

Dynamic Security.
How Custodial Everyday Life and Security in the Italian Sections Have Changed.
An Analysis 5 Years After the Implementation of the Circular Which Establishes the Dynamic
Security – Between Lights and Shadows.

The introduction of the dynamic security and the “open custody” system is a huge change in the Italian prison system and it has had an impact on prisoners’ custodial everyday life experience and the *modus operandi* of the Prison Police, leading to an improvement of the living conditions inside the institutes and fostering a better quality of life. But what do we talk about when we talk about dynamic surveillance? This is a new way of doing security in which the first and most visible results are three:

- 1) the opening of the cells for subjects held in medium and low security for at least 8 hours a day and up to a maximum of 14 hours a day;
- 2) the possibility for the prisoners to move within their own section and hopefully outside of it enjoying wider spaces for their activities;
- 3) the attendant change in the *modi operandi* of the Prison Police who is no longer called to implement a static control over the prison population, but rather a control focused on the acquaintance with and the observation of the prisoner.

This new type of security was issued by the Italian Department of Prison Administration (DPA) of 14th July 2013 containing the “Guidelines on Dynamic Security”. The purpose of the circular is to “identify new operational strategies aimed not only at containing the overcrowding scourge which has been afflicting our country for years, but primarily at making the sentence execution more dignified, giving full meaning to it. Thus the circular aims at fulfilling the requirements called for by the ECHR, re-launching particularly the treatment activity, which is a synergic element of the new rules contained in the Decree-Law passed in 2013 by the Italian Council of Ministers bearing “Urgent provisions for sentence execution”.

The Decree-Law no. 78 of 1st July 2013 was passed to cope with the overcrowding emergency and contains a series of provisions which aimed at activating a virtuous mechanism of release of not dangerous prisoners, especially in the aftermath of the “Torreggiani and Others v. Italy” judgement by the ECHR Court which has repeatedly condemned Italy for overcrowding conditions and inhuman treatment in the Italian prison institutions, thus forcing the Italian prison system to a fundamental change in its organizational structures. Therefore the inspiration behind the present process of innovation is to be found at European level.

The provisions of the circular

The Italian DPA circular on the “Guidelines on Dynamic Security” establishes the principle that the prisoner should normally live outside his/her cell and it defines dynamic security as “a more effective system to ensure order within institutions without hindering treatment activities. It is based on simplification, rationalization, qualification of workloads, the distinction of competence levels, the sharing of information flows between different professional figures”.

Being a very complex action, dynamic security involves a gradual adjustment. In order to guarantee safety and treatment success, taking responsibility for the result, the circular calls for a close cooperation among several professionals who work in prison. Any treatment or security intervention must be based on the acquaintance with the prisoner, with his/her activities, and particularly with his/her level of danger to society. The idea and type of reorganization underlying the introduction of dynamic security is that of the “differentiation of institutions in order to grade

them according to the legal type and even before to the level of concrete danger to society of the subjects”, in such a way that detainees with equal levels of danger are allocated to institutions and sections where they can enjoy an adequate custody system. The circular also calls for a different management of the institutes internal spaces, so that the prisoner spends as little time as possible in his/her cell and he/she can have access to other spaces both for treatment activities and services. At the same time, therefore, the *modus operandi* of the Penitentiary Police changes.

The circular no. 3663/6113 of October 23, 2015, establishes more precise specifications. It was passed 2 years after the first circular and it calls for a greater uniformity in the organization of the detention units in several institutions and for a greater organization of work and leisure activities and education, which foster the permanence of out-of-section prisoners. With regard to the dynamic security implementing modalities in several institutions and the way in which this change has been and continues to be felt by professional figures who work in prison, it is noted that the implementing modalities and the sense of the new organizational structure are felt differently within the institutions.

Are all the cells open at least 8 hours a day in all the sections?

In general cells are not open for 8 hours a day in institutions where High Security is required. In some cases, however, other non-High Security sections do not establish the open custody. There are institutions where open custody is actually disregarded due to space requirements and institutions where cells are closed in common section, too. In order to make up for lack of cell opening, “activities which would allow prisoners to stay out of their cells for at least 8 hours a day” are provided for. The opening of the cells for at least 8 hours a day is just one of the elements of the “dynamic security”. As provided by the circular, the open custody should coincide with a different spaces organization inside the institutes, which also give prisoners the chance to move autonomously in their sections or even out of their sections in order to allow them access to activities and sociality.

Dynamic security in the operators' perception

Dynamic security does not simply coincide with open custody but more precisely it has to do with a fundamental change in the role of the Prison Police.

With the introduction of the Open Custody and the Dynamic Security administrations have had a lot of problems. One of these problems is that, in the absence of adequate spaces for the activities and in the absence of the activities themselves, prisoners have remained in their sections. Of course, the living space increases with respect to sharing the narrow space of a cell with other people for many hours a day; however, just the cells opening of the cells is not enough because “in order to allow the prisoners to stand outside their cells, you have to offer them something”.

The adaptation of the Penitentiary Police to the new structure is in most of the cases positive. In general, there are a more relaxed atmosphere and a decrease in critical events in the institutes.

Sometimes it is reported some cases of fights, abuse and racism among the inmates, and also thefts in the cells. Some operators have complained about of an increased level of attacks on the Penitentiary Police and generally a difficulty in controlling the sections, also as a result of the “loss of control habit”. Finally, there are those who complain that prisoners themselves feel less protected in open custody and with such a security. All these nuances are of great interest in order to fully understand the dynamic security actual effects in the institutions. The Prison Police is certainly the most involved in this process and it can oppose or facilitate this change. Some important changes in the organizational structure of several institutions are due to abovementioned circulars coming from the sentences given to Italy by the European Court of Human Rights, which also result in

improvements in the prisoners' custodial everyday life. However, the system is still adapting to this process and, particularly, the older prison police officers are still adapting to a different working mechanism. Much more is to be done both in the reorganization of the detention spaces where possible, so as to allow the independent circulation of prisoners in the sections and the widening of the spaces, and in the creation of new activities.

[Circular of the Justice DPA no. 0156747 of 10/05/2018](#)

The Vice Deputy Head of the Italian Department of Prison Administration, Marco del Gaudio, is the President of the Permanent Commission who was charged with the evaluation and control of the implementing methods for dynamic security and open custody in penitentiaries.

In September the Commission has started an investigation of the actual situation throughout the Italian national territory which aims at identifying the critical issues which interfere with the implementation of dynamic supervision and open custody in order to develop homogeneous guidelines to plan the management of prisoners' treatment and to establish rules of conduct for the Penitentiary Police, going beyond the present terminological confusion between dynamic security and open custody.

In this respect, the question is mandatory: What is meant by Dynamic Security? On the website of the Ministry of Justice, in the section "Publications, Studies and Research", we read that over the years a professional way of being, based on the control-custody of the person, has been consolidated. It mainly aims at preventing facts and actions which may jeopardize intramural security (escapes, fights, aggressions, damages) or the personal security (suicide and self-inflicted injury). The result is a way of working which, upon the occurrence of a critical event has always and only checked if, what and how the Prison Police physically controlled the person in order to prevent these events from happening, as if to say that the cause is always due to a lack of control.

The path of change followed by the Administration is a path of recovery of legality which is able to modify clashing practices matured within a system which could and can express good practices spread throughout the Italian national territory.

Part of this path cannot but concern the Prison Police personnel and particularly its professional qualification in learning processes which are the unavoidable prerequisite of the Italian Constitution. But how can we hope for this change, cultural to some extent, in the professional way of being of the Prison Police?

It is necessary to free oneself from all sorts of prejudices about the meaning of the sentence in order to create useful preconditions which can lead to a conscious knowledge of the contents and procedures introduced with the 1975 Reform.

Reflections about "Dynamic Security" move along three pillars:

- the organizational conditions of the penitentiaries;
- the organizational conditions and the management of the security;
- the description of the effects on prison everyday life.

In the light of the above, the penitentiary institutions have been invited to make proposals and give contributions in order to open a constructive dialogue on this topic.