

Chapter 16

Italy

Luisa Gandini
Sebastiano Zinna

1 HISTORICAL DEVELOPMENT OF THE PROBATION SERVICE SYSTEM

1.1 The start of probation in Italy¹

The Probation Service for adults was brought into being in Italy with the introduction of community measures imposed as an alternative to imprisonment (misura alternativa) contained in the Penitentiary Act N° 354 dated 17 July 1975. The Act was the result of the work of four parliamentary legislatures, prompted by a vast movement of opinion and debate in the country on the penitentiary system that involved jurists, judges and operators employed in the administration of justice as well as prison inmates themselves. The Italian Probation Service originated, therefore, from the need to change the custodial system and the system for executing penalties in Italy, coming into being as part of a radical and overall reform of the penitentiary system. The reform did not provide the sentencing judges with new sanctions, but left them with the same (limited) range of sanctions as before, and the Service owes its peculiar nature to this origin. When community measures were introduced in 1975, the legislator also created a Probation Service to manage the measures, made up of special Centres called the Probation Service Centres for Adults (Centri di Servizio Sociale per Adulti).

1.2 Important developments

Due to Act 154 in 2005 their name has changed to Local Offices for the Execution of Sentences in the Community (Uffici Locali di Esecuzione Penale Esterna). We will refer to these Offices from now on, for the sake of brevity, with the Italian acronym, UEPEs. The Italian Probation Service has the following characteristics:

- it is part of the Civil Service (Ministry of Justice);
- it is independent of prisons but works together with them;
- it employs salaried staff professionally qualified as social workers in order to perform its institutional duties;
- it may avail itself of the professional assistance of experts in psychology, social work, pedagogy, psychiatry and clinical criminology who will receive a fee in proportion to the service provided;
- it may be assisted by volunteers or voluntary organisations in performing some of its duties;
- its general role is to create and encourage links between prisons and local communities while its specific role is to provide offenders placed on probation with a combination of both assistance and supervision.

The UEPEs were set up a year after the law came into force, in towns with Supervisory Offices (Uffici di Sorveglianza), i.e. Courts with one or more Supervisory Judges. The latter have sole competence - as we will see in greater detail further on - over the execution of penalties, and consequently both penal institutions and the Probation Service are in constant contact with them. UEPEs, together with penal institutions, are local structures of the Department of

¹ The term "Probation Service" is not used in Italy but it is used here for convenience.

Penitentiary Administration, which is one of the Departments of the Ministry of Justice.

The development of the Probation Service is marked in a very effective way by the organizational evolution of this sector inside the Penitentiary Department, in parallel with the growing of the number of offenders in custody, i.e. admitted to an alternative measure. The Service has passed from being organized as a small section inside the Office responsible for the treatment of prisoners – without any connection or any representative at the regional level – to the present organization, where it is represented at all levels with an important structure: a Directorate General at Headquarters, a managerial Office at the regional level, local services spread all over the country, to often coincide with the presence of a penal institution in a given area.

1.3 Probation activities in a nutshell

The responsibilities and tasks of the Probation Service, which are a consequence of the liaison role given to the Service by the legislator and of the "penitentiary" nature of community measures, are as follows in the community:

- carrying out, at the judicial authority's request, social inquiries for the application, modification, postponement and revocation of a "security measure";²
- carrying out – at the Supervisory Court's (Tribunale di Sorveglianza) request – social and family inquiries for the enforcement of community measures;
- proposing the Supervisory Court programmes for those offenders who have asked to be assigned to the probation service or to be granted home detention;
- providing assistance, support and/or supervision, as specifically set down by law, during the following:
 - "reward" leave permits (Permessi-premio);
 - work releases (Lavoro all'esterno);
 - the enforcement of community measures, namely:
 - assignment of offenders to the Probation Service (Affidamento in prova al servizio sociale);
 - assignment of special categories of offenders to the Probation Service (Affidamento in prova in casi particolari);
 - home detention (Detenzione domiciliare);
 - semi-liberty (Semilibertà);
 - the execution of substitute sanctions (sanzioni sostitutive), namely:
 - semi-detention (Semidetenzione);
 - monitored liberty (Libertà controllata);

² Security measures are applied by the judge to offenders who presumably may commit another crime. This presumption is based on the evaluation of "social danger" due to the offender's criminal history or his or her totally or partially limited penal responsibility. Security measures may be custodial or non-custodial. From the Probation Service's point of view a very important measure is "custody in a judicial mental hospital" where mentally disturbed offenders with no penal responsibility are kept in custody and cared for. The Probation Service is in charge of preparing their return to the community, in cooperation with the local psychiatric services, once the security measure has ceased or been modified or revoked.

- the application of a security measure called “liberty under supervision” (libertà vigilata), which is either ordered in a sentence or is the consequence of conditional release;
- Reporting to the Supervisory Judges about the enforcement of the programmes by the offenders who have been granted a community measure;
- Liaising with local authorities, local Social Services, private social organizations and voluntary associations that deal with offenders for programmes both of a general nature and regarding single cases. Continuity of work and relational stability with other social workers acting in the same community are therefore ensured.

The responsibilities and tasks of the Probation Service, which are a consequence of the liaison role given to the Service by the legislator and of the "penitentiary" nature of community measures, are as follows inside penal institutions:

- participating in observing the personality both of offenders with final sentences and of internees (internati, i.e. persons subjected to custodial security measures (misure di sicurezza detentive));
- contributing to the success of rehabilitation programmes for convicted persons and internees;
- participating on the multi-professional working committees set up by law;
- holding direct contacts with offenders in custody and with internees over problems regarding relations with their families or their reintegration into society;

As the statistics show, activities related to community measures, and in particular activities related to the “assignment of offenders to the Service on probation”, has gradually increased to exceed all other Service activities. Since the Service was set up, the sphere of its operations has moved, therefore, from inside the walls of penal institutions to outside them, to the community. The reasons for this increase are mainly to be found in amendments to legislation over the course of the years since 1975 which have led in the end - after swinging back and forth various times between more and less favourable rulings - to greater access to community measures for a larger number of offenders and to greater diversification in the categories of offenders with access to them. This is in keeping with the initial concept that offenders - under certain circumstances - should have access to these measures without spending any time at all in prison.

2 LEGISLATIVE BASIS AND MISSION

2.1 Legislative basis

The Probation Service was introduced into the Penitentiary Department in the first instance for juveniles and subsequently for adults. The Probation Service for Juveniles, which developed from the setting up of Juvenile Courts (Decree dated 20 April 1934 and subsequent amendments, including the Act dated 25 July 1956), is regulated by an Act dated 16 July 1962. The Probation Service for Adults, which came into being with the Penitentiary Act and the creation of community measures as an alternative to imprisonment, is regulated by Act N°

354 dated 26 July 1975. Both Services, however, had already been operating experimentally for at least 10 years prior to these laws being passed. The responsibilities of the social workers employed in the Penitentiary Department are currently limited to the penal sphere alone; with Presidential Decree N° 616 dated July 1977, Regional Authorities were given the administrative and civil responsibility in the case of juveniles and the responsibility for financial aid to families in the case of both juveniles and adults. The structures in which social workers belonging to the Probation Service operate are the “Probation Service Offices for Juveniles” and the Probation Service for adults named now “Offices for the Execution of sentences in the Community”. As far as adults are concerned, the Service operates primarily with offenders who have received final sentences.

2.2 Mission and mission statement

The responsibilities and duties of the UEPEs are defined as follows:

- to carry out inquiries into offenders’ social and family backgrounds, in order to determine rehabilitation programmes for convicted persons and for internees;
- to carry out social and family inquiries for the enforcement of community measures to convicted offenders;
- to propose to the judicial authority the treatment programme to be provided to prisoners applying to be assigned to the probation service and to be granted home detention;
- to supervise the enforcement of the programmes by the persons granted community measures; they report about that to the judicial authorities, proposing possible interventions of modification or revocation;
- to supervise and assist offenders assigned to the Probation Service;
- to support offenders granted home detention;
- to provide offenders granted semi-liberty with supervision and assistance;
- to provide advice regarding rehabilitation programmes for offenders at the request of the management of a penal institution;
- to lend assistance with offenders allowed to work outside prison;
- to give assistance (in collaboration with public and private social care organizations) to offenders’ families, in order to maintain and improve offenders’ relations with them and to eliminate difficulties which can obstruct social reintegration;
- to support offenders when they are released on completion of their sentence and help families in the period leading up to their return home;
- to carry out any other activity provided by the law and by the regulations: ex. participating on the multi-professional working committees such as the one for drafting the internal regulations, the one for the library activity and for cultural, recreational and sport initiatives;

UEPEs’ specific task is to assure a concrete and “inclusive” approach in order to keep the offender into his or her community and reduce the possibility that he or she enters or returns to prison. In this direction UEPEs interface with the judiciary and with the other social “actors” who are involved in protecting the safety of society.

The fundamental values which have inspired and continue to inspire the Probation Service in all the above fields of activity originate from the “idea that

an offender must follow a course which leads him/her through the affliction caused by a penalty and who may decide, during the execution of penalty, to undertake to change. The application period of a community measure is therefore a time of awareness and of acceptance of this course of change; the essence of a community measure is the rehabilitation programme; and the key presence during a community measure is that of the Probation Service, which has the authority and the professional competence to act, with its methods and instruments, in respect of the individual reintegration projects agreed by offenders.”³ It must be pointed out that within the UEPEs’ mandate, certain fields of activity have ended up by absorbing all the Service’s energies, due to a combination of a chronic shortage in the structural, human and financial resources allocated to the UEPEs on the one hand, and the importance that certain tasks have assumed over the years, especially as a result of significant legislative amendments, on the other. This increase has mainly involved offenders granted an alternative measure from a state of liberty, i.e. who have not even started a prison sentence; this has meant that the execution of penalty and consequently the activity and commitment of the Probation Service have shifted increasingly from inside penal institutions to inside the community. The probation service activities in the penitentiary system have had remarkable success since it started. As a matter of fact recent studies on recidivism have shown that 68% of the offenders who serve their sentence in prison will be recidivists, while for those who have benefited from alternative measures the recidivism rate is around 17%. The social alarm and the influence of mass media, that nourish people’s feelings of insecurity by stressing single crime stories, push politicians towards legal strategies marked by “zero tolerance”, which in Italy is translated into the slogan “certainty of punishment”.

2.3 Crime prevention

Although it is true that the Probation Service does not have an organized role in general crime prevention programmes, it is also true that by working not only with offenders and their families but also side by side with local Social Services, voluntary associations, the local community and (albeit sporadically) the police for the social reintegration of offenders, the Service plays a relevant part in creating security in the community, contributing to a general security policy based on prevention rather than repression in order to offer a concrete response to the widespread feeling of insecurity in the population.

2.4 Victim protection

A number of laws do provide protection for some specific categories of victims such as: victims of terrorism and mafia crimes, usury, sexual abuse, trafficking of human beings or exploitation of prostitutes. Even if there is neither any organic whole of norms nor a dedicated service, victims have never been neglected in the

³ Maria Pia Giuffrida “I Centri di Servizio Sociale per Adulti” in “La Rassegna Penitenziaria e Criminologia” - nos 1-2, 1997, published by the Istituto Poligrafico e Zecca dello Stato, Rome.

Italian Penitentiary law. It provides that, since the very beginning of the enforcement of the sentence, during the observation of the personality that will end with an individualised rehabilitation plan, all those who work in prison should solicit the convicted person or the internee to reflect upon motivations and consequences of the committed crime, together with the possible actions to make reparation and to compensate the victim for damages. In this connection, one of the most interesting obligations the offender assigned to the Probation Service needs to fulfil, states that he or she has to make concrete actions in favour of the victim of his or her crime. Different experiences of restorative justice have made at least the convicted person's will of repairing visible, by adhering to the programmes that adopt community service or unpaid work in the public interest. The Penitentiary Administration has promoted some important initiatives, one of them being the institution of a Committee of study on restorative justice and penal mediation, together with the carrying out of a project on penal mediation to be funded by the European Commission.

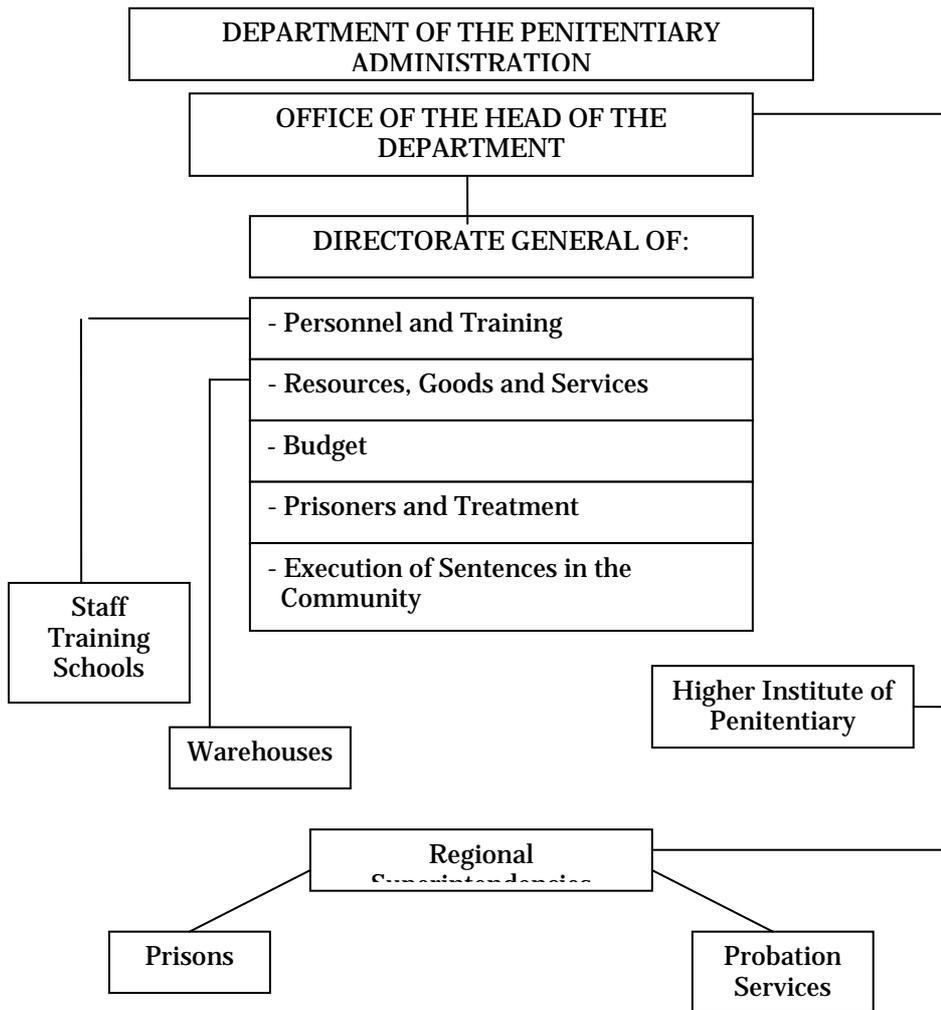
3 THE ORGANIZATION OF PROBATION SERVICES

3.1 Main characteristics

In Italy, the Probation Service is a State service in that execution of penalty is recognised in all legislation as a State responsibility that cannot be delegated to non-State organisations. However, all the stakeholders in the local community are involved in contributing to a plan to harmonize social inclusion programmes for all disadvantaged persons. As the Service is part of the Department of the Penitentiary Administration of the Ministry of Justice, all Service personnel are public employees.

The organisation of the Service is on three levels: national, regional and local. The national level is represented by the "Direzione Generale dell'Esecuzione Penale Esterna" (Directorate General for the Execution of Sentences in the Community), which is responsible for providing guidelines, planning, organising, co-ordinating, monitoring and checking on the activity of the UEPEs and has overall responsibility for them. The Regional level is made up of the Regional Superintendencies of the Penitentiary Administration (Provveditorati Regionali dell'Amministrazione Penitenziaria) which are divided into six sectors and are responsible, together with central Headquarter, for personnel administration, training and refresher courses, for rehabilitation programmes for offenders in custody and for offenders to whom community measures have been granted (impulse, planning, co-ordination, verification), and for administration and accounts. The Regional Superintendencies replicate in some ways the organisation of the Department in Rome, including the Office for the Execution of sentences in the community, that coordinates the Probation services in the region. There are currently 16 Regional Superintendencies.

Figure 1



3.2 Internal organization

The local level is made up of the UEPEs, organisational units divided into three operational areas:

- Secretariat;
- Probation Service;
- Administration and Accounts.

3.2.1 Probation workers

The staff responsible for each area report any problems or concerns regarding their areas to the Director of the UEPE, who is the head and most senior representative of the Office as well as the guarantor of, and ultimately responsible for, the running of the service. Each Probation Officer's workload

includes different kinds of cases and, depending on the territory they work in, they can find themselves dealing either with a majority of offenders granted alternative measures or with a majority of offenders serving custodial sentences. The criterion used to assign a case is related to the area in which the client lives and not the kind of action required of the Probation Officer or the kind of offence he/she has committed or the offender's personal problems. Exceptions are possible. Cases are assigned through a formal procedure, with an order issued by the Director of the Office, and the latter also orders cases to be closed when the Probation Officer's action - which it is the Director's duty to oversee - has come to an end. Probation Officers, who are autonomous in dealing with cases, may consult their Director for advice and they can also ask to be supervised while dealing with a particular case if they so wish.

3.2.2. Education, training requirements and opportunities

Recruitment of all levels of staff is the same for all public employees in Italy, namely through a public competitive examination at national level. Passage from one level to another may take place in the same way or through a specific professional training course that can be attended by internal staff who have the required educational and professional requisites. Probation officers are required to have a university diploma in Social Work (a three-year course) and Directors must have a degree as well as this diploma. Both Probation Officers and Directors must join the Roll of Social Workers. Once they have begun service, training courses organised by the Higher Institute of Penitentiary Studies (Istituto Superiore di Studi Penitenziari), that is a national training school of the Italian Department of Penitentiary Administration, must be attended.

3.2.3 Other organizations involved in probation work

Probation Officers establish working relations with public services already available to all citizens in the area, to which they direct their clients according to their specific problems: for example drug addiction agencies, therapeutic communities, health or social services, cooperative associations etc. As the aim of Probation Officers' work is to reintegrate the offender into society, everything they do is intended to establish or re-establish their clients' relations with the local community to which they belong. They do this by working together with other organisations and agencies, not by themselves, and they are supported in this "net-working" by the general guidelines issued by the Department and by the relations established by the Directors of the UEPEs with public and private organisations, some of which are based on written agreements and conventions. Besides dealing with single cases, Probation Officers also participate in activities with a more general dimension to them, both within the Probation Service (i.e. taking part in study groups which examine issues such as drug addiction, foreigners, job initiation, relations with institutions etc.) and outside the Service (in the form of participation in projects, activities and collaboration with local authorities and partners.)

4 PROBATION IN DIFFERENT PHASES OF THE CRIMINAL PROCESS

4.1 General

In order to examine the community measures allowed by Italian legislation as an alternative to imprisonment, it will help to trace a chronological history of the way they have developed over the years. Before Act N° 354/75, the Italian Penal Code provided for (and still provides for) two forms - total or partial - of avoidance of penalty: the suspended sentence (*sospensione dell'esecuzione della pena detentiva*) and conditional release or parole (*liberazione condizionale*). Before 1975 neither of these forms involved support and/or monitoring action by a special service and as far as the suspended sentence is concerned, this is still the case.

The suspended sentence, similar to the French "sursis simple" (a conditional non-enforcement of a sentence), was first introduced in 1904 and was included in the 1930 Penal Code. It may be granted for penalties of up to two years duration; the execution of penalty is suspended for five years if the conviction is for a criminal offence and for two years if it is for a petty offence. The law envisages no involvement by the Probation Service for offenders on suspended sentences. We would point out, however, that as these offenders are usually on their first conviction, and they would in fact benefit from support either to help them out of a difficult situation that could still be salvaged or to stop them from making a definitive choice in the direction of crime.

Conditional release, introduced into 1889 Penal Code, again in 1930 Penal Code, and then amended in 1962 and again in 1975, may be granted if the offender has served at least thirty months, and in any case at least one-half of the custodial sentence imposed on him/her, providing the remainder does not exceed five years. In the case of persistent offenders, at least four years and not less than three-quarters of the penalty must have been served. Life sentence convicts must have served at least twenty-six years in custody. Other conditions must be met for conditional release to be granted, related to offenders' behaviour during custody, to a critical attitude towards the offence committed and the prognosis that they will not commit further offences for the remainder of the duration of their sentence if released from custody. Offenders granted conditional release are subjected to the non-custodial security measure of liberty under supervision (*libertà vigilata*), which includes monitoring by the police and support from a UEPE.

Individual presidential pardon ("Grazia"), collective pardon ("indulto") and amnesty ("amnistia") date from before 1975; no specific activity is required by law from the Probation Service in respect of offenders to whom these benefits are applied.

With the Penitentiary Act of 1975, two "real" community measures were introduced into the Italian system: the assignment of offenders to the Service on probation and semi-liberty, both of which will be examined in further detail later on. The same Act also contained a provision allowing offenders in custody to work outside penal institutions on the basis of a programme agreed by the director of the penal institution and approved by the Supervisory Magistrate.

This provision is applicable both to offenders with final sentences and for persons in custody awaiting trial. From 1975 onwards, several amendments to the law have allowed non-custodial arrangements to be adopted in respect of persons awaiting trial or at the time of their receiving sentence. Other amendments have introduced new community measures and have widened those already existing for the penalty execution phase (not all of them, however: some laws have swung in the opposite direction).

Continuing in chronological order, the sanctions substituting short term prison sentences (*Sanzioni sostitutive delle pene detentive brevi*) came next, coming into force in 1981 with Act N° 689. Semi-detention, monitored liberty and fines (the fines being convertible in unpaid work at the request of the offender) were based on the conviction that imprisonment and its consequences should be avoided, at least in the case of short sentences. These sanctions are available to trial judges examining offences carrying penalties of up to two years duration. The role of the Probation Service in the implementation of these sanctions is less important than it is for community measures and it only concerns "monitored liberty". A year after the introduction of the substitute sanctions, in 1982, Act N° 532 introduced house arrest, offering suspects the possibility of awaiting trial in their own home or other private abode or in a public structure providing care or medical treatment, rather than in a penal institution. In 1985 another provision regarding persons awaiting judgment appeared, allowing judges to release defendants in certain cases providing they agree to report regularly to the police. The Probation Service has not been, and still is not, involved in the implementation of these last two provisions, but they are mentioned here anyway because they have played a large part in reducing preventive custody and mark the evolution of the system in the direction of a less custodial nature. Another provision, contained in Act N° 297/1985, has had a considerable effect on the Probation Service. This provision introduced the assignment of special categories of offenders - drug addicts and alcoholics - to the Service on probation, including it among the community measures of Act N° 354/75 (the Penitentiary Act) as Article 47b; this measure will be described further on. In 1986, more provisions were added to Act N° 354/75, increasing the number of community measures available in the penalty execution phase and amending existing measures to increase the number of possible beneficiaries by making conditions of access more favourable. In fact, Law 663/86 reiterated the measure of assigning drug/alcohol addicts to the Probation Service as Article 47b, as well as introducing home detention as Article 47c and opening up the possibility of access to these measures without any time being served in prison, as we will see in more detail later on.

In 1991 and 1992 two separate legislative provisions restricted access to employment outside prison, to award leave permits and to community measures. The amendment to the law made in 1998 reviewed and extended the conditions and procedures for access to community measures. It amended art.656 on the execution of penalty in the Criminal Procedure Code so that now Prosecutors must suspend the order of execution of penalty, except in certain specified cases, if the sentence (or the remaining part of a longer sentence) does not exceed three years, or four years in the case of offences committed as a result of drug or alcohol addiction. In a term of ten days, offenders are allowed to await the

outcome of their application for a community measure (which they have submitted to the Supervisory Court) without being deprived of their liberty; it also allows, in the same conditions, offenders in custody or under the house arrest regime (arresti domiciliari) to request and obtain release from custody from the Supervisory Magistrate while waiting for the Supervisory Court to come to its decision.

To complete the picture of the legislative provisions that have contributed to change the situation as regards custody from 1975 onwards, mention should be made here of the New Penal Procedure Code which came into effect in 1989 and which introduced special procedures to shorten the timescales involved in trials - and therefore the time awaiting trial - through incentives such as a reduction in penalty of up to one-third, to be calculated when sentence is passed. These amendments to the Penal Procedure Code do not require any action by the Probation Service. The role of the Service, as we have seen, is considerable in the execution phase of the penalty whereas it is still of little or no significance in the preceding phases, despite the fact that the historical development of the penal system, at least on a legislative level, shows a decided shift in a non-custodial direction: only in the last two months, the Government proposed (as an amendment to the Criminal Procedure Code) a pre-trial probation order to be applied on the offender's demand for sentences up to two years. It will be enforced by the UEPEs.

Table 1: Activities of probation during the different stages of criminal Procedure

	Pre-Trial Phase See: 4.2	Trial and Enforcement Phase See: 4.4	Post Release Phase See: 4.4
Supervising etc. semi-liberty			x
Supervising etc. semi-detention		x	
Assistance / support to prisoners in prison		x	
Assistance / support to offenders in home detention		x	
Supervising etc. conditional release/parole			x
Social and family inquiries for the enforcement of alternative measures		x	
Social and family inquiries for the application, modification etc. of "security measures"		x	
Supervision of offenders "assigned to the Probation Service"		x	

Contributing in the “observation of the personality” and treatment programmes of convicted prisoners		x	
Supervision of prisoners admitted to work releases, “reward” leave permits, leaves of prisoners under the regime of semi-liberty.			x

4.2 Pre-trial phase

In Italy the Probation Service has no responsibilities or tasks in the phase preceding conviction, as far as adult offenders are concerned, unless a person in custody announces personal or familiar problems requiring immediate action. In this case the Probation Service gets in touch with the family members in need, or with the employer, the local Social Services, or any other public or private agency or voluntary organisation that could provide assistance.

4.3 Trial and enforcement phase

4.3.1 General

No request is made of the Probation Service by the judge in this phase as regards adult offenders. This is due to the fact that according to the law, inquiries are only made into the personality and situation of the offender by the UEPEs after the final sentence has been passed. The inquiry takes the form of observation of the offender’s personality for the purpose of drawing up a tailor-made rehabilitation programme, which will be implemented in custody or as part of a community measure.

4.3.2 Pre-sentence report

As a consequence of what mentioned above, UEPE is not requested of any pre-sentence report.

4.3.3 Probation procedures and processes

It is only in the enforcement phase, with few exceptions, that the Probation Service is involved. Requests to the Service come from:

- Penal institutions in the area covered by the UEPEs, if the offender is in custody;
- Other UEPEs if the offender has family and social connections in the area but is held in custody in a prison outside the area;
- The Supervisory Judge:
 - a Supervisory Office, for matters falling under the jurisdiction of a Supervisory Office, such as “reward” leave permits, offenders’ rehabilitation programmes, security measures, amendments to the conditions imposed on offenders assigned to the Probation Service or on home detention, granting a reduction of the sentence resulting in early

- release (liberazione anticipata), provisional granting of home detention, etc.;
- a Supervisory Court, for preliminary inquiries and proceedings regarding applications from offenders for community measures, early release, conditional release etc., and for decisions on these applications.
- Local Social Services branches or judicial authorities other than Supervisory Judges (e.g. the Juvenile Court) in certain cases.

Apart from the Supervisory Offices, with which the UEPEs are in continuous contact during the execution of community measures, most of the other interlocutors listed above contact the UEPEs for information on the personal, family, social and job situation of the offender. This information is used either to draw up a tailor-made rehabilitation programme for the offender {with a team made up of prison staff including the director, an educator, a psychologist, a criminologist, a doctor and a prison officer) or, in the case of the Supervisory Magistracy, to issue a judicial order. When offenders are granted a community measure by a Supervisory Court (whether they have applied for it from a state of custody or a state of liberty), the Probation Service takes charge of them in their new position on assignment to the Service or on home detention or in semi-liberty etc, and continues the relationship initiated earlier with them and with their family and the people in their everyday life. For the sake of continuity, offenders are placed, if possible, under the same Probation Officer who carried out the initial inquiry into their social and family background. The Director of U.E.P.E. assigns every case to a given Probation Officer on a territorial basis according to the subdivision of the office territory. The Probation Officer organises his or her work according to the hearing or the prison team fixed dates. Inside the Office, the Probation Officer's work can be monitored by a colleague who is responsible for the Probation Unit or by the Director self in small-size Offices. Any report or paper produced by a case manager has to be countersigned by the Director before being sent to the requiring authority. The said procedure allows the director to exercise supervision on the work carried out by the officers and opportunely intervene when needed. The central organization has provided for a basic draft to report social enquiries and a specific set of forms for the routine procedures, most of them have been computerized through a specific information system. The case supervision is carried out in accordance with the social work professional methods; no particular protocol is in use. According to the current methodological approach the Probation Officer who is formally in charge of the case has to rule intervention from beginning to end. As a rule every Probation Officer is responsible for a certain number of clients that covers a wide range of the recorded cases.

On the basis of its mission the Probation Service has to assure both control and active assistance in order to facilitate clients' way to social inclusion. The convicted persons' reintegration into society is also the result of synergy among all public and private actors working in the local community. In this regard the Probation Officer is an active promoter of cooperation and agreements with all local services, agencies and public and private resources. Access to assistance for people admitted to alternative measures follows the usual procedures of all common citizens: the Probation Officer's most significant action doesn't consist in finding preferential ways to get to for their clients, but in permitting them to

benefit from the accesses provided for all citizens, by removing the obstacles that may prevent their exercise of rights. The offender assigned to the Probation Service has to accept the obligations imposed by the Supervisory Court's order by signing it. This formal and preliminary assent is essential to start the probation period. A report on the offender's behaviour and on all the activities carried out by the Probation Officer is to be sent to the Supervisory Judge at least every three months. When a violation of the imposed rules is verified, the Probation Officer has to inform the Judge, who may either take restrictive actions or revoke the alternative measure.

The cultural background of the Italian penitentiary system is based on some important principles such as: the inter-professional and multidisciplinary approach, the individualization of the rehabilitative programme, the jurisdictional supervision on the enforcement of sentences. The Italian penitentiary legislation does not refer to any specific philosophy or thought to draw all the complex and varied activities that are inspired by the concepts of rehabilitation and re-socialization. In this context the quality of the inter-personal relationship between the offender and the Probation Officer is of great importance. In particular the use of individual interview and the exchange among team members as a joint form of supervision are prominent. The peculiarity of each interview depends on the proceeding phase: according to it either counselling or motivational interviewing or group work (more frequently with categories of convicted people such as drug-addicts and paedophiles) may be prominent. The jurisdictional control provided by the Italian system for the whole proceeding of an alternative measure states that the Supervisory Court or Judge is to determine the rules that the offender has to conform during the execution of the measure. Modifications can be proposed by the Probation Officer but have to be authorized by the Supervisory Judge. The last one states some general rules (for example, to keep in touch with the Probation Service) letting the Probation Officer fix the concrete ways and times the obligation has to be fulfilled. Beyond the obligations imposed by the Justice, the case manager states – on the basis of the Office general directives and his or her autonomous estimation – the conditions that appear consistent with the positive execution of the alternative measure.

Before illustrating each sanction and measure in detail, the substantial difference between substitute sanctions and community measures should be clarified. Substitute sanctions are decided by the judge as a replacement for imprisonment at the same time as he/she passes sentence, to avoid offenders on short sentences from going to prison, whereas community measures are granted by a specific judicial authority - the Supervisory Court - during the execution phase of a penalty, at the offender's request.

4.3.3.1 Substitute sanctions (Sanzioni sostitutive delle pene detentive brevi)

A judge may sentence the offender to the following substitute sanctions instead of imprisonment:

- Semi-detention (semi-detenzione) in the case of a penalty not exceeding one year duration;

- Monitored liberty (libertà controllata) in the case of a penalty not exceeding six months;
- Payment of a fine (pena pecuniaria) in the case of a penalty not exceeding three months.

Semi-detention requires the offender to spend at least ten hours a day in prison. It also involves confiscation of his/her driving licence and passport. Monitored liberty entails several restrictions and obligations for the offender including: not being allowed to leave his/her town of residence without special authorization, being obliged to report to the local police station on established days; turn over his/her driving licence and passport. The duration of the substitute sanction is calculated by considering each day of imprisonment as equivalent to one day of semi-detention or to two days of monitored liberty. Fines are calculated by considering each day of imprisonment as equivalent to €38,73. The conditions attached to semi-detention and monitored liberty is set by the Supervisory Magistrate, who can also change them if it should become absolutely necessary to do so. The police are responsible for checking that the conditions attached to the sanctions are observed. If an offender sentenced to semi-detention or monitored liberty breaks any of the conditions imposed on him/her, the remaining period of the sanction is converted into a prison sentence. The Supervisory Court issues the order converting the substitute sanction into a custodial sentence.

4.3.3.2 Community/Alternative measures (Misura alternativa alla detenzione)

The following measures may be granted as an alternative to custody to all sentenced offenders with the exception of those convicted for crimes perpetrated with aims of terrorism, also international, or of subversion of democratic order through acts of violence, for crime association, drug-trafficking, for crimes against the person such as homicide, rape, violence against children, group sexual abuse, kidnapping for ransom, aggravated robbery, aggravated extortion.

a. Assignment of offenders to the Probation Service (Affidamento in prova al servizio sociale) (Art. 47, Penitentiary Act). Offenders may be assigned to (i.e. placed under the supervision of) the probation Service when their prison sentence or the part of the sentence they still have to serve does not exceed three years; the assignment will last for the duration of their sentence or for the term which remains to be served. Assignment to the Probation Service replaces the prison sentence and entails a rehabilitation programme that is carried out in the community under the supervision of probation officers belonging to the penitentiary Department. This measure was usually granted on the grounds of the results of the observation of the offender's personality in prison by a special team, lasting at least one month, in cases in which the measure is deemed to contribute to the rehabilitation of the offender while preventing re-offending, thanks, in part, to the conditions it imposes. Assignment to the Probation Service, therefore, must be based on the conviction that the offender's "dangerousness" can be handled with the instruments provided by the measure, rather than on the conviction of his/her "non-dangerousness". Now the measure may also be decided before the offender is committed to custody, thus preventing imprisonment. The possibility of requiring to be granted an alternative measure

without being imprisoned is due to a law that came into force in 1998. Assignment orders list all the conditions which offenders must observe as regards their relations with the Probation Service, their employment, their residence, their use of means of transport and any veto on the places they may frequent. An order may also forbid a probationer from living in one or more given towns or oblige him/her to live in a certain town; in particular it sets out conditions forbidding the probationer from carrying out activities or maintaining contacts which could lead to further offending. The order must include any reparation that the probationer has to make to the victim of his/her offence, and also the performance of any family duties. The Supervisory Judge may change the conditions set out in an order during the execution of the measure. The Probation Service supervises the conduct of probationers and helps them to overcome the difficulties of resettling in society; this includes establishing contacts with their families and other people in their everyday lives. The Service reports regularly to the Supervisory Judge on the behaviour of each probationer. Assignment may be revoked if the probationer's behaviour does not comply with the law or with the conditions imposed on him/her and is therefore deemed incompatible with the continuation of this measure. For the measure to be revoked it is not sufficient for a probationer to commit a single breach of the conditions imposed on him/her, even if it is a serious one. The breach should rather be considered as the expression of a negative overall attitude, showing lack of a positive response to the rehabilitation programme, and single episodes must therefore be evaluated considering the probationer's conduct as a whole. According to a decision by the Italian Constitutional Court (Sentence N° 343/87), in cases in which the assignment of an offender to the Probation Service is revoked, the Supervisory Court shall decide the length of time the probationer must serve in prison, taking into account the length of time he/she has been assigned to the Probation Service and his/her conduct during the assignment period. Successful completion of the assignment period extinguishes the sentence and all other penal effects. A special opportunity to get access to this alternative measure is given to persons suffering from "full blown" AIDS or persons suffering from serious immunodeficiency conditions who are undergoing or are willing to undergo a medical assistance programme in a hospital or in a university centre for infectious diseases or in care units providing assistance to people with AIDS, in accordance with regional plans. In this case assignment to the probation service may be applied beyond the sentence limits provided by the law.

b. Assignment of special categories of offenders to the Probation Service (Affidamento in prova in casi particolari) (Art. 94 of Presidential decree N° 309/1990)

Drug addicts or alcoholics who are sentenced to imprisonment, providing their sentence or the remaining part of a sentence they still have to serve does not exceed six years or four years if the relevant writ includes one of the crimes indicated by art.4-b of the Penitentiary Act, may at any time apply for assignment to the Probation Service in order to continue or begin therapy on the basis of a treatment programme agreed with the public health authorities and at the expense of the National Health Service. The latter must certify the offender's drug addiction or alcoholism as well as the suitability of the agreed programme

for his/her rehabilitation. In order to come to a decision on an assignment, the Supervisory Court may acquire a copy of the offender's case records and may order inquiries into the suitability of the treatment programme. It must also be ascertained that the drug or alcohol addiction and the rehabilitation programme are not just pretexts to obtain assignment. At the end of these proceedings, the Supervisory Court issues an assignment order and immediately informs the Prosecutor who is responsible for the execution of the order; if the Court does not grant assignment, the Prosecutor issues an imprisonment order. If the Supervisory Court grants assignment, the conditions imposed on the offender in the order must include conditions for implementing the treatment programme. The order must also specify the forms of monitoring that will be adopted to ascertain that the drug addict or alcoholic is following the programme. Offenders may only be granted this special kind of assignment twice. Unless otherwise established, the regulations governing the ordinary assignment of offenders to the Probation Service are applicable to this measure.

c. Home detention (Detenzione domiciliare) (Art. 47c, Penitentiary Act)

According to this measure, if an offender's prison sentence or the part of a sentence he/she still has to serve does not exceed four years – three in case of declared recidivism – or is a sentence of detention up to 6 months for a petty offence (arresto), the offender may be allowed to serve the sentence in his/her own home or some other private abode or a public structure providing care or medical treatment. Home detention is available to offenders in special circumstances such as:

- pregnant women, mothers of children under the age of ten living with them;
- fathers exercising parental authority with children under the age of ten living with them if the mother is deceased or unable to look after the children;
- persons with particularly serious health problems requiring constant hospital care;
- elderly and disabled persons over sixty years of age;
- youths under the age of twenty-one with health/study/work/family obligations.

The measure may also apply generally (i.e. not only for the specific categories of offenders listed above) to all sentences or residual parts of sentences of up to two years' duration provided the measure is considered suitable for preventing the offender from committing further offences - when the conditions for Assignment to the Probation Service do not exist. The possibility of adopting electronic monitoring is also provided. A special opportunity to get access to this alternative measure – as well as to the assignment to the probation service – is given to persons suffering from “full blown” AIDS or persons suffering from serious immunodeficiency who are undergoing or are willing to undergo a medical and health assistance programme in a hospital or in a university centre for infectious diseases or in care units providing assistance to people with AIDS, in accordance with regional plans. In this case home detention – as well as assignment to the probation service – may be applied beyond the limits provided by the law. Intervention on the part of the Probation Service is required under instruction of the Supervisory Court and tends to support and supervise the realisation of the programme. The task of the Probation Service is also significant in the case of special home detention that was introduced in 2001 (Law 40/2001) in favour of mothers, with children no older than 10, who may request it after

serving one-third of the sentence or 15 years in the case of life sentence. The Probation Service must give assistance but is also required to carry out controls and to report to the judge. This kind of home detention may better correspond to the Council of Europe's definition of community sanction. The Supervisory Judge may provisionally grant home detention when the applicant is in custody and the prescribed requisites are established. When ordering home detention, the Supervisory Court establishes the conditions attached to the measure and also gives instructions for the Probation Service. The Supervisory Judge with jurisdiction over the area in which the measure is implemented may amend these conditions or instructions. An offender on home detention is not subject to the penitentiary regime; no cost related to the offender's maintenance or medical care is borne, therefore, by the Penitentiary Department. Home detention is revoked if the offender's behaviour does not comply with the law or with the conditions imposed on him/her and thus becomes incompatible with the continuation of the measure, or if the circumstances which provided the grounds for granting the measure cease to exist. It is also revoked if the offender leaves his/her place of residence without permission, as this is considered as a prison escape.

d. Semi-liberty (semi-libertà) (Art. 48, Penitentiary Act)

According to this measure, the offender may spend part of the day outside prison for purposes of work, education or other activities that contribute to his or her reintegration into society. As a general rule, offenders may only be granted semi-liberty after serving at least a half of their sentence, which becomes two-thirds if they are recidivists, three-quarters if, as recidivists, they have been convicted for serious crimes (art. 4-b of the Penitentiary Act) and twenty years if they have been given a life sentence.

4.4 Post-release phase

Although the following concessions cannot be considered community measures, we include them here because they belong to the post-sentencing phase:

- suspended sentences for drug and alcohol addicts (Sospensione dell'esecuzione della pena detentiva) (Art. 90-93 of Presidential Decree N° 309/1990, the Consolidation Act for Drugs-Related Legislation). The Supervisory Court may suspend for five years the execution of a prison sentence (or the residual part of a longer sentence) not exceeding four years duration in the case of offenders who have committed crimes related to their being addicted to drugs or alcohol, provided they are already undergoing therapy or a social rehabilitation programme. Suspension is revoked if the offender abandons his/her programme without justified grounds or if he/she commits a non-culpable crime punishable only with imprisonment;
- conditional release (parole) (Liberazione condizionale) (Art. 176, Penal Code) Offenders serving custodial sentences whose conduct shows definite amendment may be granted conditional release (parole) after serving at least one-half of their sentence, or at least three-quarters in the case of recidivism or at least twenty-six years in the case of a life sentence. Offenders on conditional release are placed on liberty under supervision; a measure involving a series of obligations intended to prevent them from having the opportunity to commit

- further offences. The police carry out monitoring of offenders on conditional release; the Probation Service provides support and assistance aimed at reintegrating offenders in society. Conditional release is revoked if the offender commits a crime or petty offence or does not comply with the conditions attached to the measure from the time of his/her release until expiry of the sentence. According to a decision by the Constitutional Court (Sentence N° 282/1989), in cases in which conditional release is revoked it is for the Supervisory Court to determine the length of the custodial sentence to be served, taking into account the time the offender has served on conditional release, the limitations imposed on him/her while on release and his/her conduct during that time. Prior to this decision by the Constitutional Court, the time spent on conditional release was not taken into account in the case of revocation; the offender used to serve the whole sentence and only the part of it he had already served in custody was deducted. At the end of the penalty (or, in the case of a life sentence, five years after conditional release has been granted), if no cause for revocation has occurred, the penalty is extinguished.
- conditional suspension of the final part of a custodial sentence (Law n.207 of 2003) (Sospensione condizionata dell'esecuzione della pena detentiva nel limite massimo di due anni). At the request of the offender or his or her defence lawyer, the remaining part of a sentence of imprisonment within the limit of two years may be suspended by the Supervisory Magistrate for a period of five years towards a convicted person who has served at least half of the custodial sentence. The perpetrators of the serious crimes mentioned above are excluded. Obligations to be fulfilled in the period of time corresponding to the suspended sentence are provided in the same judicial provision disposing the suspension:
 - to access the police office in the stated days and hours;
 - not to leave the habitual place of residence and, as far as compatible, the obligations stated in the "assignment to the probation service" order. The Probation Service supervises the conduct of probationers and helps them to overcome the difficulties of resettling in society; this includes establishing contacts with their families and other people in their everyday lives.
 - work release (Lavoro all'esterno) (art.21, Penitentiary Act). The management of a penal institution may allow offenders in custody or internees to work outside the institution. In these cases, the Probation Service may be asked by the Director of the institution to check that the offender is observing the requirements attached to the work release and to ensure that the offender's rights and dignity are fully respected in his/her employment;
 - "Reward" leave permits (Permessi-premio) (art.30, Penitentiary Act). This concession allows offenders who meet certain requisites to cultivate their affections and their cultural and professional interests. It is granted for a maximum of 45 days a year and no longer than 15 days at any one time. In view of the rehabilitative value given to this concession, the provision that this experience should be followed-up by educators from the offender's penal institution and by social workers from the Probation Service would seem appropriate; this is seldom possible, however, because of the workload of both of these categories of workers;

- leave for offenders in semi-liberty and for internees (Licenze a condannati ammessi al regime di semi-libertà – Licenze agli internati) (art. 52, art.53, Penitentiary Act). During periods of leave spent outside prison, offenders in semi-liberty and internees are subject to liberty under supervision, a non-custodial security measure. During these periods, the police monitor them while the Probation Service provides them with support and assistance;
- early release (Liberazione anticipata) (art.54, Penitentiary Act). This concession is granted to offenders who have shown they are participating actively in the rehabilitation process and involves sentences being shortened by 45 days for each six-month period assessed favourably by the Supervisory Court. The result is that sentences are abridged and therefore no action by the probation Service is required. However, a law that came into force in 2002 has extended the possibility of granting, with the same modalities, early release to the offenders assigned to the Probation Service;
- release of debt (Remissione del debito) (art.56, Penitentiary Act). If offenders who are serving a custodial sentence or community measure or who have been released on completion of their sentence apply for release of debt (related to legal costs and costs of maintenance in prison), the Supervisory Judge may ask the Probation Service to carry out an inquiry into their social and family background so as to provide information which will help him/her decide whether to accept or not the application;
- amnesty (Amnistia) Individual Pardon (Grazia) and Collective Pardon (Indulto). When a Supervisory Judge has to express a reasoned opinion on a proposal or application for individual pardon for an offender in custody, the Probation Service may be asked for information regarding the offender's current family and social situation. The Probation Service is not involved in cases of amnesty and collective pardon, which are also included in the Penal Code as well as individual pardon. Amnesty and collective pardon have been granted four times since the 1975 penitentiary reform, in 1978, 1981, 1986, and 1990. The only collective pardon has been granted in 2006 for sentences up to three years.

4.5 Care and aftercare outside the criminal justice system

According to the Penitentiary Act, probation officers' duties include providing assistance to offenders who have completed their sentences, but staff shortages have nearly always prevented this duty from being fulfilled almost everywhere. However, this does not stop those offenders who have completed a period of assignment to the Probation Service or semi-liberty from turning to the UEPES or to the probation officer who followed them, either for advice (in view, for example, of further applications for community measures) or for assistance with problems they have met in resettling in society.

5 FINANCES, REGISTRATION, EVALUATION AND OUTSIDE OPINION

5.1 Finances

The UEPEs, like penal institutions, are part of the Penitentiary Department and are therefore fully financed by the Ministry of Justice. Apart from staff salaries, which are paid directly by the Treasury, all the other expenses of a UEPE - which must comply with the accounting regulations laid down for all government services - are included in an annual budget, divided into categories of expenditure, which is approved by the Regional Superintendency concerned. Regional Superintendencies receive funds from the Penitentiary Department and distribute them to the institutions and services in their region.

Table:2

	Probation Services	Prison System
Total current yearly expenditure of the Italian D.A.P. (Department of Penitentiary Administration) in 2005: 2,585 billion Euro	2% of DAP budget	98% of DAP budget
Average number of employed staff of D.A.P. in 2005: 49,367	1,672 (1,228 Probation Officers)	47,695
offenders/clients in charge 31 Dec.2005	88,697	59,523

The 2005 budget, for example, for the whole of the Penitentiary Department was just 2,585 billion Euro; the resources allocated to the Probation Service amounted to approximately 2% of this total, but only 1,481 million Euro, i.e. 0.57% of this budget, are allocated in favour of convicted people benefiting from alternative measures. At the end of 2005, the Penitentiary Department employed 49,367, of which 1,228 social workers and 444 administrative staff were employed in the UEPEs. On the same date, prison inmates totalled 59,523 and the cases looked after by the UEPEs, including those on community measures, numbered 88,697. Although the UEPEs are involved in projects which benefit their clients and which receive ad hoc funding, for example, from the European Social Fund or from funds for rehabilitation projects for drug addicts, they are not the recipients of the resources concerned. The FINES FUND, i.e. a special fund where fines, proceeds of confiscation, trial fees and similar monies are used, funds some other projects. The collected sums are to be set aside for projects co-funded by the Penitentiary Administration and the European Fund, aimed to assist prisoners' families and to provide money for programmes of social reintegration of offenders who serve their sentence in prison or benefit of an alternative measure.

5.2 Accounting

Some UEPEs have an autonomous bookkeeping system and directly run their budgets. Most of them, however, receive their funds through the penal institutions to which they are connected for accountancy purposes. Although most UEPEs are not autonomous from an accounting point of view, they have an internal accounts section that assists the Director in planning expenditure. The accounts section records income and expenditure and deals with staff travel purchases and invoices for payment of cleaning and maintenance expenses and utilities (telephone, electricity etc).

5.3 Registration systems and evaluation procedures

All Probation Service activities are recorded, firstly because this is an obligatory practice in government service and secondly because it is essential in a Service which deals with the execution of penalties and consequently with matters that affect citizens' fundamental rights, such as the deprivation and restriction of liberty. The registration system moves in two directions; incoming– directives, circulars, in-Service orders, information – and outgoing – reports on Service problems, requests, notes to higher Officers, to Supervisory Judges, to bodies with which the Service has a working relationship. Staff are acquainted with this documentation, unless it is confidential, so that they are fully informed and can participate in the more general tasks carried out by the Service.

One example of these tasks is the annual report written by the directors of the UEPEs and sent to the Directorate General for the Execution of Sentences in the Community (Direzione Generale Esecuzione Penale Esterna -DGEPE) in the Penitentiary Department. The report represents an opportunity for each Office to reflect on its short, medium and long-term objectives for the various aspects of its work. It is also used to plan research into both organisational matters and specific Service issues, which is useful in assessing the quality of the Service's investment in resources. The contents of the annual reports are returned to the UEPEs by the competent Office of the Directorate General, which sends statistics and overall evaluations to the central and local offices of the Penitentiary Department.

Thanks to an Internet website, located inside the Justice site, a large amount of information on legislation, procedures and activity, as well as statistics, is available to everyone. The UEPEs are connected to one another by intranet and to the DGEPE in the Penitentiary Department; this makes it possible for the DG to update its statistics monthly and to be informed of the workload of each UEPE and of the whole of the Service. Computerisation of the Probation Service began in 1993 and was extended to all UEPEs by 1996, allowing clients' personal details to be recorded together with their family contacts, any previous involvement they have had with the Service and the results of that involvement etc. This allows information to be found quickly when it is needed, creating greater efficiency in responding to clients and to authorities contacting the Service for information. The documentation related to each individual case makes up the client's File. This file comprises documents from outside the Service, for example sentences and orders by judicial authorities, requests for action by the Service, documents that have been presented, and certificates. The file also contains information from within the Service such as the social worker's details, records of meetings

with the client, of visits to their home and of contacts with other services; reports sent to the Judge, to the penal institution, and to other UEPEs. When the Service's involvement with an offender comes to an end, the case is closed with a formal order from the Director of the Office concerned, and the file is put away in the archives, from where it is retrieved if any other action is subsequently required. In this instance the file is divided into sub-files, one for each occasion the Service is involved. Penal law, official secrecy, which is one of the civil servant's duties to respect, and the recent law on the protection of privacy (1996) mark the boundaries within which clients' personal details are handled.

5.4 Societal support and clients' views

The visibility of the Probation Service has significantly grown in Italy in the last few years because of its more incisive penetration into society. It has been carried out through common plans, projects and agreements, the coordination of actions in favour of the multi-problematic offenders who often need professional interventions from different services and agencies. Particularly in the case of drug-addicts, mentally disturbed offenders, unemployed or disadvantaged persons in need of assistance. Furthermore, the increasing number of offenders benefiting from alternative measures – that have reached the number of convicted persons in prison – has greatly contributed to make the Probation Service's activity much more visible than before. However many factors have influenced and continue to influence the lack of visibility of the Probation Service in Italy. One such factor is that the Service was only recently set up and has dealt with relatively few cases in its first few years. In addition to its structural inadequacies, already mentioned above, should be added the difficulty the Service has faced in assuring the public opinion of complete and correct information about its role.

The Service has heavy workloads and severe staffing shortages, which means that its energies are focused on everyday urgencies, rather than producing additional information, or reflecting on its work. One exception to this is the Service's connections with Social Services Colleges and Universities, which are based not only on research but also on the Service's being able to accept trainee students. There have not been any surveys or research on the public's perception of community measures, with the exception of the somewhat superficial media surveys carried out when a measure is granted to a well-known personality. A very recent book reports the results of a research carried out by the Directorate General and a University on the general opinion of clients on the work of the Probation Service.

Over the last few years, the presence of the Probation Service has been felt more both locally and centrally. This has come about through training projects for both professional and voluntary workers, for example, some organised by the Regions. There have also been public debates on specific issues, and the Service's input has been made through participation on co-ordinating bodies, on committees and in study groups. This has taken place particularly at a local level and also, to a lesser extent, on the regional and national level. The Directorate General is directly responsible for the Service's participation on multi-disciplinary committees inside the Penitentiary Department, on inter-ministerial

bodies and with trans-national projects. Wherever possible, it arranges for the staff from peripheral Service units to be involved. Furthermore, a law on the reorganisation of social services that came into force in 2000 provides for an explicit statement according to which the Penitentiary Administration should be involved – through its local structures – in defining the “local social plans” (Piani di zona) for the social inclusion of disadvantaged people.

Thanks to the financial support from the European Social Fund, the Administration has started a project to promote actions in favour of the convicted persons’ social inclusion. The project aim is to strengthen the capacity and skills of the professionals who work in different local institutions and agencies to define, plan and realize the “local social plans” and the local policies of social inclusion. The Penitentiary Administration has promoted backing actions and in particular training initiatives, addressed to the different stakeholders, to encourage the use of a common language, continuity of action and special attention to disadvantaged people and to offenders in particular.

6 PROBATION CLIENTS’ RIGHTS

In order to understand clients' rights and the regulations that govern them in the Italian system, it is important firstly to acknowledge that the probation client is not a voluntary user of the Service. The offender has not chosen to benefit from a service but is subject to the machinery of justice. Secondly, it is important to take into account that the Probation Service is part of the Justice System; it is also a part of the Civil Service and its work is based primarily on the social work profession. Each of these characteristics is governed by regulations, rules or professional ethics which protect the rights of probation clients on different grounds, and which are based on the rights common to all citizens laid down in the Italian Constitution. In so far as they are subject to jurisdiction and its measures, probation clients are guaranteed protection of their rights as set out in the Penal Law and Penitentiary Act: the notification of proceedings, the right to a defence, the right to participate in proceedings etc. As far as the execution of community measures is specifically concerned, the protection of probation clients' rights is based on their right to be fully and correctly informed of their obligations and duties. This is achieved by ensuring clients understand all the documents concerning them and by information provided by the probation officer or the Director of the UEPE to which they have been assigned.

The fact that the Probation Service is part of the Civil Service determines the Service's relationship with its clients. This relationship has received much more attention in the last few years than previously, due to the input from the Civil Service Department. This Department has produced laws, ministerial decrees and directives laying down regulations for access to records, principles to guide the performance of public services, a code of conduct for public employees and regulations aimed at improving efficiency. It is the duty of the public employee to respect official secrecy, which binds all civil servants and therefore also probation officers, not to disclose information in their possession or that they receive in the course of their work unless to the appropriate authorities.

The fact that Probation Service staff is part of the social work profession means that they are also bound by professional confidentiality, one of the ethical principles of their profession. The creation of the Roll of Social Workers in 1993, which all Probation Service social workers and Directors must join, represents a tangible reference point for these workers, who can turn to the Association to defend their professional ethics. Of course, neither official secrecy nor professional confidentiality can be invoked when the information that comes into the possession of a probation officer concerns the commission of a crime or the risk of a crime being committed. The same situation applies when Probation Service staff is summoned to give evidence before a judicial authority.

There are no special bodies to which Probation clients may turn to report the Probation Service or make a complaint, that are any different to those available to all citizens. If they have a complaint, and it is not of a penal nature (in which case they should appeal to a judicial authority), probation clients, like all other users of public services, can use the managerial chain. In the case of the Probation Service this means: the Director of the UEPE, followed by the Regional Superintendency and the Directorate General. If the complaint concerns the protection of their privacy, they should turn to the Data Protection Authority, unless they consider they have suffered damage, in which case they should appeal to the civil judicial authorities. In this case, if civil proceedings are started, a State lawyer will represent the probation officer during the trial. As probation clients are in the execution phase of a penalty, they can also appeal to the Supervisory Judge, who receives all details of the progress of the probation period and therefore is in a position to assess the probationer's complaint. To date there has rarely been the need to provide an interpreter for contacts between the probationer and probation officer. This need is much more frequently felt in prisons because of the large number of foreigners in custody, who often do not benefit from community measures because they lack family connections, work and a home.

7 NEW DEVELOPMENTS

The large increase in community measures over the last few years has led to a great increase of Probation Officers (from 600 up to 1,200). In the past, attention was paid to rekindle staff motivation and fight the risk of burnout; to defend the quality of the Service's work in the face of excessive workloads; to take care of people rather than of paperwork, and to encourage the participation of the Service in work of a more general nature. In fact, the experience the Service has accumulated through working in local communities all over the country, discovering not only the problems but also the resources that exist there, makes the Probation Service not only a privileged observer but also a potential organisational mediator. This role could only be undertaken, however, provided staff continuity was guaranteed, as well as the time and resources needed to record social change, to update information and to consolidate relationships, not only with the local social services but also with local government authorities. To achieve these objectives, the Service has needed to expand structurally,

restructure and reorganise; and it still needs to involve voluntary agencies and organisations more. The projects that have been lately carried out are:

- establishing a convention with psychologists;
- opening new Offices to cope with increased workloads and the concentration of clients in certain areas of the country;
- establishing a convention with the Government for the employment of "Servizio civile" i.e. young people who carry out community service instead of military service (the compulsory military service has been abolished);
- setting up an "Information Desk" to provide information on regulations, procedures, and other services connected with the Probation Service, staffed by voluntary persons and volunteers of the community service.;
- completing the computerisation programme;
- opening an Internet website;
- drawing up plans for the UEPEs' financial autonomy;

The plans that the Directorate General intends to carry through in future regard organisational aspects of the Service as well as working methods and tasks. These plans include:

- setting up computer links with Supervisory Judges and Courts;
- purchasing, instead of renting, premises for the UEPEs, or occupying State-owned properties

In the near future there will be a new and important scenario for the Probation Service. The Minister of Justice has presented a new bill proposing a reform of the Penal Procedure Code. It intends to introduce, for the first time in Italy with regard to adults, the suspension of the enforcement of the sentence combined with probation, for sentences up to two years. This measure, that is already operational in the juvenile penal system, would be extended to adult offenders. The approval of the above-mentioned law will significantly innovate the Italian Probation Service's duties: as we said before, up to now it has entered into action when the penal proceedings are over, and the convicted person has had to serve the sentence imposed. Within the new system the Probation Service will be involved during the trial phase, by the sentencing judge, and no longer just relying on the Supervisory Court in the enforcement phase. Even if it is difficult to envisage the quantitative impact of the proposed law on the Probation Service's activity, we can presume that it will be quite significant. Such an important innovation is perfectly in tune with the amendments of the penal legislation, among those the introduction of alternative sanctions, which will be imposed by the sentencing judge as an alternative punishment, independent from a prison sentence. The shifting of the decision to the sentencing phase would certainly affect the Probation Service's action on two sides, clarifying the organisation of the service and the working methods of each individual Probation Officer. Finally, in the last months, under the pressure of the demand for security from society, the Minister of Justice has suggested to experiment the involvement of the Penitentiary Police Corps in controlling offenders who are submitted to home detention. This perspective might introduce a strongly innovative element into the Italian probation system, where electronic monitoring is not yet used.

Since the Probation Service was set up the problems it has faced have changed, along with social change and the outbreak of phenomena such as

terrorism, drug addiction, organised crime, illegal immigration and corruption. Like the Prison Service, the Probation Service has had to adjust to these changes and to question itself on the value of its response to very different offenders from those it was culturally and professionally trained to deal with, who came mainly from the margins of society. On the basis of the conviction that individuals can change their behaviour and that community measures can facilitate this change, the Probation Service has re-formulated its role many times in the past. It continues to do so, in an effort to ensure that the execution of penalties is compatible with the process of change and rehabilitation that its clients (may) wish to undertake. The Probation Service's firm objective is to assure security to the general public by fighting recidivism and favouring the offenders' supervised reintegration into society

8 IMPORTANT PUBLICATIONS

R. Turrini Vita, *Civiltà della pena*, Roma 2006

P. Trecci e M. Cafiero, *Riparazione e Giustizia Riparativa*, Milano, 2007-07-24
The text studies in depth the subject of reparation in the penal and penitentiary sectors. It presents some theoretical contributions and analyses those critical aspects that various professionals (educators, social workers, judges etc.) have faced in carrying out their activities either with adult or minor offenders. The book represents a valid tool for refreshing and continuous training activities of the staff working in the justice field.

M. Pia Giuffrida e M. Palombo, *The penalty of alcohol*. Milano 2004
The book describes an action-research, carried out by the Directorate General of execution of sentences in the Community of the Department of Penitentiary Administration, to assess the effectiveness of activities performed for convicted subjects with alcohol related problems who are undergoing alternative measure programmes instead of being in custody. The book analyses the scale of the phenomenon and puts forward intervention methods deriving from field research and from the social workers' reflections on their daily practices.

Grevi, Vittorio; Giostra, Glauco; Della Casa, Franco *Ordinamento Penitenziario*, CEDAM, Padova, 2006

The text analyses the Penitentiary Act (Law 354/75) paragraph for paragraph, taking into account all the different provisions that have modified the original law. The Appendix has also been updated: the new text of the Rules of Execution (approved with Decree 30 June 2000 n.230) and the very recent version of the Council of Europe "European Prison Rules" (January 2006) have been added. Thanks to an up-to-date bibliography and a supplement of legal modifications, as well as of sentences of the Constitutional Court, the text is today the most abreast and complete work on the subject in Italy.

Frudà, L. (a cura di) *Alternative al carcere Franco Angeli*, Milano, 2006
The text deals with the issue of public safety in relation to alternative measures. A survey promoted by the Department of Penitentiary Administration – Directorate General of the execution of sentences in the community – shows with unquestionable evidence the usefulness of routes other than imprisonment and the strong potentialities that alternatives can offer in terms of re-socialization. In particular the research dwells upon the role of UEPE with regard to the Office network of the organizations involved in the execution of penal sentences in the community, providing at the same time trends and appraisals coming from the offenders themselves.

G. Concato & C. Mariotti, Luigia (eds) *Supervisione per gli operatori penitenziari*. Published by Franco Angeli, Milan, 2005

The book presents the results of the experimental supervision of the "Observation and Treatment" prison teams, carried out by the Higher Institute of Penitentiary Studies in cooperation with the University of Florence. Supervision

of prison teams is proposed experimentally as a methodological approach to increase staff's awareness and operational abilities. As a result of stimulating a systematic deliberation on the roles, resources, competencies, interpersonal relations, as well as on the methods of work and assessment of results, communication and exchange of knowledge are facilitated.

G. De Leo & C. Mariotti, Luigia (eds) *Attendi al lupo*. Published by Giuffrè, Milan, 2005

The text provides for a series of thorough remarks on the topic of sex-offenders whose victims are minors, and in particular on the possible models of treatment that might be used with them. Through a comparative study of experiences carried out in a number of European countries and the presentation of an Italian experimental training model, most critical points concerning this issue are highlighted. At the same time some methodological reflections and treatment hypothesis are provided for, with the intent of taking responsibility for the "wolf" in order to prevent the same from replicating any alarming action.

9 MAIN ADDRESSES, PHONE & FAX NUMBERS, E-MAIL ADDRESSES, HOMEPAGES

Direzione Generale Dell'esecuzione Penale Esterna Roma
Largo Luigi Daga, 2 – 00164 Roma
Telefono 06/665911
Fax 06/66165226
dg.epe.dap@giustizia.it

Ancona
Via Mamiani, 14-60100 Ancona
Telefono 071-2070431
Fax 071-2070442
cssa.ancona@giustizia.it

Aosta (Uepe Novara)
Piazza Manzetti, 2-11100 Aosta
Telefono 0165-236150
Fax 0165-239268
cssa.novara@giustizia.it

Bari
Via Marin, 3 – 70100 Bari
Telefono 080-5010434
Fax 080-5013073
cssa.bari@giustizia.it

Bologna
Via Fratelli Cairoli, 1 – 40100 Bologna
Telefono 051-4215611

Fax 051-252370
cssa.bologna@giustizia.it

Cagliari
Via Peretti, 1 – 09100 Cagliari
Telefono 070-53721
Fax 070-542667
cssa.cagliari@giustizia.it

Campobasso
Via D'Amato, 3/F – 86100 Campobasso
Telefono 0874 – 69511
Fax 0874-69080
cssa.campobasso@giustizia.it

Catanzaro
Via Vittorio Veneto, 42 – 88100 Catanzaro
Telefono 0961-726926
Fax 0961-743887
cssa.catanzaro@giustizia.it

Firenze
Borgo La Croce, 60/R – 50122 Firenze
Telefono 055-263191
Fax 055-2631928/055-2631027
cssa.firenze@giustizia.it

Genova
Viale Brigate Partigiane, 92R – 16100 Genova
Telefono 010-5489701
Fax 010-5489740
cssa.genova@giustizia.it

L'Aquila
Via Pescara, 2 – 67100 L'Aquila
Telefono 0862-40041
Fax 0862-400420
cssa.laquila@giustizia.it

Milano
Via Numa Pompilio, 14 – 20100 Milano
Telefono 02-438571
Fax 02-48000562
E-mail cssa.milano@giustizia.it

Napoli
Via Vespucci, 172 – 80100 Napoli
Telefono 081-5630958

Fax 081-288381
cssa.napoli@giustizia.it

Palermo
Via Damiani Almeyda, 5/a – 90100 Palermo
Telefono 091-343657
Fax 091-348446
cssa.palermo@giustizia.it

Perugia
Via Mario Angeloni, 43 – 06100 Perugia
Telefona 075-5009923
Fax 075-5055455
E-mail cssa.perugia@giustizia.it

Potenza
Via dei Mille s.n.c. – 85100 Potenza
Telefona 0971-411472/0971-21949
Fax 0971-410551
cssa.potenza@giustizia.it

Roma
Viale Trastevere, 209 – 00153 Roma
Telefona 06-5839111
Fax 06-5809352
cssa.roma@giustizia.it

Torino
Via Pomba, 29 – Via Brindisi, 15/B – 10100 Torino
Telefono 011-5623661
Fax 011-544740
cssa.Torino@giustizia.it

Palazzo degli Uffici Finanziari
Via Vannetti, 13 – 38100 Trento
Telefono 0461-230261
Fax 0461-263633
E-mail cssa.trento@giustizia.it

Trieste
Via Coroneo, 19 – 34100 Trieste
Telefono 040-7707811
Fax 040-7707826
cssa.trieste@giustizia.it

Venezia
Piazzetta Cesare Battisti, 17 – 30172 Venezia
Telefono 041-958266/041-958018

Fax 041-958802
cssa.venezia@giustizia.it

Web site Department of Penitentiary Administration:
http://www.giustizia.it/ministero/struttura/dipartimenti/dip_amm_penitenz.htm

Web site Directorate General for the Execution of Sentences in the Community:
http://www.giustizia.it/ministero/struttura/dipartimenti/dirgen/dir_gen_esec_pen_esterna.htm

Web site of the Higher Institute of Penitentiary Studies:
http://www.giustizia.it/ministero/struttura/dipartimenti/dirgen/istit_studi_penit.htm

Web site Regional Superintendencies:
http://www.polizia-penitenziaria.it/struttura/indirizzi_provv.asp

Web site Italian Penal Structures:
<http://www.polizia-penitenziaria.it/struttura/indirizzi.htm>

Web site Coordinamento assistenti sociali della giustizia
<http://www.casg.it/>

ANNEX 1

**Table 1 – Alternative measures and convicted persons in custody:
2004-2006**

() due to collective pardon*

Year	Offenders admitted to alternative measures	convicted persons and internees in custody on 31 Dec.
2004	47.163	35.033
2005	49.933	59.523
2006	42290	39.005 (*)

Table 2- Probation Service Workload: 1976 – 2006*(*) due to collective pardon*

HISTORICAL SERIES: 1976 –2006						
Year	Assignment of offenders to Probation Service	Assignment of special categories of offenders to Probation Service	Semi-liberty	Home detention	Social inquires for convicted prisoners and internees	Social inquires for convicted persons in a state of liberty
1976	278		321		1030	
1977	1.738		2.909		5669	
1978	1.462		3.276		5889	
1979	703		2.071		8801	
1980	1.068		3.151		10.567	
1981	1.276		4.744		11.366	
1982	630		2.210		11.176	
1983	1.172		3.340		6.615	
1984	1.349		4.356		11.302	
1985	1.961		5.652		14.053	
1986	3.574		5.349		17.508	
1987	1.662	245	3.418		15.354	791
1988	2.399	453	3.983		17.220	1.336
1989	2.892	572	4.524		20.681	2.087
1990	2.787	686	2.779		20.610	3.576
1991	2.023	953	1.513		19.481	4.243
1992	3.259	1.702	1.940		24.000	6.738
1993	4.965	2.704	2.432	15	27.439	9.855
1994	6.601	3.662	2.910	25	29.072	11.070
1995	8.086	4.120	2.939	147	29.252	12.995
1996	10.564	4.486	3.094	249	28.037	16.388
1997	19.855	8.589	4.800	1.956	33.660	18.827
1998	20.196	7.455	4.010	3.686	33.114	19.772
1999	28.127	6.358	3.157	6.394	28.631	16.089
2000	18.251	6.740	3.366	7.963	33.784	19.738
2001	19.520	6.863	3.602	9.876	35.746	20.685
2002	21.355	6.958	3.972	10.954	39.409	21.745
2003	23.584	6.883	3.814	11.322	41.413	21.828
2004	25.264	6.821	3.489	11.589	27.328	17.854
2005	24.897	7.061	3.458	11.544	23.641	18.096
2006	20.776 (*)	6.782(*)	3.024(*)	11.708(*)	28.162(*)	15.534(*)

Immigrants benefiting from an alternative measure at 31 October 2006: 1631
 Staff engaged in probation work 28 November 2006: 1,170 probation officers, 45 managers, 441 administrative staff.