

**QUESTIONARIO INVIATO DALL'AMMINISTRAZIONE PENITENZIARIA DEL BELGIO SUI
LIVELLI DI SICUREZZA NEGLI ISTITUTI PENITENZIARI
Maggio 2014**

Al fine di gestire in modo più efficiente la popolazione penitenziaria, l'Amministrazione Penitenziaria del Belgio sta considerando la possibilità di introdurre una valutazione del rischio e dei bisogni per i detenuti in ingresso negli istituti penitenziari, insieme con la creazione di diversi livelli di sicurezza all'interno degli istituti.

1. Gli istituti penitenziari nel vostro Paese sono definiti secondo criteri di sicurezza?
2. Quali diversi livelli di sicurezza esistono nel vostro Paese?
3. Quali sono le principali differenze fra i vari livelli di sicurezza? (per quanto riguarda il regime carcerario, le installazioni e gli impianti, la percentuale di personale presente in confronto ai detenuti)
4. Qual è la proporzione dei diversi livelli di sicurezza nel vostro sistema penitenziario?
5. Per i detenuti all'ingresso, si effettua una valutazione del rischio e dei bisogni?
6. Quali ambiti si valutano?
7. La valutazione si basa su una lista di controllo o su dei test? (Se sì, si prega di specificare quali sono i test usati per valutare i detenuti)
8. Chi è coinvolto nella valutazione? (Direttore penitenziario, psicologo, polizia, ecc.)
9. Quali sono i criteri per l'assegnazione dei detenuti ad un particolare livello di sicurezza?
10. Quali sono i criteri per trasferire i detenuti a livelli superiori/inferiori di sicurezza?

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Risposta in italiano nel documento in pdf dal titolo "Belgio su livelli di sicurezza"

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Risposta in lingua inglese inviata all'Amministrazione penitenziaria belga

1) Are prisons in your Country defined according to security levels?

1) Penal establishments for adults in Italy are classified by the law, according to the type of the restrictive measure to be enforced (article 59 of the Penitentiary Act of 1975 and following modifications):

- Prisons for pre-trial detention and for remand;

- Prisons for the execution of final sentences;
- Prisons for the execution of security measures;
- Centres of observation.

2) Which different security levels exist in your country?

2) The Italian penitentiary Administration puts a great care in differentiating prisons and prisoners.

In the Nineties, differentiated penitentiary circuits were established, to which prisoners were assigned with homogeneous characteristics as for the needs related to their detention.

In particular, a first level was established of high security, for prisoners belonging to organised crime; a second level of medium security intended for the majority of prisoners; a third level of low security for former drug-addicted prisoners who are considered as not dangerous.

3) What are the major differences between the different security levels?

3) For high security prisoners, it is necessary to adopt very secure buildings as well as electronic equipment and devices aimed at the most effective surveillance on inmates.

The surveillance both inside and outside those establishments is carried out by experienced and especially trained staff of Penitentiary Police Corps who perform their duty consistently with the level of inmates' danger.

Preferably, high security prisoners are assigned to prisons situated far from their geographic area of criminal activity or influence and are accommodated in specific wings, keeping into account the prohibitions of meeting other inmates or the incompatibility decided by the Judicial Authority, as well as avoiding to gather particularly charismatic offenders within the same wing.

All the activities offered to high security prisoners (outdoor exercise, family visits, interviews with lawyers, activities in common, school, vocational training, work, religious activities, recreational and sporting activities) are carried out within the wing they are assigned to and those prisoners cannot meet inmates belonging to other security levels.

5) Is an initial risk assessment made for incoming detainees?

6) Which domains are assessed?

The service of reception of subjects coming from liberty is structured into two levels.

The first level is operated by the physicians and the nurses, who are activated immediately after the entry procedures (registration, search, etc.). The incoming subject undergoes a medical examination within the day after his/her entry in the prison.

The second level includes further interventions.

Without delay – and in any case within 36 hours from the inmate's entry – an interview with the psychologist is carried out, aimed at assessing the risk of self-harm or of harming other persons; different specialists meet the subject, in particular the psychiatrist, in case a mental illness is suspected or identified. In this context, the first-entry medical examination is a sort of a "filter" having the aim of activating early other specialists' interventions (psychiatrist, infectivologist, drug-addicted service, etc..). The psychiatrist can be involved both by the physician and by the psychologist.

A great care is put on those subjects who enter the prison system for the first time, on people younger than 25 years of age, on particular offenders (perpetrators of sexual violence against minors), on offenders who re-enter prison after a long time from their last experience of detention.

If the inmate is a drug addicted, the drug-addiction service of the local healthcare service is involved, within 12 hours from the inmate's entry.

If necessary, the healthcare staff – after having assessed the inmates' health documents available as well as the clinical journal drafted during their last detention – carry out a range of screening tests. Those analysis take into account the delays relevant to various diseases (from 20 to 60 days). All the prisoners without any particular problem, those ones who are already known as well as those who have sufficient documents about their healthcare status are assigned to the most suitable wing, and shall be under the care of the wing physician. A longer period of assessment is dedicated to the inmates who will stay for a longer time in the first-reception wing (for no more than 7 days, in any case).

Upon the inmate's entry in the prison an interview is carried out by the prison governor or by a prison officer designated by the governor: such interview is aimed at drafting the inmate's personal file as well as at providing the prisoner with the information concerning his/her rights and duties within the penal establishment, the discipline and the treatment. In particular, the inmate receives information about the possibility to be granted measures alternative to imprisonment and other benefits.

During that interview, the subject is invited to show every possible personal and family problem demanding immediate interventions. If any problem exist of that kind, the prison governor immediately inform the local probation office thereof.

Upon the inmate's entry as well as throughout his/her detention, the prisoner is given the possibility to freely access documents about the services provided in the establishment and upon his/her rights during imprisonment. In particular, all the inmates can be given the text of the Penitentiary Act, of the relevant Regulations of Enforcement as well as of the internal regulations on prison life. Such papers are simply and clearly written and are translated in the main languages spoken by the inmates.

7) Is the assessment based on check lists and/or tests?

7) The inmate's risk assessed is highlighted in a specific form and can range from minimum to very high; after such an assessment is made, specific instructions are given to the Penitentiary Police staff in charge of the inmate's assignment concerning his/her possible accommodation in the infirmary, in a single cell or in a shared cell, with or without assistance, with special assistance, under a therapy or under high surveillance.

8) Who is involved in the assessment?

8) In the assessing service there is a psychologist along with other professionals, composing a multi-disciplinary reception staff taking care of arriving inmates with the purpose of avoiding self-harm. That staff includes the prison governor, who coordinates the team, a physician, a nurse, a psychologist, a psychiatrist, one educator and the commander of the detachment of penitentiary police. Other professionals may join the team: probation officers, drug-addicted service staff, cultural mediators, depending upon the needs and the problems showed by the inmate. Moreover, some volunteers from the community can be involved, with specific qualifications.

The multi-disciplinary team periodically gathers in order to set the operational guidelines as well as to decide the operational protocol.

9) What are the criteria for the classification of detainees to a particular security level?

9) The assignment of prisoners to the different levels of security meets the requirement both of security (to avoid negative mutual influences) and of treatment (to carry out a common rehabilitation treatment). Pre-trial and remand prisoners are assigned according to other criteria: age, previous imprisonments, the type of crime they are charged with.

Prisoners are assigned to the high security level not only on the ground of their crime but also on the basis of other assessments enabling the Penitentiary Administration to believe that some inmates belong to criminal organisations of mafia or terrorism.

Some inmates are assigned to “protected” separated wings: transsexuals, former law enforcement agents, former judges, offenders hated by most of inmates such as sex offenders or perpetrators of crimes against minors, etc.

10) What are the criteria for transfer of detainees to a higher/lower security level?

10) Prisoners can be transferred from high security level to medium security level as a consequence of the following procedure: the proposal of transfer is made by the prison governor, upon the advice of the prison observation team, to the Penitentiary Administration Headquarters, Directorate for Prisoners; such request is integrated by the judicial information as well as the information from qualified investigating agencies. In particular, the competent District Anti-mafia Prosecutor’s advice will be sought and will be included in the provision ordering the transfer.