

# ON THE ROLE OF PUBLIC ACCOUNTABILITY MEETINGS OF THE “TRIANGLE”<sup>1</sup> POLICE-MUNICIPALITY-PROSECUTOR OFFICE ON CRIME PREVENTION AND PUBLIC SAFETY

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## OVERVIEW

This policy paper seeks to promote a missing experience in the collaboration among the police, the Prosecutor’s Office and local self-government units in the prevention of crime in Albania. It also reflects on practices of preventive policing and legislation on which the cooperation between local institutions is based.

Regular accountability meetings improve law enforcement at local level, enhance institutional communication with citizens, boost public trust, and increase the accountability of institutions. In addition, the process of enhancing accountability helps to build horizontal partnerships between the State Police and citizens and facilitates the cooperation between the State Police and local self-government units.

Accountability meetings impact the operationalization of Local Safety Councils’

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1. A local authority “triangle” is a consultative body that consists of the Mayor, the Public Prosecutor and the Police Chief in the Netherlands. Intended to tackle crime and issues of public safety more efficiently, the triangle holds regular consultation meetings about issues at the local level. The current initiative of organizing “triangle” meetings in Albanian municipalities is an initiative to improve accountability and transparency based on the positive Dutch experience. The project is supported with a grant from the Ministry of Foreign Affairs of the Netherlands.

objectives and the implementation of local policing strategies, as instruments employed to tackle security challenges that confront citizens. Having acquired a broad support in local government structures, this paper argues that the practice of organizing public accountability meetings may even prove itself as a “game changer” with regard to the successful implementation of community policing – one of the main objectives of the Albanian State Police.

This policy paper highlights that the participation of the Prosecutor’s Office grants credibility to the public communication process and helps prevent crime. The visions of both the State Police and General Prosecutor’s Office are enshrined in their respective strategies, but demand regulatory improvements in terms of cooperation, partnerships, and public accountability. The practice of holding accountability meetings on crime prevention represents an innovation that deserves political and operational support from central and local institutions.

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2. Any views or opinions expressed in this article are those of the author and do not necessarily represent the views or opinions of the Government of the Netherlands.

## BACKGROUND

Over the past decade, community policing is increasingly put in the spotlight of public order and safety discourse. The Public Order Strategy 2015-2020 requires that the philosophy of community policing encompasses the entire activity of the police organization. The Law on State Police stipulates the design and implementation of a Local Strategy on Regional Policing (LSRP).

Community policing seems to be appealing to the country's senior political leaders as well, given that they are placing additional emphasis on the concept and are repeatedly calling upon citizens to collaborate with the police.

A considerable number of initiatives have given their contribution by producing a variety of cooperation experiences by institutions at the local level. The International Criminal Investigative Training Assistance Program (ICITAP), have invested, among others, in capacity building of local police structures to cooperate with schools in the education process. Many national and international initiatives such as the Strengthening Community Policing in Albania (SCPA) Program, funded by the Government of Sweden, focus more in awareness on cooperation between the police and local institutions, particularly the educational institutions. Civil society and various local groups are part of these initiatives. PAMECA and OSCE have also vested efforts in this direction.

Best practices in the fight against violent extremism, with which the State Police is familiarized in its daily work and from various trainings delivered by the international partners, constitute a valuable multi-stakeholder interactive approach. In this regard, the Institute for Democracy and Mediation (IDM) has promoted, through the "School as a Community Center" approach, a multi-stakeholder cooperation to support resilient communities where local institutions share responsibilities and collaborate to prevent and fight violent extremism.

Besides the abovementioned initiatives, municipalities are also embracing a new

practice by establishing Local Safety Councils (LSC).<sup>3</sup> The institutionalization of this practice is a positive development, as it directly engages local government and other institutions (such as educational institutions, social welfare institutions, and non-governmental organizations) in public security issues. LSCs are not established in all municipalities; hence, it is too early to assess the effectiveness of this structure. Yet, a first analysis of the regulatory experience of the establishment and operation of LSCs points towards an imbalance of efforts, in which there is a lot invested in the creation of the council, but little in maintaining these structures operational. This issue should be addressed, as the experience of regional countries underlines that there is a "need to create an effective and operational model of LSCs, so that it does not remain a formal structure on paper."<sup>4</sup>

That there is currently a lack of effective multi-stakeholder collaboration is pointed out by a study on the Annual Strategy of Regional Policing, which analyzed 12 regional police departments during 2009-2014. This study finds that "... local strategies are similar over the years and among regions, failing to adapt to social, cultural and environmental background of the area."<sup>5</sup> Indeed, the study highlights that "while the State Police and local governance institutions have interacted both formally and informally, this interaction has not resulted in the involvement of these institutions in the design and implementation of Local Strategy on Regional Policing and in the creation of partnerships."<sup>6</sup> In this context, the model of accountability meet-



3 Minister of Interior's Order dated 5.3.2018

4 Belgrade Center for Security Policy. Partnership for Safe Communities in Serbia, 014, [http://www.bezbednost.org/upload/document/partnership\\_for\\_safe\\_communities.pdf](http://www.bezbednost.org/upload/document/partnership_for_safe_communities.pdf)

5 Institute for Democracy and Mediation. An Assessment of the Strategy on Community Policing and Cooperation of State Police with Local governance Institutions, 2015, p. 5, [http://idmalbania.org/wp-content/uploads/2016/05/Policimi-n%C3%AB-komunitet-n%C3%AB-Shqip%C3%ABri-2007\\_Shqip.pdf](http://idmalbania.org/wp-content/uploads/2016/05/Policimi-n%C3%AB-komunitet-n%C3%AB-Shqip%C3%ABri-2007_Shqip.pdf).

6 Ibid.

ings on crime prevention, conducted over the last few months with the participation of the police, municipalities, and Prosecutor Office, have generally acquired an added value by addressing the deficiencies identified above. These meetings provide a unique opportunity for bottom-top impact, and for building on citizens' challenges and perceptions on security and safety.<sup>7</sup> Likewise, they also offer an excellent prospect to trigger a proactive response among all local actors, including citizens.

## LEGAL FRAMEWORK FOR LOCAL INSTITUTIONS CO-OPERATION

According to a joint study conducted by IDM and IDRA in 2008, there was a lack of formal relations between institutions at the local level. In fact, the study points out the prevalence of informal relations and "spontaneity of relations among local-level institutions, particularly between the police and local government units."<sup>8</sup> All respondents of the study, employed at the majority of institutions at the local level, "demanded legal and sublegal regulation or, at least, some sort of memoranda of understanding on institutional relationships and responsibilities to improve local services for citizens."<sup>9</sup>

Ten years later, a similar problem of ad hoc cooperation was identified in almost all accountability meetings, reflecting the interpersonal relations of the leaders of these institutions.<sup>10</sup> To address this issue, it is



7 These accountability meetings were held in the framework of the "Building Integrity to Improve Performance and Sustainability in the Fight against Corruption in the State Police in Albania" Project supported by a grant of the Ministry of Foreign Affairs of the Netherlands.

8 Institute for Democracy and Mediation (IDM) and the Institute for Development Research and Alternatives (IDRA), "Towards a Consolidated Collaboration between Local governance and Central Institutions at Local Level, 2008" <https://www.osfa.al/sites/default/files/botimishqip.pdf>

9 Ibid.

10 Institute for Democracy and Mediation, "Integri-

important to first analyze the legal basis by assessing its compliance with the strategic vision of the development of these institutions.

The Laws on State Police of 1991 and 1999 provided for more clarity in terms of relations between the police and local self-government units, as well as in the relationship between the police and the public. This is revealed in several instances, such as in Article 10 of the Law No. 7504, dated 30.07.1991, "On Public Order Police", which determines that "the Public Order Police of the district reports to the Minister of Public Order and to the local government units for duties assigned to it by law." Article 50 of this law states that "local government units are required to set to the disposal of the public order police adequate premises for the organization and development of its activity."

On the other hand, the Law No. 8553, dated 25.11.1999, maintains the unitary and centralized character of the police, while stipulating that "[the] acts of the local governments are compulsory for enforcement by the Police..." and that "before or after the establishment and the dismantle of the peripheral operative units of the Police and in cases of appointment of the directors of regional police or chief of commissariats, the competent authority will have a preliminary opinion of the respective local government unit. In cases of discontent by the local government, the respective authority makes the professional argumentation of the decision taken." Furthermore, the law requires from local senior officials of the police to submit an annual report on issues of public order and security to their respective local self-government units (article 59).

All these prerogatives of cooperation lay the foundations for formal partnerships, which consequently are better at supporting State Police's present-day vision on community policing and coping with citizens' challenges to ensure public safety.

The term "community policing" was used for the first time in the Law No. 9749, dated

ty-Accountability-Partnership" Bulletin, 2018 and 2019, <http://idmalbania.org/newsletter-integrity-accountability-partnership-1/>

04.06.2007, "On State Police", which describes the contributing actors and objectives for the design of a Local Strategy on Regional Policing. Yet, this law fails to establish the principles of formal partnerships among local institutions. A step forward to a more active role of local actors is elaborated in Article 74 of the State Police Regulation<sup>11</sup> (adopted in pursuance of the Law No. 108, dated 31.07.2014, "On the State Police". This article requires a detailed evaluation of the "implementation of the local strategy and related action plan. Irrespective of this, both versions of the State Police law (adopted in 2007 and 2014 respectively) are unclear with regards to the collaboration between police and local governance institutions.

Other crosscutting collaborations among institutions at local level are regulated by sublegal acts. This includes the cooperation among relevant central government to boost collaboration on safety of schools, or the Joint Order between the Ministry of Public Order and the Ministry of Local Governance in year 2002. Inter alia, this cooperation included biannual reporting of the chief commissar and the regional police director to the municipal councils or regional councils respectively on crime situation.

Another normative act is the State Police General Director's Order No. 407, "On Planning and Organization of Police Zone-Based Patrol of Police Commissariats", which calls for an integrated approach to zone-based police patrol. Yet, there is no public evidence on its efficiency. Securing the police patrol zones, particularly in urban areas, would be more efficient, had the municipality established "representative community structures". Unfortunately, this did not materialize until recently. The Law on Local Self-Governance (in Articles 68 and 69) has foreseen the establishment of community councils in small urban areas and related community liaison. Fulfilling these requirements of the law on the part of the local self-government units is a highly important instrument for empowering citizens and actively cooperating with them.

The novelty of the "triangle" comes with

<sup>11</sup> Council of Ministers' Decision No. 750, dated 16.9.2015, "On Adoption of State Police Regulation"

the involvement of the Prosecutor Office. Its role in this local partnership is unique and an innovation that is based on its strategic document: "in addition to its primary function of exercising criminal prosecution and representing the state in all matters related to the adjudication of criminal offenses, it organizes and cooperates with state institutions and other public and private entities in activities related to education of society with the final goal of understanding the law and prevention of crime."<sup>12</sup> To this regard, measures are focused, among others, in information sharing with the public and the media especially on crime statistics ; awareness campaigns on disturbing crime, or other issues considered of special importance by the local prosecutor.

## THE "TRIANGLE" OF POLICE-MUNICIPALITY-PROSECUTOR OFFICE IN PUBLIC ACCOUNTABILITY MEETINGS

Between November 2018 and May 2019, local institutions (often municipalities)<sup>13</sup> held the first series of public accountability meetings<sup>14</sup> with the participation of local councilors, administrators, heads of villages, local education leaders, boards of students and parents, non-governmental organizations, and interested citizens.

The unanimous support demonstrated by local leaders of the police, municipalities, and prosecutor's office showed that this platform of communication with citizens is an opportunity for institutions to improve their public

<sup>12</sup> General Prosecutor Office, Midterm Strategy 2018-2020 and Action Plan, 2018, p. 15, [http://www.pp.gov.al/web/strategjia\\_pp\\_2018\\_2020\\_final\\_1357.pdf](http://www.pp.gov.al/web/strategjia_pp_2018_2020_final_1357.pdf).

<sup>13</sup> Public accountability meetings were held in Berat, Pogradec, Kurbin, Korça, Peshkopi, Mat, Shkodra, Lushnje, Kavaja, Dropull, Selenica, Librazhd, Administrative Units No. 5 and 7 in Tirana, and Kamza

<sup>14</sup> These accountability meetings were held with the support of the Ministry of Foreign Affairs of the Netherlands.

image, build trust and improve transparency. It also helps the development of joint intervention plans to ensure public safety and prevent crime. In a longer perspective, this local collaboration may also serve as a good basis for further interventions in preventing organized crime through an administrative approach.<sup>15</sup>

IDM's news bulletins 'integrity, accountability and partnership' provide detailed information of the accountability meetings, which together offer a full account of the issues raised during the meetings. Hence, this analysis will introduce a handful of examples that can be helpful and serve as models to the three local government branches in their future efforts to meeting citizens' expectations for public order and security.

In an accountability meeting in Shkoder, which was conducted on the initiative of the mayor and local police chief, participants agreed to hold discussions with heads of local education department and schools. By sitting together with citizens, the local government wanted to undertake a realistic assessment of the situation on the use of narcotics in schools with the aim of investing more efforts in preventing this phenomenon.<sup>16</sup> In the Municipality of Dibra, a local councilor appealed to the heads of local institutions to improve the communication with citizens and to inform them regularly on the state of crime. In this very meeting, a representative of civil society declared that, irrespective of achievements publicized by local institutions, one can notice "many problems that remain highly disturbing and with negative impact on people's lives, particularly on the youth, such as violence and use of narcotics." According to them, "this means that things have not been solved adequately; hence, discussions, identification of

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<sup>15</sup> The fight against organized crime requires an integrated approach in criminal, fiscal and administrative areas. Municipalities, the police, the Public Prosecution Service and the Tax Authorities work together on the basis of the Administrative Agreement on Integrated Approach to Organized Crime. More on the Dutch model at <https://www.riec.nl/maatregelen-en-documenten/handboek-bestuurlijke-aanpak-georganiseerde-criminaliteit>

<sup>16</sup> Institute for Democracy and Mediation, Bulletin No. 2 "Integrity-Accountability-Partnership", 2019, p. 7, <http://idmalbania.org/download/5875/>

solution, and commitment of all stakeholders should become regular work practice of all institutions."

In the Municipality of Selenica, participants of an accountability meeting presented the problems of cultivation of narcotic plants.<sup>17</sup> Civil society representatives and heads of local education in the Municipality of Pogradec were very persistent to institutions with regard to prevention of use of drugs and other law enforcement issues. In this accountability meeting, the Police Commissariat Chief attending the meeting appealed to citizens to critically evaluate the work of the local police and other institutions.<sup>18</sup> This practice was enthusiastically embraced in the Municipality of Dropull as well. Community members supported this accountability meeting of the three institutions, adding that "holding regular meetings would help to avoid various tensions" (making an implied reference to the incidents of Bularat occurring several months ago<sup>19</sup>).

In Korça, the head of the local Prosecutor commended the meeting saying that "this type of open meetings would help to encourage a greater cooperation between the public and the prosecutor office."<sup>20</sup> This notion was shared by Dorina Bejko, a prosecutor of Pogradec, who pointed out that these meetings were important to win public trust on the part of local law enforcement institutions and to enhance their responsibility. Activities like this encourage citizens "to be more active in the prevention process and to report on criminal offenders."<sup>21</sup> Furthermore, a prosecutor of Kavaja emphasized the need of

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<sup>17</sup> Institute for Democracy and Mediation, Bulletin Nr. 3 "Integrity-Accountability-Partnership", 2019, p. 6, <http://idmalbania.org/download/6387/>

<sup>18</sup> Institute for Democracy and Mediation, Bulletin Nr. 1 "Integrity-Accountability-Partnership", 2018, p. 8, <http://idmalbania.org/download/5684>

<sup>19</sup> Albanian Public Radio Television, Incident of Bularat, police: this is what happened, 28 October 2018, <https://www.rtsh.al/lajme/ngjarja-e-bulara-tit-policia-sjell-dinamiken/>

<sup>20</sup> Institute for Democracy and Mediation, Bulletin Nr. 1 "Integrity-Accountability-Partnership", 2018, p. 8, <http://idmalbania.org/download/5684>

<sup>21</sup> Institute for Democracy and Mediation, Bulletin Nr. 1 "Integrity-Accountability-Partnership", 2018, p. 8, <http://idmalbania.org/download/5684>

institutionalizing a culture of direct accountability, not only in legal written form, but also through community accountability meetings. He reiterated that “this can be achieved by holding regular meetings like this and by formalizing them through some memoranda of understanding or cooperation.”<sup>22</sup>

Public accountability meetings also proved to be important for the Mayor and the Municipal Council, because they generate awareness on their responsibility for public security. A significant portion of security issues is linked with the lack of competencies of the local self-government units (public lighting, road signage, noise pollution, etc.). As the manager of public funds, the municipality is in the position to improve safety at these points. Furthermore, it helps shape a proactive agenda in the municipality. For example, in the Municipality of Shkoder, the State Police identified a number of “crime hotspots” in the city. In order to deter criminals and make these areas safer, the municipality installed several security cameras. This cooperation between the municipality and the local police was a great example of implementing good practices developed in the international literature on community policing.<sup>23</sup>

## DRAWING ON THE NARRATIVE FROM NEIGHBORS’ EXPERIENCES

The previously described perspectives of different local experiences resonate with developments in Western Balkan region. A study conducted by the Belgrade Centre for Security Policy (BCSP) that assesses LSCs in Serbia, found that in 2007 some 45% of the municipalities had established local safety councils, but “the results of their work left much to be desired.”<sup>24</sup> An assessment of the



22 Institute for Democracy and Mediation, Bulletin Nr. 2 “Integrity-Accountability-Partnership”, 2019, p. 13, <http://idmalbania.org/download/5875/>

23 Ibid, p. 7, <http://idmalbania.org/download/5875/>

24 Belgrade Center for Security Policy, Partnership for Safe Communities in Serbia, 2014, [http://www.bezbednost.org/upload/document/partnership\\_for\\_safe\\_communities.pdf](http://www.bezbednost.org/upload/document/partnership_for_safe_communities.pdf)

role of LSCs 10 years from their establishment in Serbia indicated that – like in Albania – much time was spent on the normative regulation of municipal safety councils, but “what is lacking during this period is operationalization of these working bodies.”<sup>25</sup>

In Kosovo, Municipal Community Safety Councils (MCSCs) were established in year 2009 and enjoyed a set of competences in almost all communes of Kosovo. Similar to Serbia, a monitoring report by the Kosovar Centre for Security Studies on the efficiency of these councils produced three major findings: “there is a lack of risk and threat assessments at the local level; MCSCs have been established in most municipalities, but they do not always function; and the majority of MCSCs are lacking citizen involvement.”<sup>26</sup>

Public accountability meetings gear cooperation to more institutional forms of communication. In Albania, like elsewhere in the region, the experience shows that when municipal leaders and heads of police speak of good collaboration, they mean personal relations and meetings of these heads of institutions. A similar finding is also pointed out in the BCSP report with regard to the cooperation between local institutions in Serbia, whose report finds that “communication between a local self-government and the police largely depends on the quality of personal relations between the mayor or the municipal president, and the head of the police district or station.”<sup>27</sup> Although this strongly reflects the reality in the region, that leaders’ personal relations are important,

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[www.bezbednost.org/upload/document/partnership\\_for\\_safe\\_communities.pdf](http://www.bezbednost.org/upload/document/partnership_for_safe_communities.pdf)

25 Ibid.

26 Kosovar Centre for Security Studies (KCSS), Assessment of the Democratic Oversight and Governance Mechanisms of Municipal Community Safety Councils, 2010, p. 70, [http://www.qkss.org/repository/docs/Vler%C3%ABsimi\\_i\\_Mbik%C3%ABqyrjes\\_Demokratike\\_dhe\\_Mekanizmave\\_t%C3%AB\\_Qeverisjes\\_s%C3%AB\\_K%C3%ABshillave\\_Komunale\\_p%C3%ABr\\_Siguri\\_n%C3%AB\\_Bashk%C3%ABsi\\_\(alb,eng,srb\)\\_809361.pdf](http://www.qkss.org/repository/docs/Vler%C3%ABsimi_i_Mbik%C3%ABqyrjes_Demokratike_dhe_Mekanizmave_t%C3%AB_Qeverisjes_s%C3%AB_K%C3%ABshillave_Komunale_p%C3%ABr_Siguri_n%C3%AB_Bashk%C3%ABsi_(alb,eng,srb)_809361.pdf)

27 Belgrade Center for Security Policy, Partnership for Safe Communities in Serbia, 2014, p. 20, [http://www.bezbednost.org/upload/document/partnership\\_for\\_safe\\_communities.pdf](http://www.bezbednost.org/upload/document/partnership_for_safe_communities.pdf)

more adequate attention should be paid to institutional and regular communication of the State Police with the Municipal Councils.

Given the practice of accountability meetings, local community policing strategies

should acquire a more tangible and appropriate approach with the citizens and local communities. The regional strategy should be nothing more than a summary of commissariat-based designed and implemented strategies.

## DRAWING ON THE NARRATIVE FROM NEIGHBORS' EXPERIENCES

The Ministry of Interior and the State Police have supported a number of initiatives to promote community policing. Yet, the security challenges outrun the present capacities of the institutions. It is impossible to overcome these challenges with the traditional methods of law enforcement institutions; that of vertical intervention. Experiences to date are not producing tangible or sustainable results. The State Police should internalize the need to continuously invest in building partnerships that cannot be attained through partial interventions from outside, including the contribution of various national or international organizations. It is necessary to undertake interventions that change the mindset toward cooperation, policing through building horizontal partnerships, openness, and accountability.

Public accountability meetings are important instruments that build on the philosophy of partnership, while offering a bottom-up approach through the active participation of citizens. At the same time, this enhanced accountability encourages local debates on security, which impacts the change of attitudes towards shared responsibility and collaboration between, institutions and citizens.

If we were to refer to the experience of the last three decades, the 1999 Law on State Police would be a good starting point from a legal perspective, as it maintains the unitary character of the police and provides guidance on the responsibility, accountability, and horizontal collaboration of the police with local governance and community.

As highlighted in the Public Order Strategy 2015-2020, "transformation of management of works and collaboration with local self-government units and other local actors" call for improvement of institutions' legal and regulatory framework, particularly on the institutional cooperation of State Police and local self-government unit. In addition, the Law on Local Self-Governance would benefit from a re-examination of the authorities and obligations of municipalities and municipal councils on the management of public safety, some of which can be addressed through local safety councils.

IDM proposes the following recommendations to be considered, in order to construct a framework that ensures a sustainable approach of local partnerships and effective governance that guarantees public order and safety:

- The Ministry of Interior, the General Directorate of State Police, and the Prosecutor Office, should enter into a memorandum to hold **regular tripartite public accountability meetings** (minimum twice a year). This memorandum should stipulate the goal of these meetings and other organizational modalities.
- Building on the practice of the 1999 Law on State Police mentioned above, the role of Municipal Council in approving **the appointment of local police head** and Municipal Council's **periodic appraisal of police work** are important steps to enhance the responsibility, accountability, and cooperation of the police with the

local self-government units;

- The General Directorate of the State Police should **monitor** the procedures of drafting, implementing, and assessing the impact of local policing strategies, which **should be police commissariat-based**. **Local ownership** of the local policing strategies by all stakeholders involved is a **precondition** for the success of this process. An annual independent national evaluation report on fulfilling these legal

requirements would impact institutions' proactive attitudes to local partnerships.

- The establishment of local safety councils across the country must remain a **priority** and should go hand in hand with the processes that help **the operationalization of this structure**. Local accountability meetings are instruments that effectuate LSCs and update the objectives of local/regional policing strategies.