

Juvenile Justice Department



The **Juvenile Justice Department (JJD)**

is the competent branch of the Italian

Ministry of Justice

for juvenile justice, both civil and criminal.

INSTITUTIONAL *MISSION* 1.

- ◆ It deals with all matters concerning the prevention and care of juvenile delinquency,
- ◆ It runs, through the local *Juvenile Justice Centres* (agencies with regional competences)
all services and facilities
of criminal juvenile justice,
such as:



JUVENILE DETENTION CENTERS (IPMs)

- ◆ The IPMs are services where custodial measures are actually enforced, such as the pre-trial custody and detention after judgment.
- ◆ IPMs ensure that the subjective rights of children are anyway protected; specifically the right to health, to a balanced psycho-physical growth, to the continuity of their education.

JUVENILE CLASSIFICATION HOMES (CPAs)

- They accommodate arrested children till the first hearing for a maximum of 96 hours.
- Service Staff writes a first report on the psychological and social situation of the child to provide the judicial authority with every useful element in case of application of a pre-trial measure.

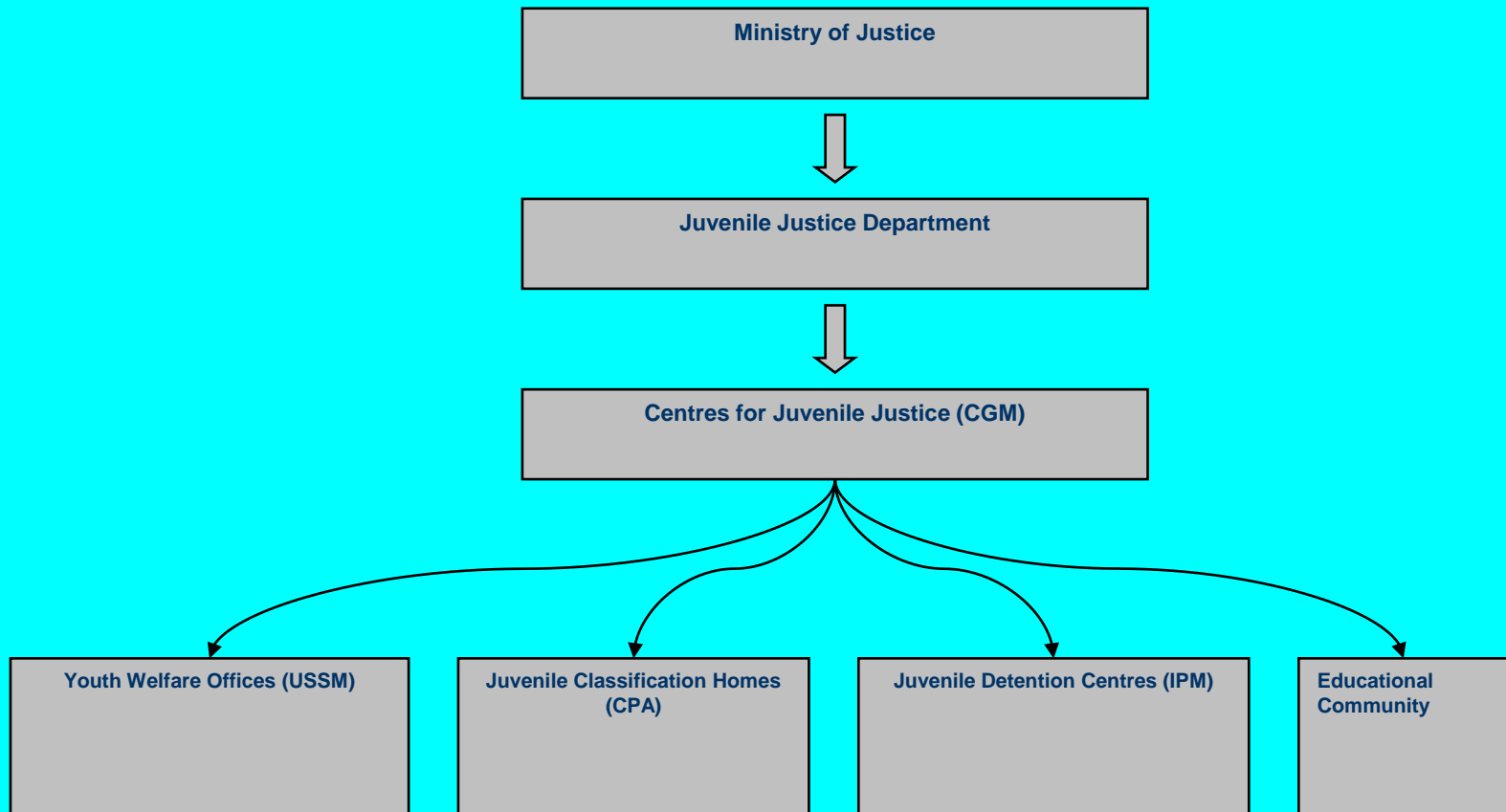
YOUTH WELFARE OFFICES (USSMs)

- ◆ They assist young offenders in the different stages of judicial proceedings and ensure the promotion and protection of their rights.
- ◆ They gather useful information to assess the child's personality upon the State's Attorney's request.
- ◆ They enforce alternative sanctions and supervise youths under probation during the stay of criminal proceedings.

EDUCATIONAL COMMUNITIES

- Educational communities support penal treatments outside detention centres.
- Communities provide, upon the child's consent, individualized educational programs, taking into account personal and family resources and the opportunities offered by the territory.

Juvenile Justice System Organization



INSTITUTIONAL *MISSION* 2.

- ◆ The activity of the JJD, through its *Juvenile Justice Services*, covers children both as offenders and as victims of abuse.
- ◆ It runs an institutional activity of intervention and care of juvenile offenders, through initiatives aiming at their rehabilitation and reintegration.



PENAL JUVENILE JUSTICE

- ◆ From the 1988 Italy, with the Presidential Decree 448/88, has a specific Juvenile Criminal Proceedings to:
- ◆ guarantee and respect all youth defendant's rights just as any ordinary trials, avoiding those negative effects caused by criminal prosecution.
- ◆ produce adequate response to each young offender's personality and educational needs tempering a community's repressive actions with pedagogical response.

CRIMINAL RESPONSIBILITY

- The Italian juvenile justice system is built around the principle of criminal responsibility
- The juvenile justice system dealing with the offences committed by youths who have not attained the age of 18 (or 21)



Children under 14 shall not be criminally responsible under the Italian penal system

Juvenile criminal measures

1.

- ◆ **Judicial pardon:** the Judge has the power not to sentence or prosecute a juvenile under 18 who committed some specific crimes.
- ◆ **A conditional suspended sentence:** it means that the State gives up its punitive power provided that the offender does not misbehave for a given period of time.

Juvenile criminal measures

2.

- ◆ **Proceedings with placement under supervision** (article 28 of the **Presidential Decree 448/1988**)
- ◆ **Release on parole** can be granted in case an inmate showed regular good behaviour during detention so as to guarantee reformation
- ◆ **Special rehabilitation** is a measure for juveniles: it can be granted to juveniles aged between 18 and 25, except those sentenced to preventive measures

Proceedings with placement under supervision 1.

- The institution of stay of proceedings with placement under supervision (as per Article 28 of the Presidential Decree 448/88) is similar to the Anglo-Saxon *probation* and is widely used by the Italian Juvenile Courts



Proceedings with placement under supervision 2.

- It is a probation period that stays criminal proceedings
- The offender is placed under supervision according to a programme laid out by Juvenile Justice Services, with the assistance of the local Social Services
 - It this ends up successfully it allows the extinguishment of the offence; if not, the criminal proceedings shall be resumed.

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PRE-TRIALS MEASURES

Preventive measures can also be applied as ruled by articles 36-41 of the Presidential Decree n° 448/88:

- ◆ **placement in a remand home** (such measure is usually enforced within community homes)
- ◆ **probation** (either with **specific prohibitions** or **placement under home confinement**).

Substitute Penalties

- ◆ **Day release:** offenders shall spend at least 10 hours a day in a detention centre according to his/her work or educational activities; additional prescriptions and prohibitions can be added to such measure.
- ◆ **Supervised release** follows the same rules as the placement under supervision.