

This information sheet is designed to give you an overall understanding of the prison system in Italy. Each prison will have specific differences: for example, there might be different regime structures or work opportunities, but this should give you a bit of background information to the sort of support you can expect if you are an Italian national, looking to transfer back to Italy.

WHAT HAPPENS WHEN YOU ARRIVE AT THE PRISON?

Which prison will I go to?

- Once you arrive in Italy, you will be temporarily held in the prison next to the airport of arrival; you will wait there for your final assignment, which will take into account your place of origin, the place where your family lives or the place where you have social and family links, given the importance that these relationships may have on your social reintegration, which is the main purpose of your transfer.

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- You will be registered by the penitentiary police staff at the Reception and Registration Unit. You may stay for a while with other prisoners whilst you are waiting to be processed.
- During the arrival procedure you will undergo a search by the penitentiary police staff who will take your fingerprints and your photograph which will be logged on your file.
- You will be given a prison number, unique to you, but during your stay in the prison you will be addressed and indicated by your name and surname.

Who will I meet?

- During the arrival procedure you will undergo a medical examination and will have a psychological interview during which you can point out any personal healthcare problems, addictions, allergies and declare if in need of medicines. In those interviews you may inform the staff about your possible concerns or feelings or situations which may worry you.
- You can also ask for **not to live with other inmates** in reason of your personal safety.
- Upon your arrival in prison, you are going to have an interview with the prison Governor or with another prison worker and you will be given the Charter of prisoners' rights and duties; said Charter will enable you to know your rights as well as the rules governing prison life; you should ask any questions you may have at this time. During that interview you will help the prison officers in identifying your possible personal and family problems requiring immediate interventions; you should ask any questions concerning the course of detention and the prison regime. During detention, you will be supported by the treatment staff, in particular by the educator who will be in charge of your case during your imprisonment as well by the penitentiary social worker, to whom you will speak upon request.
- In every prison there is a "Newcomers Service", which is a psychological service where an interview is held with the newly arrived inmate (the same day of arrival, before your assignment), aimed at identifying possible risks of suffering violence from other inmates or of self-harm.
- You will be taken to the cell you will sleep in, which will normally be on a wing with other prisoners who have just arrived at the prison

What happens of my belongings?

- The penitentiary police staff at the Reception and Registration Unit shall draft a list of your property and you will have to hand over your money, watch and belt, which will be stored and kept at the prison storage and which you will get back when you leave. You may be able to keep some things of a particular moral value: your wedding ring, your thin chain, religious icons.
- Prisoners are forbidden to possess physical money; any money that you have on you upon arrival, plus any money you will further receive via postal order or cash at the prison (*peculio*), is placed in your personal account and can be freely used to buy items, for correspondence or for telephone calls. All prisoners shall pay up their maintenance expenses, covering the cost of food, bedding and kitchenware provided by the penitentiary administration (mattress, sheets, dishes, cutlery, and so on). Upon your application, the supervisory judge can order the release of debt if you are going through financial problems and have behaved correctly.
- You can receive four parcels per month, not exceeding 20 kilos in total, both through visits, or being sent via mail service, when you have not received any visits in the fifteen days before the parcel reception.

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- Upon your arrival at the prison you have the right to inform your family.
- Moreover, you have the right to appoint one or two legal advisors; you will have interviews with your legal adviser since your admission and during the whole prison term, according to scheduled times and fixed modalities, after having made application through the prison's Reception and Registration Unit.
- The relationship of inmates with their **family** is ensured. Family members have the right to be informed about the prisoner's transfer to another prison. You have the right to indicate the family members you wish to give immediate information about your death or serious illness and about whom you wish to receive the same information.

VISITS AND INTERVIEWS

- You will be told how to receive visits from your family members or from different persons (in case there are motivated grounds) or from the Prisoners' Ombudspersons.
- During the visits, which are held either in specific indoor premises without partitions and under the visual, not auditory, surveillance by the penitentiary police staff, or in outdoor areas, where the facility and the season allow it, you shall behave correctly; if not, you can be excluded from receiving visits. Any inmate, serving a sentence in an ordinary regime, is allowed to have six visits per month, which are held for one hour maximum and limited to three persons, but a derogation is possible to those restrictions where visits are made by relatives or cohabitant partners or under specific circumstances.
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WHAT WILL MY CELL BE LIKE ?

- You might share your cell with other inmates, but **you can ask for not to live with other inmates** in reason of your personal safety.
- Each prison is provided with premises for personal life needs and for association activities: those areas shall be sufficiently roomy, well ventilated and heated, and provided with private sanitary installations. You have the right to receive personal underwear, clothing and bedding; you shall take care of them, keep your cell in good order and your person clean. You are given the possibility to have showers, and shall be provided with periodical hair and beard cuts.

HEALTHCARE IN PRISONS

- **Right to healthcare** and the provision of any prevention examinations and tests, diagnosis, care and rehabilitation, at essential and uniform levels of assistance, shall be assured. All services available in each prison facility are itemized in the Charter of health services available to prisoners and internees.
- Inmates in Italian prisons are given the same levels of healthcare assistance as people in the community.
- Healthcare is free of charge and is decided by the healthcare staff working in the prison.
- Most of your health problems shall be treated by the prison healthcare staff. If they are not able to do so, the prison governor will transfer you in outside hospitals or will allow external specialists to examine you in the prison, even at your expenses.
- Healthcare staff might ask your personal doctor to provide your medical file, but only under your consent. If you are coming from abroad and you currently suffer from a pathology or you are undergoing a medical treatment, you can require that a copy of the documents concerning your medical file is sent to the prison of destination.
- In Italian prisons there are specific services for drug-addicted and alcohol-addicted; moreover there are prisons or wings dedicated to inmates with those problems (ICATT).
- In Italian prisons there are specific wings for accommodating HIV-positive inmates and inmates suffering from infectious diseases.
- There are also prison wings for accommodating disabled or physically impaired inmates.

BENEFITS

- A reduction of 45 days of imprisonment for each six months of sentence served is granted to inmates who have regularly behaved and have shown participation in observation and treatment activities (early release)
- All prisoners and internees who have demonstrated particular sense of responsibility in work activities, educational courses, in organizing and carrying out cultural and sport activities, in supporting others or in praiseworthy actions, are rewarded with a praise formulated by the prison governor or the proposal – formulated by the disciplinary board – for their pardon, conditional release, early repeal of a security measure or other benefits such as the assignment to the probation service, home detention, semi-liberty and early release.

PRISON REGIME

- The penitentiary treatment provided in Italian prisons shall be humane and shall assure respect for the dignity of each individual.
- Treatment shall be marked by absolute impartiality, with no discrimination on the grounds of nationality, race, economic and social status, political opinion and religious beliefs. The **right to practice one's own religion** is acknowledged and to make use of spiritual assistance from catholic chaplains and to participate in religious rites in catholic chapels or in dedicated rooms for the use of non-catholic beliefs.
- Prisoners shall be offered a rehabilitation treatment aimed at their social reintegration, even through contacts with the outside community, and according to a criterion of individualization with respect to their specific conditions.
- Primary and secondary school courses as well as vocational training courses are available in all prison establishments. In many prisons, university courses are activated. Prisoners may receive a daily allowance, fixed by a ministerial decree, for attending high school courses. For the participation in vocational training courses, a hour allowance is provided.
- Prisoners who attend high school courses or university courses, and who passed all the exams of each year, shall be refunded, when they are in poor economic conditions, of the taxes and fees they paid and of the costs of books, and they will also receive a performance grant. Some rewards are granted to all prisoners who have been distinguishing in education and vocational training commitment and merit. It is also possible to undertake school courses as a private student to get a high school diploma or university degree.
- Prisons are provided with a library, which is run in collaboration with some prisoners. Access to the library of each prison wing is scheduled in days and hours established in the prison internal regulations. In prison, cultural, sports and leisure activities are carried out to the purpose of re-educational treatment. A commission, consisting of the prison governor, one or more educators, one or more penitentiary social workers and a delegation of prisoners, shall be responsible for the organization of those activities. To participate in courses and in other prison programmes, it is sufficient to submit a written application. During outdoor exercise time, prisoners are allowed to make some physical training.
- Each prisoner or internee has the **right to spend at least two hours outdoor** each day or, under specific prison regimes, a shorter period but not less than an hour. Any

prisoner or internee has the **right to healthy food**, adequate to personal needs. They have the right to three meals each day, distributed at established hours in compliance with internal prison regulations. They have the right to available drinking water and to use personal gas cookers with the adoption of all safety regulations. They are also permitted to buy, at their expenses, food supplies and refreshments (so called "sopravitto") and they are guaranteed the right to receive food supplies in parcels from outside, within established limits of weight. A delegation of prisoners shall inspect meal preparation and prices of items sold at the prison shop.

- Prison work is a basic element of prison treatment. Upon demand, remand prisoners can participate in work activities, both in their prison facility (cook, barber, storekeeper, etc.) or outside. Work outside prison is a modality in the execution of sentences: it is enforceable without any limitation with regards to people convicted for common crimes; it is applicable only when one third of the sentence has been served, if concerning persons sentenced to imprisonment for specific crimes; for inmates sentenced to life imprisonment, it is applicable after at least 10 years are served.
- Prisoners' earning is determined in quantity not inferior to the two-thirds of wages provided for in labour collective agreements.

THE SENTENCE PLAN

- The penitentiary treatment shall answer specific needs of the personality of each inmate; to that purpose, the scientific observation of inmates' personality is arranged, aimed at detecting possible grounds for social maladjustment as well as at facilitating their social reintegration.
- Such observation activity shall be carried out since your entry in the prison and shall continue throughout your detention; it will be carried out by the prison staff (educators, social workers, penitentiary police staff) and, where necessary, also by external professionals (experts in psychology, social work, pedagogy, psychiatry, criminology) and will be coordinated by the prison governor.
- The observation activity shall include interviews, which you will have with the above-mentioned workers and professionals, and documents concerning your judicial and penitentiary data and your clinical, psychological and social information.
- In each prison there is a Team for observation and treatment (GOT), composed of the above-mentioned workers, which drafts the synthesis report of the scientific observation of the offender; said report includes a proposal of sentence plan, which will be approved by an order of the Supervisory Judge. The sentence plan consists in the most adequate rehabilitation interventions which the penitentiary workers propose to carry out for one inmate during his imprisonment, including also benefits and alternative measures.
- The GOT shall draft for you an adequate sentence plan which will support you and will help you in solving your problems during your imprisonment as well as in reintegrating yourself into society.
- Moreover, the GOT shall meet regularly in order to analyze your progress and the results achieved in rehabilitation as well as your adhesion and participation in the treatment activities proposed.

MEASURES ALTERNATIVE TO DETENTION

Offender's assignment to the Probation Service:

If a sentence, or the remaining part of a prison sentence, does not exceed three years, or in some cases four years, sentenced offenders, on the basis of the results of their observation of personality carried out by a team of penitentiary workers, may be assigned to the Probation Service, for the period of sentence still to be served, during which they will be in charge of the local probation services. Prisoners' application for this measure shall be submitted to the Supervisory Court or, in cases where a very serious damage subsists due to the continuation of the subject's imprisonment, to the Supervisory Judge, who can grant it temporarily, until the final decision is taken by the Supervisory Court (within 60 days). The same Court, after having verified that the measure has been successfully fulfilled, shall declare the prison sentence fully served and any other penal effect expired. Drug-addicts or alcoholics, with a sentence or residual prison sentence not exceeding six years (four years for particular categories of crime), who are following a rehab programme, or are willing to start a new one (agreed with local health service for drug-addicts) can be granted a *therapeutic* assignment. Finally, the measure of assignment to the probation service can be granted to those prisoners who suffer from full blown AIDS or from serious immunodeficiency, who are undergoing or are willing to undergo a medical and health assistance programme in specific care centers.

Home detention:

Except for some specific crimes provided for by the law, the Supervisory Court shall grant home detention to any finally sentenced inmate aged 70, who was not declared a habitual or professional offender or a criminal by propensity and who is not a repeated recidivist.

The same measure can be granted, for a sentence of imprisonment not exceeding four years, even when part of a longer sentence, to a pregnant female offender, to imprisoned mothers or fathers of children under the age of ten, to offenders with particularly serious health conditions or aged over 60 (if disabled) or under 21 (in particular cases). The finally sentenced mother of children under ten years of age, when she has served one third of her sentence (or fifteen years in case of life sentence) can be granted home detention if it is possible to restore cohabitation with her children. Home detention can also be granted to prisoners with a sentence or remaining part of sentence up to two years, under certain conditions and in particular if they are not eligible for the assignment to the probation service. The same measure can also be granted beyond the sentence limits provided to those prisoners who suffer from full blown AIDS or from serious immunodeficiency who are undergoing or are willing to undergo a medical and health assistance programme in specific care centers.

The execution of custodial sentences not exceeding eighteen months at the offender's domicile: In addition to previous measures, the law provides that a custodial sentence not exceeding eighteen months, even if part of a longer sentence, shall be served at the inmate's personal domicile or different address. This measure is not applicable to those offenders having committed serious crimes as listed in article 4-*b* of law 354/75.

Semi-liberty: semi-liberty allows convicted persons to spend part of the day outside prison to participate in working or educational activities, or any other activity useful to their social reintegration.

It is granted by the Supervisory Court to any inmate who is:

- under a security measure;
- under sentence of arrest or imprisonment not exceeding six months;
- serving a sentence over 6 months and who has served at least half of his sentence (two-thirds of it for crimes listed in article 4-*b*, paragraph 1 of the penitentiary act);

- sentenced to life imprisonment and has served 20 years in prison.

Conditional release: it can be granted to any inmate who served at least 30 months of sentence, and anyway $\frac{1}{2}$ of it, when the residual prison sentence is not exceeding 5 years (if recidivist, at least 4 years of the sentence and not less than $\frac{3}{4}$; if a person is sentenced to life imprisonment, 26 years of sentence shall have been already served). To be granted conditional release, inmates should have maintained a behavior showing factual rehabilitation during their imprisonment. It is subordinated to the fulfillment of the inmates' civic commitments relevant to their crime, unless it is demonstrated their impossibility of fulfilling them.

Suspension of the execution of sentence for drug-addicts or alcoholics: The Supervisory Court can suspend the execution of sentence for a period of five years for inmates who have to serve a sentence or a residual prison sentence not exceeding 6 years (4 years if inmates are sentenced for certain crimes), if crimes are committed consequently to their state of drug/alcohol addiction, and have succeeded in therapeutic and social rehabilitation programmes in a public or authorized-by-law health facility.

CATEGORIZATION

- The assignment of the inmates to one prison and their grouping in the various wings of a prison are arranged with particular reference to the possibility to carry out a common rehabilitation treatment and to the need of avoiding mutual negative influences. While arranging assignment, the penitentiary Administration shall follow the principle that inmates serve their sentences close to their places of residence.
- The separation of accused persons from convicted persons and from internees, of the young inmates of 18 to 25 years of age from adults, of convicted persons from internees and of persons convicted to "arrest" from persons convicted to imprisonment shall be provided for.
- Women shall be accommodated in separate prisons or in special wings of prisons, but, when exceptional security reasons do not subsist, the judge may order the assignment to Low-security prisons (ICAM) of female pregnant prisoners or of mothers with children under 6 years of age, or of fathers when the mother is dead or totally incapable to assist children.
- There are prisons for minors.
- Moreover, prisoners are assigned to different penitentiary circuits, which were established in order to ensure homogeneous treatments.
- There are three levels of security circuits:
 - First level circuit, high security. For prisoners belonging to criminal organizations: they are accommodated in very secure structures, equipped with electronic devices for the highest level of surveillance. The surveillance in those establishments is carried out by particularly skilled penitentiary police staff and is adequate to the level of danger of the inmates. That category of offenders is usually assigned in areas far from the places where they perpetrated their criminal activities or where they or their organization may have strong influence. They are assigned in special wings, keeping into account the prohibition of meeting other inmates or other incompatibilities indicated by the Judicial Authority as well as avoiding to gather very charismatic subjects into the same wing. All the activities authorised for those offenders, such as: outdoor exercise; family visits and interviews with layers; activities in common; school and vocational training;

work; religious activities; sport and leisure activities are carried out within the wing; they cannot meet with any other inmate belonging to other security levels.

Second level circuit, that is medium security. For most of prisoners, who are not assigned to other two levels.

Third level circuit: low-security, destined to less dangerous drug-addicted prisoners.

- Some prisoners are assigned to special wings: those ones who are in specific personal conditions (transgender); the former members of law enforcement agencies or of Judiciary; the categories of offenders who risk to be aggressed by other prisoners: sexual offenders against minors, rapists, etc.

HOW CAN I BE TRANSFERRED FROM ONE PRISON TO ANOTHER ONE?

- When you will be transferred to Italy from abroad, the penitentiary Administration will assign you keeping into account your place of origin, the place of residence of your family or the place where you have social, work and family links. Nevertheless, during your detention you may be transferred to other prisons ex-officio, but only for serious and substantiated security reasons, for reasons relevant to the prison and for reasons of justice. In any case, the principle of assignment to a prison close to your family shall be kept into account.
- You can ask to be transferred to another town for reasons of study, of health or for reasons connected with your family. The request of transfer shall be addressed through the prison governor to the Regional Director of the Penitentiary Administration when the transfer is requested to a prison within the same district, and to the Department of Penitentiary Administration of the Ministry of Justice, when the transfer is to a facility in a different district.

Enclosed: maps of Italian prisons

PREPARATION TO RELEASE

- You will be released on the day indicated in the relevant order, unless you have to undergo a detention security measure.
- Besides the rehabilitation interventions provided for by their individual sentence plan, all prisoners and internees shall receive a particular support towards the end of their prison term, through social service interventions and a treatment programme (mostly through bonus leaves and alternative measures) oriented to the solution of specific needs, relevant to life conditions they will face once in the community (family, work, social environment). Particular care is thus given to speak with inmates about the various issues they will face and to analyze possible solutions; inmates can even be transferred to a prison close to their place of residence, unless there are motivated reasons for the contrary. To draft and to implement said programme, the prison governor usually asks for the collaboration of the local probation service (UEPE), of the local social services as well as of volunteers which contact the family where the offender will leave upon release and agree upon the most adequate interventions.

WHEN WILL I BE RELEASED ?

- As already mentioned, a reduction of 45 days of imprisonment for each six months of sentence served is granted to inmates who have regularly behaved and have shown participation in observation and treatment activities (early release).
- The date of your release depends upon the following conditions:
 - The length of your sentence
 - Your behaviour in prison
 - The time you spent in pre-trial detention and on remand, which will be counted as term actually served.
- During detention, the Supervisory Judge can grant bonus leaves to finally sentenced prisoners who are not dangerous to society, if they had a good behaviour and have served an important part of their sentence. Each leave cannot exceed 15-days duration, and cannot be granted for more than a total of 45 days in a year. The Supervisory Judge while granting a leave, also provides for adequate specific obligations and prohibitions.
- Bonus leaves are an integral part of the treatment programme for they allow the prisoner to nurture affective, cultural and work interests. They are monitored, especially as for inmates' behaviour, by the observation and treatment Team.
- When the behaviour held and the treatment plan development are favourably assessed on the basis of the offender observation carried out by the GOT, prisoners who fulfil specific requirements can apply for measures alternative to detention (assignment to the probation service, home detention, special home detention and conditional release) which, if they are successfully enforced, allow the offender to serve the final part of his sentence in the community.
- The released inmates who need to be hospitalized because of their serious physical or psychic health conditions are transferred to the nearest adequate clinical centre.
- When the released person cannot see to the payments necessary to reach the place of his residence, the prison governor shall provide him, upon his request, the necessary travel tickets. If the released offender is a foreigner, he is given the travel tickets necessary to reach the consulate of his Country.

PROBATION

- The Italian penitentiary system provides for that also the local probation service (named Office for the Execution of Sentences in the Community) follows the inmates not only when they are granted a measure alternative to detention, through actions of support and of surveillance of the subject's compliance to the obligations and prohibitions set by the Supervisory judge, but also upon their release.
- You might be pointed out to the attention of the local social services for the solution of possible problems which you will face upon release as well as for receiving support in this delicate phase.

RIGHTS

- Prisoners have several rights, including:
 - The right to inform their family of their imprisonment and to have an interview with their lawyer upon their entry into the prison;

- The right to spend at least two hours a day outdoor;
- The right to healthcare assistance;
- The right to healthy food;
- The right to be protected from any form of violence or racial harassment;
- The right to practice their own religion

WHAT DO I DO IF I HAVE A PROBLEM ?

- You may speak about any problem you will face during your imprisonment, also about your personal situations outside the prison, with any penitentiary worker, in particular with the educator who is following your case or the penitentiary police staff on duty in your wing, as well as with the chaplain or with volunteers (prison visitors).
- Moreover, you are entitled to have interviews with the National Ombudsperson of Prisoners' Rights, with the Regional or Local Ombudspersons, where they exist. Said Ombudsperson carries out an activity of political awareness raising in matter of human rights and of the rehabilitation purpose of punishments.

WHICH OFFICES CAN I CONTACT ?

- For further information about the Italian penitentiary system, you can contact the Department of Penitentiary Administration, Largo Luigi Daga 2, 00164 Rome. Telephone number: + 39 06 665911. E-mail address: ufficiostudi.dap@giustizia.it
- For information about the transfer procedures you can contact the Department of Justice Affairs, Directorate-General of Criminal Justice – Office II – International Judicial Cooperation – via Arenula 70 – 00186, Rome. Telephone number + 39 06 68852180 – fax number + 39 06 68897528. E-mail address: ufficio2dgpenale.dag@giustizia.it



Ministero della Giustizia
 DIPARTIMENTO DELL'AMMINISTRAZIONE PENITENZIARIA
 DIREZIONE GENERALE DEL PERSONALE E DELLE RISORSE

**AREA COMPETENZE DEI PROVVEDITORIATI
 E SEDI PENITENZIARIE**



LEGENDA

	Piemonte - Liguria Val d'Aosta
	Lombardia
	Veneto - Friuli Venezia Giulia Trentino Alto Adige
	Emilia Romagna Marche
	Toscana - Umbria
	Lazio - Abruzzo Molise
	Campania
	Puglia - Basilicata
	Calabria
	Sicilia
	Sardegna
	Sedi Provveditorati
	Scuole di Formazione ed Aggiornamento Pol. Pen
	Casa Circondariale
	Casa di Reclusione
	Casa di Lavoro
	Casa Circondariale Femminile
	Copertura Penitenziaria della Sede Direzione Generale Demolita e Tuttaviva

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- Healthcare is free of charge and is decided by the healthcare staff working in the prison.
- Most of your health problems shall be treated by the prison healthcare staff. If they are not able to do so, the prison governor will transfer you in outside hospitals or will allow external specialists to examine you in the prison, even at your expenses.
- Healthcare staff might ask your personal doctor to provide your medical file, but only under your consent. If you are coming from abroad and you currently suffer from a pathology or you are undergoing a medical treatment, you can require that a copy of the documents concerning your medical file is sent to the prison of destination.
- In Italian prisons there are specific services for drug-addicted and alcohol-addicted; moreover there are prisons or wings dedicated to inmates with those problems (ICATT).
- In Italian prisons there are specific wings for accommodating HIV-positive inmates and inmates suffering from infectious diseases.
- There are also prison wings for accommodating disabled or physically impaired inmates.

BENEFITS

- A reduction of 45 days of imprisonment for each six months of sentence served is granted to inmates who have regularly behaved and have shown participation in observation and treatment activities (early release)
- All prisoners and internees who have demonstrated particular sense of responsibility in work activities, educational courses, in organizing and carrying out cultural and sport activities, in supporting others or in praiseworthy actions, are rewarded with a praise formulated by the prison governor or the proposal – formulated by the disciplinary board – for their pardon, conditional release, early repeal of a security measure or other benefits such as the assignment to the probation service, home detention, semi-liberty and early release.

PRISON REGIME

- The penitentiary treatment provided in Italian prisons shall be humane and shall assure respect for the dignity of each individual.
- Treatment shall be marked by absolute impartiality, with no discrimination on the grounds of nationality, race, economic and social status, political opinion and religious beliefs. The **right to practice one's own religion** is acknowledged and to make use of spiritual assistance from catholic chaplains and to participate in religious rites in catholic chapels or in dedicated rooms for the use of non-catholic beliefs.
- Prisoners shall be offered a rehabilitation treatment aimed at their social reintegration, even through contacts with the outside community, and according to a criterion of individualization with respect to their specific conditions.
- Primary and secondary school courses as well as vocational training courses are available in all prison establishments. In many prisons, university courses are activated. Prisoners may receive a daily allowance, fixed by a ministerial decree, for attending high school courses. For the participation in vocational training courses, a hour allowance is provided.
- Prisoners who attend high school courses or university courses, and who passed all the exams of each year, shall be refunded, when they are in poor economic conditions, of the taxes and fees they paid and of the costs of books, and they will also receive a performance grant. Some rewards are granted to all prisoners who have been distinguishing in education and vocational training commitment and merit. It is also possible to undertake school courses as a private student to get a high school diploma or university degree.
- Prisons are provided with a library, which is run in collaboration with some prisoners. Access to the library of each prison wing is scheduled in days and hours established in the prison internal regulations. In prison, cultural, sports and leisure activities are carried out to the purpose of re-educational treatment. A commission, consisting of the prison governor, one or more educators, one or more penitentiary social workers and a delegation of prisoners, shall be responsible for the organization of those activities. To participate in courses and in other prison programmes, it is sufficient to submit a written application. During outdoor exercise time, prisoners are allowed to make some physical training.
- Each prisoner or internee has the **right to spend at least two hours outdoor** each day or, under specific prison regimes, a shorter period but not less than an hour. Any

prisoner or internee has the **right to healthy food**, adequate to personal needs. They have the right to three meals each day, distributed at established hours in compliance with internal prison regulations. They have the right to available drinking water and to use personal gas cookers with the adoption of all safety regulations. They are also permitted to buy, at their expenses, food supplies and refreshments (so called "sopravvitto") and they are guaranteed the right to receive food supplies in parcels from outside, within established limits of weight. A delegation of prisoners shall inspect meal preparation and prices of items sold at the prison shop.

- Prison work is a basic element of prison treatment. Upon demand, remand prisoners can participate in work activities, both in their prison facility (cook, barber, storekeeper, etc.) or outside. Work outside prison is a modality in the execution of sentences: it is enforceable without any limitation with regards to people convicted for common crimes; it is applicable only when one third of the sentence has been served, if concerning persons sentenced to imprisonment for specific crimes; for inmates sentenced to life imprisonment, it is applicable after at least 10 years are served.
- Prisoners' earning is determined in quantity not inferior to the two-thirds of wages provided for in labour collective agreements.

THE SENTENCE PLAN

- The penitentiary treatment shall answer specific needs of the personality of each inmate; to that purpose, the scientific observation of inmates' personality is arranged, aimed at detecting possible grounds for social maladjustment as well as at facilitating their social reintegration.
- Such observation activity shall be carried out since your entry in the prison and shall continue throughout your detention; it will be carried out by the prison staff (educators, social workers, penitentiary police staff) and, where necessary, also by external professionals (experts in psychology, social work, pedagogy, psychiatry, criminology) and will be coordinated by the prison governor.
- The observation activity shall include interviews, which you will have with the above-mentioned workers and professionals, and documents concerning your judicial and penitentiary data and your clinical, psychological and social information.
- In each prison there is a Team for observation and treatment (GOT), composed of the above-mentioned workers, which drafts the synthesis report of the scientific observation of the offender; said report includes a proposal of sentence plan, which will be approved by an order of the Supervisory Judge. The sentence plan consists in the most adequate rehabilitation interventions which the penitentiary workers propose to carry out for one inmate during his imprisonment, including also benefits and alternative measures.
- The GOT shall draft for you an adequate sentence plan which will support you and will help you in solving your problems during your imprisonment as well as in reintegrating yourself into society.
- Moreover, the GOT shall meet regularly in order to analyze your progress and the results achieved in rehabilitation as well as your adhesion and participation in the treatment activities proposed.

MEASURES ALTERNATIVE TO DETENTION

Offender's assignment to the Probation Service:

If a sentence, or the remaining part of a prison sentence, does not exceed three years, or in some cases four years, sentenced offenders, on the basis of the results of their observation of personality carried out by a team of penitentiary workers, may be assigned to the Probation Service, for the period of sentence still to be served, during which they will be in charge of the local probation services. Prisoners' application for this measure shall be submitted to the Supervisory Court or, in cases where a very serious damage subsists due to the continuation of the subject's imprisonment, to the Supervisory Judge, who can grant it temporarily, until the final decision is taken by the Supervisory Court (within 60 days). The same Court, after having verified that the measure has been successfully fulfilled, shall declare the prison sentence fully served and any other penal effect expired. Drug-addicts or alcoholics, with a sentence or residual prison sentence not exceeding six years (four years for particular categories of crime), who are following a rehab programme, or are willing to start a new one (agreed with local health service for drug-addicts) can be granted a *therapeutic* assignment. Finally, the measure of assignment to the probation service can be granted to those prisoners who suffer from full blown AIDS or from serious immunodeficiency, who are undergoing or are willing to undergo a medical and health assistance programme in specific care centers.

Home detention:

Except for some specific crimes provided for by the law, the Supervisory Court shall grant home detention to any finally sentenced inmate aged 70, who was not declared a habitual or professional offender or a criminal by propensity and who is not a repeated recidivist.

The same measure can be granted, for a sentence of imprisonment not exceeding four years, even when part of a longer sentence, to a pregnant female offender, to imprisoned mothers or fathers of children under the age of ten, to offenders with particularly serious health conditions or aged over 60 (if disabled) or under 21 (in particular cases). The finally sentenced mother of children under ten years of age, when she has served one third of her sentence (or fifteen years in case of life sentence) can be granted home detention if it is possible to restore cohabitation with her children. Home detention can also be granted to prisoners with a sentence or remaining part of sentence up to two years, under certain conditions and in particular if they are not eligible for the assignment to the probation service. The same measure can also be granted beyond the sentence limits provided to those prisoners who suffer from full blown AIDS or from serious immunodeficiency who are undergoing or are willing to undergo a medical and health assistance programme in specific care centers.

The execution of custodial sentences not exceeding eighteen months at the offender's domicile: In addition to previous measures, the law provides that a custodial sentence not exceeding eighteen months, even if part of a longer sentence, shall be served at the inmate's personal domicile or different address. This measure is not applicable to those offenders having committed serious crimes as listed in article 4-*b* of law 354/75.

Semi-liberty: semi-liberty allows convicted persons to spend part of the day outside prison to participate in working or educational activities, or any other activity useful to their social reintegration.

It is granted by the Supervisory Court to any inmate who is:

- under a security measure;
- under sentence of arrest or imprisonment not exceeding six months;
- serving a sentence over 6 months and who has served at least half of his sentence (two-thirds of it for crimes listed in article 4-*b*, paragraph 1 of the penitentiary act);

- sentenced to life imprisonment and has served 20 years in prison.

Conditional release: it can be granted to any inmate who served at least 30 months of sentence, and anyway $\frac{1}{2}$ of it, when the residual prison sentence is not exceeding 5 years (if recidivist, at least 4 years of the sentence and not less than $\frac{3}{4}$; if a person is sentenced to life imprisonment, 26 years of sentence shall have been already served). To be granted conditional release, inmates should have maintained a behavior showing factual rehabilitation during their imprisonment. It is subordinated to the fulfillment of the inmates' civic commitments relevant to their crime, unless it is demonstrated their impossibility of fulfilling them.

Suspension of the execution of sentence for drug-addicts or alcoholics: The Supervisory Court can suspend the execution of sentence for a period of five years for inmates who have to serve a sentence or a residual prison sentence not exceeding 6 years (4 years if inmates are sentenced for certain crimes), if crimes are committed consequently to their state of drug/alcohol addiction, and have succeeded in therapeutic and social rehabilitation programmes in a public or authorized-by-law health facility.

CATEGORIZATION

- The assignment of the inmates to one prison and their grouping in the various wings of a prison are arranged with particular reference to the possibility to carry out a common rehabilitation treatment and to the need of avoiding mutual negative influences. While arranging assignment, the penitentiary Administration shall follow the principle that inmates serve their sentences close to their places of residence.
- The separation of accused persons from convicted persons and from interneers, of the young inmates of 18 to 25 years of age from adults, of convicted persons from interneers and of persons convicted to "arrest" from persons convicted to imprisonment shall be provided for.
- Women shall be accommodated in separate prisons or in special wings of prisons, but, when exceptional security reasons do not subsist, the judge may order the assignment to Low-security prisons (ICAM) of female pregnant prisoners or of mothers with children under 6 years of age, or of fathers when the mother is dead or totally incapable to assist children.
- There are prisons for minors.
- Moreover, prisoners are assigned to different penitentiary circuits, which were established in order to ensure homogeneous treatments.
- There are three levels of security circuits:
First level circuit, high security. For prisoners belonging to criminal organizations: they are accommodated in very secure structures, equipped with electronic devices for the highest level of surveillance. The surveillance in those establishments is carried out by particularly skilled penitentiary police staff and is adequate to the level of danger of the inmates. That category of offenders is usually assigned in areas far from the places where they perpetrated their criminal activities or where they or their organization may have strong influence. They are assigned in special wings, keeping into account the prohibition of meeting other inmates or other incompatibilities indicated by the Judicial Authority as well as avoiding to gather very charismatic subjects into the same wing. All the activities authorised for those offenders, such as: outdoor exercise; family visits and interviews with layers; activities in common; school and vocational training;

work; religious activities; sport and leisure activities are carried out within the wing; they cannot meet with any other inmate belonging to other security levels.

Second level circuit, that is medium security. For most of prisoners, who are not assigned to other two levels.

Third level circuit: low-security, destined to less dangerous drug-addicted prisoners.

- Some prisoners are assigned to special wings: those ones who are in specific personal conditions (transgender); the former members of law enforcement agencies or of Judiciary; the categories of offenders who risk to be aggressed by other prisoners: sexual offenders against minors, rapists, etc.

HOW CAN I BE TRANSFERRED FROM ONE PRISON TO ANOTHER ONE?

- When you will be transferred to Italy from abroad, the penitentiary Administration will assign you keeping into account your place of origin, the place of residence of your family or the place where you have social, work and family links. Nevertheless, during your detention you may be transferred to other prisons ex-officio, but only for serious and substantiated security reasons, for reasons relevant to the prison and for reasons of justice. In any case, the principle of assignment to a prison close to your family shall be kept into account.
- You can ask to be transferred to another town for reasons of study, of health or for reasons connected with your family. The request of transfer shall be addressed through the prison governor to the Regional Director of the Penitentiary Administration when the transfer is requested to a prison within the same district, and to the Department of Penitentiary Administration of the Ministry of Justice, when the transfer is to a facility in a different district.

Enclosed: maps of Italian prisons

PREPARATION TO RELEASE

- You will be released on the day indicated in the relevant order, unless you have to undergo a detention security measure.
- Besides the rehabilitation interventions provided for by their individual sentence plan, all prisoners and internees shall receive a particular support towards the end of their prison term, through social service interventions and a treatment programme (mostly through bonus leaves and alternative measures) oriented to the solution of specific needs, relevant to life conditions they will face once in the community (family, work, social environment). Particular care is thus given to speak with inmates about the various issues they will face and to analyze possible solutions; inmates can even be transferred to a prison close to their place of residence, unless there are motivated reasons for the contrary. To draft and to implement said programme, the prison governor usually asks for the collaboration of the local probation service (UEPE), of the local social services as well as of volunteers which contact the family where the offender will leave upon release and agree upon the most adequate interventions.

WHEN WILL I BE RELEASED ?

- As already mentioned, a reduction of 45 days of imprisonment for each six months of sentence served is granted to inmates who have regularly behaved and have shown participation in observation and treatment activities (early release).
- The date of your release depends upon the following conditions:
 - The length of your sentence
 - Your behaviour in prison
 - The time you spent in pre-trial detention and on remand, which will be counted as term actually served.
- During detention, the Supervisory Judge can grant bonus leaves to finally sentenced prisoners who are not dangerous to society, if they had a good behaviour and have served an important part of their sentence. Each leave cannot exceed 15-days duration, and cannot be granted for more than a total of 45 days in a year. The Supervisory Judge while granting a leave, also provides for adequate specific obligations and prohibitions.
- Bonus leaves are an integral part of the treatment programme for they allow the prisoner to nurture affective, cultural and work interests. They are monitored, especially as for inmates' behaviour, by the observation and treatment Team.
- When the behaviour held and the treatment plan development are favourably assessed on the basis of the offender observation carried out by the GOT, prisoners who fulfil specific requirements can apply for measures alternative to detention (assignment to the probation service, home detention, special home detention and conditional release) which, if they are successfully enforced, allow the offender to serve the final part of his sentence in the community.
- The released inmates who need to be hospitalized because of their serious physical or psychic health conditions are transferred to the nearest adequate clinical centre.
- When the released person cannot see to the payments necessary to reach the place of his residence, the prison governor shall provide him, upon his request, the necessary travel tickets. If the released offender is a foreigner, he is given the travel tickets necessary to reach the consulate of his Country.

PROBATION

- The Italian penitentiary system provides for that also the local probation service (named Office for the Execution of Sentences in the Community) follows the inmates not only when they are granted a measure alternative to detention, through actions of support and of surveillance of the subject's compliance to the obligations and prohibitions set by the Supervisory judge, but also upon their release.
- You might be pointed out to the attention of the local social services for the solution of possible problems which you will face upon release as well as for receiving support in this delicate phase.

RIGHTS

- Prisoners have several rights, including:
 - The right to inform their family of their imprisonment and to have an interview with their lawyer upon their entry into the prison;

- The right to spend at least two hours a day outdoor;
- The right to healthcare assistance;
- The right to healthy food;
- The right to be protected from any form of violence or racial harassment;
- The right to practice their own religion

WHAT DO I DO IF I HAVE A PROBLEM ?

- You may speak about any problem you will face during your imprisonment, also about your personal situations outside the prison, with any penitentiary worker, in particular with the educator who is following your case or the penitentiary police staff on duty in your wing, as well as with the chaplain or with volunteers (prison visitors).
- Moreover, you are entitled to have interviews with the National Ombudsperson of Prisoners' Rights, with the Regional or Local Ombudspersons, where they exist. Said Ombudsperson carries out an activity of political awareness raising in matter of human rights and of the rehabilitation purpose of punishments.

WHICH OFFICES CAN I CONTACT ?

- For further information about the Italian penitentiary system, you can contact the Department of Penitentiary Administration, Largo Luigi Daga 2, 00164 Rome. Telephone number: + 39 06 665911. E-mail address: ufficiostudi.dap@giustizia.it
- For information about the transfer procedures you can contact the Department of Justice Affairs, Directorate-General of Criminal Justice – Office II – International Judicial Cooperation – via Arenula 70 – 00186, Rome. Telephone number + 39 06 68852180 – fax number + 39 06 68897528. E-mail address: ufficio2dgpenale.dag@giustizia.it

Questa scheda informativa è stata predisposta per offrirti una visione d'insieme del sistema penitenziario in Italia. Anche se ogni istituto presenta specifiche caratteristiche, ad esempio di regime o in merito alle opportunità di lavoro, questa scheda dovrebbe offrirti alcune informazioni di base sul tipo di supporto che ti puoi aspettare, se sei un cittadino italiano che desidera essere trasferito in Italia.

Cosa accade quando arrivi in Istituto?

In quale Istituto penitenziario verrò ristretto?

- Una volta giunto in Italia verrai provvisoriamente ristretto presso l'istituto penitenziario sito nella prossimità dell'aeroporto ove arriverai, in attesa della definitiva assegnazione che terrà conto del tuo luogo d'origine ovvero della residenza della tua famiglia o comunque del luogo ove intrattieni legami sociali e familiari e di lavoro, attesa l'importanza che queste relazioni rivestono ai fini del tuo reinserimento sociale, scopo precipuo del trasferimento ottenuto.

Cosa accade quando giungo in Istituto?

- Verrai preso in carico dal personale di polizia penitenziaria preposto all'Ufficio Matricola e potrai essere trattenuto con altri detenuti in attesa che il tuo caso venga preso in carico .
- Durante la procedura d'ingresso verrai sottoposto a perquisizione da parte del personale di polizia penitenziaria preposto che ti effettuerà anche il prelievo delle impronte digitali e ti scatterà una fotografia, che verranno inserite nel tuo fascicolo personale.
- Ti sarà attribuito un numero di matricola penitenziaria, unico e solo tuo, ma nella vita detentiva verrai chiamato ed indicato con il tuo nome e cognome.

Chi incontrerò?

- Durante la procedura di ingresso verrai sottoposto a visita medica e psicologica durante la quale potrai riferire eventuali problemi di salute, dipendenze, intolleranze e necessità di assunzione di farmaci. In tale occasione potrai far presente eventuali tue preoccupazioni o eventuali altri stati d'animo o situazioni che ti comportino qualsiasi tipo di disagio.
- Potrai anche **chiedere di non convivere con altri detenuti** per motivi di tutela della tua incolumità personale.
- Appena giunto in carcere effettuerai anche il colloquio di primo ingresso con il direttore o con altro operatore penitenziario e ti verrà consegnata la Carta dei diritti e dei doveri dei detenuti ed internati che è un documento che ti consentirà di conoscere i tuoi diritti e le regole che conformano la vita del contesto carcerario;

potrai comunque fare tutte le domande che riterrai opportuno. In tale colloquio verranno anche individuati, possibilmente con il tuo ausilio, eventuali problemi personali e familiari che richiedono interventi immediati e potrai fare eventuali domande inerenti il proseguo della detenzione ed il regime detentivo.

Nel proseguo della detenzione riceverai comunque il sostegno di cui avrai bisogno da parte del personale dell'area trattamentale, in particolare dall'educatore che ti seguirà nel corso della tua permanenza in istituto, e dall'assistente sociale, con i quali terrai colloqui anche dietro tua richiesta.

- Presso ogni istituto penitenziario è inoltre presente il Servizio nuovi giunti, consistente in un presidio psicologico ove si effettua un colloquio con il nuovo giunto (nello stesso giorno dell'ingresso e prima dell'assegnazione) diretto ad accertare, sulla base di alcuni fattori, il rischio che il soggetto possa compiere violenza su se stesso o subire violenza da parte di altri detenuti.
- Sarai condotto nella cella dove dormirai, solitamente sita in una sezione ove si trovano altri detenuti appena arrivati.

Cosa accade alle cose che ho con me?

- Il personale preposto all'Ufficio Matricola farà un elenco delle cose che hai portato con te e dovrai consegnare denaro, orologio, cintura ed oggetti di valore, che verranno depositati e conservati presso il Casellario e che potrai riavere quando uscirai dal carcere. Potrai tenere con te oggetti di particolare valore morale od affettivo, quali ad esempio la fede nuziale, la catenina, la riproduzione di simboli religiosi.
- E' vietato il possesso di denaro; le somme di cui disponi al momento dell'ingresso in istituto e quelle che successivamente riceverai tramite vaglia postale o con deposito in portineria (peculio), sono depositate e potrai liberamente destinarle all'acquisto di prodotti, per la corrispondenza o per comunicazioni telefoniche. E' obbligatorio il pagamento delle spese di mantenimento, comprensive del costo dei pasti e dell'uso del corredo personale fornito dall'amministrazione penitenziaria (materasso, lenzuola, piatti, posate, ecc.). Su tua istanza, il magistrato di sorveglianza potrà disporre la remissione del debito in caso di difficoltà economiche, qualora manterrai una buona condotta.
- Potrai ricevere quattro pacchi mensili non eccedenti complessivamente i 20 kg, sia in occasione dei colloqui, sia se siano stati spediti per posta qualora nei quindici giorni precedenti non avessi fruito di alcun colloquio visivo.

Potrò fare una telefonata?

- Al tuo arrivo in istituto potrai avvisare i tuoi familiari, è un tuo diritto.
- Inoltre hai il diritto di nominare uno o due difensori di fiducia; potrai avere colloqui con il tuo difensore sin dal momento dell'ingresso in istituto e per tutta la

permanenza in carcere, negli orari e con le modalità stabilite, facendone richiesta attraverso l'Ufficio Matricola.

- È assicurata la relazione dei detenuti con le proprie **famiglie**. Ai familiari deve essere comunicato il trasferimento ad altra struttura detentiva. Il detenuto ha il diritto di indicare i familiari ai quali vuole sia data tempestiva notizia in caso di decesso o grave infermità, ed in relazione ai quali vuole ricevere le medesime notizie.

COLLOQUI

- Ti verrà spiegato come fare per ricevere visite da parte dei familiari o con persone diverse (nel caso ricorrano ragionevoli motivi) nonché col Garante dei diritti dei detenuti.
- Durante il colloquio, che si svolge in appositi locali senza mezzi divisorii e sotto il controllo visivo e non auditivo del personale di polizia penitenziaria, ovvero in spazi all'aperto, ove la struttura e la stagione lo consentano, dovrai tenere un comportamento corretto; in caso contrario, potrai essere escluso dai colloqui. Ogni detenuto in regime ordinario ha diritto a sei colloqui al mese, ciascuno per un massimo di un'ora e con non più di 3 persone per volta, ma è possibile una deroga a tali limitazioni quando si tratti di congiunti o conviventi ovvero in determinate circostanze.
- A secondo del progresso nel percorso trattamentale ed allo scopo di rendere possibile il mantenimento di un valido rapporto con i figli, specie in età minore e a preparare la famiglia ed il soggetto stesso al rientro nel contesto sociale, potrai trascorrere parte della giornata con le persone ammesse ai colloqui in appositi locali o all'aperto e di consumare un pasto in compagnia.
- All'ingresso, ogni tuo visitatore sarà identificato e sottoposto ad un sommario controllo, eventualmente con l'ausilio di mezzi elettronici, al fine di evitare che siano introdotti nell'istituto oggetti non consentiti.
- Le visite coniugali non sono consentite negli istituti penitenziari italiani.
- Avrai anche il diritto ad effettuare **colloqui telefonici** con i familiari e conviventi, e in casi particolari (per accertati motivi) con persone diverse; tali colloqui sono concessi una volta a settimana per la durata massima di 10 minuti ciascuno. Le spese saranno a tuo carico.

COME SARÀ LA MIA CELLA?

- Potresti dover condividere la cella con altri detenuti, ma **puoi chiedere di non convivere con altri detenuti** per motivi di tutela della tua incolumità personale.

- Gli istituti penitenziari sono dotati di locali per le esigenze di vita individuale e di locali per lo svolgimento delle attività in comune; tali ambienti sono di ampiezza sufficiente, aerati, e riscaldati e muniti di servizi igienici riservati. Avrai diritto di ricevere biancheria, vestiario e corredo per il letto; dovrai averne cura e provvedere alla pulizia della cella e al decoro della tua persona. Ti sarà assicurata la possibilità di fare tutti i giorni la doccia e di fruire di un periodico taglio di barba e capelli.

SANITA' IN CARCERE

- Sono salvaguardati il **diritto alla salute** e l'erogazione delle prestazioni di prevenzione, diagnosi, cura e riabilitazione, previste nei livelli essenziali e uniformi di assistenza. I servizi disponibili all'interno di ciascun istituto sono indicati nella Carta dei servizi sanitari per i detenuti e gli internati.
- I detenuti ristretti negli Istituti penitenziari italiani ricevono lo stesso trattamento sanitario riservato a qualsiasi cittadino libero.
- Le cure sanitarie sono gratuite e stabilite dal personale sanitario operante negli istituti.
- La maggior parte dei tuoi problemi sanitari saranno trattati dal personale sanitario operante in istituto. Se ciò non potrà essere assicurato, l'istituto potrà disporre l'invio in strutture ospedaliere esterne ovvero consentire che specialisti esterni ti visitino in istituto anche a tue spese.
- Il personale sanitario potrà chiedere al tuo medico di famiglia il tuo fascicolo, ma solo con il tuo consenso. Se ti stai trasferendo dall'estero ed hai una patologia o un trattamento sanitario in corso, puoi chiedere che la documentazione inerente il tuo fascicolo sanitario venga acquisito in copia dall'Istituto in cui sarai ristretto.
- Sono disponibili negli istituti italiani servizi per la presa in carico di detenuti con problemi di tossico o alcol dipendenza; esistono altresì istituti penitenziari o sezioni di istituto specializzati per accogliere persone con tali problematiche (ICATT)
- Per detenuti affetti da HIV ed altre malattie infettive vi sono in Italia Istituti con Reparti dedicati.
- Esistono, infine, Reparti per detenuti disabili e con limitazioni funzionali.

PRIVILEGI

- Al detenuto che dimostra di partecipare alla lavoro di reinserimento sociale è concesso uno sconto di pena di 45 giorni per ogni singolo semestre di pena scontata (liberazione anticipata).
- I detenuti e gli internati che si sono distinti per particolare impegno nel lavoro, nello studio, nell'organizzazione e nello svolgimento delle attività culturali, ricreative e sportive, nell'aiuto prestato agli altri o in atti meritori, sono premiati con l'encomio del direttore o con la proposta – formulata dal consiglio di disciplina – di concessione della grazia, della liberazione condizionale, della revoca anticipata

della misura di sicurezza o di altri benefici quali l'affidamento in prova, la detenzione domiciliare, la semilibertà e la liberazione anticipata.

REGIME DETENTIVO

- Il trattamento penitenziario operato negli istituti penitenziari italiani deve essere conforme ad umanità e deve assicurare il rispetto e la dignità della persona.
- Il trattamento è improntato ad assoluta imparzialità, senza discriminazioni in ordine a nazionalità, razza e condizioni economiche e sociali, ad opinioni politiche e credenze religiose. È riconosciuto **il diritto di praticare il proprio culto**, di fruire dell'assistenza spirituale del cappellano cattolico e di partecipare ai riti religiosi nelle cappelle cattoliche o nei locali adibiti ai culti acattolici.
- Nei confronti dei detenuti deve essere attuato un trattamento rieducativo che tenda, anche attraverso i contatti con l'ambiente esterno, al reinserimento sociale degli stessi e secondo un criterio di individualizzazione in rapporto alle specifiche condizioni dei soggetti.
- Negli istituti penitenziari si svolgono corsi d'istruzione scolastica di ogni ordine e grado e corsi professionali. In molte sedi sono presenti poli universitari. I detenuti possono ricevere un sussidio giornaliero, nella misura determinata con decreto ministeriale, per la frequenza ai corsi di istruzione secondaria di secondo grado. Per la frequenza dei corsi di formazione professionale è corrisposto un sussidio orario.
- Ai detenuti che seguono corsi di istruzione secondaria di secondo grado o corsi universitari, e che hanno superato tutti gli esami di ciascun anno, vengono rimborsate, qualora versino in disagiate condizioni economiche, le spese sostenute per tasse, contributi scolastici e libri di testo, e viene corrisposto un premio di rendimento. Ai detenuti che si sono distinti per particolare impegno e profitto nei corsi scolastici e di addestramento professionale sono concesse ricompense. È altresì consentita la possibilità di svolgere la preparazione da privatista per il conseguimento del diploma di scuola secondaria superiore e della laurea universitaria.
- Gli istituti sono forniti di una biblioteca, alla cui gestione collaborano gli stessi detenuti. L'accesso ai locali della biblioteca delle rispettive sezioni avviene in giorni ed orari stabiliti nel regolamento interno di istituto. Nell'istituto vengono organizzate attività culturali, sportive e ricreative che fanno parte del trattamento rieducativo. La loro organizzazione è curata da una commissione composta dal direttore, da uno o più funzionari della professionalità giuridico-pedagogica (educatori), da uno o più funzionari della professionalità di servizio sociale (assistenti sociali) e da una rappresentanza di detenuti. Per partecipare ai corsi e alle altre attività è sufficiente una richiesta scritta. Durante la permanenza all'aperto è consentito ai detenuti lo svolgimento di attività sportive.
- Ciascun detenuto o internato ha **diritto di permanere all'aperto** almeno per due ore al giorno o, in determinati regimi di custodia, per un tempo più breve ma non meno

di un'ora. Il detenuto o internato ha **diritto a un'alimentazione sana** e adeguata alle proprie condizioni. Ha diritto a tre pasti al giorno, somministrati negli orari stabiliti dal regolamento interno di istituto. Ha diritto di avere a disposizione acqua potabile e di utilizzare, nel rispetto delle regole di sicurezza, un fornello personale. È pure consentito l'acquisto, a proprie spese, di generi alimentari e di conforto (cosiddetto "sopravitto") ed è garantito il diritto di ricevere dall'esterno analoghe merci in pacchi, ma entro limiti di peso prefissati. Una rappresentanza dei detenuti controlla sia la preparazione del vitto che i prezzi dei generi venduti in istituto.

- Il lavoro è uno degli elementi fondamentali del trattamento carcerario. I detenuti imputati possono partecipare, a loro richiesta, ad attività lavorative, sia all'interno dell'istituto (cuciniere, barbiere, magazziniere ecc.) che all'esterno. Il lavoro all'esterno è una modalità di esecuzione della pena a cui i condannati per reati comuni possono essere ammessi senza alcuna limitazione; i condannati alla pena della reclusione per delitti particolari possono accedervi dopo l'espiazione di 1/3 della pena, e comunque, di non oltre cinque anni, mentre i condannati all'ergastolo, solo dopo l'espiazione di almeno 10 anni.
- La mercede è stabilita in misura non inferiore ai due terzi del trattamento economico previsto dai contratti collettivi di lavoro.

IL PIANO DELLA CONDANNA

- Il trattamento penitenziario deve rispondere ai particolari bisogni della personalità di ciascun detenuto; a tal fine è predisposta l'osservazione scientifica della personalità finalizzata a rilevare le varie cause di disadattamento sociale e a favorire il reinserimento sociale dei condannati.
- Tale attività di osservazione verrà compiuta sin dal tuo arrivo in istituto e proseguirà nel corso della detenzione e verrà espletata da personale dipendente dell'amministrazione (educatori, assistenti sociali, personale di polizia penitenziaria) e, se necessario, anche dai professionisti esterni (esperti di psicologia, servizio sociale, pedagogia, psichiatria e criminologia clinica), sotto il coordinamento e la responsabilità del direttore dell'istituto.
- L'attività di osservazione si esplicherà essenzialmente attraverso lo svolgimento di colloqui che effettuerai con le suddette figure nonché attraverso l'acquisizione documentali da parte di quest'ultime di dati giudiziari e penitenziari, clinici, psicologici e sociali a te relativi.
- Presso ogni istituto penitenziario si riunisce il Gruppo di osservazione e trattamento (G.O.T.), detto anche *Equipe*, formato dai soggetti precedentemente indicati, che provvede alla redazione della relazione di sintesi dell'osservazione scientifica della personalità contenente una proposta di programma trattamento che dovrà essere approvata con decreto dal magistrato di sorveglianza. Il programma di trattamento consiste nell'insieme degli interventi rieducativi che

gli operatori penitenziari propongono di attuare nei confronti del condannato o internato nel corso dell'esecuzione della pena, per la realizzazione di un percorso che sia più idoneo alla sua personalità, comprensivo di benefici e di misure alternative.

- Tale Gruppo di osservazione e trattamento appronterà, quindi, per te un programma di trattamento individualizzato che oltre a darti supporto, in termini di rieducazione e di approfondimento e superamento di alcune tue problematiche nel corso della detenzione, ti aiuterà ai fini del tuo reinserimento sociale.
- Il Gruppo di osservazione e trattamento, inoltre, terrà delle riunioni periodiche nel corso delle quali esaminerà gli sviluppi del trattamento praticato nei tuoi confronti ed i suoi risultati, l'evoluzione della tua personalità in rapporto al suo grado di adesione alle offerte trattamentali.

MISURE ALTERNATIVE ALLA DETENZIONE

- **Affidamento in prova al servizio sociale**: Se la condanna o il residuo della pena da scontare è inferiore a tre anni, o in alcuni casi non superiore a quattro, il detenuto, in base ai risultati dell'osservazione della sua personalità, condotta da un'equipe di operatori penitenziari, può essere affidato in prova al servizio sociale e seguito dall'Ufficio di esecuzione penale esterna. A tale misura alternativa si accede facendo richiesta al Tribunale di sorveglianza, o quando sussiste un grave pregiudizio derivante dalla protrazione dello stato di detenzione, al Magistrato di sorveglianza, che può disporre l'applicazione provvisoria dell'affidamento fino alla decisione definitiva del Tribunale di sorveglianza (che decide entro sessanta giorni). Al termine della misura, accertato l'esito positivo del periodo di prova, lo stesso Tribunale di sorveglianza dichiara estinta la pena ed ogni altro effetto penale della condanna. La persona detenuta tossicodipendente e/o alcooldipendente, può essere ammessa all'affidamento c.d. terapeutico, se la pena detentiva da espiare o il residuo di pena sono inferiori a sei anni, o a quattro anni per reati particolari, purché l'interessato abbia in corso o intenda intraprendere un programma riabilitativo concordato con il servizio tossicodipendenze della sua ASL. L'affidamento in prova può essere, infine, applicato anche oltre i limiti di pena previsti, nei confronti di coloro che sono affetti da AIDS conclamata o da grave deficienza immunitaria, quando hanno in corso o hanno intenzione di intraprendere un programma di cura e assistenza presso specifiche unità operative.
- **Detenzione domiciliare**: Il Tribunale di sorveglianza può concedere al condannato, salvo reati particolari specificamente indicati dalla legge, la detenzione domiciliare a chi ha compiuto 70 anni di età, purché non dichiarato delinquente abituale, professionale o per tendenza e fuori dai casi di recidiva reiterata. La detenzione domiciliare può anche essere concessa, in caso di pena o residuo di pena non superiore a quattro anni, alla donna incinta, alla madre o al padre con prole convivente di età inferiore a dieci anni, alla persona in particolari condizioni di salute o di età superiore ai 60 anni (se inabile anche parzialmente) o al minore di anni 21 (in casi particolari). La madre con prole di età non superiore a dieci anni,

qualora abbia espiato un terzo della pena (quindici anni se la pena è quella dell'ergastolo) può beneficiare della detenzione domiciliare se vi è la possibilità di ripristinare la convivenza con i figli. La detenzione domiciliare può, poi, essere concessa ai detenuti con una pena o con residuo di pena inferiore ai due anni, a determinate condizioni ed in particolare quando non ricorrano i presupposti per l'affidamento in prova. La stessa misura può essere, inoltre, applicata anche oltre i limiti di pena previsti, nei confronti di coloro che sono affetti da AIDS conclamata o da grave deficienza immunitaria, quando hanno in corso o hanno intenzione di intraprendere un programma di cura e assistenza presso specifiche unità operative.

- **L'esecuzione presso il domicilio delle pene detentive non superiori a diciotto mesi:** Oltre ai casi anzidetti, la legge prevede che la pena detentiva non superiore a diciotto mesi –anche se parte residua di pena maggiore – sia eseguita presso l'abitazione o altro luogo di dimora, salvo che si tratti di soggetti condannati per i reati gravi di cui all'art. 4 bis della legge n. 354/75.
- **Semilibertà:** La semilibertà consente al condannato di trascorrere parte del giorno fuori dell'istituto per partecipare ad attività lavorative, istruttive o comunque utili al reinserimento sociale. Può essere concessa dal Tribunale di sorveglianza a chi è:
 - sottoposto ad una misura di sicurezza;
 - condannato all'arresto o alla reclusione non superiore a 6 mesi;
 - condannato ad una pena superiore ai 6 mesi ed abbia scontato metà pena (2/3 per i reati più gravi indicati all'articolo 4 bis, comma 1, 1-ter e 1-quater della legge n. 354/75);
 - condannato all'ergastolo ed abbia scontato almeno 20 anni di pena.

L'ammissione alla semilibertà è disposta, se vengono constatati progressi nel corso del trattamento, se vi siano le condizioni per un graduale reinserimento nella società.

- **Liberazione condizionale:** La liberazione condizionale può essere concessa a chi ha scontato almeno 30 mesi e comunque almeno metà della pena inflitta, qualora la parte rimanente della pena non superi i 5 anni (se recidivo almeno 4 anni di pena e non meno di 3/4; se si tratta di condannato all'ergastolo, gli anni scontati devono essere almeno 26). Per ottenere il beneficio bisogna aver tenuto, durante il tempo di esecuzione della pena, un comportamento tale da far ritenere sicuro il ravvedimento. La liberazione è subordinata all'adempimento delle obbligazioni civili derivanti dal reato, salvo che si dimostri l'impossibilità di adempierle.
- **Sospensione dell'esecuzione della pena detentiva per tossicodipendenti o alcool dipendenti:** Il tribunale di sorveglianza può sospendere l'esecuzione della pena per cinque anni a colui che deve scontare una pena o un residuo pena non superiore a 6 anni (4 se condannati per reati particolari) per reati commessi in relazione allo stato di tossicodipendenza/alcooldipendenza e si è sottoposto con esito positivo ad un programma terapeutico e socio – riabilitativo presso una struttura pubblica o autorizzata ai sensi di legge.

CATEGORIZZAZIONE

- L'assegnazione dei condannati e degli internati ai singoli istituti e il raggruppamento nelle sezioni di ciascun istituto sono disposti con particolare riguardo alla possibilità di procedere ad un trattamento rieducativo comune e all'esigenza di evitare influenze nocive reciproche. Nel disporre l'assegnazione deve essere favorito il criterio di destinare i soggetti in istituti prossimi alla residenza della famiglia.
- È assicurata la separazione degli imputati dai condannati e internati, dei giovani al di sotto dei venticinque anni dagli adulti, dei condannati dagli internati e dei condannati all'arresto dai condannati alla reclusione.
- Le donne sono ospitate in istituti separati o in apposite sezioni d'istituto mentre compatibilmente con esigenze cautelari non eccezionalmente rilevanti, il giudice può disporre presso gli Istituti a custodia attenuate (I.C.A.M.), la custodia cautelare o l'espiazione della pena per le donne incinte o madri con prole sotto i sei anni, o per il padre qualora la madre sia deceduta od assolutamente impossibilitata ad assisterla.
- Esistono, inoltre, Istituti penitenziari per detenuti minorenni.
- I detenuti, inoltre, a secondo della pericolosità sociale, vengono assegnati a differenziati circuiti penitenziari, creati al fine di assicurare trattamenti custodiali omogenei.
- Esistono tre diversi circuiti di sicurezza:
 - Circuito di primo livello, ossia di alta sicurezza destinato ai detenuti ed agli internati appartenenti alla criminalità organizzata: è prevista l'adozione di strutture sicure dal punto di vista edilizio e di apparati e dispositivi elettronici finalizzati alla massima sorveglianza possibile. Sia all'interno dell'istituto sia fuori di esso, la sorveglianza da parte di personale di polizia penitenziaria appositamente individuato di provata capacità ed esperienza, deve essere estremamente attenta e scrupolosa ed adeguata al livello di pericolosità dei detenuti stessi. L'assegnazione di questa tipologia di detenuti avviene preferibilmente in istituti distanti dalle zone di operatività o influenza dell'organizzazione di appartenenza disponendone l'allocazione all'interno di appositi reparti, tenendo ben presente eventuali divieti d'incontro o, incompatibilità segnalati dall'Autorità Giudiziaria nonché evitando l'assembramento nella stessa sezione di figure particolarmente carismatiche. Tutte le attività previste per i detenuti di tale circuito come i passeggi; i colloqui, sia con i parenti e familiari, sia con i difensori; i momenti di socialità; le attività scolastiche, di formazione professionale, lavorative, religiose, ricreative, sportive, devono svolgersi all'interno della sezione di appartenenza senza che incontrino o possano incontrare detenuti di altro livello.
 - Circuito di secondo livello, ossia di sicurezza media, destinato ad accogliere la stragrande maggioranza dei detenuti che non rientra né nel primo circuito né nel terzo,
 - Circuito di terzo livello, ossia di custodia attenuata destinato ai detenuti tossicodipendenti non particolarmente pericolosi.

- È poi prevista l'assegnazione a sezioni protette di quei detenuti che si trovino in specifiche condizioni personali (transessuali) ovvero che risultano essere in passato appartenuti a Forze dell'Ordine, Magistratura ed in genere a categorie inive alla popolazione penitenziaria (soggetti ristretti per reati di violenza carnale, reati nei confronti dei minori, ecc.).

COME VENGO TRASFERITO DA UN ISTITUTO ALL'ALTRO?

- Quando verrai trasferito in Italia l'Amministrazione penitenziaria, nel procedere alla tua assegnazione, terrà conto del tuo luogo d'origine ovvero della residenza della tua famiglia o comunque del luogo ove intrattieni legami sociali e familiari e di lavoro. Tuttavia nel corso della tua detenzione potrai essere trasferito ad altro istituto d'ufficio ma solo per gravi e comprovati motivi di sicurezza, per esigenze dell'istituto e per motivi di giustizia. Dovrà comunque essere favorito il criterio di trasferirti in istituti prossimi alla residenza della tua famiglia.
- Potrai anche chiedere tu di essere trasferito in altra città per motivi di studio, di salute o familiari. Le istanze di trasferimento devono essere rivolte, tramite il direttore dell'istituto, al Provveditore regionale quando è chiesto il trasferimento in un carcere dello stesso distretto, ovvero al Dipartimento dell'amministrazione penitenziaria del Ministero della giustizia quando si chiede il trasferimento in un carcere fuori dal distretto.

Si allega mappa degli Istituti italiani.

PREPARARSI ALLA SCARCERAZIONE

- La dimissione ha luogo nel giorno indicato nel relativo provvedimento, a meno che non debba seguire una misura di sicurezza detentiva.
- I detenuti e gli internati, oltre agli interventi rieducativi previsti dal programma di trattamento individuale, ricevono un particolare aiuto nel periodo di tempo che immediatamente precede la loro dimissione dall'istituto, possibilmente a partire da sei mesi prima di essa, con interventi di servizio sociale e con un programma di trattamento (soprattutto con la previsione di permessi e misure alternative), orientato alla soluzione dei problemi specifici connessi alle condizioni di vita (familiare, di lavoro e di ambiente) a cui dovranno andare incontro. A tal fine, particolare cura è dedicata a discutere con gli stessi le varie questioni che si prospettano e ad esaminare le possibilità che si offrono per il loro superamento anche trasferendo gli interessati, a domanda, in un istituto prossimo al luogo di residenza, salvo che non ostino motivate ragioni contrarie. Per la definizione e la esecuzione del suddetto programma, la direzione dell'istituto di solito richiede la collaborazione dell'Ufficio di esecuzione penale esterna (UEPE), dei servizi sociali territoriali competenti e del volontariato i quali, di intesa fra di loro, si adoperano per prendere contatto con il nucleo familiare presso cui il condannato o l'internato andrà a stabilirsi, ai fini degli opportuni interventi.

QUANDO SARO' SCARCERATO?

- Come già accennato, al detenuto che dimostra di partecipare alla lavoro di reinserimento sociale è concesso uno sconto di pena di 45 giorni per ogni singolo semestre di pena scontata (liberazione anticipata).
- Il momento in cui sarai scarcerato dipenderà dalle seguenti condizioni:
 - la lunghezza della tua condanna
 - il tuo comportamento in carcere
 - il tempo trascorso in attesa di giudizio, che verrà valutata come pena scontata.
- Nel corso della detenzione possono comunque essere concessi dal magistrato di sorveglianza permessi premio ai condannati che non risultino socialmente pericolosi, se hanno tenuto una condotta regolare ed hanno già espiato una parte considerevole della pena. I permessi premio non possono avere una durata superiore a 15 giorni e non possono essere concessi per più di 45 giorni complessivi in un anno. Nel concedere il permesso premio il Magistrato di Sorveglianza stabilisce le opportune prescrizioni .
- I permessi premio sono parte integrante del programma di trattamento, perché consentono di coltivare interessi affettivi, culturali e di lavoro e vengono monitorati, anche relativamente alla condotta tenuta nel corso degli stessi, da parte del Gruppo di osservazione e trattamento.
- Qualora il comportamento tenuto ed il percorso di risocializzazione intrapreso venga favorevolmente valutato in base ai risultati dell'osservazione della personalità, condotta dal Gruppo d'osservazione e trattamento, i detenuti, in determinate condizioni, possono usufruire di misure alternative alla detenzione (quale l'affidamento in prova al servizio sociale, la detenzione domiciliare, l'esecuzione presso il domicilio delle pene detentive non superiori ai 18 mesi e la liberazione condizionale) che, se positivamente eseguite, consentono di trascorre una parte finale di pena al di fuori dell'istituto penitenziario.
- I dimessi che, a causa di gravi infermità fisiche o di infermità o minorazioni psichiche, abbisognano di ricovero in luogo di cura, sono trasferiti alla più vicina appropriata istituzione ospedaliera
- Se il dimesso non è in grado di provvedere per suo conto a raggiungere il luogo della sua residenza, il direttore lo munisce, a richiesta, dei necessari titoli di viaggio; se trattasi di persona residente all'estero, vengono forniti i titoli di viaggio necessari per raggiungere il consolato del paese nel quale è residente.

PROBATION

- Il sistema penitenziario italiano prevede la presa in carico del detenuto da parte dei Servizi di Probation (apposite strutture operative oggi denominate Uffici di esecuzione penale esterna) oltre che al momento dell'ammissione ad una misura

alternativa alla detenzione, attraverso interventi di supporto e sostegno ma anche di verifica delle prescrizioni formulate dal Magistrato di Sorveglianza, altresì al momento della scarcerazione.

- A tal fine potrai essere segnalato, ai servizi sociali territoriali per la soluzione di eventuali problematiche che potrai incontrare una volta scarcerato e per ricevere sostegno e supporto in tale delicata fase.

DIRITTI

- I detenuti hanno dei diritti, fra cui:

il diritto di avvisare i propri familiari e di avere un colloquio col proprio avvocato al momento dell'ingresso;

il diritto di permanere all'aperto almeno per due ore al giorno;

il diritto all'assistenza sanitaria;

il diritto ad una alimentazione sana;

il diritto ad essere protetti da qualsiasi forma di violenza o di molestie razziali;

il diritto di praticare il proprio culto.

COSA FACCIO SE HO UN PROBLEMA?

- Potrai parlare di qualsiasi problema che incontrerai nel corso della detenzione, anche relativo a tue situazioni personali esterne al carcere, con qualsiasi operatore penitenziario, in particolare con l'educatore che ti prenderà in carico od il personale di polizia penitenziaria preposto al tuo reparto detentivo, nonché con il cappellano o con i volontari.
- Potrai avere inoltre colloqui con il Garante nazionale dei diritti delle persone detenute o private della libertà personale, e i Garanti regionali o locali (provinciali e comunali) ove siano istituiti. Il Garante svolge attività di sensibilizzazione pubblica sul tema dei diritti umani e sulla finalità rieducativa della pena.

QUALI UFFICI POSSO CONTATTARE?

- Per ricevere ulteriori informazioni sul sistema penitenziario italiano potrai contattare il Dipartimento dell'Amministrazione Penitenziaria, Largo Luigi Daga 2, 00164 Roma tel. +39 06 665911. Indirizzo e-mail ufficiostudi.dap@giustizia.it
- Per ricevere informazioni circa le procedure di trasferimento potrai contattare il Dipartimento per gli Affari di Giustizia, Direzione Generale della Giustizia Penale-Ufficio II - Cooperazione Giudiziaria Internazionale Via Arenula 70, 00186 Roma. tel. + 39 06 68852180 - fax + 39 06 68897528. Indirizzo e-mail: ufficio2.dgpenale.dag@giustizia.it