

# Italian Project to improve access to community sentences for foreign national offenders

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## 1. Community work

At the Hague Seminar held on 8-10 October 2018, CEP and EUROPRIS, addressed the topic of foreign nationals in prison and probation. According to data shared at the workshop by the European prison service, the access to community sanctions and measures (CSMs) is overall lower for foreigners than for nationals of the State of detention.

This fact and the high percentages of foreign nationals in detention, worsen the situation of prisons and significantly reduce the re-socialization effect that is pursued through the progressive access to CSMs as a last part of serving of sentence.

It is therefore worth to mention the project "I redeem myself for", started two years ago in Italy, which offers equal opportunities to Italians and foreigner nationals in prison.

Italian Penitentiary Administration (DAP) for two years has been undertaking some experimental initiatives to create more job opportunities for sentenced persons, through the combined efforts of all Authorities and companies involved in the field, so as to approach the job market to prisoners and establish local networks to support their reintegration.

Over the time, the experimentations gave a new meaning to the expression "community work". This last is an Italian CSM consisting in the performance of an unpaid activity in favour of the community, originally envisaged in the context of the proceedings falling under the competence of the justice of peace <sup>1</sup>.

In 2018, a substantial revision of the Penitentiary Act provided for strengthening the role of work as an essential tool for the rehabilitative treatment of the offender. So, art. 20 of Act 354-1975 was amended with regard to the topic of **work inside the prison**. The new art 20-ter also provides for new rules on **community work** and implicitly gives DAP the mandate to constantly examine the systems therein introduced to ensure its implementation.

Among the new features, prisoners are offered the opportunity "*to be entitled to carry out their activities on a 'voluntary basis and, in the course of community work projects', taking into account the specific professionalism and work attitudes. Participation in projects can consist of activities to take place in favour of the state government, regions, provinces, municipalities, mountains' communities, unions of municipalities, local health organizations, bodies or organizations, including international ones, to support social, health and volunteering issues*".

The significant extension of prisoners' work, at their request, in favor of public institutions outside prison paves the way to unprecedented perspectives, which may be appreciated by the community and the sentenced persons.

The activities carried out as community work show citizens the nature of work as a fundamental tool for re-education, and also for the rehabilitation and social reintegration of prisoners. When accompanied with

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<sup>1</sup> Introduced in 2000, community work (LPU) is a substitute penalty although its heterogeneous application areas do not allow a proper systematic position. It consists in the performance of an unpaid activity in favour of the community to be carried out in the State, the regions, the provinces, the municipalities or in institutions and organizations of social assistance or voluntary service. Ministerial decree 26 March 2001 ruled the relevant proceedings.

appropriate training and *tutoring* its effectiveness for the future relocation of people in a workplace is naturally increased.

The performance of working activities for the benefit of the community has several aspects.

It is a restorative action, that the offender carries out in favour of the community as an injured party of the crime committed.

It is an activity of undoubted value for the offender, as an effect and part of a process of social reintegration.

It reduces, finally, the risk of recidivism.

## **2. The project "I redeem myself for ...": birth and evolution of a virtuous model.**

The mandate of DAP relies on art. 27 of the Constitution of the Italian Republic. It provides for forbidding punishment contrary to human dignity and it demands to try a rehabilitating effort of the offender.

The Italian Republic therefore attributes a teleological positive purpose to the sanction imposed.

So, prison staff are used to develop many initiatives for working activities of the prison population, in synergy with a specialized Court (known as "Supervisory Judge") and with the local authorities, paths of rehabilitation.

The project "*I redeem myself for...*" was born in such legal and administrative framework. Since its early beginnings it has been greeted with enthusiasm by prisoners. It was perceived as a response to prison unemployment, as well as an opportunity *for personal redemption* (and such aspect should not be kept aside). This project, having a social and economic mission, helps them to serve a *responsible sentence* through a program of reintegration of sentenced persons in the job market.

The first experiment was carried out, successfully, in Rome, where the Municipality had expressed some interest in employing prisoners in community work, increasing their working opportunities.

The logistical difficulties that characterize the city of Rome were a serious challenge to achieve a viable synergy.

The Roman initiative started a cultural and social recovery of prison itself, reducing overcrowding in the morning and conveying a new meaning to the expression "sense of humanity".

The project was formally launched on 15<sup>th</sup> of February 2018, when DAP and The City of Rome signed a Memorandum of understanding. The activities to be carried out by the prisoners were described (extraordinary interventions of cleaning and return of decorum to some gardens of Rome); this enabled the recovery of areas of historical and artistic value.

Subsequently, the program widened by the joining of *Autostrade for Italy*, a great company, and community work was thus extended to small maintenance works.

Prisoners proposed themselves to participate in the initiative and they were carefully selected based on specific requirements (short prison term; no social danger; good conduct in the prison life; absence of disciplinary faults) .

The prisoners involved were appreciated by Roman people for the recognizable result of the work, and this gave them greater trust in the future<sup>2</sup>.

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Media action that inevitably spread around the project has drawn the attention to the prison as a place of execution of a *sentence useful to citizens*. Such important *perspective* started to change a widespread depiction of prisons.

A similar project followed, "*I redeem for Milan*". It involved Lend Lease, an Australian company which became a strategic *partner of DAP*. Lombardia Region, the Municipality of Milan, the City of Milan, (i.e. the former province of Milan), Firs, Reeds, Plus Value took also part in the ambitious "2121" project of urban regeneration of the area where Expo has been carried out, even with the perspective of recruitment of detained persons.

The progressive commitments to the project "*I redeem myself for ...*" by other important Italian cities, such as Palermo, Turin, Naples and Genoa confirm that Community Work is a valid answer to the issue of social rehabilitation of the offender: and contributes by itself to the breaking of the wall between prison and community.

In this year 2019, the project also kept the interest of UNODC - United Nations Office on Drugs and Crime, which promoted a memorandum of understanding signed by the United Nations, Mexico City and DAP for the implementation in the Mexican prison system of a similar experiment based on the Italian experience.

The agreement, signed on 2 August 2019, finalized a six-month joint work program.

### **3. Practical profiles: effects and results**

The progressive consolidation of the project allows to state that all involved subjects (prisoners, municipalities, DAP, Prison Professionals) benefit from it, both on a practical level and in terms of image.

Community work offers prisoners the opportunity of gaining some release of the debt to the State for justice expenses, whose payment causes an additional difficulty for the after-prison time.

On the same community work or the partners or the Fines Fund (*Cassa delle Ammende*) grant a reimbursement of expenses to the prisoners, as a daily subsidy.

Also, the costs for insurance premiums against illnesses and accidents for community works are covered. Community work allows some Towns Councils (especially those of large metropolitan cities or those with economic and budget difficulties) achieve some public services, small services but quite important for the community.

Carrying out community works, DAP offers prisoners a real chance of reintegration in the society. At the same time, the prison system is newly perceived as a resource for the community society, a very different perception, also under the profile of the image, the idea of a system entrenched behind a wall, mostly closed and forgotten.

Prison Constabulary, almost the officers in charge of surveying, display their high professionalism and their active involvement. When community works are performed, they exhibit themselves as guarantors of respect for the rules and rights of *working prisoners*<sup>3</sup>.

### **4. Conclusions**

To dignify the serving of sentence is fundamental to change the way of understanding and living the prison, to raise the awareness that it is a social problem and not a final solution to the illegal conduct of the offenders.

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Work represents the fundamental lever for the rehabilitation of prisoners, to give them hope of safe life and social insertion.

When working, a prisoner is both to serving a sentence and actively participating in his progress, laying the foundations for a new life; social rehabilitation is achieved through a direct connection with the territory in which those needs arise and can find answers.

His collaborative and less aggressive behaviour make safer the work of prison staff easier, with undeniable positive effects for all the prison.

Experimentation of this way to reintegration, through community works, in the recovery of environmental heritage and small road maintenance, has reached and exceeded the best expectations.