



## **ONE YEAR AFTER THE CAIVANO DECREE**

### **Antigone's dossier on the emergency of Italian juvenile prisons**

We had never seen anything like this. Despite our long experience in monitoring Italian prisons, it is the first time we have found a juvenile system so riddled with problems and overshadowed by doubts. Our concern grows day by day. We cannot envision how this story can end.

That is why we are publishing this brief dossier: to ask for everyone's attention (politics, administration, public opinion), to ask not to turn away. Juveniles continue to be detained in prison without any educational project, without any reception plan, without any possibility of social reintegration. There is an unprecedented tension in juvenile prisons, given by the overcrowding and by the progressive closure of the system. From many Italian juvenile prisons (IPM, "Istituti Penali per Minorenni") we hear about the limitation of activities, difficulties encountered by volunteers, and the return to a model of detention reduced to nothing more than bars, locked gates, and forced transfers.

As a reaction to all this, young people protest. In prison, there are not many ways to ask to be heard. And being heard is the most important thing for these young people. But, in response, their actions of protest are emphasized, they are pictured as dangerous criminals who devastate and destroy, far beyond what emerges from our surveys on the current situation. There would be a great need to de-escalate instead. And there would be a need to listen to what detained young people have to tell us and ask us. No one has done that. No one has entered prison to have a meeting with them, a joint discussion, to hear their reasons. It is increasingly evident that we are riding the wave of protests - which soon, under the ambiguous name of "riots", will be punished with sentences of up to eight years in prison even in their form of passive resistance - to justify a juvenile incarceration model that is increasingly similar to that of adults: closed, overcrowded, violent.

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In the past, the strength of the Italian juvenile justice system – which has been a model of reference in all Europe – layed precisely in its ability to distinguish itself from adult prisons, offering an approach focused on education rather than pure repression. Today, juveniles who end up in Italian IPMs are those who are left behind and have nowhere else to go. Not the perpetrators of the most serious crimes (the majority are, in fact, property offenses, especially among foreign youth), but rather the most marginalized, starting with unaccompanied foreign minors.

The implicit message seems to be: don't reintegrate them into society, we don't want them out here—keep them inside. Bury them under gallons of psychotropic drugs and heap on more years of imprisonment.

### **A PEAK IN THE PRESENCE OF JUVENILE DETAINEES: 16.4% MORE ADMISSIONS COMPARED TO A YEAR AGO**

As of September 15, 2024, there were 569 juveniles detained in Italian IPMs. The figure has been consistently exceeding 500 admissions since February, reaching between 560 and 580 in recent months. Such high numbers have never been recorded before.

As of October 2022, when the current government took office, juvenile prisons housed 392 people, completely in line with the figure immediately prior to the pandemic (during which they dropped further, but evidently due to an external factor). As of the end of 2019, there were in fact 382 juveniles in prison.

In 22 months, the number of detained youths grew by 48%. This unprecedented surge has no correlation with a rise in juvenile crime, which over the past fifteen years has had a fluctuating trend without any particular peaks, and in 2023 it even saw a 4.15% decrease in the number of reports of juveniles reported or arrested compared to the previous year.

## Serie storica delle presenze in IPM Anni 1998 - 2024



Fonte: nostra elaborazione su dati DGMC • Dal 1998 al 2006 le presenze sono al 31 dicembre di ogni anno. Dal 2007 il dato si riferisce alla presenza media giornaliera nell'anno. Per il 2024 le presenze sono quelle al 15 settembre

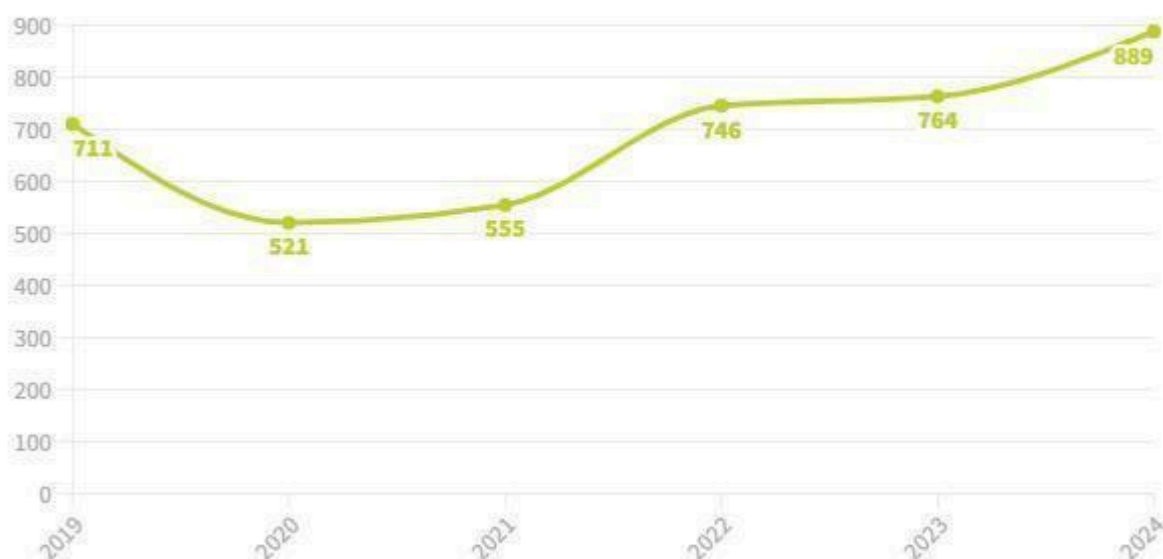
A surge, however, that is not evenly distributed over the months under consideration: in the eleven months from October 2022 to September 2023, when the so-called Caivano Decree<sup>1</sup> came into effect, the numbers in IPMs increased by 59, in the following eleven months the increase was 129, or more than double. And, moreover, the latter number is absolutely distorted downward: there would be far more juveniles in IPMs today if it were not for the fact that the above-mentioned decree allows the transfer to the adult penitentiary system of many offenders who, having committed the crime as minors, had reached the age of majority.

In addition to the static figure, the increase in the number of detained people in IPMs is evident from the admissions recorded since the start of the year. As of September 15, 2024, there were 889 admissions. During the same period in 2023, admissions were 764. In just one year, there was a growth of 16.4%. A comparison with previous years further highlights the scale of this growth. After the two-year Covid period, the number of IPM admissions has rapidly rebounded, surpassing the pre-pandemic figure. The increase is evident since 2022, registering an unprecedented growth rate in the last year.

<sup>1</sup> The entry into force of the "Caivano Decree", Decree-Law No. 123 of September 15, 2023, brings urgent measures to combat youth distress, educational poverty and juvenile criminality.

## Ingressi in IPM 2019 - 2024

Dati al 15 settembre



Fonte: nostra elaborazione su dati DGMC

### **OVERCROWDED IPMs: 12 OUT OF 17 EXCEED MAXIMUM CAPACITY**

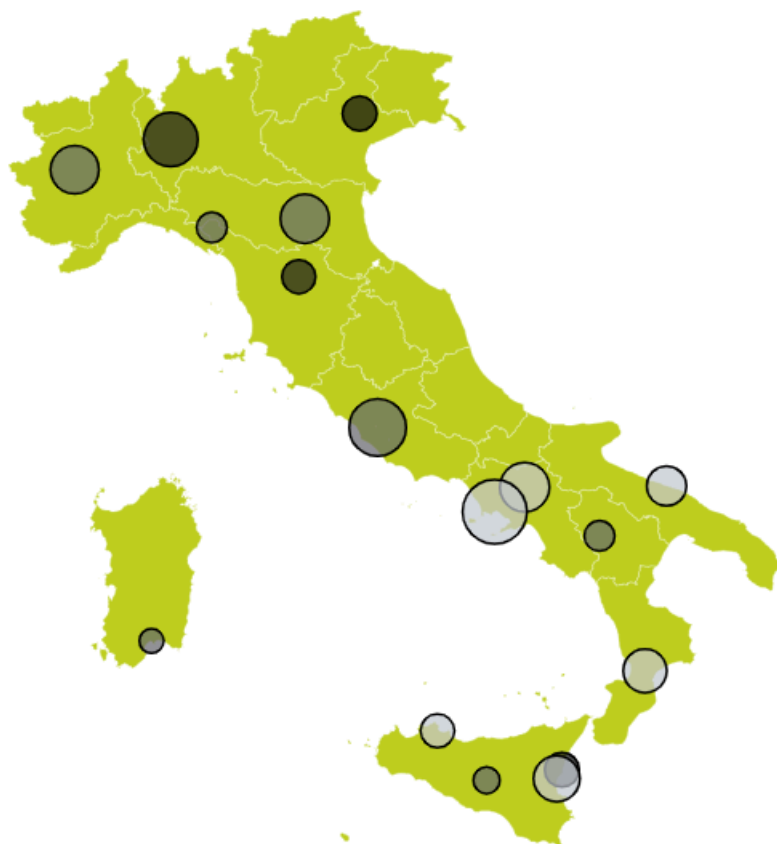
For the first time, juvenile prisons are also dealing with overcrowding. Overall, there are 516 places in IPMs. Compared with 569 admissions in mid-September, the average overcrowding rate is thus 110%. This is not just a matter of a few particularly full institutions, but a widespread situation throughout the country: of the 17 IPMs in the country, 12 of them house more people than they should. The most overcrowded in percentage terms is the IPM in Treviso, with 22 juvenile for 12 regulatory places (crowding rate 183.3%). It is followed by the Beccaria in Milan, with 54 juveniles for a capacity of 37 (145.9%) and the IPM in Acireale with 22 juveniles for a capacity of 17 places (129.41%). In the 5 institutes that are not currently overcrowded, however, there is a very precarious situation, all being at the limit of capacity. In all five it would only take one more admission to exceed the available places.

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**Presenti negli IPM italiani**  
15 settembre 2024



IPM	Capienza	Presenze	Tasso affollamento
ACIREALE	17	22	129%
AIROLA	45	45	100%
BARI	29	29	100%
BOLOGNA	40	44	110%
CAGLIARI	10	11	110%
CALTANISSETTA	12	13	108%
CATANIA	38	39	103%
CATANZARO	35	35	100%
FIRENZE	17	21	124%
MILANO	37	54	146%
NISIDA	76	76	100%
PALERMO	21	21	100%
PONTREMOLI	16	17	106%
POTENZA	16	17	106%
ROMA	56	60	107%
TORINO	39	43	110%
TREVISO	12	22	183%
<b>Tot.</b>	<b>516</b>	<b>569</b>	

Fonte: nostra elaborazione su dati DGMC

### **CRITICAL DETENTION CONDITIONS IN SOME INSTITUTIONS**

At the Treviso IPM, cots and in some cases even mattresses on the floor have been added to cope with overcrowding. Camping beds have also been set up in the three-person cells of the Ferrante Aporti IPM in Turin, where some sections are still uninhabitable. Also in very critical condition is the Milan IPM, where the structural problems that have characterized the institution for years now are compounded by some recent damage. In the common areas of the building housing the juvenile inmates of the Rome IPM, there has been no light for three weeks. There is also a lack of refrigerators; to remedy this problem, the detainees often fill the sink with water and place food or drinks in it to keep them cold. In the female's section only a few weeks ago an air conditioner was installed at the activity room. The common room in the young adult building is currently unusable following the events during the protests.

### **JUVENILE CRIME: -4.15% MINORS REPORTED AND/OR ARRESTED**

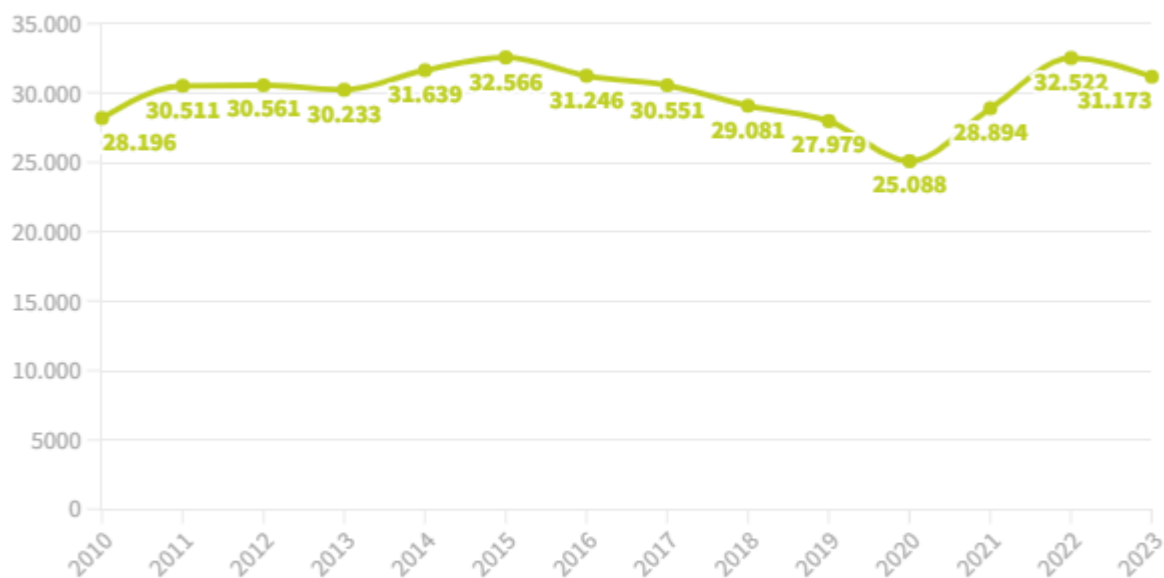
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When it comes to juvenile crime, contrary to the widespread perception of so-called "Baby Gangs" as an influx of deviant and criminal youths—often linked to the presence of foreign juveniles portrayed as uncontrollable—the data presents a different reality (based on data collected from juveniles aged 14-17). In fact, in 2023, young people reported to the Judicial Authority and/or arrested decreased by 4.15% compared to the same data collected in 2022. Distinguishing by nationality, we see that reports of Italian juveniles being reported and/or arrested decreased by 2.19%, while those of foreign juveniles decreased by as much as 5.93%. Analyzing the long-term trend, from 2010 to 2023, we observe - in the data on arrested and/or investigated juveniles - a fluctuating but generally steady trend, with no exponential increases. Substantial conformity in the data is found in the period 2010 - 2012, with an increase between 2013 and 2015, the year of the maximum positive peak (32,566 reports). From 2015, however, there is a steady decrease until 2020, the year in which the lowest number of reports in the period under consideration is noted (25,088 reports), a decrease that can be attributed to the restrictions related to the pandemic period. In 2021, there is a slight increase from 2020 (28,954 reports), while in 2022 there is a considerable increase in reports (32,522 children reported). However, as mentioned above, there is a downward decline in 2023, with 31,173 reports.

### Segnalazioni di minori denunciati e/o arrestati



Fonte: nostra elaborazione su dati del Dipartimento della pubblica sicurezza - Direzione centrale della polizia criminale - Servizio Analisi Criminale

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## **CRIMINAL OFFENSES: SHARP DECLINE IN FIGHTS AND BATTERY (DOWN ABOUT 16%), INCREASE IN ROBBERY AND INJURY**

It is also interesting to note the evolution of type of offense. Between 2022 and 2023, there is a decline in reports for affray (-16.41%) and batteries (-16.52%). In contrast, reports for robbery (7.69%), intentional bodily harm (1.96%), and sexual assault (8.25%) are on the rise. It also emerges that juvenile offenders increasingly present problems with addiction and drug use, regardless of nationality and economic status.

## **HALF OF ALL CRIMES AGAINST YOUNG PEOPLE IN IPM ARE AGAINST PROPERTY**

Offenses against persons account for 21.6% of crimes committed by people who entered IPM in 2024. The most frequent category of crimes is crimes against property, accounting for 52.2% of total offenses committed by all those who entered IPM during 2024, 61.9% when focusing exclusively on foreigners. Among property crimes, robbery is the most prevalent, accounting for 29.8% of the total charges against all individuals admitted to IPM during the year, followed by theft at 12.8%. Narcotics law violations accounted for 10.1% of the total crimes charged to those who entered IPMs in 2024, rising to 13.2% when focusing exclusively on Italians.

## **27 GIRLS ARE DETAINED, 17 IN PONTREMOLI AND 10 IN ROME. NISIDA SECTION REMAINS CLOSED**

Ten of them are housed in the women's section of the Rome Casal del Marmo IPM, while 17 are at the Pontremoli IPM, the only facility exclusively for females. As a result, the female section of the Nisida (NA) IPM, which has long been used to accommodate young detainees due to overcrowding in other male institutions, remains closed. Of the detained girls, 14 are Italian and 13 are foreign nationals (8 from Eastern Europe, 3 from North Africa, and 1 from South America). A total of 53 girls were admitted to IPMs in 2024, making up 6% of total admissions.

## **266 FOREIGN JUVENILES. PERCENTAGE DOWN FROM THE BEGINNING OF THE YEAR**

There were 266 foreign juveniles detained in IPM as of September 15. They represent 46.7% of those present, a percentage down from the 51.2% recorded in mid-January. Looking at IPM admissions since the beginning of the year, we see that out of 889 total admissions, 49% involve foreign young people. Of these, the vast majority - 78% - are from African countries. This is followed - with 17% - by juveniles from Eastern Europe. The remaining 5% come from South American and Asian countries. There has been a large increase in unaccompanied foreign minors from North Africa. In fact, within a few years, the nationalities represented have changed significantly: as of September 2019,

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provenance from African countries was half of what it is today (39%), while provenance from Eastern Europe was three times what it is today (52%).

### **61% OF JUVENILES DETAINED IN IPMs ARE MINORS**

The majority of those in IPMs today are minors. They represent 61% of those present today. It should be remembered that in Italian IPMs there can also be juveniles between 18 and 25 years old, who committed the crime as minors and turned 18 later. The most represented group is 16- and 17-year-olds. Even higher is the percentage of juveniles among girls (63%) and foreigners (70%). The latter are thus largely very young. Compared with past years, the percentage of minors is steadily increasing. They were 57.3% as of September 15, 2023, while they were exactly 50% on September 15, 2022. In the past there have long been more people aged between 18 and 25. Contributing to this change in trend have been the easier transfer of overage boys and girls to adult institutions and the expansion of the use of pre-trial detention for juveniles, both measures included in the so called "Caivano Decree".

### **TRANSFERS TO ADULT PRISONS GROW**

The Caivano Decree made it easier to transfer juveniles who have reached the legal age of majority to adult prisons. This measure is often applied because of overcrowding problems or to cope with difficult situations; but it is also a measure that interrupts a possibly lasting educational path and makes it more difficult for the young person to be socially reintegrated. Among the reasons for exiting IPMs, transfers to adult facilities have increased both in absolute numbers and as a percentage in 2024. These were in fact 123 (15.5% of total exits). They had been 88 in 2023 (12.7% of exits) and 58 in 2022 (9.2% of exits).

### **65.7% ARE IN IPM WITHOUT A FINAL CONVICTION. GROWTH IN ADMISSIONS OVER THE PAST 12 MONTHS IS MADE UP ALMOST ENTIRELY OF JUVENILES ON PRECAUTIONARY MEASURES**

As of mid-September, among the 569 detained boys and girls, 195 have a final conviction (34.3%). Of the IPMs admissions between January and September 2024, 177 are under a final conviction. In 2023, there had been 159 in the same time frame, an insignificant difference. Far more significant, however, is the difference in admissions that occurred on remand: 712 between January and September 2024, compared to 605 between January and September 2023. The growth in admissions over the past 12 months is thus made up almost entirely of girls and boys on remand.

### **USE OF PSYCHOTROPIC DRUGS GROWS. YOUTH DISTRESS IS ON THE RISE**

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An investigation conducted by “Altreconomia” describes how, in the post-pandemic phase, juvenile correctional institutions have seen a significant increase in the use—and thus the administration—of psychotropic drugs, particularly antipsychotics. The survey recounts that, in 5 IPMs, the “spending per person” related to the purchase of antipsychotic drugs increased by an average of 30% between 2021 and 2022. The figure, alarming on its own, becomes even more concerning when compared to the situation in adult correctional facilities, where spending on the same types of drugs increased by just 1% over the same period. The rise in psychotropic drug use is not limited to youths within the penal system. Also between 2021 and 2022, a study conducted by the NRC reported an increase in the use of non-prescription psychotropic drugs in young people under the age of 19. In recent years, many studies (Openpolis, 2024; Istat, 2022; Unicef Italy and Policlinico Gemelli, 2022) also reveal a growth in mood disorders, anxiety, eating disorders, and suicidal ideation among minors. Factors such as exposure to traumatic events, social isolation, excessive use of digital devices and social pressures may contribute to the development of these disorders. Unaccompanied foreign minors, carriers of extremely strenuous experiences and lacking affective references, are particularly prone to problems of addiction to substances, psychotropic drugs and/alcohol and to developing behavioral disorders. These behaviors must be read as a manifestation of distress of this generation and must therefore be treated as such.

### **TRANSFERS OF UNACCOMPANIED FOREIGN MINORS TO IPMs THROUGHOUT ITALY CONTINUE: THE CASE OF M.**

There are several transfers of juveniles from IPMs in the north to IPMs in central and southern Italy. This practice is employed not only to remove those involved in critical events, but also to make more room in overcrowded institutions. The decision of whom to transfer almost always targets unaccompanied foreign minors, as they are seen as easier to remove due to the lack of family ties in the country. This practice disrupts the bonds—often few, yet precious—that the minor has established, typically the result of trust built over time. These connections form the foreign minor’s only ties to Italy, serving as their sole relationships within the country. A striking example is the case of M., a boy born in Egypt in 2008. Last June, his volunteer guardian contacted the Antigone Ombudsman to report the sudden transfer of M. from the Milan IPM, where he was awaiting trial, to an IPM in Campania. According to the guardian, *“this transfer was carried out without notifying anyone. Neither me, nor the lawyer, nor the social workers. It was not possible to say goodbye to the boy or retrieve his belongings. The minor has strong psychophysical frailties and was already suffering greatly from the detention condition. The minor's only ties are in Milan: me and an uncle. The distance and inability to see him could be (indeed will be) certainly highly painful and worsening for him.”* When asked by the Ombudsman about the reasons for the transfer, the Department of

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Juvenile and Community Justice reported that it had been “ordered for reasons of overcrowding. “Fortunately, we know that M. is now back in Lombardy, in a juvenile care facility. So many young people, on the other hand, continue to wander, from one IPM to another, without concrete solutions being found for them.”

## **Protests and tensions in juvenile correctional institutions: a distress that needs to be heard**

A criminal solution to a social issue, that of prison protests, which should be listened to because they have always denounced problems, critical issues, distress that any healthy institution should take on. Especially when this distress is manifested by juveniles. The following list is based on what has been reported in the media.

**Oct. 2, 2023. IPM in Casal del Marmo (Rome).** Fire is set to a cell and to a pavilion to protest for poor food.

**Oct. 28, 2023. IPM in Casal del Marmo (Rome).** After learning that they have been excluded from the possibility of taking part in the new project of the “Futuro” pasta factory, some juveniles protest against the unequal treatment in the institution.

**Nov. 11, 2023. IPM in Casal del Marmo (Rome).** Some furniture and video surveillance cameras are damaged. Fire is set in some rooms.

**February 5, 2024. IPM in Airola (Benevento).** Two boys get cuts on their arms in protest and repeatedly hit the armor of their cell.

**May 5, 2024. IPM “Cesare Beccaria” in Milan.** Some boys set fire to their cell the night before the arrival of the institution's new director.

**May 18, 2024. IPM “Cesare Beccaria” in Milan.** Attempted escape of a boy. From what we learn, the boy (originally from Morocco) was noticed outside the institution by a prison police patrol casually passing through the area, and was immediately caught and taken back inside.

**May 29, 2024. IPM “Cesare Beccaria” in Milan.** Sappe (Autonomous Prison Police Union): “Violent riot in progress by some inmates. [...] The situation is very critical.” From internal sources, Antigone, however, learned that it was a protest that ended after a few hours, without violence and without any injuries to either the boys or the officers. The protest began with a refusal to return to the cells, followed by banging on the bars.

**May 30, 2024. IPM “Cesare Beccaria” in Milan.** A young man escapes during a transfer.

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**June 9, 2024. IPM in Casal del Marmo (Rome).** Following protests by three boys, the institution is evacuated due to a fire.

**June 14, 2024. IPM "Cesare Beccaria" in Milan.** Two boys escape from the juvenile center: one was found the next day, the other two days later. Valeria Verdolini, president of Antigone Lombardia, says these two escapes, along with the protests and fires, are "a clear sign that the situation has not yet fully stabilized." According to Verdolini, Beccaria is a "still recovering institution" and it will take time to rebuild a relationship of trust with the detainees.

**July 6, 2024. IPM in Nisida (Naples).** Two boys start a fire in a cell in the observation ward.

**July 7, 2024. IPM "Cesare Beccaria" in Milan.** Boys protest by starting a fire and are then evacuated to another section.

**July 21, 2024. IPM in Casal del Marmo (Rome).** Three boys escape. Shortly afterward one of the three is spotted in a supermarket where he had tried to steal food. They are all rearrested within a few days.

**July 26, 2024. IPM "Cesare Beccaria" in Milan.** A fire is set.

**August 1, 2024. IPM "Ferrante Aporti" in Turin.** The boys start a protest, after days of banging on the bars. to denounce the unlivable situation inside the facility: due to overcrowding, at least ten of them were forced to sleep on the floor or on camping cots for lack of available beds. For a long time, it had been necessary to wait for at least one refrigerator per section. During the protest involving most of the juveniles, the institution suffered quite a bit of damage, especially the labs and library. Eleven juveniles involved in the protest were charged with the crime of ravaging and looting, for which custodial measures would be ordered in prison, and many of them were transferred.

**Aug. 16, 2024. IPM in Casal del Marmo (Rome).** A protest by the boys of the institution takes place, some of whom refuse to take psychopharmacological therapy and refuse re-entry in the cell.

**Aug. 19, 2024. IPM "Pietro Siciliani" in Bologna.** Very intense banging on the bars. continued for several hours.

**August 19, 2024. IPM "Cesare Beccaria" in Milan.** Faced with the lack of medical care of a boy, a mattress is set on fire during the night. Following the protest and an attempted escape, some boys are transferred to the Bologna IPM.

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**Aug. 20, 2024. IPM "Pietro Siciliani" in Bologna.** Protests following yet another transfer a boy was undergoing within a short time.

**August 25, 2024. IPM "Cesare Beccaria" in Milan.** A boy attempts to escape by not returning from activities outside the prison.

**August 31, 2024. IPM "Cesare Beccaria" in Milan.** There is unrest in the institution by the boys. Some prison police unions say that there have been several escape attempts and that 4 boys have managed to climb over the boundary wall. The Department of Juvenile and Community Justice denied the escape attempt, saying the protest was immediately quelled.

**Sept. 2, 2024. IPM "Fornelli" in Bari.** Some protests by the boys take place.

**Sept. 8, 2024. IPM "Cesare Beccaria" in Milan.** Escape of two boys from the institution.

**September 11, 2024. IPM in Casal del Marmo (Rome).** Boys protest by setting fire to some of the institution's cells. One of the boys is rushed to the hospital for ingesting glass.

**Sept. 15, 2024. IPM in Casal del Marmo (Rome).** Boys protest by setting fire to mattresses.

**Sept. 16, 2024. IPM in Airola (Benevento).** Boy sets fire to sheets.

**Sept. 27, 2024 .IPM "Pietro Siciliani" in Bologna.** A boy walks away from the hospital where he had been taken for clinical investigations.

### **IPM BECCARIA: THE CRYSTALLIZATION OF THE CRISIS**

Milan's Beccaria IPM, traditionally an example of the narrative that wanted the juvenile prison to be accessible to the city, where educational contamination between inside and outside seemed to be really possible, today represents the crystallization of the crisis of the juvenile justice system.

The causes behind the complexity of the current picture are many and varied. First, the Beccaria IPM is the institution with the highest number of admissions during 2023, precisely 310, 56 more than in 2022. As of September 15, 2023, there were 40 inmates present; a year later 55. The peak in attendance (81) was reached at the end of April 2024, when news broke of the arrest of 13 Prison Police officers for alleged torture perpetrated on some boys confined in the institution.

Unfortunately, Beccaria seems to have been able to anticipate trends and critical issues that later swept other IPMs. Certainly contributing to its slide from model institution to an exemplification of the crisis were the renovations that began in 2008 and lasted for more than 15 years, affecting the full functioning of the institution.

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The absence of a permanent director has also contributed to the current chaotic situation: from 2014 to December 1, 2023 (when a director solely in charge of the IPM took office) there have been as many as 8 directors, many of whom were at the same time directors of an adult institution.

The change in the professional culture of penitentiary officers could be another element that has progressively affected the overall situation at the Beccaria institute; many penitentiary officers are young, from southern Italy, strangers to the Milanese context, with little experience in the juvenile field, and often feel abandoned by the penitentiary administration in the difficult task of managing a prison community that is in a state of deep suffering. The alleged torture that took place between Nov. 18, 2022, and March 19, 2024, for which 13 officers and eight other colleagues are currently defendants, likely broke the fiduciary relationship between prison staff and the confined community. The drama resulting from these events has necessarily produced a change of climate within the institution, which now appears to be in a phase of "settling down" from the trauma. The protests and attempted breakouts are a symptom of a wound that is desperately struggling to heal. Despite good intentions to resume the educational model, the only response to the succession of critical events has been progressive closure; in fact, compared to the past, the hours spent by the boys inside the cells are gradually increasing. In this regard, it is precisely the educational vocation that has failed.

Despite the many activities and associations that enter the school, there are few children fully involved in a real treatment program (including school). Despite the many staff investments in recent months, the overall picture remains critical at the moment. The Milan picture is also influenced by structural dynamics, typical of the entire system, including the change in users. "The audience has changed" is indeed a phrase that is heard more and more frequently by juvenile justice practitioners and refers to MSNAs ("unaccompanied foreign minors"). At Beccaria MSNAs are half of the total prison population. This category has often been described as the main culprit of the current crisis in the system, although it is actually the category where fragilities become more intense. Too often the difficulty of managing a collective with such complex needs has been faced at Beccaria through the administration of psychoactive drugs, which according to data obtained by "Altreconomia", increased by 219% between 2020 and 2022. A final structural element concerns the deviant processes that are taking place in the city of Milan related to the increase of poverty, social inequality, crimes linked to survival and consequently, the feeling of insecurity. Once again, the prison, even for minors, is able to absorb and then reflect in an even more intense way the contradictions and problems of the context that surrounds it.