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Daily life in overcrowded prisons:

A Convict perspective on Italian detention

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Experience of prison and Convict perspective

As is the case for many researchers, my research questions and methodology stem from indirect but personal experience of detention, which has developed over the course of various experiences. Fifteen years ago I began monitoring prison conditions for an association which deals with protecting the rights of prisoners in penal institutions in the north of Italy. Subsequently I entered prison as a university professor and I then took on the role of coordinator of teaching activity at the university centre of the prison in the city where I live, which is something I continue to do. Being asked to hold a course on prison conditions and prisoners' rights for the Master's degree in Sociology led me to delve deeper into this topic and led me to discover that there was a great scarcity of sociological research on life in prison in Italy. In Wacquant's well-known paper, *The Curious Eclipse of Prison Ethnography in the Age of Mass Incarceration*¹, I found the discouraging confirmation that this lack of interest in the dynamics inside prisons was not confined to Italy, however I also discovered that it was easier to conduct prison research in other European countries than in Italy². Take, for example the research of French anthropologists and sociologists³, Anglophone psychologists and sociologists⁴, not to mention the vast quantity of work on prisons produced in the United States. And it was from the US that I found a further stimulus. Shortly before John Irwin's death I came to learn about Convict Criminology, and its attempt to challenge academic truths on prison. Finally, but related to this perspective, I came into contact with a magazine which is written entirely by convicts of the prison in my city. This is no

simple prison magazine as it has become one of the major sources of information and debate on prison and detention on a national level. This was fundamental both in providing me with easier access to the prison, and also in terms of the daily material that it produces (press reviews, in-depth examination of certain issues, discussion groups).

This helps explain the origin of my desire to give voice to prisoners in my description of prison conditions which in Italy, as in many other European countries, have deteriorated drastically. The main idea was to trust their oral and written testimonies, banking on the potential of their words to deconstruct official discourses on prison⁵.

Prisoners' testimonies often shed a different light even on what passes in front of the observer's eyes, and provide meanings which would otherwise be inaccessible: men packed into crammed cells are no longer purely an issue of square meters, the walkways without shelter evoke torrential rain in winter and burning sun in summer, the density of tables for visits with relatives talk of the intimacy which is denied... 'this is the reality, and to hell with what the experts say'⁶ say exponents of Convict Criminology⁷ from the United States, the country of mass incarceration.

The Italian context

In recent years in Italy, as in other countries, we have found ourselves facing what Garland (2001) has defined as a process of alignment with systems of penal control which have been consolidated in the last twenty years in the United States and the United Kingdom. During this time, processes of criminalization have become more and more aggressive and selective, affecting the most disadvantaged social groups. The Italian version of Zero Tolerance took the form of the so-called 'prison-filling laws' (*leggi riempicarcere*)⁸: the

1. Wacquant L. (2002) *The Curious Eclipse of Prison Ethnography in the Age of Mass Incarceration* in *Ethnography* Vol.3 p.371-397.
2. See Degenhardt, T. and Vianello, F. (2010), *Convict Criminology: provocazioni da oltreoceano. La ricerca etnografica in carcere in Studi sulla questione criminale* Vol.1, p.9-23.
3. Le Caisne, L. (2000), *Prison. Une ethnologie en centrale* Editions Odile Jacob, Paris; Chauvenet, A. Rostaing, C. and Orlic, F. (2008) *La violence carcérale en question* Presses Universitaires de France, Paris.
4. Liebling, A. and Maruna, S. (2005) *The Effects of Imprisonment* Willan Publishing, Cullompton.
5. See Becker, H. (1967) *Whose Side Are We On?* in *Social problems* No. 14, p.239-247; Brown, D. (2008) *Giving Voice: The Prisoner and Discursive Citizenship* in Anthony, T., Cunneen, C. *The Critical Criminology Companion* Hawkins Press: Annandale (NSW), p. 228-239.
6. Rideau, W. and Wilkberg, R. (1992) *Life Sentences: Rage and Survival behind Bars* Times Books: New York.
7. See Ross, J. and Richard, S. (2003) *Convict Criminology* Thomson Learning: Toronto.
8. See Mosconi, G. (2010) *Il carcere in Italia*, in *Associazione Italiana Sociologia, Mosaico Italia. Lo stato del Paese agli inizi del XXI secolo*, Franco Angeli: Milano p 418-424.

law on second offence (the so-called *ex Cirielli*), which limits access to benefits if a crime is repeated; immigration law (the so-called Bossi-Fini and subsequent security package), which condemns tens of thousands of migrants to illegal status; and drugs laws⁹, which criminalize drug consumption. We now have 68,000 prisoners, and overcrowding has once again reached intolerable levels: the effects of a recent amnesty have thus been lost. At the end of the decade the highest number of detainees of the post-war period was recorded and Italy's incarceration rate was amongst the highest in Europe (127 detainees per 100,000 inhabitants) — excluding former Soviet bloc countries — with an overcrowding index of just under 150 per cent with respect to capacity.

A convict perspective on real detention conditions

In this section we seek to offer a brief description of living conditions in overcrowded prisons. We listened to and recorded convicts in individual interviews and group discussions. We sought, as far as possible, to work 'with' prisoners rather than 'on' them¹⁰. Once the general theme was defined together, that is prison conditions in the current situation of overcrowding, we asked the prisoners to suggest issues which they would subsequently discuss in 'communicative discussion groups'¹¹. Some of the interviews we gathered were carried out by the convicts themselves with their fellow prisoners, under our supervision.

The warehouse prison

I am a 'inmate dog' or a 'dog of inmate' and I appeal to animal rights associations to be adopted as an 'ANIMAL' closed in a cramped and overcrowded kennel prison, just as dogs are locked in cages. (SN)

The first image which emerges is that of the 'warehouse prison' — following John Irwin's¹² well

known definition — a prison which can contain and control thousands of inmates assigned to middle security levels, by cramming them into confined spaces with very limited access to rehabilitative and recreational programs. As well as having an influence on individual living space, overcrowding also influences shared space for activities. It has become difficult to perform even the most simple daily activities:

Here space is the most strongly felt problem,... in the sense that here cells have a bunkbed and another bed in L position, all in a small cell. This means that to get out of bed or to eat or to do anything inside the cell it is really difficult for 3 people to move, so we have to move one at a time. Regardless of the number of square metres which may be right or wrong, having three of us in a cell is really difficult. (Elp)

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This situation (already in contrast with art. 3 of the European Convention on Human Rights on inhuman or degrading treatment) necessarily has an impact on other aspects of prison conditions, such as access to ventilation and natural light, respect for basic sanitary requirements and availability of adequate toilet facilities. It is thus not merely a question of

square metres (the 3 or 4 square metres sanctioned in the well known Sulejmanovic sentence which eventually required Italy to pay compensation, however symbolic, to the foreign inmate Sulejmanovic), but also ventilation, light, heating, health care and adequate structures, with the possibility of using the toilet in private and having regular access to showers¹³.

This is the prison where until not so long ago the toilet was in view ... there are still cells like that, those for isolation are still like that, with three people per cell, there are six cells for three ... There are still some prisons where the toilet is in view ... (Elp)

9. (c.d. Fini-Giovanardi).

10. Flecha, R. and Gomez, J. (2006) *Participatory Paradigms : Researching « with » rather than « on »* in Osborne M., Gallacher J., Crossan B. *Researching Widening Access to Lifelong Learning: Issues and Approaches in International Research* Routledge: London.

11. Ibid p.137.

12. Irwin J. (2005) *The Warehouse Prison: Disposal of the New Dangerous Class* Roxbury: Los Angeles.

13. See Verde, S. (2011) *Il carcere manicomio* Sensibili alle foglie: Roma p. 69.

The description provided by a prison manager¹⁴ confirms these notes:

The serious hygienic and living conditions, worsened by chronic overcrowding, have transformed detention into legalized torture: the so-called guests of the prisons are often forced to live packed in cramped, damp, humid cells, with water infiltration; they take it in turns to stand up and stretch their legs; they eat a step away from the toilet. In some cases they sleep on the floor on fetid foam mattresses chewed by mice, amongst beetles and other insects, at risk of infective and psychosomatic disease’.

The combination of material problems and physical constraints which are aggravated by the current overcrowded conditions end up converging in an overall state of profound psychic distress which risks becoming unbearable if extended for long periods of time:

I think that a serious problem linked to overcrowding is the psychological damage to all prisoners. Since we all suffer when there are three of us, there are little things that we put up with every day, out of goodwill, to be reasonable, but living for years — because the sentences are long — in this condition, three people with practically one and a half metres we can use ...if you take away the furniture, the bed, you have one square metre left. Where can we move? Nobody deals with this mental condition. Because people who have been putting up with this for years cannot but have a serious problem — I’m not an expert — a health problem too. In the end people explode, and nobody asks why. You are guilty for what you have done, but after months, years of living in this condition a person’s mind is permanently damaged. (Mip)

Towards the end of the nineties a new indicator of overcrowding was introduced in Italy, according to

which a ‘tolerable’ capacity could be defined for every penitentiary institute. The criteria for which the capacity of a detention centre can be declared tolerable have never been explicitly defined: this figure undergoes suspicious changes over the years, getting higher and higher. This casts serious doubts on the figure that defines what is tolerable, and means that it cannot be used for research purposes.

Management capacity or habit are what determine the ‘tolerable’ number, in the sense that first there used to be two per cell — even if these new prisons were constructed with the idea of single cells — and the tolerable number was two; now they have started adding third beds, and since it is over a year here that there is a third bed, in one year’s time this will become the tolerable number. It won’t be what it was originally, or what it was at the time of the amnesty. Now what will become tolerable is the number that there is, because you get used to having three beds per cell, the prison functions and so that means this prison can tolerate this number of people. Hence the issue of floor space disappears, it is no longer a parameter. The only parameter is habit and the ability to keep inmates under control. (Elp)

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It is clear that the concept itself of ‘tolerable’ detention conditions is historically determined. It seems to ultimately boil down to two factors: the first is easily intuitable and is the country’s degree of civilization, that is democratic sensitivity to the condition of detainees; the second, more prosaically, is as the interviewee affirms — the ability to manage conflict within prisons. For this reason, as Salvatore Verde affirms ‘we can safely say that at the time of writing the tolerable capacity of the Italian detention system is 67,971 inmates’¹⁵, that is everyone who is currently in prison.

14. Castellano, L. and Stasio, D. (2009) *Diritti e castighi. Storie di umanità cancellata in carcere* il Saggiatore: Milano p. 14.

15. Verde (2011) p. 12 see n.13.

The 'car park' prison

The second image evoked is that of the 'car park prison', a prison in which, aside from the available floor space¹⁶, you can survive by doing absolutely nothing, waiting for time to pass. Behind the alibi of emergency and overcrowding, regardless of the by now abused appeal to the Constitution, there are sections inside which merely contain tens of thousands of people. 'In the sections there are very high levels of distress, which are also due to the overcrowding, but above all to the total inactivity', underlines BT. With a certain sense of humour, LG — who has served over 20 years of prison — tells us:

Closed for 22 hours a day, prison offers a lot of activities to rehabilitate convicts: TV for culture, playing cards as sport or a few press ups in the bathroom, since as there are 8 of us in a cell it is the only place where you can avoid cigarette smoke, and for training courses and rehabilitation you have the chance to meet other prisoners on the prison walkway during your hour of open air. (LG)

This is the daily reality of most of the people who cannot access any of the official activities (cultural, training, work) the penitentiary system is supposed to run. It is also worth noting that often, when you manage to get access to one of these activities, it could mean you miss out on your hour of open air:

Due to a lack of personnel, lack of space etc. the hour of open air is more and more at risk. For instance, if you do another activity, last year you could still have your hour of open air, whereas now it has become an alternative to the activity because of the lack of personnel, lack of spaces... (ORP)

The system talks of individualized treatment preceded by observation of the convict. The truth is that most of the prison population has had no contact with the institution: 'any training, no project and no

evaluation' says OS, which clearly has a negative effect, apart from on the whole point of the detention, but also on the already limited opportunities for being given leave or early exit.

I was at Giudecca prison, there the overcrowding is always the same, the number of women is static, it is always more or less the same number, there the situation has got worse because there is less and less staff, the judges don't have the courage, it's that too, which in overcrowded positions is even worse, the lack of prospects towards outside. If you are inside and you suffer, but you know that you are following a project, that you can hope to have a permit to leave, an 'articolo 21', you can carry on, you set yourself an objective, you don't let things get you down... There was a group of about ten women, who have about a year, two years time to do, year and a half, all of them inside, all inside... that too is a great problem today. What you can put up with if you have some prospect, a hope towards leaving, gets even more unbearable if you are locked inside and you don't see any prospects opening. (ORP)

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The hospice Prison

The third image is that of the 'hospice prison'. Most of the prison population are weak subjects, with limited, if any, personal resources and external support and are already considerably vulnerable before entering prison. The general social distress is aggravated by personal situations marked by dependence on drugs or mental illness. Despite the formal possibility of gaining access to alternative detention measures, it is estimated that 30 per cent of inmates have certified problems linked to drug abuse¹⁷. Most of these people, and in general most of the prison population, are regular users (and abusers) of psychotropic drugs: according to a director of the prison administration this is the case for about 80-90 per cent of the prison population. More in-depth conversations allow us to estimate that at least 60 per cent of inmates make daily use of these medicines. 'My day is characterized by waiting for the distribution of

16. Kalica, E. (2011) *Sovraffollamento: per favore, non parlate più di metri quadri* in *Rassegna italiana di criminologia* No.3 p.65-71.

17. Jocteau, G. (2011) *Repressione penale e droga. Uno studio sull'impatto della legge Fini-Giovanardi a cinque anni dalla sua entrata in vigore* in Associazione Antigone. *Le prigionie malate* Edizioni dell'asino: Roma p.39-47.

psychotropic drugs and for peace in my sleep' writes DV, 31 years old.

If nobody is willing to help a prisoner, and a prisoner cannot handle prison, he is lost. There are young men who take 200 drops a day: what kind of doctor gives 200 drops a day for six years? What has medicine come to? No doctor prescribes tranquilizers for 8 years: they are given for 3, 4 days, then you have to see what effect they have, these people need to be taken care of. What do they become? They become hooked on medicines, worse than drug addicts. (MIP)

According to some convicts it is an institutional response to what is considered in the end a legitimate request to stupefaction: 'they need to not think', a prison doctor says, 'to sleep, to put up with prison' as a nurse affirms; for others it is a control strategy aimed at reducing episodes of self harm and violence to others¹⁸: 'the prison system is mainly concerned with avoiding disorder (conflictual actions) and delegitimation of the system (acts of self harm or suicide), and psychiatry, which is familiar with controlling humans in captivity, resorts to its long-standing vocation, the chemical submersion of suffering'¹⁹.

Besides this widespread use of psychotropic drugs, the number of psychiatric patients is estimated to be over 20,000 people: people who are regularly treated with psychiatric protocols, constantly sedated, at risk of self harm and in some cases suicide, treated according to emergency-outpatient procedures, that is they intervene only when there are striking manifestations of distress: 'there is no integrated, multidisciplinary approach, not even the shadow of integrated teams'²⁰.

This is prison

The sheer numbers in this neutralizing, containing prison in relation to the prison population as a whole

suggest that no attempt is even being made to take responsibility for people sentenced to prison. Over half of the country's prison population finds itself in the situation described above, confined to minimum living spaces and living under daily sedation. Of the 68,000 inmates in Italian prisons very few manage to gain access to 'treatment activities'. In one of the prisons considered among the best in the country, less than 30 per cent of prisoners manage to get access. It is pointless summing the percentage of those who are enrolled in a study course (about 20 per cent, slightly less than 15,000 enrolled in the various courses in the 2009-2010 academic year), those who work (about 14,000 inmates, that is about 20 per cent of the total but with very diverse positions, often 'fractions of jobs'²¹ — or take part in training courses (about 11 per

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cent) or in the various cultural activities. What prisoners seem to agree on is that in the warehouse prison those who can make themselves heard, who can elbow their way, who have the strongest personal and social resources, get the best deal. Even for the outside observer who spends enough time inside the prison it is easy to realize that it is always the same convicts who get to work — despite the ranking system that is supposed to have been established by the law — and to study, and take part in activities. For the others, the majority, prison is a true social dumping ground²², a place for mere containment, a place people leave after a long

deculturation process, in conditions of worse deprivation than when they entered.

The prison population seems to be increasingly left to their own devices. Besides the numbers, also the main issues that shape the current debate on the future of prisons are evidence of this: the quality of recent plans for extending and increasing prison buildings, the much publicized strengthening of security and the prospects of a systematic use of evacuation and transfer have no relation to treatment and rehabilitation. In the face of 30 per cent cuts in regular funds for the prison system in recent years, the car park prison is being extended, with the recent prison plan including twenty

18. See Sbraccia, A. and Vianello, F. (2010) *Tensioni e transizioni nel sistema penitenziario del Veneto* in *Antigone*, V, 1, p.195-246.

19. Verde (2011) p.46 see n.13.

20. See Verde (2011) p.45 see n.13.

21. See Scalia, V. (2011) *Lavoro e carcere. Un matrimonio impossibile?* in *Associazione Antigone*, edited by, Le prigionie malate, Edizioni dell'asino, Roma p.166-171. See also Verde (2011) see n.13.

22. See Margara, A. (2000) *Difensore civico e magistrato di sorveglianza* in Cogliano A. a cura di, *Diritti in carcere. Il difensore civico nella tutela dei detenuti* Quaderni di Antigone: Roma p.93-99.

new wings to extend already existing structures, which means they will encroach on the space of already overloaded buildings and facilities and remove some of the existing social spaces and areas for treatment activities, sacrificing football fields and courtyards²³. It may seem to be a secondary issue, but in a situation of deprivation of freedom, access to sporting activities is of great importance:

It's not like I was mad on sport. It was important for me because it was the only thing that kept my spirits up in this place. It was like a hope for me, so as not to fall down, like I saw other guys do, those who started drinking wine or taking medicine, they took drugs and got really down ... through desperation, maybe because of their families, their trial... By training I managed to get rid of all that energy and anger on the weights... I'd build with salt, plastic bottles, broom handles... I also bothered my cell mates because there were 4 of us in a tiny cell, but I tried to make them understand: they had one or two years to do, I had twenty. They understood, so I'd keep training, doing 3 or 4 hours of sport a day... That way I managed to jump those times when I wanted to shout or call the guards ... I even tried to apply for a job, a course, something, but nothing. Once a guard told me: don't bother doing those applications any more because we collect the ones with your name, and so I completely gave up. All I could do was train, because there was nothing else. (SEP)

On their part, the eleven new institutions respond to the identified need for accommodation through the main entry points and residences of those arrested, with no evaluation of the existing or potential resources needed to meet treatment needs or training requirements²⁴.

In all these prisons that they are thinking of building around the place, I am sure none of them have spaces which can be used to involve prisoners in suitable activities. If tomorrow somebody wanted to open 200 jobs, where would they open them? There's no space. There's no space. They build prisons and then they say: look I haven't got any space, I've no room, and everything stops there. They should think from the outset that space is needed: if they put 800 people in prison, they all have to work. Then maybe there won't be any jobs, but at least create a couple of extra warehouses, that is to say. Create space'. (DA)

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On the contrary, it seems clear that the objective of the recent prisons plan 'is the pure and simple saturation of prison spaces, according to the practice of storage, the compression (real or digital) of archives or warehouses'²⁵. Only in this sort of perspective can the systematic use of evacuation and transfer (usually 600 a year from one of the most crowded prisons in the North east, with 230 people per 100 spaces) be seen as an acceptable tool for prison management. And what also begins to become clear is why in this context the more extraordinary numbers create less of an outcry: those related to the number of people who work in prisoner treatment. For every 100 prisoners, to date, in the Italian institutes we have 50 prison guards and two rehabilitation workers. In the last ten years the funds for prison psychologists have been drastically cut (by 70 per cent) in the face of an unprecedented rise in acts of self harm, suicide attempts and actual suicides (after calculating her presence and time the prison psychologist says she can dedicate '6 minutes a year to each prisoner').

Conclusions

In the previous decade, with reference to the Men's Central Jail of Los Angeles, Wacquant affirmed that it hosted an infirmary which 'comes in third place in the

23. See Naldi, A. (2011) *Trattamento penitenziario ed esecuzione della pena. Il caso della Lombardia* in *Associazione Antigone*, edited by, Le prigionie malate, Edizioni dell'asino: Roma p.98-102.
24. Burdese, C. (2011) Nuovo regolamento del 2000, concorso per nuove tipologie edilizie del 2001, carcere e città, in Anastasia S., Corleone F., Zevi L., *Il corpo e lo spazio della pena. Architettura, urbanistica e politiche penitenziarie*, Ediesse: Roma, 95-117.
25. Anastasia, S. (2011) *La forma della pena: alternative nelle politiche penitenziarie* in Anastasia S., Corleone F., Zevi L. *Il corpo e lo spazio della pena. Architettura, urbanistica e politiche penitenziarie*, Ediesse: Roma see p. 135-148).

hierarchy of American public hospitals according to size', that it is 'also by far the country's largest hospice for mentally ill' and, 'the number one shelter for the homeless in America, and therefore the (free) world'²⁶. Even in Italy — with due proportions — prison, together with detention centres for minors and Identification and Expulsion Centres (CIE) (which at the end of last year hosted no less than 20,000 people), contains a good part of the 'irregular' migrant population (without legal status) in the country (90 per cent of the migrants which make up 37 per cent of the prison population are without papers); with judicial psychiatric hospitals — that are now being closed down — a significant sector of the mentally ill population, which receives little or no care (about 30 per cent of the prison population); in all, a destitute population with no resources and no future. It has been said that it is a social composition which facilitates a 'deafening

silence'²⁷. This leaves a small part of this prison, which we optimistically estimate to be about 20 per cent of the total prison population, which is trying to resist: through personal nature, critical spirit, or due to the luck of not finding themselves in one of the worst prisons in the country, or because they receive support from outside²⁸. We cannot deny that most of the people who have contributed to our description 'from the inside' of current prison life belong to this minority. Their contribution is doubly important, in that it seems to reflect the desire to oppose the logics of fragmentation and opportunism which dramatically characterize the prison of those excluded. Reflecting on their daily life, the prisoners brought together their complaints and expressed them in terms of rights, using, probably for the first time, the reference to law — usually seen as a tool of oppression — as a tool to lay claim to their collective rights.

26. Wacquant (2002) p. 379 see n.1.

27. Corleone, F. (2000), I detenuti: un soggetto debole per i propri diritti, in Cogliano A., edited by, Diritti in carcere. Il difensore civico nella tutela dei detenuti, Quaderni di Antigone, Roma, 153-157.

28. See Clemmer, D. (1940), *The Prison Community* The Christopher Publishing House: Boston and more recently Marchetti, A. (2001) *Perpetués. Le temps infini des longues peines* Plon: Paris; Chaintraine, A. (2004) *Par delà des murs* Presses Universitaires de France: Paris ; Vacheret, M.(2005) *Gestion de la peine privative de liberté: regards sur la mise en œuvre concrète d'un modèle rationnel* in *Revue internationale de criminologie et de police technique et scientifique* No.3 p.259-280.