

Summary

# A study on ideological assessment procedures and possibilities for supervision, contra-expertise and appeal

2023

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## Summary

### Background and research questions

In the Netherlands, assessments of extremist ideologies take on a central role in both preventive and repressive contexts. In four domains, including the preventive person-centered approach (Persoonsgerichte aanpak; PGA), the prison system, the criminal law system, and the child protection system, professionals have been conducting ideological assessments in the context of preventing and countering radicalization and extremism. These “ideological assessments”<sup>1</sup> can include risk assessments to determine the risk of violent extremism, but also take the shape of interpreting signals, or assessing expressions. Usually, signaling can be done by a wide range of professionals, while assessments are carried out by qualified experts. Such assessments are used for various purposes depending on whether they are made in, for example, a preventive context, or during criminal prosecution. As these assessments can have far-reaching consequences for individual lives, careers and families, it is pivotal that they are accurate, and that assessment procedures are being dealt with carefully. To date, however, it remains largely unclear why and how ideological assessments are conducted, by whom, and whether there are possibilities for contra-expertise and appeal.

The present study aims to fill these knowledge gaps by answering several research questions within the following overarching themes:

1. Description: In which situations are ideological assessments (deemed) important and how and by whom are these ideological assessments conducted?
2. Quality: To what extent is the quality of ideological assessments examined against specific criteria?
3. Supervision: How is supervision on the use and quality of ideological assessments organized within the various institutions?
4. Contra-expertise and appeal: What are the possibilities for contra-expertise and appeal against ideological assessment procedures and/or the consequences thereof?

### Method

This research is based on different research methods. First, a scan of the relevant literature on ideological assessments was conducted, resulting in a comprehensive overview of relevant scientific research as well as policy documents. Moreover, as the term “ideological assessment” can be defined in different ways and can point to a wide range of activities (e.g. interpreting, giving meaning to, assessing), a conceptual analysis of the term has preceded data collection and analyses. After the conceptual phase, we conducted a systematic case law analysis during which we examined a total of 69 criminal law and family law cases in which ideological assessments were legally significant in the verdict. In addition, we scanned case law from the Council for the Administration of Criminal Justice

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<sup>1</sup> It is important to note that the Dutch verb and practice “*duiding*” is not easily translatable in English, but that its meaning can vary from assessing to interpreting. For clarity and consistency, we use “ideological assessment” throughout this summary.

and Protection of Juveniles (RSJ), to get an impression of the role that ideological assessments play in these cases. Moreover, we conducted a total of 37 semi-structured interviews with professionals working in the four different domains (person-centered approach, prison system, criminal law system and child protection system). Lastly, two expert-meetings with professionals and researchers were held. The first meeting focused on structuring the interview topics, while the second meeting was used to reflect on the final recommendations.

## Results

### The assessment procedure

#### *Instances*

There are two instances in which professionals start an ideological assessment procedure. In the first instance, certain signals of radicalization or (possible future) extremism are noticed by professionals or others (e.g. family-members) and considered serious enough to start a procedure. Oftentimes, these procedures have a preventive aim and they are dependent on the type of signals received. In addition to these often spontaneous processes, ideological assessments can also take place at fixed times. This second instance is characterized by fixed moments which occur mainly in the child protection system, the criminal justice system, and the prison system, for example in the context of an ongoing custody investigation, or prior to the transfer of a prisoner from the terrorist wing to a regular wing. Within the criminal justice system, assessments are also conducted at a fixed time to determine the relationship between the criminal act and an extremist ideology. While it is a common assumption that signals are substantially different from assessments, the latter being conducted by experts and qualified professionals while the former can be picked up by various actors, in practice this separation is not at all clear.

#### *Objectives*

Ideological assessments can serve different objectives, depending on the context in which they are executed. In the case of the prison system and PGA, they often have a security objective to determine the level of radicalization or likelihood of extremist acts among individuals or groups. Assessments can also serve as a risk assessment to determine procedures around resocialization (in case of detainees) or the level of appropriate surveillance. In the child protection system, the objective is to avert a threat to the development of the child. For criminal procedures, the objective of an assessment can be quite complicated. It is important to note that ideology itself is not assessed during criminal procedures. The Dutch penal code does not criminalize ideologies per se, but requires proof that the defendant acted with terrorist intentions. This means that the mere presence of an extremist ideology at the time of acting is insufficient. The court examines whether the defendant also acted out of that ideology, which can then result in proving terrorist intent. In practice, however, the separation between proving the existence of a particular extremist ideology and terrorist intent is very difficult. In other words, while

the ideological assessment itself is not regarded as criminal evidence, in practice it does severely impact the court's decision on terrorist intent.

### *Assessment methods*

Looking at the assessment procedures themselves, the following two methods appear to occur most often: assessments based on Structured Professional Judgement (SPJ), and assessments based on Unstructured Clinical Judgement (UCJ). In the first case, a specific risk assessment instrument is used, which helps the professional to weigh and interpret the available information about a person. In the Netherlands, professionals often rely on the VERA-2R and the IR-46. In the second case, assessment takes place on the basis of conversations with the person who is assessed. Where available, this information is complemented with data from other sources such as police files. Which of the two methods is used, depends on the institution doing the assessment. Assessments are conducted by private expert companies (NTA and LSE are the biggest companies in the Netherlands), or governmental organizations (the Dutch Probation Service, NIFP) and designated experts working within the four domains.

The Dutch Probation Service and the NIFP, both organizations that function mainly in the criminal justice system and the prison system, use the VERA-2R. In addition, individual employees of the TER-team of the probation service (team Terrorism, Extremism and Radicalization) also conduct assessment interviews with clients. This method takes the shape of a more standardized risk assessment tool. NTA and LSE as private companies have developed their own instrument, the core of which is conducting multiple interviews with individuals. The information from these conversations is linked to information from other sources, such as police files (when available). Ultimately the combination of this information results in an answer to the question of whether an individual has an extremist worldview, and to what extent an individual acts or could act from that worldview.

Lastly, ideological assessments are also carried out in a more preventive context, where specific individual cases are being discussed by fixed multidisciplinary teams of professionals (employees working at e.g. the municipalities, prison system, the police, the child protection system). Here, assessment procedures are started based on incoming signals, as described above. The advantage of such multidisciplinary teams is the exchange of data that different institutions have, as well as the diversity of expertise that exists within the group. Results of our study show that especially in this preventive context, the definition of an ideological assessment remains unclear. Employees are sometimes not aware of the fact that they are giving meaning to certain signals and taking action on that basis (or, conversely, deciding that no action is necessary), thereby conducting assessments themselves.

## Quality of assessments

Prior to the study, we found no preformulated criteria in the literature to measure the quality of ideological assessments. Similarly, the interviews also showed that there are different views among practitioners about the quality of assessments and how quality can be measured. Based on the data and existing literature, six separate but interrelated criteria for quality can be distinguished: 1) careful reporting, 2) information sharing, 3) expertise, 4) training, 5) control mechanisms, and 6) instrument testing. The results show that there is no consensus on quality criteria, definitions of expertise or supervision at the governance level that transcends the four domains. This brings with it specific risks, mainly with regard to monopoly formation of expertise, the emergence of blind spots with regard to right-wing extremism and other types of (new) ideologies, gender differences and the evaluation of instruments. We explain four risks in more detail.

First of all, respondents from all four domains appear to be less attentive to, and deal differently with, non-jihadist ideologies. There are also doubts about the applicability of the current instruments to ideologies such as right-wing extremism or other extremist worldviews. Regarding the gender aspects, professionals indicate that women show different signals and ask for a different (overall) approach, whereas most instruments are developed on the basis of knowledge on men. As such, professionals point at the potential need for adjusted instruments and assessment procedures, and, relatedly, more training to deal with diverse groups. Secondly, the various professionals state that assessments are carried out by people who may not have the right expertise for this. Yet, in the absence of clear definitions and criteria on expertise, it is currently difficult to test and select appropriate expert knowledge. Thirdly, even if more structured instruments are used, which are supposedly more objective, it appears that the outcome of assessments can vary, depending, among other things, on the degree of foreknowledge about and proximity to the persons who are assessed, as well as the weight attached to certain characteristics. More research around the reliability of structured instruments is therefore needed. Fourth, it appears that due to the lack of concrete definitions, expertise remains concentrated in the hands of a select group of experts. This creates a big risk on monopolizing expertise, with limited possibilities to challenge or peer-review expert knowledge.

At the same time, we observe a number of best practices. Despite formal criteria, the institutions and the multidisciplinary teams who are involved in assessing do implement practices to safeguard the quality of assessments. Examples of such practices are the four-or-more-eyes principle and triangulating methods to arrive at a reliable assessment. The multidisciplinary approach also makes information sharing processes easier, which seems to reduce the risk of blind spots and a lack of expertise in certain cases. In recent years, more and more training courses have been organized, which should also lead to better knowledge on signaling extremist expressions or behavior outside

the multidisciplinary approach. However, this does create a tension, because although these training courses are appreciated by professionals and can counteract under-recognition and shyness to act, they also entail the risk of role confusion, with professionals who are not qualified themselves, consciously or unconsciously, taking on the role of assessor. Finally, various organizations have recently started to evaluate their procedures and/or instruments, on the basis of which the processes can be further professionalized.

### **Contra-expertise and appeal**

There are different complaint- and appeal procedures within the four domains. Overall, it is possible for those who are assessed to view the assessment report. Within the PGA and the prison system, individuals can object to or have a complaint noted when the report is finalized. Also, prisoners can file an appeal at the RSJ. Within the child protection system, persons who have been assessed (often the parent(s)) can indicate that they do not agree with the content of the file. Within the criminal justice process, it is possible for both the defense and the Public Prosecution Service to request contra-expertise through the court. On paper, there are various appeal options within the four domains, but these are rarely used in practice for various reasons. Explanations for this vary from practical considerations about the duration of such a process and financial aspects to a lack of expertise within the Netherlands as mentioned before. In addition, there are also substantive concerns about the repeated use of one or more interpretation instruments. The possibilities to request contra-expertise are limited, due to the scarcity of external organizations that conduct ideological assessments. In practice, individuals (or their representatives) often refrain from requesting contra-expertise, because the assessment organization, often NTA, has already provided the initial assessment, and no alternative is available. This problem seems to be particularly relevant within criminal law proceeding, but is also mentioned within the other domains.

### **Conclusion and recommendations**

The above-mentioned results form the basis for the following recommendations for policy and practice. First of all, an evaluation of the different assessment methods is warranted. In follow-up research, attention should be paid to the reliability and degree of subjectivity of ideological assessments, and to ways in which these assessments can be carried out in such a way that the reliability is as high as possible and the degree of subjectivity is as low as possible. Related to this, on the basis of the results, it seems important to conduct further research into the extent to which often-used instruments can be translated to a broad range of ideologies, moving away from the current focus on jihadi-extremism. Further research should also examine in more detail what is needed to come to accurate gender-sensitive assessment procedures. Finally, future research should focus on the complex relationship between ideological and psychological assessments, and how ideology and psychological factors interact.

With regard to policy and practice, the study leads to the following recommendations. To prevent role confusion as identified in this study, it is important that attention is paid to the distinction between signaling on the one hand and assessing on the other hand. It is important to clarify the different roles, responsibilities, and required knowledge. Although the various courses that are offered are deemed valuable by the professionals, these courses sometimes lead professionals to take on the role of assessor, while they have insufficient expertise for this. It is therefore important to streamline the signaling-process better.

The multidisciplinary meetings are valued highly by all organizations. Based on the results, it is recommended to embed such a structure where it has not been implemented yet. Special attention should be paid to the inclusion of various expertise in order to counteract the blind spots that have been identified. With regard to these blind spots, it is recommended to create awareness for this within the four domains. It still regularly happens that individuals are not assessed because their ideologies are close(r) to the professionals' own frame of reference. To prevent tunnel vision and unequal treatment, more attention should be paid within the four domains to ideologies other than Islamic extremism and the interpretation thereof.

Finally, the field should work towards establishing consensus on definitions of expertise and quality of assessments, which should be examined by an independent body. Related to this, it is recommended to increase the number of organizations that can be entrusted with conducting ideological assessments, and to create an expert register for professionals who are part of these organizations. This will not only contribute to further professionalization and transparency, but will also offer better opportunities for contra-expertise, thereby improving the legal position of those involved.