

THE REPUBLIC OF ALBANIA

THE ASSEMBLY

LAW

No. 9749, date 04.06.2007

ON STATE POLICE

In compliance with articles 78 and 83, point 1 of the Constitution, at the proposal of the Council of Ministers,

THE ASSEMBLY OF THE REPUBLIC OF ALBANIA

DECIDED:

THE FIRST PART

GENERAL PROVISIONS

**Article 1**

**The mission**

(1) The Albanian State Police, hereinafter the Police, is the police service of the Republic of Albania.

(2) The mission of the Police is to protect public order and security in compliance with the law and respecting human rights and freedoms.

**Article 2**

**The aim**

The aim of this law is the definition of the norms and procedures for admission, career progress and end of job relationships in the Police, as well as to guarantee the rights, establish the duties and responsibilities of the Police employees, in order to provide a democratic and professional Police service.

**Article 3**

**Jurisdiction of Police**

The Police has jurisdiction throughout the territory of the Republic of Albania.

## **Article 4**

### **Responsibilities of Police**

(1) The responsibilities of Police are as follows:

- a) To protect people's life, their security and personal property;
- b) To prevent, detect and investigate in compliance with Criminal Code and Criminal Procedure Code, the criminal offences and their perpetrators;
- c) To protect public order and security;
- ç) To supervise and direct road traffic in the roads for public use and in compliance with road legislation;
- d) To supervise and control state borders of the Republic of Albania;
- dh) To protect specific individuals, premises and objects from potential risks;
- e) To administer and protect classified information, with the exception of cases when it is otherwise envisaged by the legislation;
- ë) To perform duties defined in this law, in other laws and sub normative acts, which contemplate duties for the police.

(2) Every member of the State Police has a duty to perform all the responsibilities stated in paragraph (1) regardless of the structure where they serve.

(3) Every member of the Albanian State Police officer possesses the attributes of Judicial Police in compliance with Criminal Procedure Code and the respective law on the organization and functioning of the judicial police.

## **Article 5**

### **Police symbols**

(1) The Police have its own flag and ensign approved by the Council of Ministers.

(2) The colour, special equipment and markings on Police vehicles are specified by decision of the Council of Ministers.

(3) The form, dimension and data that the identity document of the Police employees contains, are specified by order of the Minister of Interior, hereinafter the Minister.

## **Article 6**

### **Status of Police**

- (1) The Police are a public administration institution, structure of the Ministry of Interior, hereinafter the Ministry.
- (2) The status of Police does not change even in times of war, extraordinary situation or natural disaster.
- (3) The Police are depolitized.

## **Article 7**

### **Relations between Police and the Minister**

- (1) The Minister is responsible for ensuring the effectiveness and efficiency of the Police. This role does not include the operational direction of the Police.
- (2) The responsibilities of the Minister are:
  - a) setting annual strategic objectives for the Police;
  - b) setting performance targets for the Police;
  - c) issuing orders and guidelines in accordance with this law and other ones;
  - ç) requesting reports, information and other documents relating to the performance of duty by the Police generally or in relation to a specific matter.
- (3) The Minister receives on an annual basis by the General Director reports on the work of the Police.
- (4) On the request of the Minister, The General Director reports to the Minister on any general or specific matter relating to the Police.

## **Article 8**

This law does not envisage that the Police provide the Minister with the following information-

- a) secret information regarding the identity, process of cooperation, protection or location of witnesses, justice collaborators or informers;
- b) confidential information received by the persons mentioned in point a), information for which the prosecutor has ordered in written form to be consulted by certain persons only.

## **Article 9**

### **Police Budget**

(1) The Police have their own budget, which is a separate line in the budget of the Ministry, approved by the Parliament. The General Director of the State Police is responsible for the effective and efficient management of the approved budget.

(2) The auditing of Police budget is carried out by the bodies specified by law.

## **Article 10**

### **Special funds**

(1) The State Police budget includes a special expense item to remunerate persons for special Police operations and informant payments.

(2) These funds are managed by the General Director of Police according to rules and criteria specified by instruction of the Minister.

## **Article 11**

### **Definitions**

#### 1. Police Employees (Personnel)

There are two categories of Police employees,

a) Police officers - Those who have full operational police powers, including the power of detention and arrest. They may be uniform or non uniform officers.

b) Employees in Supporting Services - Those who have been appointed to the Police from an educational background other than the police academy or other approved Police training.

#### 2. Release and Expulsion from employment

Release from the Police - indicates a situation in which the Police employee's juridical and administrative relations with the Institution of the Police are terminated, for reasons which do not permanently deprive his reinstatement.

Expulsion from the Police - indicates a situation in which the Police employee's juridical and administrative relations with the Institution of the Police are terminated, without the possibility of reinstatement.

#### 3. Immediate execution

An action taken by a Police officer as soon as he becomes aware of a danger without the order of a superior.

#### 4. Measures to protect order

Measures to protect public order and security include all legal actions which should be carried out by the Police officer, ranging from the verbal persuasion to the use of lethal force to reinstate order in compliance with legislation or social peace, by taking into account the age and state of the individual.

#### 5. Border and Migration structures

Throughout this Law, any Article that refers to the direction and control, verification, the production of annual and special reports or a power to transfer personnel applicable to commanders of Regional Directorates, Commissariates and Police Stations will also refer to the commanders of Border and Migration Directorates, Commissariates and Police Stations.

#### 6. Accompaniment

Accompaniment in this law will be interpreted as the case when a person breaches an administrative rule and for identification purposes it is necessary to accompany the person to Police premises, willingly or not.

#### 7. Police Academy

Police Academy is a generic term used in this law to mean all the elements of policing qualification: Basic Police School, Specialists training, Commanders training, etc.

## **THE SECOND PART**

### **ORGANISATION OF POLICE**

#### **CHAPTER I**

#### **THE STRUCTURE**

#### **Article 12**

#### **Organization and General Structure of Police**

1. The Police are organized in central and local level. The General Directorate constitutes the central level of the Police, while Police Directorates of the regions, the Regional Border and Migration Directorates and their subordinate structures constitute its local level.

2. The Council of Ministers, at the proposal of the Minister, specifies the total number of Police employees.

3. The structure of the General Police Directorate, its subsidiary structures, including Regional Police Directorates, Regional Border and Migration Directorates, Commissariates, Border and Migration Commissariats, Police Stations and Border and Migration Stations as well as the number of personnel within these structures are approved by the Minister following recommendations from the General Director.

## **Article 13**

### **General Police Directorate**

(1) The General Police Directorate is directed by the General Director of the Police and is located in Tirane.

(2) The General Police Directorate comprises departments according to the respective areas.

(3) The General Police Directorate-

a) supervises the performance of police functions and duties by the Regional Police Directorates.

b) coordinates matters relating to the recruitment and training of Police employees;

c) coordinates the implementation of strategies for the prevention and reduction of crime, the maintenance of public order, the supervision and control of the state borders and in co-ordination with other appropriate agencies, the safeguarding of national security;

ç) coordinates the performance of police functions and duties;

d ) coordinates the implementation of international agreements in matters relating to the Police;

dh) processes data gathered by the Police to the extent that is necessary for fulfilling the functions of the Police;

e) carries out police tasks in accordance with this and other Laws and with Normative Laws based on this and other Laws.

(4) The General Police Directorate may propose to the Policy Group-

(a) organisational, personnel and other fundamental guidelines for the operation of the Police including the formation of special units for the occasional performance of special tasks;

(b) strategies for the prevention and reduction of crime, the maintenance of public order, for the supervision and control of the state borders, in co-ordination with other appropriate agencies, the safeguarding of national security;

(c) annual and long-term financial plans for the Police.

## **Article 14**

### **Regional Police Directorates**

(1) A regional Police Directorate operates in every region, except for the divisions specified by article 19 of this law.

(2) The number of persons working in a Regional Police Directorate and their expertise are determined by the General Police Directorate, according to the specific needs of each region, following the consultation with the Regional Police Director.

(3) A Regional Police Directorate supports and supervises operational

Police matters undertaken by Commissariats and at Police stations which fall within the region it serves.

(4) A Regional Police Directorate-

(a) exercises the specific functions and tasks set out by law, and guidelines issued by the General Police Directorate under Article 13(3)a;

(b) supervises the performance of police functions and duties by each Commissariat and Police station within the Police region it serves;

(c) coordinates personnel issues and training matters relating to Commissariats and Police stations within the Police region it serves.

## **Article 15**

### **Commissariats**

(1) Each Regional Police Directorate is composed of Commissariats.

(2) The number of Commissariats within a Regional Police Directorate and the number and expertise of persons working within those Commissariats reflects the policing requirements of the police region and is approved by order of the General Director of Police.

(3) A Commissariat undertakes operational tasks in accordance with the functions of the Police.

## **Article 16**

### **Police stations**

The Police stations are set up and function by order of the General Director of Police and at the proposal of the Region Director in specific geographic areas within the territory of a commissariat.

## **Article 17**

### **Verification by General Police Directorate**

(1) If the General Police Directorate has information that a Regional Police Directorate is failing or has failed to carry out any of its tasks properly or within a reasonable period of time, it has the obligation to verify that suspected failure.

(2) If after the verification referred to in point (1) the suspicion is confirmed, the General Police Directorate shall notify the Regional Police Director of the Regional Police Directorate of that failure and take any of the following measures:

a) direct the Regional Police Director to rectify the failure within a specified period of time;

b) identify specific measures to rectify the failure and require the Regional Police Director to implement those measures;

c) rectify the failure by its initiative and implement specific measures which would otherwise be within the competence of a Regional Police Directorate.

## **Article 18**

### **Verifications**

Verifications are carried out by any high structure on any low structure within its substance and territory jurisdiction.

## **Article 19**

### **Border and Migration Department**

(1) The Border and Migration Department is located in Tirane.

(2) The Border and Migration Department exercises direction and control of all subordinate Border and Migration structures. For the purpose of this supervision and control of the borders, the Republic of Albania is divided into regions, each of which has a Regional Border and Migration Directorate. The number of Regional Border and Migration Directorates, Border and Migration Commissarites and Border and Migration Stations is prescribed by the Minister on the recommendation of the General Director of Police and the Deputy General Director of Border and Migration.

(3) The Border and Migration Department-

a) supports the Deputy General Director of Borders and Migration Police in the performance of his duties;



b) supervises the performance of subordinated Regional Directorates of Border and Migration and any other subordinate unit reporting directly to it;

c) exceptionally supervises the performance of any other subordinate border and migration unit.

(4) The Border and Migration Department proposes to the Policy Group-

a) organizational structure for personnel and other guidelines for the operations of the Border and Migration Department and its subordinate structures;

b) strategies for the supervision and control of the state borders.

c) annual and long-term financial plans for the Border and Migration Department and its subordinate structures.

(5) Following the approval of the General Police Directorate, the Border and Migration Department coordinates the implementation of policies and strategies relating to, in particular-

a) the recruitment of Police employees into the Border and Migration Department and its subordinate structures and the training of those employees;

b) the supervision and control of the state borders;

c) the performance of Border and Migration Department and its subordinate structures functions and duties;

ç) the implementation of international agreements in matters relating to the Border and Migration Department and its subordinate structures.

(6) The Border and Migration Department and its subordinate structures gather and process data necessary for fulfilling their functions.

## **CHAPTER II**

### **THE FUNCTIONS**

#### **Article 20**

##### **General Director of Police**

(1) The General Director of the Police is appointed by the Council of Ministers based on the proposals presented by the Minister.

(2) The General Director is the highest administrative, technical and operational authority of the Police.

(3) The General Director-

a) directs and controls the State Police;

b) recommends to the Minister, before the beginning of each financial year, the budget to be allocated to the Police for that financial year;

c) allocates the budget to Departments, Directorates, Sectors, Commisariates, and Police stations in accordance with priorities set by the Minister.

ç) manages and is accountable for the budget allocated to the Police.

## **Article 21**

### **Criteria for the appointment of General Director of Police**

(1) General Director of Police is appointed the person who meets the following criteria:

a) have served for a period of at least 3 years in the rank of First Leader or above or its equivalent.

b) have graduated from the Police Academy in accordance with article 50 or completed training according to the law on higher education as being equivalent to that level of training in accordance with article 51;

c) have completed not less than 16 years of service as a Police officer exercising Police powers within the last 20 years.

## **Article 22**

### **Term in office of General Director of Police**

(1) The General Director of the Police is appointed for a term of five years, eligible for re-appointment for a period of three years.

(2) On an occasion that the General Director of the Police is not re-appointed or completes the 8 years term in office, he shall revert to the rank and position that he held immediately prior to his appointment as General Director of the Police, or if impossible to a position equivalent to it, as specified in article 21 of this law.

## **Article 23**

### **Deputy General Director of Police**

(1) Each Department of the General Directorate is directed by a Deputy General Director of Police as set out in article 13 of this law.

(2) Deputy General Directors of Police are appointed, released or dismissed by the Minister at the recommendation of the General Director of Police.

(3) The role and functions of Deputy General Directors of Police will be set out in the specific regulation made for this purpose by the General Director of Police and approved by the Minister.

(4) The Deputy General Director-

a) assists the General Director of the Police in performing his functions in respect of his Department;

b) exercises immediate direction and control over those employees of the Police who are allocated duties in his Department;

c) proposes to the General Director of Police, before the beginning of each financial year, that part of the budget approved to the Police by the Parliament shall be allocated exclusively to his Department for that financial year;

ç) manages and is accountable for the budget allocated to his Department by the General Director of Police.

## **Article 24**

### **Criteria for the appointment of Deputy General Directors of Police**

(1) Subject to article 23, paragraph (2) of this law, Deputy General Director of Police is appointed the person who meets the following criteria-

a) have served for a period of at least 3 years in the rank of First Leader or its equivalent;

b) have graduated from the Police Academy in accordance with article 50 of this law or completed training according to the law on higher education as being equivalent to that level of training in accordance with article 51 of this law;

c) have completed not less than 15 years of service in the Police within the last 20 years.

(2) A person who applies to become the Deputy General Director of Borders and Migration must, for the purposes of point (1)(a) of this law, have served in the Border and Migration Department for a period of at least 2 years in the rank of Leader or above or the equivalent rank.

## **Article 25**

### **Term in office of Deputy General Director of Police**

(1) A Deputy General Director of the Police is appointed for a term of four years, eligible for re-appointment for a period of 3 years.

(2) On an occasion that the Deputy General Director of the Police is not re-appointed or completes the 7 years term in office, he shall revert to the previous rank which he held and to the terms and conditions which he enjoyed immediately prior to his appointment as Deputy General Director of the Police as specified in article 24 of this law.

## **Article 26**

### **Dismissal of the General Director and Deputy General Directors of Police**

(1) A General Director or a Deputy General Director of Police may be dismissed by the authority that appointed them for the following reasons,

- a) He is convicted of a criminal act by a final court decision;
- b) He has committed breach of discipline set out in Discipline Regulations, made under this law, which carries a penalty of dismissal;
- c) For not complying with the strategic objectives and performance targets set by the Minister under article 7 of this law, point 2, (a) and (b).
- ç) He is incapable to work for a period exceeding 6 months;
- d) He reaches retirement age.
- dh) Voluntarily leaves the State Police

## **Article 27**

### **Authority to act on behalf of General Director of Police**

(1) The Minister designates a Deputy General Director to exercise the powers and duties of the General Director of the Police-

- a) during any absence, incapacity or suspension from duty of the General Director of the Police;
- b) during any vacancy in the office of the General Director of the Police;
- c) in other cases, with the consent of the General Director of the Police.

(2) The Deputy General Director designated according to point 1(a) or (b) of this article, may not act as General Director of Police for a continuous period of six months.

## **Article 28**

### **Directorates subordinate to the General Police Directorate**

All directors of the directorates subordinate to the General Police Directorate report to the Deputy General Director of the respective Department.

## **Article 29**

### **Corporate Management**

- (1) Corporate Management is done by the Policy Group.
- (2) The Policy Group comprises the General Director of the Police, the Deputy General Directors of Police and the Directors of the General Police Directorate.
- (3) The Policy Group is chaired by the General Director of Police.
- (4) The Policy Group is not an executive body. The Policy Group is the senior advisory body of the State Police on all matters that:
  - a) have budget implications,
  - b) General Police Directorate decisions that impact more than an individual Department,
  - c) the development of policy which effects the manner in which the Police interfaces with the public,
  - ç) have to do with the performance of Directorates within the State Police structures.

Its function is to advise the General Director of Police in the exercise of his functions relating to the development of policy and all decisions having corporate financial, personnel and logistical impact.

- (5) The Policy Group considers proposals put to it by the General Police Directorate under article 13 and by the general Directorate of Border and Migration Department under article 19.
- (6) The Policy Group will meet at least once per month. The structure and procedures for these meetings will be set out in Regulations made by the General Director.

## **Article 30**

### **Regional Police Director**

- (1) Each Regional Police Directorate is directed and controlled by a Regional Police Director.
- (2) A Regional Police Director and a Regional Director of Border and Migration is accountable via a Deputy General Director to the General Director of the Police for-
  - a) his performance;

b) for the performance of the Regional Police Directorate, Commissariats and Police stations under his direction and control.

(3) A Regional Police Director submits an annual report to the General Director of the Police, or at any other time on the request of the General Director, a report on the work of the Regional Police Directorate over which he exercises direction and control and on the work of the Commissariats and Police stations within that Regional Police Directorate.

(4) A Regional Police Director reports to the General Director of the Police on his request on any general or specific matter arising within the Regional Police Directorate which he supervises.

### **Article 31**

#### **Chief of Commissariat**

(1) Each Commissariat is directed by a Chief of Commissariat, who is appointed by the General Director of Police.

(2) A Chief of Commissariat is accountable to the Regional Police Director, in whose subordination the Commissariat is.

(3) A Chief of Commissariat must submit an annual report to the relevant Regional Police Director on the work of the Commissariat which he directs.

### **Article 32**

#### **Chief of Police Station**

(1) Each Police station is directed by a chief of station, who is appointed by the General Director of Police.

(2) A chief of station is accountable to the Chief of the Commissariat in which the Police station is located for his performance and for the performance of the Police station he directs.

## **CHAPTER III**

### **RANKS IN THE POLICE**

### **Article 33**

#### **System of ranks**

(1) The system of ranks establishes the hierarchy, levels of administration, and it also reflects the relationship among positions in the Police.

(2) The system of ranks according to this law, their insignia, naming and holding are an exclusive right of the Police.

## **Article 34**

### **Meaning of levels and ranks**

(1) Levels reflect the level of organization, management, control and performance of duties and they also indicate the position of the Police employees in the structure of Police administration.

(2) Ranks represent the position that the officer holds in the Police hierarchical structure.

## **Article 35**

### **Levels**

(1) Naming of levels in the Police according to the hierarchy is:

- a) Police employees of the operational level, who represent the basic level of policing action.
- b) Police employees of the first management level, who represent the operational management and action;
- c) Police employees of the mid management level, who represent the central and/or local executive management;
- ç) Police employees of the senior management level, who represent the strategic management.

## **Article 36**

### **Ranks**

(1) Naming of ranks in the Police according to levels and career progress is:

- a) Police employees of the operational level:
  - i) Vice inspector
  - ii) Inspector
  - iii) Chief inspector.
- b) Police employees of the first management level:
  - i) Vice commissar

ii) Commissar

iii) Chief commissar.

c) Police employees of the mid management level:

i) Leader

ii) First leader.

ç) Police employees of the senior management level:

i) Deputy general director

ii) General director.

(2) The ranks according to paragraph 1(d) of this Article are functional. These ranks are acquired by the Police employee at the moment he is appointed General Director or Deputy General Director of the Police, according to articles 20(1) and 23(2) of this law, and are left at the removal from these positions. In such cases, the Police employee reacquires the rank First Leader and seniority in rank during the time he was appointed in the positions specified point 1(d), will be counted as seniority in this rank.

## **Article 37**

### **Hierarchy of levels and ranks**

(1) Hierarchy in levels among Police employees is specified according to this order:

General Director, leader, commissar, inspector.

(2) Hierarchy of Police employees within the same level is determined by rank.

(3) Hierarchy of Police employees of the same rank is determined by position and, for similar positions, the hierarchy is determined by rank seniority.

## **Article 38**

### **Insignia appearance**

Insignia form and appearance are approved by decision of the Council of Ministers, after a competition process is run for their design.

## **Article 39**

### **Specification of positions per rank**



The table of corresponding positions per rank is specified by decision of the Council of Ministers.

## **Article 40**

### **Promotion to the successive level**

The Police employee passes from one level to the successive one, only after having completed the respective training at the moment he acquires the lowest rank of the successive level.

## **Article 41**

### **Promotions**

(1) Promotion from Inspector up to First Leader, is achieved by taking part in a competitive assessment process which includes appraisal reports and an exam to test the applicants skills to undertake the next rank. Eligibility to take part in this process is set out in point 4 of this article.

(2) Other than Police officers as set out in point 3 of this article, the rank of Vice Inspector is awarded to trainees after successful completion of Basic Police School. This rank, which confers full police powers, is held by the officer during the Probationary period.

(3) Police officers who compete and gain entry to the Basic Police School will retain their existing rank and salary, both during the course and after. If the officer fails to graduate from the Basic Police School, the retention of the rank and salary will continue until all officers of the operational level have undergone Basic Police School training, at which time they will be released.

(4) Promotion to the rank of Inspector shall occur upon the successful completion of a two year the probationary period following graduation from the Basic Police School.

(5) a) Minimum times in rank for eligibility to compete in the selection process for all other promotions are set forth below.

i) Inspector to Chief Inspector 2 years

ii) Chief Inspector to Vice Commissar 2 years

iii) Vice Commissar to Commissar 3 years

iv) Commissar to Chief Commissar 3 years

v) Chief Commissar to Leader 3 years

vi) Leader to First Leader 4 years

vii) First Leader to Deputy General Director 4 years

viii) Deputy General Director to General Director No time requirement

b) Employees have been awarded a Bachelors degree accredited by the government and who have completed at least two-thirds of the minimum time required for eligibility, may compete in the selection procedure for promotion from Inspector to Chief Inspector and Chief Inspector to Vice Commissar.

c) For promotion eligibility purposes, seniority is not affected by career interruption due to:

i) Health disability due to duty-related illness or injury;

ii) Non duty-related health disability up to 6 months within a period of 12 months;

iii) Exercise of functions according to article 45 of this law;

iv) Suspensions or dismissals for disciplinary causes resulting from an illegal act and/or unjust order or decision;

v) Paid Suspensions until the finalization of investigations of a report or appeal for the behaviour that is in violation of disciplinary regulation, until the respective authority takes a final decision on the matter.

ç) For promotion eligibility purposes, seniority is affected by career interruption due to:

i) Unpaid Leaves of absence.

ii) Disciplinary suspensions.

(6) The Police employee is entitled to appeal to the General Director of Police, in compliance with the Administrative Procedures Code, when he observes breach of rules for promotion to rank, as specified in this article and the Personnel Regulation in compliance with this law, approved by the Council of Ministers.

(7) Procedures for conduct of promotional exams are set forth in the Personnel Regulation of the State Police, and include:

a) Composition of testing commissions.

b) Application procedures.

c) Eligibility criteria

ç) Structure of the promotional exams.

d) Establishment and duration of rank-order promotional eligibility lists.

## **Article 42**

### **Acquisition of Rank**

(1) a) Promotion to rank of the Police employee implies his promotion to a position in accordance with the table of corresponding positions per rank as specified in article 39 of this law. Promotions are made only to fill existing vacancies within each rank. In the order for promotion to rank, the responsible authority specifies the respective position of the Police officer as well.

b) Police employees may only be promoted upon successful completion of the respective training course for that rank.

c) Police employees shall be selected to attend training based on the rank order eligibility list established following the competitive process.

ç) Upon successful completion of the training, selection for promotion shall be made according to the rank order eligibility list specified in point (1) c of this article.

(2) a) Promotions to the rank of Inspector are carried out by order of the Regional Police Director subject to the criteria set out in article 41(4) of this law.

b) Promotions to the rank of Chief Inspector and all first and mid management level ranks are carried out by order of the General Director of Police subject to the criteria set out in article 41 of this law.

c) Promotions to senior management level ranks are carried out in accordance with articles 20(1) and 23(2) of this law.

(3) a) The estimated number of vacancies per rank shall be announced by March 31<sup>st</sup> of each year.

b) Quota for acceptance into training courses for each rank are determined by the General Director of Police, but do not exceed:

i) 5% above the estimated vacancies for promotion to Chief Inspector

ii) 10% above the estimated vacancies for first management level ranks

iii) 15% above the estimated vacancies for mid management level ranks.

## **Article 43**

### **Withdrawal from the rank**

(1) The Police employee enjoys the right to require withdrawal from the rank he holds to receive a lower one.

(2) Withdrawal from the rank according to paragraph (1) of this article may be allowed for a succeeding rank only and no more than two times during Police career of the Police employee.

(3) The decision regarding the request of the Police employee to withdraw from the rank is taken by the respective authority specified in article 42, point 1 of this law.

(4) The Police employee who has asked withdrawal from the rank, is eligible to require promotion in rank only after being certified by the testing commission and according to the procedures specified in articles 41 and 42 of this law.

#### **Article 44**

##### **Demotion in rank**

(1) Except for the executive level, when due to changes in the organizational structure of the Police the number of the organic positions per rank is reduced, the Police employee who holds the rank where the reduction will occur may voluntarily request demotion in rank, when there are available vacancies.

(2) When there are vacancies, the Police employee who has asked demotion in rank, reacquires the former rank within 2 years according to the same criterion specified in paragraph 1 of this article.

#### **Article 45**

##### **Retaining the rank**

The Police employee employed in other public administration structures in positions covering matters of public order and security, as well as when he serves in an international organization covering matters of public order and security, is reinstated with the same rank he held at the time of release and this period is counted as seniority for promotion purposes.

### **CHAPTER IV**

#### **RELATIONSHIP WITH OTHER PERSONS AND BODIES**

#### **Article 46**

##### **Cooperation with other institutions**

1. Cooperation with other central institutions of public administration are regulated by joint normative acts.

2. Police local bodies cooperate with local government bodies on public order and security and implementation of the law, by respecting their independence and the unitary and centralized character of Police.

3. Regional Police bodies maintain relationship with the prefect, according to the law.

## **Article 47**

### **International Organisations and bodies abroad equivalent to the Police**

(1) The Police may provide advice and assistance to a recognised International body or state institution outside the Republic of Albania performing functions internationally or within the state as defined in article 4 of this law. These powers may only be exercised with the approval of an officer of the rank of Deputy General Director or General Director.

(2) Advice and assistance may only be provided under paragraph (1) where-

(a) the body or institution to which the advice and assistance are to be provided has requested that advice and assistance;

(b) the giving of advice and assistance is authorised by an international agreement to which the Republic of Albania is a party.

(3) For the purposes of points (1) and (2) of this law, by permission and authorization of the Ministry of Foreign Affairs and the General Director or Deputy General Director of Police, the Police may make arrangements under which an employee of the Police is engaged for a period of temporary service with an International organization or based upon international agreements whose signatory is the Republic of Albania for the performance of Police or other non military tasks abroad.

(4) Arrangement made under point (3) must specify under whose direction and control the employee of the Police will be when he is engaged for such a period of temporary service and must specify if the employee will not be under the direction or control of any employee of the Police during that time.

## **Article 48**

### **Relationship with third parties**

(1) At the request of legal and physical persons, public or private, and depending on their capacities, the Police offer police services at a payment

(2) Types of services and payment charges are determined by decision of the Council of Ministers.

## **THE THIRD PART**

# **MANAGEMENT OF POLICE**

## **CHAPTER I**

### **GENERAL**

#### **Article 49**

##### **Eligibility for acceptance to Police**

(1) Any person who meets the following criteria is eligible to compete for entry to the Police -

- a) be a citizen of the Republic of Albania;
- b) possess full capacity;
- c) be in good health and physically able to perform his duties;
- ç) have completed secondary education;
- d) produce such information as may be required as to his previous employment or history or any other matter relating to his appointment to the police force;
- dh) not have been convicted by final court decision of any criminal offence.
- e) possess a valid Albanian Class 'B' drivers license.

#### **Article 50**

##### **Education and Training**

(1) An applicant who is selected as an employee of the Police must:

- a) complete basic training at the Basic Police School in accordance with the personnel regulations made under this Law;
- b) become subject to a probationary period of 2 years following completion of basic training.

(2) An applicant who is selected as employee of the Police for a function not requiring Police powers as set out in Part 4 and Criminal legislation must be

- a) provided with the necessary training at Police education institution;
- b) an employee of the Police subject to a probationary period of one year.

#### **Article 51**

## **Education and training abroad**

(1) Recognition and equivalence of Police education attended abroad is done in compliance with the law on higher education. Recognition and equivalence of training received abroad is done by instruction of the Minister.

(2) A person who has been appointed to the police in accordance with this article must complete training on Albanian Legislation at the Police Academy following which the person is subject to the same conditions of promotion set out in article 41 (2) and (3) of this law.

## **Article 52**

### **Admission to the Police**

(1) A person is admitted to the Police on acceptance to the Basic Police School as set out by Order of the Minister.

(2) If they have qualified and graduated in accordance with article 50, he is appointed to the respective Police unit by order of the General Director of the Police.

(3) The day the person is admitted to the Police, he signs a contract which stipulates sanctions for cases of refusal to go and serve to the area where appointed.

## **Article 53**

### **Allocation of duties and transfer of Police officers**

(1) Responsibilities will be allocated to persons who are appointed to the Police in accordance with guidelines issued by the General Director of Police .

(2) A person appointed to the police in accordance with the rank he holds may be given responsibilities anywhere within the territory of Albania.

(3) An employee of the Police must be given at least one month's notice of a decision to relocate him outside the district where he is currently based.

(4) Point (3) of this article does not apply where the relocation is necessary to respond to urgent service needs. In such cases, it must be a temporary measure of not more than 2 months duration.

## **Article 54**

(1) Directors of Regional Police Directorates, Regional Border and Migration Directorates and Central Directorates may transfer officers of the ranks of Inspector, Chief Inspector and Vice Commissar between functions within their area of command subject to the two posts having the same rank requirement.

(2) All other transfers are carried out by order of the General Director of Police.

## **Article 55**

### **Allocation of duties in the Border and Migration Department**

(1) Except in cases referred to in point (3)(a), an employee of the Police who is allocated duties in the Border and Migration Department must be allocated those duties for a continuous period of at least 3 years.

(2) Before a Police employee may be appointed to the Border and Migration Department he must have completed the prescribed training for border and migration department.

(3) Where the General Director of the Police considers it necessary to protect public order, security and individual rights of persons he may make a direction:

(a) requiring an employee of the Police to be allocated duties in the Border and Migration Department on a temporary basis;

(b) requiring an employee of the Police who is allocated duties in the Border and Migration Department to undertake Police duties which are not those of the Border and Migration Department for a period not exceeding one month.

## **Article 56**

### **Assessment of employees of the Police**

The performance of each employee of the Police shall, in accordance with the Personnel regulations, be assessed on an annual basis and at any other time when assessment is considered to be necessary or desirable.

## **Article 57**

### **Release and expulsion from the Police**

(1) An employee of the Police may only be released or expelled from the Police in accordance with the terms of this Article and where the necessary authorisation, as defined in point (4) of this article, is given.

(2) An employee of the Police is released from the Police if-

a) he is declared incapacitated by decision of the medical legal commission;

b) his post in the Police is made redundant and he does not request to be demoted in rank;



c) he is hired in other structures of public administration, in functions that cover public order and security issues;

ç) he reaches the age for complete pension;

d) does not pass the Basic Police Course, in accordance with article 41 paragraph 3 of this law.

dh) he makes the request.

(3) An employee of the Police is expelled from the Police if he is found guilty by final court decision of an offence punishable by imprisonment or the disciplinary measure of dismissal is taken against him.

(4) Release and expulsion of the Police employee is done by order of the official competent for his appointment, according to article 42 of this law.

## **Article 58**

### **Re-admission to Police**

(1) A person, who has been released under article 57(2), letters a, b, c, d and dh of this law, may be re-admitted to the Police when a new post for which he is suitably qualified is available. If the re-admission is within twelve consecutive months then he may re- acquire his previous rank.

(2) If the readmission is over twelve consecutive months then the employee is either reinstated at one rank below that which he held on release or re-certified for the rank previously held.

## **Article 59**

### **Issue of equipment**

(1) An employee of the Police enjoys the right to possess arms. Types of armament, chemical substances (neuroparalysing) and other equipment for the use of force by the Police, are determined by decision of the Council of Ministers.

(2) Equipment and other devices specified in point 1 of this article are issued for use to the Police officer according to the sub normative acts by the Minister.

(2) Equipment, including vehicles, issued to police employees to enable them to carry out their functions is restricted to official usage.

## **CHAPTER II**

### **PRINCIPAL DUTIES OF MEMBERS OF THE POLICE**

## **Article 60**

### **Duty to carry out lawful orders**

(1) An employee of the Police must carry out all lawful orders given to him by a person higher in function or in rank.

(2) Where an employee of the Police has reasonable cause to suspect that an order given to him by a superior is unlawful, he must without delay make that cause known to the superior and request that the order be given in writing.

(3) Where a supervisor employee of the Police is requested to give an order in writing under point (2) he must comply with that request.

(4) Where failure to comply with the order until it is given in writing in accordance with point (3) would endanger the life of another person, the employee of the Police must comply with that order.

(5) Where an employee of the Police, even after the execution of the procedures specified in points (2) and (3) of this article, continues to have reasonable cause to suspect that the order is unlawful, he takes the following actions:

a) oppose the order, with the exception of the case specified by point (4) of this article;

b) make the person directly superior to his superior aware of the order and the action taken by him under this provision.

### **Article 61**

#### **Duty to carry out duties without discrimination**

An employee of the Police must treat persons equally and must carry out his duties without discrimination on any grounds such as sex, race, colour, language, religion, ethnicity, political, religious or philosophical beliefs, sexual inclination, economic condition, education, social status or ancestry, in accordance with article 18 of the Constitution of the Republic of Albania.

### **Article 62**

#### **Duty to respect the dignity and physical integrity**

An employee of the Police must, in any case, respect the dignity and physical integrity of any other employee of the Police, including his subordinate.

### **Article 63**

#### **Duty to prevent escape from lawful detention**

An employee of the Police is under a duty to, in accordance with this law and the enacted legislation, take all reasonable steps to prevent a person from escaping from accompaniment, detention and arrest performed by the Police.

#### **Article 64**

##### **Duty to guarantee medical assistance**

(1) When an employee of the Police is entrusted with the safeguarding of a person and has assessed that the person requires medical care, he must seek medical care and take such measures as are necessary and reasonably practicable to protect the life and health of the person.

(2) If an employee of the Police causes injury to a person in the course of his duty, he must seek medical care and take such measures as are necessary and reasonably practicable to protect the life and health of the person.

#### **Article 65**

##### **Duty to come to assistance while exercising the duty**

(1) An employee of the Police must come to the assistance of another employee of the Police while performing his functions when he assesses that he is in need of assistance, except for the cases when such assistance is rejected.

(2) In the cases when the Police employee who offers his assistance is in service, he is obliged to assess the situation and perform his functions in order of priority.

#### **Article 66**

##### **Duty to safeguard property**

An employee of the Police is responsible to safeguard and administrate against any damage any armament, premises, and equipment given to him for use in the performance of his functions and to meet his working and living conditions.

#### **Article 67**

##### **Duty not to impart classified information**

(1) An employee of the Police must not impart classified information obtained during the course of duty, or obtained outside his duty station incidentally.

(2) The duty in point (1) is obligatory to be applied also by the police employees who have been released or expelled from the Police.

#### **Article 68**

## **Restrictions on the political life of Police employees**

- (1) The Police employee can not be member of any political party or organization.
- (2) An employee of the Police may not support the campaign of a political party or organization or of a member of a political party or an independent candidate by attending and contributing physically or financially.
- (3) An employee of the Police is under a duty to exercise his functions impartially and without regard to any personal political views that he holds.

## **Article 69**

### **Duty in respect of uniform**

An employee of the Police wears a police uniform and Police signs issued to him only during the course of his duty.

## **Article 70**

### **Duty to report complaint**

An employee of the Police reports to his immediate supervisor or, in that supervisor's absence, to that supervisor's supervisor, a complaint received by any person in respect of the conduct of another employee of the Police.

## **Article 71**

### **Duty to report offence**

An employee of the Police reports to his immediate supervisor, or in that supervisor's absence, to that supervisor's supervisor, any offence which he has reasonable suspicion to believe has been committed by any person regardless of whether he gained knowledge of that offence in the course of his duty or otherwise.

## **Article 72**

### **Duty to report violation of discipline**

An employee of the Police reports to his immediate supervisor, or in that supervisor's absence, to that supervisor's supervisor any violation of discipline which he has reasonable suspicion to believe has been committed by another employee of the Police regardless of whether he gained knowledge of that violation in the course of his duty or otherwise.

## **Article 73**

### **Limitations on secondary activities**

- (1) The Police employee can not be employed or can not perform private activities that hinder the completion of his duty requirements.
- (2) In cases of dual employment, the Police employee must inform in advance the respective structure in the General Police Directorate.
- (3) The Police employee must inform in advance the respective structure in the General Police Directorate if his spouse, parents, siblings or children undertake any activity or run any business that could give rise to a conflict of interest with the scope of his power or duty.

## **CHAPTER III**

### **INTERNAL DISCIPLINARY PROCEDURE**

#### **Article 74**

##### **Violation of discipline**

Violation of discipline is any act or omission by the Police employee, which is counter to the disciplinary regulation approved by decision of the Council of Ministers and is not a criminal act.

#### **Article 75**

##### **Disciplinary measures**

(1) The measures that can be taken towards a Police employee, in case of disciplinary offences are:

- a) reprimand;
- b) reprimand with a warning;
- c) fine corresponding to the employee's remuneration in respect of 5 working days;
- ç) delay in eligibility for promotion for a period from one month up to 1 year;
- d) unpaid suspension from the Police from five days up to 30 days;
- dh) demotion in more than one rank up to 12 months;
- e) expulsion from Police.

(2) A disciplinary measure should reflect the seriousness of the violation of discipline along with the consequences that derive from it.

(3) A disciplinary measure is put into effect upon completion of the disciplinary process, in which are included relevant appeal procedures and after the final decision is declared.

## **Article 76**

### **Disciplinary Process**

(1) A decision to impose a disciplinary measure must be communicated in writing directly within three working days to the Police employee. The Police employee is also informed of his right to make an appeal against the decision.

(2) An employee of the Police who is subject to a disciplinary measure shall have the right to participate in the disciplinary process and to be assisted by a police employee of the same or higher rank, of his own choice.

## **Article 77**

### **Right of appeal**

(1) An employee of the Police, who is subject to a disciplinary measure specified in Article 75, point 1, letters (a) and (b), has the right to make an appeal to the supervisor of the officer administering the discipline measure within five days, once he is informed of the disciplinary measure.

(2) An employee of the Police, who is subject to a disciplinary measure specified in Article 75, point 1, (c), (ç), (d), (dh) and (e) has the right to make an appeal in writing to the Appeal Commission for the Police Employees, within 10 days, once he is informed in writing on the disciplinary measure. Within 30 days from being informed of the decision of the Appeal Commission, the Police officer is eligible to appeal the decision to the court.

(3) The superior can not give the disciplinary measure if it is not communicated to the police employee within 30 days from the ascertainment of the offence.

(4) The disciplinary procedure is made public, with the exception of cases when issues addressed are classified as secret.

(5) An employee of the Police, towards whom a disciplinary measure is taken as defined in article 75 of this law, has the right to make an appeal directly to the Court within 30 days from being informed of the disciplinary measure taken against him.

## **Article 78**

### **Right of appeal in cases of release**

Any employee of the Police who is notified that the necessary authorisation has been given to release under article 57, (2)(b) has a right of appeal to the Appeal Commission or directly to the

court or to make an appeal directly to the Court within 30 days from being notified of the release from duty.

## **Article 79**

### **Deadlines for setting disciplinary measures**

(1) The disciplinary measure “reprimand”, “reprimand with a warning” and “fine corresponding to the employee’s remuneration in respect of 5 working days” are filed in the personal file of the Police employee for a period of six months, after which period they will be prescribed.

(2) The disciplinary measure “delay in eligibility for promotion for a period of one month up to 1 year”, “unpaid suspension from the Police from five days up to 30 days”, “demotion in one rank” are filed in the personal file of the Police employee for a period of one year from the date the execution of the measure ends, after which period they will be prescribed.

(3) Following the period specified in paragraphs (1) and (2) of this article, all the documentation related to the disciplinary measures specified in article 75 (dh) and (e) of this law, is placed in the Centre of the Personnel Data and are retained throughout the time the Police employee works. These data will not be made available to any other institution or structure without the written consent of the General Director of Police.

(4) The disciplinary measure “Expulsion from Police” will be retained permanently in the personal file of the former Police employee.

## **Article 80**

### **Disciplinary Regulation**

The various categories and kinds of disciplinary measures, criteria, regulations, procedures and documentation for provision of disciplinary measures as well as the content, form of organization and functioning of the Appeal Commission of Police Employees, are defined in the Disciplinary Regulation.

## **Article 81**

### **Independent Investigation of Police conduct**

The procedures setting out the actions to be taken when a complaint is received that a citizen believes that the act or omission of the Police employee has violated his rights and freedoms are set out in the Discipline Regulation.

## **CHAPTER IV**

### **EMPLOYMENT MATTERS**

## **Article 82**

### **State Police Union**

(1) The State Police Union is the one and only and its purpose is representing the State Police employees that are its members in all matters affecting their welfare and efficiency.

(2) The Police Union may represent the State Police employees that are its members at any appeal of disciplinary measures and proceedings brought under the subnormative acts made under this law.

(3) All employees of the State Police, with the exception of the General Director and the Deputy General Directors of the Police, may be members of the Union.

(4) Employees of the State Police not wishing to be members of the State Police Union must submit a written notice to the steering body of the Union.

(5) The Police Union is set up and functions in compliance with the enacted legislation.

## **Article 83**

### **Prohibition on the right of strike**

Employees of the State Police are prohibited from taking strike action.

## **Article 84**

### **Prohibition on the use of Police equipment in trade union activities**

Employees of the State Police are prohibited from wearing Police uniform, carrying firearms or from using any Police equipment whilst demonstrating in support of trade union activities.

## **Article 85**

### **Obligations of the Police to the Police Union**

(1) The Minister allows the Steering Body specified in the Constitution of the Union to meet four times per year in paid duty time.

(2) The Minister allows the Assembly specified in the Constitution of the Union to meet once per year in paid duty time.

(3) The relations between the Union and the General Directorate of Police are regulated by mutual agreement.

## **CHAPTER V**



## **TREATMENT OF PERSONNEL**

### **Article 86**

Rules and procedures regarding working relationships, qualification, career promotion and career break are defined in the Personnel Regulation under this law, approved by the Council of Ministers.

### **Article 87**

#### **Working hours and the break**

(1) Working hours and break for the Police employee is similar to the employee of the public administration, except for the prescriptions otherwise expressed in this law.

(2) Annual paid leave for a police employee ranges from 30 to 45 calendar days and is scaled in line with the ranks.

(3) When, for work reasons, the annual leave cannot be allotted to the employee within the calendar year, it will be allotted no later than March of the next year, otherwise there is a compensation in value, the same way as overtime.

(4) In case of emergency, natural disasters or preparedness, the period of time up to 24 hours over the normal working hours and service, during a six month time frame, is not considered as overtime.

(5) In case of family disasters, weddings or other special occasions, the police employee is allotted 7 days paid leave or up to two months unpaid leave. The period of unpaid leave is not included in the years of seniority and service or for the purpose of career promotion.

(6) Benefit criteria and actions are defined by special act of the Council of Ministers.

### **Article 88**

#### **Salary arrangements**

(1) By reason of high responsibility and risks in his duty, the Police employee is given preference regarding financial treatment.

(2) The basic salary of a Police employee is determined based on the rank and the function he has received.

(3) The monthly payment of a Police employee consists of the basic salary, which is the salary per rank, plus additions to the salary (in percentage or the absolute sum) depending on other special conditions of the working place and service including, profession, training and seniority

in rank for compensation of what the Police employee has been deprived of or has lost, due to requirements of work and service.

(4) The Police employee benefits all other special additions to his salary as well as the remuneration benefited by other public administration employees.

(5) The State Police employees benefit, on an annual basis at the end of the financial year, a reward of up to one month's basic salary at least equal to that provided for civil servants and other State employees. This reward is based upon a proportional scale reflecting the work time of the employee during the financial year. Employees who have no absences for any reason other than regulatory time off are entitled to the full reward. This salary is not benefited if the employee has been given the measure "Expulsion from the Police"

(6) More detailed salary arrangements, criteria and responsibilities for allotting them are approved by a decision of the Council of Ministers.

## **Article 89**

### **Provision of the pension and supplementary benefits**

The Police employee, in addition to the benefits deriving from Law No. 7703, dated 11.5.1993 "On Social Insurance in the Republic of Albania", amended, enjoys the right of receiving extra benefits, according to the conditions and criteria stipulated by Law no. 8661, dated 18.09.2000 "On additional social insurance for the State Police employees."

## **Article 90**

### **Priority in returning to service**

The Police employee who currently receives a transitory salary, but meets the criteria for continuing his police career if it is suspended, is given priority in returning to service, for one year after the commencement of the transitory salary compared to other candidates who may apply for the same function, according to the rank they held or they deserve.

## **Article 91**

### **Database of Police officers fingerprints and DNA**

(1) The fingerprints and DNA of all Police employee will be maintained in a database at the Forensic Police Laboratory for eliminating their data from those of the processes. Such fingerprints and DNA will be obtained as part of the recruitment checking process for those applying to join the State Police and from all serving employees if they were not taken at the time of joining.

(2) Fingerprints and DNA taken to form these databases will be destroyed in both hard and electronic form right after an officer retires, is released or expelled from the Police.

(3) If an employee is reinstated or rejoins the fingerprints and DNA will be reaquired.

## **THE FOURTH PART**

### **POLICE POWERS**

#### **CHAPTER I**

#### **MEASURES TO MAINTAIN PUBLIC ORDER AND SAFETY**

##### **GENERAL PROVISIONS**

#### **Article 92**

##### **Duties**

Pursuant to the responsibilities specified in article 4 of this law, Police officers perform the following duties:

- a) they should avert the threat at any time for the citizen and themselves;
- b) in all cases, when police officers assess that it is necessary to take additional measures or help is needed, they should immediately notify competent administrative authorities and advise them on possible measures to be taken.

#### **Article 93**

##### **Proportionality**

- (1) The measure to avert threat must be proportionate to the level of danger and it should not constitute excessiveness over the limits of necessity for the present situation.
- (2) The measure is still considered appropriate even if it only diminishes the level of dangerousness or reduces it provisionally. If the measure remains ineffective, a measure with a higher effect may then be selected.

#### **Article 94**

##### **Interruption of the measures**

Ongoing application of any measure should be immediately interrupted in so far as its precondition has ceased to exist.

#### **Article 95**

##### **Immediate execution**

(1) Immediate execution of a measure may be taken only if there is an imminent danger for the public safety and order and it could not be averted by other means.

(2) The person affected must be informed immediately on the taken measure.

(3) The authorities may request the costs for the immediate execution by administrative act to be refunded by those responsible under articles 97 and 98 of this law.

## **Article 96**

### **Measures to safeguard public order**

(1) If a person's conduct violates the safety of public order, then measures have to be directed against this person.

(2) If the breaching of public order and security has come as a result of the actions of a minor under the age of 14, except for the measures taken against him in accordance with article 11 of this law, the Police officer notifies the parent or custodian of the minor under the age of 14, aiming the interruption of the illegal actions by the minor.

## **Article 97**

### **Responsibility for the state of objects**

If public safety and order is endangered or disturbed by the state of an object, the Police officer takes measures against the owner of the object or, if impossible, he notifies the respective authority. The measure may also be directed against the person who behaves as owner of the object.

## **Article 98**

### **Measures against third parties**

(1) Measures may be directed against persons other than those mentioned in articles 96 and 97 of this law if otherwise imminent danger for public safety or order or a disturbance of public safety and order cannot be eliminated otherwise and in as far as the authority does not have sufficient own manpower and means available.

(2) Under the preconditions of point (1) of this article, the police officers may ask for assistance. They may also take temporary possession of such objects as accommodations, medication and food, working devices, building materials and means of transport.

(3) In any case of voluntary or forced use of the property of a third party, the respective process-verbal is issued.

(4) In any case of calling upon or voluntary cooperating of a person or third party for assistance and the appropriation of objects, premises, equipment, consumption of goods and their material, physical or financial compensation has to be provided.

(5) Type and level of compensation are established by taking into account parties' responsibility and the benefit from the offered service, in compliance with Civil Code dispositions and are approved by the General Director of Police.

(6) If the interested person does not agree with the type and level of compensation, he has the right to appeal to court.

(7) The claim for compensation according to this article should be submitted no later than 30 days from the date of having this right, and the compensation should be given no later than 30 days after the submission of the request. If the compensation is overdue, the interested person has the right to appeal to the court for the compensation itself and the interest charged for overdue payment or loss of expected profits.

## **Article 99**

### **Remuneration of individuals for the assistance provided**

(1) Every citizen may assist the Police in the performance of their tasks as defined by law.

(2) A citizen who, while assisting the police, suffers an injury, becomes ill or loses his ability to work, shall be eligible for all the rights and benefits from health, retirement and disability payment or death benefits, which a police officer is entitled in the case of an occupational accident. The salary on which the above mentioned benefits are calculated is the one the individual receives at his work place or the salary he is insured for on volunteer basis or as private farmer, up to 30 days prior to the accident, but it can not be lower than the pay scale for the rank "Vice commissar". In cases when the individual is not working or insured, the salary on which these benefits are calculated is the pay scale for the rank "Chief inspector".

## **CHAPTER II**

### **SPECIAL MEASURES**

## **Article 100**

### **Notice to attend the Police premises**

(1) The Police officer notifies persons to attend the Police premises in these cases:

a) To receive information for the prevention of a threat;

b) To identify persons who might have information on the threat or incident;

c) To identify potential law offenders.

(2) Notice to attend is given either by a notice paper or verbally, specifying reasons for showing up, police officer, time, location and contact information if unable to show up.

(3) If personal and family circumstances of the notified person do not permit him to attend Police premises, the police officer may go and receive the information at the person's residence.

## **Article 101**

### **Accompaniment to the Police premises**

(1) The Police officer accompanies persons to Police premises or to the premises of the body that issued the order, in the following cases:

a) for the supervision of a minor for purposes of education or for escorting him to a competent organ;

b) when a person is the carrier of a contagious disease, mentally incompetent and dangerous to society.

(2) Accompanied persons have the right to human treatment and respect for the dignity. They are notified immediately of the reasons for accompaniment.

(3) The accompanied persons are accommodated in premises different from those of detained or arrested persons. In these cases, the person's holding in police premises should be only for the period required to verify the matter for which they are accompanied. In any case this will not exceed 10 hours.

(4) For the cases of accompanying for illegal border crossing, for banishments or extraditions, procedures and time limits are specified according to respective enacted legislation.

(5) In accompanying and holding persons at the Police premises, the Police officer compiles the case document and immediately notifies his superior or the authority interested in the clarification of the matter.

(6) In all the cases of accompaniment and holding persons at the Police premises, individual and family circumstances of the persons should be taken into account.

## **Article 102**

### **The identity check**

(1) The Police officer shall check the identity of all persons in the following cases:

- a) when they are present or in the immediate proximity of the crime scene and when they are potential witnesses of the criminal offence;
- b) when an order of the competent organ is executed ;
- c) when the persons suspected of breaching public order are searched;
- ç) when they enter or exit the territory of the Republic of Albania;
- d) when, due to circumstances of time and place, the person raises suspicion of having engaged in illegal behaviours.

(2) To insure a credible identification of a person, the Police officer must base on a legal document of identification.

### **Article 103**

#### **Records relating to persons accompanied, detained and arrested**

For the administrative purpose of maintaining records of persons arrested, detained and accompanied, the Police carry out the following procedures:

(1) In any case of accompaniment, the Police identify the data of the accompanied person as follows:

- a) Personnel data
- b) Residence
- c) A description of individual's appearance including any peculiarities
- ç) Employment
- d) The reason for which accompanied
- dh) Time, date and place of accompaniment
- e) Police office to which accompanied
- ë) Police officer who accompanied the person

These records are kept for seven years.

(2) In any case of arrest or detention, the Police identifies the data of the arrested or detained person as follows:

- a) Personnel data
- b) Residence
- c) A description of individual's appearance including any peculiarities
- ç) Employment
- d) The offence for which detained or arrested
- dh) Details of the 'modus operandi' of the offence for which arrested or detained
- e) Time, date and place of arrest or detention
- ë) Police office at which held
- f) Police officer who detained or arrested the person

(3) The Police will obtain from every person arrested or detained on every occasion they are arrested or detained:

- a) A set of fingerprints and palmprints.
- b) Two photographs, one full face and one profile.
- c) A DNA sample when the technical conditions for the preservation and administration of the samples are available.

(4) A Police officer of the rank of Vice Commissar or above or in the case of an emergency and in the absence of such an officer, the highest ranking officer, may authorize the use of reasonable force to achieve the requirements of point (3) of this article if the person arrested or detained refuses to comply with the request.

(5) The Police may obtain from every person accompanied the identification media set out in point (3) of this article if these are required to establish the identity of that person. Unless the accompanied person is subsequently arrested or detained, identification media obtained from an accompanied person must be destroyed after his identity has been established.

(6) Officers of the Police assigned to duties at border crossing points may obtain from any person wishing to cross the border a set of fingerprints for identification purposes, if he commits or is suspected of having committed a criminal offence or for administrative purposes.

(7) The Police will maintain for all arrested and detained persons a central collection of all records made under point (2) and all, fingerprints, photographs and DNA taken under point (3) of this article.



(8) The General Director of Police has the obligation, upon the person's request, to destroy the identification media set out in point 3 of this article, obtained from the arrested or detained person, if the criminal proceeding for which the arrest or detention was carried out ceases or he is acquitted by final court decision.

## **Article 104**

### **Banishment from locality**

In order to avert threat or to prevent the disturbance of public order or security, the Police officer may order the person to leave from the locality or may prohibit him to enter the locality, for as long as the threat or disturbance persists.

## **Article 105**

### **Cordon**

If warranted by public order and security, law enforcement, or natural disasters or accidents, the Police may cordon off road sections or public premises until necessary lawful actions are taken.

## **Article 106**

### **Protective measures**

(1) Protective measures are taken against mentally ill persons, persons under the effect of drugs or alcohol, and persons who carry contagious diseases. In cases as such, the Police officer accompanies the person to the police premises, to medical institutions, rehabilitation centers or hands him over to the responsible person or custodian.

(2) The Police officer takes the necessary measures for the protection of:

a) the person, whose state obviously indicates that he can not control his actions or behaviour and for that reason may harm or endanger his own life or that of the others. Execution of the measure in the police premises lasts for as long as it is necessary, but no longer than 10 hours.

b) the minor who is no longer under supervision or has escaped from the parent or custodian, by returning him to the custodian or sending him to the minors welfare services, respecting the time limits specified in point (a).

(3) In order to carry the responsibilities specified in point (1) of this article, the Police officer may conduct the physical search and examination of these persons.

## **Article 107**

### **Treatment of accompanied persons**

(1) If a person is accompanied pursuant to article 101 of this law, then he is to be immediately notified of the grounds of accompaniment.

(2) The accompanied person has to be given the immediate opportunity to inform a relative or a person of trust. The Police inform ex-officio the persons mentioned in point (1), if the escorted person is not able to exercise his right under point (1) and it does not contradict the assumed will. If the accompanied person is a minor, then the person responsible for his supervision has to be informed immediately. The same applies to adults for whom a custodian is appointed.

(3) Men and women should be held separately. Minors and adults should be held separately.

## Article 108

### Impounding of objects

(1) Objects are impounded or seized only in cases provided by law and in full compliance with respective legal procedures.

(2) Outside the cases otherwise disciplined by law, objects may be impounded only if this is strictly unavoidable to avert imminent threats to public order and security. The officer who takes action provides the respective process-verbal which will be notified to the owner if known.

(3) Objects are impounded only as long as it is strictly necessary. After that objects are returned to the owner if identified or identifiable with no delay. If within 90 days, or in the shorter term as may be required by the nature of the object, the owner cannot be identified or otherwise voluntarily fails to claim the restitution, impounded objects will be declared public property in compliance with the enacted legislation.

(4) It is the responsibility of the Police to carry out ascertaining actions to identify the owner of the impounded property.

## Article 109

### Personal search

(1) The Police officer may search any arrested or detained person in compliance with the Criminal Procedural Code and enacted legislation:

- a) to secure evidence for the commitment of the criminal offence;
- b) for objects or items that may harm his own life or that of the others.

(2) The search can be carried out in three forms:

- a) Search in public of outer clothing of the person, which is limited to a superficial search of the outer clothing;

b) Strip search, which is conducted in certain settings not visible by the public where the detained or arrested person cannot be seen by other persons and involves removal of more than just the outer clothing;

c) Intimate search consists in physical examination of visible parts of the person's body and is conducted by health employees, and only in hospitals or in other health settings.

(3) Searches under point 2(a) of this article are carried out by Police officers of the same gender as the searched person, when circumstances allow. Search of the minors requires the presence of a parent or custodian.

(4) The Police officer may carry out the search of any person under point 2(a) of this article except for the persons who enjoy immunity by law, when there is reliable information that they carry dangerous objects for the security of this person or any other person.

(5) A strip search may take place only if it is considered necessary to remove the forbidden article and the officer reasonably considers that the arrested or detained person might have concealed such an item. Such a search is carried out by a Police officer of the same sex as the searched person.

(6) An intimate search is carried out by court decision. An intimate search is carried out as a last resort against the person suspected of concealing material evidence of the criminal offence or objects that belong to the criminal offence. An intimate search is only carried out by a doctor or a qualified nurse.

(7) Detailed regulations regarding the physical search are defined by instruction of the Minister.

## **Article 110**

### **Medical examination of persons**

(1) To prevent a threat for life or limb, a person may be medically examined. For this purpose taking blood samples and other bodily interventions by a doctor in accordance with medical rules for examination purposes is permissible without consent of the person affected if there is no fear of disadvantage to his health and the measure is necessary from a doctor's point of view.

(2) The medical examination requires a judicial ruling by the relevant court, except in cases of immediate threat, cases when the Police officer performs his duty *ex officio*. The data collected in the examination may only be used for the sole purpose of this law, the prevention of serious health hazards.

## **Article 111**

### **Search of objects**

(1) An object, except for the premises as set out in article 112 of this law, may be searched if -

- a) it is at the disposal of a person, who is searched in accordance with article 113 of this law,
- b) facts substantiate the assumption that a person is inside an object:
  - i) and he has to be taken into custody or detained;
  - ii) is being illegally held;
  - iii) when the Police officer has reasonable grounds to believe that the search is necessary for the protection of life from an immediate threat.
- c) facts substantiate the assumption that it contains another object that may be confiscated.

(2) A land vehicle which contains a person whose identity may be identified at a check point, is searched; when one of the conditions specified in point 1 of this article exists, the search may also include objects inside the vehicle.

(3) While searching objects, the user is entitled to be present. If he is absent, a representative or another witness should be invited. A copy of the search notification and the reasons have to be provided to the user upon request.

## **Article 112**

### **Access to and search of premises**

(1) Premises in terms of this law are residences and adjacent rooms, workrooms, operational and business premises as well as other private property connected with these rooms.

(2) Premises may be accessed and searched without the permission of the owner, if

a) it is necessary to prevent immediate threat for life and limb;

b) the Police officer has reasonable grounds to assume that a person, who meets the conditions of article 106 of this law, is to be found in that premise.

(3) If the owner or the person at whose disposal the premises are, or his representative, are not present during the search according to point 2 of this article, they should be immediately informed of the reason for the search in so far as the purpose of the measure is not jeopardized.

(4) Any time an entry or search is conducted pursuant to this article, the Police officer compiles a record, which includes reasons for entry and conduct of the search and its results. A copy of this record is handed out to the person who has interest in the case or to the persons authorized by him.

## **Article 113**

## **Anti Terrorist Searches**

(1) Police officers have the right to conduct searches ex officio for the prevention of terrorist acts against premises, buildings, facilities and public spaces, in order to ensure the safety of persons, national constitutional order and international safety. They exercise this right in cases of flagrancia, in cases of criminal investigation of the person and when there is reliable evidence or information that a terrorist act is being prepared and when delay in conducting the search may lead to loss or destruction of means and traces of offence commission. Once the search is carried out, the police officers have the obligation to compile the relevant notification and within 48 hours submit it to the prosecutor in charge of the area where the search was conducted. A copy of this notification is left with the owner or possessor of the premises or with the searched person.

The persons searched by the Police enjoy the right to appeal to the court of jurisdiction where the police body is located, if they consider the Police search unjust or in violation of the law.

(2) An anti terrorist search shall comprise an explosive, a chemical, biological and radiological search.

## **Article 114**

### **Information and data gathering**

(1) The Police officer is responsible for collecting information and data for the purpose of protecting public order and security and/or for the prevention and the disclosure of crimes, using every source that might provide information to the Police. For this purpose he may even use secret cooperation with individuals, secret surveillance of persons and premises, and location tracking devices.

(2) It is prohibited to collect information and data about persons only for reasons of gender, ethnicity, race, language, religion, political, religious and philosophical beliefs, and the economic, educational, social status, sexual tendency and parentage.

(3) Public administration, physical and juridical persons, when asked by the Police, are obliged to present identification data and other information collected on a legal basis, except for the ones which distribution is forbidden by law.

(4) Specific rules for the use of information sources and for the receipt and administration, verification and evaluation of information and data that are generated from them, are specified by instruction of the Minister.

## **Article 115**

### **Secret cooperation with individuals**

(1) The Police officer is obliged to accept and evaluate any information that is provided secretly by the individuals and involves the protection of public order and security and/or the prevention of criminal offences.

(2) When an individual secretly cooperates with the Police to inform on matters that deal with the protection of public order and security and/or the prevention, detection and combat of criminal offences, he is obliged to keep the confidentiality of this cooperation and of the classified information, until the legal obligation for the preservation of the secret terminates.

(3) The Police employees are obliged to retain the confidentiality of the identity and other circumstances regarding the persons secretly cooperating with the Police by providing information for the protection of public order and security or the prevention and combating of criminal acts.

(4) Administration and preservation of confidentiality of statements and reports is done in accordance with the provisions of relevant criminal procedure legislation.

## **Article 116**

### **Special measures**

(1) If based on information or data available there are reasons to suspect that a person has committed a criminal offence, is planning or organizing a criminal act, and this activity cannot be detected or prevented by other means, a Police officer of the rank of Leader or above according to substance jurisdiction, makes request to the prosecutor to take the following measures:

a) Eavesdropping of conversations of the person in public places;

b) Secret interception of telephone calls or telecommunications in accordance with respective legislation;

c) Use of technical devices for photography taking, audio or video registration in accordance with respective legislation.

(2) Use of special measures specified in point (1) of this article, is permitted for as long as the causes or circumstances that necessitated their use exist, and are extended in accordance with time limits established by respective legislation.

(3) When the criminal offence which necessitated use of special measures is not reported within the six months following the termination of the use of special measures specified in this article, all the information collected by means of these measures must be destroyed.

## **Article 117**

### **Informative activity**

(1) An informative activity of the police, in the framework of this law, will be considered the process of collecting, systematizing, evaluating, analyzing, distributing and using information for the purpose of protecting public order and security or for the purpose of preventing and detecting crime.

(2) The informative activity of the police is based solely on the information collected in line with the current legislation and the normative acts issued for its implementation.

(3) Concrete rules for the performance of police informative activity by the relevant structures, as well as the measures for preservation of information and auditing of such informative activity, are specified by instruction of the Minister.

### **CHAPTER III**

#### **CASES AND FORMS OF THE USE OF FORCE**

##### **Article 118**

###### **Use of force**

(1) Use of force on persons is the direct action by means of physical force, equipment, other means, or firearms.

(2) The Police officer uses force in order to achieve a legal purpose only when it is necessary, and only after other measures have been unsuccessful or are impossible. The Police officer uses the minimum amount of force necessary in accordance with the principle of proportionality.

(3) When using force, the police officer selects the level of necessary force from a continuum of force options which includes, among others, verbal persuasion, physical restraint, impact weapons, aerosol weapons (devices with chemical paralysing substances), electrical impulse devices, police dogs, and firearms.

(4) The injured shall be provided help and medical assistance when force is applied, if necessary and possible in the situation.

(5) The Police officer must warn that he will use force prior to its execution. The warning may be abandoned if the circumstances do not permit it, in particular if the immediate execution of means of force is necessary to prevent immediate threat.

(6) A group of persons has to be warned of the intention to use force or of the change of form of force as early as possible, allowing participants to leave.

##### **Article 119**

###### **Use of firearms**

The Police officer uses the firearms at his disposal in the cases and according to the conditions specified in the respective legislation that regulates the use of firearms.

## **Article 120**

### **Compulsory medical measures**

The medical measures taken for the persons accompanied and their treatment will be done according to the rules and terms specified by the respective normative acts.

## Article 121

### Carrying out special operations

(1) In carrying out high security operations and defusing situations which can not be faced by other Police services, special operational structures that are in reserve of the General Police Directorate are used.

(2) The responsibilities of these structures are:

- a) Liberation or rescuing of hostages;
- b) Seizure of armed persons of high dangerousness and their transport to the Police premises;
- c) Assistance to structures which safeguard high state personalities, domestic or foreign ones, when there is information on terrorist acts against them.
- ç) Restoration of public order and security, when this is not possible by means of other Police structures.

(3) Secrecy of identity is guaranteed to the Police employees of special operational structures.

(4) Organization and functioning of the special operational structures as well as procedures, regulations and criteria for using them are defined by order of the Minister.

## **THE FIFTH PART**

### **MISCELLANEOUS**

## **Article 122**

### **Community Policing**

(1) Each District Police Director shall draw up an annual District Policing Strategy for the purposes of community safety following consultation with the persons specified in point (2) of this article.



(2) The persons specified for the purposes of point (1) are-

- a) the Prefect exercising functions in the police region which the District Police Director supervises;
- b) the Mayor and other local government leaders exercising functions in the Police region which the District Police Director supervises;
- c) representatives from directorates of district institutions;
- ç) representatives from groups of interest.

(3) The annual District Policing Strategy drawn up in accordance with paragraph (1) must-

- a) identify the configuration of criminal offences and other law offences that are most prevalent in the police district;
- b) propose recommendations for reducing levels of criminal offences and other law offences in the police district and clearly express commitment to engage in a regular dialogue with representatives from the community;
- c) identify ways in which any concerns expressed by representatives from the community have been addressed over the previous 12 months.

(4) Each District Police Director presents the annual strategy for which he is responsible to the General Director of Police when he submits his report under article 30(3) and to the District Mayors.

(5) The District Policing Strategy together with the report submitted under article 30(3) will be submitted for approval to the Policy Group at its January meeting.

## **Article 123**

### **Processing of Personal Data**

(1) The collection, storage, use and communication of personal data for Police purposes are strictly limited to operational needs when it is necessary for the prevention of real danger or the suppression of a specific criminal offence. Data processing will respect at all times the principles and regulations set forth in the Council of Europe “Convention for the Protection of Individuals with Regard to Automatic Processing of Personal Data” dated 28.01.1981, ratified with Law nr. 9288 dated 07.10.2004 and in Law nr. 8792 dated 10.10.2001 on the “Creation of Data Processing Centre”.

(2) Data and information may be communicated to foreign Police bodies only on the basis of an agreement of cooperation provided that the requesting Police body undertakes the proven obligation to treat and preserve data and information in accordance with enacted legislation

ensuring a degree of data protection equal or higher to that guaranteed by the forementioned laws.

## **Article 124**

### **Honorary Medals and certificates**

(1) The Minister issues honorary medals to State Police employees, employees in supporting services of the Ministry and foreign Police employees attached to institutions in our country, for their outstanding merits.

(2) The General Director of Police and his deputies issue certificates of award to Police employees who are outstanding in the implementation of duties.

## **Article 125**

### **Types of medals and certificates**

(1) The Minister issues the following medals: "Honorary Medal", Bravery medal" and Medal for Saving one's Life"

(2) The General Director of Police issues the following award certificates: Certificate for Outstanding Services, Career Certificate and the Certificate for results in Public Order and Security.

(3) Motivation, regulations and procedures for issuing medals, the way they are issued and the financial treatment in such cases, are defined by decision of the Council of Ministers.

(4) The kinds of award certificates, criteria and procedures for issuing them are defined in the Internal Regulation of Police.

## **THE SIXTH PART**

### **FINAL AND TRANSITORY PROVISIONS**

## **Article 126**

### **Transition to the new system of ranks**

(1) For the purpose of transition from the rank system as prescribed in law no. 8643, dated 20.07.2000 "On the ranks in State Police", to the rank system in this Law, the Council of Ministers decides on the table of corresponding positions per rank based on article 39 of this law.

(2) An employee of the Police is awarded a rank which corresponds to his position, only if he has at least 2/3 years of seniority in service, based on the deadlines defined in article 41, point 4, letter "a" of this law.

a) An employee of the Police, who fails to meet the criteria of seniority for the rank corresponding to his position during the transition period, is awarded a higher rank when he has a minimum of 2/3 years of seniority in service, by appointing him to a function which corresponds to the rank awarded to him.

b) For the purpose of being awarded a rank during the transitory period, the following will be counted as seniority in service of the Police employee:

i) the period of service as a military officer in the Border Police and the Guard of the Republic structures, when they used to be part of the Armed Forces;

ii) the period of service of the Police employee having the status of the employee of the Guard of the Republic;

iii) the period of service of the Police employee in the State Police structures;

iv) the period of service in the structures of the Ministry of Interior or the Ministry of Public Order having a Police status;

v) the period of service in the structures of public administration with the capacity of the advisor for public order and security;

vi) the period the Police employee has been working as an active permanent military officer and half of the period he has been working as the state administration officer outside the structures defined in 'i', 'ii', 'iii', 'iv' dhe 'v' of this letter.

c) In case a Police employee refuses to accept the rank awarded to him according to this law, he is released from the Police holding the rank he had in compliance with law no. 8643, dated 20.07.2000 "On the ranks in State Police".

(3) The time frame for holding the rank, for the purpose of competition and career promotion of the Police employee, following the transition of the rank system according to this law, will be counted as follows:

a) starting with the date the rank was awarded in compliance with law no. 8643, dated 20.07.2000 "On the ranks in State Police", when the rank awarded to the Police employee during the transitory period and the previous period is equivalent or lower;

b) starting with the date the rank was awarded during the transitory period, when the Police employee was awarded a rank higher than the equivalent one he has been holding in compliance with law no. 8643, dated 20.07.2000 "On ranks in State Police".

(4) To enable the transition process to the rank system in compliance with this law, transitory committees are set up to examine the documentation and to propose to the authorities having a promotion power, the award of relevant ranks to Police employees.

(5) The composition of transitory committees, organizational approach and levels, as well as procedures followed by these commissions, are determined by order of the Minister. These commissions cease to function once the process of transition to the new system of ranks is completed.

(6) Transition to this rank system terminates no later than six months the decision of the Council of Ministers enters into force of, in compliance with article 39 of this Law.

(7) An employee of the Police is entitled to make an appeal regarding the rank he has been awarded, to the authority who has awarded the rank or directly to the Court within a 30 day time frame from being informed.

## **Article 127**

### **Personnel treatment**

The economic and financial treatment of Police employees in career and after its termination, until the respective normative acts envisaged in this law are approved, is done according to the revised Law no. 8553, dated 25.11.1999 “On the State Police”, and the normative acts issued under it and for its implementation.

## **Article 128**

### **Repeal of acts**

The law no. 8553, dated 25.11.1999 “On the State Police”, amended; law no. 8293, dated 26.02.1998 “On Criminal Police”; the law no. 8292, dated 25.02.1998 “On Special Forces and Rapid reaction Forces”, amended; the law no. 7498, dated 05.07.1991 “On Protection of public order and peace”, amended; the law no. 8643, dated 20.07.2000 “On the ranks in State Police”, as well as other enacted normative acts, which regulate the Police activity, but are not in compliance with this law, are repealed.

## **Article 129**

### **Approval of normative acts**

The Council of Ministers and the Minister are charged with issuing the normative acts under this law within a year upon its entry into force.

## **Article 130**

### **Entry into force**

This law enters into force 15 days following its publication in the Official Gazette.

THE SPEAKER

JOZEFINA TOPALLI (ÇOBA)

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