

Original article

UDC 343.851

doi: 10.46741/2686-9764.2022.60.4.007



Interaction between Territorial Bodies of the Federal Penitentiary Service of Russia and the Ministry of Internal Affairs of Russia to Prevent Recidivism among Those Sentenced to Punishment without Isolation from Society

YULIYA V. YUROVA

Vladimir State University named after Alexander and Nikolay Stoletovs, Vladimir, Russia

Vladimir Law Institute of the Federal Penitentiary Service of Russia, Vladimir, Russia

yurovayulua@mail.ru, <https://orcid.org/0000-0002-4495-213X>

Abstract

Introduction: the article reveals legal and practical aspects of organizing interaction between employees of penal inspections and territorial divisions of internal affairs bodies. *Purpose:* to develop proposals for amending joint decrees on the organization of interaction between employees of penal inspections and territorial divisions of the department of internal affairs in order to boost effectiveness of preventing recidivism among persons registered with penal inspections. *Methods:* analysis of the results of theoretical research on the topic, content analysis, interpretation of legal norms, comparative law, analysis of statistical data. Based on the *results* of the analysis, the author proposes amendments and additions to regional joint decrees on the interaction between employees of penal inspections and internal affairs bodies in the field of organizing work with juvenile affairs units, district police officers, as well as on searching for persons who have escaped from employees of penal inspections. *Conclusions:* the organization of interaction between employees of penal inspections and internal affairs bodies plays an important role in the prevention of recidivism among those sentenced to punishment without isolation of society. Currently, in the Russian Federation the joint Decree of the Ministry of Justice of Russia and the Ministry of Internal Affairs of Russia No. 190/912 of October 4, 2012 "On approval of the Rules of interaction between the Federal Penitentiary Service of Russia and the Ministry of Internal Affairs of Russia on the prevention of crimes and other offenses committed by persons registered with penal inspections" (hereinafter: Interaction Rules) is in force. In addition, a number of territorial bodies have regional decrees on the organization of interaction of the above-mentioned structural units at the district level. The most effective practices on the prevention of recidivism among persons sentenced to punishment without isolation from society should be studied, implemented and used.

Key words: interaction; penal inspection; internal affairs bodies; prevention; thwarting; recidivism.

5.1.2. Public law (state law) sciences.

For citation: Yurova Yu.V. Interaction between territorial bodies of the Federal Penitentiary Service of Russia and the Ministry of Internal Affairs of Russia to prevent recidivism among those sentenced to punishment without isolation from society. *Penitentiary Science*, 2022, vol. 16, no. 4 (60), pp. 407–416. doi: 10.46741/2686-9764.2022.60.4.007.

Introduction

One of crucial goals of the Russian penal legislation is to prevent the commission of new crimes by both convicted and other persons [9]. The implementation of this goal is entrusted to employees of institutions and bodies of the Russian penal system, including penal inspections (PI).

When executing criminal punishments, criminal-legal and preventive measures, inspection officers regularly interact with employees of internal affairs bodies, whose main activities also include prevention and suppression of crimes and administrative offenses in accordance with Paragraph 2 of Part 1 of Article 2 of the Federal Law No. 3-FZ of February 7, 2011 "On the police" [7].

In order to organize this interaction on the territory of the Russian Federation, a joint decree of the Ministry of Justice of Russia and the Ministry of Internal Affairs of Russia No. 190/912 of October 4, 2012 "On approval of the Rules of interaction between the Federal Penitentiary Service of Russia and the Ministry of Internal Affairs of Russia on the prevention of crimes and other offenses committed by persons registered with penal inspections" is in effect [8], which is the main one in the prevention of recidivism among convicts registered with penal inspections.

This topic has been little studied by representatives of criminal law sciences. In the course of the study, the works of D.A. Brazhnikov, A.V. Bogdanov, A.Sh. Gabaraev, E.V. Emelyanova, A.I. Zakharova, E.D. Zyкова, I.I. Il'inskii, P.N. Kobets, S.I. Shaimanova, E.N. Khazov are considered. The researchers believe that a low recidivism rate can be achieved only with mutually beneficial interaction of prevention subjects [1–6]. Conducting a retrospective analysis of the development of interaction between the Police department and the department of internal affairs, D.E. Zyкова comes to the conclusion that the detailed legal regulation of forms of interaction between law enforcement agencies is necessary for effective prevention of recidivism [6, p. 26]. Researchers A.I. Zakharova and S.I. Shaimanova study issues to prevent crimes of female minors and emphasize the importance of joint work in the organization of moral and ethical, family, sexual, and physical education [5, p. 77]. Formation and improvement of the system of legal, cultural, military-patriotic, spiritual-moral, and civil-patriotic education of minors are discussed

in the works of A.V. Bogdanov, I.I. Il'inskii, E. N. Khazov [1, p. 31]. Prevention of female recidivism is considered by P.N. Kobets and D.A. Brazhnikov. Scientists prove that systematic elimination of the causes and conditions that contribute to the recurrence of female crime is one of the priorities of the department of internal affairs [2, p. 83]. E.V. Emelyanova writes about the expediency to clearly formulate key provisions of the unified state crime prevention system and determine its development prospects [4, p. 29].

According to A.Sh. Gabaraev, the absence of consistency in the legal regulation of interaction between units of penal inspections and departments of internal affairs is a serious drawback [3, p. 8]. Within the framework of this article, a number of amendments will be proposed to current legislation norms on the recidivism prevention among convicts registered with penal inspections.

Statistical analysis. In 2021, 933,087 people were registered with penal inspections (the previous year's figure – 941,961 people), of which 12,217 minors (the previous year's figure – 13,415 people). The recidivism rate among persons registered with penal inspections was 2.17% (the previous year's figure – 2.12%). Thus, there is a slight increase in recidivism (data provided by the Federal Penitentiary Service of Russia, not published officially).

In the Far Eastern Federal District, the recidivism rate in 2021 was 2.4% (the previous year's figure – 2.31%). This indicator increased compared to the same period previous year and exceeded the national average. In the Far Eastern Federal District, the highest recidivism rate (3.16%) was observed in Khabarovsk Krai (the previous year's figure – 2.57%). In Khabarovsk Krai, the recidivism rate went up by 22.82% compared to the previous year's figure. The lowest recidivism rate (1.37%) was in the Sakhalin Oblast (the previous year's figure – 1.29%).

In the Volga Federal District, the recidivism rate was 2.15%. This indicator was lower than the national average, but higher than in 2020 (2.05%). The highest recidivism rate (3.71%) was recorded in the Directorate of the Federal Penitentiary Service of Russia in the Penza Oblast (the previous year's figure – 3.62%). At the same time, the lowest recidivism rate amounted to 1.09% in the Orenburg Oblast (the previous year's figure – 1.2%).

In the Northwestern Federal District, the recidivism rate amounted to 1.77% at the end

of 2021 (the previous year's figure – 1.75%). This indicator was less than the national average, but higher than the previous year's figure. The lowest recidivism rate (0.32%) in the Northwestern Federal District was observed in the Novgorod Oblast (the previous year's figure – 0.8%).

In the Ural Federal District, the recidivism rate was 2.77% at the end of 2021 (the previous year's figure – 2.64%). The highest recidivism rate (3.63%) was recorded in the Tyumen Oblast (the previous year's figure – 3.66%), the lowest (1.38%) – in the Kurgan Oblast (the previous year's figure – 1.24%) and Yamalo-Nenets Autonomous Okrug (the previous year's figure – 1.50%).

In the Central Federal District, the decrease in the recidivism rate accounted for more than 30% (1.61% vs 2.43% of the previous year). The highest recidivism rate (2.77%) was recorded in the Ivanovo Oblast (the previous year's figure – 2.47%). The lowest recidivism rate (0.86%) was observed in the city of Moscow (the previous year's figure – 0.93%).

The recidivism rate in the Southern Federal District was 2.05% (the previous year's figure – 2.04%). In 2021, the highest rate of recidivism (2.30%) was observed on the territory of the Republic of Crimea (the previous year's figure – 2.26%), and the lowest (1.56%) in the Republic of Adygea (the previous year's figure – 1.70%).

In the Siberian Federal District, the recidivism rate in 2021 was 2.43% (the previous year's figure – 2.38%). It exceeded the national average significantly. The highest recidivism rate (3.72%) was observed in the Omsk Oblast (the previous year's figure – 3.41%), the lowest (1.17%) in the Republic of Tuva (the previous year's figure – 1.53%).

In the North Caucasian Federal District, the recidivism rate was 1.62% at the end of 2021 (the previous year's figure – 1.53%). This indicator was lower than the average Russian level, but higher than in 2020. The highest recidivism rate (2.89%) was observed in Stavropol Krai (the previous year's figure – 2.37%). The lowest recidivism rate (0.42%) was recorded on the territory of the Republic of North Ossetia – Alania (the previous year's figure – 1.1%).

Thus, in a number of territorial bodies of the Federal Penitentiary Service of Russia, the recidivism rate exceeded the national average significantly. So, in the (Main) Directorate of the Federal Penitentiary Service of Russia in the Penza Oblast, it was 3.71% (the previ-

ous year's figure – 3.62%), the Omsk Oblast – 3.71% (the previous year's figure – 3.41%), the Tyumen Oblast – 3.63% (the previous year's figure – 3.66%), the Altai Republic – 3.60% (the previous year's figure – 2.72%).

Among minors convicted without isolation from society, there was also a decrease in the level of recidivism, which at the end of 2021 amounted to 2.78% (the previous year's figure – 3.32%, the decline by 16.1%). At the same time, the highest recidivism rate among juvenile convicts (10%) was recorded in the (Main) Directorate of the Federal Penitentiary Service of Russia in Kamchatka Krai (the previous year's figure – 5.36%). The lowest rate (0%) was recorded in the Republic of Adygea and the Smolensk Oblast (the previous year's figure – 0%).

A wide range of the recidivism rate in different territorial bodies of the Federal Penitentiary Service of Russia is caused by various subjective and objective reasons, such as a complex criminogenic composition of persons registered with penal inspections (previously convicted, unwilling to work and study, prone to the use of alcoholic beverages and narcotic drugs, psychotropic substances or their analogues), lack of personnel and their large workload, which entails a reduction in the requirements for organization of control and supervision of registered persons.

Thus, the analysis of official statistical data of the Federal Penitentiary Service of Russia demonstrates the following:

1) the national average rate of recidivism among persons registered with penal inspections in 2021 increased by 0.05% compared to the same period of the previous year;

2) the recidivism rate among persons registered with penal inspections is higher than the average Russian recorded in the Far Eastern, Ural, and Siberian federal districts;

3) the recidivism rate among persons registered with penal inspections, close to the average national, is recorded in the Volga, and Southern federal districts;

4) the recidivism rate among persons registered with penal inspections, lower than the national average, is recorded in the Northwestern, Central and North Caucasian federal districts.

Let us analyze norms of the Decree of the Ministry of Justice of Russia and the Ministry of Internal Affairs of Russia No. 190/912 of October 4, 2012 "On approval of the Rules of interaction between the Federal Penitentiary

Service of Russia and the Ministry of Internal Affairs of Russia on the prevention of crimes and other offenses committed by persons registered with penal inspections” and regional decrees on interaction.

The last amendments to the Interaction Rules were made on January 20, 2017. It is important to note that since the beginning of 2017, activities of the inspection staff have changed significantly. Their duties have included control over suspected and accused persons sentenced to a ban on certain actions and bail, as well as control over those released on parole.

These circumstances indicate the need to amend the Interaction Rules to expand the circle of persons to whom the decree applies, and to fix in it all those registered with penal inspections.

In addition, when analyzing current norms of the Interaction Rules, we identified several more problematic issues.

According to Sub-Paragraph 7 of Paragraph 6 of the Interaction Rules, on the day of receipt of a copy of the court’s decision (ruling) on the replacement of the unserved sentence by another type of punishment, extension of the probation period, assignment of additional duties and restrictions to convicts, or on the refusal of the court to satisfy the penal inspection submission on the replacement of punishment, the relevant units of the department of internal affairs are informed. At the same time, it is doubtful whether these reports are relevant for them. When executing punishments without isolation from society, it is virtually impossible to determine in advance the date of convicts’ removal from the register, it is only possible to calculate an end date of the probation period, but it can also be extended. Thus, if information is sent to employees of the department of internal affairs about registration of a convicted person and his/her removal from the register, which involves organization or termination of work with him/her, the information about the probation period extension does not play a role for an employee of the department of internal affairs. A similar question arises when sending information about the court’s refusal to satisfy the penal inspection’s submission on the replacement of punishment. This information does not actually matter to employees of the department of internal affairs. At the same time, information on the assignment of additional duties to conditionally convicted

persons or on the imposition of additional restrictions on those sentenced to restriction of freedom must be sent to departments of internal affairs, since their employees can assist in organizing control over the newly assigned duties and restrictions. Information about the replacement of a sentence or the cancellation of a suspended sentence is similar to information about the removal of a convicted person from the register. Thus, we propose to set out Sub-Paragraph 7.6 of the Interaction Rules in the following wording: “On the day of receipt of a copy of the court’s decision (ruling) on the replacement of an unserved sentence by another type of punishment, the imposition of additional duties and restrictions on convicts, relevant units of the department of internal affairs are informed”.

At the same time, the presented proposals should not be taken into account, in case it is an employee of the department of internal affairs who files a petition about the application of preventive measures to a convict. In this case it is required to provide an employee of the department of internal affairs with the petition consideration results.

Based on the above, Sub-Paragraph 8 of Paragraph 6 of the Interaction Rules should be excluded. It is not possible to accurately determine the date of removal from the register of those sentenced to restriction of freedom and deprivation of the right to hold a certain position or engage in a certain activity. It can only be calculated approximately.

According to Sub-Paragraph 9 of Paragraph 6 of the Interaction Rules, employees of penal inspections must send lists of juvenile convicts to the department of internal affairs monthly. At the same time, in accordance with Sub-Paragraph 5 of Paragraph 6 of the Interaction Rules, the inspection staff is obliged to inform the department of internal affairs about registration of convicts, and in relation to juvenile convicts – about their registration with a copy of the verdict (ruling, resolution) of the court. Thus, monthly provision of the department of internal affairs with this information is rather disputable. Based on the above, it is proposed to replace the monthly period with a quarterly one.

It is noteworthy that the Interaction Rules do not fix specific deadlines for carrying out preventive measures. As part of the solution of these problems, most territorial bodies have approved decrees for the interaction of employees between penal inspections and

departments of internal affairs at the level of Russian subjects.

Within the framework of the study, 54 joint decrees on the interaction between penal inspections and departments of internal affairs were studied (the decrees were provided by territorial bodies, not officially published), of which:

- 4 decrees have been in effect since 2012 (Novgorod, Rostov, and Kaliningrad oblasts, Perm Krai);

- 12 decrees – since 2013 (republics of Adygea, Ingushetia, Dagestan, and Chechnya, Khanty-Mansi Autonomous Okrug, Bryansk, Vologda, Ivanovo, Kirov, Orel, Saratov, and Yaroslavl oblasts);

- 7 decrees – since 2014 (republics of Tuva and Crimea, Altai and Zabaykalsky kraises, Smolensk, Tambov, and Sakhalin oblasts);

- 3 decrees – since 2015 (Krasnoyarsk Krai, Vladimir and Moscow oblasts);

- 3 decrees – since 2016 (Amur and Belgorod oblasts, Yamalo-Nenets Autonomous Okrug);

- 11 decrees – since 2017 (Krasnodar Krai, republics of Bashkortostan and Khakassia, Chechen Republic, Nizhny Novgorod, Kurgan, Penza, Samara, Leningrad, Tyumen, and Ulyanovsk oblasts, city of Saint Petersburg);

- 6 decrees – since 2018 (Kabardino-Balkarian and Karachay-Cherkess Republics, Republic of North Ossetia–Alania, Lipetsk, Murmansk, and Tula oblasts);

- 2 decrees – since 2019 (Irkutsk Oblast, Republic of Buryatia);

- 4 decrees – since 2020 (Republic of Kalmykia, Orenburg, Chelyabinsk, and Omsk oblasts);

- 2 decrees – since 2021 (Komi Republic, Republic of Tatarstan).

The data were provided by territorial bodies of the Federal Penitentiary Service of Russia, taking into account the latest amendments made to the decrees on the interaction between employees of penal inspections and departments of internal affairs. Thus, in most territorial bodies of the Federal Penitentiary Service of Russia, there are joint decrees on the organization of interaction between employees of these structural units with regard to regional specifics.

However, there are no joint regional decrees in some territorial bodies of the Federal Penitentiary Service of Russia (Directorate of the Federal Penitentiary Service of Russia in the city of Moscow, Directorate of the Federal

Penitentiary Service of Russia in Khabarovsk Krai, Main Directorate of the Federal Penitentiary Service of Russia in Primorsky Krai, etc.). Employees of penal inspections and departments of internal affairs rely only on the Interaction Rules, when organizing joint work.

The analysis of the decrees stated above demonstrates the following:

- 1) the decrees provisions largely duplicate norms of the Interaction Rules, as well as other regulatory legal acts regulating activities of penal inspections;

- 2) the decrees requirements increase and complicate the workload of penal inspection employees, obliging them to conduct additional checks, requests, etc.;

- 3) some decrees contain norms that do not relate to the issues of interaction between employees of penal inspections and departments of internal affairs.

At the same time, a number of decrees do contain norms necessary for the organization of high-quality interaction between employees of these structural units. We believe that the presence of such joint orders is crucial. At the same time, it is important to identify, analyze and summarize the effective norms contained in separate decrees on the interaction.

Let us consider general provisions on the organization of interaction between penal inspections and departments of internal affairs

Interaction of any structural units depends on its organization. In most territorial bodies, this function is assigned to the head of the penal inspection of the Main Directorate of the Federal Penitentiary Service of Russia and the deputy head of Main Directorate of the Ministry of Internal Affairs in the relevant field of activity. The current Interaction Rules establish that “territorial bodies are obliged to visit subordinate structural units, approve semi-annual joint work plans, analyze and summarize results of the activities of the penal inspection and the department of internal affairs at least once a half-year, make proposals for improving the work” [8]. At the same time, most joint decrees contain norms fixing measures to organize regional interdepartmental operations at least once every 6 months. This measure should be fixed in regional interaction orders, but it is advisable to increase the frequency of their conduct from 2 to 4 times a year.

According to Sub-Paragraph 4 of Paragraph 7 of the Interaction Rules, “when a convicted person commits an administrative offense or crime, or facts of non-fulfillment

of assigned duties and established restrictions are revealed, within three working days after consideration of an administrative offense case, initiation of a criminal case and reviewing of a report by the senior staff of the department of internal affairs or receiving information from another department of internal affairs or other law enforcement agency about bringing a convicted person to administrative liability, initiation of a criminal case against him/her, the department of internal affairs sends information about these facts to the penal inspection" [8].

This provision is present in every regional joint decree, and in part of them – informing the penal inspection about bringing a person to administrative and criminal liability is separated from informing on the facts of violation by convicts of the duties and restrictions imposed by the court. This provision plays an important role in the prevention of repeated crimes among those sentenced to punishment without isolation from society. At the same time, this paragraph of the Interaction Rules is often not executed, and penal inspection employees receive information about bringing a person to administrative and criminal liability at the end of the quarter submitting inquires. A.Sh. Gabaraev has a similar point of view.

Thus, in accordance with Sub-Paragraph 4 of Paragraph 6 of the Interaction Rules, "penal inspection employees are to send inquires (requirements) at least once a quarter to relevant divisions of territorial bodies of the Ministry of Internal Affairs of Russia at the district level to check the availability of information on bringing convicts to administrative or criminal liability on the basis of automated records of correctional centers of territorial bodies of the Ministry of Internal Affairs of Russia at the regional level, and in relation to those sentenced to compulsory labor – at least once during the term of punishment". In order to prevent recidivisms among probationers, convicts sentenced to restriction of liberty, and convicts released on parole, it is proposed to check imposition of administrative sanctions on them at least once a month and fix this provision in regional interaction decrees. This proposal is effective precisely in relation to these categories of convicts, since the following preventive measures can be applied to them for committing administrative offenses on their part: issuing a warning (official warning), filing a submission with the court about extending the probation pe-

riod, imposing additional duties (restrictions), canceling a suspended sentence, probation release, replacement of punishment. In relation to other categories of convicts who have committed administrative offenses, the use of effective preventive measures is not provided for by the penal legislation.

In the decree of the Directorate of the Federal Penitentiary Service of Russia in the Komi Republic and the Ministry of Internal Affairs in the Komi Republic No. 4/2 of January 12, 2021 "On approval of the Instruction on the procedure for interaction between the Directorate of the Federal Penitentiary Service of Russia in the Komi Republic and divisions of the Ministry of Internal Affairs of the Komi Republic and territorial bodies of the Ministry of Internal Affairs of Russia at the district level in the Komi Republic to work with persons sentenced to punishments and measures of a criminal nature without isolation from society, as well as the accused (suspects), to whom the court has imposed a preventive measure in the form of house arrest, bail or prohibition of certain actions" much attention is paid to convicts who undergo treatment for drug addiction. A whole section of the decree is devoted to the interaction between drugs control divisions of the Ministry of Internal Affairs and penal inspections. Special attention should be paid to Paragraph 32 "in case of establishing facts of evasion from passing diagnostics, preventive measures, treatment for drug addiction and (or) medical and (or) social rehabilitation by persons who, in accordance with Article 72.1 of the Criminal Code of the Russian Federation, are imposed by the court to undergo a course of treatment for drug addiction and (or) medical and (or) social rehabilitation in connection with the consumption of narcotic drugs or psychotropic substances without a doctor's appointment or new potentially dangerous psychoactive substances, within 5 working days inspection staff sends relevant information (with copies of documents attached) to territorial drugs control divisions of the Ministry of Internal Affairs in the Komi Republic to make a decision on bringing these persons to administrative liability under Article 6.9.1 of the Administrative Code of the Russian Federation". It is also advisable to include this provision in regional cooperation decrees.

Let us consider interaction between penal inspection employees and the division of district police officers.

Paragraph 7 of the Interaction Rules reflects duties of the department of internal affairs employees to prevent recidivism among those sentenced to punishment without isolation from society.

At the same time, the Interaction Regulations do not reflect organization of the work of penal inspections and district police officers, given the fact that the latter is the main division, penal inspection employees interact with.

The analysis of joint regional orders on interaction shows that in most of them separate sections are devoted to this interaction s.

So, according to the decree of the Russian MIA Administration for the Omsk Oblast and the Directorate of the Federal Penitentiary Service of Russia in the Omsk Oblast No. 221/248 of March 26, 2014 "On approval of the Instructions on the organization of interaction between employees of the Russian MIA Administration for the Omsk Oblast and the Directorate of the Federal Penitentiary Service of Russia in the Omsk Oblast for monitoring behavior of persons sentenced to non-custodial penalties", in the first month from the moment of receiving a notification of the convicted person registration, district police officers together with penal inspection employees conduct measures to control convicts' behavior through checks at the place of residence and in public places, as well as preventive conversations. They organize submission of notes and other materials based on the conducted activities results to penal inspections for inclusion in the personal file of the convicted person. At the same time, according to the Decree of the Main Directorate of Russia in Perm Krai and the Russian MIA General Administration for Perm Krai No. 362/918 of August 20, 2012 "On the procedure for cooperation in the prevention of crimes and offenses among persons sentenced to punishments and other measures of a criminal nature without isolation from society", the term of these joint initial measures is reduced from 30 up to 10 days.

The study of current regional decrees on interaction indicates that it is advisable to include the following key responsibilities of district police officers in territorial joint orders on interaction with penal inspections at the district level:

1. At least once a quarter, together with the penal inspection, carrying out measures to control convicts' behavior, through their checks at the place of residence and in public

places, preventive conversations. In relation to persons newly registered with the penal inspection, these measures should be carried out within 30 days from the registration date, then quarterly.

2. Quarterly, before the 25th day of the last month of the quarter, submission of notes on the results of preventive work carried out with the convicted person to the penal inspection. The note indicates dates of inspections at the place of residence, information about preventive conversations conducted, information about lifestyle and everyday behavior, information about facts of criminal and administrative liability for the reporting period.

3. Assistance to the penal inspection in establishing location of convicted persons without isolation from society, including minors who have escaped from serving their sentence or control, immediate informing of the search initiator and participation in detention of the convicted person, if necessary.

4. When identifying convicted persons who evade execution of criminal penalties or measures of a criminal-legal nature, providing the penal inspection with the relevant information (petition, report) in order to take preventive measures against them.

Let us consider interaction between penal inspection and juvenile affairs unit employees.

Paragraph 8 of the Interaction Rules stipulates the procedure for the work of penal inspections and juvenile affairs units in relation to juvenile convicts. In fact, it is the only division of the department of internal affairs whose powers are clearly defined by the Interaction Rules. This fact is primarily due to the fact that juvenile convicts are included in the "risk group" as persons prone to committing illegal actions and in need of increased attention.

Currently, the Interaction Regulations provide for 8 provisions regulating activities of juvenile affairs unit employees. At the same time, a number of regional decrees on interaction expand their powers.

Thus, according to 7.1.10 Sub-Paragraph of the joint Decree of the Directorate of the Federal Penitentiary Service of Russia in the Republic of Tuva and the Russian MIA Administration for the Republic of Tuva No. 66/63 of February 10, 2014 "On approval of the instructions on the procedure for interaction of the federal state-financed institution "Penal Inspection of the Directorate of the Federal Penitentiary Service in the Republic of Tuva"

and territorial bodies of the Russian MIA Administration for the Republic of Tuva on the organization of preventive work with convicts registered with penal inspections, as well as on the organization of control over suspects or the accused, in respect of whom the court has chosen a preventive measure in the form of house arrest”, juvenile affairs unit employees, when registering a minor convict, provide the penal inspection with the information that characterizes the convict’s personality, behavior, lifestyle, upbringing conditions, and attitude to study (work). This is an important aspect that can help inspection employees to determine the vector of the organization of educational work with a minor.

In addition, Sub-Paragraph 7.1. of the Decree of the Directorate of the Federal Penitentiary Service of Russia in the Novgorod Oblast and the Russian MIA Administration for the Novgorod Oblast No. 1027/533 of December 25, 2012 “On approval of the instructions on interaction of the Directorate of the Federal Penitentiary Service of Russia in the Novgorod Oblast and the Russian MIA Administration for the Novgorod Oblast” reduces the period of registration of juvenile convicts from 5 (according to the Regulations Rules) up to 3 days, juvenile affairs unit employees are charged with the duty of informing other prevention subjects about the registration of a minor.

Reducing the period of registration of a minor from 5 to 3 days would be an effective measure, but for its application it is necessary to amend Sub-Paragraph 1 of Paragraph 8 of the Interaction Rules.

It is also worth mentioning that in terms of joint regional decrees the organization of interaction between employees of the penal inspection and the juvenile affairs unit affects not only juvenile convicts.

For example, according to Sub-Paragraph 8.2.2. of the Decree of the Main Directorate of the Federal Penitentiary Service of Russia in the Rostov Oblast and the Russian MIA Administration for the Rostov Oblast No. 760/802 of October 5, 2012 “On approval of the instructions on the interaction procedure of the Russian MIA Administration for the Rostov Oblast in monitoring behavior of convicts sentenced to punishment and measures of criminal legal nature not related to isolation from society”, on the day of registration of a convict received a deferred sentence and having children (child) under the age of

14, penal inspection employees send a report to the juvenile affairs unit of the Russian MIA Administration for the Rostov Oblast about registration of this person and request information, whether he/she is registered with the juvenile affairs unit as a dysfunctional parent, administrative and public pressure measures are applied to him/her. Then, juvenile affairs unit employees examine convict’s housing and family living conditions within three days in order to identify grounds for registration with the juvenile affairs unit as a parent who does not perform or improperly performs duties to bring up, educate and (or) support his/her children, mistreat them, and (or) whose behavior has a negative influence on them. Based on the survey results, the decision is made on the expediency of taking this convict under control of this structural unit. A generalizing note and a copy of the family and living conditions examination act are sent to the penal inspection. The decree determines further activities of employees of these units on the exchange of information about these persons and the conduct of semi-annual inspections at the place of residence.

The analysis of the stated above show that regional joint decrees stipulate activities not only with juvenile convicts, but also with convicts received a deferred sentence under Article 82 of the Criminal Code of the Russian Federation.

Let us analyze interaction between employees of penal inspections and departments of internal affairs during the initial measures to track convicts who have escaped from control.

The Interaction Rules are aimed at preventing commission of crimes and other offenses by convicts received a non-custodial or suspended sentence and registered with the penal inspection (Paragraph 1 of the Interaction Rules).

Conducting initial measures to track convicts hiding from the control of inspection officers is an important aspect in the execution of criminal penalties and measures of a criminal legal nature. At the same time, Sub-Paragraph 11 of Paragraph 6 of the Interaction Rules stipulates that information about the fact of the convicted person’s evasion from the control of a penal inspection is sent to the department of internal affairs. In this regard, a significant part of regional orders on interaction pays much attention to convicts who have escaped from the control of a penal inspection.

For example, according to the joint Decree of the Directorate of the Federal Penitentiary Service of Russia in the Novgorod Oblast and the Russian MIA Administration for the Novgorod Oblast No. 1027/533 of December 25, 2012 "On approval of the instructions on interaction between the Directorate of the Federal Penitentiary Service of Russia in the Novgorod Oblast and the Russian MIA Administration for the Novgorod Oblast", when lacking information about location of convicted persons, inspection employees must contact the police department to clarify the possibility of their detention for committing an administrative offense or a crime. This must be done before launching initial measures. In addition, some territorial bodies have proposed various options for all points bulletins sent to criminal investigation units of the internal affairs department to assist in tracking a fugitive. It is important to note that most regional decrees on the organization of interaction stipulate that similar all points bulletins should be sent to the Police Patrol and Checkpoint Service to control the convicted who have restrictions or obligations not to leave their place of residence at night from 22:00 to 6:00, or the suspected and the accused, in relation to whom the court has chosen house arrest as a preventive measure.

Also, in order to establish location of the convicts in respect of whom initial measures are conducted, within 30 days, employees of the penal inspection and the department of internal affairs need to conduct a joint raid to check possible places of their stay. This set of measures can boost effectiveness of initial measures to track fugitives.

We also should mention a complex of measures conducted after a wanted person detention.

A significant part of the decrees indicate that detained convicts are placed in the detention room by police officers (regardless of who carried out the detention), and police officers take measures to organize control over them until arrival of the search initiator, but not for more than 48 hours. This rule is very important, since the Criminal Code of the Russian Federation does not provide premises for the detention of these persons. Without this rule, police officers can refuse penal inspection employees to keep the convicted person if he/she was detained, for example, by an employee of the penitentiary service. The next important point to pay attention to is

the issue of delivering a detained convict to a court hearing for extending the period of detention from 48 hours to 30 days. About half of all penal inspection employees are women who will not be able to resist a convict trying to escape, since he knows that the issue of his detention will be resolved in the near future.

The analysis of the above indicates that it is advisable to include the following provisions in regional joint interaction orders:

1. Before launching initial measures to track a fugitive, the penal inspection clarifies the information in the internal affairs department about his/her presence in the detention room.

2. During the initial search measures, the penal inspection sends all points bulletins to the criminal investigation department of the internal affairs department to assist in locating a fugitive and patrol and the post service to control convicts who have restrictions or obligations not to leave their place of residence at night from 22:00 to 6:00, or in relation to the suspected and accused, who has chosen a preventive measure in the form of house arrest.

3. Detained convicts are placed in the detention room of the internal affairs department.

4. Delivery of detained convicts to the court for extending the period of detention from 48 hours to 30 days is carried out by the internal affairs department.

Conclusion

Thus, the author proposes to make a number of changes to the current legislation regulating the interaction between employees of bodies of the Federal Penitentiary Service of Russia and the Internal Affairs Department (the Interaction Rules, joint regional orders). Specific regulation of the interaction between employees (penal inspections, district police officers, juvenile affairs units) and proper performance of official duties will increase the effectiveness of law enforcement agencies in preventing repeat crime among persons registered with penal inspections. In addition, within the framework of the study, special attention is paid to the search for persons who have escaped from the control of penal inspection employees. The search for persons dangerous to society and out of control is very important. Timely establishment of their location can prevent repeated crimes on their part, which is the main purpose of criminal and penal legislation.

REFERENCES

1. Bogdanov A.V., Il'inskii I. I., Khazov E.N. Interaction on the prevention of crimes among minors between operational units of the Ministry of Internal Affairs of Russia and the Federal Penitentiary Service of Russia. In: *Organizatsionno-pravovoe regulirovanie deyatel'nosti ugovovno-ispolnitel'noi sistemy: teoreticheskie i prikladnye aspekty: materialy mezhvuzovskoi nauchno-prakticheskoi konferentsii, posvyashchennoi pamyati zaslužennogo deyatelya nauki RSFSR, doktora yuridicheskikh nauk, professora A.I. Zubkova i Dnyu rossiiskoi nauki, Ryazan', 06 fevralya 2018 goda* [Organizational and legal regulation of penal system activities: theoretical and applied aspects: Materials of the inter-university scientific and practical conference dedicated to the memory of the Honored Scientist of the RSFSR, Doctor of Sciences (Law), Professor A.I. Zubkov and the Day of Russian Science, Ryazan, February 06, 2018]. Ryazan: Akad. prava i upr. Feder. sluzhby ispolneniya nakazanii Rossii, 2018. Pp. 28–33. (In Russ.).
2. Brazhnikov D.A., Kobets P.N. Women's recidivism: some issues of its prevention by the internal affairs bodies. *Yuridicheskaya nauka i pravookhranitel'naya praktika=Legal Science and Law Enforcement Practice*, 2018, no. 3(45), pp. 75–86. (In Russ.).
3. Gabaraev A.Sh. Questions of interaction of the ministry of internal affairs and federal penitentiary service of Russia on the prevention of commission by the persons which are on the account of criminal executive inspections, crimes and other offenses. *Colloquium-journal*, 2019, no. 19–7 (43), pp. 1–9. (In Russ.).
4. Emel'yanova E.V. Cooperation of the ministry of internal affairs and the federal system of execution of punishment in the sphere of the prevention of infringements of laws: problems and prospects. *Vestnik Vladimirskego yuridicheskogo instituta=Bulletin of Vladimir Law Institute*, 2014, no. 3 (32), pp. 26–29. (In Russ.).
5. Zakharova A.I., Shaimanova S.I. Interaction of institutions and bodies of the Federal Penitentiary Service of Russia with the Ministry of Internal Affairs of Russia in the prevention of crime of female minors. In: *Yuridicheskaya nauka i praktika: al'manakh nauchnykh trudov Samarskego yuridicheskogo instituta FSIN Rossii* [Legal science and practice: almanac of scientific works of the Samara Law Institute of the Federal Penitentiary Service of Russia]. Samara: Samar. Yurid. In-t Feder. sluzhby ispolneniya nakazanii, 2020. Pp. 75–78. (In Russ.).
6. Zykova E.D. Retrospective analysis of forms of interaction between the Federal Penitentiary Service of Russia and the Ministry of Internal Affairs of Russia on crime prevention. In: Ivashko N.N. (Ed.). *Sbornik materialov kursantskikh (studentcheskikh) nauchno-prakticheskikh meropriyatii: materialy pyati mezhvuzovskikh nauchno-prakticheskikh konferentsii (Novokuznetsk, 17 dekabrya 2019 goda – 18 2020 goda)* [Collection of materials of cadet (student) scientific and practical events: materials of five interuniversity scientific and practical conferences (Novokuznetsk, December 17, 2019 – December 18, 2020)]. Novokuznetsk: Kuzbass. In-t Feder. sluzhby ispolneniya nakazanii, 2020. Pp. 25–27. (In Russ.).
7. On the Police: Federal Law No. 3-FZ of February 7, 2011 adopted by the State Duma on January 28, 2011. In: *Sobranie zakonodatel'stva Rossiiskoi Federatsii* [Collection of Legislation of the Russian Federation]. 2011. No. 7. Art. 900. (In Russ.).
8. On approval of the Rules of interaction between the Federal Penitentiary Service of Russia and the Ministry of Internal Affairs of Russia on the prevention of crimes and other offenses committed by persons registered with penal inspections: Decree of the Ministry of Justice of Russia and the Ministry of Internal Affairs of Russia No. 190/912 of October 4, 2012. *Rossiiskaya gazeta=Russian Newspaper*, 2012, no. 248. (In Russ.).
9. Penal Code of the Russian Federation: Federal Law No. 1-FZ of January 8, 1997. In: *Sobranie zakonodatel'stva Rossiiskoi Federatsii* [Collection of Legislation of the Russian Federation]. 1997. No. 2. Art. 198.

INFORMATION ABOUT THE AUTHOR

YULIYA V. YUROVA – Postgraduate Student at the Department of Personality Psychology and Special Pedagogy of the Vladimir State University named after Alexander and Nikolay Stoletovs, Vladimir, Russia, Senior Lecturer at the Department of Penal Law of the Law Faculty of the Vladimir Law Institute of the Federal Penitentiary Service of Russia, Vladimir, Russia, yurovayulua@mail.ru, <https://orcid.org/0000-0002-4495-213X>

Received August 11, 2022