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**TOPICAL ISSUES OF ACTIVITY OF PRECINCT POLICE COMMISSIONERS  
EXERCISING ADMINISTRATIVE SUPERVISION OVER PERSONS  
RELEASED FROM PRISONS**

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Topical issues of precinct police commissioners exercising administrative supervision over persons released from places of detention are considered in the article.

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During the last several years each year more than 350 thousand ex-convicts are released from prison. They commit every fifth crime [6, 10]. Many specialists believe that one of the main reasons for this situation is the lack of a well-functioning system of administrative supervision over persons released from places of imprisonment and who have not taken the path of correction. Institute of administrative supervision legislatively introduced in the Russian Federation is designed to correct this situation.

Federal Laws of the Russian Federation on administrative supervision adopted in 2011 [2; 3] formed the basis for the revival of the existed in the Soviet period institute of administrative supervision, required amendments to the federal legislation (Code of Civil Procedure, Criminal Code, Code of Criminal Procedure, Correctional Code, Code on Administrative Offences of the Russian Federation), as well as the development of departmental normative legal act - the Order of the Ministry of Internal Affairs of Russia [5], which regulated the procedure for monitoring over compliance by persons released from prison with established by court administrative restrictions of their rights and freedoms, as well as over the fulfillment of their obligations provided by law.

Since July 1, 2011 normative legal acts on administrative supervision have entered into force. From that moment the administrations of correctional institutions, in accordance with article 261.5 of the Code of Civil Procedure of the Russian Federation [1], began to apply to the courts with applications on the establishment of administrative supervision over the persons to be released from these correctional institutions (prisons).

The current legislation provides that the organization and implementation of administrative supervision is a duty of units on organization and implementation of administrative supervision or officials charged with responsibility to implement administrative supervision in order to prevent commission of crimes and other offences by persons released from prisons, to provide individual preventive impact on them.

In addition, in the implementation of administrative supervision are involved:

- 1) precinct police commissioners;
- 2) employees of combatant units: Patrol-Guard Service of the Police; non-departmental guard; Road Patrol Service of State Road Traffic Safety Inspectorate;
- 3) units authorized to carry out operational-investigative activities;
- 4) police dispatch centers of territorial internal affairs bodies;
- 5) police offices of line units, departments of the Ministry of Internal Affairs of the Russian Federation on the rail, waterway and air transport.

As part of the study, the authors surveyed 50 precinct police commissioners of Regional Office of the Ministry of Internal Affairs of Russia for Omsk Region, ROMIA of Russia for Tomsk region, ROMIA of Russia for Tyumen region.

The following results were obtained to the question about the contribution to the implementation of administrative supervision over persons released from places of imprisonment, which is done by a various services of internal affairs bodies (except for precinct police commissioners):

- significant – 8 pers. (16% of respondents);
- insignificant – 40 pers. (80% of respondents);
- difficult to answer – 2 pers. (4% of respondents).

Thus, the main burden to exercise of administrative supervision over persons released from prison lies on the service of precinct police commissioners.

The rights and duties of precinct police commissioners to establish and exercise supervision are defined by the legislation of the Russian Federation, departmental orders and instructions, as well as other normative legal acts of the Russian Federation.

According to part 1 article 4 of the Federal Law No. 64 from April 06, 2011 "On Administrative Supervision over Persons Released from Prisons" (hereinafter – the Federal Law "On Administrative Supervision ..."), there can be set five types of administrative restrictions in respect of the person under surveillance:

- 1) prohibition to stay in certain places;
- 2) prohibition of visits to places of mass and other events, and participation in these events;
- 3) prohibition of staying out of residential or other premises, which are the place residence or staying of a supervised person at a certain time;
- 4) prohibition of going out of the territory stipulated by court;
- 5) required visits from one to four times per month in the internal affairs bodies at the place of residence or stay for registration.

The order of the Ministry of Internal Affairs No. 818 from July 08, 2011 (as amended on June 30, 2012, No. 657) approved the Procedure for the implementation of administrative supervision over persons released from prisons. According to this document, precinct police commissioners:

- exercise monitoring over the arrival from correctional institution within the prescribed time of a person in respect of whom supervision is established, by place of residence (stay) after its release from prison;
- inform institution of the Federal Penal Service of Russia about the arrival of a supervised person, in respect of which supervision is established before its release from prison, as well as about registration in the territorial body of the Ministry of Internal Affairs of Russia;
- carry out activities on identification the location of supervised persons, who have not arrived after release from prison within the time period determined by correctional institution to the chosen by it place of residence or stay, or have changed the place of residence or stay, without notifying the territorial body of the Ministry of Internal Affairs of Russia, in which the supervision was carried out;
- conduct individual preventive work with supervised persons; visit supervised persons at the place of residence (stay) at certain time of the day, during which it is forbidden to stay out of definite premises, as well as draw up acts of the results of the visit;
- make records in the passport of administrative district and monthly report to the Chief of the territorial body about the compliance by supervised person with the established by court administrative constraints and performance of its duties, about the possibility of committing offences, including those related to evading of administrative supervision;

- under the orders of the Chief of the territorial body they conduct collection of materials regarding persons evading from administrative supervision, before the transfer of materials in specialized unit of inquiry; if there are grounds they prepare materials for establishing administrative supervision over persons subject to the provisions of the Federal Law "On Administrative Supervision...";

- prepare applications on the establishment of supervision and restrictions in respect of persons of this category for the consideration in court; initiate and keep recording and preventive affairs of supervision; conduct talks with persons, in respect of which the court has decided on the establishment of supervision, during which they warn them of the responsibility for non-compliance with administrative constraints that the court established against them and etc.

Study of the activity of precinct police commissioners for the implementation of administrative supervision over persons released from prisons has identified a number of problems that need resolving. In particular, precinct police commissioners often perform functions not directly related to the work at administrative district, implementation of which distracts them from the proper implementation of administrative supervision.

The question about the factors complicating the work of a precinct police commissioner for implementation of administrative supervision over persons released from prison was given the following answers:

- heavy workload at administrative district – 3 pers. (6% of respondents);
- distraction from performing official duties at the assigned administrative district (performance of official duties instead of precinct police commissioners, who are: on vacation, on a business trip, at session, at hospital; protection of public order during festive, sporting, socio-political and other events, etc.) – 47 pers. (94% of respondents);

In this connection, attention should be drawn to the fact that one of the most important tasks of a precinct police commissioner in the implementation of administrative supervision is the prevention of crimes and administrative offences among supervised persons, the formation of their law-abiding conduct. Therefore, the attraction of precinct police commissioners to the performing of uncharacteristic functions should be minimized.

Let's pay attention to one important issue that needs resolving. The Federal Law "On Administrative Supervision..." has assigned to internal affairs bodies a duty to implement administrative supervision, while the number of the staff in this area is minimal. Therefore, implementation of this function is assigned primarily to precinct police commissioners, who are already overloaded without this. In this

connection it seems necessary as soon as possible to finish the formation of units on the organization and implementation of administrative supervision, through providing for that the necessary staff.

The Russian Federation, as a civilized state that perceives international standards of human rights, actively joins to modern advances in the sphere of correction and rehabilitation of persons released from prison, who have not taken the path of correction. So, the Concept of development of the correctional system of the Russian Federation until 2020 [4], taking into account the existing advanced foreign experience, sets a task to create the conditions for the preparation of persons released from places of imprisonment for further post-penitentiary adaptation through the probation service (for example, in England and the United States such measure as probation (test) is associated with the performance by a supervised person of the requirements established in court judgment (prohibition of meetings with certain people, visiting certain places, and etc.) [7, 373]).

The foregoing leads to the conclusion that in the modern period the administrative supervision over persons released from prison as one of the elements harmoniously integrates into a complete system of crime prevention.

Despite the relatively large number of services and units of internal affairs bodies exercising the considered type of activity, the bulk of the duties (not counting units of the internal affairs bodies on organization and implementation of administrative supervision or officials who are responsible for exercising administrative supervision) is exercised by the representatives of the service of precinct police commissioners.

In order to improve supervision activity of police in respect of persons released from prisons, it is necessary:

- to complete the formation of the units on organization and implementation of administrative supervision within the existing staff size in the territorial bodies of the Ministry of Internal Affairs of the Russian Federation at the regional and district levels (except for line departments of the Ministry of Internal Affairs of the Russian Federation on the rail, waterway and air transport).
- to minimize the involvement of precinct police commissioners to perform functions not directly related to the work on an assigned administrative district.

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