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# The Lull Before the Storm? Criminal Justice, Crime and Incarceration in Russia (2000–2020)

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## *Abstract*

The article reviews the design of the criminal justice system and trends in crime in Russia over the last two decades (2000–2020). First, we argue that the criminal justice system is built upon the idea of meeting quotas, which ensures its accountability to the Russian state and downplays its transparency and crime-control efficiency. Second, we analyse recent crime trends and argue that Russia has experienced a long-term drop in crime. Finally, we overview the available evidence on the enforcement of drug laws and the operation of the prison system in Russia.

AFTER THE DISSOLUTION OF THE SOVIET UNION AND until the early 2000s, Russia went through a period of crime and disorder (Gilinskiy 2006). Since the accession of Vladimir Putin, the country has gone through economic and social transformation. The crime wave peaked in the early 2000s and subsided over the next decade, marking the start of the Russian version of what is known in criminology as the great crime decline that occurred in the United States and other nations through the 1990s. By the late 2000s, Russia had stabilised politically through an authoritarian consolidation under President Vladimir Putin. This transition has been succinctly described as ‘bad governance’ underscoring the lack of transparency, centralisation of power, corruption and clientelism, and the increasing use of repressive measures to suppress opposition (Gel'man 2017). Simultaneously, state capacity increased, which means that organised crime could be controlled more efficiently. The so-called ‘violent entrepreneurs’ of the 1990s (Volkov 2006) became a thing of the past. The constant flow of oil dollars ensured rapid GDP *per capita* growth, and the standard of living generally improved. However, following Russia’s annexation of Crimea in 2014 and the subsequent sanctions, economic growth stagnated in the mid-2010s. In February 2022, Russia invaded Ukraine, triggering a new

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wave of yet unprecedented economic sanctions. Dubbed ‘the most sanctioned nation in the world’ a mere ten days after the invasion (Wadhams 2022), Russia stands on the verge of a tectonic socio-economic shift, comparable to the collapse of the Soviet Union.

This article reviews the criminal justice system in Russia from the accession of Vladimir Putin up to 2020, focusing on its lack of public accountability and the role of key performance indicators in the day-to-day work of law enforcement agencies, namely, the police, state prosecution and the court system. The development of criminal justice in Russia over the last two decades, from 2000 to 2020, mirrors the general trend in the Russian state: after the successful consolidation and stabilisation, it stagnated and became hamstrung by autocratic tendencies, excessive centralisation and lack of incentives to change. The first part of the article develops this argument by outlining how the incentives and organisation of the criminal justice system, with regard to the police in particular, result in the biases seen in crime control, drug law enforcement and penal institutions. These biases include the excessive focus on the rapid processing of criminal cases, often without much regard for procedural violations and human rights, and the fundamentally dominant position of the state-side prosecution in a *de jure* adversarial criminal justice system. Overall, the criminal justice system functions poorly in terms of access and delivery of justice while, paradoxically, being a well-oiled repressive machine. Having a police force that functions as an effective instrument of repression while being hampered in regular law enforcement by the pressure to meet key performance indicators (KPI) does not serve a government facing major social and economic issues. Russian law enforcers—an umbrella term consisting of the police, the prosecution and the court systems—know how ‘to hit the numbers’ to show good clearance rates, yet do not seem to be particularly focused on crime control and the rule of law, as we argue below drawing from some of the recent police and criminal justice reforms.

At the same time, data on crime in Russia over the last 20 years show signs of a major crime drop in the country. While Russian government statistics and statements must be taken with a degree of scepticism, several aspects of this decline signal plausibility: some reliably registered types of crime, such as homicide, do display a consistent drop, which is consistent with the crime trends of other industrialised nations (Farrell *et al.* 2014). While it is not clear whether this reduction is the result of police efforts, it is spectacular: for instance, our analysis of UNODC data suggests that the homicide rate has steadily decreased from 28 homicides per 100,000 residents in 2000 to only eight per 100,000 in 2018. Russia has become a much safer country both in terms of everyday interpersonal lethal violence and other, less severe, types of violent and property crime. The second part of this article discusses this change in greater detail and provides potential explanations.

Drug crime, as distinct from property and violent crime, is defined by a government’s drug policy, as is its enforcement. Despite the move towards decriminalisation of some drugs and a focus on reducing harm in many countries,<sup>1</sup> Russian drug policy is still based

<sup>1</sup>According to the Global State of Harm Reduction 2022 report, 108 out of 128 countries reviewed in the report support harm reduction as an official policy. The report is available at: <https://hri.global/flagship-research/the-global-state-of-harm-reduction/the-global-state-of-harm-reduction-2022/>, accessed 15 June 2024.

on the criminal prosecution of people who use drugs. The evidence we review suggests that some drug-related crimes are based on forensic evidence falsified by the police. The accusatorial bias and seeming ease of planting and manipulating drug evidence contributes to wrongful convictions. At the same time, it provides police with easily initiated and cleared drug-related charges to hit the quotas for solved crimes.

The Russian prison system is also affected by criminal justice biases, including low public accountability and disregard for human rights. With overcrowding and the cruel treatment and torture of inmates (and the added fact that prisons are in remote locations, making family visits difficult), the experience of incarceration itself is as much part of the punishment as the basic denial of freedom. The pre-trial detention period is often used by the prosecution to coerce the suspect into pleading guilty through informal negotiations. As with the Russian criminal justice system in general, the prison system seems to be driven by the same organisational incentives as other stages of this system, namely, rapid processing rather than justice.

Criminal justice in Russia has had several significant successes and failures over the last two decades. The major reduction in crime since 2000 and the resulting decrease in the prison population can be counted as a major success. While decriminalisation of some minor offences and the emergence of administrative prejudicial crimes, as explained later, might have contributed to this decrease, the main reason is the economic transformation of the period 2000–2010. However, the major reforms of police and criminal justice, especially the police reform of 2010, failed to fix the organisational incentives of law enforcement. While publicly targeting the focus on performance indicators, this focus continued to be one of the major issues of the criminal justice system in Russia prior to the invasion of Ukraine. At the same time, increasing transparency and public trust were never the target of these reforms, and many components of criminal justice in Russia are plagued with misconduct and injustice.

The evidence presented in this article focuses on the broad organisational structure of Russian criminal justice, traditional violent and property crime, drug crime, and the prison system, leaving beyond the scope organised, white-collar and economic crime. We use various sources, such as academic and newspaper articles, official crime statistics, interviews with law enforcement officers and unpublished calculations.<sup>2</sup> For certain topics, such as homicide decline in Russia, there is yet no published research.

In the two years prior to its invasion of Ukraine, the Russian Federation had large but dysfunctional criminal justice and penitentiary systems based on centralised management that prioritised hitting statistical KPI targets and suppressing dissent rather than justice, transparency or public trust. Meaningful policies on the control of crime and illicit substances and the re-integration of prisoners into society did not exist. This model was sustainable given the general downward crime trend and the relative prosperity of the Russian population. Whether crime will continue to decline in the face of a deteriorating economy and the potential social upheaval following the war with Ukraine is a matter of future research.

<sup>2</sup>The tabular data and code for figures are from the Github repository, available at: [https://github.com/alexeyknorre/crime\\_in\\_russia\\_review](https://github.com/alexeyknorre/crime_in_russia_review), accessed 15 June 2024.

*The Russian criminal justice system in action**The role of performance indicators and accusatorial bias*

Pro-conviction or accusatorial bias is one of the most prominent features of Russia's modern criminal justice system. Current scholarship shows that there is a strong institutional bias in favour of the prosecution (Paneyakh 2014; McCarthy 2015; Solomon 2015a; Paneyakh *et al.* 2018), severely limiting the defendant's capability in the pre-trial and trial stages (Khodzhaeva & Shesternina Rabovski 2016). One of the few efficient strategies left for the defence is 'special procedure court hearings' (*Osobyi poryadok prinyatiya sudebnogo resheniya pri soglasii obvinyaemogo s pred'yavlennym emu obvineniem*)—the Russian version of plea bargaining—which helps to achieve a lenient decision by a judge (Moiseeva 2017).

This asymmetry stems from the complex set of key performance indicators used to assess the effectiveness of state agencies involved in the criminal justice system, one of the legacies of the Soviet system of criminal justice. Amongst other effects, this system can encourage manipulation of the crime statistics at all stages of a criminal case investigation. To meet the set goals, law enforcement agencies and courts have to investigate crimes and proceed with trials as quickly as possible, as they are limited by time thresholds prescribed by the Criminal Procedural Code (CPC). These key performance indicators include the rate of cleared criminal cases within the main flow of registered crimes for the police; the rate of criminal cases authorised by the prosecution and sent to courts for investigation units (inside the police or established in other law enforcement agencies, including the Federal Security Service, the Ministry of Emergency Situations, the Federal Bailiff Service, the Federal Customs Service); the conviction rate for prosecutors; and the rate of decisions not changed or reversed by the appeal court for criminal court judges.

This 'conveyor belt' style of law enforcement (Paneyakh *et al.* 2018) allows little margin for more time-consuming cases such as complex crimes requiring extensive and detailed investigation as well as a genuine trial with serious argumentation between defence and prosecution and the possibility of dismissal or acquittal. Because of the organisational pressure on the police, prosecutor's office and courts to reach quotas for resolving cases, law enforcers from investigative agencies and state prosecution can be punished by reprimand or dismissal for any acquittal, since this indicates that one or several previous actors had made mistakes. As a result, the decision of whether the defendant is guilty or not is made as early as possible, usually during the pre-investigative stage, when the criminal case has not yet been opened and the legal protection of a suspect is weak or non-existent. This stage is represented as Stages 1–2 in Figure 1, which depicts the trajectory of criminal cases in Russia.

*Recent reforms*

The problems with key performance indicators and accusatorial bias in Russian criminal justice have created huge public debates, leading to attempts to reform policing and the criminal justice system during the post-Soviet period. Below, we outline two major

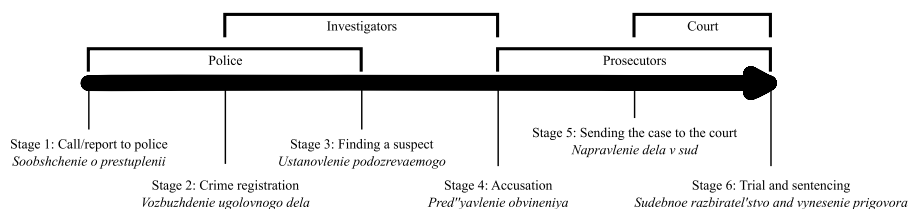


FIGURE 1. STAGES OF CRIMINAL CASE INVESTIGATION IN RUSSIA

Note: The top part of the diagram shows the responsibility of each group of law enforcement agencies, and the bottom part shows the major stages affecting the official crime flow.

Sources: Authors' interpretation based on Paneyakh *et al.* (2018).

reforms that concerned criminal justice in general: the 2010 police reforms and the 2011 reform of administrative prejudicial effect.

The police reform was launched in 2010 with unprecedented public discussion of the new legislation (Semukhina & Reynolds 2013, pp. 234–45; Taylor 2014). A new version of the law on police, Federal Law 'About Police' N 3-FZ passed on 7 February 2011 (Federal'nyi zakon 'O politsii' ot 07.02.2011 N 3-FZ) aimed to reduce the role of key performance indicators in police work and to put police forces under public control using two main instruments: first, public reports by police chiefs and local police for local citizens and municipal deputies; second, the use of victim surveys to assess the work of the police. These instruments are outlined in articles 8 and 9 of the law referenced above.

However, the reform did not significantly change the organisational structure of the police or the incentives under which they worked: the quotas hence remained in place, despite the reform. One of the core obstacles, apart from what now seems to be a window-dressing to placate the public instead of genuine political will, was the extreme centralisation of the Russian police (Galeotti 2012; O'Shea 2023). Since the first year of the reform implementation in 2012, all police forces in Russia have been financed by the federal budget and are thus federal agencies, as all police units in Russia are under the immediate control of the Ministry of Internal Affairs. Therefore, around a million police officers work in one unified organisation. On the top level of this organisation, there are 85 regional departments, more than ten territorial departments of the transport police and approximately ten federal departments, all accountable to the Minister of the Interior Affairs. Within such a large organisation encompassing all Russian regions, key performance indicators seem to be the only management tool that the head office of the Russian police, the Central Office of the Ministry of Internal Affairs, knows and wants to employ. Two other major law enforcement agencies, the Investigative Committee (a special state prosecution agency) and Office of the General Prosecutor (the main state agency prosecuting cases in the court), appear to function similarly (Paneyakh *et al.* 2018, pp. 225–40).

While police reports to the public may have seemed a positive step, this reform did not contribute to transparency and public trust. After the 2010 reform, chiefs of police stations and regional divisions of the Ministry of Interior were obliged to report twice a year to the local legislative organs, while local police officers had to report four times a year.

All these reports were to be published online. However, in 2016, the mandatory regularity nature of such reports was reduced to once a year. Substantively, these public reports are internal official documents, full of figures and legal data and are not accessible to the average citizen (Khodzhaeva 2021). Moreover, not all police departments publish such reports: for instance, as of March 2023, the official website of the St Petersburg and Leningrad *Oblast'* department of the Ministry of Interior carried no such reports. Additionally, the victim surveys were never made publicly accessible, contrary to their initial rationale of increasing the transparency of the decision-making in the criminal justice system.

To sum up, in the period of study the police remained non-transparent and lacked public accountability. Their work was still assessed by a complicated KPI system, whereby the management of criminal statistics to hit quotas is prioritised over earning public trust despite the 2010 reform that supposedly got rid of the KPI system (Volkov *et al.* 2015).

Other reforms involved amendments to the Criminal Code and the Criminal Procedural Code and aimed to expedite processing, favouring 'straightforward' crimes. In Russia and elsewhere in the former Soviet space (Ukraine, Kazakhstan, Belarus), there exists the category of an 'administrative offence', separate from a criminal offence. Some misbehaviours, such as minor thefts, non-severe violence and 'hooliganism' (disorderly behaviour), may be treated as administrative offences, which attract lighter penalties. Since 2011, various reforms, some initiated by the Supreme Court and law enforcement agencies, but mostly pushed through by parliamentary deputies, have resulted in the decriminalisation of several minor criminal offences, while some administrative offences were criminalised if repeated (twice within 12 or 18 months).<sup>3</sup>

First, non-aggravated assault, including domestic violence (Art. 116 of the current Criminal Code of Russia,<sup>4</sup> hereafter we will refer to the Criminal Code of Russia as CC), was reframed into an administrative offence (Art. 6.1.1 of the Code of Administrative Offences of the Russian Federation).<sup>5</sup> Only assaults aggravated by hate speech and hooliganism remained in the Russian criminal system as a specific type of criminal

<sup>3</sup>Between 2011 and 2018, a series of amendments to the federal laws changed the way some repeated administrative violations were criminalised. For example, the changes to the Federal Law 'On Amendments to Certain Legislative Acts of the Russian Federation in Terms of Strengthening Measures to Prevent the Sale of Alcoholic Products to Minors' (Federal'nyi zakon N 253 'O vnesenii izmenenii v otdel'nye zakonodatel'nye akty Rossiiskoi Federatsii v chasti usileniya mer po predotvrashcheniyu prodazhi nesovershennoletnim alkogol'noi produktsii'), dated 21 July 2011, criminalised the repeated retail sale of alcohol to minors. In a similar fashion, the Federal Law 'On Amendments to Certain Legislative Acts of the Russian Federation Regarding the Improvement of Legislation on Public Events' from 21 July 2014 (Federal'nyi zakon N 258 'O vnesenii izmenenii v otdel'nye zakonodatel'nye akty Rossiiskoi Federatsii v chasti sovershenstvovaniya zakonodatel'stva o publichnykh meropriyatiyakh') criminalised the repeated violation of the established procedure for organising or holding a meeting, demonstration, procession or picketing, introducing Article 212.1 of the Criminal Code, the so-called 'Dadin article', which we write about further in the text.

<sup>4</sup>The Criminal Code of the Russian Federation ('Ugolovnyi Kodeks Rossiiskoi Federatsii'), 1996, available at: [https://www.consultant.ru/document/cons\\_doc\\_LAW\\_10699/](https://www.consultant.ru/document/cons_doc_LAW_10699/), accessed 5 July 2023.

<sup>5</sup>Code of Administrative Offences of the Russian Federation ('Kodeks Rossiiskoi Federatsii ob administrativnykh pravonarusheniyyakh'), 2001, available at: [https://www.consultant.ru/document/cons\\_doc\\_LAW\\_34661/](https://www.consultant.ru/document/cons_doc_LAW_34661/), accessed 5 July 2023.

offence (Art. 116 of CC). Reoffenders, however, were to incur a criminal offence (Art 116.1 of CC).

Second, first-time refusal to pay child support (former version of Art. 157 of CC) was recognised as an administrative rather than a criminal offence (Art. 5.35.1 of the Code of Administrative Offences of the Russian Federation), while from 2016 only repeated non-payment of child support was treated as a crime (current version of Art. 157). There are approximately 50,000 cases of repeated non-payment of child support per year, making it one of the most commonly charged crimes in Russia.<sup>6</sup>

Third, some property crimes (mainly minor thefts, Art. 158 of CC) were partly decriminalised due to the raising of the maximum damage threshold up to R2,500 (approximately US\$30), with less monetarily damaging thefts being an administrative offence. Thefts of similar value that are repeated twice or more per year were criminally prosecuted (Art. 158.1 of CC) starting from 2016.

Other types of repeated administrative offences were also criminalised, including those related to political repression, such as repeated unlawful protest activity (Art. 212.1 of CC, also known as ‘Dadin’s article’, named after Il’dar Dadin, the first ever convicted person charged with this crime). Statistically, the most common crime after repeated administrative offending is drink driving, which was criminalised in 2015 (Art. 264.1 of CC) and generates approximately 60,000 criminal charges per year.<sup>7</sup>

If a person has been found guilty of an administrative violation more than twice and it happened relatively recently (during the last 12–18 months, depending on the charge), the investigators from the police or the Investigative Committee initiate a criminal case. Such cases are investigated rapidly and prosecuted successfully in the courts because the previous administrative sanction is the ultimate evidence for the court. The outcome is usually a conviction or another non-rehabilitative court decision. The preceding administrative trial provides less protection of the suspect’s rights and has a lower standard for evidence; moreover, such offences contradict the basic legal doctrine that a person cannot be convicted twice for the same offence (Sinelschikov 2020). The effect of a previous administrative violation on a subsequent criminal charge is referred to as the administrative prejudicial effect.

In 2021, approximately 17% of all criminally prosecuted offenders in Russia had been prosecuted for crimes with administrative prejudicing (see Figure 2), a percentage that has grown steadily over the last few years, starting from less than 1% in 2014 but quickly reaching 12% by 2016. This two-year period of rapid growth in the share of criminal convictions based on the administrative prejudicing coincided with the ongoing process of criminalisation of repeated administrative offences. It is important to note, however, that there has been some displacement of criminal offences to administrative ones. Some of these repeated administrative offences, in turn, have ‘converted’ to criminal convictions based on the administrative prejudicial effect seen in Figure 2.

<sup>6</sup>Ofitsial’naya statistika Sudebnogo departamenta pri Verkhovnom Sude Rossiiskoi Federatsii’, Court Department of Russian Federation, 2021, available at: <http://www.cdep.ru/?id=79>, accessed 1 May 2023.

<sup>7</sup>Ofitsial’naya statistika Sudebnogo departamenta pri Verkhovnom Sude Rossiiskoi Federatsii’, Court Department of Russian Federation, 2021, available at: <http://www.cdep.ru/?id=79>, accessed 1 May 2023.



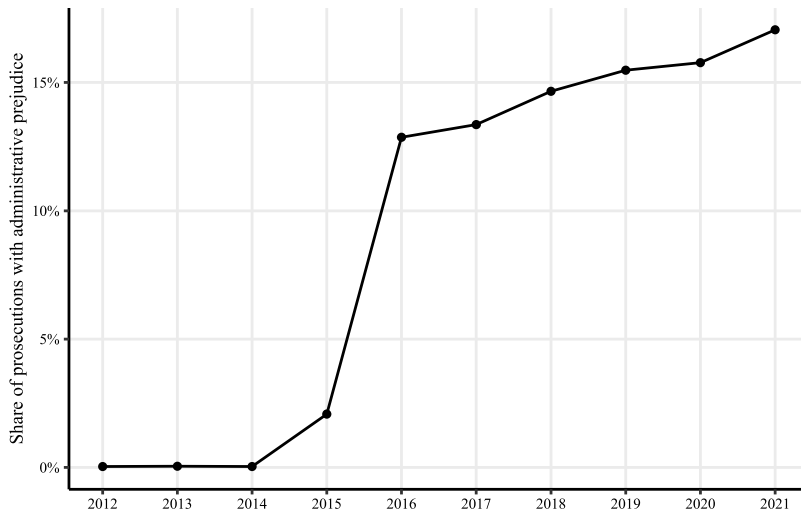


FIGURE 2. PERCENTAGE OF PROSECUTIONS RELATED TO CRIMES WITH AN ADMINISTRATIVE PREJUDICIAL EFFECT IN RUSSIA

Source: ‘Ofitsial’naya statistika Sudebnogo departamenta pri Verkhovnom Sude Rossiiskoi Federatsii’, 2021, Court Department of Russian Federation, available at: [http://ou.stat.cdep.ru/stat\\_OU/cd-prepared-report-search.aspx?LIndex=264&RIndex=265&ActiveFilter=year](http://ou.stat.cdep.ru/stat_OU/cd-prepared-report-search.aspx?LIndex=264&RIndex=265&ActiveFilter=year), accessed 1 May 2023.

### *The decline in Russian crime*

The steady decline in the crime rates that started in the United States and other Western nations during the 1990s, known by the name of the great crime drop and dubbed ‘the most important criminological phenomenon of modern times’ (Farrell *et al.* 2014) did not occur in Russia until the 2000s. In contrast, many industrialised nations (and most importantly the United States where this decline has been thoroughly studied) started enjoying ever-declining crime rates in the late 1980s and early 1990s. There are several hypotheses as to why this crime drop took place. Some are widely applicable as they explain this drop through global and universal changes, such as demographic shifts due to the increases in life expectancy and an ageing population, securitisation thanks to the proliferation of close-circuit television cameras, and economic growth. Others focus more on country-specific factors. For example, in the United States, these factors include the decline in lead poisoning of children, which contributes to crime through the neurological and behavioural effects of lead exposure; the decline in crack cocaine use, driven by stricter law enforcement, public awareness campaigns and drug market changes, which resulted in a significant reduction in drug-related violence (Farrell 2013). In line with theories of crime decline, Russia saw strong economic growth lasting from the late 1990s to the early 2010s, followed by a plateau (Mau 2017). The population also aged during this period (Lukyanets *et al.* 2021). Unlike the United States—a country with comparable levels of criminal violence—Russia did not have an extensive crack problem, and gun availability is relatively limited.

The crime rate had begun to climb by the final years of the Soviet Union, peaking in the mid-1990s and again in the mid-2000s. Researchers commonly associate peak levels of crime

with the aftermath of the fall of the USSR (Gilinskiy 2006). Some went as far as to lump the post-Soviet crime peak and political and economic turbulence together as a ‘de-civilising process’, a major societal crisis in which social norms reverted to more brutal and primitive ones (Lysova & Shchitov 2015). However, by the end of the 2000s, crime plateaued and then started a rapid decline. By the beginning of the 2020s, most types of crime had seen at least a two-fold reduction in both violent and property crimes compared to 2000.

One important aspect of the changes in reported crime is whether they are accompanied by a change in unreported crime, also called the ‘dark figure of crime’ meaning the difference between the actual amount of crime occurring, and the amount officially reported to law enforcement or other authorities (Skogan 1977). There are many reasons why crimes may go unreported or undiscovered. Some people may not want to involve the police because they fear retaliation, mistrust the authorities or feel that reporting crime is a waste of time, because the police take no action. Officers may ignore certain crimes perceived as ‘less serious’ or ‘too difficult’ due to case-processing pressures and limited resources. In other cases, a crime may be committed without any witnesses (Bideman & Reiss 1967).

Buckley *et al.* (2016) and McCarthy *et al.* (2021) suggest that due to mistrust in police, a significant under-reporting of crime in Russia exists. They found that citizens were more likely to report offences committed by non-police perpetrators. Monetary rewards or appeals to civic duty failed to increase reporting (Buckley *et al.* 2016). These findings suggest that increasing citizen engagement with law enforcement in Russia may require more fundamental changes in the relationship between the state and its citizens (Buckley *et al.* 2016; McCarthy *et al.* 2021).

Some studies suggest that the considerable under-reporting of crime in contemporary Russia is due to citizens’ fundamental lack of trust towards state actors, and law enforcement more in particular (Buckley *et al.* 2016; McCarthy *et al.* 2021). However, some crimes are hard to dismiss, or their victims have strong motivations to report. In criminology, homicide (Fox & Piquero 2003) and burglary (unlawful entry into private residences accompanied by theft) and vehicle theft (Cohen *et al.* 1985) are considered to be well-reported. These crimes are either grave and typically attract a lot of attention both from the public and law enforcement (homicide) or provoke a motivated reaction from either victims or witnesses (motor vehicle theft is a prime example as the victim is usually motivated to claim insurance). In Figure 3, we plot the trends for several types of crime in Russia using the data on police-registered crime supplied to the UN Office on Drugs and Crime (UNODC) by the Ministry of Interior Affairs. Official administrative data for Russia are difficult to obtain and interpret, as they are not entirely consistent even for homicides: for example, the Ministry of Internal Affairs considers unsuccessful homicide attempts as part of homicides in its official statistical data (Lysova & Shchitov 2015). Thus, we rely on UNODC, which employs protocols to ensure a certain degree of consistency in its country-level statistics.

Russian homicides are dominantly a domestic affair. Our analysis of the data on criminal court decisions in Russia during 2009–2013 (Volkov 2016) provides the following estimates. Eighty-seven percent of all homicides happened indoors. Gang violence resulting in homicides was virtually non-existent. Gun-related killings were sporadic and constituted only up to 1% of all homicides. Almost 75% of homicides were committed by brute physical force or improvised objects rather than using a weapon. In 86% of homicide cases, the perpetrator was male. Alcohol usually plays a significant role in facilitating homicidal behaviour,

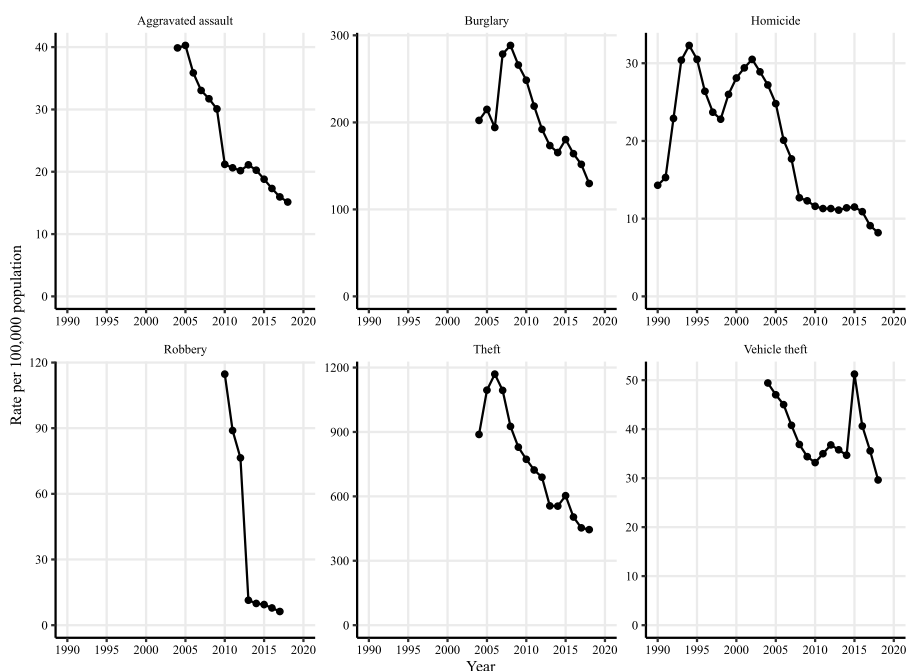


FIGURE 3. CRIME RATES IN RUSSIA

Source: United Nations Office on Drugs and Crime, available at: <https://www.unodc.org/unodc/en/data-and-analysis/crime-and-criminal-justice.html>, accessed 15 July 2021.

especially in Eastern Europe and Russia (Bye 2008). In Russia, 76% of both homicide offenders and homicide victims were under the influence of alcohol at the time of the incident. However, drug-related killings were very rare, with merely 0.2% of all offenders being under the influence of narcotics when they committed homicide.

Shifting the focus to the more recently available international data from UNODC, while homicides in Russia are high compared to other industrialised nations (eight killings per 100,000 people as of 2019), the number has fallen drastically, more than three times since the early 2000s.<sup>8</sup> One possible explanation is the demographic shift: the ‘dangerous’ cohorts that are more likely to engage in criminal activity in the age 20–30 and 40–50 have become less numerous. This line of reasoning was initially proposed by Fox and Piquero who claimed that this shift accounted for up to 15% of the decline in the United States (Fox & Piquero 2003). It was later criticised by Farrell (2013), who argued that volatility in age cohorts failed to produce similar volatility in crime rates.

Burglaries, another type of a reliably registered crime, also saw a two-fold reduction in the 2008–2018 period. Their number has been steadily dropping since the late 2000s.

<sup>8</sup>Here and further, we report the results of our analysis of publicly available data on crime in the Russian Federation from the United Nations Office on Drugs and Crime, available at the UNODC data portal: <https://dataunodc.un.org>, accessed 21 May 2023.

UNODC data show that at its peak, in 2008, Russia saw 381,000 burglaries; in 2018, this number dropped to 198,000. It is relatively easy to explain this change using the CRAVED analytical scheme, which argues that the chance of a thing being stolen depends on the relative ease of selling it later (Thompson 2017). Hypothetically, the wider spread of home electronics and their evolution from luxury items into common necessities contributed to this decrease in burglaries; however, no research looked into the details of this decrease. This could reflect the higher standard of living overall, as former luxury items, such as electronic goods, which were highly portable and easy to resell, become affordable and commonplace.

Vehicle theft is another non-violent crime that is reasonably well-registered. In the mid-2000s, the introduction of mandatory car insurance policies made it one of the best-reported crimes in Russia. It also saw a decline from 2000, with a brief resurgence in 2015. This spike can be explained by the currency crisis at the end of 2014. The devaluation of the ruble after the annexation of Crimea made stealing cars and selling them for spare parts a lucrative business for a short period while markets were adjusting to new import prices. This explanation is consistent with the scheme described by Maxfield and Clarke (2004): car thieves often adjust their strategy to the market situation. The authors argue that criminals switch to stealing cars for spare parts (as opposed to stealing cars to resell in one piece) when this type of 'business' becomes more lucrative. Nevertheless, the overall number of vehicle thefts in Russia has almost halved since 2004, even considering the 2015 spike. This particular drop is consistent with the securitisation hypothesis (Farrell *et al.* 2014): from the mid-2000s to the late 2010s, Russia saw an increase in CCTV and the widespread adoption of car alarms.

Crimes that contribute most to the 'dark figure' in absolute numbers, such as theft or assault, display a similar decline. Part of this decrease in thefts and assaults might be attributed to the decriminalisation of minor thefts and assault (which were discussed earlier) as well as business activities that might have previously been considered fraudulent but were decriminalised as part of efforts to liberalise the economy during the Medvedev presidency. This involved making certain business-related offences less severe or removing them from the criminal code altogether (Solomon 2012); however, it is unlikely that these are major drivers of the crime drop.

Another potential explanation for this drop in property crime is crime displacement (Johnson *et al.* 2014): once it becomes harder, less rewarding or more dangerous to commit a specific offence, potential offenders change their focus to other places, victims, and patterns and types of offending. While common theft and fraud have declined, 'cyber-crime' has emerged as a significant problem in recent years: in 2021, the head of the Russian chapter of the International Police Association cited up to R69 billion (€825 million) of annual cyber-fraud-related damage in Russia.<sup>9</sup> The analysis of a recent Russian crime victim survey suggests that, from 2018 to 2020, the total cost of cyber-crime in Russia grew from R10.8 billion to R31.5 billion (Zhizhin *et al.* 2023). This cyber-fraud usually has little 'cyber' in it, as it is primarily social engineering: the victim receives a phone call with offenders posing as bank employees, law enforcers or people

<sup>9</sup>'Kak protivostoyat' kiberprestupnosti', *Rossiiskaya gazeta*, 14 April 2021, available at: <https://rg.ru/2021/02/14/kak-protivostoiat-kiberprestupnosti.html>, accessed 20 February 2022.

calling on behalf of their relatives. Another vector of attack involves identity theft in social media. A hacked social media account is then used to send messages to friends and relatives asking for a small personal loan. The Russian government responded to this phenomenon in 2012 by introducing a special article in the Criminal Code (Art. 159.6) that makes computer-related fraud a crime (Zhizhin *et al.* 2023). However, the effective prosecution of cyber-crime requires innovative approaches and resources from law enforcement and it is unknown whether and to what extent the enforcement of this article protects the victims of cyber-crime in Russia.

One could argue that the Russian ‘crime drop’ is not genuine, as Russian law enforcement does not have a reputation for flawless record-keeping (Paneyakh 2014), and that the crime decline might be attributed to the KPI issues affecting official criminal statistics rather than an actual decrease in offending. In other words, what we observe could simply be the artificial manipulation of crime statistics rather than a significant reduction in crime. While such manipulation might, to some degree, overestimate the crime drop in Russia, it is hard to imagine this happening on a large scale: it would require the Russian authorities to routinely ignore tens of thousands of homicides annually.

Since around 2014, Russian society has enjoyed relatively mild and ever-declining crime levels, comparable with the pre-*perestroika* years of the Soviet Union. Yet, this creates a ‘low base effect’: when crime is low, any significant increase after decades of declining crime-rate will be relatively high percentage-wise, thus there is always a possibility that crime rates could rise again if circumstances change. The economic and social upheaval that will likely follow the war with Ukraine could result in another ‘de-civilising process’ leading to a new crime wave. The Russian demographic could further complicate the issue, as the children of the so-called ‘Putin baby boom’ will become young adults in the 2020s, which might result in increased levels of violence and crime (Fox & Piquero 2003; Hirschi & Gottfredson 1994).

### *Cracking down on illegal drugs and the issue of police misconduct*

As of 2020, the drug policy in Russia is punitive and open to corruption. The use of illegal drugs has been *de facto* criminalised: while use and possession of small quantities is an administrative violation, the threshold for a criminal offence is very low. Harm reduction policies have been rejected and denounced by the government, and the enforcement of drug policy suffers from police misconduct and wrongful conviction, sometimes seen as the attempt to imprison political opposition or journalists (Sarang *et al.* 2010; Sarang 2017; Knorre 2020). A notable incident in 2019 concerned Ivan Golunov, an investigative journalist who had cocaine planted on him by the police. He was only released after a major public campaign against his fabricated arrest.<sup>10</sup> The nature of the law enforcement system in Russia—the pressure to achieve performance indicators—and the fact that drug offences do not require a victim makes drug policy enforcement especially open to

<sup>10</sup>‘What Ivan Golunov’s Ordeal Reveals about Russia’, *The Economist*, 13 June 2019, available at: <https://www.economist.com/europe/2019/06/13/what-ivan-golunovs-ordeal-reveals-about-russia>, accessed 5 July 2023.

corruption. In the following paragraphs, we summarise the available evidence on the enforcement of drug laws in Russia.

Before 2016, two law enforcement agencies were primarily responsible for the enforcement of illegal drugs: the regular police, who operated under the Ministry of Internal Affairs (Ministerstvo Vnutrennikh Del) and the separate Federal Service for Drug Distribution Control (Federal'naya sluzhba Rossiiskoi Federatsii po kontrolyu za oborotom narkotikov—FSKN). For the police force, enforcement of drug laws is just one of its many functions, while for the FSKN, the main and only responsibility was fighting illegal drug trafficking and contraband, with an explicit focus on large transactions of illegal drugs and their production.

Using administrative data from Russia's law enforcement agencies on all drug-related arrests in 2013–2014, Knorre and Skougarevskiy found that both agencies typically seized similar amounts of illegal drugs (Knorre & Skougarevskiy 2015). For example, the median weight of seized heroin by the police and FSKN was one and two grams respectively, a dose just two to four times more than the minimum weight required for criminal prosecution or several doses for an average heroin-user. The results of this study showed that both agencies were focusing on the same group of regular drug users, possibly due to the simplicity of this approach compared to investigating and arresting large drug syndicates. At the beginning of 2016, the Russian government disbanded the FSKN and transferred its functions and some FSKN operatives to specialised police units.<sup>11</sup>

Table 1 shows the frequency of the various illegal substances seized by all law enforcement agencies in 2013–2014 derived from the dataset used by Knorre and Skougarevskiy (2015). A third of all drug seizures included marijuana, hash and other natural cannabinoids. Heroin contributed to 21% of cases, with other types of opioids seized in 14% of cases. However, three cautionary remarks should be made here. First, these data only involved drugs that were seized at the time of arrest and, therefore, are unlikely to be representative of the actual use of illegal drugs in the country. However, there are no national figures on actual drug use, as opposed to drug-related arrests. Second, the data for a third of all registered drug arrests did not include any information on the seized drug. Finally, this is only a cross-sectional snapshot for 2013–2014; it is likely that with the dissolution of the FSKN, the proliferation of illegal online drug markets, and other changes in the illegal drug scene this table would look different today.

However, the transfer of drug law enforcement functions from the FSKN to the police in 2016, as mentioned above, might have been a problematic policy choice. Knorre analysed the data on the drug arrests made by the police (and excluding the data coming from the FSKN shut down later) during 2013–2014 alone and found suggestive evidence of police falsification of drug weight information, which is in line with the widespread and well-documented police practice of planting drugs on suspects (Knorre 2020).

While the use of illegal drugs is not criminal in itself, the possession, sale, production or transportation of illegal drugs as well as being under their influence in public places are

<sup>11</sup>Podpisan Ukaz o peredache funktsii Gosnarkokontrolya i migratsionnoi sluzhby v sistemu MVD Rossii', President of Russian Federation, available at: <http://www.kremlin.ru/events/president/news/51649>, accessed 15 June 2024.

TABLE 1  
 TYPES OF DRUGS SEIZED BY LAW ENFORCEMENT AGENCIES IN RUSSIA, 2013–2014

<i>Type of drug</i>	<i>Number of seizures</i>	<i>Percentage</i>
Marijuana and natural cannabinoids	128,370	33.6
Heroin	80,236	21.0
Other opioids	54,354	14.2
Amphetamines	52,083	13.6
Synthetic cannabinoids	45,331	11.9
Insufficient data	13,118	3.4
Other drugs	8,544	2.2
Total	382,036	100.0

*Note:* 33% of cases were missing information on the type of seized drug and were therefore omitted.

*Sources:* Authors' calculations using the official crime database of all drug-related offences registered in Russia in 2013–2014 (Criminal Code, articles 228–234). The data source and analysis are described in detail in Knorre and Skougarevskiy (2015).

punishable either under the Criminal Code (articles 228–234) or the Code of the Administrative Violations. The weight of the illegal drugs seized serves as the threshold to distinguish between an administrative violation and a criminal offence. These weight thresholds are a part of the legislation related to the criminal offence: for example, for marijuana, this threshold is six grams, whereas for heroin it is 500 milligrams. These thresholds were introduced by prominent Soviet narcologist Edouard Babayan and went through several waves of liberalisation and toughening (Levinson 2008).<sup>12</sup> If a user is caught with five grams of marijuana, this would be considered an administrative violation, leading to a fine; seven grams would make it a criminal offence. For many illegal substances, the threshold is so small that an arrest with any amount would automatically lead to criminal prosecution. Moreover, there are several grades of the weight thresholds in ascending order: the basic (minimal) one is called 'significant', followed by 'large' and 'extra-large'. Each one triggers a more severe punishment. If someone is arrested trying to sell or distribute illegal drugs (or the police suspect an intent to do so), more severe punishment is triggered regardless of the minimum weight threshold. In practice, selling a single marijuana joint or even sharing it with a friend is legally considered distribution.<sup>13</sup>

The analysis by Knorre (2020) looked at the distribution of heroin just above and below the minimum threshold amounts needed for criminal prosecution and found significant bunching just above these thresholds, a phenomenon widely recognised in the literature on education and policing. In other words, with the minimum thresholds of 0.5 and 2.5 grams for heroin, the police usually arrested people with typical amounts of 0.7 and 2.7 grams of heroin. Using the same dataset, Travova found that repeat drug offenders—who also tend to be unemployed and otherwise at a disadvantage—were more likely to be

<sup>12</sup>Narcology is a Soviet approach to dealing with drug abuse rooted in the idea of quitting 'cold turkey' even in the case of opioid addiction, which also rejects the notion of harm reduction.

<sup>13</sup>Postanovlenie Plenuma Verkhovnogo Suda RF ot 15.06.2006 N 14 "O sudebnoi praktike po delam o prestupleniyakh, svyazannykh s narkoticheskimi sredstvami, psikhotrofnymi, sil'nodeistvuyushchimi i yadovitymi veshchestvami", available at: [https://www.consultant.ru/document/cons\\_doc\\_LAW\\_61074/](https://www.consultant.ru/document/cons_doc_LAW_61074/), accessed 15 June 2024.

incriminated with seemingly manipulated drug weights, resulting in an additional year of incarceration (Travova 2019).

In 2017, Sarang *et al.* conducted a non-representative online survey of drug-related bribes to police in Russia (Sarang *et al.* 2017). The anonymous online questionnaire was distributed in social media channels and groups related to drug use and targeted people who had experience of bribing law enforcement officers to avoid arrest in the period 2012–2017. Of 467 respondents, 30% reported possessing marijuana, 27% hash and 16% amphetamines when they were stopped by police. Half of the respondents indicated that the police officers were the first to suggest a bribe. The median cost of the bribe for possession of marijuana was R21,000 (US\$350 as of 2017); however, the cost varied depending on the type of substance, its weight and the context of the police stop. While the study does not provide an estimate of the prevalence of drug-related bribes, it does give some insights into such bribes.

Taken together, this scholarship suggests that drug-related crime in Russia tends to be associated with police misconduct. More so, the incentive to manipulate outcomes by falsely reporting drug weights or by planting drug-related evidence outright follows directly from the pressure to meet key performance indicators. The relative ease of initiating a criminal case against an innocent person, together with the accusatorial bias in the criminal justice system, means that drug-related trials in Russia likely have a high share of wrongful convictions. It is hoped that future research will analyse this in more detail. At the same time, the potential for misconduct and lack of due process in drug-related crimes makes it one of the prime tools for political repression, as shown in the case of Ivan Golunov (Sarang *et al.* 2010).

#### *Overcrowding, abuse and the uneven geography of the prison system*

There is much less known about prisons in Russia than other parts of its criminal justice system. Both the scholarship and the available official data are severely limited, which might be attributed to the geographical isolation and non-transparency of the prison system governed by the Federal Penitentiary Service (Federal'naya sluzhba ispolneniya nakazanii—FSIN). In describing the current issues of the Russian penitentiary system, we rely mostly on secondary sources, such as reports by journalists or activists.

Generally, prisons in Russia can be grouped into two broad categories. The first, prisons, called correctional facilities in Russia, are institutions in which convicted individuals serve out carceral sentences decreed by the criminal court. There are several types of such facilities, with the severity of carceral conditions depending on the type of crime. The second category is pre-trial detention centres (*sledstvennyi izolyator*, or *sizo*), where suspects are usually sent by the court after the commencement of the criminal case and before the conviction. Pre-trial detention centres and prisons are managed by the FSIN, yet pre-trial detainees are kept entirely separate from convicted prisoners.

#### *Overcrowding and the fall in prison population*

In line with crime figures, the prison population in Russia experienced two significant drops between 2000 and 2020, as shown in [Figure 4](#).



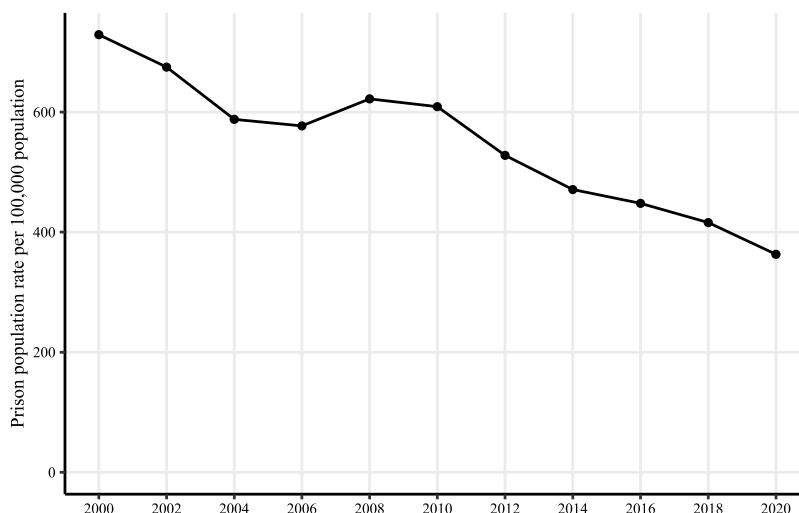


FIGURE 4. PRISON POPULATION RATE, 2000–2020

Source: ‘Russian Federation’, *World Prison Brief*, 2022, available at: <https://www.prisonstudies.org/country/russian-federation>, accessed 20 February 2022.

In the early 2000s, overcrowding was one of the main problems in Russian prisons. This was especially true for pre-trial detention centres: the average space per inmate was 1.7 and 0.5 m<sup>2</sup> in certain facilities (Bobrik *et al.* 2005), while the Convention for Protection of Rights and Basic Freedoms, which was ratified by Russia, recommends at least 4 m<sup>2</sup> (Gane & Mackarel 1997). This problem was acute in the most populated regions, such as the city of Moscow, Moscow region and Sverdlovsk region, where the share of inmates in pre-trial centres exceeded 23–56% from the optimum occupation levels.<sup>14</sup> As a response, the capacity of the existing centres was increased and new centres have been built. The latter also aimed to replace the old prison infrastructure; for example, in 2017, the largest pre-trial detention centre in Europe, Kresty-2, designed for 4,000 prisoners, was built near St Petersburg to replace the old Kresty-1, which was constructed in 1730s and did not meet modern standards of prisoner care.<sup>15</sup>

Aside from the crime drop and the resulting decrease in the number of convictions and prisoners, several factors might have influenced the decrease in the number of prisoners and, hence, the overcrowding of prisons. One of them is an increase in the use of non-custodial punishments, such as suspended sentences, fines and community work. In Russia, non-custodial sanctions are typically applied when the offence is not severe, and the suspect opts for plea bargaining. In such cases, the prosecution can offer the suspect a

<sup>14</sup>‘Ob utverzhenii Kontseptsii federal’noi tselevoi programmy “Razvitie ugolovno-ispolnitel’noi sistemy (2017–2025 gody)”’, 2016, available at: [https://www.consultant.ru/document/cons\\_doc\\_LAW\\_210073/](https://www.consultant.ru/document/cons_doc_LAW_210073/), accessed 5 July 2023.

<sup>15</sup>‘Russian Limbo: Kresty Prison’, CEPA Editorial Board, 2016, available at: <https://cepa.org/article/russian-limbo-kresty-prison/>, accessed 15 June 2024.

fast-tracked criminal case process through the court (Solomon 2018). Between 2010 and 2020, the number of criminal convictions leading to a non-custodial sentence increased by 10%, from 36% to 46%.<sup>16</sup>

Additionally, Russian criminal courts have increased the use of non-custodial measures of detention and restraint before the trial. Since 2018, the courts have deployed additional restrictions. Detainees under these measures are prohibited from leaving their houses between certain hours, using the internet or contacting certain people. In 2020, 3,009 people were under such measures of restraint.<sup>17</sup> However, courts still opt for pre-trial detention more often than house arrest or other non-custodial measures of restraint: according to a 2022 report, 22% of prisoners in Russia were held in pre-trial detention.<sup>18</sup> In 2021, the district courts approved 87,644 petitions for detention and 188,499 decisions to extend the detention of individuals facing criminal charges in a pre-trial detention centre, which is common practice in Russian criminal justice to postpone the court dates when the investigation is not over. At the same time, only 6,802 individuals facing charges were placed under house arrest. It should be noted that, for all criminal cases, the courts send suspects to a pre-trial detention centre in 88.5% of cases and extends this measure in 97% of cases.<sup>19</sup> Overall, this means that most of the time, the pre-trial detention is effectively used as a punishment mechanism.

Finally, early release is another means of reducing the prison population. In Russia, the main types of early release are conditional parole and the replacement of incarceration with a milder form of punishment including non-custodial sentences. Figure 5 shows that, between 2007 and 2020, the use of these two types of early release decreased, with several ups and downs.

First, the decrease in the number of prisoners meant that there was less pressure to move people out and ‘make room’. At the same time, the tightening up of approval conditions meant that fewer people were granted early release, either as conditional parole or the replacement of incarceration with a milder form of punishment including non-custodial sentences.

From 2013, the Criminal Code was amended to include mandatory compensation for harm, payable by convicts to their victims. Non-payment affected the eligibility of inmates for parole. Given the low wages paid to inmates for their labour, the payment of such compensation was difficult and many prisoners failed to get parole as a result. In 2015, the Plenum of the Supreme Court clarified that if a prisoner at least made attempts

<sup>16</sup>‘Kharakteristika lits, sostoyashchikh na uchete v ugovovno-ispolnitel’nykh inspektsiyakh’, Federal Penal Service of Russia, 2021, available at: <https://fsin.gov.ru/structure/inspector/iao/statistika/Xar-ka%20v%20YII/>, accessed 20 February 2022.

<sup>17</sup>‘Kharakteristika lits, sostoyashchikh na uchete v ugovovno-ispolnitel’nykh inspektsiyakh’, Federal Penal Service of Russia, 2021, available at: <https://fsin.gov.ru/structure/inspector/iao/statistika/Xar-ka%20v%20YII/>, accessed 20 February 2022.

<sup>18</sup>‘World Prison Brief’, Russian Federation, 2022, available at: <https://www.prisonstudies.org/country/russian-federation>, accessed 20 February 2022.

<sup>19</sup>‘Official Statistics of the Court Department of the Russian Federation’, 2021, Court Department of Russian Federation, available at: [http://ou.stat.cdep.ru/stat\\_OU/cd-prepared-report-search.aspx?LIndex=264&RIndex=265&ActiveFilter=year](http://ou.stat.cdep.ru/stat_OU/cd-prepared-report-search.aspx?LIndex=264&RIndex=265&ActiveFilter=year), accessed 1 May 2023.

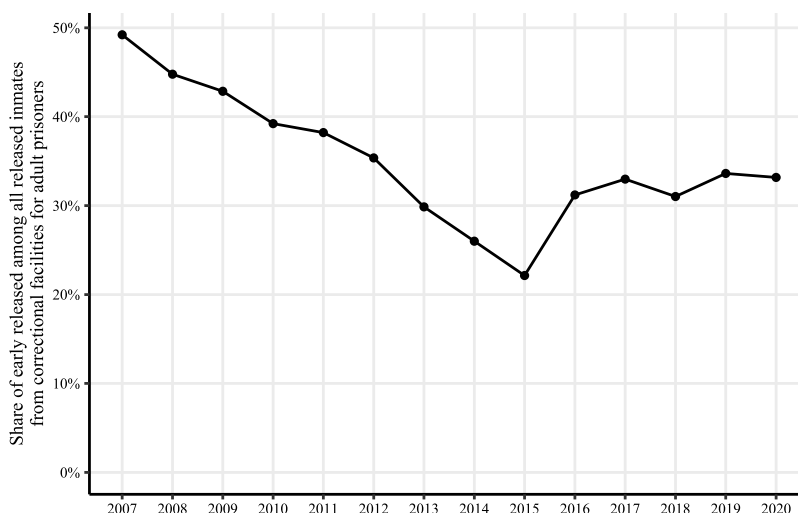


FIGURE 5. PERCENTAGE OF EARLY RELEASES AMONGST RELEASED INMATES IN RUSSIA (ADULTS)

Source: 'Kharakteristika lits, sodержashchikhsya v ispravitel'nykh koloniyakh dlya vzoslykh', Federal Penal Service of Russia, 2021, available at: <https://fsin.gov.ru/structure/inspector/iao/statistika/Xar-ka%20v%20YII/>, accessed 20 February 2022.

to pay compensation, they should have a right to parole.<sup>20</sup> This clause softened the rule of damages. Besides, in 2014, the rule about the participation of victims in parole hearings was softened by the Constitutional Court.<sup>21</sup> These measures may have had a delayed effect.

A further reason for the drop in the number of parolees among released prisoners in 2015 could be the large-scale amnesties carried out in 2013 and 2015.<sup>22</sup> Overall, the drop in prison population has followed the general drop in crime, with a lesser contribution by new forms of punishment and pre-trial detention. At the same time, the fact that many common offences were decriminalised and became administrative offences (as described previously) over the last decades might have also contributed to the decreased number of convictions associated with the limitation of freedom. A better understanding of the exact sources of the prison population change would require the analysis of the structure of crimes that reach courts, which is beyond the scope of this article.

<sup>20</sup>Postanovlenie Plenuma Verkhovnogo Suda RF ot 17.11.2015 N 51', Decree of the Supreme Court of Russia, 17 November 2015, available at: [https://www.consultant.ru/document/cons\\_doc\\_LAW\\_189011/](https://www.consultant.ru/document/cons_doc_LAW_189011/), accessed 5 July 2023.

<sup>21</sup>'Reshenie Konstitutsionnogo Suda RF ot 22.04.2014', Verdict of the Constitutional Court of Russia, 22 April 2014, available at: [https://www.consultant.ru/document/cons\\_doc\\_LAW\\_162235/](https://www.consultant.ru/document/cons_doc_LAW_162235/), accessed 5 July 2023.

<sup>22</sup>'Russia Parliament Approves Amnesty for Prisoners', *BBC*, 18 December 2013, available at: <https://www.bbc.com/news/world-europe-25433426>, accessed 15 June 2024.

*Torture and cruel treatment*

Anecdotally, torture in Russian prisons seems to be a widespread yet poorly documented phenomenon, with no reliable estimates of its scale. Many ex-prisoners, lawyers and human rights activists have reported the cruel treatment and torture of inmates in Russian penal institutions.<sup>23</sup> Between 2015 and 2020, Russia spent €3.5 million, which is 0.1% of the Russian Federal Prison Service's annual budget, on paying damages to the victims of torture and inhuman or degrading treatment (Art. 3) awarded by the European Court of Human Rights, although some of these claims concerned poor prison conditions and did not involve torture *per se*.<sup>24</sup>

Sometimes, detainees are tortured in pre-trial detention centres, to force them to plead guilty. A confession of guilt serves as sufficient evidence for a conviction and enables the prosecution to secure the evidence needed for the conviction, close the case and send it to the court, except that these were supposedly overturned in 2010. In prisons, cruel treatment can be used for disciplinary purposes. In 2016, to prevent cruel treatment and torture, the Federal Prison Service installed video surveillance systems in colonies and pre-trial detention centres and supplied prison officers with body cameras to be activated in situations when physical force, including armed force, needs to be used against prisoners. However, the law recognises that if a situation develops rapidly, an officer may not have time to turn on the camera.<sup>25</sup> Thus, prison officers have considerable discretion in using body cameras. Finally, not every correctional officer is supplied with a body camera as a matter of course.

Nevertheless, evidence from cameras has been used in criminal cases against torture. For instance, in the high-profile case of cruel treatment in Yaroslavl's prison system, records from body cameras became the primary evidence against prison officers.<sup>26</sup> As a result, 12 prison officers were convicted. In October 2021, videos of violence and rape in the Yaroslavl' prison hospital were published by the organisation Gulagu.net.<sup>27</sup> After that, criminal proceedings were initiated against seven prison workers and the head of Yaroslavl' Prison Number 1. In neither case were records of torture sent directly to the police or prosecutor. Instead, investigations were triggered by the publication of evidence followed by a public campaign. Human rights activists and lawyers have complained that

<sup>23</sup>“A Secret Special Forces Archive”: Human Rights Group Obtains Massive Video Leak Evidencing Widespread Torture in Russian Prisons’, *Meduza*, 5 October 2021, available at: <https://meduza.io/en/feature/2021/10/05/a-secret-special-forces-archive>, accessed 31 May 2023.

<sup>24</sup>‘Peterburg i Lenoblast’ popali v lidery RF po kompensatsiyam za pytki’, *RBK*, 7 October 2021, available at: [https://www.rbc.ru/spb\\_sz/07/10/2021/615ea7e69a79472d2d9e67ef](https://www.rbc.ru/spb_sz/07/10/2021/615ea7e69a79472d2d9e67ef), accessed 20 February 2022.

<sup>25</sup>Federal Law of the Russian Federation No. 503, Federal’nyi zakon ‘O vnesenii izmenenii v Zakon Rossiiskoi Federatsii ‘Ob uchrezhdeniyakh i organakh, ispolnyayushchikh ugolovnye nakazaniya v vide lisheniya svobody’ i Federal’nyi zakon ‘O sodержanii pod strazhei podozrevaemykh i obvinyaemykh v sovershenii prestuplenii’”, 28 December 2016, available at: [https://www.consultant.ru/document/cons\\_doc\\_LAW\\_209898/](https://www.consultant.ru/document/cons_doc_LAW_209898/), accessed 5 July 2023.

<sup>26</sup>‘Allegations of “Systematic” Torture at Russian Prison Under Investigation’, *Radio Free Europe/Radio Liberty*, 27 December 2018, available at: <https://www.rferl.org/a/allegations-of-systematic-torture-at-russian-prison-under-investigation/29679463.html>, accessed 31 May 2023.

<sup>27</sup>“A Secret Special Forces Archive” Human Rights Group Obtains Massive Video Leak Evidencing Widespread Torture in Russian Prisons’, *Meduza*, 5 October 2021, available at: <https://meduza.io/en/feature/2021/10/05/a-secret-special-forces-archive>, accessed 15 June 2024.

prison authorities hide and destroy records (Brester 2019). This further limits access to justice for the victims of cruel treatment in prisons.

Another mechanism to deal with the abuses in prison is the Public Monitoring Commission (PMC) established in 2008. Each region in Russia has its own separate commission, which are supposed to be instruments for better transparency of the prison system. The members of the commissions can visit correctional facilities without the approval of the facility's administration. These commissions report violations of prisoners' rights to the prosecutor's office and the media. However, these commissions are often composed of former correctional system officers who are loyal to their old colleagues (Owen 2015). Another limitation is that people who have received the stigmatising status of 'foreign agent' cannot be members of the PMC, nor can organisations with this status nominate candidates. This ban was enshrined in federal law at the end of 2022 with the stated reason of preventing 'foreign influence'.<sup>28</sup> Human rights activists and organisations that campaign for prisoners' rights, such as *Memorial*, *Russians Behind Bars* (*Rus' Sidyashchaya*), and personalities such as Ekaterina Schul'mann, who used to be a member of one such commission, are now legally barred from carrying on their work.

### *Geography of prisons*

Another problem with the Russian prison system is its geography, specifically, the uneven distribution of institutions across the country. Some regions have disproportionately more correctional institutions than others. This uneven distribution is a legacy of the Soviet camp system, as correctional institutions were established at large construction sites and enterprises, many of which were located in Siberia and the Urals (Averkieva 2014). As a result, certain regions receive large numbers of prisoners from other regions, which in turn increases the burden on regional social services. Amongst these carceral regions are Perm, Voronezh, Irkutsk and Sverdlovsk (Runova 2019). There are fewer correctional institutions in the central regions of Russia, although the population density is higher there.

Due to the uneven distribution of prisons throughout the country, many prisoners are forced to serve their sentences far from their homes and families, sometimes several thousand kilometres away. The disruption of social ties becomes an additional punishment for prisoners (Piacentini & Pallot 2014; Pallott & Katz 2017; Runova *et al.* 2021).

Legally, convicts are supposed to serve their punishment in the region of conviction or where they lived before their sentences. This rule, however, does not apply to terrorism-related convictions.<sup>29</sup> However, many regions do not have penal facilities fit for the specific types of punishment and convicted subpopulation, which is an especially acute problem for small subpopulations of convicts, such as women, minors and people with certain medical

<sup>28</sup>Federal Law of the Russian Federation No. 255, Federal'nyi zakon 'O kontrole za deyatel'nost'yu lits, nakhodyashchikhsya pod inostrannym vliyaniem', 14 July 2022, available at: [https://www.consultant.ru/document/cons\\_doc\\_LAW\\_421788/](https://www.consultant.ru/document/cons_doc_LAW_421788/), accessed 5 July 2023.

<sup>29</sup>Article 73 of Criminal Procedural Code of Russia, 'Ugolovno-ispolnitel'nyi kodeks Rossiiskoi Federatsii ot 08.01.1997 N 1-FZ', available at: [https://www.consultant.ru/document/cons\\_doc\\_LAW\\_12940/468cf0b6c22313ab3ce167d13d485a05ab9f4489/](https://www.consultant.ru/document/cons_doc_LAW_12940/468cf0b6c22313ab3ce167d13d485a05ab9f4489/), accessed 15 June 2024.

conditions. Taken together, there are 11 distinctive types of prisons for adults and two for minors. These include prisons for men and women of three varieties (general, strict and special regime), juvenile colonies for males and females, settlement colonies (the mildest regime, which can be mixed or separate for women and men), prisons of all types for former law enforcement officers (meaning that convicted police officers are housed in separate prisons) and, finally, high-security prisons with the most severe regime (*tyur'ma*). In addition, prisoners with certain diseases or conditions, such as tuberculosis or alcoholism, may serve all or part of their sentences in medical and/or rehabilitation institutions, but the few that exist are often remote. While criminal courts recommend sending prisoners to a certain type of facility, the Federal Penitentiary Service makes the final decision.

### *Conclusion*

This article has provided an overview of issues facing the criminal justice system in the Russian Federation before 2020. First, we documented how the institutional design of the police, state prosecution and criminal court led to pressure inside these organisations to 'hit the numbers' in terms of registered and cleared crimes which turn into convictions. This, with the lack of transparency and working institutes of external social control, has led to the widespread perception of a *palochnaya sistema* (a system based on numbers), in tandem with an understanding that law enforcement agencies do not generally care about justice or keeping crime under control. The 2010 reform of the police officially targeted the removal of the quotas in the work of the police and the increase of police transparency, but in the end, it failed to achieve this.

At the same time, Russia has experienced a major decrease in both violent and property crime since 2005. Judging by the homicide rate, one of the most reliable measures of crime, the crime decline seems to be genuine; that is, not completely driven by manipulation of the crime statistics.


Even with the declining rates of crime, the Russian criminal justice system continues to be marked by punitiveness and repression. We looked at two areas of criminal justice with primarily regressive policies: illegal drugs and the prison system. The enforcement of drug laws in Russia has no concept of harm reduction and criminalises the possession of illegal drugs starting with the quantities for personal use. While there are no reliable estimates of drug use in Russia, the available evidence indicates some degree of police corruption, documented by the analysis of weights of the seized drugs and non-representative surveys of people who use drugs.

The penitentiary system is plagued by overcrowding, abuse and the uneven distribution of prisons. These factors, together with the lack of public accountability, especially in pre-trial detention centres, contribute to the accusatorial bias of the 'neo-inquisitorial' criminal justice system (Solomon 2015b). The remote location of prisons leads to the disruption of ties with family and relatives. While the prison population in Russia has declined in line with the drop in crime, no attempt has been made to reform the prison system, which mostly continues in its Soviet form.

These findings describe the crime and criminal justice situation in Russia before the Russian invasion of Ukraine. The scale of military involvement and the number of Russian troops returning from the frontlines to their place of residence will likely lead to

an increase in interpersonal violence as demobilised men deal with PTSD and struggle to readapt to civilian life (Archer & Gartner 1976). The Russian Federation is approaching this time of turmoil with a large law enforcement and penitentiary system that is efficient at quickly processing large numbers of people through the courts but very poor at delivering justice, enforcing the law and serving the public. The ability of this system to implement efficient crime-control policies or meaningful rehabilitation programmes if crime and the prison population increase is doubtful. While the social, political and economic outcomes of the current war cannot be predicted, there will no doubt be upheaval, with significant implications for crime and criminal justice in Russia.

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