



Receiving Parcels and Packages in Russian vs. Foreign Correctional Facilities: A Comparative Study



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Abstract

Introduction: the article analyzes modern approaches to the implementation of the right of convicts to receive parcels and packages when serving a sentence in places of deprivation of liberty in Russia and foreign countries. *Purpose:* to identify common and distinctive features in the methods and procedures for exercising the right to receive parcels and packages in prisons in foreign countries as well as in the Russian Federation; to identify global trends in this area of legal regulation of the procedure for serving a sentence; to propose well-founded changes to the procedure for exercising the right in question by convicts in Russia, taking into account the positive experience of foreign countries. *Tasks:* to determine key vectors of development of the domestic penal policy in the field of ensuring order and conditions of detention of persons in penitentiary institutions; to consider the legal regulation of the right to receive parcels and transfers and the procedure for its implementation; to identify potential risks to the work of penitentiary institutions when using parcels and packages as a channel for the receipt of prohibited items; to determine the prevalence of the use of the right to receive parcels and packages in penitentiary practice; to study the specifics of using digital capabilities in the implementation of this right in penitentiary institutions in a number of foreign countries; to formulate proposals for optimizing the norms of penal law in this area with regard to foreign experience. The research *methodology* primarily encompasses statistical analysis and synthesis of socio-legal phenomena, comparative legal analysis, generalization and concretization, as well as methods of formal and dialectical logic. The research results confirm the need to improve procedural security in the area of accepting parcels and packages, as well as to optimize the possibility of purchasing food products and essential items of a wider range and higher quality in stores affiliated with penitentiary institutions. *Conclusions:* most penitentiary systems in foreign countries have legally established the right of convicts to receive parcels and packages. Current statistics on the exercise of this right by convicts in Russia confirm its significance. Meanwhile, there is an urgent need, including for the purpose of preventing and stopping the entry of prohibited items into the territory of penitentiary institutions, to apply the foreign experience of online services for convicts' relatives to send parcels.

Key words: prisoner; parcel; transfer; penitentiary institution; prohibited item; inspection; procedural security; foreign experience.

5.1.4. Criminal law sciences.

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Introduction

The analysis of current trends in the penal policy of the Russian Federation and foreign countries allows us to speak of a consistent improvement in the activities of penitentiary systems characterized by normsetting activity, the humanization of the execution of punishments, and digital transformation.

Nowadays, the goals of Russian penal policy are to humanize the conditions for serving sentences and to ensure the rights of persons held in institutions of the penal system. Achieving these goals involves solving numerous tasks, including in the area of ensuring order and conditions for the detention of suspects, accused persons, and convicts. The Concept for the Development of the Penitentiary System of the Russian Federation for the Period up to 2030 approved by the order No. 1138r of the Government of the Russian Federation of April 29, 2021 stipulates the increase in the number of visits and telephone conversations between convicts and their relatives, parcels and packages, as well as simplification of the procedure for transferring books.

These proposals are quite reasonable, especially in the context of addressing the task of restoring socially beneficial ties for individuals subject to penitentiary probation under the federal law No. 10FZ of February 6, 2023 “On probation in the Russian Federation”. However, it is worth emphasizing that the rise in external ties of individuals held in penitentiary institutions implies higher security risks, such as the possibility of escape, threats to maintaining order in places of forced isolation, fraud via mobile communication devices, the entry of prohibited items onto the premises, etc. The elevated risk of such offenses is further compounded by shortcomings in the organization and execution of supervision. These issues stem largely from the chronic understaffing within the Federal Penitentiary Service of Russia – a problem that has intensified over the last five years and now stands at 30 % [1]. Thus, agreeing with the experts’ opinion, we believe that the assessment of all risks and needs of suspects, accused persons, and convicts should always be linked to managing such risks [2, p. 67].

Within the framework of this study, it should be noted that for a long time, one of the pressing problems in the activities of both domestic and foreign penitentiary systems has remained the supply of prohibited items, which cause significant harm to the process of executing sentences in the form of imprisonment and detention. At the same time, in Russian penitentiary institutions, the number of individuals convicted of crimes related to the illegal trafficking of drugs and attempting to establish channels for the supply of prohibited items is increasing, thereby destabilizing the normal operation of institutions that ensure isolation from society. As practice shows, offenders use parcels, which are postal items, as well as packages containing a variety of items, substances, and food products, which are delivered to convicts and persons in custody, as the main channel for delivering prohibited items onto the premises of correctional facilities.

Thus, the current situation not only poses a threat to the state of law and order and the rule of law, but also generally jeopardizes the effectiveness of the established procedure for exercising the right of suspects, accused persons, and convicts to receive parcels and packages. In our view, in today’s context, it is of great importance to improve the procedural mechanisms that govern the process of obtaining items, substances, and food products by individuals held in institutions of the Federal Penitentiary Service of Russia – in other words, to ensure procedural security.

Research

In this situation, it is relevant to study foreign penitentiary legislation in the area under consideration, as well as various aspects of its practical application. Furthermore, the search for a solution to the problem through the study of the experience of foreign countries is fixed in the provisions of the Concept for the Development of the Penitentiary System of the Russian Federation for the period up to 2030 as one of the most important tasks in the process of improving activities of the Federal Penitentiary Service of Russia.

In Russian penal legislation, the right to receive parcels and packages for convicts is enshrined in the provisions of the Penal Code of the Russian Federation; for suspects and accused persons – the federal law No. 103-FZ of July 15, 1995 “On the detention of suspects and accused persons in connection with the commission of crimes”. At the same time, the procedure for exercising this right is described in detail in the Internal regulations for investigative inspectors and correctional facilities approved by the order No. 110 of the Ministry of Justice of Russia of July 4, 2022.

In correctional institutions, the number of parcels and packages allowed to convicts during the year depends on the type of regime, the conditions of serving the sentence, gender, age, and health status. However, the regulation of the number of parcels and packages does not apply to persons in custody and convicts serving their sentence in juvenile correctional facilities, panel settlements, as well as to women, who may receive them in unlimited quantities. At the same time, the maximum restrictions apply to convicts serving their sentence under strict conditions in a special regime correctional facility (one parcel/package), as well as to persons to whom isolation for a certain period has been applied as a disciplinary measure for violating the regime for serving the sentence. As a rule, the frequency of receiving parcels and packages is determined by a formula that sets the period equal to the quotient of dividing 12 months by the total number of parcels or packages [3, p. 259].

At present, while certain items and foodstuffs are banned for convicts, these same goods are often permitted for other persons held in pre-trial detention, with all restrictions detailed in the annexes to the internal rules. At the same time, all parcels and packages are subject to inspection by the administration staff of the institutions. The maximum permissible weight of a single parcel for convicts is 20 kg. For suspects and accused persons, the monthly allowance is 30 kg without restriction on the number of parcels.

“According to the Ninth Special Census of Inmates conducted in 2022, receipt of parcels varied significantly by security level. In general-security correctional facilities, 66% of inmates received between one and four parcels (a decrease from 73.9% in 2009), while 19.8% received none (up slightly from 18.4% in 2009). By contrast, in strict-security facilities, these figures stood at 72% (down from 73.1%) and 16.9% (down from 23.2%), respectively [4, p. 432]. These figures indicate a high demand among convicts for the right to re-

ceive parcels and packages, which, in turn, determines the need for systematic improvement of the process of its implementation in order to prevent offenses and crimes.

The existing rules governing convicts’ and detainees’ right to receive parcels (packages) pose risks to penitentiary staff and may also lead to dissatisfaction among those serving sentences or held in custody. Each parcel (package) sent to a penitentiary institution carries the risk of containing prohibited items: mobile phones, drugs, sharp or cutting objects, etc. Consequently, all parcels (packages) undergo a thorough inspection by penitentiary staff, which frequently results in damage to the contents: cans are opened and cigarettes are broken. This significantly reduces the items’ shelf life and diminishes their value and appeal to recipients.

Morozov and D.V. Khil’man analyzed the legal institutions governing the receipt of parcels (packages) and the expenditure of funds for the purchase of food and essential items. They believe that if the limit on funds allocated for the purchase of food and essential items is exhausted and there are no relatives to send a parcel to the convict, it is advisable to grant him/her the right to “send him/herself a parcel” by paying for it in the correctional facility’s store. Such payment must be made in excess of the limit provided for in Article 88 of the Penal Code of the Russian Federation, and within the weight limit specified for a parcel, i.e., 20 kg [5]. According to the authors, this measure will make it possible to:

- 1) reduce the workload of employees of penitentiary institutions who conduct inspections of parcels (packages), which is relevant given the staff shortage;

- 2) decrease the risk of prohibited items being transferred.

- 1) ensure that convicts and persons in custody have the right to use food and essential items in a safe and intact condition;

- 4) reduce the costs incurred by relatives for postal expenses when sending parcels (packages);

- 5) increase the extrabudgetary revenues of the institutions;

- 6) implement the principle of equality among convicts, regardless of whether they have relatives capable of sending a parcel (package) or not;

- 7) prevent convicts from reselling the right to receive a parcel to other convicts for a fee from the parcel they receive.

Next, let us turn to foreign experience in this area.

According to international standards, for example, the UN Standard Minimum Rules for the

Treatment of Prisoners (the Nelson Mandela Rules), prisoners should receive parcels from relatives provided that this does not threaten the security of the facility.

The US penitentiary system pursues an active policy to prevent prohibited items from entering prisons and to ensure the safety of both staff and prisoners. Therefore, prisoners in jails can receive parcels only with special permission from the administration, and there are strict rules and control in place. All parcels must be delivered by US Postal Service or certain providers (FedEx, UPS, etc.), since the delivery of parcels by visitors during personal visits to inmates is prohibited. However, in some states, for example, New York, the Department of Corrections and Community Supervision allows inmates to receive no more than two non-food parcels within a calendar year, which can be provided by the inmate's relatives or friends through the parcels room [6]. The weight limit for parcels varies depending on the state and the type of penal institution, but it is usually around 20–30 kg.

Parcels arriving at prisons are stored for no more than 72 hours, except on weekends, holidays, and in emergency situations. They are subject to a thorough inspection by administration staff to ensure that all items comply with the established rules. During the inspection, all items are removed from their original transport packaging (box or package) and checked visually, as well as using X-ray equipment (X-ray and introspection devices) of various configurations [7, p. 395]. If an individual item is removed from the originally sealed package for security reasons, the employee draws up an act with a detailed description of the reasons for the removal. The original act is placed in the prisoner's personal file, and a copy is sent to the deputy head of the prison security service.

Prohibited categories for sending in parcels include food, clothing, jewelry, cosmetics, and other items, except for books, journals, and newspapers, which may be sent directly to prisoners only by publishers, dealers, or specialized stores.

Inmates can order goods from the prison store using tablets or phones, and their friends and family can top up their store accounts through various payment methods, including online transactions. There is also the "Securepak" service, which allows relatives to send a package with a set of goods worth up to \$25 no more than once every 21 days [8].

It is important to note that today such digital tools are already being used in the activities of Russia's penitentiary system. For example, after registering on the digital order-generation service "FSIN-par-

cel" (www.zona-mag.ru), the user is given the opportunity to choose from the offered options or to create their own set of permitted products and goods to be sent as a parcel to a specific person held in any penitentiary institution in Russia. This innovation aims to optimize the procedure for transferring goods without visiting the institutions themselves, as well as to increase the level of procedural security, minimizing the risks of prohibited items being delivered.

It should be noted that in US prisons, inmates can receive parcels only with the administration's permission and under strict security rules that allow only certain types of goods and restrict the frequency and method of their delivery. The possibility of sending parcels directly to inmates within the prison walls is an exception and is provided for by the rules of some states.

Let us analyze the procedure for receiving and issuing parcels established by the penitentiary jurisdictions of some European countries. Thus, in the UK, inmates' receipt of parcels is regulated by the rules of the Ministry of Justice and specific prisons. Each package undergoes a mandatory inspection by a committee consisting of prison staff in the presence of the inmate. It must indicate the inmate's name and his/her number, as well as the sender's name and address. If the package does not comply with these rules, it may be confiscated or returned to the sender at the inmate's expense.

It is not permitted to send food, electronics, or dangerous or prohibited items in packages. Personal items (clothing, toiletries) are accepted only through recommended courier services, for example, "Parcelforce". The clothes allowed to be received must be simple, without hoods, logos and other prohibited elements, marked with the name and number of the prisoner.

Restrictions on the weight and volume of parcels are regulated by the rules, according to which all prisoner's belongings must be placed in the so-called "volumetric control boxes" of a set size, with a maximum weight of 15 kg. The prisoner's belongings must be placed in two such boxes with a total weight of no more than 30 kg, taking into account half of the drawer for consumables. However, there are exceptions for documents and some other items that are not counted towards the limit on the volume of items a prisoner can have [9].

Thus, to send parcels to prisoners in the UK, you must first familiarize yourself with the rules of the specific prison and strictly follow the instructions regarding the content and preparation of the parcels to avoid having them returned or confiscated.

In German prisons, this process is also subject to close supervision by the administration. The parcels are opened by members of a commission consisting of at least three prison staff members, who draw up an act with an exact list of the contents, notes on the condition, and the seizure of prohibited items. The prisoner, in turn, signs this document, confirming receipt. If the prisoner is temporarily unavailable (for example, if they are in solitary confinement or undergoing treatment), the package is stored in the warehouse until they return. The prison administration also has the right to decide to reject or return the package to the sender if the rules regarding weight, contents, or packaging are violated, or if the prisoner refuses to accept the package. The discovery of prohibited items is an objective reason for restricting or temporarily suspending the acceptance of packages for a specific prisoner.

It should be noted that the rules for accepting parcels for prisoners in German prisons are dictated not only by federal documents but also by those of the federal states. For example, in accordance with the Bavarian law on the execution of sentences involving deprivation of liberty and measures of correction and security associated with deprivation of liberty, parcels are accepted from relatives and trusted persons; the total weight is limited to 30 kg per month for an adult prisoner. Exceptions may be provided for minors, pregnant women, and the sick on medical grounds [10, p. 75].

At the same time, prisoners are also provided with the opportunity to purchase goods in the prison store using their own funds, which reduces the need for regular external parcels.

Thus, in foreign countries, it is possible to deliver parcels to prisoners through major postal and special courier companies, while the transfer of items, objects, and food from relatives and friends within the prison walls is almost completely eliminated. In addition, the opportunities offered by stores operating within prisons are actively used by both prisoners themselves and their relatives to order goods via online payments.

The experience of Norway, known for its liberal prison system, is of interest. Today, the country has about 60 prisons of various types: high-security prisons (closed prisons), low-security prisons (open-type prisons), and rehabilitation centres [11, p. 153].

As in other countries, the contents of parcels in Norwegian prisons are carefully checked by staff before being handed over to the recipient to avoid any security threats. At the same time, a distinctive feature of the procedure is that parcels can also be

delivered through prison staff, who may also accept small amounts of money to top up the inmate's personal (prison) account. As a rule, there is a weight limit for parcels – no more than 30 kg per month, with restrictions varying for different categories of inmates.

The procedure for receiving parcels is governed by the internal regulations of the prisons, and the conditions differ depending on the type of detention regime. Thus, in closed prisons, the transfer of any items by visitors to inmates during visits, the frequency of which is no more than once a week, is prohibited. An exception may be made to allow the transfer of 1–2 newspapers or magazines via prison staff. Inmates held in open-type prisons may receive visitors 1–2 times a week, and they are allowed to have up to 5 newspapers and magazines transferred through staff. Visitors are permitted to bring food items (only in their original packaging), except for drinks. According to the internal regulations of prisons of closed and open regimes, inmates are allowed to receive parcels containing clothing, footwear, books, and board games. Items prohibited for transfer include food, sweets, cigarettes and tobacco products, and toiletries. In rehabilitation centers in Norway, the visiting norm for inmates is up to three times a week, and it is permitted to transfer and send any items and food products by mail, except for alcoholic beverages, tobacco products, and dietary supplements, which seems quite logical [12]. With the administration's permission, it is possible to transfer items from one inmate to another. Furthermore, each prisoner receives daily pocket money to purchase food, drinks, and toiletries in a special prison store, which they have the right to visit at least once a week.

Thus, the process of receiving parcels in Norwegian prisons is presented as strictly controlled, with restrictions on the contents of the parcels, aimed at ensuring both the safety and comfort of the prisoners, with the possibility of using prison stores.

In modern conditions, the experience of states that actively test digital capabilities in the process of carrying out punishments and ensure the safety of institutions by automating most processes, including the procedure for visiting prisoners and transferring items to them, is of particular interest.

Let us consider the experience of the penitentiary system of the People's Republic of China, which, according to various sources, is the safest in the world [13, p. 99].

According to the law "On prisons," prisoners are entitled right to receive essential items, but the list

of these items is determined by the regulations of specific penitentiary institutions. The transfer of parcels, letters, and packages is regulated by the internal instructions of the institutions, which stipulate mandatory inspection and declaration of the contents of each package. For example, the Hong Kong Correctional Services Department has differentiated the lists of permitted items for persons in custody and convicts, as well as for men and women. It is strictly prohibited to send the following items: means of communication, narcotic substances, alcohol, weapons, and literature containing extremist content. As a rule, weight, volume, and value restrictions are no more than 5–10 kg per package or no more than a certain amount per month [14].

Prisoners can apply to receive newspapers and periodicals paid for by relatives or friends. They may receive no more than six magazines, periodicals, and other reading materials per month from by relatives or friends during visits. There are no restrictions on religious literature. Textbooks required for completing certain educational courses are permitted in an approved quantity.

It is also worth noting that in China there is a CSD e-services platform, which is available both as an official website and as a mobile app (iAM Smart) [15]. This platform allows friends and relatives to manage appointments with inmates, check the status of recent visits, and view quotas for permitted parcels, which significantly reduces waiting time when registering for a visit to the penitentiary institution. In addition, users of the General Visit electronic services platform have the opportunity to purchase approved handouts for inmates. The goods are delivered by the supplier to the relevant penitentiary institution. This contributes to operational efficiency and makes visits convenient for convicts' relatives. Essentially, the CSD provides inmates with essential items sufficient for a decent and healthy life during their detention and rehabilitation.

Conclusions

Thus, to sum up the above, the following conclusions can be drawn:

1. The right of a convict to receive a package or a parcel, even if there is a shop for convicts on the territory of the correctional facility, is in demand and has not lost its relevance.

2. The analysis of international legislation indicates that it is common practice worldwide to grant prisoners the right to receive packages or parcels during their time in detention.

3. A characteristic feature of the foreign penitentiary systems examined is the prohibition on

sending certain items to prisoners, but not on sending parcels themselves. Restrictions on the number of parcels, their weight, and frequency apply to a specific category of prisoners or for a limited period.

4. In foreign countries, the experience of using shops located in prisons, as well as online payments for the purchase of items, goods, and food by prisoners and their relatives, has been successfully tested. This eliminates the need to send regular parcels, which minimizes the risk of prohibited items being delivered.

5. Currently, parcels and postal items for suspects, accused persons, and convicts remain the main channels through which prohibited items enter the territory of institutions of the Federal Penitentiary Service of Russia, causing significant harm to the process of executing sentences involving deprivation of liberty and detention.

6. For many countries, the main solution to prevent prohibited items from entering the premises of penitentiary institutions is to ensure that prisoners receive permitted items by sending parcels through special delivery services. At the same time, receiving parcels directly from relatives is, as a rule, an exceptional practice in some prisons.

7. In order to enhance procedural safety in institutions of the Russian penitentiary system, taking into account the foreign experience, we propose to optimize the process by which suspects, accused persons, and convicts receive items and objects from their relatives through the use of a special delivery service, as well as to ensure the possibility of purchasing a wider range and higher quality food products and essential items in the stores located within the institutions.

8. It would be advisable to amend the current penal legislation to introduce the right of a convict to send themselves a package, as it will help reduce staff shortages, ensure the proper regime in penal institutions, and also serve as a logical solution to the problem of increasing the number of packages permitted for convicts to receive. Based on the analysis of foreign experience, within the framework of domestic penitentiary practice, we believe it would be appropriate to consider increasing the permitted weight of a package to 25 kg. To this end, the following legislative amendments appear necessary. Paragraph 8 of Article 88 of the Penal Code of the Russian Federation should be amended to read: "With the permission of the correctional facility administration, convicts may purchase food and essential items in excess of the limits set out in Paragraph 2.1 of this article, exercising their right

to receive parcels (packages) at a rate of 25 kg of food and essential items per parcel (package)". Increasing the permitted volume of parcels received by convicts should encourage the voluntary substitution of the right to receive a parcel with the right to purchase one instead.

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