change, reform or rehabilitate those it contains, and to provide social defence and public protection through its deterrent or incapacitating effect (Scott, 2007, p. 49).
3. Characteristics of Terrorists

A number of reasons have been advanced in the research and the popular media to explain the occurrence of terrorism. These reasons include mental illness, personality disorder, personality type, membership of particular types of group (religions, cult, ethnic), violence in the media and the effects of living in a post colonial society. These are similar to the explanations for all types of murders (suicide, monocide, paracide and multicide) (see: Macdonald, 1986; Nettler, 1982; Falk, 1990). One explanation of many is advanced by Gottschalk & Gottschalk (2004) on the basis of their research of Middle Eastern terrorists (Jewish & Palestinian) which emphasise the importance of social-psychological tendencies (that is, authoritarianism and pathological hatred) that are common to all terrorists.

It has been noted that terrorists in correctional facilities are more influenced by outside events, less likely to resolve incidents through negotiation and more likely to have charismatic influence on others in the inmate population (Clayton & Harry, 2002, p.134). Even when they are in correctional facilities they will continue to pose a serious threat to the safety, security and good order of correctional facilities because they will make every effort to continue their terrorist activities (Turner, 2004b, p.6; Hill, 2005, p.26). In fact the al Qaeda training manual devotes a lesson to the actions that should be taken when an operative is incarcerated. Its members are organized, dedicated and disciplined zealots who are capable of sophisticated planning and violent actions (Turner, 2004a p.53-54). They are able to use this unified approach to work against the prison administration. This has been noted in correctional facilities in many countries (Hill, 2005, p.26-27).

4. Intelligence Gathering

Intelligence is seen as the key to the success in the battle against terrorists (Gerard & Blayton, 2005, p.34) and intelligence should be shared with all agencies involved (Web et al, 1999, p.17). This includes both intelligence gathering and information sharing between international, national, state and local authorities in all areas of the security industry (Daniels, 2002, p.67; Anon, 2006, p.10). This can be done in a number of ways including monitoring inmate's telephone calls, mail and personal communications (Anon, 2002, p.4; Anon, 2007, p.12) and increasing the number of informants and intelligence units within the prisons (Anon, 2006, p.10). Baykan (2007, p.51) also suggests that "network-centric models" should be used to gather intelligence to form an integrated picture of the possible threats. For example information sharing among prisons and local agents can assist to identify the tell-tale signs that prisoners are being recruited for terrorism (Anon, 2006, p.10).

The intelligence gathering process must work in conjunction with other law enforcement agencies for the swapping of intelligence (Masters, 2005, p.12). Technology is becoming increasingly important in improving intelligence gathering and dissemination, monitoring, surveillance and communications. It is therefore often necessary to put extensive funding into making sure that there are resources for identifying, testing and evaluating security technologies (Turner, 2004b, p.6). Some examples of this technology include contraband detection, inmate and staff locator systems, less than lethal technologies, inmate identification and tracking devices and information technology. Homeland security, military defense, corporate intelligence, airport security, power plant protection and prison security all have a common thread (Fox, 2003, p.8).

5. Terrorists & Criminals

Terrorists commit criminal acts to survive (Shelley, 2006, p.550). Criminals and terrorists are often also part of integrated networks (Shelley, 2006, p.544). These relationships may first occur inside prisons, where relationships are formed for their mutual benefit and because of their proximity and the intensity of the association. The criminals may not share the ideological motivations of the terrorists but they also don’t want a secure state (Shelley, 2006, p.549-51). Terrorists may also turn to crimes to finance and support their activities, especially with such crimes as trafficking (drugs, people, arms and forged documents (Klein, 2007, p.87), cybercrime and identity theft (Daniels, 2002, p.66) . For example there is evidence that al Qaeda received significant financial support from the opium trade in Afghanistan and the identities of innocent individuals may be stolen in order to fraudulently open credit and bank accounts in their new names to conceal their terrorist activities (Daniels, 2002, p.67). Prisons can also become recruiting places for terrorist causes (Seymour, 2006, p.523; Turner, 2004a, p.52). This situation is exacerbated in some locations (for example Israel, Europe) where security prisoners and criminals are housed in the same wings of the
prisons (Hill, 2005, p.26; Klein, 2007, p.87). In some prisons gang members have also been known to join extremist religious groups for cover, networking and for better mobility inside the prison (Baykan, 2007, p.50).

6. **Collaboration with Other Agencies**

Every part of the criminal justice system is affected by terrorism in some way (Daniels, 2002, p.66). Collaboration is critical to ensure that national, state and local criminal justice agencies use the resources they have to address terrorism as well as other crimes (Daniels, 2002, p.68; Amos, 2002, p.8). The Federal Bureau of Prisons Correctional Program Division has suggested the following as some ways in which correctional facilities can cooperate with other agencies:

- develop a partnership with a local terrorism task force, assigning an agency terrorism coordinator, accessing the national law enforcement databases, conducting assessment and vulnerability studies as well as developing a contingency plan that addresses threats within and outside of the facility (Clayton & Harry, 2002, p.134).
- Partnerships should particularly focus on cultivating partnerships aimed at sharing information (Fox, 2003, p.8).

It is also important for the staff in correctional institutions to assist when terrorist attacks occur. For example when the Twin Towers were attacked on 9/11 the New York State Department of Corrections staff and inmates were directly involved in the relief efforts in the city as well as in support roles, providing donations of blood, money and supplies as well as emergency workers to the relief efforts (Buish, 2002, p.75). It should also be clear that correctional facilities may become the targets of terrorists. Correctional staff should therefore be equipped and trained as first responders to such an attack so that they may properly respond to such an incident, just as is the case with other emergency and criminal justice staff (Turner, 2004a, p.53).

Correctional agencies may also collaborate with other agencies in the development and evaluation of new technologies. Although most new technologies are not originally developed for corrections they can often be adapted effectively to correctional settings (Turner, 2004a, p.54). Corrections staff are trained to search people, places and things in an expeditious, efficient and effective manner, as well as knowing how best to restrain offenders in a safe and secure manner. They could therefore be used to train the personnel of other agencies to perform security duties, releasing law enforcement personnel to other duties such as investigating crimes and finding and arresting offenders (Sturgeon, 2002, p.22).

There has been some concern in the corrections industry that they are not receiving sufficient funding because the money has been redirected to other justice agencies seen as more relevant in the war on terror. The corrections industry must therefore emphasise its importance to the united effort to fight terrorists if it is going to be funded adequately to join in this fight (Weedon, 2002, p.18; Turner, 2004a, p.52; Amos, 2002, p.8).

7. **Terrorist Recruitment in Prison**

Prisons are fertile grounds for terrorist recruiting. For example Richard Reid the alleged “shoe bomber” converted to militant Islam while serving a sentence in a British prison for mugging. After his release he became involved with al Qaeda. Jose Padilla also became involved in terrorist activities after a prison conversion (Daniels, 2002, p.67). The ringleaders of the plot that lead to the Madrid bombings were originally ordinary criminals that were recruited by terrorists in a Spanish prison (Shelley, 2006, p.549). In prisons there are a pool of young, alienated individuals with a taste for risk taking and who feel their lives have been a waste - all the raw materials for forming new terrorists (Klein, 2007, p.87). It is a captive audience who may be eager to hear how they can take out their frustrations on society (Turner, 2004a, p.53).

Extremists (inmates and imams) may exploit both a prisoner’s conversion to Islam while still in prison as well as their socio-economic status and placement in the community upon their release (Ammar & Weaver, 2006, p.90; Baykan, 2007). They may also take advantage of the limited information available within the prison about the convert’s new religion, and only emphasise the extremist version of the religion that suits their purposes (Seymour, 2006, p.524). These problems with the activities of certain radical Imams in prisons in the United States have lead to the need to do background checks be conducted on all prison workers and volunteers who visit with prisoners (Anon, 2006, p.10; Anon, 2007, p.12). Recruitment is also an issue in Australian prisons, particularly among the Koori population (Masters, 2005).
Prison administrators should therefore arrange for terrorists to be isolated in maximum security facilities, away from petty and professional criminals. However this may be difficult either because of space limitations or because the terrorists may be incarcerated under a false identity. (Shelley, 2006, p.549). The Israeli’s have learnt the dangers of this as a result of previously housing criminal and terrorist offenders in the same areas (Hill, 2005, p.26).

8. Security Conditions

Terrorist inmates in the United States and Australia are generally kept in high security prisons, under sometimes extreme security conditions, often in so-called Supermax prisons (Hood, 2007). They are considered a particularly dangerous security threat group within the prison population (Baykan, 2007, p.50; Clayton & Harry, 2002, p.41; Turner, 2004a, p.52). For example in NSW the “AA” classification inmates (under which inmates accused and convicted of terrorism are generally classified) are often housed in the HRMU (High Risk Management Unit) at Goulburn. The cells there are 2x4 metre cells with plastic places and cutlery, a bunk, a sink and a toilet. They are on a regimen that aims to reward good behaviour with additional privileges such as a television set or exercise. They spend up to 22 hours per day in the cells, with very limited association with other inmates (Masters, 2005).

In the US terrorists are given a high level security designation. The conditions vary widely between different states in relation to restraints, exercise, movements, associations, visitations, programs and education (for detailed comparisons see: Hill, 2003). The conditions under which convicted and alleged terrorist are held are often the focus of human rights complaints. There has been a clamour for greater police powers and the notion that the end justifies the means in relation to state sanctioned torture (Fairall, 2004, p.21-2). However this behaviour is not only the result of terrorist actions. For example the dehumanizing and brutalizing practices deployed in the US run Abu Ghraib Prison in Iraq have been compared with those utilized to control the inmates in other maximum security prisons such as H Division in Victoria’s Pentridge Prison (Carlton, 2006; Mestrovic, 2005). The institutionalised psychologically and physically brutalising practices are perpetrated on the basis that it has been thought to be the most effective method to maintain control over the “worst of the worst”. This is in opposition to the other argument that treating prisoners with humanity actually enhances public safety (Zinger, 2006, p.127) and emphasises the importance of a human rights legislative framework paired with effective external monitoring mechanisms (Zinger, 2006, p.128).

The ethical problems resulting in the tension between the need to protect society from the actions of terrorists versus the individuals rights to humane treatment are illustrated in the case of the Barwon 13 as detailed in an article by Wilson (2007). There are also legal and ethical problems in allowing state sanctioned torture, detention without trial (for example Abu Ghraib, Guantanamo Bay) (Mestrovic, 2005; Hill, 2001), “rendition” for torture and detention of asylum seekers (Menadue, 2002), especially when the country involved has obligations under the United Nations charters against torture and common law statues that legislate against this behaviour (see: Cole, 2005; Balestrieri, 2004; Cole, 2003, p.7; Welch, 2004; Shapiro, 2001; Summerill, 2004; Zinger, 2006)

9. Conclusion

Terrorism has affected all aspects of the correctional industry including the prisons, the inmates, the staff and the conditions under which the inmates are held as well as the legal and human rights framework under which the industry operates. This is going to be a continual consideration for correctional jurisdictions all over the world for some time, especially as the law enforcement industry in general is continually in the news about this subject. These reports range from complaints about insufficient sentences to overly harsh security regimes, and everything in between. The problems inherent in housing and securing terrorist inmates and the means for preventing further incidents either inside or outside of the correctional institutions will therefore continue to be a subject of study. It is essential that all aspects of the law enforcement industry cooperate to deal with this issue.

References


