

Confiscated criminal assets as productive urban commons: legislative framework analysis and collecting data method

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Abstract

Italian legislative framework that regulates the reuse of propriety confiscated to criminal organization provides that criminal assets can be reused for institutional or social purpose by a multiplicity of public and private actors. This paper proposes an analysis of this framework while focusing on real estates confiscated to the organized crime. In particular a representative sample of 400 assets confiscated to the organized crime in Italy destined for social purposes will be analysed. Present paper analyses the legislative framework finding “broken law links”, missing in the Italian ministerial regulation acts that prevent the involvement of public and private civic actors in the reactivation of confiscated assets by communities; proposes a method for examination of criminal assets as productive urban commons; shows the main results of a subset of 200 analysed cases. Data is collected by crossing information from institutional sources, journals, previous papers, and regional georeferenced maps developed though citizen civic monitoring. Cases show the evidence of a creative approach in community-driven regeneration that transform criminal assets in productive urban commons: “Civic agents” (associations and cooperatives) involved in criminal assets recovery try to keep memory of criminal source but at the same time start to create a new identity, inserting the criminal assets in new productive life cycle and engaging the community for producing goods and services and achieving social outcomes in the mid-term.

Keywords: Urban Planning, Re-Cycle Italy, Confiscated Criminal assets, Urban Commons

1. Introduction

Previous studies show that the phenomenon of organized crime in Italy is strongly characterized by its territorialized presence with roots in social and economic inequalities. This assumption suggests that the fight against organized crime can be dealt also through urban policies. Urban Planning theory approached the problem of fighting crime: “Crime prevention through environmental design” (known as CPTED) studies demonstrates that planning urban physical shape by increasing natural surveillance, natural accesses control and

natural territorial reinforcement, gives results in crime deterrence¹. Otherwise when approaching the problem of **organized** crime, we have to consider that these organizations act by shaping economic and social context and by gaining power from unemployment, low education rating, and social and economic exclusion. Adopting a critical point of view allows to avoid the interpretation that criminal assets recovery is just a problem that concern police investigations or laws application performances but it concerns the way in which communities and institutions are involved in urban civic/societal challenges and in change making. When confiscated criminal assets lies abandoned for many years without communities engagement, is this a true victory of institutions? This paper is part of a research about “Urban Re-Cycle” that starts from these questions: how is it possible engage communities and challenge urban and regional administrations in developing sustainable processes and policies that re-activate confiscated criminal assets producing economic and social outcomes? After 19 year since the first Italian law that introduces the social reuse of criminal assets², are there some recurrent regenerative practices in criminal assets recovery that transform criminal assets in urban commons that produce economic and social outcomes? Collecting data related to those experiences and practices can be useful for replicating and synthetize a model for further urban strategies, land uses policies and public administration capacity-building programs. The relevance of this question is confirmed by the high number of property confiscated dismissed and abandoned in Italy³.

2. Theoretical framework

Present paper deals with the confiscated criminal assets topic inside the theoretical framework identified by the research program Re-Cycle Italy: Urban Re-Cycle is the subject of research program “Re-Cycle Italy - New life cycles for buildings and infrastructure of the city and landscape”, funded by MIUR⁴ as “Scientific Research Programs of National Interest”⁵ and having as national coordinator prof. A. Bocchi. Objective of the program “Re-Cycle Italy” is the “exploration and development of new cycles of life for those spaces, those elements, those pieces of city and territory that have lost sense, use and care”.

1. C.Ray Jeffery, *Crime Prevention Through Environmental Design*, Beverly Hills, CA. Sage Publications, 1977.

2. Law 109/96 “Disposizioni in materia di gestione e destinazione di beni sequestrati o confiscati”.

3. The last report of the parliamentary anti-mafia commission underline the importance to avoid the abandonment and the depletion of assets increasing the number of those which are returned to local communities and anticipating the times of social reuse at the time of the seizure.

4. Italian Ministry of Education, University and Research.

5. PRIN 2010-2011.

3. Method and materials: Scientificity, Reproducibility and Confutation

3.1. Methodology: design of research

The research is divided into three steps: first, the legislative framework is analyzed. Based on this analysis, the first results (identified as “Results A”) related to missing links in the existing legislation are extracted. Second, the experiences of social re-use existing in Italy are collected and analyzed: on the basis of this analysis, activities that take place on assets confiscated are extracted. In the third step is carried out a comparison between what the law regulates and what the actors civic practice. This comparison shows differences between laws and real practices.

3.2. Materials: sources for legislative framework

Informations about legislative framework were gathered using laws and ministerial decrees public repository⁶. Ministerial decrees not founded in public database were requested to URP (ufficio relazioni con il pubblico) of the related ministry. Legislative provisions have been aggregated in the diagram (Fig.1) and matched with real uses collected by General Direction of Criminal Justice (Department of Justice Affairs, Ministry of Justice). Matching laws and data has allowed the identification of controversial or “broken links” in legislative framework⁷.

3.3. Materials: Sources for cases analysis

Quantitative data and qualitative informations about every single cases comes from crossing and validate 4 sources. Source 1: references in government reports, in destinations decree, in official statistics, in previous researches. Source 2: references from websites of legal entities that uses criminal assets; references from website of networks of legal entities that uses criminal assets. Source 3: online maps developed with social engagement or totally developed by communities that collect informations and localize criminal assets, local and national newspapers, social balances of foundations that funded criminal asses recovery. Source 4: italian

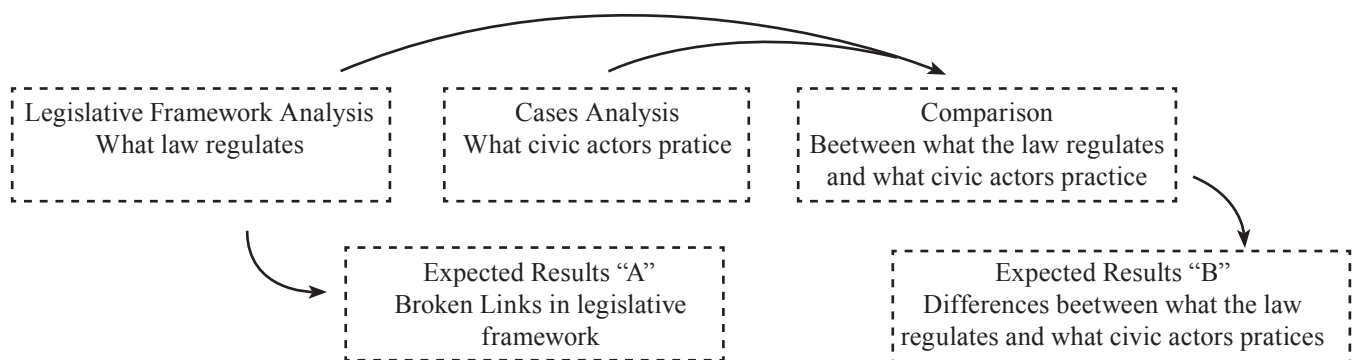


Fig.1 Design of research - Research is divided in three steps and two main expected results.

6. Legislative framework analysis used public legislative repository in www.normattiva.it

7. see Results “A” in Results section of this paper

register of companies.

3.4. Materials: issues in data gathering

It was necessary to operate a complex work of selection of sources on the basis of a main problem related to Source 1: istitutional sources give different data values. There are three main istitutional data sources: ANBSC, from Agenzia Nazionale dei Beni Sequestrati e Confiscati”, SAC, from Servizio Analisi Criminale (SAC) of “Direzione Centrale della Polizia Criminale del Ministero dell’Interno”, and SIPPI (SIT-MP), “Sistema Informativo Prefetture e Procure d’Italia” SIPPI of Ministero della Giustizia⁸. As reported by previous studies⁹ these databases have functional autonomy because are used for different police investigation or judiciary functions. The most important evidence that emerges is that theese databases contain a different number of confiscated criminal assets. For the present topic the database with useful detail came from ANBSC but also in this dataset there were some issues. Confiscated lands or building are recorded five or six times. Sometimes 5 or six connected lands or estate are gathered in one record. In some cases 5 or 6 records are related to the same cadastral sheet, particle and sub. If a propriety came from 5 or 6 different confiscated persons sometimes are recorded many times. The conclusion of the analysis performed on the existing istitutional sources is that these data can be useful for sampling but for a case by case study other sources are needed in orded to aggregate many cadastral data into a single case study.

3.5. Method: Triangulation sources for cases analysis

On the basis of data gathering issues, research used a qualitative-quantitative mixed method to triangulate different sources based on references (Fig.7: Validation sources through references). Graph shows how many times a project have online references. Every project is signed with a numbered point. All project signed in the graph have references from istitutional sources (source 1). In the bottom left quadrant there are project that don’t have any Source 2 and Source 3. This cases are not useful for modelling the productive reactivation phenomenon and probabily they concern destinations that have istitutional prupose. In the top left quadrant there are project that don’t have any references for sources 2 but have referece in sources 3. Theese cases are analized and are refered to criminal assets where legal entities that manage criminal assets don’t say in their webpage that they work in a criminal assets and that are outside networks related to the promotion of the culture of legality but communities though online maps have identified assets and entities. In the bottom

8. Transcrime, *Progetto PON Sicurezza 2007-2013, gli Investimenti delle Mafie*, Ministero dell’interno, 2013: 96-97. See chapter “Le fonti utilizzate: le banche dati”

9. Ibidem

right quadrant there are project that have references in their website but information is not confirmed by any community map. This cases are project in early stage or startup phase. In the right up quadrant there are project that are confirmed by maps developed by communities with references in their website and in networks that promote the culture of legality. Source 4 is used in two different way: first of all as a boolean operator “true, false” that validate the existence of an economic activity provided by the actor involved in re-activation of criminal asset, and finally as a tool to validate the identity between localization of criminal asset and localization of productive unit of legal entity involved in re-activation. Project with source 4 which reports a positive indication are signed in yellow and are cases of productive re-activity, useful for modelling the phenomenon. Cases with more then 5 mixed references (with the exception of bottom left quadrant) are recorded and are collected though a specific iterative process (fig 6.) in datasheet type 1 (see Datasheet 1 for data gathering, collecting, measuring”). Informations related to project signed positive for source 4 have a second step of data collecting though the datasheet type 2 (see Datasheet 2 for productive cases).

3.6. Method: Sampling

The choice of the representative sample was made on the basis of data published by ANBSC. The research used data of real estate actually destined in order to obtain a percentage on a regional basis. This percentage is on a regional basis and is used to define a representative sample formed by 400 assets.

4. Discussion

This research is still on going and data analysis is not fully accomplished. On the basis of data gathering issues, research find out a method to collect informations about confiscated criminal assets using a specific iterative process (Fig.6: Cases analysis process) and using mixed sources. The triangulation of sources bring together informations from the top (institutional datasets “Source 1” and Italian register of companies “Source 4”), and from the bottom (websites, newspaper, “source 3” and maps “Source 4” developed by communities). Number of references is not used to define hierarchy or a weights between cases but only to know if this cases exist in a social relational context: in other word if civic communities involved in reactivation recognize these confiscated assets as reactivated spots. This method is not useful to collect information about “how many unused confiscated assets already exist” but can be useful to find out existing practices of reactivation.

5. Results

1. “Results A”: civic actors

Italian legislative framework that rules the reuse of propriety confiscated to criminal organization provides that criminal assets can be reused also for social purpose. According to data published by the Italian Ministry

of Internal Affairs, the size of the phenomenon is significant in relation to the whole confiscated propriety. City and Regions may request confiscated propriety (real estate only, not company) for institutional or social purpose. City and Regions assign criminal assets to associations, social cooperatives, ATS (temporary consortium of social cooperatives), social cooperatives consorzium for social purpose. On the basis of collected data civic agents involved in criminal activations are legal entities as associations with V.A.T. (Partita iva), social cooperatives, ATS (temporary consortium of social cooperatives), consortium, public private ATS, in line with the provisions of the current legislation.

2. “Results A”: universities and confiscated criminal assets

The management of confiscated property by universities is an important datum in a perspective of urban development. If on one hand the law allows the use to universities for institutional reasons, on the other hand these institutional purposes of public universities in Italy include the so-called “third mission”: the exploitation of research results and the use of knowledge to contribute to the social, cultural and economic development of society. “Third mission” can effectively allowing a wide variety of uses for the property confiscated. Nevertheless law framework analysis shows that the ministerial regulation act related to law (296/2006 art. 1 c. 203) that defines criteria, procedures and terms of the free of charge transfer to public universities of the properties belonging to the state is not public. On the basis of inquiry to Italian Ministry of Economy and Finance, these act is not registered. This act should be published by June 30, 2007. The fact that there is no evidence of the existence of this Regulation suggests that it was never promulgated in violation of the law.

3. “Results A”: civic actors criminal assets and tourism

Law decree 5/2012, promulgated in February 9 2012 “Urgent measures on simplification and development” art. 56 paragraph 2 introduces the option of using the confiscated property for economic purposes related to tourism (by rent), at cooperative of youngs ‘not more than 35 years old’. “The law of 4 April 2012, n. 35 with which the decree is converted into law, however, limits again this provision effectively reducing it to dispositions already required by law 159/2011. The intuition of pursuing social outcomes through tourism related activities is based on an idea: the reactivation of confiscated assets for tourism-related activities, has the ability to promote the area and compensate the community for the violence of criminal organizations. Considering this socioeconomic and territorial outcome in further urban policies, this legislative way appears useful, to define new sustainable strategies, processes, and policies for regeneration of confiscated assets.

4. Cases analysis “Results B”: creative approach in confiscated criminal assets reactivation

Collected data and analysis about cases shows that there are two main approach. First one: civic agents (also in consorzium) turns the confiscated property in an assets that provides social and personal care service. Second one: Civic Agents act as creative agents, try to keep memory of criminal source but at the same time starts to create a new identity, insert criminal assets in new productive life cycle and engage community for achieve social outcome in the mid-term. In the second case on the basis of data collected, civic agents uses confiscated criminal assets for different uses, as cultural and creative production, energy. As results of present paper, there are many differences between what the law regulates and what civic actors practices but more cases are needed to describe the phenomenon.

6. Conclusions

Present paper proposes a method for examination of confiscated criminal assets as productive urban commons. Though these methods and materials, present paper find out “broken law links”, missing in the Italian ministerial regulation acts that prevent the involvement of public and private civic actors in the reactivation of confiscated assets by communities; Also, shows first results of a subset of 200 analysed cases. These methods, materials and results lay the “knowledge” ground for further studies: collecting information about existing practices can be useful for modelling the phenomenon of reactivation of confiscated criminal assets. Sintetize theese phenomenon can be useful to define new strategy, land uses policies, toward an integrated, strategic, sustainable approach in productive reactivation of criminal assets.

7. Table of figures, graphs and illustrations

	Page
Fig 1.: Design of Research.....	4
Fig 2.: Legislative framework	10
Fig 3.: Confiscated criminal assets in Italy: typologies, destinations, amount	11
Fig. 4: Real estate confiscated and destined organized by Regions.....	12
Fig. 5: Sample: observed cases and productive evidences.....	12
Fig.6: Cases analysis process.....	12
Fig.7: Validation sources through references.....	13

8. Table of datasheet

	Page
Datasheet 1 for data gathering, collecting, measuring.....	14
Datasheet 2 for productive cases.....	16

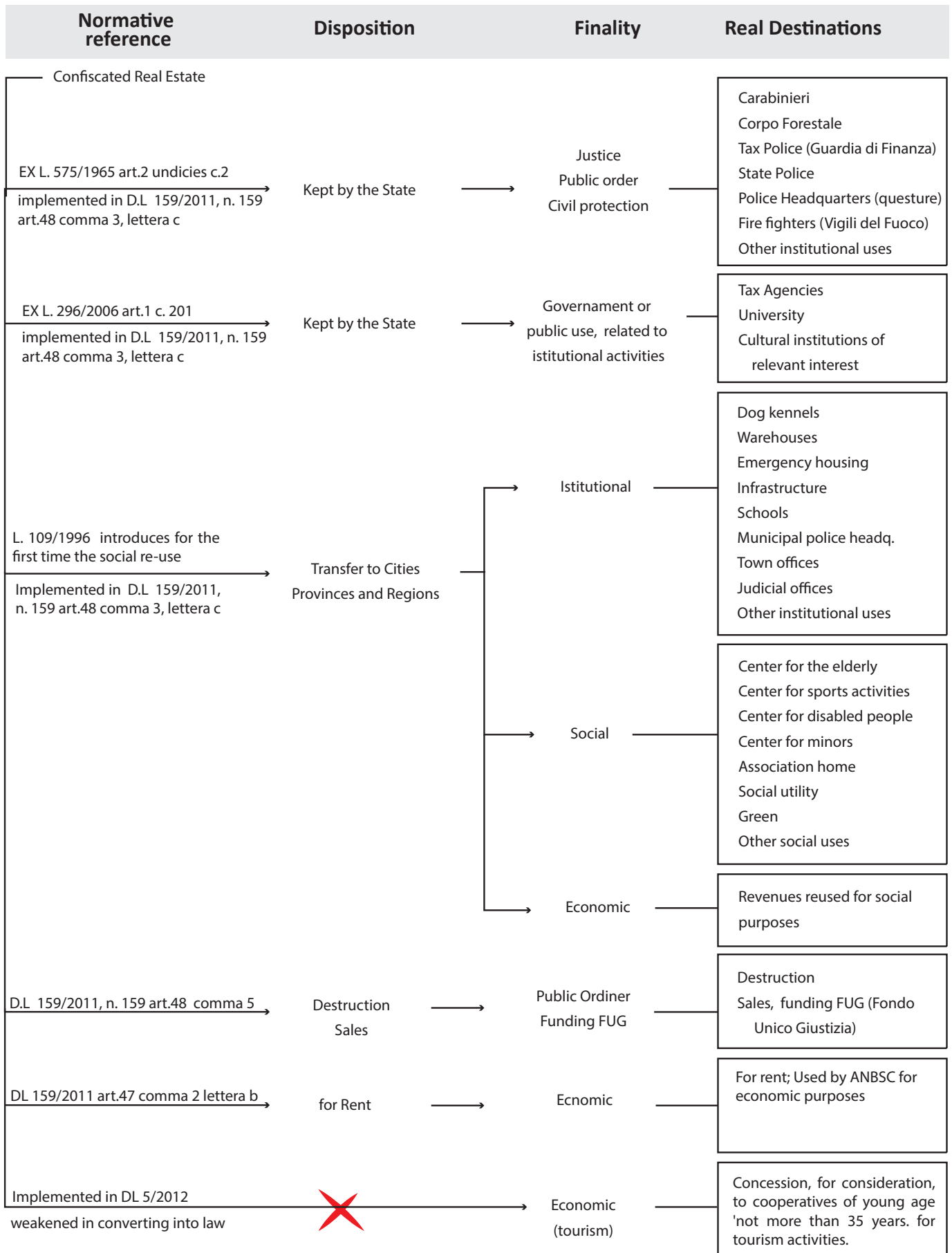


Fig 2: Legislative framework: confiscated criminal real estate, normative reference, destinations and finality explined in law are connected with real destinations dataset collected by Italian Department of Statistical data and Monitoring of General Directorate of Criminal Justice / Department of Justice.

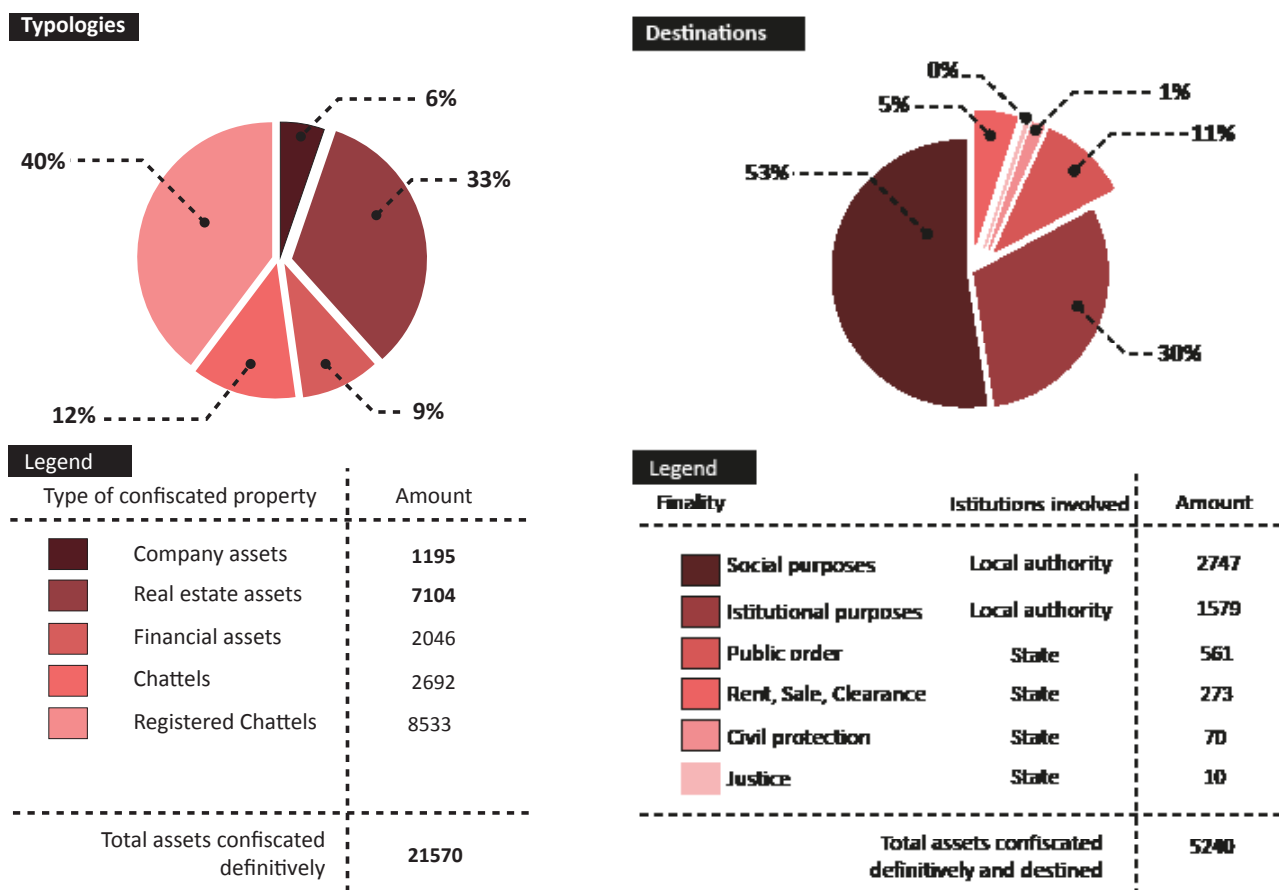


Fig.3: Confiscated criminal assets in Italy: typologies, destinations, amount, February 2015. Graphic representation of public dataset from 1st Office, Department of Statistical data and Monitoring of General Directorate of Criminal Justice / Department of Justice.

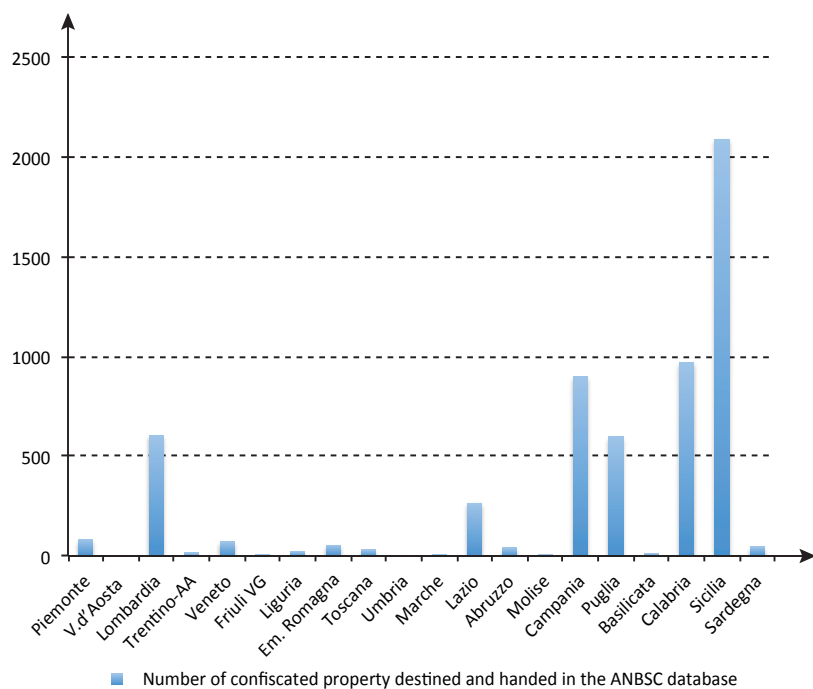


Fig. 4: Real estate confiscated and destined in italian regions

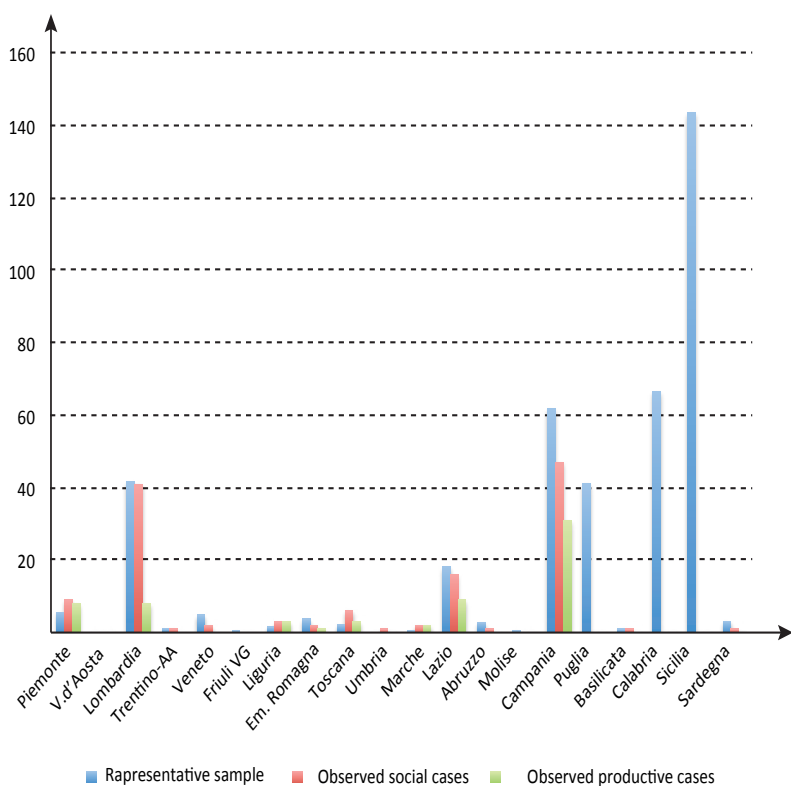


Fig.5: Sample: observed cases and productive evidences;

Graph shows the method, not the final results.

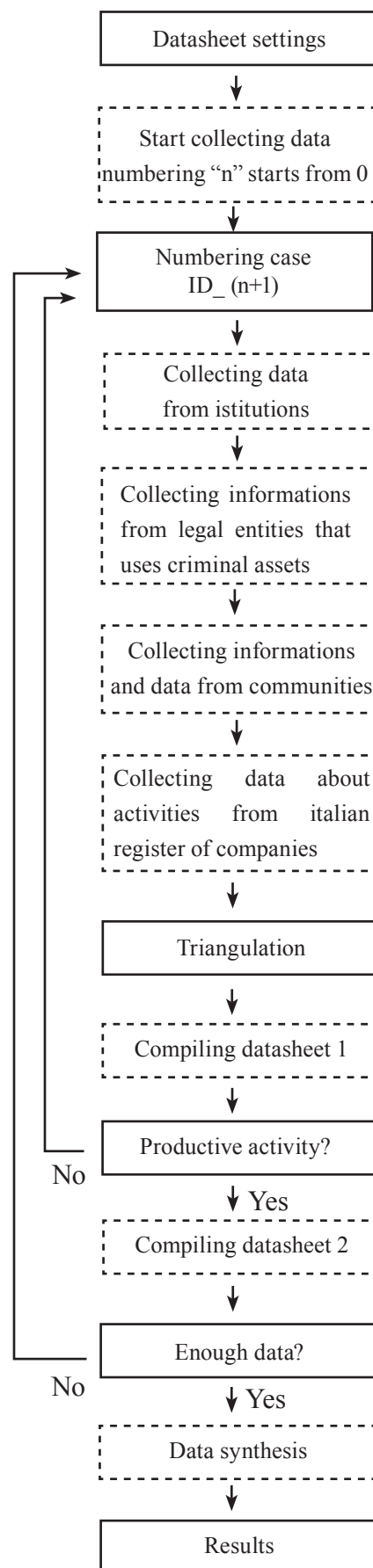


Fig.6: Cases analysis process.

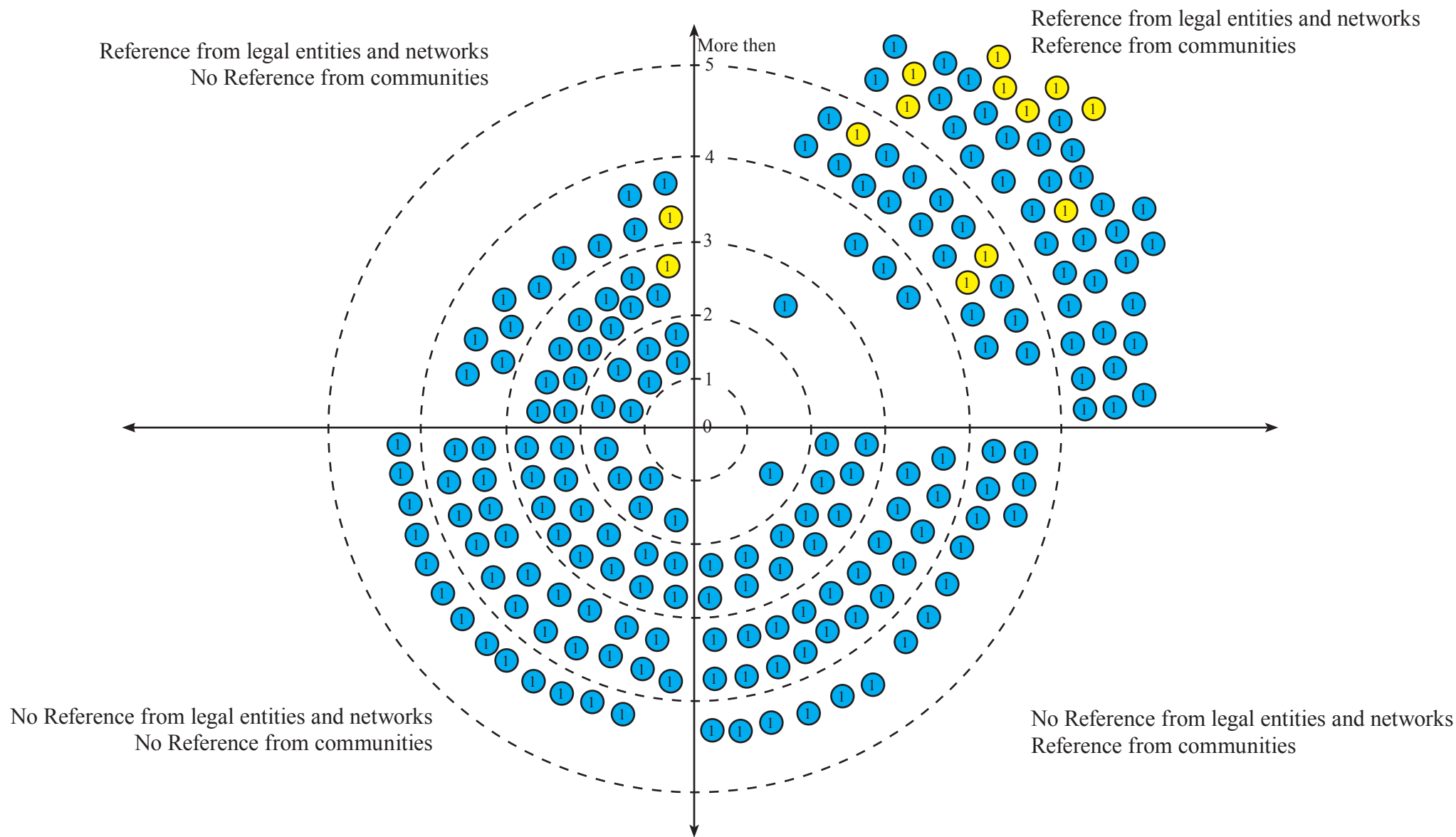


Fig.7: Validation sources throug references: every point rapresent an experience of reuse of criminal assets recorded. The number inside the point rapresent the number identification number in datasheet 1. The number is always “1” because graph shows only the method, not the results.

- Institutional References
No reference from company registers
- Institutional References
Reference from company registers

Method and materials - Datasheet type 1 for data gathering, collecting, measuring

Data Label	Description and replicability
General info	
Id_n	Numbering case with an identification number;
Phase	Seven labels identify the situation captured in 01/01/2015: Planning /Design/Funded/Startup/Re-Active/Activity ended/re-sequestered;
Name criminal assets	The name by which such property is known in local and national newspapers. Is the same name given during the inauguration. Data collected through newspapers and web search engine;
Person who was subject to confiscation measure	Name of person who was subject to confiscation, data collected through newspapers and web search engine;
Criminal organization	Criminal organization details, data collected through newspapers and web search engine.
Localization	
State	“Localization” shows all the data required to identify the geographic
Region	location of the property. Data collected through the websites of
City	legal entities that manage these assets confiscated and crossing the
Address	informations from the italian register of companies, identifying the
Cap	business unit that operates in the confiscated property;
Gis coordinate	The assets are identified through links (short) that redirect to google
Google map link	maps and geographic coordinates related to the system WGS 84.
Physical and economic size	
K_bene	K_bene is the identification number in ANBSC dataset. The dataset
Typology	is not public but data can be collected from an intense scraping of
Confiscated surface (mq)	the information in the published on the website of ANBSC (“Decreti
Built-up area (mq)	di destinazione”). Other informations can be collected crossing the
Non built area (mq)	data in the websites of territorial authorities, decrees of destination
Estimated Value	to associations and cooperatives, in newspapers, and in the web
Date of estimation	pages of legal entities that manage the assets;
Unitary value	U.V. is calculated (Estimated value)/(builtup Area + non built area)

Method and materials - Datasheet type 1 for data gathering, collecting, measuring

Cadastral - - - - -		
	Sheet	Sheet, particle and subordinate are cadastral identificative. Data
	Part.	can be collected crossing informations in the websites of territorial
	Sub.	authorities, decrees of destination to associations and cooperatives
		and in the website of legal entities that manage the assets.
Time from “crime to activity” - - - - -		
	Confiscated date	Date are collected in GG/MM/YYYY format. Data can be collected
	Final confiscated date	crossing informations in the websites of ANBSC, territorial
	Destination date	authorities, decrees of destination to associations or cooperatives
	Assigned date	and in the website of legal entities that manage assets. Activation
	Activities starts	date can be collected from the register of companies, identifying the
		business unit that operates in the confiscated property.

Method and materials - Datasheet type 2 for productive cases

Data Label	Description and replicability
Project of reactivation	
Name	All confiscated property are reactivated through a project and a funding program. The name of this project is public. Data collected through newspapers, web search engine, decrees of destination to associations or cooperatives, websites of legal entities that manage assets and through regional web maps that provide information about criminal assets recovery.
Description	Project description. Informations are collected through newspapers, web search engine and websites of legal entities that manage the assets.
Funding	Description of funding program. This data can be found in the websites of legal entities that manage the assets and in the social balance of Foundation that funded criminal assets recovery project.
Re-activity	
Re-activities	All project analyzed starts with an idea of new activities in the confiscated property (re-activities). Data can be found in the website of legal entities that manage the assets. Data are gathered in 24 activities.
Reactivated Cycles	All the activities are organized in six main reactivated cycles: creative production and distribution (FAB), cultural production and fruition (CULTURAL), costal production and fruition of watercourses and wetlands (IDRO), multifunctional agriculture (AGRI), production of renewable energy and waste treatment (ENERGY), second level welfare and personal care services (HUMAN).
Related civic agents	
Legal persons involved	Legal person name (can be multiple); data collected in the website of legal entities that manage the assets.

Method and materials - - Datasheet type 2 for productive cases

Legal entity typology who has assigned the confiscated propriety	Tipology of legal person: association, social cooperative, consortium, ATS.
Legal entity address	Data collected from the italian register of companies.
Vat Number	All legal person that manage criminal asset have Vat Number (partita iva). Data collected from the italian register of companies.
Website	Data collected from web research engine.
Online sources	Online sources used for every single project are collected.
Related contact	-----
Pec Mail	Data collected from the italian register of companies.
Mail, Contact person, Telephone number	Data collected from websites of legal entities that manage the assets.

9. Bibliography

- ANBSC. *Relazione Annuale dell'Agenzia Nazionale per l'Amministrazione e la Destinazione dei Beni Sequestrati e Confiscati alla Criminalità Organizzata*. ANBSC, 2012.
- Arquilla J., Ronfeldt D., Zanini M. *Networks, Netwar and Information-Age Terrorism, on Countering the New Terrorism*. Rand Corporation, Santa Monica, 1999.
- Cannarozzo, T. *Palermo: il Ruolo dei Beni Confiscati*. Urbanistica Informazioni N. 232 , 2010.
- Carta M. *Creative City, Dynamics, Innovations, Actions*. Barcelona, List, 2007.
- Carta M. *Governare l'Evoluzione, Principi, Metodi e Progetti per una Urbanistica in Azione*. Franco Angeli, Milano, 2009.
- Carta M. *L'armatura Culturale Del Territorio: il Patrimonio Culturale come Matrice d'identità e Strumento di Sviluppo*. Franco Angeli, Milano, 1999.
- Commissione parlamentare di inchiesta sul fenomeno delle Mafie e sulle altre associazioni criminali, anche straniere. *Relazione sulle disposizioni per una revisione organica del codice antimafia e delle misure di prevenzione di cui al decreto legislativo del 6 settembre 2011, n. 159*. Camera dei Deputati, 2014;
- European Commission. *Sustainable Urban Development in The European Union: a Framework for Action*. European Commission, Bruxelles, 1998.
- Jeffery C. Ray., *Crime Prevention Through Environmental Design*. Beverly Hills, CA. Sage Publications, 1977.
- Libera, Associazioni, Nomi e Numeri Contro le Mafie. *Il Riutilizzo Sociale dei Beni Confiscati alle Mafie per la Legalità, lo Sviluppo Sostenibile e la Coesione Territoriale; Proposte di lavoro nella Programmazione Europea 2014-2020*. Libera, Associazioni, Nomi e Numeri Contro le Mafie, 2014.
- Madonia M. E., Favilla G. *Palermo: il Recupero alla Legalità dei Beni Confiscati, tra Coscienza e Azione*. Centro Studi Pio La Torre, 2011.
- Marini S., Rosselli C. *Re-Cycle Op _Position I*. Aracne Editrice, 2014.
- Marini S., Rosselli C. *Re-Cycle Op _Position II*. Aracne Editrice, 2014.
- Marini S., Santangelo V. *Recycle Italy - Nuovi Cicli di Vita per Architetture e Infrastrutture della Città e del Paesaggio*. Aracne Editrice, 2013.
- Marini S., Santangelo V. *Recycle Italy - Viaggio in Italia*. Aracne Editrice, 2013.
- Marini S., Santangelo V. *Recycleland*. Aracne Editrice, 2013.
- McDonough W. *Cradle to Cradle: Remaking the Way We Make Things*. North Point Press, 2002.
- McDonough W. *The Hannover Principles: Design For Sustainability*. North Point Press, 1992.
- McDonough W., Braungart M. *The Upcycle Beyond Sustainability: Designing for Abundance*. North Point

Press, 2013;

Ministero dell'Interno. *Programma Operativo Nazionale Sicurezza per lo Sviluppo - Obiettivo Convergenza 2007-2013*. Ministero dell'Interno, 2014.

Moffioletti S. *Paesaggi delle Infrastrutture*. Il Poligrafo, Padova 2005.

Mosca M., Villani S. *Da Beni Confiscati A Beni Comuni*, *Communitas: i Beni della Comunità*, n. 51, May 2011, n. 51: 99-106

Mosca M., Villani S. *L'impresa Sociale ed il Riutilizzo a fini Sociali dei Beni Confiscati: Verso un Nuovo Modello di Sviluppo del Mezzogiorno fondato sul Capitale Sociale e sul Territorio*. *Impresa Sociale*, n. 79: 33-50.

Mosca M., Villani S. *The Social Reuse of Illegal Asset and the Role of Social Economy in the Fight Against Criminal Organization: the Italian Case*. Conference *Towards an Ethical Economy and Economics*, University of Glasgow, 2012.

M Mosca M., Villani S. *The Reuse for Social Aims of Illegal Assets and the Competition Policy. A New Network Strategy to Defeat Organized Crime with its Same "Weapons"*, in vol.3: 23-53. *Yearbook of Law and Economics*, Wydawnictwo C.H. Beck, 2012.

Terzio Millennio Onlus. *Dal Bene Confiscato al Bene Comune*. Quaderni della Fondazione Terzio Millennio Onlus, Ecra, 2014.

Transcrime. *Rapporto Linea 2: Il Riutilizzo dei Beni Confiscati*. Ministero dell'interno, 2013.

Transcrime. *Progetto PON Sicurezza 2007-2013, gli Investimenti delle Mafie*. Ministero dell'interno, 2013.

Zagari F. *Questo è Paesaggio 48 definizioni*. Gruppo Mancosu. Roma, 2006.