

HOW TO FIND



YOUR WAY

AROUND PRISON

FOR WHOM IS THIS GUIDE?

On first entering prison, many inmates and also other persons concerned often know little or nothing about its organisation. This small guide is written especially for them to help them overcome their initial disorientation.

Knowing to **whom**, **how**, and **when** to ask for something makes operations easier and betters the relations inside the detention centre.

This first edition is not perfect but it is a point from which to start: any suggestions are welcome for future editions.

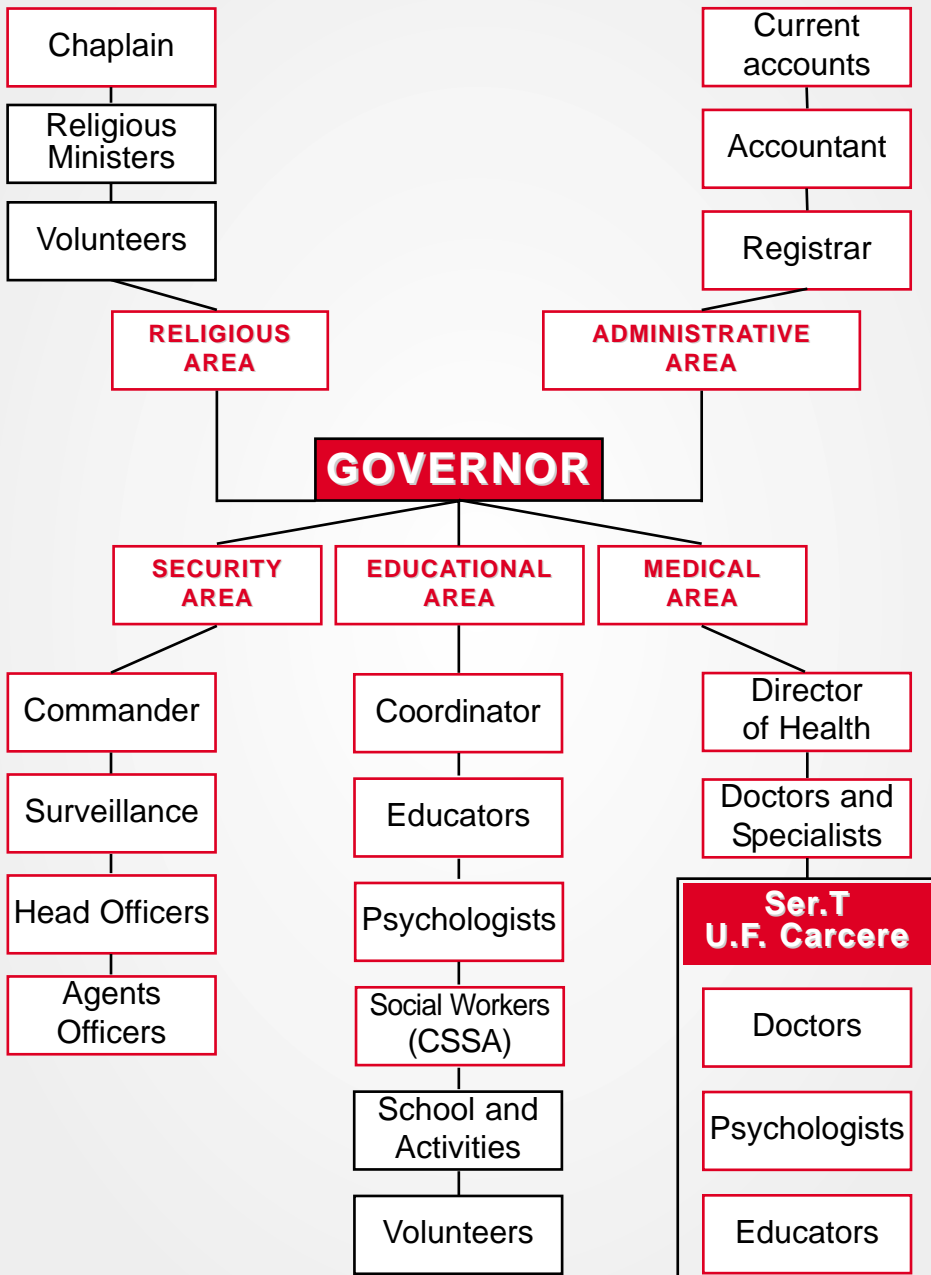
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Dipartimento per le Dipendenze
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THE STRUCTURE OF THE PRISON



WHEN FIRST ENTERING PRISON

Registration in the Registry Office

- photo
- fingerprints
- informing of possible problems with other inmates

- mandatory medical check up
- Interview with a Psychologist of newly arrived inmates (Only at the *Casa Circondariale*)

Entrance interview with an educator

Casellario (depot) that provides basic items

Casa Circondariale: holds inmates awaiting trial or sentenced to a sentence of under five years.

Casa di Reclusione: holds inmates that have been sentenced to a term of five years or more.

WHEN YOU ARE IN THE "SEZIONE"

If you are still awaiting judgement, there are no interviews scheduled with an educator in view of an assessment of your situation.

You can however request a visit for support and for participation in an activity.

If the sentence is definite, observational interviews with an educator will be held.

Visits and interviews will be scheduled (also by written request of the inmate with *domandina*)

- Ser.T
- C.S.S.A.
- volunteers
- other operators

Entering prison

- registration gathering of all necessary information regarding identification (fingerprints, personal data, familial status)
- opening of a file
- depositing of personal items at the *Casellario* (*Casa di Reclusione - Detention Centre*) or at the Registry Office (*Casa Circondariale*)

**Each inmate will be provided
with a number with stays with him
for the duration of the incarceration period**

What you can ask for when entering prison

- you can contact family members
- you can ask about prison procedures

During incarceration period

A prison officer is available in the cell block every day to help you with administrative issues as well as judicial issues: calling a lawyer, petitions, appeals, etc

- You can arrange an appointment by giving your name to the officer the previous evening
- This service is available on a daily basis (on the block) excluding Saturday, Sunday, and holidays
For urgent matters, such as expiry dates or transfers for trial, you will be called directly

**By a written request (“*Domandina*”)
one can obtain the following documents**

- a certificate of Detention (free of charge)
- photocopies of your registration file to give to authorized persons, at your own expense

The Ordinamento Penitenziario (Prison Rules) also guarantees the possibility to get into contact with the *Magistrato di Sorveglianza* (the judge who supervises the execution of the prison sentence) and with the *Provveditore Regionale del Dipartimento dell'amministrazione Penitenziaria* (the regional governor of the prison service).

One can ask for a personal visit, or send one's written questions or written complaints. If one does not have the necessary writing tools, the Administration will provide these items.



VISITS, TELEPHONE CALLS, AND MAIL

In the Prison, one can have visits with family members as well as other people.

Visits with family members

If you wish to speak with family members, it is not necessary to make a request. The person with whom you wish to speak must show their identity card and a document proving the degree of family tie (the family status or a history of the family provided by the municipality) to the prison. For Italian citizens, it is possible to self-certify the degree of family relationship at the entrance. For foreign citizens, the prison needs an official declaration of the Consulate attesting the family relationship.

Visits with other people (“Third Parties”)

The person with whom you wish to have a visit must make a request to the Governor, in which are stated the personal data and the place of residence.

There are 6 visits per month; each visit lasts one hour.

There are 4 visits per month for inmates with crimes regarding the first paragraph of article 4 bis (Ordinamento Penitenziario) and also for crimes relating to article 416 bis (Criminal Code), 74 and 75 (Testo Unico regarding drug-related crimes), 630 (Criminal Code).

In special cases, it is possible to ask to combine visits in order to extend the length of visiting time.

If you are still waiting for a verdict, the Magistrate authorises the visits. The visits, after the trial, will be handled by the Governor.

Il Regolamento Penitenziaria does not permit the presence of more than three visitors at a time.

Telephone calls

One can make four phone calls per month, each call lasting 10 minutes.

The request is made to the Governor, using the application form available on each floor. The authorisation of phone calls is always necessary, even if you come from a prison in which the calls were already authorised. On request, the charges can be reversed to the person being called in order to facilitate in the verification of the person you wish to call.

It is only possible to call land-lines and not mobile phones.

Telephone calls made by inmates convicted under art. 416 bis (Criminal Code), 630 (Criminal Code), 74 (Testo Unico regarding drug-related crimes), and 575 (Criminal Code), 628 3° comma (Criminal Code), 629 2° comma (Criminal Code), 73 (Testo Unico regarding drug-related crimes) with aggravating circumstances art. 80 2° comma for crimes related to sexual crimes, will be recorded.

Mail and packages

Mail can be sent and received without any limits, provided the name and surname of the sender is indicated on the envelope.

Inmates can receive four packages per month at a maximum weight limit of 20 kilos; these can be received by post or during a visit.

On each floor there is available a list (mod 176 bis) that contains all the items and objects that are permitted. Books, magazines and learning material are not counted in the weight of the package received.

One cannot send money.



The functions regarding the relations between inmates and administration are carried out by the Governor by means of:

- visits with the inmates
- Control of the inmates' participation in treatment activities
- guidelines for the supervisors of the area

For which reasons can one contact the Governor

- issues of a legal nature of particular importance
- family situations that have an impact on authorizing certain permissions
- serious or problematic situations regarding life inside the detention centre: in these cases the governor acts on his own authority, above the parties involved, establishing the best solution for the inmate

How can one contact the Governor

- the inmate can contact the Governor by either writing a personal letter or through the prison staff
- the Governor can grant a hearing with also to lawyers, relatives and external people that make a request.



SECURITY AREA

The Security area operates according to the Ordinamento Penitenziaria. The Head of this area is the Comandante di reparto, supported by his staff. In establishments with a high number of inmates, the Comandante is assisted by a secretariat (Command Office). There is also an Ufficio di Sorveglianza that deals with the organisation of life in the detention centre.

Duties of the Security Office at the Entrance of the Detention Centre

- accompaniment to the prison
- Searches
- the assignment of accommodation. The accommodation is broken up into different sections (high security, vulnerable inmates, and common); the assignment is also based on the type of crime committed and on the instruction of the judicial authority (for example, judicial isolation)

Duties of the Command Office in the Detention Centre

This office is the secretariat of the Commander and it has the following functions:

- assigning and managing of work and workers ((for permanent jobs as well as rotational work)
- Evaluation of the behaviour and of possible violations of the rules (including communications to the Judicial police, as required by the Criminal Code, in cases regarding serious violations)
- Orders of delivery and services regarding life in the detention centre

In which cases can one consult the Command Office

- **for the assignment of a work activity**
Everybody should get the opportunity to work for a period of one month, after about six month of entering the detention centre. Among the criteria for assigning a permanent job are taken into account the registry number, family status, attitudes and professional competence
- **for visits** regarding possible problems in detention relating to phone calls, getting on other inmates, and family visits



Organisation of the Internal Security of the Detention Centre

Over a 24 hour period, there is always a police officer on duty.
In the time period 8am to 8pm, there are other officers on duty
The prison officers are structured in a hierarchical order

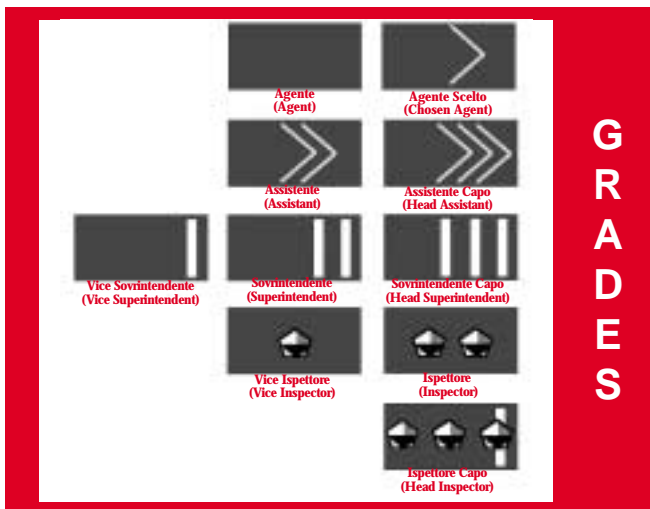
- Person in Charge
- Coordinator of Operational Unit
- Surveillance Coordinator (Lower rank Inspectors and/or Superintendent)

Duties of the Surveillance Office

- counting of the presence of inmates (done by officers 6 times a day)
- keeping check of the movements of every inmate
- organizing transfers (between establishments, hospital transfer, or to the courts)
- emergencies
- escorting based on the degree of emergency
- changing of cell
- management of the personal of the Penitentiary Police Officers

Prison officers and other penitentiary staff workers must be addressed as "Lei"; to which they must respond in the same way and call the inmate by his surname. In addition, it is not possible to know the surnames of the Penitentiary Police. One must refer to the police officer by his rank title.

THE PENITENTIARY POLICE





ADMINISTRATIVE AREA AND ACCOUNTS

The administrative and accounting service manages also the funds of the inmates, taking care of incoming sums and withdrawals through a series of operations by the Current Accounts Office, which in turn is in contact with the Cashier's Office.

The Management of Money

If the inmate who arrives from outside has money with him, this is handed over to the Registry Office, which gives him a receipt of the sum handed over. A current account booklet is opened in which the incoming and outgoing funds are recorded (mod.73). Every sum of money that arrives from the outside is accredited in the booklet. For inmates who can leave the prison during the day or for those who have external jobs (regime according to art. 21), the employer sends the salary through a bank assignment that will be accredited to the personal current account.

The Administration of Money

The availability of money for each person is a maximum of 1000 Euro for definitive sentences. For those awaiting trial, the limit is 2000 Euro:

- if this sum exceeds this amount, the money can be accredited in saving account in an external bank
- for inmates who work, 1/5 of the salary is deposited in a closed fund which can only be drawn upon in special cases
- a proportion amount will be deducted for the maintenance
- at the end of each year, the interests accumulated will be deposited into the account

The Spending of Money

The inmates are able to buy all goods/products approved by the Direction and catalogued in the Tariffario-mod. 72, available in each detention unit.

Inmates mark on a special form the goods/products they wishes to purchase; the amount will be deducted from the current account. The amount spent on shopping has a limit of 105,87 Euro per week. For the monthly shopping, one cannot exceed 423,48 Euro.

For the purchase of products not listed in mod.72, a request to the governor must be made the Governor. Further purchases, when authorised, are allowed for:

- family subsidies
- legal expenses
- medical expenses (Dentist, etc.)

At the time of release

For foreigners and for people without economic means, there is a kit (made available by volunteers) which contains:

- train tickets;
- 4 bus tickets;
- 1 phone card;
- a voucher for 2 nights at the Albergo a Colori;
- a map of Padua;
- a travel bag;

The registry Office hands over the kit after checking the economic situation of the inmate, who signs the receipt of the kit.



In the educational area, one can consult the Observational Service, the *Trattamento*, the *Consulenza Tecnica* for the Surveillance Offices, the inquest application. In the *Casa di Reclusione* in the Educational Area deals also with the Semi-free and of art. 21.

It is coordinated by a Person in Charge of the area is composed of

- **educators**
- **supervisor of the educators of the area**
- **psychologists in the service and treatment**
- **collaborators of the area**

Observational Actives

The observational activity starts with:

- **entrance Visits with an educator** (delegated by the Governor)
- **reporting to the C.S.S.A.** (Centro di Servizio Sociale Adulti) for special interventions
- **possible reporting to the Psychologist** of the Observational Units and Treatment

In the Section

For assessment interviews, inmates will be called by an educator. For every other request one can call for an interview by making a written request. Assessment interviews are not feasible for inmates awaiting trial.

The Educational area is coordinated by a **supervisor of the area**:

- **educators (supervisor of the area)**
- **psychologists of the Observational Service and Treatment**
- **collaborators of the area**



EDUCATIONAL AREA

What can one ask the Educators?

- contacts with the Social Assistants (for familial problems, lodgings, etc.)
- contacts with the volunteer services
- contacts with Ser.T of Padua
- advice for certain applications of how to send and to whom to send
- signing up for courses (scholastic, didactic)
- information about course activities
- information about the general criteria regarding the assigning of work and reporting personal relations
- contacts with family are only limited to situations in which it is necessary to get the authorisation of the Governor.
- preliminary hearings: transfers, rewarded authorisations, hearings for early release, for alternative measures, and for the remission of debts

Trattamento (*Treatment*)

The duties of the person in charge of the Educational Area:

- coordination of the internal treatment activities (School, instruction, work, and recreational activities)
- relations with the outside/external environment regarding the promotion of educational and informative activities, the coordination of Psychologists of the Observational Service and Treatment Service and of the voluntary Assistance (artt. 17 and 18 *Ordinamento Penitenziario*)

Scholastic, professional training and recreational activities

The internal treatment activities consist of **scholastic courses** regarding **professional training, work and recreational activities**.

The *Ordinamento Penitenziario* guarantees that in every institute that the following educational institutions are present and are run by the school at the detention centre: elementary school, Italian for foreigners (illiteracy), and middle school. The Secondary School by law exists in at least one detention centre of the Region. At the *Casa di Reclusione* there is a Polo University running.

The **professional courses** and different **recreational activities** (cultural, sport, musical) are given and run by various educational entities; associations, volunteers.

To participate in the already mentioned activities, one must apply by written "*domandina*".

NON-PERMITTED BEHAVIOUR



- negligence in cleaning and keeping oneself and room tidy;
- unjustified leaving of one's assigned place;
- intentional non-fulfilment of work duties;
- harassment and inappropriate behaviour toward the prison community;
- games and other activities not permitted by the prison's regulations;
- simulation of illness;
- trafficking of goods which are allowed by the prison;
- trafficking or possession of goods not allowed, or money trafficking;
- fraudulent communication with the external environment or inside the prison in the cases indicated in the numbers 2 and 3 of the 1 comma, art. 33 of *Ordinamento Penitenziario*;
- obscene acts or behaviour contrary to public decency (the prison, cells included, is considered a "public place", sexual activity is therefore not allowed);
- intimidation or bullying of other inmates;
- falsification of documents coming from the Administration and entrusted to the keep of the inmate;
- appropriation or damaging of goods belonging to the administration/prison;
- possession or trafficking of instruments that can cause harm;
- offensive behaviour toward penitentiary staff or towards other people who access the prison for work or for visits;
- not following orders and regulations or unjustifiable delays in following them ;
- unjustifiable lateness of coming back to prison as per art. 30, 30ter, 50, 51, 52 and 53 of the *Ordinamento Penitenziario*;
- encouraging disorder and uprisings;
- escapes;
- acts defined by law as offence, causing harm to other inmates, prison staff and visitors.

DISCIPLINARY REPORTS

If an officer detects the lack of observation of the rules listed above, he draws up a **disciplinary report**, on the basis of which the penalty will be decided upon.

Who decides

In the case of minor breaches, the **Prison Governor decides alone**. If the breach is more serious, the **discipline board** is summoned, consisting of the Director, the Commanding Officer, an Educator and the Prison Doctor.

The penalties

- **warning** (*il richiamo*) which is the lightest penalty;
- **admonition** (*l'ammonizione*);
- **exclusion from participating in sport or recreational activities** for a maximum for 10 days (inmates may not go to the gym, or participate in recreational activities; they can, however, attend school);
- **isolation** during the outside exercise period for a maximum of 10 days;
- **exclusion from shared activities** for a maximum of 15 days (it is the most severe penalty, consisting of being confined to one's cell, except for showering and for one hour of air; no goods can be purchased except for the most basic items)..



MEDICAL ASSISTANCE

Medical assistance is available for all inmates through the medical and nursing staff and through clinical centres.

It guarantees:

- **basic medical check-up**
- **specialist visits**

How can one request a visit

In order to be seen by a doctor, it is necessary to sign up for a doctor's visit the evening before by leaving one's surname with the officer on duty on the floor.

Medical staff is on guard 24 hours a day including holidays.

For emergencies inmates can contact the prison officer on duty on the wing who calls the Doctor.

To be visited by an external doctor, one must make a request to the Governor specifying the reasons (these medical services are at the inmate's own expense).

Medical personnel	To be admitted to a medical visit
Appointed doctor	It is advised to make a written request ("Domandina")
Doctor of Ser.T. (only for drugs and alcohol dependency)	One can request a visit the evening before
Doctor on duty (24 on 24 hours)	The doctor is called by a police agent in necessary cases
Health service specialists	One can ask for an appointment with a specialist through the prison doctor
Psychiatrist	
Dentist	
Ear/throat doctor	
Infection specialist	
Dermatologist	
Oculist	
Orthopaedist	
Ultrasound technician	
Cardiologist	
Surgeon	



WHAT DOES THE MEDICAL ASSISTANCE OFFER



WHEN ENTERING PRISON

Upon arrival, inmates are seen by a doctor S.I.A.S. and have to undergo a blood test. With their consent, are tested for narcotics in the urine.

IN THE DETENTION UNITS

- medical visits are feasible on a daily basis (except for sundays and holidays) by making a request the evening before;
- the **specialist visits** are available in the Prison Infirmary and in some cases in the hospital;
- the administration of **Methadone** to drug addicts is done in the infirmary, in the presence of the infirmary staff and doctor;
- for infectious diseases such as HIV, HCV and HBV (hepatitis), TCB (tuberculosis) etc., the doctor in charge prescribes periodic control tests;
- medications are given on the wings by the nursing staff on prescription by the doctor at the following times:
 - morning**
 - noon**
 - evening**



DRUG ADDICTION

The Ser.T (Unit Funzionale Carcere) is part of the Department of the Addiction of A.S.L. The Ser.T guarantees:

- the certification of Drug addiction and alcohol addiction
- the continuity of treatments
- the availability of alternative programs in the prison
- medical intervention with doctors, psychologists, sociologists during incarceration.

The personnel who work inside this unit consist of doctors, psychologists and educators.

THE TREATMENT

If the inmate has just entered the prison he will have to undergo:

- a mandatory medical visit
- a mandatory interview with a psychologist (only in the *Casa Circondariale*)

If the inmate has declared to drug use:

- he will undergo a laboratory analysis (urine and blood) to ascertain the drug problem
- his name will be added to the register of drug-addicted persons
- he will be followed by a doctor
- he will have an interview with a psychologist

If the inmate is known to the Ser.T

- he will be followed by the UF Prison upon the presentation of his file from the Ser.T of his previous residence

If the inmate is not known by Ser.T

- the Ser.T of the city where he had residency before will be contacted to take eventually charge of him after release
- a medical exam will be performed to ascertain the degree of drug-dependency
- he will be able to ask ASL to perform a drug test



If the tests prove positive for drugs

- he will be followed by a doctor and given, if necessary, pharmacological treatment
- if he is already in therapy, the pharmacological treatment can be continued

Visits with a psychologist

- to evaluate the present condition of the person in question
- for observational relations (*sintesi*)
- to receive support
- to receive psychological support for his reintegration into society (see alternative measures to imprisonment)



What can one ask at Ser.T?

- to contact the Ser.T who follows the person's progress outside the prison
- to formulate an external therapeutic program as an alternative to imprisonment
- to contact the therapeutic / rehabilitation centres or work cooperatives
- to get psychological help
- to be placed into therapeutic support groups



ALCOHOL ADDICTION

If before entering prison the inmate has had a problem with alcohol abuse and/or has been in treatment at an Alcohol Treatment Centre, he can be referred to the prison Ser.T (U.F. Carcere)

From the moment of entering prison, he will be subjected to:

- a mandatory medical visit
- a visit to the Psychologist of the newly arrived (if one is in the *Casa Circondariale*)
- appointment with the psychologist of the Ser.T (*U.F. carcere*)

If the inmate declares that he has an alcohol addiction

- visit of the doctor of the Ser.T
- laboratory analysis to ascertain the self-declared condition (only in the *Casa Circondariale*)
- reporting to the Ser.T of the place of residence
- the inmate will be taken in charge by the prison Ser.T

If one declares alcohol addiction following their entry into prison

- visit of the doctor of the Ser.T
- if the inmate is already known to the Ser.T, one can leave upon request, the certification
- if he is not already known to the Ser.T, he will undergo a diagnostic evaluation to ascertain the self-declared alcohol dependency



The treatment for alcoholics in prison

- inmates can request to participate in self-help groups
- all alcoholic beverages are suspended from the diet and a pharmacological treatment program can be initiated
- medical assistance is provided to monitor possible pathologies related to alcohol abuse
- alcoholics can also ask for alternative measures agreed on with the Ser.T

Alcohol Dependency and alternative measures



How can one do the program?

Inmates can request this at the Ser.T of their city of residence. If they do not have residency in a city, they can contact the personnel of the Ser.T at the prison and ask for an evaluation of their request.



SEROPOSITIVE (HIV) AND AIDS

If an inmate is suffering from this syndrome and wishes to undergo tests to ascertain his having a HIV infection, he maintains the right in prison to get appropriate medical assistance by means of:

- laboratory analysis for all newly arrived at subject to one's consent
- if the HIV test is positive, periodic exams and monitoring
- check-ups with infection specialists
- prescription of pharmacological treatment program
- psychological support

During the first medical visit inmates will be asked if they accept to undergo an HIV test.

THEY HAVE THE RIGHT TO CONFIDENTIALITY REGARDING THE TEST RESULTS

It is always advisable to carry out the test



- to prevent the spreading of the disease
- to start a treatment program as soon as possible

Behavioural "rules" to follow

It is important to know that HIV is a virus with a weak resistance outside the body and that one **can spread the disease through blood and non-protected sexual relations.**

There are very few basic rules to follow to avoid the risk of spreading the disease:

- **avoid sharing personal items** (razors, toothbrushes, etc.)
- **avoid tattooing** (what's more, it is not allowed), since the use of non-sterilised needles carries the spreading of infection
- **take care to keep the sanitary area clean**

The sharing of kitchenware and toilets does not spread the infection of the virus, even though it is advisable to respect common hygiene standards.



Early Release (*La Liberazione Anticipata*)

For every six months spent in detention inmates can get a reduction of 45 days off their remaining sentence. It is possible to receive early release also for periods spent on remand (*custodia cautelare*) in house arrest and for the period of probation in the care of the social service.

The reductions can be forfeited if a new offence is committed before the sentence is completed.

This holds also true for alternative measures

The conditions for obtaining early release

In order to qualify for early release, the sentence need be final and the inmate must:

- maintain good behaviour
- take an active part in his rehabilitation

How can one request it

The request has to be made on an application form available in the detention unit and then sent to the judge in charge of sentence application (*Magistrato di Sorveglianza*), who will decide.

It is not necessary to get the assistance of a lawyer.

Outside work (art. 21 *Ordinamento Penitenziario*) (*Lavoro esterno*)

The Governor of the prison can give the inmate the possibility to work outside the prison (if the inmate's behaviour has been faultless and he is trustworthy). An outside work permit can also be granted to remand prisoners awaiting trial. If the inmate has been sentenced for a serious crime (robbery, extortion, homicide), he is only eligible after having served a third of his sentence.



THE BENEFITS

Short-term leaves (*I Permessi Premio*)

It is possible to receive a maximum of 45 days of short-term leaves per year (a maximum of 15 consecutive days). To obtain a leave, it is important to get a positive evaluation from the Governor and a report from the team that followed his progress through the treatment options, concluding in the final report (*sintesi*); the inmate's condemnation must be final.

The request must be sent to the judge who follows the execution of sentences in that particular establishment.

The conditions for obtaining a leave

To obtain a leave, besides being on good behaviour and having obtained the necessary progress report, the condemnation has to be final and the following conditions must be met:

- inmates must have completed at least one quarter of the sentence for non-serious offences;
- inmates must have completed half of their sentence (but not more than 10 years) in case of serious crimes such as listed in art. 4 bis of the *Ordinamento Penitenziario* (homicide, robbery, extortion, drug trafficking);
- for sentences of 3 years and under, there is no minimum period for obtaining leaves;
- inmates convicted of crimes listed in the first paragraph of art. 4 bis of the *Ordinamento Penitenziario* (terrorism, mafia, associative crimes), one cannot benefit from leaves, except if they have collaborated with the court or if they are materially unable to do so.

Exclusions

The leaves are revoked in the following cases:

- for 2 years, for those who are accused or condemned for a fraudulent crime committed while serving one's sentence;
- for 3 years, for those condemned for serious crimes (robbery, extortion, homicide) that have escaped or for those who have been revoked from a "*misura alternativa*";
- for 5 years, for those condemned for serious crimes and who have committed another offence punishable with not less than 3 years during outside work, a leave, an alternative measure or during an escape.



THE SEMI-FREEDOM (*semilibertà*)

With this measure, one can spend part of the day outside of the prison in order to participate in a work activity as part of the treatment plan of which the Governor of the Detention Centre is in charge.

Requirements

- having served at least half of one's sentence or at least one third if one has a crime included in paragraph 1, art. 4 bis;
- for sentences of arrest or imprisonment not above six months without probation (paragraph 1, art 50 Ordinamento Penitenziario);
- having served at least 20 years of a life sentence);
- having to undergo security detention (interned in a Casa di Lavoro);
- not to be condemned for crimes included in the art. 416 bis and 630 Criminal Code and in art. 74 Testo Unico regarding drug-related crimes; or for crimes of terrorism (artt. 575, 628, paragraph 2, Criminal Code);
- not to have committed crimes during an escape or a leave or an alternative measure.

To whom can is the application sent?

For the sentence of the remaining sentence not above 3 years:

- **if one is in liberty, to the** Pubblico Ministero della Procura Procura (prosecution) that has suspended the sentence. The Office of Public Prosecution will then send the application to the *Tribunale di Sorveglianza* in charge of the case;
- **if one is in prison the** Magistrato di Sorveglianza the competent Judge in charge of the execution of sentences .

If the sentence is over 3 years:

the application is sent to the Tribunale di Sorveglianza.

INTERVENTION OF C.S.S.A. (*Centro di Servizi Sociali Adulti*)

Before semi-liberty will be granted, the C.S.S.A. makes an inquiry and provides the court or the prison with the necessary data concerning social and family background needed to formulate a prognosis for the inmate's future reintegration.

During the time of semi-liberty, assistance is provided.



BENEFITS

PROBATION

**L'affidamento in prova ai Servizi Sociali
(art. 47 Ordinamento Penitenziario)**

This measure allows to entrust a condemned person to the care of the Social Services for a period equal to the time that must be served.

Requests for authorization

- the sentence or the remainder of the sentence cannot be over 3 years;
- an observational period of the character of the inmate by the treatment team from the detention centre.

For those who are infected with Aids or suffer from a serious immune deficiency or from another serious disease, the measure can be granted beyond the limit of three years (see art. 47 quater on page 26).

Limits

- crimes of terrorism (art. 575, 628, para. 3, 629 para.2, Criminal Code): only if there is no evidence of a link regarding organised crimes and crimes against the state.
- crimes committed during an escape, leave, external work or an alternative measure.

The inmates with particular crimes (416 bis and 630 Penal Code, art. 74 *Testo unico* regarding drug-related crimes) can be granted probation only if they collaborate with the justice.

To whom must one apply?

- to the Pubblico Ministero della Procura that has suspend the sentence within 30 days of notification, if the condemned person is in freedom. The Public Prosecutor passes on the application to the *Tribunale di Sorveglianza*;
- to the Magistrato di Sorveglianza who has jurisdiction in the prison, where the applicant serves his sentence.

The suspension of a sentence cannot be granted twice for the same sentence.



SPECIAL CASES OF PROBATION

(*L'affidamento in prova in casi particolari*)

(art. 94 Testo unico delle leggi in materia di stupefacenti)

If the inmate is a person with a drug or alcohol dependency and intends to participate in a therapeutic program, he can request to participate in such external programs.

Request for concession

- the sentence or the remaining sentence must be **under a four-year period**.
- the program must be elaborated together with the staff of the drug/alcohol dependency unit Ser.T. The Service to which one has to apply, by personal letter or through the staff of the Ser.T. is that of the city in which the inmate has had his last residency. The request will be then evaluated. The Ser.T. will formulate an eventual program in which they will also declare suitability;
- another necessary document is a certification of the condition of drug or alcohol addiction. This is also issued by the Ser.T.

This measure cannot be granted more than twice.

To whom one must address his application

- To the Pubblico Ministero della Procura (if one is in liberty and the sentence has not yet been issued or been finalised). The Public Minister passes on the actions to the *Tribunale di Sorveglianza* who organises a hearing;
- To the Pubblico Ministero who has order the suspension, if one is in liberty to suspend the execution of the sentence;
- To the Tribunale di Sorveglianza and Pubblico Ministero who has issued the orders of the execution of the sentence, if one is in detention; in the case in which one does not go over the limits of the expected sentence, the inmate will be released from prison.

When does probation begin?

From the moment in which one signs at C.S.S.A. the document that lists the regulations that one must respect.



BENEFITS

SUSPENSION OF THE SENTENCE

(Sospensione dell'esecuzione della pena)

(artt. 90, 91, 92, e 93 Testo unico delle leggi in materia di disciplina degli stupefacenti)

The suspension of the sentence for sentences not over 4 years, also for the remainder of sentences of that duration, can be granted in the following cases:

- a) drug/alcohol dependent inmates with crimes related to their condition;
- b) drug/alcohol dependent inmates condemned for crimes regarding drug dealing or drug-related crimes.

Persons in these situations must have joined or join a therapeutic or social rehabilitation program.

To whom must one send the application form?

To the *Pubblico Ministero* who sends the document to the *Tribunale di Sorveglianza* who decides within 45 days.

Which documents must you attach to the application?

A certification proving dependency, the type of program chosen, the suitability of the structure where the program will be carried out and the type of treatment.

HOUSE ARREST (art. 47 ter, comma 1 ter *Ordinamento Penitenziario*)

The measure consists in serving one's sentence in one's own home, or in a public therapeutic centre, group home or shelter. One can apply when one is prepared to defer one's mandatory sentence (art. 146 Penal Code). This concerns pregnant women or who have given birth less than six months ago, those with HIV whose state of health is not compatible with imprisonment, serious physical illnesses, women who have given birth beyond a six-month period (but less than a year), and whose child is entrusted to their care. The sentence is carried out during this alternative measure.

HOUSE DETENTION (art. 656 ter, comma 10 *Codice Penale*)

Requirements

Sentences of not over 3 years also if the remaining sentence is longer in the case of persons given house arrest.

To whom must one send the application?

• **if one is an inmate**, the *Magistrato di Sorveglianza* sees that the measure of house arrest is applied. Until this decision is taken, one remains under house arrest; the judge sends the file to the appropriate *Tribunale di Sorveglianza* that will authorize a hearing;

• **if one is in liberty**, to the *Pubblico Ministero della Procura* having authorized the suspension of the sentence.

For those affected by AIDS, or other serious illnesses, the measure can be granted also exceeding the required limits of the length sentence.

Art. 47 quater

Those suffering from Aids or serious immune deficiency problems that have or want to participate in a suitable program within an appropriate structure (Operational units of infectious diseases in hospitals, or other) can take advantage of this. This article allows them to benefit from alternative measures (probation and house arrest) as it does not impose limits on the length of sentence. The application must be sent to the *Tribunale di Sorveglianza* attaching the certificate of the public health service or that of the detention centre.

KEY WORDS FOR WHO ENTERS PRISON

Laws and norms that regard the prison system

The Law Gozzini (Legge 663/86)

A law that in 1986 has increased the benefits and alternative measures provided for by the Reform of the Prison Law of 1975. In 1991-92, measures were taken against organised crime and have thus caused restrictions to access benefits for the majority of prisoners.

The Law Simeone-Saraceni (Legge 165/98)

Signed in 1998, at the end of a long legislative debate. It allows prisoners who have a sentence, or the remainder of a sentence, of 3 years or less to have their sentence changed into a suspended sentence with a probation order. They thus need not enter prison (if they meet certain requirements: a house, a job, etc.). The period of 3 years is extended to 4 years for drug-addicts.

The Smuraglia Law (Legge 193/ 2000)

It has been in effect as of 2000. This law provides reduced taxes for companies who employ prisoners (inside the detention centre and for external work), and also ex-prisoners (within the six-month period after leaving prison).

Ordinamento Penitenziario (Prison Law) (Legge 354/75)

This is the Penitentiary Reform Law, made to modify a law dating from 1931. It introduced the principle of rehabilitation of the inmate, in line with article 27 of the Constitution, and established the various measures depriving or restricting liberty

Regolamento Penitenziario (DPR 230/2000)

Introduced in September 2000, it introduces different organisational and structural modifications for prison establishments. The most concrete result at present is the removal of the "wall" separating the inmate from his family members in the visitor's meeting room.

D.P.R. 309/1990

Issued following the Law of 22nd June 1990 nr. 162, this law gives the Prison Administration new tasks regarding the treatment and prevention of HIV in the prison environment. It also introduces socio-sanitarian treatment, rehabilitation, and reintegration into society of drug-addicted prisoners as well as alcoholic prisoners.

Testo unico sull'Immigrazione (D.P.R. 286/98)

A text that reforms the so-called "Legge Martelli", that stayed in force from 1991 to 1998. This provision has good and bad points, however, its entry in force has not brought about many substantial changes regarding the number of immigrants in Italian prisons. For some years it has been established at about 30% of the prison population but in some cases, like that of the remand prison (Casa Circondariale) of Padua, it exceeds 90%. It has been modified recently by the Law 189/2002 (Bossi-Fini) which has, among other things, introduced expulsion as an alternative to detention for sentences of 2 years and under

Who looks after the inmates?

Prison Officers (*Agenti di Polizia Penitenziaria*)

They are responsible for the order and security in the prison and also participate in observational duties and the rehabilitation of the prisoner.

Educators (*Educatori*)

The educators participate in group activities for the observation of the behaviour of the inmates. Furthermore, they organise individual or group educational programs, coordinating their activities with that of the personnel who is also in charge of rehabilitation.

Governor (*Direttore*)

The Director has the overall responsibility of managing the prison. The Director decides the rules inside the prison and can also grant art. 21 (external work).

KEY WORDS FOR WHO ENTERS PRISON

Judge responsible for the execution of the sentence (*Magistrato di Sorveglianza*)

It is the Judge who controls the proper carrying out of activities inside prison and also in the so-called "external penal area" (area penale esterna). The Magistrate has the authority to grant urgent permissions and short time leaves and the days of early release (deducted from the sentence based on good behaviour)

Justice Courts (*Tribunale di Sorveglianza*)

This consists of 3 judges and also is helped by "experts" (Social Assistants, Psychologists, etc.). They decide the deserved authorisation and they have the right to revoke the "alternative measures" during the detention period.

Psychologists (*Psicologi*)

They run observational activities and treatment in order to evaluate the character and the rehabilitative capacity of the prisoner.

Prison Functional Unit (*Unità Funzionale Carcere*)

This unit runs rehabilitation programs for drug addicts. The staff consists of psychologist, doctors, and professional educators.

Doctor of the Ser. T (*Medico Ser.T U.F. Carcere*)

The Doctor guarantees the health service in the prison for those following the Ser.T. Program.

Teachers and professional training instructors (*Insegnanti e operatori della formazione professionale*)

They provide stimuli for the learning of the necessary valued skills for social reintegration.

Chaplain and other religious ministers (*Cappellano e altri ministri di culto*)

They provide the religious assistance and the useful values for social re-integration.

Volunteers (*Volontari*)

They offer support in the difficulties that the inmate may face, and they participate in the organisation of activities regarding culture, sport, and recreation.

Social Assistance (L'assistenza sociale)

Social Service Centre for Adults (*Centro di Servizio Sociale per Adulti C.S.S.A.*)

These centres are active in all criminal courts and they look after the gathering of information about the families of the prisoner, in view of short leaves or an admission to alternative measures. A representative of C.S.S.A. is part of the team that draws up a behavioural profile of each inmate (sintesi) necessary to be granted benefits or alternative measures.

Counsellors of Social Help (*Consigli di aiuto sociale*)

They should be active in every criminal court and are presided over by the president of the court. They are to follow the progress of persons condemned to alternative measures.

Services for Drug Addiction (*Servizi Tossicodipendenze Ser.T*)

Put in place by the order DPR 309/90, these services are present in every A.S.L. branch and in other ambulatories on the territory to give medical as well as psychological assistance to drug-addicts.

"4 bis"

Article 4 bis of the Ordinamento Penitenziario was introduced in 1991 and makes it more difficult for those convicted of serious crimes (robbery, extortion, homicide, drug trafficking) to obtain the alternative measures to imprisonment provided for by the Prison Act. Inmates condemned of associative crimes (kidnapping, associations with the aim of drug trafficking, mafia) are altogether excluded from obtaining such measures.

Other frequent terms

“Article 41 bis”

Article 41 bis of the Ordinamento Penitenziario suspends the treatment possibilities provided by the same Ordinamento. Known also as "tough imprisonment". It was introduced in 1992 in order to fight against mafia crimes, and should have been limited time wise to 1995. In 1995, a new law prolonged it until 1999. In 1999, it was prolonged again until 2003, when it was made permanent. It can be applied to all prisoners with convictions according to article 4 bis, if "security reasons" call for it

“416 bis”

Article 416 of the Criminal Code punishes the offence of association with the intention of committing crimes of the mafia type. This type of crime bars access to all benefits and alternative measures, except in case where the inmate is collaborating with the justice department or his collaboration is impossible because all the facts have already been ascertained

External Field of Correction (*Area penale esterna*)

It comprises all persons admitted to alternative measures to incarceration, to outside work, or to "extra mural" benefits; these are different forms of serving a sentence..

Extra-mural activities (*Attività extramurale*)

These are activities that an inmate can participate in, outside the prison; rewarded permissions, external work, semi-free, etc.

Intra-mural activities (*Attività intramurale*)

These are activities (scholastic, work, cultural, sport) that take place inside the prison with the goal of rehabilitating the inmates

Treatment activities (*Attività di osservazione e trattamento*)

It comprises both intra-mural and extra-mural activities (benefits and alternative measures) in a holistic project of re-education and re-socialisation.

To be within terms (*Essere nei termini*)

This means that an inmate has served a sufficient part of the sentence to qualify for benefits and alternative measures..

Alternative measures (*Misure alternative*)

The alternative measures in the detention centre, introduced by the Penitentiary Reform of 1975 and of other legislative measures, are: semi-free, probation in social serves, house-arrest.

Progress Report on the behaviour of inmates (*Sintesi*)

This is a report that summarizes the evolution of the behaviour of every inmate during his stay in prison and it also gives an indication of how the rest of the sentence will be served (including access to alternative measures). It is drawn up by a team of educators, psychologists, prison officers and social workers.

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