

## **Seven reasons why the "Joint Case Conferences" in the deradicalization of so-called "dangerous persons" should no longer take place**

### **Extended Summary<sup>1</sup>**

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The important question regarding the most desirable cooperation between independent civil society practitioners of social work/ rehabilitation/ therapy and governmental security authorities arises in a particularly challenging way for the "joint case conferences", apparently having been conducted for about eight to ten years in Germany and other European countries, as for instance Denmark. In these "joint case conferences", civil society deradicalization practitioners who were selected and approached by state administration engage in continuous information exchange about their clients with representatives of state security and intelligence agencies, including the Office for the Protection of the Constitution. This exchange is held regularly, hence, strictly speaking, in a non-incident-based fashion, as well as under suspension of the clients' protection of personal data.

These "joint case conferences" seem to focus on certain clients who have been assessed in advance as "security-relevant cases" or as "dangerous persons"/ "high-risk individuals" – and as so-called "endangerers". However, the terms mentioned do not seem to have a legal or scientific foundation, but stem from "working definitions" used in internal policing procedures. Ongoing joint safety and risk assessments – as well as general assessments of the development of clients throughout the social work/ social therapy/ deradicalization intervention facilitated by NGO practitioners – seem to be the main subject of these "joint case conferences".

During the years of practice of these "joint case conferences", there appears to have been no in-depth documentation or independent, evidence-based evaluation and research on them that is publicly available.

Furthermore, the seven reasons listed below make it seem urgent to avoid any such personal information exchange routines in which civil society practitioners of any form of client work (as social workers, behavioral therapists, rehabilitation or

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<sup>1</sup> The Extended Summary refers to key sections of the „The EXIT Europe final evaluation report“; on: <https://cultures-interactive.de/en/exit-europe.html> (2021) and to the German Handbook on Exit/Distancing and Rehab Facilitation (2021): „Handreichung Distanzierungsarbeit – anlassbezogene Interventionen im Handlungsfeld Rechtsextremismus“, in preparation for <https://cultures-interactive.de/en/articles.html>.

deradicalization practitioners, inter alia) discuss their clients with security and intelligence agencies (with the well-known exception of danger-in-default situations, as has long been the general standard for client work). However, security authorities continuously informing the social workers/ therapists e.g., about investigative issues, can be useful under certain circumstances. A director of criminal investigation in North Rhine-Westphalia, Jorge Unrig, describes this practice as the desirable principle of the "one-way street in the exchange of information" between security agencies and social workers/ therapists.<sup>2</sup>

### **The Seven reasons**

Subject to the urgently needed reconstructive research on past practices in the different German states, it now seems highly advisable to abandon and henceforth discontinue the current practice of the "joint case conferences" entirely, for the following reasons.

These "joint case conferences" ...

- ... violate the inalienable personal rights of the clients, their families and their social environment (especially the right to protection of personal data) - and thus also violate the do-no-harm principle of all pedagogical and helping professions towards their clients who rely on their care and professionalism.
  
- ... violate the confidentiality of the counseling processes with the clients and thus significantly impair the quality of these processes, also entailing ethical questions. For, if the confidentiality is lifted and this made the basis with the consent of the clients, strategic behavior will inevitably find its way into the counseling processes. However, strategic behavior diametrically contradicts the functional laws of counseling and the facilitation of personal development - and thus severely compromises the impact of the interventions.
  
- ...compromise public credibility and thus the functioning of disengagement/exit work. This is because exit work that is known not to be entirely confidential (with the exception of the aforementioned danger-in-default situations) brings the valuable - and comparatively young - social instrument of exit work into disrepute. This makes it more difficult to reach out to precisely those possible clients who

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<sup>2</sup> Jörg Unrig (2020): „Clan-Kriminalität: Hilfsprogramm für Jugendliche, die aussteigen wollen“ <https://www.deutschlandfunknova.de/suche/ergebnisse?q=clan%20ausstieg>; ab Minute 9.; ab Minute 9; vgl. auch Stefan Tepper 2020.

should be reached most urgently – especially where not only so-called "endangerers" are to be addressed.

- ... undermine the subsidiary division of powers and functions, which is an essential feature of democratic, civil society-based constitutional states. This is because the "joint case conferences" dissolve the important separation of powers and differentiation of roles between security authorities/intelligence and counsellors/ social workers who practice deradicalization and rehabilitation through confidential client work.
- ... do not bring any convincing added-value to security policy, or the claimed security policy added-value of the "joint case conferences" is currently not proven and must be considered questionable. It is inconclusive how the exchange of information between employees of the security/ intelligence authorities and those from social workers/counsellors – and their joint assessment of clients – is supposed to lead to a more reliable risk assessment in cases of doubt. For, in general, neither of these professional fields has the basic qualifications for this. Only the profession of forensic psychiatric experts would represent a significant gain in competence here, who are therefore also involved in legal proceedings. The use of independent forensic experts would also guarantee the essential division of functions in a democratic and human rights-based procedure.
- ... implicitly assume that so-called "endangerers" have forfeited parts of their essential personal rights and have to waive their right for data protection, which is erroneous under the impression of the presumed danger of the "dangerous persons"/ "endangerers", set an example for a practice of collaboration with state authorities that could increasingly become a general expectation from the state also in other sectors of prevention and education (cf. the "prevent duty" for British teachers).
- ... are based on exclusive relationships between governmental agencies and particularly chosen and selected civil society actors, in which economic dependencies and collusions of interests inevitably arise. Consequently, independent professional associations within civil society – such as federal working groups, federal associations or professional chambers of exit/ derad/ prevent facilitators – cannot be put to use and thus cannot further develop and professionalize their evidence-based tools and procedures of quality assurance through a peer review process.

To make these matters even more urgent, the discriminatory context of the previous "joint case conferences," which (since about 2012) have been used exclusively with persons from population groups with Muslim connotations, has hardly been reflected upon. What also remains unreflected is the important question of the extent to which the introduction of these case conferences originated primarily from the fact that all actors involved were and are afraid "that something will happen", i.e., a terrorist attack is commented. For this could entail a media and political dynamic which may then, in turn, have consequences on one' own work and advancement. This compromising of fundamental rights and basic rules of client work is therefore a typical effect and implicit intention of terrorism, which we are called upon to withstand.

In conclusion it should be emphasized once again that cooperation between civil society practitioners and governmental security authorities is fundamentally desirable (cf. note 1). The referral of clients by the security authorities to social workers and specialists in deradicalization/ distancing work, for example, promises great potential. Direct cooperation according to the aforementioned principle of "one-way information exchange" also seems to be unproblematic - and to promise real added value in terms of public safety.

The European Commission and the Radicalization Awareness Network which currently seem to propagate and support these "joint case conferences" in their publications on exit work should reconsider and discontinue this policy.