

# Adult inmates: probationary assignment to social services as an alternative measure to detention for re-education and re-socialization: A statistical survey in Italy

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**Abstract:** Probation to social services (or external criminal area) is one of the alternative measures to detention provided for by the Italian prison system. This institution allows the person receiving a final sentence to serve all or part of his sentence outside prison, as the case may be. The aim is to re-educate and resocialize the prisoner by promoting his re-integration and re-integration into civil society, taking him out of the prison environment. The statistical-quantitative method used made it possible to collect the data through the Italian Ministry of Justice and the External Criminal Enforcement Offices (EU). The data was processed using MathLab R2015B (July to December 2020). Overall final results for the years 2014 to 2019 showed in percentage terms (in many cases more than 80%) the validity of the instrument of probation to social services in terms of re-education and re-socialisation of prisoners and very low recidivism rates.

**Key words:** detention, prison, re-education, re-socialization, social workers, crimes, punishment.

## I. Introduction

According to Pavarini (1996), the sociological notion of punishment includes the afflictive, programmatic, repressive, expressive and strategic aspects of punitive reaction. *Affliction*, in particular, means a general limitation of rights and satisfaction of needs to the offender. *Repression* is aimed at creating a significant connection between the censored anti-judicial act and the lawbreaker that performed it; on the other hand, the *expressive function* takes on a role of a representative dimension of the social reaction that is delegated to the functions of the decision-makers. The branch of Sociology, which studies the evolution of criminal responses to crime, shares this object of interest with philosophical and legal disciplines, but differs from it in some important aspects. The primary distinction between the legal/philosophical and sociological approach concerns the various questions that these disciplines raise: in the first case (juridical profile), the object indicates the "must be done" of punishment and the related justifications, in the other (philosophical profile) punitive systems are investigated as phenomena, so as to understand the real historically performed functions. The philosophical analysis of punishment, therefore, is the expression of prescriptions or justifications connected to certain principles based on a system of values (Troncone, 2007); the sociological approach, on the contrary, uses statements and descriptions that refer to specific social facts which hold the characteristic of verifiability. Debate regarding the functions of penalty, in the philosophical sphere, has mainly concerned the objectives to be achieved in order to legitimize criminal law, while in the sociological sphere the complex of social reactions to deviance has been historically deeply investigated (Ferrajoli, 1989). According to Baratta (1982), the legal-criminal sociology finds its highest expression in the behaviors that describe the general reaction of society to deviant behavior and in the effects of this reaction. Sociology of punishment also shares its object of study with the legal and penitentiary branches: although these analyze the functioning of penal institutions from the inside, sociology, placing itself on an external level, tries to identify its role with reference to social transformations. Penalty, in the legal/judicial field, as is well known, is the direct consequence of the violation of a criminal precept provided by the State, and through it, the State protects the fundamental values of a social consortium. It must be noted that criminal law, over time, has undergone a slow process of secularization, which has led to the passage from one system of sanctions, based on the violation of moral precepts, to another, an expression of power tripartition, in which the criminal sanction (provided for by the legal system) is imposed by judicial bodies through a sentence and then executed by public bodies (Baratta, 1982). According to Cusson (1990), the development of the "*re-educational*" model is an expression of the spread of a positive method in the criminal and criminological sciences that spans the nineteenth century and the beginning of the twentieth. In this first important phase, the adherents of the methods of the Positive School of Criminal Law significantly changed the way of conceiving criminal sanctions, giving rise to a heated debate on the consolidated "*retributive*" paradigm of the nineteenth-century sentence. With regard to the controversial points of the question, the positivists, recalling an etiological conception of a bio-socio-

economic nature of crime, consider inappropriate and anachronistic the legal categories of free will, of imputability and of guilt that the classical nineteenth century criminal law established as "categories belonging to all individuals" (Ferri, 1981). Leaving apart the doctrine of "*free will*", a season of studies was, therefore, opened by criminologists of the Positive School who used a new scientific method for the study of human behavior, of the person, of criminal causes, of the author's personality, also taking into account new discoveries in the psychiatric field (Lombroso, 2011). In modern times, the debate within Penological Science, has concerned the individuation crime types which, on the basis of ideological considerations that influence criminal policy choices, represent the basic values of a state consortium and a complex society. These values are transformed into legal assets through legal proceedings and are protected by the same through the identification of criminal offences (Moccia, 1992). Criminal institutions, within a legal system, pursue a multiplicity of aims, which can coexist and intertwine in a specific historical period, while in a different one, they can determine the prevalence of one of these. According to Garland, (1998), the efforts made and all the studies to contain crime rates, must push sociology to change the study perspective, still too anchored to the mere analysis of crime and the variation of its rates, considering that different actions taken in the criminal field are not exclusively a reflection or a response to a certain criminal framework, but the result of political, economic and cultural agreements and mediations. From this point of view, the penalty is the society historical-cultural product that still suffers from the influence of what are the particular traditions of a given political-legal system. Foucault (1993), in his work "*Supervising and Punishing*", deals in a significant way with the theme of transformations of punitive methods in modern society, in order to detect the role assumed by disciplines in the field of social control. The replacement of "torture" with "penitentiary" also marks a cultural and social transformation in the field of criminological and prison sciences, shifting interest from the analysis of crimes to the study of the culprit. This new direction requires both an expansion of the currently used scientific skills and a new path of evaluation of the culprit's social environment and personality, that can be achieved through new professional figures, such as social workers and psychiatrists, in the field of criminological sciences. According to Foucault (1993), the application of custodial sentences is closely linked to the development of restraining disciplinary techniques, which have the strategic objective of transforming the essence of individuals by normalizing them. The normalization of individuals is linked, however, to the development of a new sanctioning system more devoted to correction than to the simple repression of individuals; normalization also presupposes the help of human sciences in terms of knowledge and the use of instruments necessary to measure and evaluate non-conformity with the established standards. In line with Sarzotti (1991), the "normalized" society, nowadays built on the totality of multidisciplinary knowledge, no longer conceives the norm as a unique result of legal knowledge, but as a product of the human sciences. Bentham's Panopticon (2002) becomes the symbol representing the surveillance and control functions of the most important social institutions of modern era. Panopticism, therefore, became the State's instrument to modify behavior, to train or recover individuals. The French scholar believes that "*the Panopticon works as a sort of laboratory of power. Thanks to its observation mechanisms, it gains in effectiveness and ability to penetrate the behavior of men; on all the advances of power is established an increase in knowledge, and it discovers the objects of knowledge on all the surfaces where it is exercised*". According to Lentini, (2003) the Panopticon is an architectural-organizational project, with a precise hierarchical structure and functioning mechanisms.

## *II. Criminology correctionalism and the birth of penal welfare*

Criminal modernism finds its highest expression through the introduction of new forms of criminal welfare, which aim at the rehabilitation of the offender (Ryan, 1983). Over the course of time, there is a growing opinion that the extension of various alternative measures to detention responds to the need to activate new forms of prison treatment, aimed at the social reintegration of criminal individuals (Sellin, 1958). Since the 1930s, in the US criminological literature, *non-optimistic* observations on the results of Clemmer's (2004) studies on the effects of imprisonment on the personality of adult inmates began to spread. Clemmer (2004) argued that the treatment programs, despite the efforts made, achieve poor results in the rehabilitation of inmates, as detention produces a gradual identification with the prison cultural models, values and behavioral practices (delinquent subculture within the prison walls). According to Clemmer (2004), therefore, prison sentences represent only a path of internal socialization for prisoners in order to acquire behavioral knowledge, necessary for their survival in prison environments, but completely ineffective for their social reintegration, once they have completed their sentence. These observations also recall the reflections on the US prison system of Tocqueville and De Beaumont (Gallino, 2020), which highlight the transition from the "*tortures*" of pre-modern societies to the "*prison*", as well as the use of alternative measures to detention. According to this perspective, defined as humanitarian, the rehabilitation or re-socialization of the prisoner must occur in the same place where he or she will conduct his or her life and relationships, i.e. the community. In the social community, the treatment implies a continuous relationship between criminal elements and society, and this can help to reduce and overcome those prejudices that prevent the rapprochement between prisoners and society. Since the second postwar, therefore, the treatment has had to conform to the characteristics/features of individualization, through the use of corrective measures for individual cases or problems. The penal system, therefore, acquires the character of "*flexibility*" in the executive phase of the sentence, in the sense that the real penalty is no longer the one established by the sentence on the merits, but the one that is concretely configured in relation to the attribution of the various benefits. This has led to the custody to prison institutions of individuals who, due to the gravity of their crimes or their recidivism, were further condemned not to be reintegrated into the social context, since they are considered incorrigible (Garland, 1998). Sociological theories have provided valid contributions on the matter, although often in a different interpretative framework, but in general they have shared the project of intervention on the causes of deviant behavior, proposing models aimed at the transformation of individuals, or at the modification of social contexts within which deviant individuals place themselves. In

short, the sociological theories of crime aim to implement policies for the prevention or treatment of the problematic situations from which deviant behavior arises (William, McShane, 2002). During the twentieth century, together with the spread of criminal welfare institutes, numerous scientific doctrines, with the analytical and scientific study of criminal behavior, were born and consolidated. In the theoretical vision of criminology "correctionalism", criminal behavior is the result of an individual maladjustment and a lack of or incorrect socialization. In a first phase the discipline development, such conducts, also after numerous biological or social theorizations, have represented the chief object of study of criminology, together with the forms of treatment adopted for the correction of criminals. According to the theories of criminology correctionalism, criminals are individuals who need to be pitied, treated and, possibly, rehabilitated (Garland, 1998). The rehabilitation of such individuals becomes, albeit gradually, a central and predominant objective of the penal system: crime, therefore, besides being the object of multidisciplinary scientific interests, becomes an indicator of a social problem. The juxtaposition between the criminal phenomenon and the etiology of criminal behavior has led to a new challenge for criminology, for which the primary objective is now the elimination of crime. As Garland (1998) stated, there are three strategies for this purpose: *reform, extinction and prevention*. First, the offender can be "reformed or transformed", in order to enable his or her readjustment or re-socialization, working on his/her conscience and character. If this is not possible, the permanent segregation or isolation (*extinction*) of these individuals from their social environment would be the most suitable solution to extinguish criminality. Finally, in the long term, criminality can be "*prevented*" by correctly identifying both the social factors that generate it and the consequent political actions aimed at removing them. In a second phase of development of the criminological thinking, defined as "consensual", experts study deviant behavior as an expression of maladjustment to cultural values and norms that are founding elements of society (Parsons, 1995). In this context, deviant behavior is an expression of the presence of the individual's pathologies and a lack of internalization of social norms. According to these theories, deviance, therefore, is the result of a deficient individual situation or a lack of integration of the individuals in their social system. In this context, therefore, social control represents only a reactive response to deviance, using legal-penal instruments. From a scientific point of view, the distinction between normal and pathological individuals is not clear: it is not possible to draw an absolute boundary between these categories of people. However, the relationship between pathological and normal aspects gives the political system the basis and justification to increase the areas of its intervention (Ponti, 1999). According to the consensual paradigm, the problem of criminality must be tackled through the use of therapeutic strategies, through the increase of pedagogical and educational agencies and related re-education practices. Moreover, it seems necessary, for criminology of "*consensual*" derivation, to address the topic of social justice to fight crime, considering the problems of social discomfort. Welfare achievement guarantees social security to large sections of the population, contributing to spreading respect for fundamental values in society and also providing the possibility for deviants to scrupulously observe social norms and re-enter the community (Santoro, 2004). For Merton (1970) Society puts pressure or influence on certain categories of individuals that led them to deviate, as it activates such mechanisms, according to which, culturally shared goals and socially accepted means to achieve them, are in contrast. In a social system, in general, the majority of members internalize the proposed cultural goals and strive to achieve them. Merton (1970) observes that in postwar American society, individuals in the lower strata of society are constantly living in a contradictory condition: if on the one hand the system pushes them to direct their conduct towards the pursuit of prestigious goals, on the other hand, the real possibilities to act towards this goal are non-existent. The consequence of this inconsistency is the frequency of deviant behavior.

### *III. The aims of the sanction system in Italy: punishment, re-education, re-socialization*

The 1970s represent for the Italian Criminal Code, both the period of evolution relating to the application of the penal sentence, and the phase of the identification of the rules aimed at protecting culprits and the construction of a corpus of rules relating to the provision of services due to them (Breda, Coppola, Sabatini, 1999). The Italian penal system is generally characterized by its multi-functionality nature, since the traditional function of "*punishment*", as remuneration for the committed crime, is followed by that of "*re-education*" to offer the culprit, from a post-prison point of view, the possibility of reintegration into society, also through professional help and in presence of precise circumstances (Telesca, 2019). "*Re-education*" also aims at "*re-socializing*" the culprit, which means "*re-entry and reintegration into society*" after the sentence has been served (Ciappi, Coluccia, 2003). In this regard, Article 13 of Law 354/1975 states that "*prison treatment must respond to the particular needs of each individual's personality*", indicating, therefore, that in order to identify and implement individualized re-educational treatment, a preventive examination must be carried out. Such preventive examination concerns the specific condition of the individual from the psycho-physical and motivational (rather than social) point of view, which altogether involves the criminogenesis of the offence (De Ambrogio, Bertotti, Merlini, 2007). Scientific observation of personality is performed within the Prison Institutes against convicted and/or interned subjects and is assigned to the treatment team, which includes, as members, professionals in the field of psychology, adult education, social service, as well as various staff, under the responsibility of the director of the structure. On the basis of the results of this observation, indications inherent the re-education treatment are formulated through the drafting of a specific program, taking into account both the emerging needs during the sentence execution phase and respect for the culprit's will (Ferrari, Muschitiello, 2004). The essential elements that make up the treatment (according to Art. 15 of the Prison Regulations) are work, education, cultural, sporting and recreational activities, and contact with the outside world and relations with the family. Specifically, the re-educational treatment of prisoners is characterized by three phases: the first concerns, as already mentioned, "*observation*" to identify the causes of social maladjustment. The second, "*analysis of the results*", in which the elements for the formulation and drafting of the treatment program are determined on the basis of the results of scientific observation of the personality. The third, finally, involves the "*approval*" by the Supervising Magistrate of such program, who

also has the power to modify it in the event of critical issues arising during its execution (Filippi, Spangher, Cortesi, 2019). Since 1975 a number of laws have been introduced to amend the initial regulatory framework in order to improve the culprit's educational process and promote the flexibility of the sentence: 1) Law no. 663 of 1986 (Gozzini Law), in which, through the term "*benefits*" (home detention, probationary assignment to social services, probation in special cases, outside job, bonus leave, semi-freedom and early release), provisions aimed at the social reintegration of the culprit are indicated, through the adoption of "*alternative measures to imprisonment*" for the reduction of the prison sentence. These measures, which cannot be granted automatically, presuppose the "*good behavior of the culprit*", which is deduced, in particular, from the evaluation of the person and the willingness to participate in the re-education process, which also includes the possibility for prisoners to follow intramural professional training courses, attend educational and work courses to support their families (Leonardi, 2007). 2) Law no. 165 of 1998 (Simeoni-Saraceni Law) which modifies art. 656 of the Code of Criminal Procedure and Law no. 354/75 on the granting of alternative measures to imprisonment, with particular reference to the process of access by culprits, specifying that the Public Prosecutor, at the time of conviction, issues the order for imprisonment, suspending its execution if the sentence does not exceed three years, which can only be granted once and not for all types of offence, thus giving the culprit the possibility to present - within and no later than thirty days - a petition for the granting of an alternative measure to imprisonment (Bernasconi, 1999); 3) President of the Republic Decree n. 230/2000 on the subject of regulations on the penitentiary system and on custodial and freedom-restrictive measures, as an integration with the European penitentiary regulations that aim at paying greater attention to the prisoner and to the psycho-affective and human components that characterize his personological structure. In addition to this, there are provisions on: health care, rights to profess one's beliefs, entry into institutions, treatment methods, contacts with the outside world with the help of adult social service centers (Della Casa, Giostra, 2020).

#### *IV. Probationary assignment to social services as an alternative measure to detention*

Paragraph 3 of Article 47 of Law 354/75 (Prison Order) concerns "*the measure of Probationary assignment to social services*", which may also be applied to individuals who are in a state of freedom and who have behaved in a deserving manner for the purposes of granting such an alternative measure to imprisonment (Rispoli, 2006). In general, alternative measures to imprisonment make it possible to serve one's sentence outside the Correctional Institution, after a sentence that has become irrevocable. The general aim is to create contact between the external environment and the prison, strengthening both the re-socializing and preventive function of the penal system, as well as to avoid contact between prisoners who have committed crimes of little importance with others who are habitual or professional criminals. The specific aim, however, is to increase the responsibility of the culprit serving his sentence in a free environment (and not in prison), also allowing him/her to build constructive relations with society (D'Onofrio, Sartori, 2004). In 2014, Law no. 10 was passed, aimed at reducing overcrowding in Italian prisons and making greater use of the legal instrument of alternative measures to imprisonment (Caprioli, Scomparin, 2015). Probationary assignment to social services is the most significant form of the re-educational function of the sentence provided for by Article 27 paragraph 3 of the Italian Constitution. It is a form of penitentiary probation for shorter sentences, even if it does not reduce the afflictive nature of the sentence and involves the sentenced person observing certain rules relating to his or her state of freedom, such as, the obligation to maintain contact with the local social service, which carries out control and support tasks (Diddi, 2019). The law regulates, in this sense, the conditions for "*probationary assignment to social services*" outside prison, for a probationary period equal to that of the sentence to be served: a) The prison sentence to be served or the remainder of the sentence must be no more than four years; b) Personality observation must be completed in a collective manner for at least one month by the observation and treatment team, in order to assess whether the alternative measure to imprisonment actively contributes to the re-education of the offender and excludes potential dangers of him/her committing further offences; c) The culprit must have behaved appropriately in prison and have reached the same judgment of suitability, even without intramural observation. Those who are in a condition of deprivation of liberty (prison inmates) and those who are in a condition of freedom (Gonnella, 2019) may apply for a license. The elements that concern the observation in order to develop a support program for the individual and to make the probationary assignment to the social services positive are: a) The seriousness of the crime; b) The social dangerousness; c) The criminal record; d) The possible judicial pending; d) The critical personal evaluation (the offender's evaluation) of his/her crime. These elements play an important role in the decision to grant this alternative measure by the Supervisory Court. As a rule, probationary assignment to social services may have a positive or negative outcome. In the latter case, pursuant to Article 47 of the Prison Order, custody is revoked if the person's conduct is incompatible with the continuation of the trial (Donato, 2020).

#### *V. The role of the Social Worker for adults in the intra- and extra-mural context*

Law no. 354 of 1975 (Prison Ordinance) introduced the professional figure of Social Worker, both within Penitentiaries through the establishment of Social Service Centers, and at the External Execution Offices (U.E.P.E.). The social worker in "*intra-mural environment*" carries out the following tasks: participates in the observation and treatment team; participates in the identification of individualized treatment; carries out periodic interviews with prisoners in order to facilitate treatment; acts as a mediator between the inside and the outside; assists the prisoners' families and takes care of family relations with the prisoner; interacts with the territorial Services to promote the integration of the convicted person into society. At the U.E.P.E, instead the social worker:

- carries out the tasks assigned by the Supervising Magistrate concerning the social-family survey in order to provide elements for the application, modification, extension and revocation of the alternative measure to detention.
- carries out the social surveys in order to provide data to the Supervising Magistrate concerning the application, modification, extension and revocation of the alternative measure to detention;
- prepares the individualized program of social inclusion for the culprits benefiting from the alternative measure to detention and sends it to the Judicial Authority;
- undertakes support actions in favor of the subjects admitted to the alternative measure to detention; - controls the execution of treatment programs for those admitted to the alternative measure to detention and proposes possible revocations or changes;
- supports and guides those individuals submitted to security measures in the process of social reintegration;
- supports the families of those who benefit from the alternative measure to detention in order to improve family relations and favor the results of the program and optimize social reintegration;
- collaborates with public and private services in order to reduce illegal behavior of the individual "during custody". Laws establish that the beneficiary must always - and in any case - maintain frequent contacts with the Social Service during the execution of the alternative measure to imprisonment (probationary assignment to social services) and the tasks assigned to the Social Worker consist of the following:
  - Supporting the culprit to overcome the difficulties connected with social life, in order to achieve optimal reintegration;
  - Carrying out checks on the behavior in relation to the prescriptions of the Judicial Authority;
  - Carrying out monitoring and supporting actions on the relations between the offender, his/her family and the living environment;
  - Sending a quarterly report to the Supervising Magistrate on the progress of probationary assignment to social services, prepare and send a general evaluation report on the period of probation.

## VI. Method

According to jurists, sociologists and criminologists, probationary assignment to social services consists in the alternative measure to detention par excellence, as it takes place entirely in the territory, trying to avoid as much as possible the damage resulting from contact with the prison environment and the condition of liberty deprivation. The application of custody on the one hand sanctions the interruption of any relationship between the culprit and the prison institution and on the other hand, it implies the establishment of a collaborative relationship with the external criminal enforcement office (U.E.P.E.). This alternative measure is regulated by Art. 47 of the Prison System, as modified by Art. 2 of Law no. 165 of 27 May 1998, and consists of entrusting the offender to the social service outside the prison for a period equal to that of the sentence to be served. Probationary assignment is also provided for: a) by Article 94 of Law no. 309/1990 for drug and alcohol addicts; b) by Article 47-quater for people suffering from AIDS or serious immune deficiency. There is also a further probationary foster care figure on probation for the military convict. The expulsion of the foreigner is also considered an alternative measure to detention, as provided for by Art. 16 of Legislative Decree 286/1998 - Consolidated Act on Immigration. The statistical survey concerned the collection and elaboration of data on the access to the alternative measure to detention "probationary assignment to social services" in the years 2014 to 2019 U.E.P.E, concerning: a) adults in the external penal area (period 2014-2019) (Fig 1); b) Italian adults in the external penal area, distinguished by gender, for the year 2019 (Fig. 2); c) adults in the external penal area of foreign nationality, men and women, detained in Italy for the year 2019 (Fig. 3); d) adults in the external penal area according to the type of measure and age for the year 2019 (Fig. 4); e) adults in the external penal area according to the status of the subject for the year 2019 (Fig. 5). The research was carried out from January 2019 to June 2020, while data processing took place in the second half of 2020 (July to December). The official data were provided by the Italian Ministry of Justice and the External Execution Offices throughout Italy. The data obtained were processed with Matlab R2015b.

Figure 1. Adults in the U.E.P.E. external penal area in "probationary assignment to social services" from 2014 to 2019 (Adult prisoners (italian and foreigners, Total = n. 54.000)

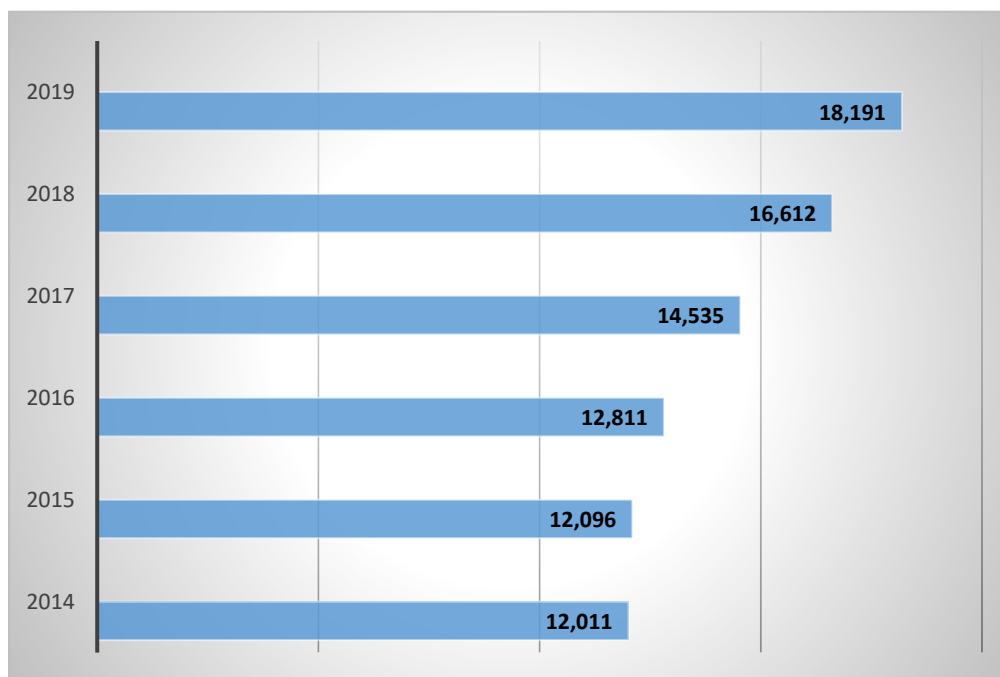


Figure 2. Adults in the external penal area (Italian) U.E.P.E. divided according to gender, in "probationary assignment to social services". Year 2019

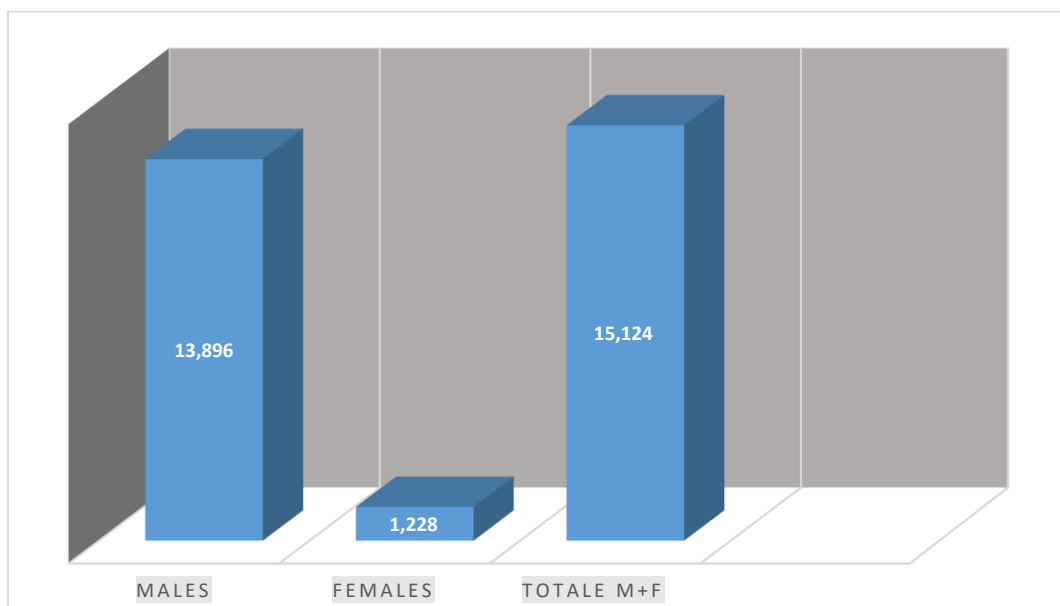


Figure 3. Adults in the external penal area (foreigners) U.E.P.E. divided according to gender, in "probationary assignment to social services". Year 2019

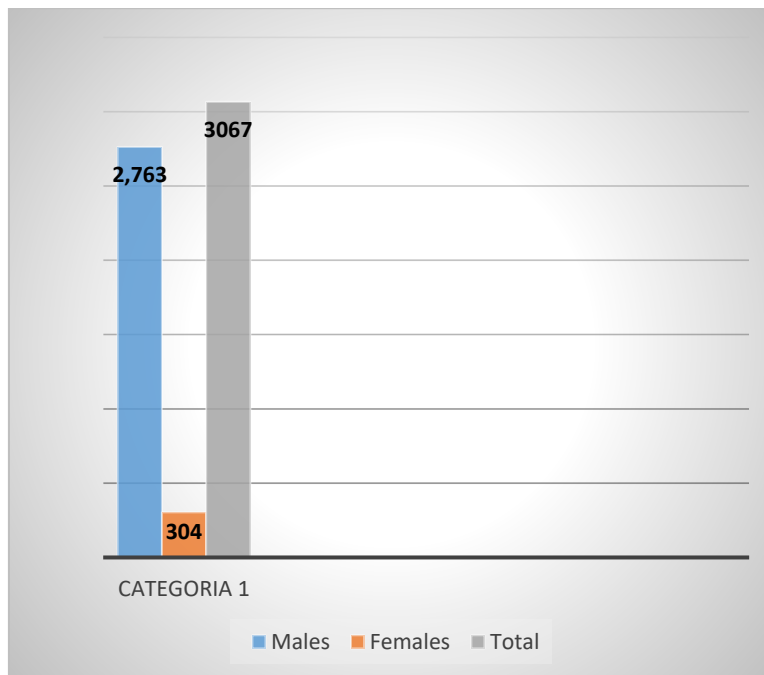


Figure 4. Adults (male and female, italian and foreigners) in external penal area according to age, U.E.P.E. in "probationary assignment to social services".  
Year 2019

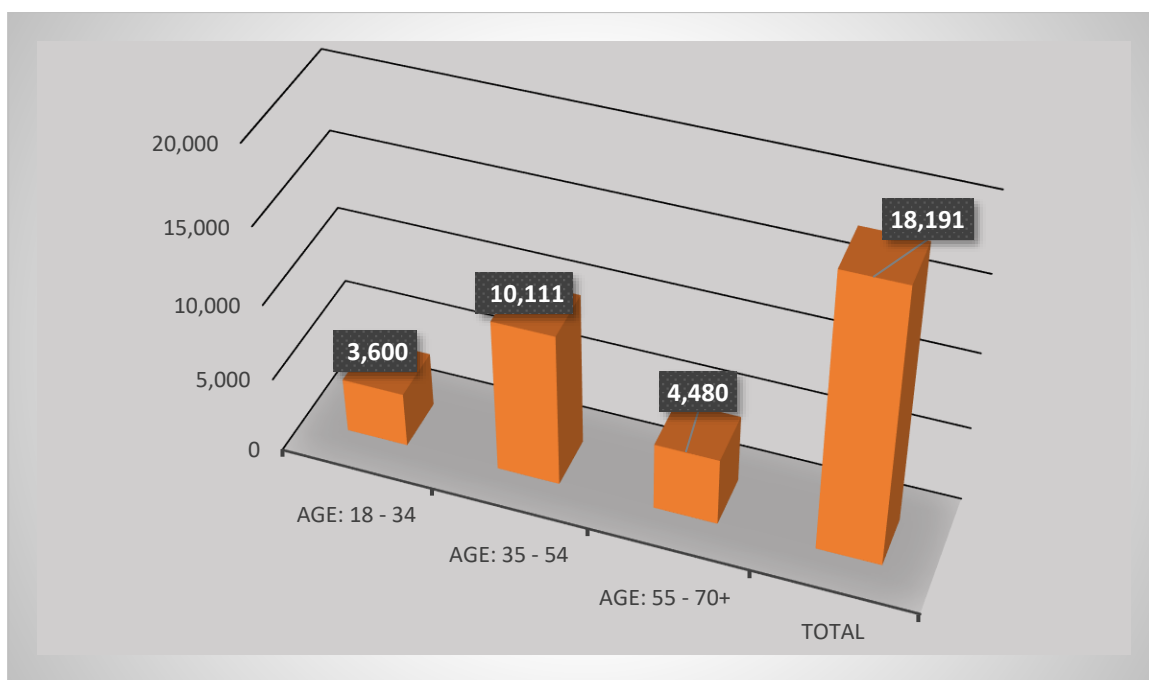


Figure 5. Adults in external penal area for the year 2019, U.E.P.E. according to the subject's status, in "probationary assignment to social services"

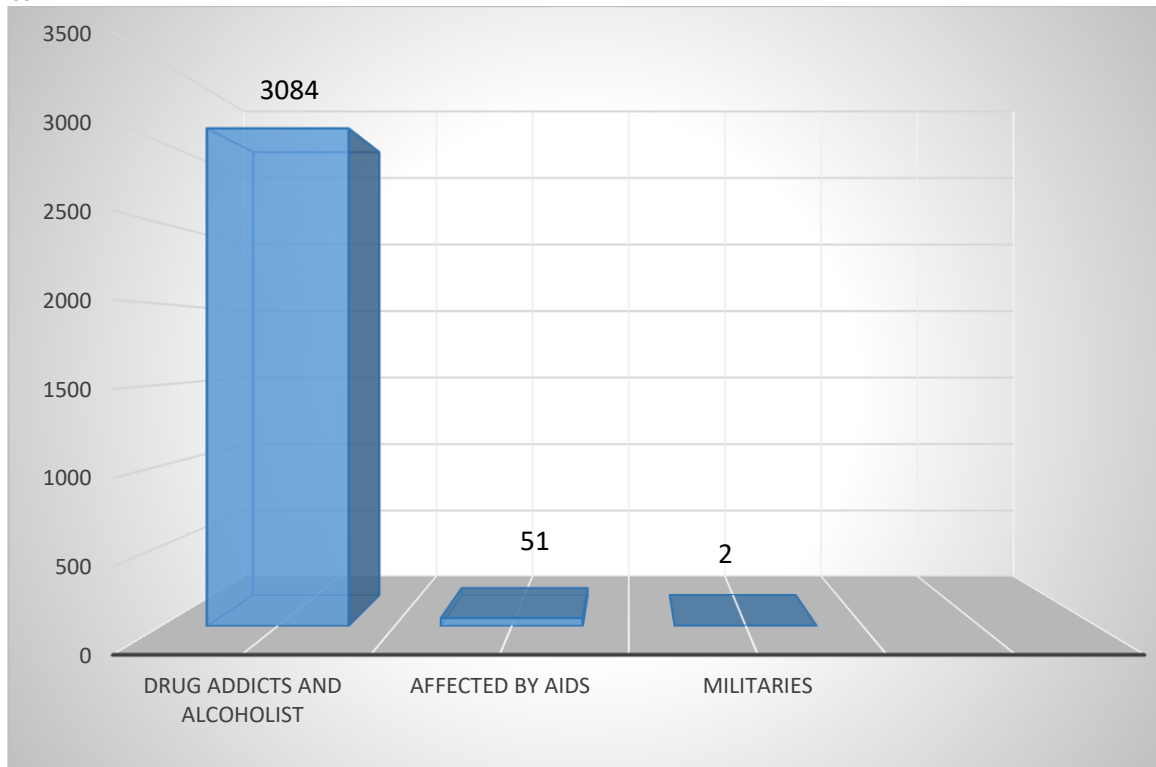
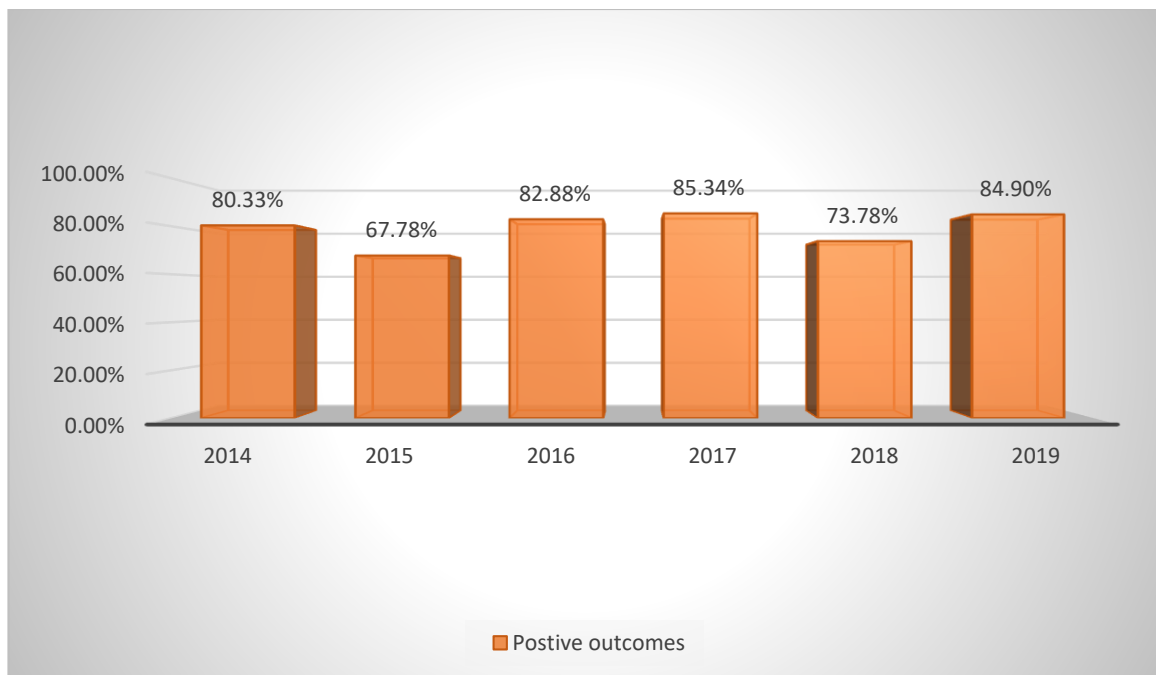


Fig. 4 Positive outcome of "probationary assignment to social services" of from 2014-2019 Adults in external penal area



VII. Results

The statistical survey of data on "probation to social services" (or external criminal measure) as an alternative measure to detention (U.E.P.E.), provided the following data on the number of people admitted to this benefit: (fig. 1) 2014 (12.011); 2015 (12.096); 2016 (12.811); 2017 (14.535); 2018 (16.612); 2019 (18.191). Italians (total 15.124) on probation to social services in the year 2019 (Fig. 2) were 13.896 (men) and 1.228 (women), while foreigners detained in Italy and admitted to probation (Fig.3) were 2763 (men) and 304 (women). The age of the prisoners (Fig. 4) admitted to the external penal area (males and females -



Italians and foreigners) was n. 3600 (age 18-34); n. 10.11 (age 35-54); n.4480 (age 55-70). The other categories of prisoners for the year 2019 (Fig. 5) admitted to probation to social services were n.3084 (drug and alcohol addicts); n. 51 (AIDS sufferers); n.2 (military). In conclusion, the results concerning the positivity of the re-education and re-socialisation process of the prisoners admitted on probation to social services recorded the following results (Fig. 6): year 2014 (80.33%); year 2015 (67.78%); year 2016 (82.88%); year 2017 (85.34%); year 2018 (73.78%); year 2019 (84.90%). This demonstrates the importance of the alternative measure to detention of probation to social services, which records high success rates of this instrument in terms of re-education and re-socialisation of prisoners.

### VIII. Conclusion and discussion

The present work investigated the transformations that are taking place in the criminal welfare area of Italy, meaning by this expression the wide range of alternative measures introduced in our system since about thirty years. The first part of the work was devoted to the review of the main sociological, criminological and legal theoretical formulations of punishment, which have affected the concept of penal welfare, while the second part investigated the treatment programmes for the re-education and re-socialisation of prisoners in order to avoid the reiteration of crimes (recidivism). Probation to the social services (or external penal area) was the most effective model to apply, as it not only achieves the transition of criminal intervention from a closed place (prison) to the external community (society) and the social reintegration of criminal subjects, but also allows the management of prison flows, avoiding overcrowding. In this framework, the roles of the U.E.P.E. (External Execution Offices) and Social Services assume a fundamental role in the management of prisoners, even though, in Italy, there is a lack of resources and personnel that could improve the quality of the work carried out. Social work looks at social relations as the primary source of the reflective and emotional forces needed to bring about the long-awaited change. The social worker is called to propose new approaches of guidance, support and training of people, in the sign of knowing how to do and how to be, intended as a guided acquisition of technical, cultural and moral tools for change towards new scenarios of life under the sign of legality. The probation to social services has given positive results ranging from 67.78% in 2015 to 85.34% in 2017 of cases and only the remaining part has fallen into recidivism (consisting in committing crimes again). The statistical research carried out does not pretend to be exhaustive, but represents only a small contribution, although it would be appropriate to continue to monitor over time, through further research, whether the instrument of the custody of prisoners to social services should be reviewed from the regulatory point of view and what positive effects it is still able to guarantee to the whole society.

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