
Investigative Committee analyzes custodial restraint practice



The Russian Investigative Committee pays special attention to the legality and reasons for putting suspects and accused in custody pending trial. This issue has been on the agendas of briefings and board meetings of the Investigative Committee multiple times and each time it was noted that arrest should eliminate illegal and ill-grounded restriction of rights and freedoms criminal justice seeks to protect.

Heads of investigative offices are directed to strictly follow restrictions for custodial restraint set out by the criminal procedure legislation and are connected among other things to businesses run by suspects and the accused, their state of health, observance of reasonable time for criminal justice, inadmissibility of holding the accused in custody with no good reason.

Statistics show that Investigative Committee's investigators order to take in custody only 20-25% of those accused of major crimes as a rule.

But 10 years ago arrest was a more frequently-used measure. This way, in 2006, out of 187,477 people whose cases were referred to courts by investigators of the prosecutor's office, 47, 232 were kept in custody or each fourth, while in 2015, from 116,849 accused 26,525 were held in custody,

that is each fifth.

Gradual decrease in the number of arrests during preliminary investigations has been seen since 2009. According to official data, other bodies of preliminary investigation have also shown this tendency.

In most cases courts considering arrest requests filed by investigators grant them which is the sign that the decisions made by investigators are well-grounded. No more than 4-6% of such requests are rejected.

There were however occasions when not putting the accused in custody had some negative consequences. Since 2008, 185 accused of crimes by the Investigative Committee who were not put in custody by courts have escaped from investigators. 25 of them committed more crimes while being wanted.

The Investigative Committee has started to use house arrest as an alternative to custodial restraint 60 times more frequently. In 2008 only 29 people were put under house arrest against 1,878 in 2015.

By the way, statistics also shows that even those accused of crimes that bear custodial punishment are often subject to more lenient restraint before trial. In 2015, investigators of all law-enforcement authorities referred to court cases against 1 million 58 thousand people, 136 thousand of whom were taken in custody. At the same time, 90,512 accused who walked free during preliminary and court investigations were taken in custody in courtrooms as they got prison sentences.

Most often custodial restraint was imposed on those charged with crimes committed against life and health. The second category of crimes for which arrest was a frequent restraint is sexual crimes. This shows that gravity of the crime committed was the most widely spread reason for keeping suspects or the accused isolated from the society during an investigation. However, the gravity of the crime was assessed together with other personality data. The opportunity to escape from investigators and court or to continue committing crimes by prosecuted criminals, was confirmed by certain documents.

The tendency to higher number of people taken to custody for crimes against state authorities has also remained. When requesting arrests for those accused of malfeasance, investigators referred not so much to negative personal characteristics of the accused or suspect as to the fact that they might threaten witnesses or other participants of proceedings, destroy evidence or impede justice in any other way.

Those circumstances were confirmed by witnesses who received threats, results of investigative and search operations that revealed such actions, evidence given by witnesses aware of relationships between the accused or suspect and other parties to a trial which contained information on possible pressure put on them. Respective requests of investigators were also based on established facts of

attempts to destroy or destruction of objects and documents of evidential importance which was registered in protocols of interrogation of both the suspect (accused) and witnesses or in protocols of other investigative operations.

This way, it can be said that the Investigative Committee uses reasonable approach to custodial restraint, as well as takes measures to prevent taking hasty or groundless decisions as to arrests.

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