



Press Office of the Constitutional Court

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## VENETO REGION LAW ON “NEIGHBOURHOOD WATCH” *ULTRA VIRES*

The Veneto Region law on “neighbourhood watch” encroaches upon the State’s exclusive competence over public order and security and is therefore unconstitutional.

This ruling was made by the Constitutional Court in [Judgment no. 236](#) (author Francesco Viganò), filed today.

Veneto Regional Law no. 34 of 2019, which was struck down by the Court, pursued the objective of promoting and regulating “neighbourhood watch” schemes by supporting such activities in various ways and establishing a database for monitoring results.

The Court recalled that, according to its case law, the State has exclusive competence to legislate in the area of “primary security”, which covers the prevention and combatting of crime, a task vested primarily in the police. The regions are however permitted to make provision in support of “secondary security”, including in particular through initiatives aimed at enhancing, within a social context, a culture of legality and at removing the conditions under which crime is liable to flourish.

The regional law examined by the Court provided for forms of control over the local territory by residents acting as auxiliaries for the police in relation to the latter’s tasks of protecting public order and security, and therefore inevitably encroached upon the area of “primary security”, legislative competence over which is reserved by the Constitution to the State.

However, the Court clarified that there is nothing to prevent State legislation from making provision directly in relation to “neighbourhood watch” schemes, which have moreover already

been addressed through numerous memoranda of understanding concluded between prefectures and municipalities in various parts of the country. The aim of such schemes – which may be classified under the principle of “horizontal subsidiarity” enshrined by Article 118 of the Constitution – is to encourage active participation by and the empowerment of residents with regard to the objective of more effective crime prevention, to be achieved by organising initiatives to support the official duties of the police.

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Palazzo della Consulta, Piazza del Quirinale 41 Rome - Tel. 06.46981/06.4698224/06.4698376