






# Directions for Improving the Activities of Temporary Detention Facilities for Suspects and Accused of Internal Affairs Bodies

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**Keywords:** Suspect, Accused, Temporary detention facility of internal affairs bodies, Rights, Detention regime, Escape, Places of forced detention.

**Abstract:** The article discusses problematic issues in the activities of temporary detention facilities of internal affairs bodies, provides examples of violations of conditions, detention regime, escapes of suspects and accused from the IVS, identifies areas for improving the activities of regime institutions.

## 1 INTRODUCTION

One of the numerous duties assigned to the police in accordance with paragraph 14 of Part 1 of Article 12 of Federal Law No. 3-FZ dated 07.02.2011 "On Police" is the maintenance, protection and escort of detainees, detained persons in temporary detention facilities of suspects and accused internal affairs bodies, as well as persons subjected to administrative punishment in the form of administrative arrest (About the police: Federal Law No. 3-FZ of 07.02.2011).

## 2 MANUSCRIPT PREPARATION


In accordance with the current legislation, temporary detention facilities for suspects and accused of internal affairs bodies (hereinafter referred to as TDF) are police units, places of detention and are intended


for temporary detention of detainees on suspicion of committing crimes. In certain cases, suspects and accused persons may be temporarily detained in the TDF, in respect of whom detention has been chosen as a preventive measure.


In addition, by the decision of the investigator (inquirer), a suspect held in a pre-trial detention center may be transferred to an TDF in cases where it is necessary to perform investigative actions outside the settlements where pre-trial detention centers are located, from which daily delivery is impossible, for the duration of these actions.


The specifics of the legal status of persons in the places of forced detention of internal affairs bodies should be based on the provisions of the Constitution of the Russian Federation, with certain restrictions (Part 3 of Article 55) (1. The Constitution of the Russian Federation (adopted by popular vote on 12.12.1993)). Such restrictions include the isolation of suspects and accused from the outside world and inside places of detention; conducting a personal search, fingerprinting and photographing; inspection


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of things, parcels and transfers; censorship of correspondence and others.

Suspects are persons detained on suspicion of committing a crime; to whom a preventive measure has been applied before charges are brought; against whom a criminal case has been initiated or who have been notified of suspicion of committing a crime (Article 46 of the Code of Criminal Procedure of the Russian Federation).

The accused are persons against whom a decision has been made to involve them as defendants or an indictment has been issued (Article 47 of the Code of Criminal Procedure of the Russian Federation) (The Criminal Procedure Code of the Russian Federation: Federal Law No. 174-FZ of 18.12.2001).

In part 1 of Article 6 of Federal Law No. 103-FZ of 15.07.1995 "On the detention of suspects and accused of committing crimes", persons held in TDF are considered innocent until their guilt is proven and established by a court verdict that has entered into force (On the detention of suspects and accused of committing crimes: Federal Law No. 103-FZ of 15.07.1995). They enjoy the rights and freedoms and bear the duties established for citizens of the Russian Federation, however, with certain restrictions.

The detention of persons in the TDF is regulated by the Internal Regulations of the temporary detention facilities of suspects and accused of internal affairs bodies, approved by the Order of the Ministry of Internal Affairs of 22.11.2005 No. 950, which establishes a regime that ensures respect for the rights of suspects and accused, their isolation, the performance of their duties, as well as the solution of tasks provided for by the Code of Criminal Procedure of the Russian Federation (On approval of the Internal Regulations of temporary detention facilities for suspects and accused internal affairs bodies: Order of the Ministry of Internal Affairs of Russia dated 22.11.2005 No. 950).

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A significant part of the TDF (with the exception of those recently put into operation) have deviations from the regulatory conditions of detention: ordinary flooring is used instead of beds in the cells, bathrooms are faulty or absent altogether, and all kinds of devices are used for the administration of natural needs, it's time to write off the bed linen for rags. The walls of the cells of many TDF are covered with relief plaster, which in conditions of humidity and unsanitary conditions leads to the proliferation of fungus and mold.

The legality of the presence of persons in places of detention of detainees, compliance with their rights and obligations, the order and conditions of detention is a subject of prosecutorial supervision.

During the inspection of the TDF of the Linear Department of the Ministry of Internal Affairs of Russia at the Michurinsk station, it was found that not all cameras are equipped with individual sleeping places (wooden decking instead of beds), sanitary units do not meet the requirements of privacy, fire safety standards are violated (Doshchitsyn, 2015).

Activities to provide medical care to persons held in TDF should be carried out in strict accordance with the requirements of the Instruction on the procedure for medical and sanitary provision of persons held in temporary detention facilities of internal affairs bodies, approved by a joint Order of the Ministry of Internal Affairs of Russia and the Ministry of Health of Russia. Thus, suspects and accused persons can seek help from a medical worker, the duty officer and the head of the IVS during the daily rounds of the cells and questioning of detainees, and in case of deterioration of health – to any employee of the TDF, who is obliged to immediately report this to the duty officer or the head of the TDF (Normative acts of Federal Executive authorities, 13.03.2000, No. 11).

In some TDF, there are certain difficulties with providing medical care to the persons contained in them: there are either no positions of medical workers in the state at all, or doctors work part-time. In this regard, the medical examination of incoming citizens is carried out only at a certain time, the rest of the time the examination is carried out by the staff of the duty shift. The absence and shortage of medical specialists

in places of forced detention makes it possible to ensure their presence during a personal search of suspects and accused persons in custody, to control the spread of infectious diseases, and also narrows the possibilities of providing medical care and objectively reflecting the harm caused by the use of physical force and special means.

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In many TDF there are no forced ventilation systems or it is in a faulty condition. Insufficient ventilation greatly affects the conditions of detention in the cells, especially those located in the basement, where it is very stuffy and damp.

A serious problem in the activities of the TDF are the facts of non-presentation of a daily walk to persons held in cells in violation of current legislation. At the same time, TDF employees refer to the non-compliance of walking courtyards with regime requirements.

As an example, we can cite the TDF cameras of the Linear Department of the Ministry of Internal Affairs of Russia at the Moscow-Yaroslavskaya station, which are in an unsanitary condition, the ventilation equipment in them does not function properly. Also, the cells are not equipped with cabinets for storing individual accessories and products, basins for hygienic purposes and washing clothes. The appearance of the persons in them does not meet the requirements of sanitation and hygiene. The exercise yard of this TDF is not equipped with benches, and conditions for walking in adverse weather are not created (Doshchitsyn, 2015).

During inspections of temporary detention facilities in Vladimir and Gorokhovetsky district of the Vladimir region, it was found that the suspects and the accused did not have bedding, soap, washing powder, and individual personal hygiene products were not issued. The right to information was violated: there were no newspapers, magazines, there were no board games (checkers, chess, dominoes).

The cells are not equipped with tables, drinking water tanks, clothes hangers.

Suspects and accused held in the TDF of the Gorokhovetsky district do not have the opportunity to use a daily walk, since there is no special walking yard in the institution, the norms of sanitary area (4 m<sup>2</sup> per person) are not observed (Chebotarev, 2007).

In the temporary detention facilities of the Sunzhensky district of the Republic of Ingushetia, gross violations of the requirements of the law on the conditions of detention of persons were repeatedly revealed, such as the lack of kitchen equipment, dampness and air pollution in the cells, failure to provide opportunities for daily walks. The inspection with the involvement of Rospotrebnadzor specialists established numerous violations of sanitary rules and norms (Merzhoev, 2016).

Another urgent problem that exists in many TDF is related to the organization of daily three-course hot meals. In some institutions, prisoners are fed two or even once a day. Almost all TDFs do not take into account the nutritional characteristics of believers and sick people.

Currently, regulatory legal acts do not provide for special nutrition standards (and appropriate funding) for certain categories of prisoners, which is a significant gap in the legislation of the Ministry of Internal Affairs of Russia (Mazurov, 2014).

The most typical emergencies in the activities of the TDF are escapes, attacks on employees and staff, violence against cellmates, suicidal manifestations.

The accused (suspects) who have escaped can not only escape punishment, but also destroy evidence or otherwise obstruct the proceedings in a criminal case. In this case, there are certain threats to the safety of witnesses, victims, experts and other participants in criminal proceedings.

Such persons, while at large, often commit new crimes. In addition, any escape to some extent disorganizes the work of not only the internal affairs bodies, but also other law enforcement agencies that are forced to distract personnel from performing their immediate duties and participate in the search and detention of the criminal.

For escaping from a place of deprivation of liberty, from arrest or from custody, criminal liability is provided for (Article 313 of the Criminal Code of the Russian Federation) (Criminal Code of the Russian Federation No. 63-FZ of 13.06.1996).

So, an attempt to escape from custody during the withdrawal to the toilet was made by three persons held in the TDF of the Mirninsky district of the Republic of Yakutia. To this end, one of them distracted the attention of the attendant, and the other

two, pushing the door of the toilet room, ran out into the corridor. Beating the staff of the institution with their hands, feet and a fire extinguisher, they took possession of the keys to the doors of the TDF. Then the criminals ran out into the hall and tried to open the lattice door leading to the exit, but were stopped by arriving at the alarm signal of the police, under threat of firearms.

The Mirninsky District Court found these persons guilty of attempted escape from custody by a group of persons by prior agreement with the use of violence dangerous to health and imposed a sentence of 8, 7 and 5 years' imprisonment, respectively (The attempt to escape from the temporary detention facility ended with a guilty verdict).

The most original escape from the TDF occurred in Dagestan. A man who was in custody for theft escaped from a temporary detention facility through a window for serving food. The escape was captured by the institution's surveillance cameras. The videos show the criminal trying to bend the bars with a towel for about half an hour. After that, he freely leaves the territory of the TDF, which is located on the territory of the department of the Ministry of Internal Affairs of Russia (Prison break (video from the isolation cell surveillance cameras)).

In the city of Kulebaki, Nizhny Novgorod region, a suspect for committing robberies and thefts escaped from the exercise yard of the TDF by bending the wire mesh. Through the existing opening of the metal grating, he left the confines of the temporary detention facility. A few hours later, he was detained in a forest area in the vicinity of Kulebaki. Upon the escape from the TDF, the prosecutor's office conducted an inspection, during which it was established that the escape became possible due to the fact that the protective structure of the walking yard of the TDF was poorly reinforced. In addition, the duty squad of the insulator improperly performed their duties.

According to the facts of the revealed violations, seven officials of the police department were brought to disciplinary responsibility and work was carried out to strengthen the technical fortification of the walking yard of the TDF (May escapes of prisoners).

In the TDF of the Bichursky district of Buryatia, two prisoners took a policeman hostage and tried to escape. In one cell there were two prisoners, one of whom was convicted of murder, the other for robbery. Returning from a walk, they attacked the staff of the detention center, captured one of them and locked themselves in the cell. The hostage was brutally beaten with fists, a rubber baton and a hammer. After that, the criminals demanded from the management

of the Department of Internal Affairs by phone to provide them with transport so that they could leave the TDF. To free the hostage, police officers carried out an assault, as a result of which both prisoners were detained, and a colleague was released (Prisoners took a policeman hostage and tried to escape from the IVS in Buryatia).

Among the reasons for the escape of suspects and accused from the TDF, the following can be distinguished:

- unfair attitude of the administration and employees of the institution to the performance of their official duties (weakening of the detention regime; unsatisfactory service by sentries; unfair verification of suspects and accused);
- poor command of the operational situation; lack of proper control over suspects and accused;
- improper conduct of a personal search and inspection of things;
- insufficient work with persons prone to escape.

### 3 CONCLUSIONS

A number of preventive and organizational measures, among which, in our opinion, the main ones will be the following, will contribute to improving the efficiency of the TDF:

- strict compliance with the requirements of departmental regulatory legal acts concerning the regime of detention in the IVS, as well as aimed at preventing escapes from protection;
- high-quality and thorough personal search and inspection of things when placing suspects and accused in the IVS, excluding the use of prohibited items by them;
- improvement of the engineering and technical support of the TDF, including the use of technical means of detection; introduction and use of video surveillance systems;
- identification of persons from whom one can expect to commit escapes and other illegal actions and taking measures to provide them with educational individual preventive effects;
- improving the level of professional training of employees of temporary detention facilities and security and convoy units. At the same time, when conducting classes, special attention should be paid to the development by employees of actions to prevent escapes and other emergencies;
- organization of psychological and educational work with employees of the above units aimed at conscientious performance of their duties, immediate decision-making in the current situation, the

possibility of their use of firearms, including to defeat;

- ensuring proper management control over the results of performance in subordinate units.

Solving problems in the activities of the TDF related to overcrowding of cells, the order and conditions of detention, medical care and nutrition of suspects and accused, as well as the prevention of escapes and other emergencies, requires taking concrete measures, including improving the legal framework governing the activities of these institutions.

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