

Innovative strategies for the prevention of re-offending

Research carried out at the national level - Italy

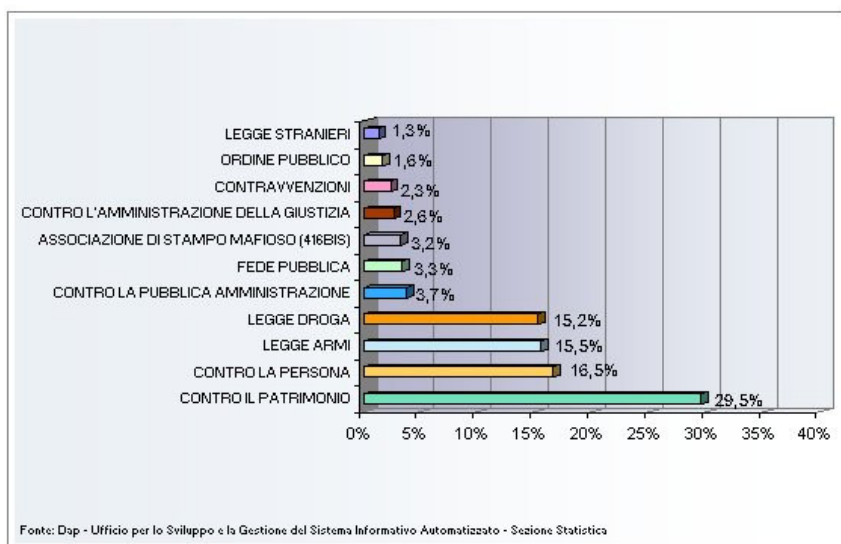
*'Punishments may not contradict humanity and must
aim at re-educating the convicted'*
(Art. 27 of the Italian Constitution)

Introduction

One of the major difficulties encountered by research on re-offending in Italy lies in the absence of mechanisms for monitoring the former inmate after his release from prison. Thus there are no instruments, no official data allowing for studying and classifying the phenomenon of re-offending. The only useful reference system is provided by the estimations of operators in the sector, indicating a re-offending rate above 60% amongst inmates released after having served their time.¹

As a general rule, crime data in Italy indicate a constant drop in all kinds of crime since the previous century.² Nonetheless, an overall increase in the prison population may be observed, a phenomenon also linked to recent flows of immigrants on the national territory (*see below*).

Types of crimes committed by inmates serving time in penitentiary institutions (data of 31 December 2007)



Violation of laws on foreigners
Breaches of the peace
Police misdemeanours
Offences against the justice administration
Criminal conspiracy
Crimes and offences against public faith
Offences against public services
Infractions of drug laws
Infractions of laws on the possession of arms
Personal torts
Property torts

Source: Office for the Development and Management of Automated Computer Systems - Statistics section

1. Re-offending prevention measures in Italy

¹ <http://www.ristretti.it/interviste/lavoro/ardita.htm>

² With the exception of a few specific infractions such as residential burglaries

Several public and private players play a role in the prisoner's 'career', from the expiation of the sentence up to his social rehabilitation.

In the framework of the **prison system**, the penal institution sector in Italy comes under the competence of the State and, more particularly, the Ministry of Justice, in keeping with the order relative to the functioning of the penal administration, which sets out the treatment applicable to convicted prisoners and defendants awaiting judgement, as well as measures relative to running the prisons and the various arrangements planned for persons deprived of freedom. The Order relative to the functioning of the penal administration also defines the process and outline of the re-education of convicts in view of favouring their social rehabilitation, in keeping with the provisions of the Constitution. It is in this framework that penal institutions implement purely educational programmes, as well as activities of vocational training and apprenticeship.

The **Alternative measures to imprisonment**, which allow a convict to serve part of his sentence outside prison, fall within the competence of the Offices of Outside Sentence Enforcement (UEPE), particularly in an open setting, which take charge of the prisoners in order to verify the execution of the alternative measures and guarantee their reinsertion in daily life. The alternative measures are the following:

- Conditional discharge and placement with social services
- Conditional discharge and placement with social services for drug addiction and alcohol dependence
- Conditional discharge and placement with social services for military convicts
- Conditional discharge and placement with social services for persons with AIDS or suffering from immune deficiencies or other serious illnesses
- Semi-freedom
- House arrests³

The UEPE, like the whole prison system, are directly dependent upon the Ministry of Justice.

At the **local authorities** level, the municipal, departmental and regional administrations autonomously develop structures and social services aimed at the social rehabilitation of former prisoners and elaborate, if need be, policies as regards re-offending prevention. Owing to the differences between administrations, it is therefore difficult to draw up an overall table of existing structures at the local level; nonetheless, it often is a matter of initiatives aimed at vocational training and insertion through work.

An important aspect of re-offending prevention lies within **police** jurisdiction. In this framework, the preventive actions are carried out thanks to surveillance of the territory (police headquarters and stations), specialised services (railway, highway, transportation and communications police, etc.) and, at the level of surveillance of public land, via community police. Amongst prevention instruments recently developed by the Police are, quite naturally, Internet and agreements with local administrations as well as a series of specific projects.⁴

Finally, we must stress the important role of **organisations in the private social sector** such as social cooperatives and volunteer associations that support the action of all the aforementioned players, in particular the penal institutions, UEPE and local administrations. In fact, the associations and cooperatives implement training initiatives—formal and informal and vocational in the prison environment—and projects for fighting against drug addiction. They organise crafts workshops and

³ http://www.giustizia.it/pcarcere/misure_alternative/misure_alternative.htm

⁴ For example, in Turin, the education in legality project, carried out in schools; the 'Bulli e bulle' project to fight against the phenomena of harassment, racket and violence; the 'Un poliziotto per amico' project, to make police work known; and the 'Icaro' project on road education.

manage to hire a certain number of prisoners, even in open-ended contracts, thereby giving them a permanent insertion on the job market, at the moment of their release. Outside the prisons, they organise shelters and run job centres.

2. The Italian debate as regards re-offending prevention

Unlike the English term 're-offending', the Italian language uses the word '*recidiva*', derived from the Latin *recidivum* (from the verb *recidere* = fall again) and indicating relapse. This same term is used in medicine to indicate the reappearance of an illness in a person who seemed cured. According to Italian criminal law, a recidivist or re-offender is a person who, having already been tried and convicted for a crime, commits another infraction, whether of the same nature or not.

The problem of re-offending arose in the late 19th century, when concerns began to be raised over the sharp increase in crime rates and the efforts carried out to remedy them. The toughening of sentences against repeat offenders, according to the theses of the defenders of the classic penitentiary school, were unjustified for, in their opinion, the sentence had to be proportional to the seriousness of the offence and the degree of responsibility of the person who had committed it. On the contrary, the positive school, in dispensation of the principle of guilt, justified harsh sentences for re-offenders, stressing their dangerousness to society: the subject who was guilty of a crime after having previously committed another entailed a greater danger to society; hence the necessity of a more severe penalty.

It was in 2005 that the **reform of the penal system, which defines the application of sentences in the event of re-offending**, was introduced in Italy. On the basis of new legislative dispositions (law of 5 December 2005 no. 251, called the 'ex-Cirielli' Law, which has been the object of considerable criticisms), the Italian legislator aimed at fighting re-offending above all by toughening sentences and limiting the judge's discretionary power. Traditionally, on the contrary, Italian criminal law had endeavoured, in a strategy expressly orientated towards prevention, to reduce re-offending cases by making a clear distinction between the sentence inflicted by the judge and the sentence actually served, whose principal aim was the convict's re-education. In this sense, alternative sentences to imprisonment have thus met with considerable success.

Another subject that has provoked numerous discussions and polemics in recent years was the setting up of a special arrangement, the *indulto* (a reduced-sentence system), decided upon in July 2007 and approved by the Italian government in response to the urgent problem of overpopulation in Italian prisons. This measure of general clemency permitted the release of 26,722 prisoners, or 44% of the Italian prison population. One of the most serious problems caused by the *indulto* was, generally speaking, the absence of a real reception strategy for released prisoners. The initiatives implemented by local administrations and associations were isolated and sporadic. They tried to remedy the urgency of the situation and were quite often limited to immediate assistance at the moment of release from prison (accompanying the freed prisoner to the station, a friend's home or a hotel; remitting a sum of money for the most destitute; information on existing services, in particular for foreigners). In other cases, specific measures were provided for by the local administrations, such as the opening of information counters, the offer of temporary housing, a direct subsidy to companies willing to hire ex-prisoners or again the organisation of professional qualification classes.⁵ However, there is yet to be a systematic study on the effectiveness of assistance measures for freed persons and results obtained. On the other hand, as concerns the effectiveness of this measure in view of relieving congestion in Italian prison structures, it must be

⁵ See: <http://www.ristretti.it/areestudio/ammistia/documenti/dossier.htm#torino2>

observed, that the *indulto* has proved to be a real failure, given that, in the month of April 2008, the number of prisoners in Italian prisons returned to the same level recorded before its implementation.

Another important aspect of crime and re-offending is linked to the recent massive **migratory flows** towards Italy, a country of emigration in the past, which has progressively become a land of immigration. On 31 December 2007, foreigners present in Italian prisons numbered 18,252 or 37% of the entire prison population, the figures being higher in Northern Italy in relation to the South.⁶ In this connection, it is however necessary to make a clear distinction between regular and irregular immigrants: the Ministry of the Interior indicates that the crime rate of regular immigrants is 5% and thus comparable to that of nationals; on the other hand, offences attributable to the immigrant population are essentially committed by immigrants without papers and concern above all the violation of immigration laws but also include property torts, especially in Northern Italy, which, owing to the concentration of wealth, attracts large illegal migratory flows, essentially from Eastern Europe, and sometimes to a pendular, temporary immigration that indulges in crime. To complete this rapid table on (essentially illegal) immigration and its links with crime, the majority of immigrants having committed real criminal acts (i.e., infractions not concerning immigration laws) are of Romanian, Albanian and Moroccan nationality; on the other hand, it is important not to confuse crime and immigration. In view of re-offending prevention, it is consequently very important to consider that one of the causes of this phenomenon amongst immigrants lies precisely in specific Italian legislation on it, which risks aggravating a situation that is already difficult and provoking phenomena of bypassing owing in particular to the orientations followed by the new centre-right government.

3. Good practices and pilot projects

Measures taken after the introduction of the sentence-reduction system (*indulto*)

Below, we give a list of initiatives to be found on a Web site specialising in this sector; created and run by the Padua prison, it is well known in Italy: www.ristretti.it. This site has gathered measures adopted by volunteer associations and local administrations after the introduction of the *indulto* measures in 2007. On the one hand, this list, whilst clearly illustrating the fact that these initiatives had to be elaborated as a matter of urgency, provides a useful picture of the type of initiatives that are generally carried out in favour of ex-prisoners to facilitate their social rehabilitation. In many cases, reception systems have been developed outside the penal institutions, or else measures consist quite simply of accompanying released prisoners to the railway station, to a friend's home or to a hotel.

- Intensification of **reception** measures implemented by volunteer associations on behalf of prisoners released after having served their sentence. Moreover since, in most cases, it was foreigners without papers, a large majority asked to return to their enlarged family or their national community, especially in the large urban centres.
- Intensification of activities of **information counters** providing several kinds of information and services such as advice, careers guidance and help in looking for a job, accompaniment and guidance within companies willing to hire former prisoners, etc. In particular, these counters can be found **inside prison**, for the preparation of dossiers necessary for access to the various social services and allocations (disablement pensions, unemployment benefits,

⁶ An in-depth analysis of certain aspects of the presence of foreigners in Italian prisons is to be found on the site <http://www.ristretti.it/areestudio/territorio/antigone/rapporti/stranieri.htm>.

inscriptions on job centre lists, attribution of a social security number, etc.) as well as **outside**, for individuals in semi-freedom and in placement, in view of helping them resolve particularly delicate problems such as the payment of fines. When concerning foreigners without papers, the counters have tried to help them gain access, even temporarily, to reception structures, making sure that people willing to house them not risk being accused of abetting irregular stays (the Caritas centres have been solicited in particular). In Florence, the existence of counters was pointed out in information pamphlets given to each prisoner upon release from Sollicciano Prison.

Assistance and guidance activities have focussed on several aspects, including in particular:

- interviews, an in-depth study to analyse needs, with a possible orientation towards other resources available on the territory;
 - the possibility of consulting or being helped in consulting the information material developed in the framework of other projects and the means made available by different services;
 - an analysis of resources;
 - an analysis of the individual's experiences acquired in a job or training context;
 - help in insertion through work, also through job centres;
 - information concerning professional qualification training programmes available;
 - a service for helping to take care of administrative formalities linked to job search.
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- Preparation of an **emergency kit**, containing luncheon vouchers and the address of regulated facilities with the Caritas association where it is possible to obtain a bed and the direct payment of **financial aid** for the **most urgent needs**, such as water and electricity connections, train tickets or medical expenses.

 - **Training courses for reinsertion in the work world** with companies located on the territory. After a phase devoted to the search of companies available, these courses provide for a period of individualised, experimental training (in the workplace) in view of preparing the individual for final hiring within the company. In relation to the companies' demands, this initiative sought to allow for a period of 'experimentation', during which it could be verified whether the former prisoner was capable of forming good relationships in the workplace, whether he had a real capacity for adaptation and a certain qualification. During this phase, accompaniment measures are provided to help both the company and the former prisoner to build a satisfying relationship and resolve possible conflicts that might arise during the course.

 - The local authorities have enlarged their **work grants** (thanks, in particular, to resources from the European Social Fund), in order to carry out **training courses** in companies on the territory. This has allowed for increasing the professional skills of the payees of these grants and given companies the opportunity to get to know the workers better, the goal being to allow the companies a waiting period of a few weeks to evaluate not only the person's professional capacities but also the seriousness of his work, his respect for rules and tasks assigned him, etc.; all these are determining factors in encouraging the employer to eventually hire the worker at the end of the course. It is evident that the interventions in favour of these persons are quite complex and delicate; for each individual, it would be necessary to have the possibility of elaborating a 'tailor-made' project taking into account his particular characteristics and allowing for his social rehabilitation through insertion by work. The work grants have been used to permit former prisoners to take vocational training courses (short training in the departmental training schools) or find training programmes within companies or tertiary sector structures. The objective was to intervene as soon as possible to 'offer a certain stability' to the individual, whilst granting him a waiting period

of a few months before tackling a real orientation action and defining, in cooperation with the various operators of the Services Centre, realistic individualised career paths allowing for social and professional rehabilitation.

The most frequent requests on the part of ex-prisoners concerned:

- a job (this request was very strong on the part of foreigners who reckoned that a job could give them the possibility of staying in Italy),
- temporary shelter,
- tickets for public transportation

The experiences of accompaniment for social rehabilitation placed the accent on several significant points that will be able to serve as a basis for future initiatives:

- ✓ Interventions, even when urgent actions, must be programmed in advance in order to accompany the release from prison and provide for indispensable services and actions; above all, it is useful to be able to inform ahead of time those persons likely to be released shortly;
- ✓ In general, owing to their often marginalised socio-family background, released prisoners have few professional qualifications and limited knowledge of work techniques or methods. In addition, their social context, reduced relational capacities and difficulties in communicating with others are often an obstacle to their professional insertion. 'Maintaining' the individual in his work post risks in particular being compromised at those moments of the day when he must manage his free time and hours all alone, as well as his relations with others, without being framed by well-defined schedules or clear-cut hierarchies. It is this factor that, at the beginning of a work relationship, does not allow for foreseeing the medium- and long-term and whether the insertion is going to be successful.
- ✓ It is essential that the individual benefit from continuous assistance on the part of the tutor put at his disposal and that he be able to form ongoing social relationships, for example in the framework of the Prison Network, the local social aid system, etc.
- ✓ Actions of insertion through work have allowed for observing that local companies, after the inevitable initial difficulties, turn out to be fairly open and willing to receive this type of population and help them to rejoin the world of work and, subsequently, society.

The projects of the Lorusso e Cutugno Prison

Over the past few years, 'Lorusso e Cutugno' Prison in Turin has developed a range of interesting actions for prisoners, in view of preventing re-offending and offering fairly valid and varied education and training possibilities. One of the most acute problems, aside from the extreme overpopulation of Italian prisons, turns out to be the rapid rhythm of prisoner turnover, given the frequency of releases and transfers from one prison to another, which prevents prisoners from fully profiting from the recuperation projects. Moreover, it must be specified that the prison numbers some 1,400 prisoners, of whom approximately 50% are immigrants, more than 36% drug addicts, and nearly 3% presenting psychological disorders; the vast majority of prisoners thus belong to socially excluded groups, which, even in prison, are less favoured in access to rehabilitation activities.

- ✓ **Teaching activities**

- ‘Accoglienza’ (*reception*) project aimed at prisoners whose prison stay would not exceed a period of some 40 days;⁷
 - adult education (three-year classes, corresponding to secondary school, literacy classes in Italian for foreigners);
 - three-year courses for carpenters and cabinetmakers;
 - hotel–restaurant classes (Arcobaleno structure);
 - university classes in law and political science.
- ✓ **Vocational training activities**
- Farming /gardening
 - Civil electrical installations
 - Maintenance and repair of audiovisual equipment
 - PC operator
 - Clothing industry
 - Installer of solar panels
 - Plumber

✓ **Professional activities**

Opportunities for working inside prison are offered in the framework of the penal institution itself (cleaning and structure maintenance activities, occupying approximately 200 prisoners); other activities are implemented by organisms, companies or cooperatives. Some thirty persons work in the following sectors:

- Industrial carpentry
- Meal preparation
- Telecom call centre
- Filing of data on optical disk
- Coffee roasting
- Serigraphy laboratories
- Mechanical workshop

The strategic objective is the setting-up of a veritable ‘treatment circuit’ including procedures—from school training by way of vocational training—allowing for obtaining placements outside the prison. Knowledge of the source of employments available would be useful starting with selection for admission into school classes, and attendance should be recognised as competence in the ranking of job seekers.

As concerns measures in favour of **foreign prisoners**, numerous activities have been carried out over the past few years in the framework of a series of projects, yet pursued without real continuity owing to the penury of resources. Certain actions have nonetheless been significant and varied: interpretation services; information and consciousness-raising of operators on legal problems linked to the application of the law on immigration; elaboration of a guide for prisoners entering the penal establishment; targeted actions concerning foreign women prisoners (in particular: information on health services and measures for combating exploitation) as well as more targeted actions regarding training (especially classes for improving knowledge of Italian, training programmes in the context of the vocational school for wood craftsmen, in the ‘Aurora’ intercultural crafts laboratory, with the university centre and other joint work opportunities).

⁷ The reception provides for forming prisoner groups to favour their social relationships and better knowledge of themselves and the milieu in which they live; it also provides for a series of physical and leisure activities to create an atmosphere propitious to improved well-being and lowering tensions existing especially in sections of the prison that benefit from fewer treatment opportunities.

Another particularly interesting project is the ALBAMAR project, aimed at foreign prisoners, to facilitate their return to their country of origin; this is a vast project involving the participation of the host country and countries of origin.⁸

An integrated approach for tackling the complex problem of foreign prisoners is also at the root of the 4P Integrated and Innovative Policies Project, which aims at developing changes in the organisation and favouring the creation of an 'inter-institutional worktable' in view of an innovative integrated security policy. It plans on synergy between a Release Preparation Unit, the forming of an 'institutional worktable', the forming of an operational technical worktable in cooperation with associations in the private social sector, in view of spotting resources destined for reception and social accompaniment, experimentation with kits to be distributed at the moment of release.

The prison has long pursued the objective of constituting a permanent table of consultation and dialogue with the most significant associations and organisms on the territory in order to define the priority needs of foreigners and available services offered by the various organisms involved in this work.

It is useful to examine in detail the contents of the projects relative to actions for accompanying **release from prison**. The situation of urgency that occurred following the implementation of sentence-reduction measures (*indulto*) stressed the necessity for rapid action to the benefit of the prison population to prepare inmates for their future release. To this end, the system for spotting persons likely to occupy work positions in- or outside the prison was revised. A range of measures was also provided to speed up the process of the prisoner's social rehabilitation. Amongst these measures, we can mention, for example, the setting-up of a registry office window inside the prison, in collaboration with the registry office of the Turin city hall, which allowed for avoiding excessively long waits before the prisoner could obtain a document attesting to his new place of residence, an indispensable condition for beginning the placement process in the work world. Moreover, an agreement was reached with the employment services so that they quickly register prisoners on their lists of job seekers, even before their release from prison. In recent years, the accent has been placed on the necessity of intervening as soon as possible before release from prison, emphasising that it is a particularly delicate process and absolutely decisive phase in the social rehabilitation of ex-prisoners. For that purpose, we strive to constitute an integrated system of actions aimed at avoiding redundancy and implementing coordinated, targeted initiatives such as the realisation of the 'survival kit' project. This project aims at providing a survival kit to prisoners who are about to be released and need help in surmounting the difficulties of the first days of freedom.⁹ Another instrument has been elaborated in this same framework: a personalised information form that will allow for identifying the addressees of external insertion opportunities more quickly.

The S.P.E.M. (Service of Educational programmes for minors at risk of re-offending) project

This project, carried out by the Juvenile Justice Centre of the Piedmont, Aosta Valley and Liguria (headquartered in Turin), implements in the city of Genoa a network of immediate support for Italian and foreign minors at the moment of their first offence, in the period between the complaint, arrest, taking into protective custody or accompaniment, and the preliminary hearing. At the root of the project is the observation that minors who have committed an infraction are not taken charge of

⁸ Amongst the planned activities, we emphasise the training of social workers, advice and vocational training for migrants, the creation of Centres for psychological and legal advice and support in insertion through work in the country of origin, consciousness-raising activities in the countries of origin and the creation of a databank to make the consultation of data more efficient.

⁹ The kit includes a toothbrush, toothpaste, soap, public transportation tickets and a few other bare essentials, as well as an information guide, *Torino per te* ("Turin for you"), translated into five languages and concerning all the primary reception services available on the city territory.

by the Office of Juvenile Social Services (USSM) until several months after committing the offence, when the hearing date is getting close. Yet it often happens that, in the meantime, the minor commits other offences, which will have a negative impact at the moment of sentencing, not to mention that the long wait before the hearing and sentencing can heighten a feeling of impunity in the minor. The project's direct beneficiaries are minors having committed a first infraction and, secondly, their families; it indirectly benefits judges, social services, the city of Genoa and the citizens of the territory.

The Service's principal objectives are as follows:

→ short-term:

- Detecting any symptom of difficulties in young people before they lead to problems of a criminal and civil nature;
- Orienting families so that, as of the first offence, they take into charge the minors not having at their disposal the support network provided for by the law;
- Rapidly providing social services (USSM) with information on the minor who has committed an infraction and on his family,
- Rapidly providing the judge with socio-family information relative to the minors as of their first offence, even those under 14, to facilitate his decision-making;

→ medium-term:

- Activities for supervising, treating and supporting minors,
- Implementing the territory's different networks and resources,
- Implementing educational work with the minor and his family in laying the foundations for a possible project of conditional discharge, in order to guarantee the continuity of interventions;

→ long-term:

- Prevention of the risk of re-offending and greater security for citizens,
- Healing the social wound provoked by the offence,
- Achieving financial savings and best using invested resources.

The following organisations have signed a specific agreement: the Juvenile Justice Centre of the Piedmont, Aosta Valley and Liguria; juvenile social services of Genoa; the municipality of Genoa and the Circolo Vega association. However, this network brings together in different forms other local governments, which are not part of the first signatories of the operational agreement.¹⁰

Implementation process:

- At the moment of notification of the infraction, the minor (and his family, if present) is informed of the possibility of benefiting from guidance/support during the period immediately following the arrest. If he shows interest, those in charge contact the Service of the educational programmes for minors at risk of re-offending (SPEM) as quickly as possible.
- Pedagogical interviews are then organised to help the minor and his family acknowledge fears and needs, to value their resources and specify the request for help by identifying common objectives. One can thereby define an outline of taking charge and guidance of the minor and his family.
- Meanwhile, the SPEM Service, in collaboration with its partners and the Juvenile and Family Services Centre, gets busy finding out whether the minor is already known on the territory

¹⁰ Associazione Nazionale Pedagogisti, Centro per l'Impiego della Provincia di Genova, Centro Servizi Minori e Famiglie Circoscrizione Centro-Est, Comunità 'Sestante', Centro di accoglienza per minori senza fissa dimora, associazione Formicaio, Associazione Nazionale Protezione Animali, Greenpeace and many other associations that are in the process of becoming involved.

and, if necessary, arranges a connection between the services for gathering information and defining joint action strategies.

- Through interviews with the minor and his family, a personalised educational project is put together jointly by all the services. The SPEM gives two educators the responsibility of accompanying and following the minor and his family in order to make sure that the commitments made are respected. In addition, this is an educational respect followed through over time, thanks to contacts with the operators of the services involved, the resources implemented by the territory, and monitoring interviews with the minor and his family. It aims at making the minor aware of his responsibilities and, at the same time, giving him positive alternative experiences for developing his skills in normal everyday situations.
- In the short term, SPEM is in a position to offer the social services and the Centre of first reception information gathered on the territory and concerning the educational process set up for each minor.
- The social services or first reception centre inform the judge about the minor's behaviour and his socio-family situation; this information will be useful for completing the preliminary investigation quickly.
- As the date of the hearing approaches, the SPEM prepares a complete presentation of the case. The minor's educational project can constitute part of a possible probation process, which could be proposed by the social services during the hearing. In addition, the work accomplished could help the judge in his decision: closing the case or committal to trial, the aim being to facilitate getting the minor out of the penal circuit quickly, as provided for in the directives relative to the new procedures concerning juvenile trials.

The organisms belonging to the SPEM project collaborate in the framework of a Coordination Commission, which meets quarterly to periodically monitor and check the advances of the project, and a case commission for particular situations, created for studying individual cases and meeting monthly.