



COMBATTING ORGANISED CRIME GROUPS

EZIO GIACALONE

DIRECTOR - NATIONAL INVESTIGATIVE SERVICE

POLIZIA PENITENZIARIA – MINISTRY OF JUSTICE - ITALY



ACT N. 395/1990 - PRISON SERVICE REFORM LAW



D.A.P.

Department of Penitentiary
Administration



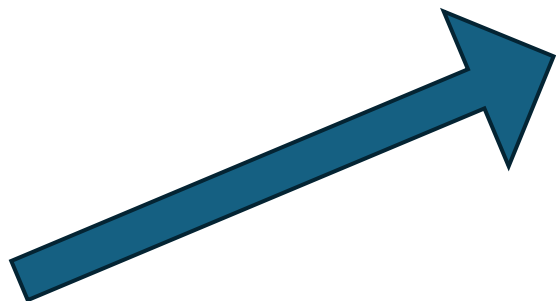
D.G.M.C.

Department of Juvenile and Community
Justice



POLIZIA PENITENZIARIA

- ESTABLISHED IN 1817 BY VITTORIO EMANUELE I – KING OF SARDINIA
- IT IS ONE OF THE FOUR STATE POLICE CORPS (WITH POLIZIA DI STATO, CARABINIERI AND GUARDIA DI FINANZA)
- PP IS UNDER THE JURISDICTION OF THE MINISTRY OF JUSTICE – DEPARTMENT OF PENITENTIARY ADMINISTRATION



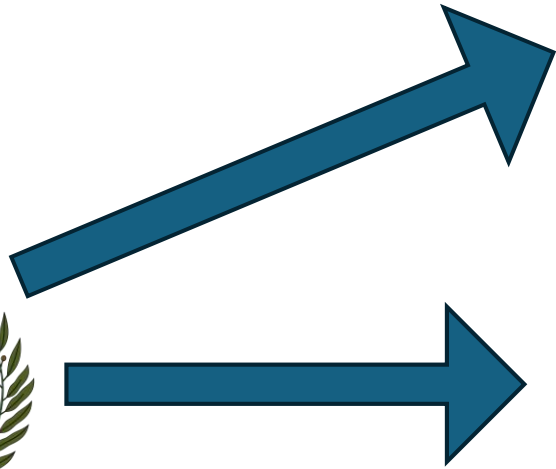
PRISON SERVICE

POLIZIA
PENITENZIARIA





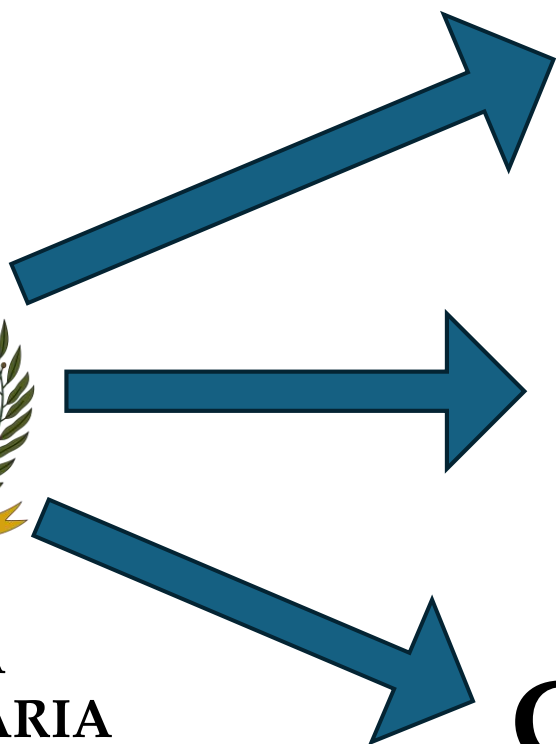
**POLIZIA
PENITENZIARIA**



**PRISON
SERVICE**

**NATIONAL
SECURITY**





**PRISON
SERVICE**

**NATIONAL
SECURITY**

**CRIMINAL
INVESTIGATION**





PRISON SERVICE

- GOOD ORDER + DISCIPLINE + SECURITY
- INMATE TRANSFERS
- INMATE CATEGORISATION
CLASSIFICATION
- INMATE OBSERVATION
- CASE MANAGEMENT
- REHABILITATION PROGRAMMES
- PRISON ANNUAL STRATEGIC PLAN
- INMATES VOCATIONAL TRAINING
- INMATES WORKING PROGRAMMES

MOJ
DAP

REGIONAL
DIRECTORATE (11)

GOVERNOR – MANAGING BOARD

PRISON

PENITENTIARY POLICE Commander



NATIONAL SECURITY CHAIN

- TERRORISM / VIOLENT RADICALISATION IN PRISON
- RIOTS/PROTEST(in/connected to prison)
- DEMONSTRATION/PROTEST (in town)
- MOJ VIP POLICE ESCORT

HOME

OFFICE

National

Security Authority

CNOSP

CASA / CAISF

GIIRL

C.I.S.

Central Investigative Service

R.I.U. Regional Investigative
Unit

PRISON

Polizia Penitenziaria

National
Government Office



Carabinieri
County HQ



Polizia di Stato
County HQ



Guardia di
Finanza County HQ

RADICALISATION

COUNTER TERRORISM STRATEGIC ANALYSIS COMMITTEE

CASA

HOME OFFICE - STATE POLICE
ANTI TERRORISM DIRECTOR - PRESIDENT



POLIZIA PENITENZIARIA

FUNCTIONS AND TASKS IN CRIMINAL INVESTIGATION



ACCORDING TO THE ITALIAN CODE OF CRIMINAL PROCEDURE, THE PENITENTIARY POLICE CARRIES OUT FUNCTIONS & TASKS OF CRIMINAL INVESTIGATION WITHOUT LIMIT IN SPACE AND TIME.

CENTRAL INVESTIGATIVE SERVICE



Organised Crime



Terrorism



Violent radicalisation



Major crimes





1 Section
General Affairs
RIU Control and coordination



6 Section
Special Investigations

5 Section
International Counter-terrorism
Prison Radicalisation Analysis



CIS
DIRECTOR



2 Section
Criminal Analysis

3 Section
Organized Crime



4 Section
Internal
Counter-terrorism

ITALIAN ORGANISED CRIME

ITALIAN ORGANISED CRIME (e.g.: MAFIA) IS A CLEAR AND PRESENT THREAT NOT ONLY IN THE ITALIAN TERRITORY BUT ALSO BEYOND

- THE BASIS OF THE POWER OF THE ITALIAN MAFIAS ARE IN THEIR CONTROL AND EXPLOITATION OF THE TERRITORY AND OF THE COMMUNITY
- THE MAFIAS ARE CAPABLE OF MANIPULATING ELECTIONS AND INSTALLING THEIR MEN IN ADMINISTRATIVE POSITIONS EVEN FAR AWAY FROM THE TERRITORIES UNDER THEIR CONTROL

ITALIAN ORGANISED CRIME - II

FROM THAT PERSPECTIVE, THE THREAT THEY POSE IS FAR MORE SERIOUS THAN THE THREATS POSED BY ANY OTHER EUROPEAN ORGANISED CRIME GROUP (OCG) (EUROPOL THREAT ASSESSMENT).

THE CONTEXTUALISED CONCEPTS OF FAMILY, POWER, RESPECT AND TERRITORY ARE FUNDAMENTAL TO UNDERSTAND THE DYNAMICS OF THE MAFIAS.

PRISON IS A TERRITORY WHERE MAFIAS CAN EXERCISE THEIR POWER
AND CONTROL CRIMINAL DYNAMICS

MAFIA BEHAVIOURS



HAVE COMMON FEATURES BUT ALSO SPECIFIC INDIVIDUAL CHARACTERISTICS THAT NEED TO BE KNOWN.

EXPLOITING LEGISLATIVE LOOPHOLES AND USING THE SERVICES OF CORRUPT ADMINISTRATORS AND PROFESSIONALS, THEY LAUNDER MONEY AND MANAGE IT THROUGH FRONT COMPANIES AND STRAW MEN.

SOMETIMES ALSO PRISON MANAGERS AND OFFICERS ARE INVOLVED IN CORRUPTION/OTHER CRIME CHARGES CONNECTED TO ITALIAN MAFIA TYPE ORGANIZATIONS.

IN THESE CASES, INVESTIGATIONS ARE CARRIED ON – *OFTEN* - BY POLIZIA PENITENZIARIA ALONE (CIS INVESTIGATION TEAM) OR BY A JOINT INVESTIGATION TEAM, IN WHICH CIS PLAYS A KEY ROLE.

IN AND OUT REACTION

YOUNG, RECKLESS AND AMBITIOUS CRIMINALS IN SOME CASES TRY TO TAKE THE PLACE OF IMPRISONED LEADERS, DISTURBING DELICATE BALANCES AND PRODUCING A HARSH REACTION ONCE THEY GET OUT OF PRISON OR SOMETIMES EVEN WHEN THEY ARE STILL IN PRISON.

IN THESE CASES, THE LEVEL OF INTRA - AND INTER-GROUP VIOLENCE INCREASES PROVOKING VIOLENT FIGHTS BETWEEN CRIMINAL GROUPS OR FACTIONS CAN TAKE PLACE IN DAYTIME IN CROWDED PLACES (OUTSIDE) ... OR INSIDE PRISON.

THREAT DETECTION IN PRISON - WHAT IS A THREAT?

- IN PRISON CONTEXT THERE IS NOT ONLY ONE THREAT BUT MANY THREATS
- IN GENERAL TERMS, THE THREAT IS ALWAYS CONNECTED TO ENSURE THE GOOD ORDER AND PRISON SECURITY (*E.G. INTERNAL/EXTERNAL TRAFFICKING OF LEGAL AND ILLEGAL GOODS, DRONES, AGGRESSIONS, EXTORTION, RIOTS AND MANY MORE*)
- IN THE ITALIAN SYSTEM THE THREAT DETECTION AND ASSESSMENT IS BASED ON THE CONCEPTION OF THE “CRIMINAL ACTOR”
- THE “CRIMINAL ACTOR” IS ANALYSED ACCORDING TO HIS MAIN CHARACTERISTICS / PECULIARITIES BASED ON:
 - *STRUCTURE*
 - *CAPABILITY / ABILITY*
 - *INTENTION / GOAL(S)*

THREAT = ACTOR

STRUCTURE

- HORIZONTAL/VERTICAL
- HIGH OR LOW HIERARCHY
- (SUB) CULTURE
- VALUES
- INDEPENDENT CELLS
- SPECIALIZED SUBGROUPS/ROLES (chief/area manager/
drug dealers – killer – recruiter...)

THREAT = ACTOR

ABILITIES/CAPABILITIES

- HUMAN RESOURCES
- LOGISTICAL/ FINANCIAL / RELATIONSHIP SKILLS
(alliances/ partnerships, if so: what kind?)
- TRAINING
- STRENGTHS AND WEAKNESSES
- NETWORK ANALYSIS - NODES

THREAT = ACTOR

INTENTION

- CRIMINAL ACTOR'S GOALS
- CRIMINAL ACTOR'S OBJECTIVES (political /ideological/
profit)
- *ACTOR'S TACTICS AND STRATEGIES*

THREAT IS NOT THE WAY IN WHICH THREAT MANIFESTS ITSELF

«THREAT IS THE ACTOR»

ACCORDING TO THE ITALIAN PRISON INTELLIGENCE APPROACH:

➤ PRISON CONTRABAND IS NOT A PRISON THREAT BY ITSELF – IT IS MORE ABOUT:

a) CRIMINAL ACTOR INTENTION/GOAL: CONTRABAND (BY DRONE / BY MAIL / BY VISITORS, ETC.) IS A SPECIFIC TACTIC TO PURSUE THE CRIMINAL ACTOR'S GOAL (MONEY, HELP GANGSTER IN PRISON, INCREASE GANG POWER...)

b) CRIMINAL ACTOR CAPABILITY/ABILITIES: IN TERM OF HR SPECIALIST – TECHNOLOGY & LOGISTIC RESOURCES (DRONE – WEAPONS - PC) – CRIMINAL NETWORK (BUY DRUG OR WEAPON FROM OTHER GANGS / PARTNERS / PRISON OFFICERS OR...)

CIU ADDRESS THE THREAT ANALYSING THE ACTOR AS A WHOLE

STRUCTURE + CAPABILITY + INTENTION >>> IN + OUT OF PRISON
(E.G. CAMORRA – XY CLAN: USING THE WHOLE INFO & DATABANK ARSENAL...)



THE PENITENTIARY TREATMENT

Art. 1 Italian Prison Law

Treatment and reintegration principles

- Prison treatment shall be **humane** and shall assure **respect for the dignity** of each individual
- **Essential rights** shall be guaranteed by the Penitentiary Administration
- It is marked by absolute **impartiality**, without any discrimination
- Any physical and moral **violence** against inmates **is forbidden**
- It promotes autonomy, responsibility, socialization and integration
- It encourages contacts with the outside community

❖ **TAILORING OF THE REHABILITATION TREATMENT**

❖ **RESTRICTIONS ARE ADOPTED ONLY TO RESTORE ORDER AND DISCIPLINE AND ONLY IF PROVIDED BY LAW**

❖ **THE TREATMENT OF ACCUSED PERSONS SHALL COMPLY WITH THE PRINCIPLE OF INNOCENCE**

ITALIAN PENITENTIARY SYSTEM
IS BALANCED
BETWEEN
SECURITY & REHABILITATION

Art.27 of the Italian Constitution: *The penalties [...] must aim at the re-education of the finally sentenced person”*

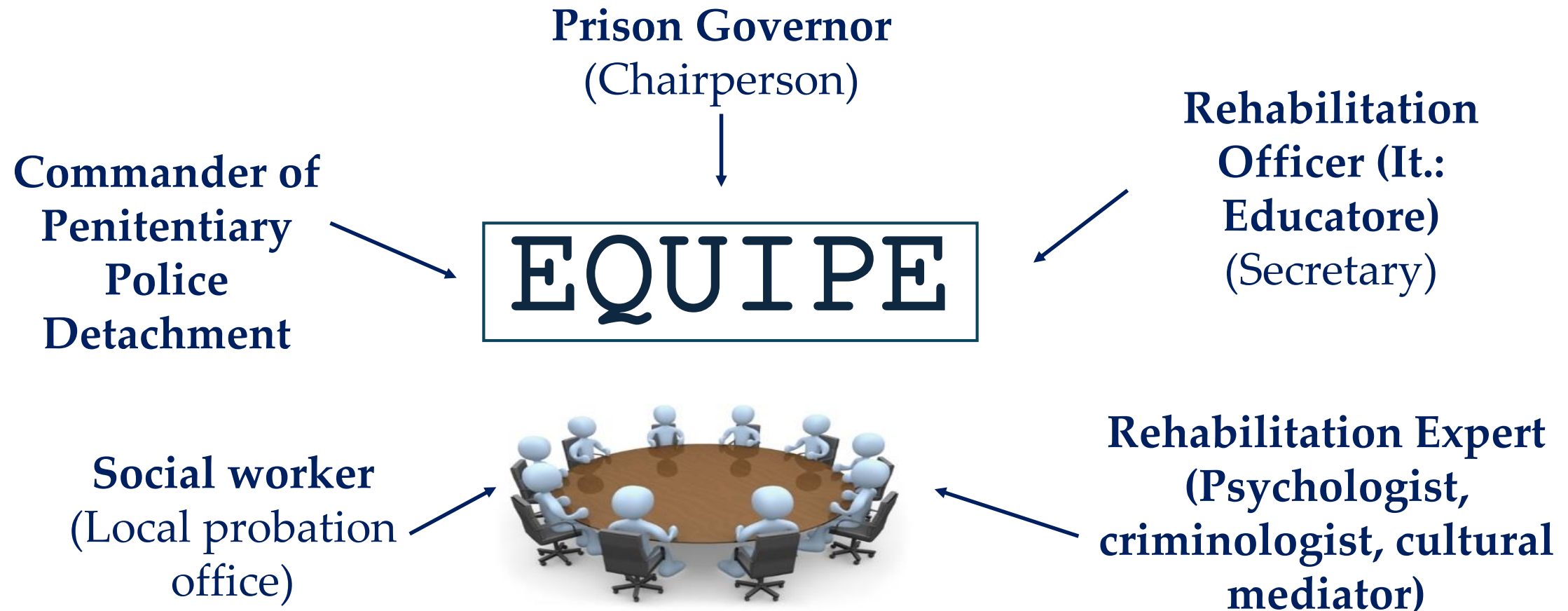
REHABILITATION TREATMENT

- SCIENTIFIC OBSERVATION OF THE OFFENDER’S PERSONALITY
- G.O.T AND MULTIDISCIPLINARY EQUIPE
- CATEGORIZATION AND ASSIGNMENT OF PRISONERS (ART.14 PENIT. ACT)
- TAILORING OF THE INDIVIDUAL TREATMENT PLAN
- SYSTHESIS REPORT WITHIN 6 MONTHS FROM THE BEGINNING OF THE PENAL EXECUTION
- SUPERVISORY JUDICIARY

MULTI-PROFESSIONAL REHABILITATION TEAM (ÉQUIPE)

JUDGE OF CRIMINAL JUDGEMENT EXECUTION

i.e.: Supervisory Judge



HIGH SECURITY (AS)

AS 1

**PRISONERS FOR WHOM
THE ART. 41-B REGIME
WAS
REVOKED
OR
NOT CONFIRMED

BOSS /TOP LEADERS OF
MAFIA/TERRORST
GROUP**

AS 2

**PRISONERS
SUSPECTED / CONVICTED
OF

CRIMES RELATED TO
INTERNATIONAL
TERRORISM
OR
DESTABILISATION OF THE
DEMOCRATIC ORDER**

AS 3

**ACTIVE MEMBERS OF
ORGANIZED CRIME

MAFIA-TYPE
CRIMINAL
ORGANIZATIONS

DRUG-TRAFFICKING
ORGANIZATIONS**

ARTICLE 41-B - ITALIAN PRISON LAW

- *CAPACI MASSACRE – 23 MAY 1992*
- *VIA D'AMELIO MASSACRE – 19 JULY 1992*
- *MURDERS ORDERED BY MAFIA BOSSES (OFTEN INMATES)
AGAINST JUDGES / POLICE & PRISON OFFICERS / LEA'S – 1992-1995*



THE DETENTION REGIME PROVIDED BY ARTICLE 41-B IS A LEGISLATIVE SYSTEM OF CONTROL AND INHIBITION OF ILLEGAL COMMUNICATION BETWEEN THE PRISON AND OUTSIDE AND BETWEEN ORGANIZED CRIME INMATES AND CRIMINAL GROUPS.

THIS DIFFERENTIATED REGIME IS A MEASURE OF PREVENTION INTENDED TO ENSURE PUBLIC SECURITY AND IMPEDE THE ABOVE-MENTIONED PREJUDICES TO NATIONAL SECURITY

THIS REGIME IS NOT TO BE INTENDED AS, NOR CONFUSED WITH, AGGRAVATING THE PUNISHMENT

ART 41 BIS – PROVISIONS

THE MINISTER OF JUSTICE CAN SUSPEND (ALSO AT THE REQUEST OF THE MINISTER OF THE INTERIOR), *IN WHOLE OR IN PART* THE APPLICATION OF THE RULES ESTABLISHED BY PRISON LAW WHICH MAY BE IN CONCRETE CONFLICT WITH THE NEEDS OF ORDER AND SECURITY :

- 1) IF THERE ARE SERIOUS REASONS OF PUBLIC ORDER AND SAFETY;
- 2) ONLY TOWARDS PRISONERS - ACCUSED OR CONVICTED - OF SOME SERIOUS CRIMES PROVIDED IN PRISON LAW (MAFIA, TERRORISM RELATED; INTERNATIONAL DRUG TRAFFIC, KIDNAPPING, ETC);
- 3) IF THERE ARE ELEMENTS THAT SUGGEST THE EXISTENCE OF LINKS WITH A CRIMINAL, TERRORIST OR SUBVERSIVE ASSOCIATION.



Thanks for your kind attention



ezioantonio.giacalone@giustizia.it

