

Justice

The statistics collected on the justice system over the years allow to reconstruct an overview of the long evolution of the relationship between the system and Italian citizens. The figures available are drawn, on one hand, from the so-called “case statistics” covering the whole range of records on the activities of the judicial bodies for each level of justice, with details on the number of cases processed by the justice system, and on the other hand, from surveys on the subject (statistics on litigation, property transfers and insolvency proceedings, criminality, etc.). In addition they analyse the phases of a trial, this second type of statistics also records the essential elements of the proceedings (subject and offences) and the people involved (appellants/defendants, offenders, etc.), making them a richer source for social analysis of the phenomenon.

Judicial statistics have remained fundamentally unchanged all the way from 1861 up to the last years of the 20th century, when numerous innovations were introduced in the process of collecting information. The data have always been transmitted by the competent judicial offices in each area, and the minimum unit of reference has remained the individual judicial case.

The contents have also shown substantial stability over time. In the post-war period ISTAT – in collaboration with the Ministry of Justice - modified the survey forms with the help of a Commission set up for judicial statistics, as specified in the decree transferring responsibility for the surveys to the Central Statistical Institute. The modifications were designed to adapt to new juridical institutions, and did not change the information contents of the surveys.

However, some changes have been made over the years to the institutions in charge of statistical surveys. The first surveys of criminal proceedings can be traced to the Grand Duchy of Tuscany and the Kingdom of Sardinia, where statistical records were already being kept, mainly for administrative purposes, on the activities of the justice system. When the process of national unification was completed, the various judicial statistics were all brought under the umbrella of the Ministry of Justice, which created a Central Statistics Office (Royal Decree dated 22nd December 1872), later suppressed in 1881. Royal Decree dated 20th April 1882¹ transferred the responsibility for judicial statistics passed to the Ministry of Agriculture, Industry and Trade, which ran the General Statistical Division, the ancestor of the modern-day ISTAT. In 1908 judicial statistics returned to the Ministry of Justice, where they remained until 1938, when they were transferred to what was then known as the Central Statistical Institute with Law no. 402 dated 24th March 1938.

Only from 1997, according to the principles of decentralisation of statistics introduced by Legislative Decree no. 322/1989 – which established the passage of administrative-management statistics to the competent ministries –the responsibility for surveys on the turnover of civil and criminal proceedings was once again transferred from ISTAT to the Ministry of Justice, in 1997 and 1999 respectively. The survey of the offences reported to the Police, on the other hand, passed to the Ministry of the Interiors, while the so-called criminality survey (offences reported resulting in public prosecution) remained attributed to ISTAT.

In more recent years, these statistics have all undergone profound changes in the data acquisition phase, which has benefitted from the progressive computerisation of the Ministry of Justice between the late 1990s and the beginning of this century and by the Ministry of the Interiors from 2004. These innovations have allowed for the data acquisition process to be improved and for the information potential of the surveys to be extended. The production of figures relating to individual civil proceedings closed with sentencing and bankruptcies, which has currently been interrupted, could be relaunched precisely thanks to the *data warehouse* relating to the administration of justice, which the Ministry carried out between 2014 and 2015 with the aim of monitoring activity in the sector.

To complete the range of sources, a last reference should be made to criminality. A careful and complete

¹ With Royal Decree dated 20th April 1882, the office of judicial statistics at the Ministry of Justice was annexed to the General Statistics Department at the Ministry of Agriculture, Industry and Commerce, while continuing to be governed by the Keeper of the Seals.

description of the phenomenon requires both administrative sources and population surveys. The former provide information on official criminality, i.e. the number of offences brought to the attention of the judicial authorities and the cases of criminal activity reported to Police or the judicial authority, which have been

prosecuted and sentenced. However, these should be added to submerged criminality, encompassing all the offences not reported. These may be analysed using victimisation surveys which, through interviews with citizens – potential victims – allow us to record offences which may not have been reported.²

ISTAT first started to perform victimisation surveys in the late 1990s; due to the limited number of observations (only four surveys have been conducted: in 1997-1998, 2002, 2008-2009 and 2015-2016), only data from administrative sources have been included.

Total civil and criminal proceedings

Surveys on the total civil and criminal proceedings provide information on the burden of work and the activities of the various offices. With the decentralisation of statistics introduced by Legislative Decree no. 322/1989, which has established the passage of administrative-managerial statistics to the competent ministries, the responsibility for the two surveys was transferred from ISTAT to the Ministry of Justice in 1997 and 1999 respectively.³

The number of opened, closed and current cases, in addition to sentences, hearings, provisions and orders issued⁴ are recorded on a quarterly basis divided by area of law, type of office and level of justice. These surveys therefore cover the phases of the judicial procedure from the time when the case is admitted to its closure, showing the relation between the demand for justice from the population (citizens, public and private institutions) and the response of the judicial system.

The activity of judicial offices is analysed by the type of office, level of justice and territorial area, using the number and rhythm of cases closed without, however, distinguishing between the different levels of complexity and, therefore, without taking account of the different amount of time necessary to close them. Today, judicial offices transmit data in electronic format to the General Statistics Department in the Ministry, using different survey forms for each type of judicial office. The surveys are performed by extracting the data in an aggregate form, mainly from the computerised management archives held by the office of the civil court.

In 2015 the Ministry of Justice implemented a new data warehouse on justice, with the aim of improving the statistics available on the activity of judicial offices and the information provided.

Warnings for time series comparisons

- The figures reflect judicial activity within the framework of the orders, codes and legislations in force in the reference years, and this must be taken into account when using the series presented here.

Civil proceedings presented and closed in first instance

- After the First World War the data has reflected the changes in territorial structure.
- The data for the provinces of Bolzano, Trento, Trieste, Gorizia, Fiume, Pola and Zara have been excluded for the years 1921-1929, as legislative unification in civil law was only implemented in these areas from 01st July 1929.
- Due to the war and the difficulties that this caused to the functioning of the various judicial offices, it was impossible to reconstruct some of the series from the 1942-1946 period.
- Between 1951-1960, the considerable rise of cases passing through the Appeal Courts is due to the disputes originating from the revision of the electoral lists in 1956;

² At the same time, however, victimisation surveys exclude some types of offence, such as offences without victims.

³ The process of decentralisation of statistics on civil proceedings was developed in several phases: initiated in 1997 with the total civil proceedings heard by the justice of the peace, it was gradually extended in the following years to the total civil proceedings in all judicial offices.

⁴ Supreme Court proceedings, shown in the statistics tables, only cover ordinary appeals (therefore excluding proceedings relating to lack of competence or conflicts of jurisdiction).

- Between 1974-1975, the considerable variations recorded in District Courts and Courts are due to the application of Law no. 533/1973, which modified jurisdiction and procedures in employment, welfare and obligatory insurance cases;
- From 01st May 1995, when Laws no. 353/1990 and 374/1991 came into force, conciliation judge's duties were passed to the Justice of the Peace, and conciliation offices only continued until the cases already opened had been concluded;
- When the reform of the first instance single judge came in (Legislative Decree no. 51 dated 19th February 1998), District Courts were suppressed from 02nd June 1999 and the Court became the only legal office in first instance. The figures on detached sections are included under the heading Court;
- Until 2011, Judicial examination proceedings have included only labour, social security and agricultural proceedings, whereas in 2011 all civil proceedings were included. Therefore it is highly recommended to pay attention in comparing different periods;
- In 2013 the Judicial Reform changed the geographical organisation of justice, reducing Tribunals and suppressing detached sections. Furthermore, the shift towards a data warehouse on civil justice changed the data collection strategy. Therefore it is highly recommended to pay attention in comparing different periods.

Criminal proceedings

- For the period between 1951 and 1967 and for 1984 and 1985 disaggregated figures are not available for the preliminary and sentencing phases in District Courts.
- The considerable variations in the figures regarding procedures in 1985 (especially in preliminary and first instance hearings) for District Courts, Public Prosecutors, preliminary offices and Courts are mainly due to modifications brought in by Laws no. 399 and 400 dated 30th and 31st July 1984, which transferred jurisdiction for the following offences from Courts to District Courts: fraud as specified by Article 491 of the Italian Criminal Code, except in the case of holographic wills; domestic violence or child abuse, in the absence of the aggravating circumstances set out in paragraph 2 of Article 572 of the Italian Criminal Code; aggravated affray as per paragraph 2 of article 588 in the Italian Criminal Code, except in the case where a person is killed or seriously injured during the affray; aggravated breaking and entering violation as per the last paragraph of article 614 of the Italian Criminal Code; aggravated theft as per article 625 in the Italian Criminal Code; handling stolen goods as per article 648 of the Italian Criminal Code.
- On 24th October 1989 the new Code of Criminal Procedure came into force (Presidential Decree no. 447 dated 22nd September 1988), the effects of which are visible from 1989-1990 onwards.
- District Courts were suppressed from 02nd June 1999, with the reform of the first instance single judge (Legislative Decree no. 51 dated 19th February 1998).
- From 01st January 2002 Legislative Decree no. 274 dated 28th August 2000 attributed criminal jurisdiction to the Justice of Peace or certain offences, as per article 14 of Law no. 468 dated 24th November 1999.
- With Legislative Decree 155 dated 7 September 2012, 31 of the 165 courts and public prosecutors operating on that date were suppressed. The activities of those offices were transferred to nearby offices with the exception of the offices in Avezzano, Lanciano, Vasto and Sulmona, whose operation was extended until 2018 because of the persistent difficulty of the joint offices of L'Aquila and Chieti after the earthquake in 2009.

Civil actions closed by judicial decision

Pre-trial proceedings

The survey of individual pre-trial hearings has been conducted by ISTAT from 1956 to 2001, with the aim of acquiring information on certain aspects of litigation. The survey initially also included cases which were closed without sentencing; since 1993, however, records have been limited to cases sentenced. The main information recorded covered: the average duration of the case, the type of court where it was heard, whether the claim was accepted or rejected and the judicial institution involved. The figures were collected through paper ISTAT M.220 forms, submitted to ISTAT by civil court offices.

Employment, obligatory social security and welfare disputes

Law no. 533/1973⁵ established the process which separated this subject area from ordinary jurisdiction in order to make it easier and less expensive for employees to present a claim. At the same time, ISTAT launched the corresponding statistical survey, drawing up a specific paper questionnaire on the causes of employment, welfare and obligatory insurance claims (ISTAT M.222 form) to be filled out and returned to ISTAT by civil court offices.

ISTAT has recorded the following variables for every case closed up until 2006: type and grade of court, dates of proceedings (from listing for trial to publication), type of claimant or defendant, type of legal procedure, judicial institution, claimant's gender and date of birth (if a physical person) and type of employment termination (with or without just cause). The survey initially also included cases that were closed without sentencing or order, but from 1993 onwards records were limited to cases closed without sentencing. The survey was suspended in 2007. Since 2007, data on employment litigation closed by sentence or order have been yearly provided to Istat by the Statistical Department of the Ministry of Justice.

Warnings for time series comparisons

- For 1978 and 1979 the survey of civil appeals closed with sentences was limited to the total number recorded by some juridical institutions.
- From 1986 the figures on civil cases closed with sentences regarding employment, obligatory social security and welfare disputes are drawn from the annual "*Procedimenti in materia di lavoro esauriti con sentenza o decreto*" (Employment litigation closed by sentence or order) (Istat M.222 form).
- Since 2007, data on employment litigation closed by sentence or order have been yearly provided to Istat by the Statistical Department of the Ministry of Justice.

Judicial decisions on the status of natural persons

- From 1975 the figures on emancipation rose considerably, due to the entry into force of Law no.151 dated 19th May 1975 which changed the age of legal majority to 18. From 1984 these figures were no longer recorded.
- From 1968 to 1983, special adoptions were recorded as adoptions of minors; from 1984 the figures take into consideration the provisions issued in accordance with Law no. 184 dated 04th May 1983 and subsequent modifications and integrations.
- Ordinary adoptions were no longer recorded from 1984.
- From 1984 the figure on current guardianship of minors covers all those assigned guardianship (both minors and incapacitated adults);
- Declarations of absence were no longer recorded from 1985.

Declared bankruptcies and closed bankruptcies

The surveys of declared bankruptcies and closed bankruptcies concern enterprises in serious insolvency. Bankruptcies also include companies put into liquidation and the division of assets, insufficiency or lack of assets and payments in full. Up until 2007 the surveys were conducted by ISTAT using court bankruptcy registries using paper questionnaires filled out for each single company. The survey of bankruptcies declared (ISTAT M.224 form), now interrupted, have considered the moment when the declaration of bankruptcy was made, the moment when the case was closed (ISTAT M.225 form) and that when the bankruptcy order was issued.

The two questionnaires were introduced in 1938; prior to that date, the figures were collected through summary reports of an essentially administrative nature. The forms collect information on: the duration of the case and how it was closed; the party requesting bankruptcy; the company's date of incorporation, core business and legal form; privileged and unsecured creditors; assets, liabilities and amounts liquidated; payment to the receiver and legal expenses, thereby allowing for important information to be

⁵ Law no. 533 dated 11th August 1973 "Disciplina delle controversie individuali di lavoro e delle controversie in materia di previdenza e di assistenza obbligatorie" (Discipline of individual employment, welfare and obligatory insurance disputes).

gathered and a valid analysis of companies in difficulty to be performed.

Warnings for time series comparisons

For the period between 1921-1929, the figures on the provinces of Bolzano, Trento, Trieste, Gorizia, Fiume, Pola and Zara have been excluded, as civil legislation was only unified with Italian law in these areas from 01st July 1929.

Bankruptcies

- In 2007 the number of bankruptcy declarations was significantly affected by the modifications introduced by Legislative Decree no. 5 dated 09th January 2006 (Reform of bankruptcy law as per article 1 of Law no. 80 dated 14th May 2005) and Legislative Decree no. 169 dated 12th September 2007 (Integrations and corrections to Royal Decree no. 267 dated 16th March 1942, in addition to Legislative Decree no. 5 dated 09th January 2006, regarding bankruptcy, settlements and compulsory liquidation, in accordance with article 1, paragraphs 5, 5-bis and 6 of Law no. 80 dated 14th May 2005). Prior to Royal Decree no. 267 dated 16th March 1942, the subject was disciplined by the commercial codes of 1865 and 1882.

Court-ordered auctions

- up until 1941 the figures refer to confiscation orders issued by district judges in compliance with article 1875 of the Italian Civil Code and articles 921 and 937 in the 1865 Code of Civil Procedure;
- from 1947 to 1975 the figures refer to the decisions of district judges and magistrates in compliance with article 672 of the Code of Civil Procedure in force from 21st April 1942.

Protests

Each year ISTAT record the number, amount and value of protests presented by authorised public officials (judicial officials, notaries, municipal secretaries) for failure to pay bills of exchange or cheques and protests for failure to accept orders of payment. Up until 1938 the figures were collected through an essentially administrative summary; in later years, up until 1999, the protests were collected in paper form using the ISTAT M.228 form, filled out by Court records offices and sent directly to ISTAT. Today information is submitted each month by Court records offices to Provincial Statistics Offices, in chambers of commerce and subsequently forwarded to ISTAT by Infocamere (Italian chambers of commerce computer technology consortium) in electronic format, thanks to an agreement set up between ISTAT, *Unioncamere* and *Infocamere*.

Warnings for time series comparisons

- Up until 1918, the data refer to protests presented by public officials from district capitals.
- From 1919 onwards the figures on protests have regarded protests presented by all authorised public officials.
- For the period between 1921-1929, the figures for the provinces of Bolzano, Trento, Trieste, Gorizia, Fiume, Pola and Zara are excluded, as these areas only adopted Italian civil legislation from 01st July 1929.
- Up until 1946 protests for failure to pay bank cheques were excluded, and these protests were only recorded from 1947.

Administrative justice

Administrative cases involve administrative claims, i.e. a claim presented to an administrative judicial authority by someone with a direct and current interest in obtaining the cancellation, revocation or reform of an administrative measure.

Following the formal constitution of the Regions in 1970, Regional Administrative Courts (TAR) were set up with effect from January 1974. In 1977 ISTAT began recording the total cases relating to administrative disputes regarding the activities of the TARs (ISTAT M.270 form), the Council of State (ISTAT M.271 and M271-bis forms) and the Sicilian Administrative Justice Council (ISTAT M.273 form). The data collected were in the form of summary figures on the total first instance claims and appeals, recorded by the various administrative and accounting jurisdictional offices. The statistical information was collected through questionnaires compiled by the Records Offices of the administrative justice bodies and sent to ISTAT. The figures on the total cases in the Court of Auditors were recorded by the court's own statistics office and transmitted to ISTAT.

Some of the phenomena observed include claims for incompetence, abuse of power or violation of the law against acts and measures issued by local and central public or State bodies and authorities. These records also consider the phases of the judicial administrative procedure from the first presentation of a complaint to the closure of the case, counting the number of cases opened, closed and suspended.

Since 2010 the survey has been digitalised at the Offices of the administrative justice. Therefore survey data come from the New Information System on Administrative Justice (NSIGA).

Notarial activities

The survey of notarial activities is conducted among all practising notaries, of which there are currently approximately 5,000. The survey covers all deeds stipulated by notaries and the agreements in them, the number of protests presented through notaries, certifications and reports.

Before 1938 the figures were collected using forms of an essentially administrative nature; later, up until 1997, the information required was drawn from existing repertoires at notarial archives and transmitted to ISTAT using specially designed individual forms (ISTAT M.216 form, later changed to ISTAT M.242 form). In 1995 an inter-institutional workgroup was formed between ISTAT, the Ministry of Justice, the National Council of Notaries and the Central Office of Notarial Archives, with the aim of reviewing the information contents of the survey and the recording system. As a result, Ministerial Decree dated 04th November 1996 (Official Gazette no. 263 dated 09th November 1996) established new data collection and transmission methods. The reorganisation and re-engineering of the survey, done by ISTAT, also led to the development of a computerised procedure for survey management that is still in use today. From 01st January 1997, therefore, notaries transmit the statistics on a quarterly basis in electronic format to the district Notarial Archives, which check the quality and completeness of the data before sending them to the Central Office of Notarial Archives; in turn, the Central Office of Notarial Archives performs additional checking and sends the information on to ISTAT.

The form used for the survey offers a complete view of notarial activities and a range of information important on a socio-economic level for the entire population. The agreements stipulated through notaries are grouped into categories in order to highlight the most important phenomena. Some of the most important groups are sales and purchase agreements, mortgages, loans, corporate deeds in general, donations and inheritances.

Warnings for time series comparisons

- For the period between 1921-1929 the data for the provinces of Bolzano, Trento, Trieste, Gorizia, Fiume, Pola and Zara have not been included, since these areas did not adopt Italian legislation until 01st July 1929.
- Up until 1913 the number of agreements contained in the notarial archives concurs with that of the number of deeds, in that if a deed contained more than one agreement of different types, then only the most important agreement was listed; from 1914, however, all agreements authenticated or contained in public deeds are listed separately.
- Up until 1913 the figures on protests only refer to protests for unpaid bills of exchange presented by notaries practising in the capitals with District Courts (figures drawn from civil and commercial judicial statistics); from 1914 onwards these include protests presented by all notaries.

Criminality

The main sources of information on offences reported are from the Ministry of the Interior and the Ministry of Justice. The figures from the Ministry of the Interior, which contribute to what is commonly known as “Police reported crimes” statistics, cover the reports of offences made to Police by citizens or discovered thanks to Police investigations. This survey, although it does not include all offences reported (those directly reported to or discovered by the judicial Authorities are excluded) forms a primary source for understanding the phenomenon of criminality and for analysing its performance over time and space. Furthermore, the figures from this source are less affected by survey time and methods than other types of data.

Nonetheless, the analysis of the historical series should be conducted with care; a rise in the number of reports of a certain offence does not necessarily correspond to a real rise in the phenomenon. In fact, in some cases it can simply be a sign of a change in the propensity to report a crime (as happened, for example for sexual crimes for which a rise in the number of reports has not always corresponded to a rise in the phenomenon itself); in other cases, the number of offences discovered may rise due to a greater effort made in Police investigations in a given sector, caused by social alarm over a specific type of crime. The survey of offences recorded in the archives of the Public Prosecutor, commonly known as criminality statistics, represents on the other hand information on the first step of the proceeding. In fact, it allows us to distinguish, which and how many of the offences recorded in the registry continue to legal action, according to the different procedures, and how many on the other hand will be archived and for what reason. The registry of offences includes both those reported by the Police to the judicial Authorities and those reported by individual citizens or other institutions directly to the Courts, in addition to those revealed by investigations by the Courts or the judicial Police. Since the field of observation for this survey is wider than the last, it allows us to focus our attention on all the offences reported and the resulting number of individual crimes is usually higher. More in general, the data drawn from the two sources differ according to the moment by which the offence is identified (the Police records the offence when it is reported, while the Public Prosecutor records it when legal action is begun) and their different aims (the first is to report the offence, the second to prosecute it). For instance, these different characteristics have a particular impact on the recording of murders, that are more in the Public Prosecutor statistics and, moreover, have a different trend in recent years because of the recent changes introduced in the judicial system (see also the section below “ Survey on murders by cause of death”).

If the survey based on the registry of offences represents the first step in the justice system, in which an event reported as an offence is confirmed as such, and is associated with a prosecutable offender, the survey of offenders condemned by irrevocable sentence represents the last stage of this process, in which the defendant is considered responsible for the offence and consequently sentenced. This survey, the figures for which are drawn from the Centralised Judicial Register Office of the Ministry of Justice, allows us to see how many offences are sentenced, the Criminalities imposed and the safety and preventive measures taken against the offenders; lastly, the figures from the Prison Administration complete the data available, offering information on prisoners, their characteristics and living conditions.

The tables presented here are the results of a careful re-examination of the time series conducted on the basis of annals, compendiums and collections of information complementing criminality statistics.

Offences reported resulting in criminal prosecution

The survey of offences reported resulting in criminal prosecution aims to provide a complete overview of the information on proceedings for reported offences against identified persons who have been formally charged of offences by the prosecutor’s offices, and the offences against unknown persons. The survey is conducted on offences filed in the Public Prosecutor’s registries and represents the information available on the first step in the judicial process.

The survey collects information on the number of processes archived, divided by reason for dismissal, and on the proceedings that continue to the judicial process and their various characteristics. The relative offences are classified according to seriousness (derived from the Criminality imposed by the criminal or civil codes and special legislation) and divided into felonies (the term “crimes” is also used) and misdemeanors (according to the type of sanction specified, either imprisonment or arrest). They are further grouped by macro-subject area according to the level of aggregation defined in the classification of offences (for example, offences against persons, property, public order, etc.).

The court dossier provides information both regarding the offences committed, such as place and date of the offence, information on how the offence was discovered (reported to the Police or other authority or public official, medical evidence, report by private citizens, complaint, etc.), and some demographic features of the defendants (gender, age, place of birth) and the injured party (legal status, age and place of birth for natural persons).

In 1872 the Office of judicial statistics (established by Royal Decree dated 22nd December 1872) at the Ministry of Justice formed a Commission with the aim of creating and supervising a daily and ongoing registration system for criminal matters at all judicial offices, with the exception of District Courts. This registration system was disciplined by the instructions dated 29th October 1878 and was experimentally launched at the beginning of 1879, before being confirmed and extended. Responsibility for the survey only passed to ISTAT when Law no. 402 dated 24th March 1938 (Official Gazette no. 101 dated 04th May 1938) was approved. The survey remained substantially unchanged up until 1999, when the figures for each individual case were recorded on a daily basis on special paper forms, known as the “report or complaint of offence by known persons resulting in criminal action/form M310” or the “Offences committed by unknown persons/form M320” cards, by the court records offices of Public Prosecutor’s offices in District Courts, Courts and Juvenile Courts. The forms were forwarded to ISTAT every month for collection, processing and publishing on a yearly basis.

From 1999, the general registries (Re.Ge.) of Public Prosecutors were computerised and the information contained in the registry of offences, both regarding felonies and misdemeanours, was extracted from the Register of the Public Prosecutor’s offices themselves and sent to ISTAT on a quarterly basis. For the procedures against adults, there are 140⁶ Public Prosecutor’s offices at Courts, while there are 29 for dealing with cases involving minors. The figures collected are then systematised and validated by ISTAT, to be processed and published on an annual basis.

The first Criminal code after Italian Unification came into force in 1889 and was applied to statistical data from 1890. The felonies shown in the tables presented here, up until 1889 continue to refer to the Criminal codes of the Kingdom of the Two Sicilies (formally in force from 1819 to 1860), that of the Duchy of Tuscany (from 1853 to 1889) and the Kingdom of Sardinia (from 1859 to 1889).

The subsequent code was introduced on 01st July 1931 (applied to statistical series from the 1932 figures) and is still in use today, although many amendments have been made.

The figures presented, suitably grouped into macro-areas, include the crimes in the Criminal Code and in other special codes and laws, committed in Italy or abroad and reported in Italy for which the ordinary courts (excluding, therefore, the military or naval courts, etc.) have initiated criminal action or have archived the case as offences by unknown parties. Unless otherwise indicated, both attempted and consummated offences are considered.

Warnings for time series comparisons

When using the time series, it is important to bear in mind that the figures reflect judicial activity within the framework of the legislation and codes in force in the reference years and are affected by the changes to legal procedure and the work burden of the Public Prosecutor’s offices themselves. The changes that regulations have undergone over the course of time influence the figures collected, due to the introduction of new types of offence, and the modification or abrogation of existing offences, and the use of different aggregation criteria for elementary information.

In particular:

- offences reported directly to district judges and considered by them to fall under their own jurisdiction have only been considered since 1887, in addition to the offence reported to the offices of the Public Prosecutor. This makes the comparability of data before and after 1887 very difficult; in fact, in the period between 1880 and 1886 a lower number of offences was recorded, especially for those of exclusive competence of the district judges. On the other hand, this

⁶ With Legislative Decree 155 dated 7 September 2012, 31 of the 165 courts and public prosecutors operating on that date were suppressed. The activities of those offices were transferred to nearby offices with the exception of the offices in Avezzano, Lanciano, Vasto and Sulmona, whose operation was extended until 2018 because of the persistent difficulty of the joint offices of L’Aquila and Chieti after the earthquake in 2009.

influence had very little effect on the recording of more serious crimes, which remain fully comparable over time;

- figures from the Fiume district are included from 1925 up until 1942;
- due to the war and its consequences on the various judicial offices, it has not been possible to completely reconstruct some of the series from the period between 1942-1946;
- between 1951 and 1952 some increases in the figures for certain offences should partly be attributed to the presentation of numerous procedures regarding offences committed in the three years between 1943-1945;
- in the period between 1953-1956 were reported a certain number of murders that took place between 1943-1945, reported to military authorities and subsequently passed to the Public Prosecutor in compliance with article 103 of the Constitution. These cases account for:
 - 314 consummated murders and 77 attempted murders in 1953;
 - 134 consummated murders and 15 attempted murders in 1954;
 - 136 consummated murders and 9 attempted murders in 1955;
 - 54 murders in 1956;
- for the years between 1961 and 1967 the frequency of certain offences was obtained by calculation, as no data were available for comparison with previous years;
- the approval of the new code of criminal procedure in 1988 (Presidential Decree no. 447 dated 22nd September 1988) produced visible effects on the figures from the years 1989-1990, especially for the data relating to murders;⁷
- in 2000 the Public Prosecutor's activities were slowed by the reorganisation of the judicial offices associated with the so-called "single judge" reform. This was approved on 19th February 1998 and came into force in criminal courts from 02nd January 2000, suppressing District Courts and the relative District Prosecutors, passing their duties to Courts and Court Prosecutors.

Modifications in the classification of offences

Murder:

- Murders include both attempted and consummated honour killings, as defined by article 587 in the Italian Criminal Code. This article was abrogated by Law no. 442 dated 05th August 1981.
- The headings "consummated murder" and "attempted murder" do not include either attempted or consummated "consensual murder" from 1968 onwards. Before this date, although the offence was included in the 1931 Criminal Code, the figures were not published separately and are therefore included in the data presented here.
- Negligent manslaughter: this offence was first introduced in the 1931 Criminal Code.

Offences against the family:

- It was not possible to reconstruct the time series of offences against the family for the period between 1880 and 1931, as the heading was published in an aggregated way together with offences against public decency and morality.

Libel and slander:

- From 1931-1965 the offence of libel and slander against civil servants (article 396 in the Italian Criminal Code) is included under the heading "Other offences" for the respective years.

Assault and battery:

- In 1905 this heading only covered assault.
- The fall in the figures for assault and battery from 1982 onwards is due to the change in reports of assault. This change is due to the extension of the term for prosecution for the offence of assault

⁷ In particular, before 1988 the general registry of offences was formed of three registries: one for known offenders, one for unknown offenders and one, of a less well-defined nature, known as the "relative deeds". This registry often included events that were not clearly associated with an offence, but which could nonetheless be the cause of a preliminary hearing and possibly tried as an offence. The new Code of Civil Procedure abolished the archive of "relative deeds" and replaced it with a far more limited archive of facts not constituting offence, form 45. Therefore, for investigations into, for example, a violent death without certain cause, as the event could no longer be entered on form 45 it could be recorded under offences by unknown offenders. Of course, in the case of lack of evidence the case was archived, although unfortunately it was not always cancelled from the computerised data storage system.

introduced by the so-called deCriminalisation Law no. 689 dated 1981 which resulted in a fall in cases against unknown persons reported to the courts.

The gradual rise in cases from 1990, reaching a peak in 1992, was mainly due to the number of reports of assault by unknown persons which was affected by the changes to legislation regarding compensation to victims of road accidents. The road accident victim fund was established by article 1 paragraph 2 of Law no. 990 dated 1969, modified by Law no. 857 dated 1976, introducing compensation for passengers of public and private transport. This law was later modified by article 27 of Law no. 142 dated 1992, implementing EC Directive no. 232 dated 1990 (EEC) which extended compensation for passengers of private transport in general.

Fraud:

- From 1880-1889 the offences of “commercial and industrial fraud”, as defined by articles no. 385 and no. 397 in the Sardinian Criminal Code, were included under the heading “Other offences”.
- From 1880-1931 (1st semester) the offence set out at article 418 of the 1889 Criminal Code is included (embezzlement).
- From 1896-1922 the offences set out in articles 856 to 867 of the Code of Commerce (simple or fraudulent bankruptcy and offences by persons other than the bankrupt party without participation in the bankruptcy) are included.
- From 1923-1931 (only the first six months), the figures include offences under commercial bankruptcy legislation, as set out in articles no. 862 to no. 867 in the Code of Commerce. The other offences in commercial law are included under the heading “other offences”.
- From 1932 commercial fraud was no longer included under this heading.

Violence, resistance or contempt offences:

- The offence of insulting a public official (article 341 in the Italian Criminal Code) was abrogated by article 18 of Law no. 205 dated 27th June 1999 and reintroduced as “341bis” by article 1, paragraph 8, in Law no. 94 dated 15th July 2009.

Fraud, fraudulent conversion of public moneys:

- From 1887 to 1895 the figures published refer to offences committed by public officials, set out in articles no. 168 to no. 181 in the 1890 Criminal Code.
- From 1896 to 1922 the headings “fraud, fraudulent conversions or misappropriation of public funds and corruption” and “failure to perform official functions” were not included.
- In 1923-1924 the Statistics Committee set up at the Ministry of Justice explicitly requested that the fraud, fraudulent conversions or misappropriation of public funds and corruption be recorded separately. This practice was implemented up until 1930.

Failure to perform official functions, etc.:

- The figures recorded under the heading “Failure to perform official functions, etc.” for the period between 1961-1967 only refer to cases of “failure to perform official functions”.

Minors charged with certain types of offence

From 1943, ISTAT began to record juvenile proceedings (Juvenile Court, juvenile sections of the Public Prosecutor’s and Appeal Court) separately. In the various years the institutions responsible for dealing with juvenile cases have changed (Juvenile Courts, Juvenile Prosecutors, District Judges), as does the type of information collected. It is not therefore possible to reconstruct a coherent time series before 1961; in fact, the figures published between 1943 and 1960 refer to offences by minors reported and not to the minors themselves.

The survey of “Minors charged with offence” aims to record the number of minors reported to the Judicial Authority, either known or unknown. The information available about these minors covers the offences committed, the place and date when the event occurred and, for known subjects, gender, age and place of birth.

The paper forms (M141) for minors were filled out by the Juvenile Prosecutor’s Office and sent to ISTAT each month. From the end of the 1990s onwards, case management by judicial offices has been gradually transferred to computer and from 1999 the figures have been taken directly from the

computerised Registry of offences. The 29 Public Prosecutors in Juvenile Courts, which update the computerised system, extract the figures and send them to ISTAT on a quarterly basis, with the exception of the Public Prosecutors of Ancona and Reggio Calabria who continued to submit quarterly paper forms up until 2009. ISTAT then checks, processes and publishes the figures on minors reported every year. The tables presented here only show the data for offences, and do not therefore include infractions classified as misdemeanours. Moreover, minors responsible for crimes reported to courts other than the ordinary courts are excluded.

Warnings for time series comparisons

- From 1961 to 1975 and from 1986 to 2007, the data refer to known minors reported both for offences committed resulting in criminal actions and archived cases.
- For the years between 1961 and 1970 and those between 1992 and 1996, the figures refer to minors reported to Juvenile Prosecutors in Italy.
- From 1976 to 1985 the figures refer to minors reported against whom criminal proceedings were initiated.⁸ The absence of information on minors whose cases were archived does not have a significant impact on the data series. In fact, only approximately 5 per cent of cases were archived in this period (in the years immediately preceding the interruption of the series, 1974 and 1975, 6.4% and 5.8% of juvenile cases were archived respectively; in the years immediately following the series, 1986 and 1987, archiving accounted for 0.7% and 4.1% of the total). From 1990 the percentage of cases archived rose, also because “the new Code of Procedure strengthens the tendency towards rehabilitating juvenile offenders, rather than punishing them” (compare: *Annuario delle statistiche giudiziarie* (Judicial Statistical Yearbook), year 1990, 21).
- The computerisation of records in 1999 resulted in variations in both the quantity and quality of data, which may be reflected in the comparison with data from earlier periods.

Modifications in the classification of offences

Murder:

- For the period between 1961-1975, the figures refer to “consummated” and “attempted” murder.
- For the period between 1989-1992, the figures on murder by juvenile foreign citizens include both “completed” and “attempted” offences.

Bodily harm with intent:

- For the period between 1943-1952, the figures include both “battery” and “assault”.
- For the period between 1953-1960, the figures only include “battery”.

Robbery, extortion, kidnapping:

- For the years from 1943 to 1948 and from 1961 to 1970 the figures refer to “Robbery, extortion and kidnapping for the purpose of robbery or extortion”.

Offences against public safety, the economy and religion:

- These figures include the issuing of non-performing cheques and bankruptcy.

Narcotics (production and sale of):

- For the years from 1976 to 1984, the figures refer to “Clandestine or fraudulent trade in narcotic substances” and “Aiding and abetting the use of narcotic substances”.
- For the years from 1986 to 1990, the figures refer to the offence of: “Infringing Law no. 685/1975 on narcotics”, both for the total number of juvenile offenders and for foreign juvenile offenders (from 1989 onwards).

⁸ For statistical purposes, the number of juveniles reported resulting in criminal action was counted only for known subjects, who are classified as such:

- if the charge is formulated against the offender before any counter-claim is made, and in any case no later than the day in which an order or mandate is issued (summons, accompaniment, capture or arrest);
- if the defendant is reported when under arrest, except in the case set out in article 236 of the Italian Code of Criminal Procedure;
- if the Public Prosecutor submits the case to the Preliminary Judge for the initiation of formal proceedings, requesting the defendant to be charged;
- if the defendant presents him/herself spontaneously to the court (article 250 in the Code of Criminal Procedure).
- In the case of several charges against a single defendant, they will be tried for the offence carrying the most severe penalty under the Criminal Code or other legalisation.

Offences reported to the Judicial Authority by the Police

The survey, historically known as “offences survey”, covers the entire range of offences reported to the Judicial Authority by the Police, i.e. all offences discovered by the Police through their investigations or reported by citizens. This survey also includes reports on individuals probably involved in the offences, which were reported, stopped or arrested by the Police. However, the overview on criminality provided by the survey is not complete, as a number of offences are reported directly to the Courts, for a percentage that varies considerably according to the type of offence.

The collection of criminality figures began on 01st January 1955, following the decision of a Commission set up in 1951 to formulate a plan for the coordination of criminal statistics. The Commission was formed of representatives from the Ministry of the Interior, the *Comando generale dei Carabinieri* and the Italian Institute of Statistics (at that time called Central Statistical Institute). The survey resulting from the Commission’s work took the survey unit to be each single offence ascertained and reported to the police (State Police, *Carabinieri*, *Guardia di Finanza*). The survey organs were the Local Offices of the State Police, *Carabinieri* and *Guardia di Finanza*, which compiled a daily hard-copy registry (form 116R), the results of which were totalled at the end of each month and sent in a summary format for each Office.

The first part of this summary (form 115), covering the main types of offence under the Criminal Code and special legislation as reported to the Judicial Authority, contained the overall number of offences, the number committed in provincial capitals, those by known subjects, the number of offenders reported in total and how many of these were minors. This information was collected separately by each Police force. The second section of the form covered the number of offenders reported (counted once per person, regardless of how many offences they were charged with), the number arrested and those identified (total, those in provincial capitals and minors) separately for each Police force. Suicides, attempted suicides and unidentified bodies and the number of vehicles and persons checked were also recorded.

The monthly summary form from each office was sent to each Police force’s own Provincial Offices, each of which then totalled and validated their own data before sending them to District Courts. These in turn transcribed the figures onto a single form (form 114, subsequently form 165) to be sent to the Central Directorate of Criminal Police and ISTAT. This survey remained substantially unchanged up until 2004, with the exception of changes to some of the headings in the classification of offences in 1983.

From the early years of this century the data management and transmission methods have been considerably modified thanks to the growing use of information technology. The spread of computerisation in local offices was completed in 2004, and the use of paper forms was finally abandoned in the same year. Furthermore, from the same date the number of information reported on offences, offenders and victims has risen and the field of observation has been extended to include Penitentiary Police and the State Forestry Department.

From 2004, the figures relating to the five types of Police (State Police, *Carabinieri*, *Guardia di Finanza*, Penitentiary Police, State Forestry Department) are entered in the SDI (Survey system) computerised database, which has a prevalently operative function. This database is updated by Local Police Offices, as specified in Law no. 128 dated 2001.⁹ The database, which contains information of interest for the Police forces, includes: information on criminal activity which may result in one or more offences, information on the persons involved (presumed offenders and victims, both natural and legal persons), and other information relating to the circumstances of the offence (weapons, vehicles, documents, etc.). The provisions issued by the competent authorities are also recorded for both the persons and the objects mentioned above.

Since the contents of the database is in constant evolution, due to the updates associated with investigations and the provisions issued by the Judicial Authority, the most important statistical data are transferred at a given moment to a specific *data warehouse*. This is then used by the Centralised Offices in the Ministry of the Interior to process certain information and transmit it to ISTAT in the form of aggregated data.

The time series presented here refer to the types of offence for which data are available for a suitably long period of time.

⁹Law no. 121 dated 1981 created the Data Processing Centre in the Department of Public Security which keeps specific filing systems on certain criminal phenomena (in this case for mainly operative and only marginally statistical purposes) such as murders, missing persons, weapons, vehicle theft, etc.

Warnings for time series comparisons

Historical analyses on criminality require particular precautions to be taken. In fact, modifications to legislation in certain areas are combined with the methodological changes in the survey over time. The main variations are listed below:

- some offences types recorded on the survey form (ISTAT M.165) changed in 1983;
- from 2004 the survey includes, in addition to the felonies reported to the Judicial Authority by the State Police, *Carabinieri* and *Guardia di Finanza*, those reported by the State Forestry Department and the Penitentiary Police;
- from 2004 the figures on offences reported are not coherent with those in previous years, due to both the modifications made to the survey system and variations in the survey field.

Modifications in the classification of offences

Consummated murder

- Up until 1974 this category included consensual murder and honour killings. Between 1975 and 1982 no disaggregated data are available to differentiate between consummated and attempted murders.

Bodily harm with intent

- In the years between 1955 and 1957 bodily harm with intent was considered to include battery. Furthermore, up until 1974 these also include bodily harm for honour. From 1975 injuries as a consequence of another offence were included.

Sexual assault

- The 1956 and 1957 figures include forcible indecency and indecency.
- In 1996 the current law on sexual assault was brought in (Law no. 66/1996); prior to that date the heading was entitled rape.

Robbery, extortion, kidnapping for the purposes of robbery or extortion

- It is not possible to reconstruct the time series on offences relating to extortion, robbery and kidnapping for the purpose of robbery or extortion for the period between 1955-1971, because the item was published in aggregated form together with offences against public morality and decency.

Kidnapping for the purpose of robbery or extortion

- From 2004 only cases of kidnapping for the purposes of extortion were included under this heading.

Sentenced by non-appealable judgement

The survey of sentenced by non-appealable judgement covers the whole range of persons sentenced in any phase or type of legal action, with reference to the moment when the sentence irrevocable is enrolled on the Centralised Judicial Register Office (which collects the provisions of the local judicial registers). The information collected cover both the convicted and the offence committed. The figures on the defendant cover the most serious offence committed (using the criteria of the average penalty applied, i.e. the midrange average of the minimum and maximum penalties specified for each offence), the main demographic and social characteristics and the legal proceedings (relating to the offence in question and any previous offences committed).

The figures on offences include crimes that have been sentenced, their details, the type of offences if attempted or completed, the penalties applied (arrest and/or fine, imprisonment and/or fine, according to whether the fact is considered a misdemeanour or a felony) and the security and preventive measures taken against the convicted in relation to the type of offence. The survey unit was, therefore, the sentence

itself, although the unit of analysis may be either the offence or the convicted themselves. In presence of several non-concurrent offences, the individual appears for each irrevocable sentence received, issued in the period considered.

The survey was initiated in the second half of 1800. As early as 1862 the figures were collected by the Ministry of Justice and Religious Affairs. Nonetheless, up until 1890 the data collection method did not allow the quantification of the number of irrevocable decisions, nor the number and personal details of the individuals sentenced. From 1st January 1890, when the new Criminal Code came into force (the *Zanardelli* Code, the first to apply to the entire territory of the Kingdom of Italy), individual sheet began to be used for the survey, a method which allowed for more accurate statistical information to be gathered with respect to the previous approach based on the results of the procedures in individual Courts.

In the last decade of the 19th century the General Statistical Division of the Ministry of Agriculture was assigned by the Ministry of Justice and Religious Affairs to collect figures on sentenced people and it published the results in two dedicated volumes ("*Notizie complementari alle statistiche giudiziarie Criminali*") (Complementary information on criminal judicial statistics), for the years 1890-1895 and 1896-1900).

The legislative reform of the Judicial Register (Law no.87 dated 1902 and relative regulation no. 107 dated 1902) led to the creation of a Centralised Judicial Register Office at the Ministry of Justice and Religious Affairs, responsible for collecting, examining and preserving copies of all the information on convicted irrevocably sentenced by the Judicial Authorities. As the statistics requirements could be substantially met by the information in the files, the dossier and the statistics card were merged into a single form.

A Statistical Office (Royal Decree no. 597 dated 1908) was created within the Ministry of Justice and Religious Affairs to work alongside the Centralised Judicial Register Office, which began to function in January 1906 (Law no. 77 dated 1905 and Royal Decree no. 584 dated 1905). The Statistic Office took care of noting the statistical code for the offences for which the defendant was ultimately cleared directly on the files held by the records office, while specific "statistics cards", different in both format and colour to aid easy identification, were filled out for condemned persons according to gender and the presence of a prior criminal record. In the case of sentences covering more than one offence, no information was excluded, but the file was identified according to the most serious offence. Statistics tables were formed during the sorting of statistics cards for condemned prisoners and files for dismissed cases. This survey was conducted from 1906 to 1928 by the Ministry of Justice and Religious Affairs.

From 1929, the ISTAT M.315 paper form has been used to conduct the "Criminality survey – Defendants convicted or acquitted with non-appealable sentence" by the competent Judicial Offices (i.e. all offices except the Public Prosecutor), later known more simply as the "Statistics on defendants judged by offence". The unit of analysis was the defendant, considered at the time of sentencing. This form recorded monthly figures on social and demographic details (age, gender, civil status, level of education, profession, etc.) and juridical information (offence committed, result of sentencing and the penalty applied, repetition of the offence, etc.). A line of the form in question was filled out for each defendant sentenced by the competent judicial office, at the same time that the clerk filled out the card for the local and central records office. Each month the 315 form was sent to ISTAT, which then processed and published the data. In the same way ISTAT collected information on those sentenced by Military Court (using the ISTAT.M.315.Mil form, very similar in contents to that used for the ordinary Courts).

The survey remained substantially unchanged up until 1996, when it underwent profound organisational transformation. From 1996 onwards, the statistics on defendants sentenced by offence drawn up by ISTAT has no longer been based on the forms sent to ISTAT by judgmental Offices, but rather on the figures collected for administrative purposes by the Centralised Judicial Register Office at the Ministry of Justice¹⁰ and subsequently sent to ISTAT on an annual basis. The archive of the Centralised Judicial Register Office, updated with figures from local register offices, contains – for convicted persons only - very similar information to that previously sent to ISTAT: demographic details for each convicted along with details of the sentence, the offences committed and the circumstances, the penalty and security and/or preventive measures applied on sentencing. Every year the Centralised Judicial Register Office extracts a data file of anonymous figures to be sent to ISTAT, which in turn processes and publishes the data. Based on the collaboration between Istat and the Centralised Judicial Register Office, it has been possible to provide the time series of convicted people by crime/ misdemeanor from 2000 to 2015. The

¹⁰ As this is an administrative archive, the analyses conducted on the data are affected by the greater or lesser volume of entries in the Sentences contained in the Centralised Judicial Register Office by the local register Offices.

collaboration allowed to obtain more information and a better and more accurate classification of convictions by type of crime and author characteristics. The total number of convicted people can be higher than in the previous editions. Such an increase affects less serious crimes among the considered ones. In the present edition data for the period 2000-2015 were updated.

The tables show the number and rate of convicted sentenced for certain offences or groups of offences respectively. In the past the figures on convicted were published according to the most serious offence, and the same criteria have been applied here.

Warnings for time series comparisons

The figures on convicted with a definitive sentence reflect judicial activity within the context of the regulations and legislation in force in the reference years. Particular attention must be paid to this aspect when using the time series presented.

In particular, we emphasise that in compliance with paragraph 2, article 2 of the Italian Criminal Code (conflicting successive laws), “no one shall be punished for a fact that, according to a later law, does not constitute an offence (omissis)”. The depenalisation of a certain offence comes into effect from the moment that the law comes into force, and applies to both new cases and those already initiated but not yet closed irrevocably, for which sentences have not yet been passed.

In criminal law, the full possession of one’s faculties must be taken into consideration. In the absence of one or both of these capacities no sentence can be passed. Age is another objective requirement in the Italian Criminal Code.

- Currently, defendants under the age of 14 cannot be indictable, as per article 224 in the Rocco Code dated 1930 which establishes correctional facilities or supervised freedom for young people under the age of 14. In the past (articles 53 and 54 in the 1899 *Zanardelli* Code), the threshold was 9 years of age, which could become 14 on the discretion of the judge regarding the individual minor’s capacity and discernment.
- Less severe penalties and a different judicial process are provided for defendants under the age of 18. The threshold of 18 years only coincides by chance with the age of majority (which is also the age of consent). Law no. 39 dated 1975, which lowered the age of majority from 21 to 18, did not have an impact on the threshold set out in the Criminal Code.
- The time series presented here include some interruptions in the data collected, where the series was not possible to reconstruct for the following years:
 - 1901-1905;
 - 1931-1949;
 - 1974-1975.
- Between 1960-1967 no irrevocable sentences were recorded, but only sentences in first or second instance.

With reference to modifications in the types of offence considered over time, please refer to the “Modifications in the classification of offences” in “Offences reported resulting in criminal prosecution” above.

Adult and underage prisoners

The survey of prisoners allows us to define the number and features of the prison population and offers some information on their condition, also with respect to their reintroduction to society. From Italian unification up to 1918 the survey on preventive detention Institutions was initially performed by the Ministry of the Interiors and later by the Ministry of Justice before passing to ISTAT, then known as the Central Statistical Institute.

ISTAT once again took over the survey from the Ministry of Justice, using the daily registries (using the ISTAT.M.153 form for presences, arrivals and departures and ISTAT.M.153-bis for variations in the legal status of the prisoners present and those temporarily absent).

The information in these forms – compiled on a daily basis by all types of preventive detention institutions, both for men and women, adults and minors – was summarised by the institutions themselves in the monthly summary form (ISTAT.M.180 – Survey on prisoners: Preventive detention

institutions) which was then sent to ISTAT each month. This survey has remained almost completely unchanged right up until the end of the 1990s, and is in charge of both the adult and juvenile prison population.

From 1999 to the present day, however, the Statistics on entries, releases and prisoners present at the end of each year in institutions for adults is conducted by the Penitentiary Administration Department of the Ministry of Justice, while statistics on minors prisoners has passed to the Department of Juvenile Justice and Rehabilitation Centres in the Ministry of Justice.

The survey of the adult prison population

The field of observation is the entire adult prison population, the survey unit is the individual preventive detention institution and the unit of analysis for total is formed by the each “entry” or “release” of prisoners, while presences are analysed using the number of prisoners themselves.

More recently, however, the survey also provides other interesting information on the penitentiary and judicial system (the prisoner’s legal position, reason for release, type of offence committed, region in which it was committed, duration of the sentence, etc.) and the demographic-social aspects (age, civil status, level of education, professional status, branch of activity, region of birth and residence, number of children, etc.). From the year 2000 information has also been included regarding the facilities used by prisoners in preparation for future reintegration into society.

The data tables presented here shown the type of prison, entries, releases and presences, divided by gender. The figures are organised according to the type of preventive detention institution, classified in wide categories as follows:

- Preventive custody institutions;
- Penitentiary institutions;
- Institutions for the execution of security measures.

The survey of the minors prison population

The new structure of the institutions that host minors, in compliance with the legislation in force (Presidential Decree no. 448 dated 22nd September 1988 and Legislative Decree no. 272 dated 28th July 1989) organises the Juvenile Justice Services in a considerably different manner to the past. The figures from the years from 1991 onwards are not, therefore, comparable to the previous series that run back to 1862. The figures relating to more recent years that have been included in this section are taken from four separate calculations performed by the Department of Juvenile Justice and Rehabilitation Centres at the Ministry of Justice: minors kept under observation by the Offices of youth social services; admissions in Juvenile classification homes (CPA); presences, admissions and releases in Residential communities; presences, admissions and releases in Juvenile detention centers.

The Social service departments for minors provide assistance to minor offenders in every stage and level of criminal proceedings and organise the collection of evidence to ascertain the identity of the minor, providing concrete projects and assisting the decisions made by the juvenile judicial Authority. Juvenile classification homes, on the other hand, host the minors arrested, held or accompanied up until their preliminary hearing. In some cases the public prosecutor may order a minor to be transferred to a public or authorised Residential community or, in the presence of certain conditions, within their own family. The communities that host juvenile offenders subject to cautionary placement in a community are also used for the execution of rehabilitation sentences and, in some cases, for accompaniment following flagrante delicto, some structures may be run by private sector companies. Lastly, Juvenile detention centres (IPM) ensure the execution of cautionary custody orders and detention sentences passed by the Judicial Authority against young offenders. IPMs are organised in order to provide educational activities that are ever more integrated with the other juvenile justice Services and the surrounding territory.

Surveys of these structures were conducted, up until 2009, using specific statistics forms for each type of service. From 01st January 2010, however, when the Juvenile Service Information System (SISM) was introduced, the figures are acquired directly from the information system, which contains the details for all the young offenders involved in the juvenile justice Services.

Regarding the Offices of youth social services (USSM), the survey was launched in 1998 and performed

using a survey form that allowed for the quantification of the number of minors reported to the Offices by the Judicial Authority, the number of minors taken up and the actions implemented by the Offices. The survey, which covers the entire range of USSMs, was conducted on a quarterly basis up until 2006, was performed every six months in 2007 and annually from then onwards.

The figures on Juvenile classification homes refer to minors arrested, detained or accompanied that pass through the structures and are hosted by them while awaiting a preliminary hearing. The figures are recorded when the minor is released, using individual files. Between 1991 (when the survey was initiated) and 2000 the survey took place on a monthly basis and provided a summary of entries and releases. In 2001 a nominative monitoring system was created, allowing for faster and more complete information. In addition to turnover and presences, the socio-demographic and judicial characteristics of the minor are also recorded (type of offence committed, etc.).

The survey on the presences, admissions and releases in communities – including both communities run by the juvenile justice administration and those in the private social sector – covers the placements of minors subject to criminal sentencing in communities. The survey has been performed on a quarterly basis since 1998, using files that allow for some demographic details of the minor in addition to entries, releases and presences.

The survey on presences, admissions and releases in Juvenile Criminal institutions takes the individual institutions (IPMs) as survey units. The survey covers the entire range of institutions and records demographic and social features (gender, age, nationality, etc.) and legal aspects (type of offence committed, legal position, reason for release, etc.) for each subject passing through or hosted by the IPM. Just as for Juvenile classification homes, in 2001 the IPM survey passed from monthly collection to computerised records for individual details.

Regarding the time series from 1991-2015, it should be noted that despite usually using the term “minor”, the Juvenile Court is also competent for all offences committed before reaching the age of 18, even if the subject is an adult at the time of sentencing, while the jurisdiction of the juvenile justice services covers young offenders up to the age of 25 (known as “young adults”).

Up until 2006, the number of subjects processed by the Offices of youth social services was calculated each quarter of the year. Therefore, if the same minor passed through the system in different quarters, he/she would be counted twice. Lastly, Juvenile classification homes are not prison structures as such, and only ensure the custody of the minor, arrested, detained or accompanied, for a maximum of 96 hours until the preliminary hearing. For this reason the figure relating to presences is not recorded. Furthermore, the entries into Residential communities do not include transfers from another community, just as entries in juvenile detention centres do not include transfers from other IPMs.

Warnings for time series comparisons

Over the years a series of pardons have been granted for prisoners, which led to an immediate rise in prison releases and a corresponding fall in presences. The most important provisions for statistics purposes are amnesties and political or social pardons, while outright pardons applied to individuals do not have an important impact on the data.

Amnesties, traditionally issued by the King, later became the prerogative of the President of the Republic and are currently managed by Parliament. Amnesties and political or social pardons may be conditional, and therefore not applicable to certain types of offences or recidivists, etc. In the case of an amnesty, the offence is extinguished “by amnesty” and the offender is declared non-punishable, and therefore is not subject to any penalty (although the measure is not equivalent to being found not guilty). In the case of persons already sentenced, the effects of the sentence are annulled.

By contrast, political or social pardons result in only part of the penalty being annulled. If the residual sentence is less than the term annulled, this therefore leads to release. Unlike amnesties, the benefits of this type of pardon can be revoked if the offender is sentenced again within a set period of time.

The main amnesties and social pardons issued are listed as follows:

- Royal Decree no. 1156 dated 1942 “Concession of amnesty and pardon”;
- Royal Decree no. 96 dated 1944 “Amnesty and pardon for offences under ordinary, military and food rationing laws”;
- Legislative Decree no. 769 dated 1945 “Amnesty for political anti-fascist offences”;

- Presidential Decree no. 4 dated 1946 “Amnesty and pardon. For ordinary, political and military offences”; this decree was in favour of those who were involved in the *Salò* Republic;
- Legislative Decree no. 132 dated 1946 “Amnesty and pardon for military offences”;
- Decree no. 92 issued by the temporary head of state, dated 01st March 1947 “Amnesty and pardon for military offences for the swearing of allegiance to the Republic by the Armed Forces”;
- Presidential Decree no. 1464 dated 1948 “Amnesty and pardon for the unlicensed possession of weapons”;
- Presidential Decree no. 602 dated 1949 “Amnesty and pardon granted for electoral offences”;
- Presidential Decree no. 930 dated 1949 “Concession of pardon”;
- Presidential Decree no. 922 dated 1953 “Amnesty and pardon”; this decree changed life sentences to 10 years imprisonment for all political offences or offences associated with the war committed between 08th September 1943 and 18th June 1946;
- Presidential Decree no. 5 dated 1963 “Concession of amnesty and pardon”;
- Presidential Decree no. 332 dated 1966 “Amnesty and pardon”; this amnesty applied to offences with a maximum sentence of three years;
- Presidential Decree no. 1084 dated 1968 “Concession of amnesty and pardon”;
- Presidential Decree no. 283 dated 1970 “Amnesty and pardon”; this decree annulled all offences carrying a penalty of imprisonment of not more than five years committed during trade union and student protests;
- Presidential Decree no. 834 dated 1973 “Concession of amnesty”;
- Presidential Decree no. 413 dated 1978 “Amnesty and pardon”; this measure covered offences sentenced by up to three years of imprisonment, excluding various offences including terrorism;
- Presidential Decree no. 744 dated 1981 “Amnesty and pardon”; annulled all offences with a sentence of up to three years with the exception of fraud, corruption, food fraud and terrorism.
- Presidential Decree no. 43 dated 1983 “Concession of amnesty”;
- Presidential Decree no. 865 dated 1986 “Concession of amnesty and pardon”;
- Presidential Decree no. 75 dated 1990 “Amnesty”; this provision annulled all non-financial offences with a sentence of up to four years imprisonment, the offences of violence and threatening a public official, unlawful entry, affray without assault and swindling;
- Presidential Decree no. 394 dated 1990 “Pardon”; pardoned sentences of up to two years imprisonment and fines of up to 10 million Lire, either combined or separately from prison sentences;
- Law no. 241 dated 2006 “Pardon”; pardoning sentences of up to three years for imprisonment and fines of up to 10 thousand Euros;
- For political offences, note amnesty laws dated 01st October 1919, 29th April 1921, 03rd January 1925, 26th December 1931 and 13th July 1933.

Survey of murders by cause of death

The overview of murders is completed by the survey on causes of death.¹¹ This is the oldest source for information on voluntary murders (figures are available all the way back to 1887) and is the most reliable source for international comparisons.

The causes of death are based on forensic or coroner’s reports. The survey covers the entire population and the field of observation is formed by the complete range of deaths in the national territory in one calendar year. The survey forms indicated the clinical progression that led to death. Official statistics refer to “initial cause”, i.e. the disease or trauma that – following any additional complications or intermediate clinical conditions – led to death. This cause is identified according to the indications set out by the International Classification of Diseases (ICD-10). The results are also collected on an international level and validated by the World Health Organisation.

The survey unit, which coincides with the unit of analysis, is the single deceased person. The report is made at the time of death, although in some circumstances the forensic scientist or coroner may require time to perform an autopsy to clarify whether the cause of death was intentional.

The time series of murders drawn from causes of death is very similar to that taken from the offences reported to the Police, which starts in 1955; while considerable differences can be noted with respect to

¹¹ See: [Health](#).

the survey of murders taken from the Public Prosecutor's records, due to the different methods used to collect information and the different purposes of the survey itself, intended more for investigative and legal purposes into deaths that may be the result of a felony. This difference becomes particularly clear in the time series following the introduction of the new Code of Criminal Procedure on 22nd September 1988.

Warnings for time series comparisons

- With reference to 1944 and 1945, the rise in murders does not relate to deaths in areas of war and/or in foreign territories, but to the deaths caused by the rise in violence that characterised the war and the immediate post-war period.

Changes in the justice system

The geography of the administration of justice has only undergone considerable changes in the last decade, with the introduction of the reform of the single judge and the creation of metropolitan Courts which modified the type and jurisdiction of judicial offices. From Italian unification to 01st June 1999, the judicial administration in the national territory was essentially divided between the following offices: Conciliation courts (substituted in 1995 by the Justice of the Peace), District Courts, detached sections of the District Courts, Courts, Juvenile Courts¹², Public Prosecutors, Appeal Courts, Appeal Court Attorney Generals, the Supreme Court, the Attorney General at the Supreme Court, etc.

From 02nd June 1999 for the civil law sector and 01st January 2000 for the criminal sector, the reform of the single judge in first instance was introduced (Legislative Decree no. 51 dated 19th February 1998), representing an important change to the organisation and legal order, concentrating the duties previously distributed between the Court, a mainly collegial body, and the Prosecutor to a single first instance office.

This decree suppressed the District Courts, assigning their duties to the Courts; suppressed the detached sections of the District Courts and created 218 detached Courts; unified the offices of the Public Prosecutor; and created specialised sections for employment and social security law in Appeal Courts. The accessibility of judges for citizens within the territory is nonetheless ensured by Justices of the Peace, which have been operating since 1995 in more than 800 offices distributed over the territory, whose have taken over some of the duties and functions of the district judges.

Furthermore, in compliance with article 133 of Legislative Decree no. 51 dated 19th February 1998, the District Judge's Office was set up in the Court or detached section of the Court to close the cases open in District Courts on 02nd June 1999, which had reached the sentencing phase.¹³ The Justice of the Peace's office started acting on 01st May 1995 when Law no. 374 dated 1991 came into force. Legislative Decree no. 274 dated 28th August 2000 attributed the Justice of the Peace jurisdiction in some offences, with effect from 01st January 2002, in accordance with article 14 of Law no. 468 dated 24th November 1999.

With Legislative Decree 155 dated 7 September 2012, 31 of the 165 courts and public prosecutors operating on that date were suppressed. The activities of those offices were transferred to nearby offices with the exception of the offices in Avezzano, Lanciano, Vasto and Sulmona, whose operation was extended until 2018 because of the persistent difficulty of the joint offices of L'Aquila and Chieti after the earthquake in 2009.

At the same time 220 court branch offices were abolished in view of a more efficient organisation.

The territorial distribution of the "justice of the peace" was reformed with a savings perspective, in that a large number of locations were dismissed (indicated in " Table A " annexed to the decree), thus uniting its regional competence to other geographically contiguous offices (listed in " Table B "). However , Article 3 of the same decree (n° 156/2012) provides for the possibility for the local authorities concerned to request to keep the offices to be dismissed operative, taking charge of the related expenses .

¹² Established by Royal Legislative Decree no. 1404 dated 20th July 1934, converted into law by Law no. 835 dated 27th May 1935.

¹³ From 09th July 2000 an additional revision was made to the judicial districts, established by Legislative Decree no. 491 dated 03rd December 1999, which changed the districts of Milan, Rome, Naples, Palermo and Turin, bringing the number of detached Court sections to 221. The Court of Tivoli became legally active on 01st October 2001 with Ministry of Justice Decree dated 07th June 2001.

Regarding administrative and accounting law, the following offices are present in the national territory:

- Regional Administrative Courts (21 Courts and 8 sections);
- Council of State (3 sections);
- Sicilian Administrative Justice Council (1 section);
- Court of Auditors (20 regional sections).