



Criminal Intelligence Information on the Illegal Activities of Convicts to Punishments and Measures of Criminal-legal Nature, Not Related to Imprisonment

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Abstract: The article examines criminal intelligence information about the illegal activities of convicts registered in the criminal executive inspections of the Russian Federation. The purpose of the study is to identify the features of criminal intelligence information about the illegal activities of the considered category of persons. As the tasks assigned to the authors, it is possible to single out the analysis of criminal intelligence information on the illegal activities of convicts registered in the criminal executive inspections of the Russian Federation, the wording of the author's definition of criminal intelligence information on the illegal activities of convicts registered in the criminal executive inspections of the Russian Federation. The methodological basis of this research is a set of methods of scientific knowledge, among of them a special place is occupied by dialectical, systemic, comparative legal, methods of analysis, and synthesis. The result of this study is the formulation of amendments to Article 18.1 of the Criminal Executive Code of the Russian Federation, which will help reduce a level of illegal behavior of persons registered in the criminal executive inspections of the Russian Federation.


1 INTRODUCTION

Criminal punishment, being an important tool in the fight against crime, however, is not a panacea (Minyazeva T.F., Dobryakov D.A., 2017), in connection with this matter the issue of evasion of convicts from the execution of punishments and measures of criminal-legal nature, not related to imprisonment, is relevant. In this regard, the development and scientific understanding of criminal intelligence science, representing an activity-cognitive process of two objects of criminal intelligence cognition, combined into one (legal and non-legal components) for their independent cognition (Shumilov A.Yu., Spasennikov B.A., 2018), in the framework of ensuring the execution of the court's verdict in respect of persons registered in

the branches of criminal executive inspections (hereinafter referred to as UII), in particular, issues related to criminal intelligence information about the illegal activities of convicts in this category.

An analysis of the term "criminal intelligence information" allows us to conclude that the majority of the scientific community determine the purpose of its use as a distinctive specific characteristic (Ovchinsky S.S., 2000; Volchkov I.M., 2011). So, according to P.F. Telepnev, a typical feature of criminal intelligence information is the solution of tasks defined by the Federal Law dated August 12, 1995 No. 144-FZ "On criminal intelligence activities" (hereinafter – the Federal Law "On the ORD") and the provision of criminal proceedings, and the information itself represents data about persons, objects, documents, facts, events, phenomena and processes received by employees of

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law enforcement units carrying out criminal intelligence activities (hereinafter – ORD), recorded strictly in accordance with the requirements of regulatory legal acts that are used to solve the tasks defined by the Federal Law "On the ORD" and the provision of criminal proceedings (Telepnev P.F., 2016).

2 MATERIALS AND METHODS

The methodological basis of this research is a set of methods of scientific knowledge, among of them a special place is occupied by dialectical, systemic, comparative legal, methods of analysis, and synthesis. The authors of the article analyzed the current Russian legislation, namely the Federal Law "On ORD", Art. 18.1, 84 of the Criminal Executive Code of the Russian Federation (hereinafter referred to as the PEC RF), the Law of the Republic of Kazakhstan dated September 15, 1994 No. 154-XIII "On criminal intelligence activities", and also studied the work of such scientists as in the field of criminal intelligence activities, criminal law, and criminology.

3 RESULTS AND DISCUSSION

With regard to the analysis being carried out, criminal intelligence information on the illegal activities of convicts of punishment and measures of criminal-legal nature, not related to imprisonment, is data received by field officers of the territorial bodies of the Federal Penitentiary Service of Russia in accordance with the Federal Law "On ORD" with the purpose of the execution of final court decisions and the search for convicts evading punishment or control of the Penitentiary Institute branch.

It is advisable to note that at present there is no legislatively defined appropriate criminal intelligence support for the execution of penalties and measures of criminal-legal nature, in contrast to the corresponding provision of correctional institutions of the penal system in accordance with Art. 84 of the PEC RF (Zhuk O.D., Shevtsova L.V., 2019). In fact, this category of convicts turns out to be outside the scope of criminal intelligence influence, which in the future gives rise to the unlawful behavior. And as a consequence, it entails the initiation of proceedings for the execution of final court decisions. As a legislative proposal to eliminate this gap, according to the authors of the article, it is advisable to supplement Art. 18.1 of the PEC RF with the tasks of

the ORD in the execution of sentences and measures of criminal-legal nature, not related to deprivation of liberty, similar to Part 1 of Art. 84 of the PEC RF.

Moving on to the consideration of aspects related to criminal intelligence information on illegal activities (Medvedev Igor A., 2016) of convicts registered in the branches of the Penitentiary Institute, we note that it is based on three sources of data about the studied person – on the materials already available in the personal file of the convict; – on the characteristics of third parties; – on the testimony of informed and not directly interested persons (Vedernikov N.T., 2019; Suleimanov T.E., 2017), as well as on posing the following epistemological questions:

1. From what moment did it become known about the evasion of the convict from serving his sentence or control of the UII branch?

2. When / from what moment did the convict begin to evade serving his sentence or control of the UII branch?

3. In what way / manner did the convict begin to evade serving his sentence or control of the UII branch?

4. What are the motives of the convict's evasion from serving the sentence or control of the UII branch?

5. Where can the evading convict hide?

6. What methods / techniques can be used by the convict evading serving a sentence or controlling the branch of the UII to conceal his whereabouts?

Let us analyze the criminal intelligence information about the illegal activities of the convicts in the context of the described authors' questions in detail.

1. The moment from which it became known about the evasion of the convicted person from serving the sentence or control of the UII branch should be understood as the date of receipt of information about the commission of illegal activities by the registered branch of the UII by a person aimed at evading punishment or control of the branch of the UII, or / and going out to the place of residence of the analyzed person, as a result of whom the considered information was revealed. If this data is received as a result of a message, then it requires direct verification by going out to the place of residence of the evading convict.

2. Under the moment from which the convicted person began to evade serving a sentence or control of the UII branch, we should understand the date and term of the unserved punishment or measures of criminal-legal nature, which is established by an employee of the UII branch by going out to the place

of residence and receiving appropriate explanations from those living with the evading person, neighbors and other persons possessing the information of interest (Bykov A.V., Zenin S.S., Kudryashov O.V., 2018). This data is the basis for the initial search activities.

3. Under the method / way of evading a convicted person from serving a sentence or control of the UII branch, we should understand the following unlawful activities of a person accountable to the UII branch:

- deliberate leaving of the settlement, permanent place of residence;
- deliberately leaving the permanent place of residence and living at an address unknown to the staff of the UII branch within the same locality;
- deliberate stay only at night in the permanent residence, suspension of communications with neighbors in the stairwells of apartment buildings and with neighbors from nearby houses, etc. actions of the evading person aimed at concealing his residence in the specified place.

4. Under the motives of the convict's evasion from serving the sentence or control of the UII branch, we should understand the list of the following most common internal incentives of the considered person:

- the desire to lead an immoral lifestyle (for example, being in a drunken state, and as a result, vagrancy, living in various dens, etc.);
- committing offenses during the period of being registered in the UII branch;
- unwillingness to serve a court sentence or a measure of criminal-legal nature;
- unwillingness to obey the legal requirements of the staff of the UII branch;
- unwillingness to recognize a criminal punishment or a measure of criminal-legal nature, not related to imprisonment, as a punishment for a committed crime.

5. The most likely locations for the evading convict are the following:

- brothels, shelters, social hotels, etc.
- rented apartments, houses, warehouses;
- place of residence of distant relatives, acquaintances, friends;
- agricultural structures, farms;
- car workshops, garages, etc.

We cannot ignore the fact that the convicts of this category often seek to "escape" to cities of federal significance, where it is more simply to hide their place of residence, and it is easier to find a job that does not require skilled labor.

6. The methods / techniques used to conceal their whereabouts by convicts who evade serving a

sentence or control of a branch of the UII (UII) often include:

- change of permanent residence;
- change of mobile phone numbers, using someone else's numbers;
- change of personal pages on social networks, using fictitious data on social networks;
- using only cash payment;
- renting housing through intermediaries;
- earning money without conclusion an employment contract that does not require skilled labor;
- alienation from the relatives and friends, etc.

4 CONCLUSIONS

Criminal intelligence information on the illegal activities of convicts to punishments and measures of criminal-legal nature, not related to imprisonment, is data received by field officers of the territorial bodies of the Federal Penitentiary Service of the Russian Federation in accordance with the Federal Law "On ORD" in order to ensure the production of the execution of final court decisions and the search for convicts evading punishment or control of the UII branch.

To reduce the level of unlawful behavior of persons registered in the UII branch, according to the authors of the article, it is necessary to amend the current legislation, namely the addition of Part 4, Art. 18.1 of the PEC RF: "In accordance with the legislation of the Russian Federation, in institutions executing punishments and measures of criminal-legal nature, not related to imprisonment, criminal intelligence activities are carried out, the tasks of which are: to ensure the personal safety of convicts, personnel of establishment and other persons; identification, prevention and solution of crimes and violations of the established procedure for serving sentences and measures of criminal-legal nature that are being prepared and committed in institutions; search in accordance with the established procedure of convicts evading criminal punishment or measures of criminal-legal nature."

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