

### The Italian context

The 2016 study visit of the RAN Prison and Probation Working Group took place in Italy. During the first day the group had a meeting with Italian penitentiary authorities who explained the Italian approach with regards to preventing and countering radicalisation within the prison system; during the second day, participants visited the penitentiary institute of Padova (Casa di Reclusione, in Italian) for long-term sentences. In this facility, a number of inmates are under observation for radicalisation. The meeting was organised in close cooperation with the Penitentiary Administration of the Ministry of Justice, in particular with its regional branch.

The Italian approach in dealing with radicalised inmates and inmates vulnerable to radicalisation is somehow peculiar within the European context, to the extent to which it seems not yet to follow the general trend of having specialised programmes for radicalised inmates.

Before exploring this further, it is important to highlight a few elements which inform the Italian approach:

- Italy has a long past experience with left and right wing terrorism which has inevitably influenced its approach towards international terrorism, to the extent that Italy has built on its 'lessons learnt';
- In the same way, the existence of mafia-style organised crime and inmates belonging to these criminal groups has also led Italy to try different solutions within the prison system;
- Learning from these two experiences, Italy has a clear position in that convicted terrorist inmates have to be kept separated from members of organised criminal groups;
- By judicial tradition, Italy has in place a proper package of measures aimed at protecting civil liberties of inmates. The protection of these liberties is guaranteed by surveillance judges and courts, who are responsible for the approval, execution and supervision of all tailor-made rehabilitation plans and for the application of the constitutional principles of equality and rule of the law within the prisons;
- The existence of a police force dedicated exclusively to the prison system (penitentiary police) ensures a solid monitoring and observation of inmates.

### Three parallel elements: security, rehabilitation and surveillance judge

The current situation in Italian prisons is represented by the following figures:

- ✓ 53,850 inmates;
- ✓ 18,091 foreign inmates;
- ✓ 34% of the prison population is foreign;

- ✓ 11.029 coming from countries where Muslim population represents the majority.

The Italian approach can be seen as made of three parallel elements: **security** and **rehabilitation**, framed under the umbrella of the rule of the law (represented by **surveillance judges and courts**). The respect of the different duties, responsibilities and functions of the penitentiary police, rehabilitation bodies (educators, psychologists, experts, etc.) under the supervision of surveillance judges grants an appropriate level of independency, equality, proportionality, and complementarity to the counter-radicalisation policies, thus limiting as much as possible administrative decisions on matter concerning the rights of inmates and their equality in front of the law, regardless of religion, faith or ideology they profess.

The security element is mainly represented by the monitoring and observational work of the Penitentiary Police, while the rehabilitation process, established by law, is ensured by a multi-disciplinary group of professionals responsible for individual intervention plans for each inmate. Both are subject to the supervision role of judiciary.

It should be noted that the prevention of violent radicalisation is now focused mainly on religious-inspired extremism because for the time being only religiously-inspired radical inmates are detained within the Italian prison system.

#### The security element

To ensure an efficient analysis of gathered information, a Central Unit for Investigations (Nucleo Investigativo Centrale, NIC) within the Ministry of Justice-Department for Prison Administration, Office of the Head of the Department, has the task of centrally collecting all the information coming from the local branches and analyse them in view of particularly serious crimes, such as organised crime, international and domestic terrorism and any threat to public security. The analysis conducted by NIC on the terrorist phenomenon, shared with the National Prosecutor Office to Counter Mafia and Terrorism and the General Direction for Treatment, contributes to the fight against domestic and international terrorism at large. In this context the NIC analyses the phenomena of radicalisation and proselytism in prison. It is not rare that inmates charged with common crimes are put under monitoring and observation due to (violent) radicalisation or proselytism activities. In some cases, also common criminals are under monitoring and observation if they are believed to be particularly vulnerable and close to someone who could influence them.

As a consequence, there are three categories of monitored inmates:

1. Inmates charged for international terrorism or political extremism;
2. Inmates charged with minor crimes, violent crimes, or other crimes but that share an extremist ideology;
3. Inmates charged with minor crimes, violent crimes, or other crimes, but vulnerable to be influenced by an extremist ideology.

The first category is physically separated from the rest of the prison population and spread among different penitentiary institutes to avoid dangerous concentration. At the moment, inmates within the

first category are 42 (of which 5 are women)<sup>1</sup>. In addition, the first category is also strictly separated from members of organised crime, convicted in high security prisons<sup>2</sup> since 2009 as dangerous links were starting to emerge. To this end three different levels of high security exist: AS1 hosts member of OCG (Organized Crime Groups) for whom the provisions of Art. 41bis have been suspended; AS2 ('high security 2') for inmates convicted for terrorist-related crimes at national and international levels; and AS3 ('high security 3') for leading drugs trafficking members of organised crime. These two levels are characterised by the fact that physical separation is required and they cannot benefit from probation before the end of the sentence nor any other alternative measure; however, the rehabilitation possibilities and anticipated liberation are measures applicable to the AS2 inmates as well as to any other inmate (regime ex art. 4bis of Penitentiary Charter)<sup>3</sup>.

Experience developed so far has led the Italian law enforcement of the prison system to put a particular focus on the monitoring and observation tasks to prevent radicalisation in prison. In terms of 'signs' indicating a process of radicalisation, the penitentiary police force has built its work on the 2008 Handbook on "Violent Radicalization – Recognition of and Responses to the Phenomenon by Professional Groups Concerned", adapted to the Italian prison environment. It has informed all the penitentiary institutions of the national soil about important aspects they should pay particular attention to, such as isolation and change in behaviour. These prisons are required to immediately inform the central authorities if any suspicious is recorded (see below).

Consequently, monitoring is also organised in three levels:

1. High – Monitoring
2. Medium – *Attenzionamento* (from the Italian word for 'attention')
3. Low – Reporting<sup>4</sup>

The first category involves inmates convicted for terrorism-related crimes, proper recruitment and proselytism; the second category includes those suspected to be radicalised or carrying out recruitment; the third one is reserved for those whose behaviours generates information concerning possible proselytism and therefore need further analysis.

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<sup>1</sup> These inmates are not detained in Padova. Additional information on these inmates: only six have a definitive sentence. Countries of origin: Pakistan (10), Morocco (6), Iraq (4), Syria (4), Tunisia (4), Afghanistan (2), Libya (2), Egypt (2), Germany (1), Slovenia (1), Algeria (1), Somalia (1), Macedonia (1), Balkan country not specified (1), Saudi Arabia (1) and Italy (1).

<sup>2</sup> Mafia bosses and bosses of international terrorist groups are located in a special high security prison and are the only group of inmates for which rehabilitation activities are limited (41bis regime). At the moment, only mafia bosses are detained under the 41bis regime. No terrorists are under this regime.

<sup>3</sup> In relation to alternative measures, it is important to underline that probation is not allowed for convicted terrorists and persons charged with terrorist recruitment because probation is open for conviction below 4 years only. However, it is possible that inmates who are in prison for other crimes and benefit from probation or other alternative measures, are vulnerable to radicalisation. To this extent, specific training for social workers in probation on radicalisation would be needed to early detect the phenomenon: however, they are not available yet in Italy, even though the new Department for Juvenile and Communities is working in cooperation with Agenfor to structure these courses in 2017.

<sup>4</sup> 379 inmates are now observed within the categories mentioned below: only 42 are in the high level monitoring.

For the first level, analysis of data of daily life in prison and of contacts with the outside world is scheduled on a monthly basis, while for the second level this happens every second month. As for the third level, analysis of data happens more on a 'need-basis', which means that each individual prison management is called to send updates when useful and tangible information related to the risk of radicalization and proselytism emerge.

The first outcomes of this monitoring activities have found that

- The majority the prisoners under observation is irregularly present on the national territory and has therefore not family members in Italy;
- The majority are convicted for crimes related to drug trafficking, theft and robbery, and as a consequence they have relatively short sentences;
- Islamic extremist groups seems not to be particularly active on the Italian soil, or at least, they do not maintain contacts with the detainees under monitoring;
- However, exchange of letters have been recorded between terrorist offenders and groups and organisation suspected of terror-related activities in Italy and beyond.

The effectiveness of prevention does not rely exclusively on the penitentiary police. Multi-agency structures have been created to ensure an efficient flow of information between all the relevant authorities involved in the prevention of terrorism and to avoid the monitoring effort within prisons remains unexploited. In this framework, the Committee of Counter Terrorism Strategic Analysis (C.A.S.A.) has its *raison d'être*: it brings together under the premises of the Central Office of Preventive Police (Ministry of Interior) all 4 Law Enforcement Agencies (LEAs) and the Intelligence Services (in particular departments of internal-AISI- and external security- AISE). The group meets on a weekly basis to share information and analyse data to compose specific and detailed risk analysis. The main task of this permanent structure is the analysis and evaluation of particularly relevant reports relating to domestic and international terrorism, where this information is mainly collected at local level and later brought together. Combined with the investigative effort of the NIC, this centre of analysis allows the possible match of information from the national territory with information coming from other sources and countries in the world and provide an appropriate level of information at local level towards the territorial LEAs.

To facilitate this work within the Italian prisons, in 2003 the so-called 'situational room' was created: this is a telematics link, also in form of an application, between the periphery and the centre, with the main aim of registering all the critical events, including non-forensic and non-judiciary data coming from the prison observation, through the information received from the local penitentiary institutions, conveyed and analysed in *real-time* at central level. With the evolving of the events during the last decade, a special category has been created dedicated to critical events linked to proselytism and radicalisation. An event is defined 'critical' in this context, for example, when inmates express words of support or menaces towards one or more countries following terrorist attacks carried out by like-minded persons; or pictures, banners and other extremist propaganda material are found within the cells during searches; or specific events happen. For example, after Paris, 163 critical events have been recorded; 55 after Brussels; 8 after Dacca and 55 after Nice. The 'situational room' and the related ICT application are not part of the SIAP AFIS System, which is the electronic inmates' register at national level.

The structured collaboration between central and periphery has shown good results over time: therefore, the aim is to keep this collaboration at high level and where possible expand it to as many penitentiary institutions as possible.

It is important to underline a few key principles of the monitoring activities of the Italian authorities on the inmates:

- The flow of non-forensic and non-judiciary information is kept separate from the treatment element: the two elements are complementary but do not influence each other, because all prisoners are equal in front of the law and have the right to access the same services;
- To this end, data from the monitoring are only used with a preventive aim from the security perspective;
- The monitoring does not involve only critical events but it involves the daily routine of the inmate;
- Information and outputs of the central analysis does not flow back to the local level, unless there is an order for a more sound monitoring activity.
- All penitentiary staff (prison police at all levels, educators, etc.) have a mandatory duty to provide information concerning radical phenomena (non-forensic and non-judiciary data) from the prisons to the prison director, who will convey the information to the competent central offices. Contrary to this, information concerning potential crimes (forensic and judiciary information) will be transmitted by the judiciary police department of the penitentiary police to the competent judiciary authorities.

To conclude, the key point of the system is to understand correctly the interaction between different pieces of information coming from the several information flows.

## Rehabilitation

The rehabilitation element (for example, procedure, composition of the teams) is established by the Italian Law: while in prison, inmates must follow a rehabilitation process, made of activities aimed at his/her reintegration into society. The aim of this process must be the complete rehabilitation of the inmates, to avoid the development of any conflictual situation between him/her and community and diminish level of recidivism.

This process is made up of five elements:

- Education
- Employment
- Relationship with family
- Sport, cultural and recreational activities
- Religion.

The order is not casual and education is seen as the key element in the rehabilitation of the inmate: through knowledge the inmates is able to develop a more solid critical thinking.

These elements are also contained in the Penitentiary Charter (dated 1975), which explicitly recognised the importance of 'individualise' (i.e. tailor-made) the rehabilitation process to the personality and

personal circumstances of the inmate, starting from the committed crime. The only standard feature of the process is that it must contain each of the five elements; however, each of them is adapted in its content to the needs of the detainee.

The process is tailor-made by a multi-disciplinary team, who is the sole responsible for the definition of the rehabilitation programme approved and supervised by judges, who are 'third parties' between inmates and prison administration. The team is chaired by the Prison Governor, and includes in addition to the prison police, educators, social workers, social assistants, psychologist, psychiatrists, criminologist and any other professional (such as religious or cultural figure) who is needed on the basis of the profile, crimes committed, and needs of the inmate. If needed, also health operators (such as nurses and doctors) are invited to be part of the team. The multi-disciplinary nature of this group is defined by law. The main source of information of the practitioners within this group is also observation: files about penitentiary life of every inmate are centrally stored via an ad-hoc software (SIAP AFIS System)<sup>5</sup>.

Obviously, the starting point of the work of the multi-disciplinary group is the sentence received by the inmate: if an inmate has been convicted for terrorism-related crimes, the starting point of the programme will necessarily be different than the starting point of the programme of an inmate charged with murder, sexual crimes or theft. The work of the team also starts from the understanding of the extent to which the inmate is aware of the crime he/she committed and the damages he/she caused. Together with the sentence, this piece of information constitute the starting point of any programme. If the inmate makes clear since the start of the sentence that he/she does not want to participate in any rehabilitative programmes, this decision must be respected: however, this is also an important piece of information on which the consequent monitoring activity is adapted. Therefore, background, behaviour and outside network are all valuable pieces of information at the beginning of the penal execution to draft the program that need to be submitted and approved by the judges.

The outcome of the work of the group is a report which will be the basis of the rehabilitation programme: the definition phase has to last at least nine months and one year for sex offenders<sup>6</sup>. The report is then sent to the magistrate in charge of the inmate and the only person who can decide on any change in his/her prison regime and programs. Indeed, this magistrate needs to approve the suggested programme for rehabilitation on the basis of the individual needs and circumstances and supervise its application and execution. In addition, any decision of the magistrate can be appealed by any inmate.

This ex-post paper focusses on the element of 'employment', being it the object of the study visit. Indeed the group had the opportunity to visit in Padova the working facilities within the penitentiary institute and meet inmates during their working hours. One of the facilities of this penitentiary institute is a bakery which also provides for catering services: lunch and coffee breaks for participants in the meeting have been prepared by the inmates in this facility. Additionally, the group could visit the "call centre" managed by inmates to book health-care visits and services in public and private hospitals for residents in the Venetian area.

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<sup>5</sup> These are not the information collected in the prison environment by the Penitentiary Police as described in the previous chapter.

<sup>6</sup> The minimum length of the definition phase for terrorism-related offenders has not been defined by law, yet.

The aim of introducing a similar production model in prison is twofold: from one side allow the inmates to provide for their subsistence and that of their family through newly acquired professional skills; from the other side, to avoid the creation of social barriers between the prison and the community outside, thus helping to remove the stigma around inmates. All working inmates are paid a salary according to the national contract for their category and in line with the European Prison Rules; on the other side, companies willingness to invest in facilities inside the prison are given some taxes allowances and a group of private social cooperatives works to attract investors and companies into the prisons, to set up their production facilities and increase the inmates work opportunities.

There are two possibilities for inmates as regards their employment: they can work within the Administration or with third-party companies. The study visit was carried out in the framework of the second option and facilities of third-parties companies were visited, giving also a concrete example of a close partnership between public and private, which is the basis of this model. Of the total number of inmates who are monitored at regional level for supposed religiously-inspired extremist ideology:

- About 30% is employed in cooperatives or companies with productions inside the penitentiary institution;
- About 45% participate in training courses and/or laboratories (cooking, editing, IT, gardening, crafting, tailoring, acting, maintenance);
- About 30% participate in school courses (elementary, post-elementary and high school);
- 40% assigned (on a rolling-basis) to jobs managed by the Penitentiary Administration<sup>7</sup>.

In conclusion, in the view of the Italian authorities and the Italian NGO Agenfor, who strictly collaborates with the Penitentiary Administration, Italy has at least two promising practices at macro and at micro level:

- At macro level, an institutional architecture based upon: rule of law; a system of check and balances between magistrates, security forces, resocialisation bodies and private sector; a realistic threat assessment aimed at avoiding the 'radical loop'<sup>8</sup>; coherence between EU and national level.
- At micro level, a successful private-public cooperation which multiplies sources and funding, giving space to new ideas and innovation to solve practical issues encountered by the penitentiary administration, as well as ensuring trainings and up-to-date expertise.

Within the Penitentiary system, all staff is trained on the phenomenon of radicalisation. Since 2010 trainings were introduced for staff working in the 'high security 2' level. Afterwards, training has been offered to all penitentiary operators. Everyone is trained (educators, social workers, etc.), excluding health care practitioners who belong to the Ministry of Health (as opposed to the Ministry of Interior).

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<sup>7</sup> A number of inmates are employed in more than one activity at the same time and only a small percentage (about 10%) is not employed in any activity.

<sup>8</sup> The 'radical loop' indicates a vicious circle by which excessive securitisation of prevention measures causes grievances which in turn create the basis for further radicalisation and terrorism and contribute to polarise social contexts 'inside' and 'outside' the prisons.

Training modules include: cultural and religious features of Islam; religious practice; cultural mediation; definition of ideology-inspired international terrorism and its spread (both legislative and geopolitical elements); proselytism and violent radicalisation in prison (how the penitentiary system is organised to face them; case studies of violent radicalisation in prison and good practices.

## Conclusions

The study visit and the explanation of the Italian approach has been very informative and has also presented a challenge for some P&P practitioners, as this is not an approach commonly followed in Europe where many Member States are trying to develop, evaluate and validate scientific systems for risk assessment and specific interventions in the field of radicalisation. Many complemented the pride with which all staff at Padova were doing their work. This is not a given in the penitentiary setting but all the more important to build positive staff-inmate relationships.

Italy bases its approach on the fact that there are not objective elements which can certainly define a person as 'radicalised'. The Italian judicial system works on the basis of the certainty of the crime: without that and thus without an evidence-based decision of the magistrate, no restrictive measure can be applied. Italian law does not recognise objective elements of radicalisation that can give this required certainty: as a consequence, the penitentiary system needs to adapt its preventive responsibility within these boundaries. The outcome is therefore a system based on strong and solid observation and monitoring activities, on one side, and a voluntary rehabilitation element, on the other side.

Until now and taking into account the factual elements of the Italian context and history mentioned at the beginning of this paper, this approach has not shown major weaknesses. However, whether this will remain the chosen successful approach also in the future it remains to be seen, as additional challenges for the penitentiary system might develop under the pressure of the increase in number of returnees.