



**ANTIGONE**  
Per i diritti e le garanzie nel sistema penale

# **ONE YEAR IN PRISON**

**XIV Report on detention conditions**

**- PRESS RELEASE -**

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### **The reform approval: this opportunity must not be lost**

Law n°103 of the 23th of June 2017 delegated to the Government the task of reforming the penitentiary system of 1975 within one year. Only one decree has today the possibility to be approved.

Between the innovations made, the most significant ones are:

- Equalization of psychiatric diseases to physical diseases with the aim of providing an adequate medical and juridical treatment.
- The improvement and modernization of some aspects of the detainees' life in prison.
- The citation of European Penitentiary Rules in the new penitentiary code.
- The enlargement of alternatives measures which are by far less expensive than prisons, and more effective in reducing reoffending and guaranteeing society security.

These reforms, while they are necessary, cover only few aspects of what it is needed to be done. Nonetheless they represent a step forward for the penitentiary system.

### **Over 2000 visits to prison in 20 years of observation. Our look inside prisons from the never-ending renovation works in Arezzo to all cells that are still without a shower.**

It has been 20 years. Since 1998 Antigone has been authorized by the Minister of Justice to visit the 190 Italian penitentiary institutions. Antigone has over 70 observers authorized to enter the prisons with powers similar to the ones of parliamentarians. This is an important proof of transparency from the penitentiary administration that we thank for this opportunity.

In the past months, we visited 86 prisons, respectively 36 in the north, from Valle d'Aosta to Romagna, 20 in the center and 30 between the south and the islands.

The biggest prison we visited is the one of Poggioreale, almost a small city located in the city center of Napoli that hosts over 2,200 detainees (there were a little more than 2000 a year ago) and in which a more than 1,000 of them work. The smallest prison we visited is probably Arezzo (located in Tuscany), a pre-trial detainees prison that can officially host 101 detainees, but due to interminable restructuring work, at present it can host only 30 prisoners.

At the end of our visits we publish a detailed description of what was observed in each institute on the website of our Observatory.

Since this year it is also possible to find in the same website, the progress of our visits in real time and a partial visualization of the data that we recorded in each visit. For example, it is possible to see that in 10 prisons we visited, there were cells in which each detainee didn't have 3 square meters, the minimum set by the European Court of Human Rights; or that in 50 prisons there were cells without shower, or, finally, that in 4 penitentiary institutes there were cells where the WC was not separated from the rest of the cell.

In the institutes we visited, there were approximately in average one educator for 76 detainees and one officer for 1.7 prisoners, but in a lot of prisons those numbers are considerably higher, like in the case of the one of Bergamo in which we can find one educator for 136 detainees and one agent for 2.8 prisoners.

In 43% of the prisons, at the time of the visit there weren't any vocational training courses and in 32.6% there weren't dedicated spaces for working activities.

### **Prison overcrowding: In 27 month the number of detainees has increased of 6.059 units attaining a rate of one detainee per a thousand inhabitants**

At the end of 2012, before the Torreggiani judgement (08/01/2013), there were 65,701 detainees in Italian prisons, 2,000 less than two years before. Afterwards, the number continued to drop till attaining 52,164 at the end of 2015. Nevertheless the number started to increase again. On December 31st 2017 there were 57,608 detainees per 50,499 official places. In March 2018 they were 58,223, an increase of 600 people in only 3 months. Between December 2015 and today the number of detainees increased of 6,059 units and the official overcrowding rate is of 115.2%. It's important to note that the detention rate (number of detainees per number of residents in Italy) is around one detainee per a thousand inhabitant (0.96 precisely).

### **Too often the ones that get out go back in prison**

Around 39% of the persons that came out of prison in 2007, have returned back in, at least one time in the last 10 years. More prison doesn't mean more security for the society.

Only 22,253 of the 57,608 prisoners, the 37%, were at their first incarceration, 7,042 prisoners had a number ranging from 5 to 9 previous incarcerations.

There is a gap between Italian and foreigners involving previous offenses: 29% of Italians and 57% of foreigners don't have previous offenses, while 49.6% of Italians and 38.8% of foreigners have up to 4 previous offenses. The gap between Italians and foreigners increases when the number of previous offenses grows: 16.6% of the first and 3.8% of the latter had from 5 to 9 previous offenses, while 4.8% of Italians and 0.8% of foreigners have more than 10 previous offenses.

### **The 10 most overcrowded prisons in Italy**

On March 31, 2018, the Larino prison in Molise presented **the highest rate of overcrowding**: with a capacity of 107 beds, it housed 217 inmates (all are men of which one in four are foreigners), with a overcrowding rate of 202.8%. Although it's not a transitory but persistent situation, the living conditions within the institute are, however, generally acceptable. Dynamic surveillance is vigorously applied, about half of the inmates are engaged in school activities, entertainment and cultural activities are also organized. However, the Region has stopped providing professional training since many years and there is a serious lack of psychiatric assistance.

The following three most crowded prisons are all in **Lombardy**. The prison of Como, with an overcrowding rate of 200% (462 prisoners for 231 places, with 56 women and 242 foreigners) is the most crowded prison in the region. We found inmates who did not have 3 square meters each of space. The sanitary conditions are critical. Many showers are not functioning well and some are out of order due to clogged drains. Hot water in the cell is not guaranteed. The third most overcrowded prison is the one of Brescia Canton Mombello, with an overcrowding rate of 192.1% (363 prisoners for a capacity of 189, with no female presence and more than half detainees of foreign origin). The smallest institute of Lodi hosts 86 prisoners for only 45 places (50 prisoners are foreigners) and an overcrowding rate of 191.1%.

**The fifth prison** with the most overcrowding rate is the one of Taranto, where in 306 places live 583 prisoners (including 25 women and 41 foreigners), for an overcrowding rate of 190.5%. In the high security (AS) section there is mold and stains of damp on the walls. External spaces are very small, so the direction has to put in place a system of shifts in order to guarantee to all sections their time in open air. The rest of the institute is in fair condition, the environment inside the prison appears relaxed and all prisoners are guaranteed 8 hours a day outside the cell.

Lombardy reappears in the ranking in the **sixth, seventh and eighth positions: Brescia Verziano** (overcrowding rate 187.5%: 135 inmates for 72 places, including 51 women and 50 foreigners), **Busto Arsizio** (overcrowding rate 186.7%: 448 inmates for 240 places, of which 263

foreigners) and **Bergamo** (overcrowding rate: 179.8%: 577 inmates in 321 places, including 38 women and 318 foreigners). A lot of cells in Busto are out of order. The minimum of 3 square meters per detainee are at the limit of being guaranteed. From a structural point of view, large areas are in critical conditions with serious water infiltrations even in areas reached by electrical systems, the showers are in precarious conditions, kitchen rooms are inadequate. We found cells without hot water, with flaked walls, and with sanitary structures in poor condition and damaged. All sections live in absolute idleness. Furthermore, prisoners detained for sexual offenses are kept in isolation instead of being assigned to dedicated sections. The only outdoor activity can be played at the soccer field that has to be used in shifts. Bergamo has been chronically overcrowded for years. In two sections the open regime is not practiced and in those in which it is practiced there are no common areas so inmates are forced to stay in the corridor or in the cell.

**The ninth and tenth place** in the ranking of the most crowded prisons in Italy are occupied by the institute of Chieti (overcrowding rate: 175.9% with 139 inmates for 79 beds, including 31 women and 32 foreigners) and finally the one of Pordenone with an overcrowding rate of 173.7% where we find 66 prisoners for 38 places (about half of them are foreigners).

### **The number of crimes decreases but the number of people detained increases.**

The rate of murders decreases vertiginously. One person out of 175 000 is murdered while in the United States is one of 20 000, there are less killings in Italy than in the United Kingdom, Germany and almost all European countries and yet the number of lifers increased.

The number of crimes reported by the police to the judiciary authority in 2016 is the lowest of the last 10 years. The number of people entering prison in 2006 was 90,714 when the number of crimes committed were practically 2.8 million. Since then, except for a peak in 2008, the number of people entering prisons has decreased while the number of crimes reported to the judicial authorities remained still. The numbers kept falling up to the end of 2015, when the entries in prison were of 45823 for 2.7 millions of crimes. In 2016, entries were around 1,500 more than the previous year, while the crimes denounced were 200,000 less. In other words, there is no correlation between the entries in prison and the number of crimes registered. In 2006, the people present in prison were 39,000. There has been a constant increase of the number of detainees that almost reached 68000 in 2010. Nevertheless in the same period of time (except for an increase of 2016), the number of crimes has remained quite stable, even decreasing between 2009 and 2010.

The only truly certifiable crime is murder because there can be no omission of recording or obscure figure (like some crimes that can be registered under multiple qualifications). The murders rates fell of 11.8% between the 2016 and 2017, going from 389 to 343. Of the last number, 46 murders are related to criminality, and 128 were took place in the family-affective environment. There is less than one murder per day in Italy. One every 175,000 people is murdered in Italy. Meanwhile, in the United States one every 20,000 people is killed, while in the United Kingdom one every 110,000 and in the safe Germany is one every 120,000 habitants. In 2017 when murders were 343 there were 1,735 lifers while in 2008 when the number of murders was of 611, there were only 1,408 life sentences.

### **Foreigners in prison: the great populist bluff**

**The number of foreign residents increased while the presence of foreigners in prison has decreased: there are 2,000 less foreigners incarcerated than 10 years ago.**

There is no foreigners' emergency and there is no correlation between migration flows to Italy and the presence of foreigners in prison. Since 2003, the tripling of foreign residents in Italy has been followed by a reduction of the detention rate of foreigners by three times. In 2003 every one hundred foreigners resident in Italy (they were almost one million and a half), 1.16% ended up in prison while today (they are around 5 million) the percentage is 0.39%. An extraordinary data in terms of collective security that shows how the alarming messages artificially fuelled during the recent electoral campaign, are unjustified.

### **Romanian citizens increase but the number of romanian detainees decreased of one third compared to 5 years ago**

The social inclusion measure (patto di inclusione) implemented in Italy pays off. It assures security. What happened in the case of the Romanian community is paradigmatic. Within the last 5 years, Romanian detainees have decreased by 1,100 units. Romanian citizens in Italy are almost 100 thousand more than in 2013, being almost one million and 200 thousand persons.

### **Some foreign communities commit fewer crimes than Italians**

Italian citizens resident in Italy are 55,551,000 and 38,412 of them are detained in Italian prisons. The detention rate for Italians is of 0.06%. A rate greater than that of some foreign communities, as the Philippine one, which is 0.05%.

### **The number of foreign detainees escaping from wars is very low**

The number of people coming from war zones or totalitarian regimes, namely potential asylum seekers, is very low in absolute terms and does not raise any concerns. The overall number of Syrian and Afghan detainees is 144.

### **The foreign communities that crowd up Italian prisons are the Moroccan and the Tunisian one**

The detention rate of people coming from Maghreb is higher than the average. These percentages would be lower if we included people who are irregularly on the Italian territory. Tunisian detainees are 2,153, while Moroccan detainees are 3,676.

### **Those who cannot be expelled because they would be at risk of torture in their countries**

There are 806 detainees coming from Libya, Sudan and Egypt. According to the new Italian law against torture (July 2017), as International Organizations recognized that systematic torture is taking place in these Countries, their citizens cannot be expelled at the end of their sentence.

### **Regions with the greatest and lowest number of foreigners**

The percentages of foreigners are not uniform on the Italian territory and within Italian prisons. In the Italian southern regions, the percentage of foreigners is very low and resembles the data of the 1980's. In some northern regions, the percentage is higher than 50%: for example in Trentino the percentage is of 69.5%, while in Campania the foreigners presence represents 13.4%.

### **De-facto discrimination in pre-trial detention and in the access to benefits**

37.7% of pre-trial detainees are foreigners. Foreigners with a final sentence are the 31.4% of the total of the condemned. Therefore, as we get closer to the conviction, the percentage of foreigners decreases. The 53.4% of detained mothers are foreigners. The 31.16% of those sentenced to house arrest are foreigners.

### **Few cultural mediators**

Cultural mediators in Italian prisons are 223, namely 1.13 every one hundred foreigners detainees. In the case of detainees from Maghreb, the ratio percentage is of 0.88. In many cases, they are not full-time workers, they are underpaid and they are not ministerial employees.

### **If only cannabis was legal...**

On the total number of people detained for the violation of the law on drugs, 38.9% are foreigners. It is clear that a concrete measure decriminalising or legalizing cannabis would reduce the presence of foreigners in prison.

### **The detainees allegedly innocent: 34,4% of the total of detainees**

Italy is the fifth country in the European Union with the highest rate of detainees in pre-trial detention. In 2017 the rate of detained people still waiting for a final sentence (innocent people until proven guilty) was of 34,4% while the European average is of 22%.

In 2008 the incarceration rate in the absence of a definitive sentence concerned 51.3% of the prisoners.

The reforms of the lastest years allowed the numbers to decrease but not enough to attain the European average.

The use of detention as a pre-trial measure is selective and unfair since it concerns especially vulnerable detainees like foreigners which represent the 37% of the total of people incarcerated waiting for their first judgement.

### **Typology of crimes of the people who get in prisons: 19.793 are detained for drug law violations**

On 31th December 2017, the typology of crimes remained almost unchanged in comparison to the previous year. The crimes against property are 32,336 (there were 30,900 in 2016) of which 9,222 can be attributed to foreign citizens. Crimes against the person represent a number of 23,000, while 19,793 are due to drug laws violations. The others most represented categories are: violation of the law on weapons (9,951 people held), mafia-type associations (7,106 detainees), crimes against the public administration (8,027 persons) and against the administration of justice (6,795 people). Of course, each detainee can be attributed more than one offense.

### **Remaining sentences and given sentences: 20.961 detainees with a remaining sentence of less than three years and potentially admissible to alternative measures. Yet they are detained**

On December 31, 2017, of the 37,451 prisoners with final conviction (2,051 more than the previous year), 1,735 had a life sentence. 454 had still to serve a remaining sentence of over 20 years, 2,330 had a remaining sentence of between 10 and 20 years, 5,378 had between 5 and 10 years, 6,593 between 3 and 5 years; 5,587 had a remaining sentence of between 2 and 3 years, 7,176 between 1 and 2 years, and finally 8,198 prisoners served a remaining sentence of less than one year.

Also, at the end of 2017, with regard to the length of the overall sentence of the 37,451 prisoners with final conviction, 1,838 were serving a sentence of less than one year, 3,193 between 1 and 2 years, 4,002 between 2 and 3 years, 8,296 between 3 and 5 years, 9,604 between 5 and 10 years, 6,528 people were serving to a sentence between 10 and 20 years and finally 2,255 were serving between 20 and 30 years.

In some regions, few people manage to get out of prison.

### **Alternative measures and permits**

**Prison sentences are not the same everywhere. For example surveillance judges in Lazio grant seven times less temporary permits than in Lombardy.**

Prisons are not all the same. There are differences in treatment that mostly depends on surveillance judges.

An example is the one of temporary permits. In 2017, 34,105 temporary permits have been released, more than one third was granted in Lombardy (12,078). This data is outstanding if we also think that Lazio has released 1,411 temporary permits, a bit more than Abruzzo (around 1,000), which has one third of its detainees. In Lazio every 100 detainees, only 20 can benefit from the use of temporary permits. While in Lombardy, every 100 detainees, 140 temporary permits are granted.

The demarcation between Lazio and Lombardy can also be seen through house detention procedures (law 199/2010): of the 23,252 detainees who were in house detention, 3,801 were given in Lombardy while only 2,043 in Lazio.

To be more precise, there are 15,523 persons involved in social service programs. Only 878 people are in semi-liberty. 10,969 people were given in house detention. In mid 2017 there were 801 detainee that went out of prison thanks to article 21 of the penitentiary law to work.

### **The rise of the number of adults in probation**

There are 12,278 people that benefit from probation. In a short period of time, the number have exploded. There should be now a investment in social and human resource to assure that the individualized projects have a successful outcome.

### **The number of women detained remains stable but the number of children under 3 years old are around 70**

The statistics at march 31th, 2018, revealed there were 2,437 women in prisons which represents 4.1% of the total prison population. This percentage has remained more or less the same in the last 15 years. It represents a small number, when compared with those of male detention, and that often results as a consequence in a disattention to their penitentiary treatment: in fact, there are few female inmates that work or follow an education program or training.

In March, the number of children living with their mothers within the penitentiary institutions were 70 for 58 female mothers compared the 50 registered the previous year.

The only institute entirely dedicated to mothers (ICAM) is the one of Lauro, which was at first intended for the treatment of drug-addicted prisoners, and was converted in October 2016 into an ICAM. It has a capacity of 35 places and at the end of March it hosted 8 women (2 of whom were foreigners) and 10 children.

The DAP (Department of the Penitentiary Administration) considers ICAM also some sections of Turin (11 inmates including 6 foreigners, 13 children), Milan San Vittore (7 inmates including 5

foreigners, 8 children), Venezia Giudecca (6 inmates of which 3 foreigners, 10 children) and Cagliari (0 inmates).

Among the 70 children, 20 have foreign parents. On 31 March, only 41 children out of the 70 were placed in Icam; the other 29 children are placed in ordinary sections. Concerning the ones placed in these common sections: 16 are children of foreign prisoners.

Meanwhile, it's interesting to notice situations like the ones of Castrovillari, Bologna or Foggia, where there is only one mother held with one or more children.

### **Article 41-bis and high security: numbers**

There are 724 detainees held under article 41-bis, which represent the 1.2% of the total number of detainees; moreover, there are 8,862 people subject to high security which represent 15% of the total prison population.

### **Transsexual detainees**

Alongside the regimes that are formally regulated, other informal regimes exist, an example of this is the one for transsexual detainees. The penitentiary administration is making efforts in defining sections specifically dedicated to this typology of detainee: for example in the male prisons of Rimini, Belluno, Roma, and Napoli, special sections have been created but also in the female section of Sollicciano since 2005 a section D exists for transgenders, in a separate area.

### **Suicide: 52 suicide in 2017 and 11 in the first three month of 2018**

In 2017, according to the data of Ristretti Orizzonti, 123 people died in Italian prisons: 52 of that number were suicides (48 according to the penitentiary administration), 7 more than in 2016.

The suicidal rate (death per 10,000 people) has gone from 8,3 in 2008 (year when the reform of penitentiary health entered into force) to 9,1 in 2017: this means that the number of deaths has gone from 46 in 2008 to 52 in 2017. It's important to notice that the number of suicidal attempt was of 1,135 in 2017.

### **Critical events inside prisons: self harm numbers**

There were 9,510 acts of self harm registered in 2017. For example in the Bollate prison, a penitentiary institute characterized by an open cells regime, the number of critical events is low. The DAP has retained 87 cases of self harm for 1,216 detainees. The numbers are different in every prison. For example, in San Vittore the registered data shows 217 self harm act for 1,035, in Como 97 for 454 detainees, in Ivrea 109 for 224 detainees, in Saluzzo 45 self harm incidents for 361 prisoners, in Parma 101 for 584, in Reggio Emilia 267 cases for 362 detainees, in Regina Coeli 112 for 943 prisoners, in Velletri 88 self harm registered for 540 detainees, and in Cagliari 117 self harm cases for 587 prisoners.

### **Health in prison**

In 69% of the visited prisons, the health information of the patients-inmates is still registered, transcribed and noted on "paper". Only 30% of prisons have adequate spaces to accommodate people with motor disabilities.

This year is the tenth anniversary of the sanitary penitentiary reform (DPCM April 1st 2008). This reform transferred the competence and responsibility of prisoner's health to the Ministry of Health from the Penitentiary Administration. To be more precise, it is now the responsibility of the local health administration of each region. Unfortunately, the evaluation of the reform after ten years is more negative than positive.

Among the most relevant problems there is the lack of tools to guarantee a therapeutic continuity. Even though the health services work, prisons continue to be "a world left aside" compared to other external health services. The so proclaimed assistance continuity seems an illusion. Of the 86 prisons visited by Antigone, 59 don't have any computerized medical record system; and the 20 institutions that do provide it are mostly concentrated in Emilia Romagna and Tuscany. This means that in the 69% of cases, the patient-detainee sanitary information is registered, transcribed and written on paper. There is an absolute inadequacy of Italian prisons to host persons with disabilities. Only 30% of prisons visited have space adequate to host persons with disabilities, for the rest of the prison population, the disability represents another obstacle to a dignified life behind bars.

### **Numbers related to REMS: residences for the execution of security measures**

The number of people in REMS (599 people, 9% women) are in line with the previous year. Provisional security measures have increased. The entry flow is greater than the exit flow (26% come from prison), 54% of those who leave are sent to communities in supervised liberty.

On March 15, 2018, the numbers remain perfectly in line with the previous year. The 30 REMS in Italy host 599 people including 54 women (9%, almost twice the percentage of women detained in prison). The number of people corresponds to the available places and this underlines the admirable "resistance" by the health services in not exceeding the maximum number of available places, avoiding the overcrowding. Yet the "waiting lists" to enter REMS exist and are quite crowded. The overall picture is not definite (in 2017 there were 289 people), but, in March 2018 Lombardy has a waiting list of 8 people, Piedmont of 13 (of which 4 "await" in prison) and in Campania 44 (of which 18 are in prison).

Compared with the previous year, patients with a provisional safety measure rose to 274, increasing by 22% and reaching 45.7% of the total. The provisional security measure (art. 206 c.p) corresponds to a pre-trial detention while waiting for the final sentence and should therefore constitute an exception. In prison the non-definitive prisoners are 34% of the total, ten percent less than those in REMS.

The balance between entry and exit is unbalanced towards the former. In 2017, the people who entered in REMS were 46 more than the ones who left them.

Among the entries it is interesting to note that 97 (26%) of came from prison, confirming a relation between the prison issue and the REMS issue.

It is evident that, with the closure of the OPG (judicial psychiatric hospitals), the "outlet valve" has disappeared, on which the prison "downloaded" the most problematic cases.

In terms of exits, it's possible to notice than more than half (180, equal to 54%) are actually transformations from the detention security measure (which is carried out in REMS) to a non-

custodial security measure (in the forms of supervised liberty) . This means that a big part of those who leave REMS continue to be subject to an institutional control (and criminal), but in other structures (communities, apartment groups, clinics, nursing homes).

**Education and Work: Only the 23% of detainees goes to school and only the 1,7% works for the private sector**

Only 1 in 5 prisoners goes to school in prison. The rate of employment in prison is 30% (in comparison the rate of employment among free individuals in Italy is of 58%). As for prisoners working in the private sector inside the prison, the rate is very low: only 1,7% work for an employer that differs from the penitentiary administration.

The situation of school activities in prison (from literacy teaching to university) is critical. Only 23% of the detainees enroll in a course. As an overview, the 5 regions that have the highest rate of enrollment are Lombardy (36.7% of the prisoners registered on the total of those present), Calabria (35%), Lazio (25.7%), Umbria (24.1%) and Piedmont (23.1%). Meanwhile the 5 regions with the lowest rate are Abruzzo (13.0%), Sicily (11.9%), Valle d'Aosta (9.4%), Campania (5.5%) and last Molise with a rate of 4.3%.

When considering the type of work or the employer, the situation gets even more critical.

The employment rate among free individuals of working age (15-64 years), calculated by ISTAT (the National Statistics Institute) in 2017, was 58.2% as said before. The gap with the prison is therefore enormously wide. In fact, the employment rate in prison drops to 30%, only half compared to individuals of the same age not imprisoned.

In 2017, 18,408 detainees worked (not necessarily for the whole year nor continuously), which represents 31,95% of the total of inmates. The working rates by geographical areas are quite homogeneous percentages: 32.5% in the North, 33.1% in the Center and 31% South and Islands.

Among the workers, Antigone estimates that only 15.6% of the working detainees work for employers other than the penitentiary administration.

Some of these are in semi-liberty (766) and others in work outside (765) and therefore they can come out during the working hours to go to work. Among those who work for external employers, there are 949 detainees that remain inside the prison in work hours, of which 246 are employed by companies (195 in the North) and 703 in cooperatives (of which 195 in the North). These numbers represent the 1.7% of the total prison population, an overwhelming minority.

The other 17,000 people surveyed by the prison administration as "workers" are employed by the administration itself and for the most part - with a rate of 82% -are involved in the services of the penitentiary institution (section cleaning service, food distribution, some secretary tasks, or writing complaints and documents for other inmates). Unfortunately, these penitentiary jobs might not be recognized or valuable in work world outside of prison especially once inmates go out. In other words, these so called jobs represent more a time spending activity for inmates with low remuneration than a real job.

## Few imams, a lot of detainees with undeclared faith belonging, few cult places for the non catholic

Freedom of religion is a constitutionally guaranteed right. Its exercise implies that there are places in which the detainees can celebrate their faith but also that there are religious ministers by which they can be guided. Catholic detainees represent 32,219, for them, religious freedom is completely guaranteed: in 189 Italian prisons there is at least one chapel, and they have in total 314 ministers. Meanwhile Muslims represent a number of 7,194 detainees and they have only 17 ministers of faith. Among 42% of prisoners coming from countries which are mostly Muslims, do not declare their faith, probably due to the fear to be discriminated. The prisoners that belong to the Orthodox faith are 2,481 and they have 34 ministers of cult.

The non-Catholics lack a space to celebrate their faith: 77% of the prisons visited in 2017 did not have spaces for non-Catholic celebration of faith.

## Radicalisation and projects to stop radicalization: 506 detainees under observation

In 2017, the detainees under observation for radicalization rose sharply compared to the previous year: 506 against 365 in 2016 (72% more). These inmates are monitored by the DAP with three levels of alert: high, medium and low. There are 242 inmates subject to high security (32% more than in 2016), 150 subject to medium security (100% more than in 2016) and 114 subject to a low level of security (in 2016 there were 126). Among those who fall in high security, 180 are in prison for common crimes - not related to radicalization - and 62 are in prison because they are suspected (many) or condemned (few) for crimes related to Islamic terrorism. The 62 inmates in question are in high security (AS2) and are mainly found in the prisons of Sassari (26), Rossano (19) and Nuoro (11), where a women's section was also created (with 4 inmates). Among the prisoners in AS2, very few have a final conviction: 4 which represents 6% of the total. The Penitentiary Administration has launched several training projects (mainly European) aimed at fighting radicalization. In 2017, 758 staff members were involved in those projects.

## How much is spent?

In 2018 the estimated budget for the Penitentiary Administrative Department is 2,881,004,859€ with a day cost per detainee of 137.02 €. This represents a slight drop compared to 2017, year in which the estimated budget were of 2,853,346,330 and the day cost per detainee was of 137.34€. These numbers can be explained by the increase of the number of detainees.

*So where is this budget allocated?* It's important to know that 80% of the budget is destined to cover expenses of the civil personnel and penitentiary police.

*Where are we on the Prison Plan?*

According to the report of the Penitentiary Administration, in 2017, some detention sections and buildings have **been completed** (200 places in Caltagirone, 97 places in Nuoro, whereas some are **near to being finished** (200 places in Parma and another of the same size in Lecce). Others

sections that are **being constructed, with some delay** are the ones of Trani and Sulmona (200 posts) and of Milano Opera with 400 posts.

Otherwise, **tendering offers** are currently going on concerning the **construction** - Nuola (1200 posts)- or the **extension** of some prison sections (Brescia Verziano 400 posts).

In the **phase of project approval** we can find the prison of San Vito al Tagliamento (300 posts) while the project concerning the new prison of Bolzano and the creation of 220 places seems to have come to a stall.

**Concerning prisons' restructuration**, tendering offers are going on about the prisons of Milano San Vittore and Napoli whereas the one of Livorno has been suspended.

### **Personnel**

In Italian prisons there are many officers, few social operators and even less cultural mediators. There is a lack of directors and deputy directors. While the number of volunteers increased. Between 2016 and 2017, there have been cuts in the number of assigned prison officers and social operators. Cuts were particularly heavy on social operators the assigned number have drop of 27.3%, going from 1377 to 999. The assigned uniformed personnel expected has drop of 9.8%, going from 41,253 to 37,181. The ratio between detainees and prison officers is 1.8 to 1. Within the Italian regions, the ratio varies between 1.6 and 2.3 and that highlights its uneven distribution. The average, among the States of the European Council, is 3.5 to 1. From these numbers we can imply that there is no lack of prison officers, and actually there seems to be a surplus in our prisons. A great deficiency concerns the social operators who, as revealed by our observers, have to take care of the individual paths of almost 90-100 detainees. The situation gets worse for cultural mediators, who are only one every 300 detainees. 38 directors are lacking and the deputy directors are disappearing. 53 out of 70 prisons that our observers have visited were lacking the deputy director; which means more than 70%. Volunteers have increased of 1.000 units from 2016: 16.842 compared to 15.959 of the last year.

### **Antigone's judicial proceedings**

- **ASTI (Cirino-Renne case)**

On 27<sup>th</sup> October 2011, Antigone acted as a plaintiff in the criminal proceedings that saw five police officers accused of using violence against two detainees, Renne and Cirino. These abuses were committed in the prison of Asti, in December 2004. The proceeding was concluded on January 30<sup>th</sup> 2012 because it exceeded the time limitation. On October 26<sup>th</sup> 2017, the European Court of Human Rights has condemned Italy for the violation of art. 3 of the European Convention on Human Rights that prohibits torture, and inhuman or degrading treatment or punishment.

- **LUCERA (Rotundo case)**

On 13<sup>th</sup> January 2011 Giuseppe Rotundo sends a letter from the jail to his lawyer where he reports having been victim of a beating inflicted by three prison officers. Antigone followed the case supported by its team of lawyers. The trial is currently underway at the Foggia Court and it is the result of the unification of two lawsuits; in fact the three officers have also denounced the assault by the convict. During the debate, several witnesses have been questioned. The prison psychologist reported the interview she had with Rotundo the day that followed the event: "it was the first time I had seen a person so brutally roughed up"

and she reminded Rotundo's words: "he had been brought in a cell, presumably in solitary confinement, and asked to get undressed and then the beating had begun (...)" (Hearing of 29<sup>th</sup> November 2016). The next hearing is scheduled on 25<sup>th</sup> October 2018 and the time limitation is getting closer.

- **SIRACUSA (Liotta case)**

It was the 9<sup>th</sup> of March 2013 when Antigone received an email from Mr. Liotta's sister, who was reporting the death of her convicted brother: "(...) I am asking your intervention in defence of the case of Alfredo Liotta who has died without any medical aid. Last time I saw him it was April 2012 and he was already very run-down, he weighed no more than 55 kg. Then from April until July the psychophysical decay has brought him to death." On 6<sup>th</sup> June 2013 Antigone filed a petition to the Public Prosecutor's office of Siracusa in order to ask to identify the individuals responsible for Alfredo's death, that took place on 26<sup>th</sup> July 2016 in a cell of Cavadonna's prison in Siracusa. On 29<sup>th</sup> November 2013 the Public Prosecutor's office of Siracusa informed that nine physicians that had examined Liotta had been put under investigation along with the expert of the Court of Assizes of Appeal and the then prison director. The collective technical opinion registered on 23<sup>rd</sup> June 2014 judges heavily the behaviour of the medical staff in the period 21-25 of July 2012: Alfredo dies in the bed of his prison cell due to a cardiac circulatory collapse: "related to a rectorrhagia caused by a haemorrhoidal lesion". Three years after Alfredo's death – 25<sup>th</sup> April 2015 – Antigone has filed a motion in order to urge the Public Prosecutor's office to close the investigation. On 14<sup>th</sup> December 2016 the Prosecutor asked for a judgment for manslaughter of nine out of ten indicted. The director had been deleted from the accused. The Prosecutor indicated Antigone among the offended parties. During the preliminary hearing held on 6<sup>th</sup> April 2017 the Judge approved the request of Antigone to take part as plaintiff. The next hearing for the definition of the preliminary phase of the trial is scheduled on 17<sup>th</sup> May 2018.

- **IVREA**

In March 2016, Antigone denounced an incident of violence that occurred against an African prisoner. The incident was reported by another detainee: "On Saturday, November 7<sup>th</sup>, I witnessed the mistreatment of a young prisoner, probably from North Africa whose name I do not know. At about 8.15 am I heard screams of pain and requests for help and I came out of my cell in the corridor that allows you to see the roundabout on the ground floor. Indeed, I am detained in the section where there are the cells of people in semi-liberty and in art.21. Then, I saw three police officers that I could recognize even if I do not know their names, beating with slaps and punches the young man who kept shouting asking for help and trying to protect himself without reacting. On the scene there were other agents and a health worker who remained passive to observe. The young man was dragged to the infirmary while he kept shouting. Currently, four criminal proceedings are pending before the Public Prosecutor's Office of Ivrea, two against known and two against unknown people. Antigone will deposit a formal request to encourage the closure of the investigations.

- **PORDENONE (Borriello case)**

On 8<sup>th</sup> April 2016, Antigone lodged a complaint before the Public Prosecutor of Pordenone to denounce various inconsistencies on the death of the young Stefano Borriello (who was merely 29 years old), which occurred, on 7<sup>th</sup> August 2015, in the prison of Pordenone. According to the report of the death written by the Director, at 8:15 pm a police officer saw Borriello in his cell (number 2), lose consciousness and fall to the ground; he was carried to the emergency room of the Pordenone Hospital where his death was recorded. The preliminary investigations developed into two phases with similar outcomes, namely the request of dismissal by the Public Prosecutor. The mother of the young man opposed to the dismissal of the case, so the judge of the preliminary investigation considered necessary an integration to the preliminary

investigations. It was the 28<sup>th</sup> of September 2016. In the second phase of the investigation, the Public Prosecutor, after having arranged a medical consultation, on 17<sup>th</sup> July 2017, advanced a second request for the dismissal of the case. Antigone presented a notice of opposition to the dismissal that was discussed during the hearing of 18<sup>th</sup> of December 2017: according to the specialist in infectious disease appointed by our association, a visit to the patient (even the day before his death) would have allowed the beginning of a therapy that would have increased his possibility to survive. In the outcome of the hearing, the judge provided for a measure of coercive imputation that brought the Public Prosecutor to formalize the charge of manslaughter for the doctor of the prison. The preliminary hearing, in which Antigone asked to take part as a plaintiff, will take place on 8<sup>th</sup> May 2018, in the Court of Pordenone.

- **REGINA COELI (Guerrieri case)**

Valerio Guerrieri committed suicide on 24<sup>th</sup> February 2017 in the bathroom of his cell in Regina Coeli: he had just turned 22 and he had severe psychic disorders. According to the last specialist who visited him, Valerio was suffering from "personality disorder" with a "sort of chronic discontrol and manipulative attitudes" and the suicidal risk of the young man was "rather significant" and "not negligible". Valerio had spoken in that hearing saying that he was sick but not dangerous for other people because he didn't harm anyone. He also said that at Regina Coeli there was not even an officer every floor and that the psychiatrist who was supposed to visit him had never done so. At the end of that hearing, ten days before Valerio's death, the judge declared Valerio partially non compos mentis and he condemned him to four months of prison withdrawing the pre-trial detention in prison and providing for the security measure in Residence for the Execution of Security Measures. The security measure was not disposed provisionally and so it had to be carried out only after serving the sentence. Immediately after his death, the Public Prosecutor's Office opened proceedings against unknown for manslaughter. Antigone did not take part in this proceeding but it lodged a complaint to shed a light on the legal ground of Valerio's detention. In fact, when someone is deprived of legal capacity, he/she should be held in REMS instead of in prison; however, due to the lack of available places in REMS several people are now detained in penitential institutions. The investigations on this proceeding have been concluded on 20<sup>th</sup> February with a request of dismissal. Antigone, with Valerio's mum, have lodged an objection to the request of dismissal.

- **VELLETRI (Prato case)**

On 25<sup>th</sup> January 2018, Antigone has lodged a complaint to shed a light on the death of Marco Prato, who committed suicide on 20<sup>th</sup> June 2017 in the bathroom of a cell in the prison of Velletri. On 13<sup>th</sup> February 2017, Mr. Prato was moved from Regina Coeli to the Velletri prison against his will and with unreasonable motivations. In Rome, he was under strict surveillance and he was subjected to an important therapy. In the next months, he made sporadic interviews with the psychiatrist and despite the obvious signs of detachment and isolation - he left the cell only few times and he had interrupted the correspondence with his friends- no particular actions were taken to help him. Antigone has lodged two complaints to the Public Prosecutor's Office of Rome and Velletri: to the first one for the violation of law on privacy (some clinical data were disclosed by a television broadcasting) and the second one for Marco's suicide.

From October 2017, reports of violence have come from the following prisons: Regina Coeli (one detainee), Viterbo (three detainees), Foggia, Ascoli Piceno and La Spezia. The national Guarantor of people deprived of liberty or the local Guarantor have been promptly informed.

- **Solliciano**

The NGOs l'Altro diritto and Antigone acted as a plaintiff before court in the proceeding against four officers guilty of ill-treatment of some inmates in the Solliciano prison in Florence. The facts go back to the period between September and December 2005. Three incidents were reported involving the agents

accused of having applied "severe measures not allowed by law", in violation of article 608 of the Criminal Code, launching slaps against prisoners or hitting them with objects blunt. The most serious incident occurred on October 26, 2005, when, according to the prosecution, one of them repeatedly hit an inmate with the handle of a broom "until he broke it in several parts". The first instance sentence arrived on the June 21st 2013 and convicted the three officers, with sentences ranging from eight months to a year and six months of imprisonment plus compensation for damages in favor of the civil parties. On April 17, 2018, five years after the first decision, the second instance judgement is delivered. This one absolves partially the three officers but the sentence remains for multiple injuries and compensation for the victims. On the other hand, the charges for the violation of Article 608 fall, according to an interpretation of the law, requires, in order for the fact to exist, the further limitation of personal freedom already compressed. The three officers benefited from the time limitation. Two of them have chosen to renounce to it while the officer who has not renounced yet is still in service. Alongside the criminal proceedings, the disciplinary hearing (which was held before the appeal) has also ended because the facts have been considered as not having caused "disturbance". The sentence delivered by the second instance was sent to the penitentiary administration.

### **Three good practices of the Italian penitentiary system**

#### **1. Universities**

In Italian prisons, unlike foreign countries, there is a good relation between the prison administration and public universities. In some regions, detainees can study mentored by the university. Some of these universities ensure free enrolment. Enrolled detainees are approximately 300. A National Conference of the Delegates of the Universities Presidents was created And Professor Franco Prina, from the university of Turin, was elected its president.

#### **2. Information from prison**

What happens inside the prisons is known thanks to the information from detainees. Ristretti Orizzonti is a rarity in the information field internationally. Through the press release of Ristretti Orizzonti and the work of detainees, the external world can be informed on what happens inside prisons. Also, the penitentiary administration does not censure the information from detainees that work with the newspaper Jailhouse Rock that goes on air on a network of local radios. This is a proof of opening and transparency. In Italy, there are several newspapers from prisons.

#### **3. Theatre in prison**

Theatre is part of the history of the Italian penitentiary system. In collaboration with the University of Rome (Roma Tre- department of philosophy, communication and show) with the Department of Cultural Heritage, Activities and Tourism, the Department of Prison Administration and the Department of Juvenile Justice and Community, the fourth edition of the national theatre in prison festival could take place. Theatre, in its different ways, is widely spread in the Italian prisons.