



Prison educators in the shadow of prison rules: Results from a field research in Italy

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Abstract

The essay presents the findings of a research that investigated the legal and professional culture of prison officers responsible for supporting and rehabilitating inmates. The professional roles of educators were introduced into the Italian prison system following the reform of 1975 and subsequent amendments. Nearly 50 years after, numerous questions remain open regarding the impact within the Italian prison system. Specifically, the research sought to determine to what extent these experts have influenced the professional culture and the culture of punishment among prison actors in Italy. The qualitative data collected suggest that treatment officers have only partially influenced the professional culture of other prison actors. Moreover, there appeared to be limited ability to alter the daily practices of the prison. Instead, these officers seem to have been influenced by the prison environment, which has facilitated the development of three critical issues addressed in the text: bureaucratization, defensive behaviour, and adherence to a punitive culture.

Key words

Prison staff; legal culture; prison studies

Resumen

El ensayo presenta los resultados de un estudio de investigación que indagó en la cultura jurídica y profesional de los funcionarios de prisiones encargados de apoyar y rehabilitar a los reclusos. Las funciones profesionales de educadores, trabajadores sociales y expertos en psicología y criminología se introdujeron en el sistema penitenciario italiano tras la reforma de 1975 y sus posteriores modificaciones. Casi 50 años después de la entrada en vigor de la reforma, siguen abiertos numerosos interrogantes sobre su impacto en el sistema penitenciario italiano. En concreto, la investigación pretendía determinar hasta qué punto estos expertos han influido en la

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cultura profesional y la cultura del castigo entre los actores penitenciarios en Italia. Además, de forma más general, el estudio se preguntaba por el impacto de estas funciones en las prácticas penitenciarias italianas. Los resultados proceden de tres periodos distintos de observación directa y participante durante los cuales el investigador ejerció de educador penitenciario en una prisión del norte de Italia. Los datos cualitativos recogidos sugieren que los funcionarios encargados del tratamiento sólo han influido parcialmente en la cultura profesional de los demás agentes penitenciarios. Además, su capacidad para alterar las prácticas cotidianas de la prisión parece haber sido limitada. Por el contrario, estos funcionarios parecen haber estado profundamente influidos por el entorno penitenciario, lo que ha facilitado el desarrollo de al menos tres cuestiones críticas abordadas en el texto: la burocratización, el comportamiento defensivo y la adhesión a una cultura punitiva.

Palabras clave

Personal penitenciario; cultura jurídica; estudios penitenciarios

Table of contents

1. "J. hanged himself"	4
2. "You need to change things": Between Expectations and Reality	6
3. The Bureaucratization of the Operators.....	9
4. Defensive behaviour as a daily practice.....	12
5. Professional Culture and Punitive Populism.....	13
6. Conclusions	16
References.....	17

1. "J. hanged himself"

I'm in the educators' office when the head area's phone rings. He listens, seemingly indifferent, and says, 'Yes, she's here, but she is leaving. I'll try to ask her.' After hanging up, he looks at us and says, 'J. hanged himself.' Realising that I didn't understand, he gestures with his hands around his neck. He looks at the psychologist in the office and asks her, almost pleadingly, 'Can you go check on him?' She sighs, indicating she was leaving. Then she asks, 'Where is he right now?' The head area responds that he's in isolation and that it could take just 5 minutes, the important thing is to be able to say that someone went to check on him. Meanwhile, two officers arrive. The psychologist goes downstairs with them. From the window, I watch them cross the courtyard and wonder about the meaning of this ritual where no one cares about J.'s fate, but everyone needs to show they did something. (Note from ethnographic diary. First observation period)

The described scene portrays the actions of what, within the Italian penitentiary system, are referred to as "treatment experts." This designation stems from the legislature's decision in 1975 to introduce professional figures within the penitentiary system tasked with a dual role: providing support to the convicted individual and evaluating their progress for the purpose of granting alternative measures to detention.¹ From a normative standpoint, this constituted a significant innovation within a system previously characterised by strong authoritarianism and focused on a guardian/guarded logic, where the principal actors were the prison police on one side and the inmate on the other (De Vito 2009). It was, therefore, a reform that set ambitious goals (Sarzotti 2010). The legislature of 1975, following the reforms adopted in Italy during those years,² aimed to make the prison environment less punitive, ideally more democratic, and respectful of constitutional principles. Consequently, the reform emerged at a time when criticism of total institutions was particularly strong. Therefore, if a complete overhaul of the prison system was not politically feasible,³ a profound reform inspired by constitutional principles was nonetheless desirable. The deinstitutionalization of prisons was also intended to be achieved through the introduction of new professional figures such as educators, social workers, psychologists, and criminologists. Finally, according to the reform's proponents, prisons were envisioned to become places of punishment attentive to the needs of individual convicts, focusing on efforts to reintegrate them into society through penitentiary welfare measures such as work, education, schooling, and training.

Nearly fifty years after the penitentiary reform, how can we assess the introduction of these professional figures into the penitentiary field? To what extent have the legal culture and the culture of punishment among actors been influenced by the presence of these figures in prisons? Has their professional culture successfully interacted with penitentiary practices and brought about changes?

¹ The Italian penitentiary rules provide several alternatives to detention that can be applied during the execution of the sentence. The most important measures are: home detention; probation; parole.

² Within the processes of deinstitutionalization, particular mention is made of the "Basaglia Reform," which led to the closure of mental asylums through Law 180 of 1978.

³ While widely advocated for by critical criminologists who, at that time, had revitalised the criminological debate in Italy (Baratta 2019).

In this essay, I will attempt to address these questions by analysing some of the data collected during a period of direct observation and participant observation conducted in a prison in northern Italy. This period coincided with my role as a prison educator in the aforementioned institution, during which I endeavoured to supplement my fieldwork with research. Specifically, over three phases of my tenure as a prison educator, I maintained an ethnographic diary in which I recorded conversations, observations, and notes during the following specific timeframes:

- The first phase, from May 2010 to February 2011;
- The second phase, from February to April 2014;
- The third phase, from April to November 2017.

Therefore, this is an ethnographic research endeavour that, by definition, is not intended to produce generalisations about the findings. Instead, it aims to provide an in-depth analysis of the operational dynamics of treatment experts working within the specific institution under scrutiny. The notes gathered offer descriptions and inquiries into the professional culture of those specific actors with whom I engaged during the period of direct and participatory observation. This detailed description must also be understood in the context of the specific framework of the institution where the research was conducted.

Indeed, it is known that the penitentiary system comprises “better” prisons, which are less degraded and offer more opportunities, alongside “worse” prisons, often punitive in nature, reserved for categories of inmates who have shown poor adaptability to the dynamics of the penitentiary or who lack the individual or social resources to ascend the hierarchy within the penitentiary. This reflects the logic of reward and punishment, which, as noted by Goffman (1961), characterises the dynamics of carceral settings. In the Italian context, this distinction manifests in the existence of “treatment-oriented,” “rewarding” prisons, and others labelled as “low treatment orientation,” “punitive” facilities. Naturally, this is a distinction not explicitly⁴ sanctioned by any regulation, yet it is deeply ingrained and legitimised within the legal culture of prison operators.

Here, the frame of the prison where participatory observation was conducted is that of a punitive institution with a low treatment orientation. Indeed, it is an institution with a poor reputation among operators and has been subject to numerous criticisms, both at the level of supranational⁵ inspection monitoring and by Italian authorities.⁶ The operational practices of the operators, as well as their professional culture, must therefore be understood within the specific organisational and situational⁷ context of the prison where they operated. It is within the characteristics of this specific institution that the introduced results must be interpreted.

⁴ One could naturally argue that such logic is implicit in the correctional model adopted by the Italian legislature (Ferrajoli 2016), but this topic is beyond the scope of this essay.

⁵ The European Committee for the Prevention of Torture has visited this institution on multiple occasions, following numerous reports received.

⁶ In particular, judicial investigations are still ongoing following reports of episodes of violence against detained individuals.

⁷ I use this term in the sense attributed by Philip Zimbardo (2008) to explain the eruption of violence within specific contexts, such as prisons.

Returning to the excerpt from the ethnographic diary mentioned at the beginning of this paragraph, news reaches the educators' office of a suicide attempt by an inmate. It will likely be a rather serious case that will require hospitalisation for the individual. However, within the office, there does not seem to be a particular concern for the person's well-being. His suicide attempt appears to be just another annoyance caused by Mr. J. to the prison operators.⁸ Instead, Mr. J.'s action seems to trigger a standardised procedure that must be followed to avoid accusations of laxity or inefficiency towards the operators. The inmate will need to be placed under high surveillance,⁹ undergo a conversation with a psychologist promptly, and possibly with a psychiatrist. This is a well-established practice within the internal procedures of the penitentiary administration, yet it seems to be carried out mechanically, as a matter of course, without being taken seriously.

Thus, starting from this case, it seems to me that we can begin to discuss some of the critical aspects of the professional culture of prison operators, which I will address in the following paragraphs. In particular, there will be three phenomena to discuss: bureaucratization, defensive behaviour, and punitive culture.

Before delving into these topics, an additional premise is necessary. The research adopted a methodology of "shadow observation." During the observation phase, it was decided not to explicitly disclose to other actors in the field the fact that data were being collected for scientific research purposes. This decision stemmed from the recognition that the awareness of my dual role among other actors would inevitably affect their natural behaviour and willingness to engage without inhibitions. However, this choice raised questions both in terms of auto-ethnographic considerations and more strictly ethical ones.

To address these challenges, efforts were made firstly through discussions with some significant actors present in the field. I spoke with them about the intention to collect qualitative data and requested their feedback to guide interpretations. This dialogue primarily involved a psychologist, an educator, and an incarcerated individual. Furthermore, to protect the confidentiality of those involved, it was decided to anonymize both the institution where the research was conducted and the identities of all individuals in the various situations described.

2. "You need to change things": Between Expectations and Reality

The entire selection and training phase for prison operators seems to aim to reaffirm and emphasise the formal functions of these operators. In particular, the public competition through which one becomes a prison educator focuses on two main aspects. The first is penitentiary legislation, with particular attention to the functions of prison operators within the context of the "treatment" of inmates. The second aspect is penitentiary pedagogy. Specifically, candidates must demonstrate knowledge of pedagogical

⁸ Specifically, it was a very "demanding" individual, who expressed their distress through numerous requests for interviews with the staff and, precisely because of their attitude, was not well-regarded by the section officers.

⁹ This is a measure decided by the doctor, as a result of which, in the practice of the time, the person was isolated from the rest of the detainee population and placed in a special section of the prison where they could be closely monitored by the section officers.

techniques and their potential application within the prison environment. Therefore, the competition is centred on what should be the functions of such operators and the valorisation of the prison educators' role in the resocialization process of the convicted individual.

This emphasis is even more evident during the training phase. Before entering service, indeed, the prison educator undergoes a training period that partly takes place at schools within the penitentiary administration located in different parts of the territory.

The training phase provided an opportunity to gather extensive qualitative data on the subjects taught and the instructional "style." Overall, it can be affirmed that the entire training phase is based on emphasising the role of the educator as the "agent of change." The underlying idea is that treatment operators should serve as the means through which the prison, traditionally seen as oppressive, becomes an opportunity for change for the convicted individual. It becomes a dynamic environment where the rigidity of detention practices gradually transforms, ultimately making the prison something different from what it has always been. This role of the educator as an instrument for changing the system is emphasised by the key players in the training process:

- University professors. In my experience, a small number of pedagogics and psychologists, more or less the same individuals, transmit educational techniques and practices to newly hired staff. These professors do not exhibit a critical approach, but rather constantly encourage initiative and the adoption of new techniques aimed at progressively improving prison conditions.
- Prison administration operators. The majority of the training is conducted by managers and officials of the penitentiary administration. These officials also reiterate the formal functions of treatment operators, expressing high expectations for the new recruits who could, finally, change the dynamics of the prison system in Italy.

As is well-known, this expectation is as old as the prison itself. Michel Foucault (1975) reminds us that the history of the prison has been accompanied since its inception by various attempts to reform, which, however, have failed to alter its structure and practices. In the Italian context, the significant point is that the calls for change described here date back to 2010, the year I began service in the penitentiary administration. Therefore, 35 years after the implementation of the penitentiary reform, the actors in the field seem to acknowledge that, fundamentally, little has changed, deferring to the new hires the role of representing the desired turn of events envisaged by the legislature.

Within this optimistic and proactive framework, however, the first discordant voices, the signals of what would be the reality in the field, begin to emerge even during the training phase. In particular, I would like to recall an episode involving a manager of the penitentiary administration, who at the time was the director of a medium-sized prison in northern Italy. During one of the final lectures, she seemed to adopt the role of the "bad cop" of the administration. She began by emphasising how, in her opinion, the prison should not exhibit excessive openness towards treatment programs, explicitly

criticising the model of Bollate in Lombardy.¹⁰ Furthermore, she stressed that, in her view, critical events should be resolved within the prison walls, discouraging operators from filing complaints or communicating externally about what happens inside the penitentiary. Finally, she concluded with an explicit “Make sure you don’t cause trouble,” almost betraying the notion that the entry of educators, social workers, and other similar figures into the penitentiary field could be a source of problems rather than advantages.

The intervention of the aforementioned manager elicited several criticisms among the educators undergoing the training program. Many of them have a pedagogical or psychoanalytical background, so the style of the intervention appeared to be the opposite of what they had learned during their years of study, and certainly not consistent with the work for which they had been hired. However, experience would later demonstrate that the intervention of the manager was much more aligned with the reality of the penitentiary than the idealizations of many colleagues and academics who had preceded her during the training sessions.

In the process of reanalysing the data collected during the observation phases in prison, I reflected extensively on which theoretical framework to adopt in describing socialisation within the penitentiary environment. Indeed, the adaptation process of inmates to the prison environment has been explored multiple times in sociological literature, both classical (Clemmer 1958, Sykes 1958, Goffman 1961) and more recent (Ross and Richard 2003, Crewe 2009, Jones *et al.* 2009). Studies on the socialisation and adaptation processes of prison officers (Liebling *et al.* 2010), especially those involved in the resocialization of inmates (Bennet *et al.* 2007), are less common.

In my specific case, I found that the concept that best suited the process of socialisation within the penitentiary environment and the working context was that of “differential association,” as described by Edwin Sutherland and Donald Cressey (1978) in their influential criminology manual. The process of socialisation into the prison work environment was indeed a progressive journey of understanding the rules of the game that differed from what was expected by penitentiary laws, sometimes even running counter to the spirit of the law itself. Alongside these informal rules, motivations were learned to justify more or less extensive violations of procedures. Lastly, objectives partially different from those indicated by the professional duties of the officers were identified, which, although not explicitly stated in the regulations, still had to be pursued to ensure a good working atmosphere within the team. These rules and motivations were learned within the socialisation process with colleagues—primarily educators—but generally within the entire penitentiary environment, which, in a very short time, made me understand what the real rules of the game and priorities for the institution were.

Such a process of association with the work environment effectively relegated everything discussed during the training phase, labelled by some colleagues as mere “chatter,” to the background. In contrast to the chatter of training, there were daily

¹⁰ This institution is defined by many as a “model prison”, thanks to the high number of activities carried out within it, and the considerable degree of autonomy granted to the detainee population. For a description of the origins and characteristics of the Bollate prison, please refer to the book by Cosima Buccoliero and Serena Uccello (2022).

demands that were deemed far more pressing than inmate support or their resocialization. Various objectives that appeared urgent in daily practice had to be pursued, lest it led to a breakdown in relationships within the work environment. Among the many, two emerged as predominant from the outset of the process of socialisation with the work environment:

- Firstly, the reduction of workloads. The penitentiary institution where the research was conducted was characterised by an average presence of about 250 inmates, but with overcrowding peaks that reached up to 350 inmates. The educators on duty during the observation periods were at most five, but at times as few as two. Colleagues with more experience were aware that such a mass of people generated numerous demands – and bureaucratic practices – that the educator would have to handle. Consequently, it was inevitable to adopt strategies capable of reducing the assigned workloads.
- Secondly, the objective of avoiding trouble. As is known, the prison is a place where everything is potentially risky. This rule is even more valid in a place like the institution where the research was conducted, characterised by particularly rigid and often oppressive practices. In this context, educators are required to express opinions, evaluations, and prognoses for which they may later be held accountable in the event of various types of critical incidents.¹¹ This, in the culture of the colleagues, necessitates an extremely cautious approach to every situation in daily life, in order to avoid being accused in the event of a critical incident.

Starting from these general objectives, practices progressively diverge from the ideal envisioned by penitentiary reform towards an attitude that is understandable only through an understanding of the relational, organisational, and cultural dynamics of the work group to which I belonged. It is precisely within these dynamics that the critical issues develop, which I will discuss in the subsequent paragraphs.

3. The Bureaucratization of the Operators

We are in the director's office, myself, G., and the director. We are busy organising activities in response to a request from the Superintendent's office. G. responds to the director's questions with jokes and smiles. At one point, she bursts into laughter and tells him, 'Come on, G., we need to throw some smoke in their eyes!' I leave the office thinking that the objectives we set for ourselves are radically different from what the functions of an educator should be. There is a focus on formally complying with circulars, minimising workloads as much as possible, without, however, doing what would actually be necessary. (Note from the ethnographic diary – First period of observation)

The ethnographic note just reported is situated in a historical period in which the prison was experiencing particularly severe overcrowding conditions. Indeed, despite a capacity of 180 spots, the number of occupants had far exceeded 300. Confronted with a structurally intolerable situation, the regional bodies of the penitentiary administration had requested institutions to organise a greater number of activities so that detainees

¹¹ First and foremost, certainly, escapes. But also assaults or suicide attempts or self-harm.

could spend as little time as possible in the now intolerably overcrowded cells.¹² They therefore asked individual institutions to quickly inform them of the activities that had been implemented.

The passage cited here is illustrative of the approach of the penitentiary organisation of the prison where the research was conducted towards any attempt at external stimulation: the production of documents, meetings, justifications that formally comply with what is required by central authorities, but which in practice have little if any impact on practices. It is a “smoke in the eyes” whereby formal responses were provided to the central Superintendent, listing a series of activities already underway or in the process of implementation, but in reality, it exaggerates almost non-existent interventions or those reserved for a minority portion of the detainee population.

Here, in my opinion, lies a specific attitude of treatment operators often discussed within seminars, conferences, or even informal discussions in Italy, but rarely described through field research. It is the phenomenon of bureaucratization of treatment operators, whereby these operators, instead of being the animators of treatment activities or the protagonists in observing the personality of the detainee, spend a large part of their working day in front of a computer, fulfilling administrative procedures. Consequently, they are less present in the detention sections, reducing contact with the detainee population. Certainly, this phenomenon is partly due to the elephantine size of the Italian public administration, which, despite reform attempts, fails to streamline its procedures, instead clinging to formal compliance processes that actually mask the failure to carry out the real tasks of the administration itself (Lippi and Morisi 2005). From this perspective, the penitentiary administration reflects this perverse phenomenon as it has over time required educators to perform increasingly numerous bureaucratic tasks, effectively turning them into officials tasked with carrying out legal-pedagogical practices.

But in the specific case, there is more. The highly bureaucratized cultural dimension of the work group I was part must also be interpreted in light of the group’s substantive objectives. In particular, as mentioned earlier, the need to reduce workloads was perceived as a priority among colleagues. Many of them were aware that frequenting the detention sections, engaging with the detainees, would inevitably burden the educator. During the observation period, I had the opportunity to experience this phenomenon. Not inclined to fulfil bureaucratic matters, and still fresh from the stimuli received during training, I believed I should spend a large part of my working time in the detention sections. After a short time, news spread of an educator willing to listen to and address problems. Consequently, I was literally inundated with requests for interviews, as well as various requests, probably in the hope that this willing educator would also be able to solve the various issues faced daily by a deeply impoverished and disadvantaged detainee population.¹³

¹² Before long, the Italian prison system would be condemned by the European Court of Human Rights in the famous *Torreggiani v. Italy* judgement, precisely because of the structural conditions of the prisons and the inadequacy of treatment activities.

¹³ It should be noted that in the prison in question, approximately 70% of the inmates were undocumented migrants.

In facing such a situation, I learned two rules of conduct that my educator colleagues were already aware of.

- The first was not to be seen too much in the section. More experienced colleagues knew that in an extremely impoverished prison like the one where we worked, any resource, no matter how small, attracted attention from individuals essentially deprived of everything. An educator present in the section is thus someone to turn to for an interview, but also for a job request, to check if access to alternative measures to imprisonment is possible, or even just for a small benefit in daily detention life. From the operator's point of view, such requests become tasks to be dealt with, clogging up offices, effectively preventing more urgent tasks from being carried out.¹⁴
- The second rule is not to conduct interviews with detainees who have not requested them. Individual interviews require time and attention to others. Therefore, in the presence of administrative tasks considered more urgent, such interviews were limited to those who had requested them with some urgency. In practice, the operator avoided dealing with those detainees who were less active in requesting interviews or making requests. These are informal rules that we can define as differential compared to those contained in the penitentiary law. Social norms, however, were considered fundamental for the organisational well-being of the team and to maintain balance in the relationships among colleagues.

Indeed, the reaction to the violation of these rules is at least ambiguous. On one hand, deviating from unwritten rules was tolerated. It was somehow accepted that there would be educators with a different attitude from the majority. On the other hand, however, such deviation is often a source of labelling and stigmatisation, if not explicit, then implied in the relationships among colleagues and in ironic remarks.

I had just returned from a long series of interviews in the sections with my notepad full of notes and things to do. I bumped into G. in the corridors, who was talking to a colleague about T. Upon seeing me, he says to her, 'Do you know Giovanni? He's young and gets consumed by the detainees.' As I walked away, I thought that if they too went into the sections a bit, perhaps there would be less anger among the detainees. (Note from the ethnographic diary - First period of observation)

In some cases, deviation from the dominant attitude is tolerated, while in others it is sanctioned through the assignment of administrative tasks that, in fact, make it impossible to spend long periods of time in contact with the detainee population. All of this occurs within an organisational context where originality compared to established dynamics is not well received.

What is relevant, in the context of the discourse proposed here, is that the rules and common objectives of the group are in conflict with the spirit of the reform and the ideals that accompanied the introduction of the figure of the educator into the Italian prison system. This deformation of the figure of the prison educator is also symptomatic of the defensive attitude that characterises their daily actions.

¹⁴ Among these, perhaps the most significant is the preparation of reports for the magistrate's hearings, who will decide whether to grant alternative measures to detention for the inmates who have requested them.

4. Defensive behaviour as a daily practice

We are in the meeting room, discussing the cases of suicide risk in the facility. More than focusing on the individual's needs, there seems to be a fear of the consequences in the event of a critical incident. C. is concerned about having the inmate who shares a cell with another at risk sign a 'Waiver of Responsibility,' while the director wonders, 'If he attacks his cellmate, who will be held accountable?' (Note from the ethnographic diary - Third period of observation)

The brief excerpt provided is, in my opinion, illustrative of a general attitude among all the staff at the prison, namely the fear of the consequences of a critical event. An assault, a suicide attempt, or an escape unfortunately form part of the routine in managing a prison. These are what, in bureaucratic jargon, are precisely referred to as "critical events." Notably, internal circulars within the prison administration have in recent years endeavoured to provide guidance aimed at avoiding, as much as possible, the proliferation of such phenomena. However, despite the indication of numerous best practices, in the professional culture of the staff, these events are considered genuine misfortunes to be avoided at all costs. Critical events can indeed have very serious negative consequences for the involved prison staff. In particular, following an escape or a suicide, staff members must face lengthy internal investigations, as well as, in some cases, legal inquiries. During these investigations, they must be able to demonstrate that they did everything possible to prevent the event and that they do not bear direct responsibility.

In the institution where the observation was conducted, there seemed to be a genuine fear of the consequences of a critical event. This was probably partly due to the fact that some critical events in previous years had led to legal investigations and disciplinary measures against the facility's management.¹⁵ Nevertheless, the approach of all the staff seemed to be based on attempting to avoid being blamed in the event of a critical incident. Specifically, I still recall the advice given to me by the head of the educators' department when I first started my job: "You have to write, always write everything." In that brotherly advice lies an unwritten rule in the relationships among staff members and toward external parties. This rule dictates that staff members produce extensive documentation aimed at demonstrating that they identified a possible risk and addressed it. In particular, this documentation must contain at least two essential elements:

- Recording of an intervention by the staff member (e.g., conversation with the inmate);
- Involvement of other staff members. Specifically, the staff member must demonstrate that they shared the problem with a higher-ranking superior (e.g., director) or with a professional figure specialized in addressing the specific problem (e.g., a psychiatrist for inmates at risk of suicide or self-harm; the commanding officer of the prison police for risks of aggression or escape).

In this way, in the event of a critical incident, the staff member can demonstrate that they did everything within their competence, effectively shifting the responsibility to another

¹⁵ Specifically, the prison managers had to respond to complaints filed by some inmates following assaults by the police staff.

colleague or to fate. The circular nature of this process is encapsulated in the expression "Who will be accountable for it?" used by the prison director in the case reported in the ethnographic note.

Of course, these practices exhibit contradictory aspects and potential perverse effects. The first is linked to the bureaucratization mentioned in the preceding paragraph. From this perspective, the staff bureaucratization, combined with the defensive attitude, leads to a veritable inertia on the part of some operators who, in order to avoid unpleasant consequences, effectively prefer to retreat into bureaucratic activities for which they will never be blamed in the event of mishaps. Naturally, such an attitude is facilitated by the structural dynamics of prison administration, where, on one hand, formal rules and internal circulars ostensibly promote a dynamic vision of punishment and the rehabilitative purpose of the prison. On the other hand, however, they do not penalise operators' inactive behaviour in stimulating treatment activities, but instead severely punish them in the event of a critical incident.

The second is linked to the fact that defensive practices do not address the structural causes of critical incidents and are not effectively capable of preventing them. They serve as an effective defence mechanism for the operator accused of being the cause of the incident but do not address the actual underlying causes that generate such phenomena. The most evident case is that of suicide attempts. In these instances, a substantial amount of documentation, reports, and directives were observed, yet they rarely had an impact on the true needs of individuals who, through self-harm, exhibited their distress. Instead, the focus was on producing documentation to demonstrate compliance with the circulated guidelines and to report at-risk cases to psychiatric experts. The medicalization of distress ultimately constituted the operator's removal of the problem by deferring to the expertise of medical professionals. Consequently, operators were seldom able to address the underlying causes of the distress prevalent among a large portion of the detainee population. Furthermore, there was little willingness to implement structural changes that would genuinely impact internal liveability, such as increasing job opportunities, enhancing detainee autonomy, fostering fewer rigid relationships between detainees and law enforcement, and ensuring greater presence of treatment operators in the sections. Instead, there was a preference for producing documentation that would absolve the operator when, inevitably, something would occur. Thus, actions were taken on a formal level far removed from the actual needs of the detained individuals.

5. Professional Culture and Punitive Populism

We are at the end of the training days in Sulmona, and one of the trainers is showing us a video of a former inmate who has gone through a long period of incarceration and now works outside. It's a unique story of a man who shows no signs of remorse but clearly has taken a different path from his past. In its own way, an uplifting story. The comments from my colleagues at the end of the video seem surreal. There is a proliferation of phrases like: 'From a critical review standpoint, we're just not there'; 'It's not clear if he has compensated the victims.' I wonder why, faced with someone who seems to have taken a different path from the past, they still feel the need to tick the boxes of critical review or compensation for damages. (Note from ethnographic diary - First period of observation)

Not many years ago, in identifying the causes of the emergence of the Culture of Control, David Garland (2002) explained how the punitive attitude, born from the dominant Penal populism (Pratt 2007) of those years, involved all legal operators, including those traditionally responsible for the rehabilitation of convicts. A punitive culture that, based on actuarial justice practices (Feely and Simon 1994), effectively contributed to stimulating the growth process of the inmate population that was reaching its peak in the United States at that time.

From this perspective, the Italian case presents greater ambiguities (Cellini 2013). On the one hand, it is necessary to consider how the penitentiary reform in Italy took shape precisely in the years when across the Atlantic a strong scepticism towards treatment programs and investments in favour of convicts was beginning to manifest (Martinson 1974). Not surprisingly, a few years later, the climate towards crime in Italy also began to change, shifting from a mildly punitive attitude (Nelken 2005) towards an increasingly zero-tolerance orientation (Melossi 2015). Consequently, starting from the 1990s, Italy experienced a progressive increase in the inmate population, which only saw a temporary slowdown following convictions by the European Court of Human Rights (Manconi and Torrente 2015).

To what extent have treatment operators been affected by this punitive shift? As mentioned, the data collected during the case study show some ambiguities.

On one hand, the operators encountered during the observation period, in the majority of cases, tend to reaffirm their educational/treatment role, distinguishing their functions from those of the prison police. In the role-playing of the prison, these operators tend to differentiate their professionalism and approach from those who are primarily responsible for security within the institution.¹⁶

On the other hand, the analysis of daily practices reveals certain trends that, while not explicitly expressing a punitive culture on the part of the operators, effectively impact processes of criminalization and the possibilities of access to alternative measures by convicts.

The first one is linked to the adoption of actuarial justice practices that have been extensively analysed in Anglo-Saxon contexts. Specifically, in the observation conducted in this case, these practices stem from the organisational need to handle numerous cases. In the prison where I worked, each educator had to deal with an average of 80-90 inmates. This workload, in addition to stimulating the workload reduction practices mentioned earlier, effectively required operators to select cases to which to allocate the most resources, at the expense of others. As a result, there was typically a selection of cases to which to pay the most attention based on a prognosis of reliability developed towards the inmates. What is interesting is that these prognoses were not based – and could not be based, given the high workloads – on a thorough understanding of individual situations. Instead, they were based on categorization processes whereby, in light of certain typical characteristics of different categories of subjects, prognosis of reliability was developed. So, for example, towards undocumented foreigners, the

¹⁶ In Italy, some years ago, certain authors (Sarzotti 1999) discussed the existence of a maternal code and a paternal one within the penitentiary professions, where the former pertains to treatment operators and the latter to the prison police.

prognosis was typically negative, due to the low reliability attributed to this category of inmates destined for expulsion at the end of their sentence. Similarly, drug-addicted inmates were also typically considered unreliable based on the fact that these inmates were considered at risk of relapse due to their addictions. These are, of course, categorization processes that tend to reward those inmates who, by virtue of certain individual characteristics or relational resources, manage to place themselves within a reliable category, or at least show traits of originality compared to the belonging category. Moreover, starting from classic studies of symbolic interactionist origin (Sudnow 1965), it has been demonstrated how the categorization of cases constitutes an exceptional organisational tool aimed at selecting situations to be addressed by judicial offices, but at the same time a practice that produces forms of discrimination towards those who fall within social categories defined a priori as dangerous. In this case, the extensive use of such categorization processes by prison operators could be verified, with the final outcome of favouring the minority part of the inmate population not belonging to social categories predefined as inherently dangerous.

The second aspect is linked to the tendency to classify, file the paths of the inmate population with the aim of distinguishing reliable from unreliable subjects. On this point, Michel Foucault (1975) had already identified among the characteristics of the prison the constant tendency to filing, to the classification of deviants. Today, what appears is the proliferation of conditions that the inmate must meet in order to be considered reliable and worthy of an alternative to prison. Observing the dialogues of treatment operators, there seems to emerge a list of fulfilments and demonstrations that, only once completed, can lead to the judgement of reliability towards a convict. Hence, there are endless discussions in which one wonders whether the inmate has really changed, whether they show "critical revision" compared to the past, whether they have compensated the victim, or something else. Discussions that often lead to a negative judgement where the inmate has not completed the list of prescribed conditions, perhaps because in conversations with operators they have not adequately demonstrated remorse for the committed offense or have not shown willingness to repair the damage caused. Here, the inflexibility in the search for those signals that, as a manual of the perfect educator, should demonstrate the non-dangerousness of the convict constitutes in my opinion the sign of a punitive attitude that, although not explicit, finds reason to exist in the rigid bureaucratization of danger assessments.

The third and final aspect, linked to the previous ones, shows a tendency to distinguish between the "good" and the "bad" inmate. Several colleagues encountered during the observation period tended to distinguish between the inmates with whom they had built good relationships, and for whom they intended to invest more, from those with whom the relationship had not been positive. The latter were often heavily labelled as "assholes" or "bastards". Regardless of the truthfulness of such assessments, what is striking is the tendency to distinguish between good and bad, effectively reserving the most resources for those with whom the best relationships have been established. This approach, while humanly understandable, seems to overlook the fact that the relationships between inmates and operators within the prison frame are often linked to the individual's ability to exploit institutional resources. As already demonstrated in Erving Goffman's studies (1961), these abilities appear to be linked to the modes of

adaptation to the prison environment, rather than to an objectively greater or lesser dangerousness of the individual.

6. Conclusions

As stated at the beginning of this essay, the findings of this research are not generalizable. The observations put forth in these conclusions, therefore, pertain to the specific case study discussed and would indeed warrant validation through additional field studies.

What emerges in this case is a poor impact of prison reform in terms of actual changes in the dynamics of the prison. In particular, it seems that the professional culture of treatment operators has had very little influence on the culture of other prison inhabitants and more generally on prison practices. Instead, the opposite appears to be true. Professionals such as educators, psychologists, and social workers seem to partially lose their professional autonomy, the momentum that should characterise such professions, to adapt themselves to the established dynamics of the prison, effectively conforming to them. In a nutshell, it seems that the prison has changed these professionals more than they have been able to change the prison.

This is not to say that today's Italian prisons have remained the same as they were before the reform. On the contrary, there is greater transparency in the structures, also thanks to the numerous external figures entering them. However, the well-known phenomenon among scholars of total institutions seems to have emerged, whereby those who enter such institutions inevitably undergo processes of institutionalisation capable of distorting even the best intentions. Furthermore, every prison reform seems to operate under the motto "everything must change so that everything remains the same,"¹⁷ based on the principle that such institutions, while changing in form and regulatory forms, in fact do not abandon those salient characteristics that determine their poor compatibility with principles of humanity (De Leonardis 2001).

The limited effectiveness of treatment operators in relation to their assigned tasks can also be explained by an evident numerical disparity compared to other professionals in the field, particularly in relation to the prison police. In the institution where the research was conducted, for example, there were never more than five educators on duty compared to a prison police staff ranging from 170 to 180 units. This disparity in personnel naturally betrays the true nature of the prison and the functions attributed to it. In assigning roles, the ministry appears to confirm that the primary and essential function of the prison is custody, relegating functions related to the treatment and rehabilitation of detainees to secondary and ancillary roles. The prison police officers on duty are obviously aware of this predominant role and do not hesitate to remind educators, as well as the prison management, who the true "masters of the house" are. Consequently, every activity must be authorized by the police, and when even the most innocuous proposals clash with the organizational needs of the force, such activities are immediately suspended until a new negotiation with the police personnel. This role of being the masters of the house is evident and reaffirmed in every gesture and in every

¹⁷ This is an adaptation of the famous expression from the novel *The Leopard* by Giuseppe Tomasi di Lampedusa, which literally reads: "If we want things to stay as they are, everything must change."

daily dynamic. For example, during the observation period, it was learned that it is not possible to organize activities during lunch breaks; that activities cannot be organized after 4:00 PM; and that when requested by an officer to leave the detainee section, it must be done. These are rules not provided for by the code or any professional job description, but nonetheless demand respect, under penalty of crisis in relations with the police personnel.

This ancillary role within the dynamics of the prison makes the educator a functionary who operates in the shadow of the rules of the prison system, with spaces that must be conquered every day and with enormous difficulties. It is therefore understandable, although not justifiable, that in institutions like the one where the research was conducted, educators ultimately confine themselves to an office, in front of a computer, increasingly distancing themselves from the role attributed to by the legislator in 1975.

References

- Baratta, A., 2019. *Criminologia critica e critica del diritto penale. Introduzione alla Sociologia giuridico penale*. Milan: Meltemi.
- Bennet, J., Crewe, B., and Wahidin, A., eds., 2007. *Understanding Prison Staff*. London: Willan.
- Buccoliero, C., and Uccello, S., 2022. *Senza sbarre. Storia di un carcere aperto*. Turin: Einaudi.
- Cellini, G., 2013. *Controllo sociale, servizio sociale e professioni di aiuto. Una ricerca nel sistema penitenziario*. Milan: Ledizioni.
- Clemmer, D., 1958. *Prison Community*. Chicago: Rinehart & Company.
- Crewe, B., 2009. *The Prisoner Society: Power, Adaptation and Social Life in an English Prison* [online]. Oxford University Press. Available at: <https://doi.org/10.1093/acprof:oso/9780199577965.001.0001>
- De Leonardis, O., 2001. *Le istituzioni. Come e perché parlarne*. Rome: Carocci.
- De Vito, C., 2009. *Camosci e girachiavi. Storia del carcere in Italia*. Bari/Rome: Laterza.
- Feeley, M., and Simon, J., 1994. Actuarial justice: The emerging new criminal law. In: D. Nelken, ed., *The futures of criminology*. London: Sage, 173-201.
- Ferrajoli, L., 2016. *Il paradigma garantista. Filosofia e critica del diritto penale*. Naples: Editoriale Scientifica.
- Foucault, M., 1975. *Surveiller et punir. Naissance de la prison*. Paris: Gallimard.
- Garland, D., 2002. *The Culture of Control: Crime and Social Order in Contemporary Society* [online]. Oxford University Press. Available at: <https://doi.org/10.1093/acprof:oso/9780199258024.001.0001>
- Goffman, E., 1961. *Asylums: Essays on the Social Situation of Mental Patients and Other Inmates*. New York: Anchor Books.
- Jones, R., et al., 2009. The First Dime: A Decade of Convict Criminology. *The Prison Journal* [online], 89(2), 151-157. Available at: <https://doi.org/10.1177/0032885509334744>

- Liebling, A., Price, D., and Shefer, G., 2010. *The Prison Officer* [online]. London: Willan. Available at: <https://doi.org/10.4324/9780203832998>
- Lippi, A., and Morisi, M., 2005. *Scienza dell'amministrazione*. Bologna: Il Mulino.
- Manconi, L., and Torrente, G., 2015. *La pena e i diritti. Il carcere nella crisi italiana*. Rome: Carocci.
- Martinson, R., 1974. What works? Questions and answers about prison reform. *The Public Interest* [online], 35, 22–53. Available at: https://www.nationalaffairs.com/public_interest/detail/what-works-questions-and-answers-about-prison-reform
- Melossi, D., 2015. *Crime, Punishment and Migration* [online]. London: Sage. Available at: <https://doi.org/10.4135/9781473920965>
- Nelken, D., 2005. When a society is non-punitive? The Italian case. In: J. Pratt *et al.*, eds., *The new punitiveness. Trends, theories, perspective*. London: Willan, 218-235.
- Pratt, J., 2007. *Penal Populism* [online]. London: Routledge. Available at: <https://doi.org/10.4324/9780203963678>
- Ross, J.I., and Richard, S.C., 2003. *Convict Criminology*. Belmont: Wadsworth.
- Sarzotti, C., 1999. Codice paterno e codice materno nella cultura giuridica degli operatori penitenziari. In: A.R. Favretto and C. Sarzotti, eds., *Le carceri dell'AIDS. Indagine su tre realtà italiane*. Turin: L'Harmattan Italia, 9-84.
- Sarzotti, C., 2010. Il campo giuridico del penitenziario: appunti per una ricostruzione. In: F. Belvisi *et al.*, eds., *Diritto come questione sociale*. Turin: Giappichelli, 181-238.
- Sudnow, D., 1965. Normal Crimes: Sociological Features of the Penal Code in a Public Defender Office. *Social Problems* [online], 12(3), 255-276. Available at: <https://psycnet.apa.org/doi/10.1525/sp.1965.12.3.03a00010>
- Sutherland, E.H., and Cressey, D.R., 1978. *Criminology*. Philadelphia: Lippincott.
- Sykes, G.M., 1958. *Society of Captives: A Study of a Maximum Security Prison* [online]. Princeton University Press. Available at: <https://psycnet.apa.org/record/2007-05794-000>
- Zimbardo, P., 2008. *The Lucifer Effect: How Good People Turn Evil*. London: Rider.