



Theoretical Aspects of Interaction between Special Forces Units of the Federal Penitentiary Service of Russia, the National Guard of Russia, and the Ministry of Internal Affairs of Russia in the Field of Law Enforcement

SERGEI V. PONIKAROV

Academy of FSIN Russia, Ryazan, Russian Federation

ORCID: <https://orcid.org/0000-0002-1450-6825>, e-mail: minrs@yandex.ru

Abstract. The paper investigates a novel issue related to the cooperation between special forces units of the penal system and other (special) similar units, namely, the police and the National Guard (including the Special Purpose Mobile Unit and the Special Rapid Response Unit). We note that earlier these units were part of the system of the Ministry of Internal Affairs of Russia. The paper presents the results of a study of organizational and legal interaction of the special forces of the penal system with other bodies in the field of law enforcement. We argue that the cooperation between these units has the greatest potential in conducting special operations to prevent emergencies related to hostage-taking, mass riots, and escapes of convicts. We highlight major organizational criteria for interaction between the divisions under consideration. We put forward our own definition of the essence of organizing the interaction between special forces units of the penal system and special units of other agencies in emergency situations taking place in correctional institutions. We describe characteristic features of this interaction. The integration of these features allowed us to formulate a scientific definition of the interaction under consideration in a broad sense. The article analyzes specific features of cooperation between special forces units of the penal system and other bodies; these features involve the establishment of interpersonal contacts between the heads of these units. We emphasize the scientific and organizational principles of interaction, such as balance, mobility, and preparedness. We propose tactical interaction, which consists of an action plan, preliminary training, management decisions and practical actions of the personnel. The paper also presents the results of an empirical study on the integration of special forces units.

Key words: interaction; organization and tactics; institutions and bodies of FSIN Russia; law enforcement; special forces of the penal system; other special bodies.

12.00.11 – Judicial activity, prosecutor’s activity, human rights and law enforcement activities.

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Certain issues regarding the cooperation between law enforcement agencies are considered in scientific literature [9, p. 15]. However, the issues of interaction of special forces units of the penal system with other similar bodies in the field of law enforcement were not subjected to a comprehensive analysis. This is due to the fact that legally the units of the National Guard of Russia (Rosgvardiya) were created not so long ago. In addition, special units such as the Special Purpose Mobile Unit (OMON) and the Special Rapid Response Unit (SOBR) were transferred from the Ministry of Internal Affairs of Russia (MVD).

According to the analysis of the activities of the special forces of the penal system we con-

clude that cooperation with other similar bodies of the Ministry of Internal Affairs of Russia and Rosgvardiya (OMON, SOBR) is necessary.

Despite the fact that the issue of cooperation takes a central place in the theory and practice of management [1, p. 98; 8], there have been no in-depth research on the cooperation between special forces units of the penal system and similar bodies of Rosgvardiya and the MVD of Russia.

There are many definitions of the term “cooperation”. The differences in the interpretations usually concern only individual aspects of the term and do not affect its essence; they are reduced to the understanding of cooperation as a joint activity of various law enforcement

bodies that has coordinated goals (objectives), time and place and as the ability of these bodies to use the means they have at hand for the benefit of all the participants.

The Explanatory Dictionary of the Russian language defines cooperation as a mutual connection between certain phenomena, as mutual support [6, p. 78]. In the scientific literature, this category is considered in a narrow and broad sense. Cooperation in a narrow sense is a joint or coordinated activity of two or more subjects to achieve one or more common goals at a definite point in time and space [10, p. 16–18], in a broad sense, it is a universal system of interdependence of phenomena and processes, such a state of interacting subjects that is characterized by their continuous impact on each other and mutual influence. In addition, in abroad sense, cooperation acts as a philosophical category that reflects the processes of influence of objects on each other, their mutual conditionality and the generation of one object by another. The essence of cooperation consists in joint activities aimed at addressing common tasks (goals) of specific bodies and officials who occupy an equal position [7, p. 106].

Cooperation is a complex, dynamic and continuous process. Coordination of actions implies the activity of all actors, each of which, realizing its role in this process and showing reasonable initiative, performs the necessary actions in a timely manner.

Professor V.D. Malkov considered cooperation as one of the management functions. In his opinion, from the point of view of structural and logical analysis, it includes subjects, interaction goals, and the mechanism for implementing functions [3, p. 122–123].

We should emphasize that mutual actions are possible under certain conditions. First, at least two actors should participate in the interaction (for example, the special forces of the Federal Penitentiary Service of Russia (FSIN Russia) and the units of Rosgvardiya). This means that each of the participants must be clearly aware that they are performing their assigned functions together with another actor. Second, there should be common goals and objectives for all participants in the cooperation.

Based on the legal content and significance, the system of normative legal acts regulating the law enforcement activities of special forces units of the penal system is presented as follows:

- 1) international legal acts signed and ratified by the Russian Federation –
 - Standard Minimum Rules for the Treatment of Prisoners adopted in 1955 [4, p. 290–311];
 - Code of Conduct for Law Enforcement Officials adopted in 1979 [4, p. 319–325];

- International Convention against the Taking of Hostages, 1979;

- Basic Principles on the Use of Force and Firearms by Law Enforcement Officials adopted in 1990 [5, p. 212–220];

- 2) Federal laws of the Russian Federation:

- Federal Law dated July 19, 2018 No. 197-FZ “On the service in the penal system of the Russian Federation and on amendments to the Law of the Russian Federation “On institutions and bodies executing criminal penalties in the form of deprivation of liberty”;

- Federal Law dated July 21, 1993 No. 5473-1 “On institutions and bodies executing criminal penalties in the form of deprivation of liberty”.

General issues of interaction between special forces departments of the Russian penal system and similar law enforcement units are contained in a number of regulatory legal acts at various levels, in particular in Federal Law No. 226-FZ of July 3, 2016 “On the troops of the national guard of the Russian Federation” and Presidential Decree No. 510 of September 30, 2016 “On the federal service of the national guard troops of the Russian Federation”.

For example, in accordance with Item 30 of Article 9 of the Federal Law “On the troops of the national guard of the Russian Federation”, the national guard troops are empowered to prevent mass riots in localities and, if necessary, in correctional institutions.

According to Item 4 of the Decree of the President of the Russian Federation of April 5, 2016 No. 157 “Questions of the federal service of the national guard troops of the Russian Federation” the structure of this service includes the following units:

- 1) special rapid response units of territorial bodies of the Ministry of Internal Affairs of the Russian Federation (SOBR);

- 2) special purpose mobile units of territorial bodies of the Ministry of Internal Affairs of the Russian Federation (OMON).

Consequently, special units SOBR and OMON are given the authority to stop mass riots in Russian penitentiary institutions.

Moreover, the special forces of the penal system assist other special bodies, such as Rosgvardiya and the MVD of Russia, in carrying out special measures:

- ensuring public safety and public law and order in case of an emergency;
- ensuring state of emergency regimes;
- seizure of firearms from the population (for example, when providing assistance);
- locking down the location of a special operation conducted by other special units (for example, OMON, SOBR);

– disarmament of illegal armed groups, and their elimination in the case of their armed resistance, etc.

In turn, other special divisions of Rosgvardiya and the MVD of Russia, within the framework of cooperation, are also able to assist special forces departments of the penal system in the following types of law enforcement activities:

- suppression of mass riots in correctional institutions and pre-trial detention centers;
- ensuring the safe functioning of institutions and bodies of the penal system;
- suppression of flights of unmanned aerial objects performed over the territory of penal institutions;
- providing intelligence-gathering measures;
- law enforcement;
- seizure of weapons and narcotic drugs;
- apprehending armed criminals.

Cooperation between special forces departments of the penal system and other divisions of the MVD of Russia and Rosgvardiya in emergency situations in correctional institutions includes the following organizational features:

- 1) ensuring the unity of the strategic course;
- 2) addressing the issues concerning integrated use of forces and resources of special forces departments;
- 3) ensuring the tactical unity of action of the forces and means involved;
- 4) ensuring an open build-up of sufficient forces and resources.

The criteria for organizational cooperation are as follows:

- a) ensuring the unity of understanding of the plan of the head of the operational staff by all officers;
- b) ensuring that special units have a solid knowledge of the tasks and methods of joint action;
- c) systematic exchange of information about the operational environment; joint development of the most important documents on the organization of official activities;
- d) coordination of planned activities for the implementation of orders and other documents;
- e) establishment and development of a unified system of interaction signals.

The principles of organization of cooperation will be implemented if there is a holistic planning and consistency in the actions of special forces departments. Among the principles, we can distinguish balance, mobility, and preparedness. The balance of actions ensures an appropriate distribution of the main forces, a unified strategy and line of conduct. Mobility helps optimally use the components of collective actions, vary the reserves, and rationally spend the means and resources of special

forces departments. Preparedness helps effectively use forces and means in any situation in a correctional institution.

Moreover, the principles of cooperation reflect the patterns of joint activities of the special forces of the penal system and other special units of other departments. It is necessary to take into account the maximum capacity to manage special units.

Thus, the essence of the organization of cooperation between special forces departments of the penal system and other special divisions in emergency situations in correctional institutions consists of a set of agreed principles, rights and obligations aimed at ensuring the safety of objects of the penal system.

Practice shows that cooperation consists of the following mandatory elements that reflect the strategic aspect:

- coordination of forces and means;
- coordination of procedures for the notification and exchange of information;
- definition of measures for combat, moral and psychological, logistical, technical and transport support;
- clarification of joint actions and the procedure for providing mutual assistance.

The tactics of interaction between the special forces of the penal system and units and formations of the national guard troops in special conditions should be considered as a large number of methodological recommendations for the implementation of joint actions when performing special tasks in emergency situations.

We believe that tactical cooperation consists of an action plan, advance preparation of management decisions, and practical actions of personnel. The content of the tactics of cooperation between the special forces of the penal system and the formations of the national guard troops should also include a direct service-contact component, which involves the establishment of interpersonal relationships between the heads and staff of special forces. Cooperation is most effective when there are direct contacts between the commanders of detachments, heads of the Office of the MVD of Russia, Rosgvardiya, and FSIN Russia.

Other issues related to the organization of cooperation include information and analytical work, organization of control and accounting, and conducting regime events. These issues are secondary, but their solution largely depends on the implementation of the tasks at hand.

Another important point is the issue concerning the integration of special forces units into a single structure [2].

In the framework of the study a survey was conducted, in which 224 special forces officers

of the penal system, law enforcement units of the MVD of Russia and Rosgvardiya of the Central Federal District were interviewed.

The majority of respondents (67%) object to such a merger, this is due to the narrow specialization and activity of the divisions under consideration. One third of respondents (33%), on the contrary, believe that the integration will help address service and combat issues related to law enforcement more effectively.

For example, the main purpose of the special forces of a penal institution is to ensure safe functioning of the penal system; the main purpose of national guard troops is to ensure state security (protection of important state objects, facilities, special cargo), the purpose of security units of the MVD of Russia (for example, "Grom") is to ensure public order in the city, district and other settlements.

We believe that the question about the integration of special forces is logical as this will make it possible to level off the forces of the penal system, OMON, SOBR and, the national guard troops in the socio-legal and financial aspect. For example, personnel of the national guard are paid by an order of magnitude more than personnel of OMON, although they belong to the same department – the federal service of the national guard. This is due to the fact that personnel of OMON have special (non-military) police ranks, that is, they do not have the status of a national guard service member who has a higher salary.

In our opinion, the reason for the unwillingness to unite special forces lies in the specifics of the functions performed, as well as the special interests inherent in each of the units. Special forces of penal institutions regularly assist the units of the MVD of Russia in apprehending criminals, ensuring the security of intelligence-gathering activities, and protecting public order (for example, during the election to the State Duma or the election of the Governor) and, doing this, they perform functions that are not part of their routine. The involvement of police units to solve problems that arise in correctional institutions is extremely rare.

Thus, it is premature to combine special forces departments of the penal system with police units and national guard troops. We believe that the special forces of the penal system should be given greater independence in places of permanent deployment, focusing on interaction with other special units from other departments.

In conclusion, let us formulate a scientific definition of the cooperation between special units of FSIN Russia and other structures: it is a law enforcement activity based on normative legal acts, interrelated and coherent in space and time, the activity of special forces of the penal system and similar bodies of Rosgvardiya and the MVD of Russia is aimed at achieving a common goal and addressing common tasks in the sphere of safety of objects of the penal system of the Russian Federation.

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INFORMATION ABOUT THE AUTHOR

SERGEI V. PONIKAROV – post-graduate at the Department for Scientific and Pedagogical Personnel Training, Academy of FSIN Russia, Ryazan, Russian Federation. ORCID: <https://orcid.org/0000-0002-1450-6825>, e-mail: minrs@yandex.ru