

## THE ROLE OF TECHNICAL MEANS IN THE PREVENTION OF IRREGULARITIES IN PENAL INSTITUTIONS

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**Abstract.** *In the article, the existing problems in the detection and prevention of offenses related to the consumption, storage and use of alcohol, narcotic drugs, their analogues, psychotropic substances and strong drugs by convicts in the operation of address colonies, as well as amendments and additions to the legislation on their elimination proposals and comments on inclusion are reflected.*

**Key words:** *Address-colony, disorderly conduct, prohibited items, breathalyzer, internal procedures, litigation prevention institutions, technical means of control.*

## РОЛЬ ТЕХНИЧЕСКИХ СРЕДСТВ В ПРЕДОТВРАЩЕНИИ НАРУШЕНИЙ В ПЕНИТЕНЦИАРНЫХ УЧРЕЖДЕНИЯХ

**Аннотация.** *В статье рассмотрены существующие проблемы выявления и профилактики правонарушений, связанных с употреблением, хранением и употреблением алкоголя, наркотических средств, их аналогов, психотропных веществ и сильнодействующих наркотиков осужденными при функционировании адресных колоний, а также внесены изменения и отражены дополнения в законодательство по их устранению, предложения и замечания по включению.*

**Ключевые слова:** *Адрес-колония, мелкое хулиганство, запрещенные предметы, алкотестер, внутренние процедуры, учреждения по предотвращению судебных разбирательств, технические средства контроля.*

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In recent years, the political-legal, socio-economic image of our society has changed rapidly, and new relationships, new opportunities and values have been formed in our lives.

"Human rights and freedoms", "rule of law", "openness and transparency", "freedom of speech", "freedom of religion and belief", "inviolability of private property", "freedom of economic activity" were connected with fundamental democratic concepts.

In fact, glorification of man, expression of his rights and legitimate interests, and all-round improvement were turned into the main idea of reforms.

Of course, such populist policy and processes aimed at improving the welfare of the population, including the principle of "Glorification of human dignity" are implemented in the system of punishment.

In the last six years, the attitude towards people who are held in places of deprivation of liberty or who have served their sentences has completely changed. Organizational and legal frameworks aimed at ensuring the vital interests of persons who committed crimes unknowingly, realizing their noble dreams, abilities and talents are being improved with time.

The tasks<sup>1</sup> of the criminal-executive law are to ensure execution of punishment, moral correction of prisoners, prevention of crimes, protection of rights, freedoms and legal interests of prisoners.

In addition to ensuring the execution of the sentence, it is necessary to implement measures aimed at ensuring that the convicts go on the road to recovery.

Today, **9,603** (9,169 men, 434 women) convicts are serving their sentences in the prisons of the Ministry of Internal Affairs. In 2023, 1,910 violations were committed, **371 of these violations were related to alcohol consumption.**<sup>2</sup>

According to the analysis, in 2023, 19.4 percent or one fifth of the violations committed in address colonies were violations related to alcohol consumption.

218 of these violations were in the territory of the settlement colony, 153 of them were committed by convicts employed in production enterprises (contract objects) belonging to business entities.

In 2020, **507** were committed by convicts in residential colonies, In 2021, **483 and 388 cases of alcohol consumption** were recorded in 2022.

Article 111 of the current Criminal-Executive Code states that the storage, distribution, consumption, and use of articles and things prohibited by internal regulations are a gross violation of the order of serving a sentence.

2012 of the Minister of Internal Affairs of the Republic of Uzbekistan It is prohibited to store alcohol products, as well as products containing alcohol, in the "Regulations of the internal procedure of the institutions of execution of punishments of deprivation of liberty of the Ministry of Internal Affairs of the Republic of Uzbekistan" approved by order No. 174 dated December 29<sup>3</sup>.

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<sup>1</sup> Criminal-Executive Code of the Republic of Uzbekistan. Article 2. <https://lex.uz/docs/163629/>

<sup>2</sup> Reports of the Department for the execution of punishment under the Ministry of Internal Affairs of the Republic of Uzbekistan for the end of 2023

<sup>3</sup> National database of legislation of the Republic of Uzbekistan. <https://lex.uz/uz/docs/2216121>.

**However**, in the current legislation, there is no clear mechanism for conducting a medical examination to clarify the state of intoxication when prisoners consume alcoholic beverages.

Ministry of Health, Ministry of Internal Affairs of the Republic of Uzbekistan, Supreme Court, General Prosecutor's Office dated November 20, 2018 No. 52, No. 74, No. 11-192-18 and No. 68, in paragraph 3 of the annex, medical examination to determine whether drivers of vehicles are under the influence of alcoholic beverages, drugs or in a special state of intoxication directly State Road Safety it is determined to be conducted by the responsible staff of the district city treatment and prevention institutions with the participation of service personnel<sup>4</sup>.

Therefore, due to the lack of a legal basis for medical examination of the state of intoxication of prisoners, 32 prisoners who consumed alcoholic beverages during the year 2023 were not medically examined to determine their state of intoxication in the treatment and prevention institutions belonging to the Ministry of Health<sup>5</sup>.

**When the experience of foreign countries is studied:**

Criminal Executive Code<sup>6</sup> of the **Republic of Belarus No. 47-article** convicted of **abuse of alcohol** or herbs, narcotic drugs, psychotropic substances, drugs, drugs, drugs or narcotic substances as a result of committing a crime human rights organization of the **Kyrgyz Republic Criminal Executive Code 4 articles** convicted of alcohol, herbs and other substances related to trafficking (toxic psychotropic) substances, recognized as reliable facts, as well as when they are used for medical purposes.

The following problems arise in determining the state of intoxication of prisoners who have consumed alcohol, **including**:

**Firstly**, as a result of the fact that it is not possible to determine whether the convict has consumed alcohol in the destination colony itself, when they are taken to regional treatment and prevention institutions, there is a situation of not conducting a medical examination to determine the state of intoxication;

**For example**, on October 13, 2023, when the **convict B. O**, who is serving his sentence in Address-colony **No. 37** in Samarkand region, was taken to the Pastdargom district medical association on **October 13, 2023** to determine whether he had consumed alcohol, he was found to be drunk due to the lack of a normative document prescribed by treatment and prevention

<sup>4</sup> Joint decision No. 52, No. 74, No. 11-192-18 and No. 68 of the Ministry of Health of the Republic of Uzbekistan, the Ministry of Internal Affairs, the Supreme Court, and the General Prosecutor's Office dated November 20, 2018.

<sup>5</sup> Reports of the Department for the execution of punishment under the Ministry of Internal Affairs of the Republic of Uzbekistan for the end of 2023.

<sup>6</sup> **Criminal Executive Code of the Republic of Belarus** // URL: <http://online.zakon.kz> (Electronic resource).

institutions for conducting a medical examination. no medical examination was conducted to determine the condition<sup>7</sup>.

**Secondly, 2-3 employees** are busy taking the prisoner who has consumed alcohol to the district (city) treatment and prevention institutions for medical examination;

**Thirdly**, due to the long distance (15 - 200 km) from the contract facilities where the convicts are involved in labor and the colony from regional treatment and prevention institutions, until the arrival of additional forces and means from the colony to take the convicts who consumed alcohol for medical examination (50 per facility) 1 employee is involved to supervise a prisoner) **various negative situations are committed by the prisoner**<sup>8</sup>.

**For example, convicts B.U. and N.S**, who were recruited to work under a contract at the LLC located in Nukus, address-colony No. 27 in the Republic of Karakolpogitsan, consumed alcohol and left the territory of the contract object on March 15, 2023 and **went to an unknown direction**<sup>9</sup>.

**Also, the convict G'.N**, who was recruited to work at the LLC located in the city of Nukus, address-colony number 27, on the basis of a contract. as a result of alcohol consumption, on March 18, 2023, without complying with the legal requirement of an employee, **he caused bodily injury**<sup>10</sup>.

**Fourthly**, the lack of mechanisms for determining whether the prisoner consumed alcohol or other products containing alcohol by the colony administration creates problems in confirming the case of gross misconduct.

Convicts serving their sentence in residential colonies are kept without guards, but under control, i.e. they have the opportunity to move freely within the territory of the institution, as well as being outside the territory of the institution in connection with work, which creates difficulties in the process of their control.

Based on the above, prisoners who have consumed alcoholic beverages are checked for intoxication by a medical officer of the colony with the help of a special technical device (breathalyzer) and the legal norms in the following version on the determination by the responsible employees in the district-city treatment and prevention institutions are in accordance with the order

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<sup>7</sup> Daily operational information of the Department for the execution of punishment under the Ministry of Internal Affairs of the Republic of Uzbekistan.

<sup>8</sup> Analytical data on the results of the study of the activity of contract objects of address-colonies in the Department for the execution of punishment under the Ministry of Internal Affairs of the Republic of Uzbekistan.

<sup>9</sup> Daily operational information of the Department for the execution of punishment under the Ministry of Internal Affairs of the Republic of Uzbekistan.

<sup>10</sup> Daily operational information of the Department for the execution of punishment under the Ministry of Internal Affairs of the Republic of Uzbekistan.

of the Ministry dated December 29, 2012 No. 174 "On approval of the internal rules of the institutions of the deprivation of liberty of the Ministry of Internal Affairs of the Republic of Uzbekistan" (from the Ministry of Justice 2495) is proposed to be further amended.

8. To be supplemented with paragraphs 441<sup>5</sup>-441<sup>11</sup> of the following content:

"441<sup>5</sup>. When convicts are found to be grossly violating the order of serving their sentence for consuming alcohol products and other products containing alcohol, they are checked by the OEP administration with the help of a breathalyzer, a special device that detects ethanol vapors released into the air and displays the results of the test on paper, or in district (city) treatment and prevention institutions. .

441<sup>6</sup>. The following are the grounds for a breathalyzer test:

smell of alcohol from the prisoner's mouth;

inability of the prisoner to stand upright in one position (wobble);

speech disorder of the prisoner;

trembling of the fingers of the prisoner's hand;

a significant change in the color of the convict's facial skin.

441<sup>7</sup>. The breathalyzer test is carried out by OEP employees with the participation of at least two impartial people.

Before the breathalyzer test, the OEP employee familiarizes the tested convicts and bystanders with the procedure and indicators of the breathalyzer, and shows a (copy) of the comparison certificate at their request.

441<sup>8</sup>. In the process of breathalyzer examination, a OEP officer should be polite in his communication with the prisoner being examined, his behavior towards him should be understandable and based on legal requirements, as well as strict adherence to sanitary and hygiene rules.

441<sup>9</sup>. In order to determine the state of consumption of alcoholic products, as well as other products containing alcohol, a sample of air exhaled by a prisoner under examination during a breathalyzer examination is taken according to the instructions for use of the breathalyzer device.

In cases where the concentration of ethanol vapors in the air released from the mouth cavity of the prisoner under investigation is 0.135 milligrams and above, the OEP officer shall, in relation to the prisoner under investigation, sell alcohol products, as well as with the participation of impartial persons regarding the consumption of other products containing alcohol (the number of the breathalyzer device's comparison certificate is indicated in the report) draws up a report in the form in accordance with Appendix 39 of these Rules and attaches the results of the breathalyzer test to this report.

441<sup>10</sup>. In cases where the prisoner refuses to be tested by a breathalyzer or has objections to the results of the test using a breathalyzer, as well as alcohol products during the breathalyzer test, as well as in the event that the state of intoxication is not confirmed as a result of consumption of other products containing alcohol, the prisoner will be taken to district (city) treatment and prevention institutions for examination by OEP staff to determine the state of intoxication.

441<sup>11</sup>. A special breathalyzer tool, which is used to determine the state of intoxication of prisoners, is kept in the duty section of OEP.

Examinations conducted with the help of a breathalyzer will record the drunkenness of the prisoner due to the influence of alcohol products, as well as other products containing alcohol, in the book.

The implementation of this proposal will **serve to timely and early detection of inmates' alcohol-related disorders**, to prevent overwork of employees, and to create a legal basis for medical examination of intoxication.

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