

# MONITORING REPORT ON **THE POLICE** VETTING PROCESS



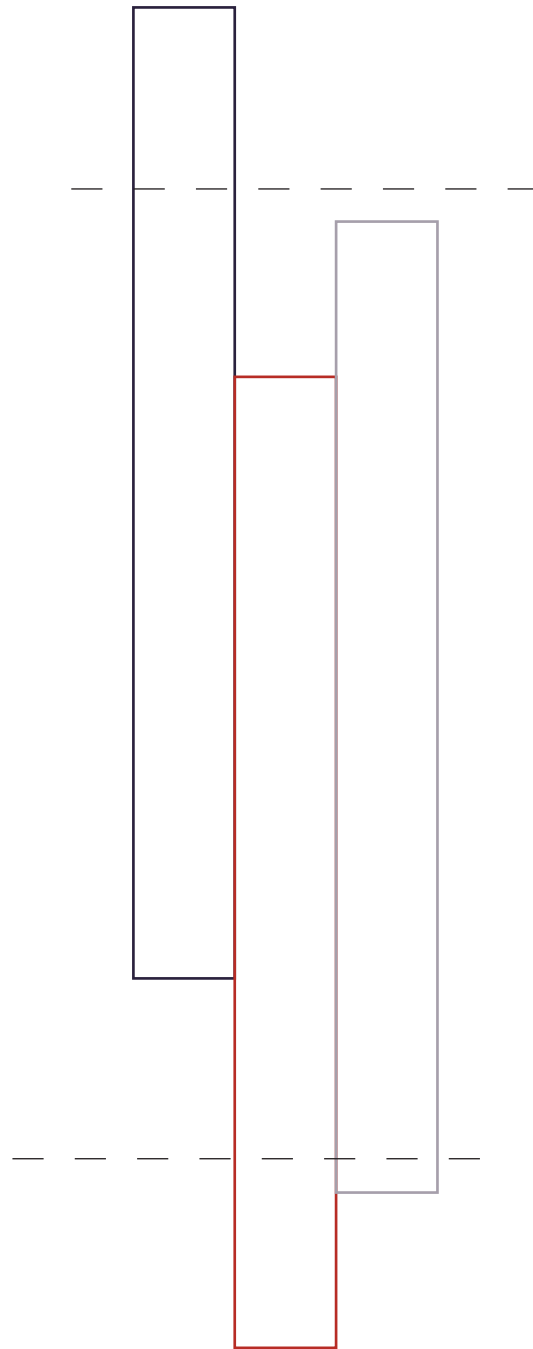
Institute for Democracy and Mediation  
Instituti për Demokraci dhe Ndërmjetësim



Kingdom of the Netherlands



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*Any views or opinions expressed in this project are solely of the implementing organization and do not necessarily represent the views and opinions of the Government of the Netherlands.*



Kingdom of the Netherlands

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## LIST OF ACRONYMS

<b>SB</b>	Selection Board
<b>GDSP</b>	General Directorate of the State Police
<b>CISD</b>	Classified Information Security Directorate
<b>ICITAP</b>	International Criminal Investigative Training Assistance Program or ICITAP
<b>IDM</b>	Institute for Democracy and Mediation
<b>HIDAACI</b>	High Inspectorate for the Declaration and Audit of Assets and Conflict of Interest
<b>EEC</b>	External Evaluation Commission
<b>MI</b>	Ministry of Interior
<b>PAMECA</b>	Police Assistance Mission of the European Commission to Albania
<b>UE</b>	Unenforceable
<b>SP</b>	State Police
<b>TP</b>	Transparency Program
<b>RA</b>	Republic of Albania
<b>SIAC</b>	Service of Internal Affairs and Complaints

# INTRODUCTION

The Institute for Democracy and Mediation (IDM), in the framework of the project “Building Integrity to Improve Performance and Sustainability in the Fight against Corruption in the State Police in Albania,” financially supported by the Ministry of Foreign Affairs of The Netherlands, is monitoring the implementation of the transitional evaluation of employees of the State Police (SP), Republican Guard (RG) and the Service for Internal Affairs and Complaints (SIAC).

The transitional and periodic evaluation process of employees of SP, RG and SIAC, all of which are under the jurisdiction of the Ministry of Interior (MB), also known as police vetting, is a public order reform instrument, whose objective is to assist the State Police in its effort to fight corruption and enhance integrity. The process seeks to evaluate the influence of corruption, organized crime, or relevant criminal activities on employees within the structures of the State Police, Republican Guard and SIAC, while exercising the function of their duties, along with their personal integrity and professional capacities. This triple vetting consists of three phases and is for the first time being applied against police employees. Hereupon, IDM has considered it important to monitor the implementation of this reform in the State Police.

In its entirety, transitional evaluation has proceeded at a slow pace, and commenced almost 9 months later than foreseen in the legislation. Delays were caused by procedures to establish evaluation bodies, issuance of sub-legal acts related to the implementation of the law and the necessary financial and logistical infrastructure for the functioning of the evaluation structures. The establishment of the External Evaluation Committee and the Technical Secretariat and capacity building efforts for their members also caused delays. Currently, the vetting process is on its first implementation phase, providing preliminary results from the application of anti-corruption and the strengthening of police integrity measures.

Between March 1, 2018 and May 1, 2020 of the implementation process, IDM has published quarterly reports and made them readily available for a number of institutions such as the External

Evaluation Committee, the Ministry of Interior, the State Police and the Parliament of Albania. In the meantime, IDM has maintained contact with entities responsible for the enforcement of the vetting such as the External Evaluation Committee, which has allowed us to acquire consistent input on the processes followed; consult regulatory acts issued by this organ to ensure the progress of the process; and to provide them with feedback through findings and recommendations presented in our quarterly reports. It is our hope that the findings and the recommendations reflected in this monitoring report will continue to contribute to and enhance the efficiency of implementation of the police vetting and boost public trust in the process.

Through this initiative, IDM seeks to support the transparency and accountability of implementation entities of the State Police vetting, and to objectively facilitate access to information of public interest.

# I. METHODOLOGY

This monitoring report comprises information and data from official documents and administrative reports, input from in-depth interviews with institutional representatives and groups of interest along with data acquire through in-person observation of re-evaluation sessions conducted by IDM between November 2019 and March 2020.

Data collection is divided into three phases. The first phase consisted of examining study reports and the strategic documents of the reform, including official documents, laws, and sub-legal acts. It has served in identifying institutions and their respective responsibilities in the drafting and implementation of police vetting legislation, along with relevant actors and groups of interest. In this phase, we carefully examined official documents of procedure, decisions of the External Evaluation Committee and notes taken from in-person observation of transitional evaluation sessions. In addition, we compiled secondary data from monitoring drafted by IDM and articles published in the media by local NGO representatives during the implementation period of the process.

In the second phase, we requested administrative and financial information through official channels from institutions involved in the vetting process, namely the External Evaluation Committee (EEC), Selection Board (SB), General Directorate of State Police (GDSP), Service of Internal Affairs and Complaints (SIAC), High Inspectorate for the Declaration and Audit of Assets and Conflict of Interest (HIDAACI), Classified Information Security Directorate (CISD) and the Ministry of Interior (MI). Administrative data acquired helps with the evaluation of institutional capacities whereas financial data helps examine the financial efficiency of the measures.

Identified institutions and groups of interest are incorporated in the third phase through in-depth interviews, which serve as a source for primary data, particularly useful in measuring the level of transparency, inclusiveness, and trust in the process. To this end, IDM drafted a standardized interview document to collect data and information related to the vetting process of the State Police. In-depth interviews served the dual objective of validating the findings resulting from

information gathered in the pre-research phase and enriching the body of knowledge acquired through administrative data. These interviews were particularly useful in filling in the gaps where access of information was not possible, and for indicators used to evaluate the implementation of the reform. In total, we conducted 12 in-depth interviews which consisted of: 5 representatives of vetting implementation institutions and structures, 5 vetting subjects who have successfully passed the vetting, and 2 representatives of interest groups (media, union of state police employees), as highlighted in Annex III.

The information and data collected have been processed and integrated into an evaluation matrix which outlines the main objectives of the reform along measurable indicators of progress and their respective performance. Evaluation matrix (see Table 1), uses the defined objectives of the police vetting process as a foundation and compares it against progress indicators, impact and results generated from collecting and processing of the data, with the purpose of measuring the extent to which objective levels sought have been reached within the first implementation phase of the reform. Furthermore, indicators seek to determine the level of transparency, subjectivity, and trust in the process, considering these important elements have been a challenge of the selected model through which to conduct transitional and periodic evaluations.



# II: THE VETTING PROCESS OF THE STATE POLICE

## 2.1 THE HISTORY, ANALYSIS OF THE NEED FOR REFORM AND THE POLITICAL APPROACH

Some countries which were formerly a part of the eastern bloc, implemented transitional justice measures to cleanse the state apparatus in the early 1990's in an effort to ease the transition from a communist system into a democratic one. Mechanisms used varied and included lustration, opening of respective Secret Service cases, various reevaluations and vetting's, amnesty, forced early retirements, court proceedings and more. The Republic of Albania (RA) was one of the first post-communist countries to undertake measures in this regard<sup>1</sup>, leading to the establishment of first professional evaluation bodies such as the Committee for the Reevaluation of Licenses to Practice Law (1993) and the State Commission for Professional Evaluation (1995). Researchers regard the use and instrumentalization of these bodies and the respective laws which established them as tools to penalize political opponents, resulting in the delegitimization<sup>2</sup> of these institutions and the repeal of the laws

establishing them once power rotation took place (1997), or their reversal by Constitutional Court judgements on the basis of being anti-constitutional (1998, 2010). The same group of researchers deem the periodical application of these laws more as a means through which to conduct a public administration purge than an effort to establish justice.<sup>3</sup> As a result, Horne (2017) classifies Albania as a non-case and notes that the country has not undergone a transitional justice process, in spite of the favorable conditions and the potential to undertake such a process, and considers circumstances and the political culture as obstructions to the implementation of such reforms.<sup>4</sup>

The State Police (SP) was incorporated in the law for professional evaluation in 1995 and has been included into other laws and structures with general vetting attributes and functions such as the Internal Control Service (ICS) in 2001.<sup>5</sup> In 2010, this service drafted, and later used a model form for asset declaration by State Police employees. However, due to its serious inconsistencies, especially among servicemen in the Road Patrol



- 1 Law No. 7666, date 26.01.1993 "For the creation of an Evaluation Committee to re-asses licenses for the exercise of advocacy and for a change in the law no. 7541, date 18.12.1991 "For the advocacy in the Republic of Albania," can be considered as the first instance of law carrying elements of lustration in RA, whose focus was limited nonetheless, considering it treated only persons in possession of professional licenses to practice law. The first law with a large scope of lustration is Law No.8043, date 30.11.1995 "On the control of the moral figure of officials and other persons connected with the protection of the democratic state."
- 2 For more see: Austin, R.C. dhe Ellison. J. (2008). Post-communist transitional justice in Albania. *East European Politics and Societies*, 22(2), 373-401. <https://doi.org/10.1177/0888325408315768>; Stan, L. and Turcescu, L. (2017). *Justice, memory and redress in Romania: New insights*. Cambridge Scholars Publishing; Stan, L. (Ed.). (2009). *Transitional justice in Eastern Europe and the Former Soviet Union: Reckoning with the communist past*. Routledge.
- 3 Austin, R.C. dhe Ellison. J. Post-communist transitional justice in Albania, f. 398; Stan, L. and Turcescu, L. *Justice, memory and redress in Romania: New insights*, p. 50.
- 4 Horne, C. M. (2017). *Building trust and democracy: transitional justice in post-communist countries*. Oxford University Press, p. 106-110.
- 5 For more, see law no. 8749, date 1.3.2001 "On the Internal Control Service of the Ministry of Interior and Public order." [http://www.ikub.al/ligje/103010003/Article\\_Per-sherbimin-e-kontrollit-te-brendshem-ne-Ministrine-e-Ren-dit-Publik-.aspx?cookiesEnabled=false](http://www.ikub.al/ligje/103010003/Article_Per-sherbimin-e-kontrollit-te-brendshem-ne-Ministrine-e-Ren-dit-Publik-.aspx?cookiesEnabled=false)

unit, and the lack of the necessary legal support to address and escalate investigations of subjects, brought the self-declaration process to an end in 2011.<sup>6</sup> In 2014, the Service for Internal Auditing (SIA) was transformed into the Service for Internal Affairs and Complaints (SIAC), a key function of which is to evaluate assets and professional integrity<sup>7</sup>, which “in theory would suffice to ensure a healthy evaluation mechanism and internal auditing, but in practice this is not the case.”<sup>8</sup> Due to the dysfunction of these evaluating mechanism and the increased public attention the State Police was attracting, following reporting, accusations and revelations of its involvement in the trafficking of narcotics,<sup>9</sup> the line ministry took measures to overcome the disconcerting situation SP was in.

The Minister of Interior, through the order No. 904 of 15.9.2017 established a working group tasked with “preparing a verification process of clearance for the figure, assets and professional capabilities (“vetting”) of the employees of the State Police, Republican Guard and the Service for Internal Affairs and Complaints (SIAC).” This working group was tasked to conduct a comprehensive analysis to identify the existing conditions of the above-mentioned structures, along with the needs and the extent of intervention required. From the study carried out, it emerged that the State Police: lacked objectivity in its internal analysis and performance evaluation systems; insufficient

oversight mechanisms in its internal monitoring; negative assessment from its international partners on particular working aspects; and negative evaluation from civil society related to public trust in the institution.<sup>10</sup> Through this analysis, the Ministry of Interior conceded that the State Police, the Republican Guard and SIAC have “issues with corruption, crime and had insufficient professional development, which combined, resulted in a hybrid security.”<sup>11</sup>

To resolve the problems evidenced by the analysis and to assist prosecutors who underwent and passed vetting in the justice reform with capable and committed police employees with integrity<sup>12</sup>, the working group proposed the application of the vetting, anti-corruption instrument, in the police. Its enforcement sought to strengthen the efficiency of the fight against crime and corruption in law enforcement, with particular attention on State Police organs. The main objective of the vetting in the State Police was to guarantee and promote professional integrity and to enhance the professional capabilities of employees working in institutions responsible for maintaining public order and safety. Police employee evaluation process was to be carried out by independent organs and would focus clearing the figure, evaluation of assets and professionalism.<sup>13</sup>

Meanwhile, the Ministry of Interior continued its efforts to draft a police vetting legislation and in

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6 Situation analysis of the State Police, Guard and SIAC. (2017, October). Ministry of Interior, p. 41.

7 For more see article 5 in: Center for Official Publications. (2014, 8 August). Law No. 70/2014 “On the service for internal issues and complaints in the Ministry of Interior.” Official Gazette of the Republic of Albania, 124, 5709-5724. <https://qbz.gov.al/eli/fz/2014/124/26d81959-6733-4bc3-b596-a73e1e87eca3>

8 Situation analysis of the State Police, Guard and SIAC. (2017, October). Ministry of Interior, p. 3.

9 For more details: Erebara, Gj. (2016, 12 May). From Albania to Belgium, tons of Albanian narcotics “floods” Europe. Reporter.al. <https://www.reporter.al/nga-shqiperia-ne-belgjike-tonelatat-e-droges-shqiptare-qe-mbyten-europen/>; Arapi, L. (2017, 2 January) Albania: Europe's cannabis paradise. Deutsche Welle. <https://www.dw.com/en/albania-europes-cannabis-paradise/a-36983338>; Luca, d. D. (2017, 23 tetor). Droga dall'Albania alla Sicilia, parla l'agente in esilio “Nel mio paese anche la polizia traffica la marijuana” [Drugs from Albania to Sicily, exiled agent speaks up “In my country, even the police traffics marijuana”]. MeridioNews – Edizione Catania. <https://catania.meridionews.it/articolo/59842/droga-dallalbania-alla-sicilia-parla-lagente-in-esilio-nel-mio-paese-anche-la-polizia-traffica-la-marijuana/>;

10 Situation analysis of the State Police, Guard and SIAC. (2017, October). Ministry of Interior, p. 42-44.

11 Exclusive/ Police vetting, how the blue uniforms will be cleansed from crime. (2018, 8 January). Top Channel. <http://top-channel.tv/2018/01/08/vettingu-ne-polici-si-do-te-pastrohen-uniformat-blu-nga-krimi/>

12 Police vetting: Evaluation guide for employees of SP, RG and SIAC. (2018). Ministry of Interior, p. 4. [https://mb.gov.al/wp-content/uploads/2018/07/Guida\\_e\\_Vettingut.pdf](https://mb.gov.al/wp-content/uploads/2018/07/Guida_e_Vettingut.pdf)

13 Ibid

the process, it held consultation meetings with groups of interest. According to the ministry, three such meetings were held to publicly present and discuss the draft legislation. The institution maintains that it has also consulted international partners such as the Police Assistance Mission of the European Commission to Albania or PAMECA, and the Justice International Criminal Investigative Training Assistance Program or ICITAP from the US Department of Justice. Law No. 12/2018, “On transitional and periodic evaluation of officials of the State Police, Republican Guard, and Service of Internal Affairs and Complaints in the Ministry of the Interior” was adopted in the Parliament with a simple majority, consisting of votes of the ruling party. The passed draft did not fully incorporate the proposals made by the opposition, prompting it to consistently object the process.<sup>14</sup> Other groups of interest such as the union of works, claims that its proposals have not been included in the process and its suggestions have not been taken into consideration.

Following the adoption of the legislation, then the Minister of Interior, Fatmir Xhafaj referred to the vetting as “a new page that is being opened in police reform [which] the vetting will fundamentally transform [... and making it] a history of a modern European police.”<sup>15</sup> Police vetting was attributed the power to root out corrupt, criminal and incompetent elements within

the police force, along with employees who lack integrity – making for unrealistic expectations to be delivered by an auditing mechanism, regardless of its structural and institutional strengths. Addressing incompetence and criminality based solely on the compromised will of service employees may help the established mechanisms to correct the symptoms, but not its root causes.

## 2.2. LEGAL AND REGULATORY FRAMEWORK FOR IMPLEMENTATION OF THE VETTING PROCESS

### 2.2.1 *The drafting and adaption of the police vetting law*

The Law No. 12/2018 “On transitional and periodic re-evaluation of officials of the State Police, Republican Guard, and Service of Internal Affairs and Complaints in the Ministry of the Interior”<sup>16</sup>, entered into force on 4 April 2018. According to the designated provisions of the legislation, and the precedent established by the law on justice reform, the transitional evaluation of police employees will be focused on three main components, namely: the evaluation of personal integrity, auditing and verification of assets, audit and the evaluation and verification of professional capacities according to rank, function, duty designation and responsibilities resulting for



- 14 Opposition MPs of the Democratic Party of Albania proposed 3 fundamental changes: 1. The Minister of Interior, Chief of Staff and deputy ministers must be subject to the vetting process just as State Police employees are; 2. Vetting structures must be apolitical and to ensure it, they cannot remain under the Ministry of Interior or the government; 3. Members of vetting structures must have not exercised political functions in the last 5-10 years, compared to only 3 years as provided in the draft law. Proposals were not accepted by the ruling party, giving way to justifications that the minister of interior was ready to be the first to undergo the vetting. For more see: <http://fax.al/read/news/14481355/17291248/amendamentet-e-pd-per-vingun-ne-polici-rrezohen-ne-komisionin-e-ligjeve>. Meanwhile, the Socialist Movement for Integration Parliamentary Group deposited 19 amendments, the majority of which revolved around legislative technicalities. Two of the suggested changes that were taken into account were the inclusion of representatives from the Ombudsman and the State Intelligence Service in the Selection Board and the establishment of a dedicated parliamentary sub-committee charged with overseeing the implementation of the law. For more see: <http://www.time.al/18-03-06-Si-do-te-behet-vingu-ne-polici-Hodaj-Propozimet-e-LSI-nuk-prekin-thelbin62544/Si-do-te-behet-vingu-ne-polici-Hodaj-Propozimet-e-LSI-nuk-prekin-thelbin.aspx>
- 15 Vetting of the police, Xhafaj: We are opening a new page! Reform! (26 February 2018). Shqiptarja.com. <https://shqiptarja.com/lajm/vingu-n-euml-polici-xhafaj-po-br-hapet-nbsp-nj-euml-faqe-e-re-reform-euml-br?r=pop5s>
- 16 Center for Official Publications. (2018, 20 March). Law Now. 12/2018 “On Transitional and Period evaluation of State Police, Repubilcan Guard and SIAC in the Ministry of Interior.” Official Gazette of the Republic of Albania, 39, 2379-2435. <https://qbz.gov.al/eli/fz/2018/39/e052fc58-ab5d-4f90-ae18-9cfcc907f678>

each police employee.<sup>17</sup>The verification process is divided into three phases based on rank and nature of functions within these three institutions. Ranking system allows for the compartmentation of evaluation subjects into three main categories: high rank, medium rank and low rank. All police employees within the designated institutions will undergo an evaluation process as foreseen by the legislation, excluding those who resign within the provisioned timeline. In its initial version, the evaluation process was foreseen to be carried out by independent bodies [the External Evaluation Committee (EEC), the Central and Local Commission], whose composition, establishment and functions were stipulated by Law No. 12/2018. Following the completion of the transitional evaluation process, employees of the State Police, Republican Guard and the Service for Internal Affairs and Complaints will undergo periodical re-evaluations every 3 years, based on structural or unit based risk analysis of relevant data and information, commensurate with Article 65 of the Law No. 12/2018. Once members of the EEC and the technical secretariat within SIAC have been filled, the police vetting process proceeds with the verification of higher police ranks.

In 2019 however, the Ministry of Interior proposed a change to the police vetting law which was adopted as Law No. 20/2019,<sup>18</sup> leading to a diversion of procedure from the initially envisioned process. Law No. 20/2019 “On some amendments and additions to the Law No. 12/2018, ‘On transitional and period evaluation of employees of the State Police, Republican Guard, and the Service of Internal Affairs and Complaints in the Ministry of Interior’” was revised through an accelerated procedure on 21.2.2019 by the Parliamentary Committee for National Security, circumventing public consultation processes with groups of interest altogether. There were two main changes resulting from the amendment. First, the amended law repeals the Central and Local Evaluation Commission and replaces it with

the Service for Internal Affairs and Complaints. This newly established structure is tasked with vetting all State Police employees, estimated at 12,000 nationally, in the second and third phase of evaluation. Meanwhile, the External Evaluation Committee will proceed with the vetting of high-ranking police and SIAC employees in the first phase.

The second change led to the repealing of Article 68 of Law No. 12/2018 for the vetting of the police. This article stipulated that the transitional evaluation process for employees of SP, RG and SIAC was to be completed within a 24-month period from the day the law came into force, meaning April 2020. The Ministry of Interior requested a timeline postponement from the Parliamentary Committee on National Security considering the foreseen timeline to implement vetting as practically unattainable. In the meantime, Article 13 of Law No. 20/2019 requires EEC to fulfill its mission by June 2020, corresponding with the conclusion of the first phase of the vetting process. Yet, it does not provide another timeframe by which to conclude the evaluation of 12,000 State Police employees, leaving this an unresolved issue. Furthermore, the unclear designation of timeframes for hearing sessions of re-evaluation subjects makes it unclear to predict the time limits for their completion.

According to the accompanying records of the legislation in consideration, the reasons that necessitated these changes corresponded with the need to reduce financial costs associated with the process, considering that the initial projection was estimated to cost 300 million Albanian Leke, a substantial burden for the state budget. Financial costs were identified as a reason for blocking the continuation of the process for 9 months. The incorporation of SIAC in the second and third vetting phases is expected to drastically reduce costs, and in turn save the state budget an estimated 260 million Leke. This process will be aided by the fact that SIAC is already in



17 Evaluation of professional capacities includes the period from the date the employee has been appointed in the current rank/position, in a timeframe no longer than 7 years in length.

18 Center for Official Publications. (2019, 21 May). Law No. 20/2019, date 28.3.2019 “On Some Amendments and Additions to the Law No.12/2018, “On Transitional and Periodic Evaluation of Officials of the State Police, Republican Guard, and Service of Internal Affairs and Complaints in the Ministry of Interior.” Official Gazette of the Republic of Albania, 73, 5439-5440. <https://qbg.gov.al/eli/fz/2019/73/01116bd4-37b4-4826-9331-3f81e373a2bb>

possession of archived materials on SP and RG employees considering it is tasked to oversee their work with a special focus on integrity. As a result, the inclusion of this structure in the process is regarded by the Ministry of Interior as an intervention which ensures implementation is both cost and time effective. It is regarded that for as long as procedures and re-evaluation criteria does not change, the inclusion of SIAC is not expected to endanger the independence and the subjectivity of the process.<sup>19</sup>

Law No. 20/2019 adopted by the Parliament, was not decreed by the President of the Republic with the reasoning that the amendments made do not provide sufficient guarantees that such an important process can be accomplished within the necessary timeframe while maintaining the independence and impartiality of the process. The statement accompanying the decision made by the President<sup>20</sup>, argues that amendments made to the law create considerable vacuums for abuse and misuse of SIAC structures by particular political interests. In response, Parliamentary Committee for National Security voted in majority to repeal the Presidential decree No. 11175 of 19.4.2019 to return and revise the Law No. 20/2019 “On some amendments and additions to the Law No. 12/2018, ‘On transitional and period evaluation of employees of the State Police, Republican Guard, and the Service of Internal Affairs and Complaints

in the Ministry of Interior.”<sup>21</sup> Subsequently, the parliamentary majority repealed the Presidential decree with 79 votes and adopted the Law No. 20/2019 on 28.3.2019 which entered into force 15 days after publication on the Official Gazette No. 73, on 21.5.2019.

### **2.2.2 Criticism of amendments made to the police vetting law**

Proposed changes to the law on police vetting have been subject to anticipated criticism from local institutions, the opposition, civil society organizations and international partners. One of the main critiques made relates to the capacities of SIAC to carry out the vetting, considering it is supposed it violates its independence, quality, speed of the process, and above all it puts to question the overall trust in it.<sup>22</sup> The lack of functioning mechanisms in SIAC to evaluate assets, integrity and professionalism<sup>23</sup> served as an underlying argument for the vetting of the police. In regards to this, the Albanian Helsinki Committee notes that the implementation “of the second and third phases of the evaluation process by SIAC does not constitute the most suitable option, and marks a regression in rapport to the standards stipulated by the existing legislation, pertaining to respect for the principle of objectivity and impartiality of structures tasked with carrying out



19 Accompanying legal record to draft legislation “On Some Amendments and Additions to the Law No.12/2018, “On Transitional and Periodic Evaluation of Officials of the State Police, Republican Guard, and Service of Internal Affairs and Complaints in the Ministry of Interior.” (2019). Ministry of Interior.

20 “Vettingu of police”, Meta does not decree the law: Here are its violations. (2019, 19 April). Noa. <https://noa.al/lajmi/2019/04/2048723.html>

21 Decision No. 56/2019 “To override decree no. 11 175, date 19.4.2019, of the President of the Republic, “To return for review the law no. 20/2019 “On some amendments to the law no. 12/2018 “On Transitional and Periodic Evaluation of Officials of the State Police, Republican Guard, and Service of Internal Affairs and Complaints in the Ministry of Interior.” (2019). Parliament of Albania. <https://www.parlament.al/Files/Akte/20190520134347vendim%20nr%2056,%20dt.%2016.5.2019.pdf>

22 Law on police vetting, Xhafaj sceptic of amendments. (2019, 28 March). BalkanWeb. <https://www.balkanweb.com/ligji-per-vettingun-ne-polici-xhafaj-skeptik-per-ndryshimet/>

23 Analysis of MI underscores that in accordance with Law. No. 70/2014 on SIAC, “SIAC has the potential right to verify the assets of specific structure employees, against whom denouncements and complaints have been submitted, but in reality they do not have data resulting from specific verifications conducted on employees of these three structures (SP, RG and SIAC)” [...] “Mechanisms of control and evaluation are not able to ensure the objectivity, impartiality and accuracy of verifications of assets, integrity and professionalism of employees” in the Ministry of Interior. Situation analysis of State Police, Guard and SIAC, p. 42; 4.

the vetting of the police.”<sup>24</sup>

A second critique relates to the fact that SIAC is a special structure within the Ministry of Interior and as a result is a direct subject of the institution.<sup>25</sup> This raises concerns given that the structure and the personnel of the General Directorate of the State Police and its local structures are proposed by SIAC’s directory and are subject to the direct confirmation of the Ministry of Interior. MI is legally provisioned to determine service action priorities and to issue orders and recommendations to enforce legal acts and sub-legal acts related to the organization and the functionality of the service.<sup>26</sup> This concern is shared by Transparency International, which reports that the independence of SIAC is difficult to establish considering its director changes as often as the Minister of Interior is replaced.<sup>27</sup>

A third critique relates to the fact that Law No. 20/2019 for vetting of the police was not publicly consulted with groups of interest or international partners such as PAMECA and ICITAP, who have actively contributed to the drafting of the initial legislation, Law No. 12/2018.<sup>28</sup> The quick change of the law within a year after it entered into force, and the unforeseen problems that ensued (lack of legislative approximation with timeframes for other institutions to provide information on subject cases according to the initial law; improvidence of implications of changing workplaces for the duration of the process), reinforces the importance of holding public consultations with groups of interest.

Another critique relates to the ambiguity of deadlines for completion of the transitional evaluation process. Inability to meet an established timeframe creates a deepened sense of insecurity for each employee that is subject to vetting in the future which could continually impact and add pressure on their daily work. On the other hand, this could extend the period of service for State Police and Republican Guard employees who do not deserve to remain in their current function, and who could in the meantime become subject to blackmail, considering their profile.<sup>29</sup>

The last critique relates to logistical and infrastructure expenses already made by the Ministry of Interior in its effort to fulfill working needs of the extended vetting bodies by 135 employees, based on the initial re-evaluation scheme consisting of 3 evaluation committees and three technical secretariats. As a result, the economic damage resulting from the identification of the building, the undertaking of technical projects for the restructuring, rehabilitation, procurement and the implementation of projects conform the capacities of the amended model<sup>30</sup> is irrecoverable and could have been avoided. Furthermore, it remains unclear whether these expenses will in the future serve SIAC to complete the process.



24 Vetting begins, the police/SIAC and the [Republican] Guard get their first 45 cases. (2019, 30 May). Gazeta Shqiptare. <http://gazetashqiptare.al/2019/05/30/nis-vettingu-ne-polici-shcba-dhe-garda-marrin-45-dosjet-e-para/>

25 Article 8 of Center for Official Publications. (2014, 8 August). Law No. 70/2014, date 10.7.2014 “70/2014 “On the service for internal issues and complaints in the Ministry of Interior.” Official Gazette of Republic of Albania, 124, 5709-5724. <https://qbz.gov.al/eli/fz/2014/124/26d81959-6733-4bc3-b596-a73e1e87eca3>

26 Police vetting, amendments spark a rift between Xhafaj-Lleshaj in Parliament. (2019, 28 March). Top Channel. <http://top-channel.tv/2019/03/28/vettingu-ne-polici-ndryshimet-ne-ligj-perplasin-ne-kuvend-xhafaj-lleshaj/>

27 Halo, A. and Llubani, M. (2016). National Integrity System Assessment Albania 2016. Transparency International, f. 115. [https://images.transparencycdn.org/images/2016\\_NISAlbania\\_EN.pdf](https://images.transparencycdn.org/images/2016_NISAlbania_EN.pdf)

28 “Vetting of the Police”, Meta refuses to decree the changes in legislation: Here are its violations. Noa.

29 Ibid

30 According to a statement by the Deputy Minister of the Ministry of Interior, Julian Hoda, in the Record of the Parliamentary Subcommittee for following and supervising the implementation of the vetting law. (2018, 1 October). Parliament of Albania, p. 4. <https://www.parlament.al/Files/Procesverbale/20190206120619Procesverbal%20i%20Vetingut%20p%20C3%ABr%20policin%20C3%AB%20dat%20C3%AB%2001.10.2018.pdf>

### **2.2.3 The regulatory framework for the implementation of the vetting of the police**

In compliance with Article 29 of the law for the vetting of the police, the financial compensation of the Selection Board, members of the External Evaluation Committee, and members of technical secretariats is determined by a decision from the Council of Ministers. Financial issues are one of the reasons leading to delays in the vetting process and resignations from EEC and technical secretariat members. The Council of Ministers Decision for their financial compensation was adopted about 8 months late<sup>31</sup> from the envisioned timeframe provided in the legislation.

Decision No. 25/1 of the External Evaluation Committee “For activities and the functioning of EEC and the Technical Secretariat” adopted on 18.9.2019, establishes rules and regulations to be observed during the activities of evaluation structures; rules on division of labor for the technical secretariat; rules on communication and interaction with support structures during the process; along with rules on cooperation, interaction and notification of third parties within the duration of the transitional evaluation of subjects. The regulation is made publicly available in the official EEC webpage.<sup>32</sup>

According to EEC projections, the right to information is guaranteed under Law No. 119/2014 “For the right to information” and it can only be limited by respecting the principle of proportionality. In such cases the EEC consults with Commissioner for the Right to Information and for the Protection of Personal Data through a formal correspondence and can adhere to the principle after having received a written statement from the commissioner. Based on the provisions of this regulation, the report of the preceding member, draft decision or all information pertaining to discussions and voting of members, including EEC members notes taken as the case was being discussed or heard, thoughts of the Technical

Secretariat members or all materials stipulated from the meeting of the EEC members must remain confidential and cannot be accessed by subjects under consideration or the public. Article 6 and 26 of this regulation provides a detailed explanation of the procedure on the administration of documents and data for which parties’ right to information of a specific regulation that has been adopted at a EEC meeting, following receipt of instruction from respective implementation bodies. Until now, the EEC has yet to adopt such a regulation for this purpose.

The regulation on procedures for holding the draw, adopted by Decision No. 25, on 18.9.2019 of the External Evaluation Committee, provides a detailed explanation of the procedures of the draw to determine the allocation of responsibilities for its members; draw procedures to determine the deputy; draw procedures to divide cases among evaluation committee members; establishing a lead evaluator and session leader; draw procedure to determine members of the technical secretariat for each member of the EEC. This regulation, however, has yet to be made available on the official webpage of the institution.

EEC Decision No. 17 of 31.5.2019 “For the unification of procedural steps during the evaluation of subjects by the evaluation board” stipulates rules of procedure for the standard evaluation process (from the investigation phase until the conclusion of the evaluation process for subjects) of the evaluation board and has not been published on the official EEC page. This regulation incorporates detailed procedural steps for the evaluation process of subjects who are a working objective and activity of the EEC.

In this regard, its provisions could be a part of the regulation “On the activity and the function of the EEC and the Technical Secretariat” and not become a separate regulatory act on its own. Law No. 12/2018 does not provide for the establishment of a new regulation to unify procedural steps during



31 Decision. 14, date 16.1.2019 “on financial compensation of transitional evaluation of Selection Board, External Evaluation Committee for transitional and periodic evaluation of employees of the State police, Republican Guard and the Service of Internal Affairs and Complaints in the Ministry of Interior and the Technical Secretariat of its technical secretariat,” determines the budget allocated to cover the salaries of EEC members.

32 Regulation “for activities and functioning of EEC and the Technical Secretariat.” (2019, 18 September, Decision. 25/1). External Evaluation Committee. <http://kiv.al/wp-content/uploads/2019/07/Rregullore-KJV.pdf>

the evaluation process of employees subject to transitional evaluation.

EEC Decision No. 116 of 6.11.2019 “On the unification of handling the resignation of subjects to transitional evaluation in accordance with Law No. 12/2018, amended, during the administrative investigation phase by the Evaluation Board of the EEC,” stipulates the rules for the unification of subjects who resigned during the administrative investigation phase. This regulation has been made publicly available on the webpage of the EEC.<sup>33</sup> Law No. 12/2018, amended, Article 57, paragraph 1, gives vetting subjects the right to resign from their position no later than 30 days after the law enters into force. The unification decision seeks to regulate resignation practices of evaluation subjects during the administrative investigation phase accompanied with a release from duty statement issued by the relevant institution. According to its provisions, subjects who resign after the established deadline will be treated in the same way as those who have resigned within the stipulated timeframe, namely they will both be excluded from the vetting process. The law on transitional evaluation of the police does not provide in any of its provisions the issuance of such an act by EEC.

Through Decision No. 22 of 3.9.2019, EEC has adopted the “Regulation on the media” which is published on its webpage.<sup>34</sup> This regulation seeks to inform journalists on how they can expect to engage with EEC, while providing for transparency of the process and protecting the privacy of evaluation subjects. The regulation also provides for maintaining order within the premises of the institution and during hearing sessions. It details information on EEC communication with the media; what, pertaining to the transitional evaluation, must be published on its webpage; technical information on hearing sessions that will be accessible to media before, during and after an EEC makes a decision; and it stipulates the rules that must be observed during hearing sessions by

both the media and the public at large.

EEC reports that it has not received support and expert feedback during the drafting phase of the internal regulatory framework, communication procedures with the public or support institution, in spite of having requested it from the Ministry of Interior. It also notes that the lack of financial means has curtailed the receipt of technical assistance and expertise. Notably, the EEC does not report to have accompanied the drafting process of regulatory acts with public consultations with groups of interest, such as union representatives of evaluation subjects (Union of State Police employees), experts or international partners.

#### **2.2.4 Inclusiveness and transparency of legal and regulatory framework drafting**

IDM conducted 12 interviews with representatives of authorities (EEC, Technical Secretariat and SIAC), evaluation subjects, groups of interest and media. The focus of these interviews was to acquire input related to the inclusiveness and transparency during the drafting of the legal and the regulatory framework for the transitional and periodic evaluation of SP, RG and SIAC (refer Annex III). Interviewees expressed their opinions on the process of drafting the law, sub-legal acts and administrative regulations issued by the EEC. None of them considers legal framework to have been a factor on the slow progress of the process. Notably, actors’ reason to have been moderately included in the process of drafting the law or the sub-legal acts. They note that at the beginning of the process, there was substantial inclusiveness and engagement as the draft law was being processed, but this was not the case during the drafting of amendments, when consultations were missing altogether.

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33 Decision no. 116, date 6.11.2019 “On the unification of handling the resignation transitional evaluation subject cases in accordance with Law No. 12/2018, changed, during the administrative investigation phase by the Evaluation Board of the EEC.” External Evaluation Committee (2019). <http://kiv.al/wp-content/uploads/2020/02/Vendim-p%C3%ABr-rastet-e-dor%C3%ABheqjeve.pdf>

34 Regulation of media. (2019, 3 September, Decision. 22). External Evaluation Committee. <http://kiv.al/wp-content/uploads/2020/02/Rregullore-p%C3%ABr-Mediat-1.pdf>



**Table 1: Overview of interviewee perception of the framework**

	<b>NUMBER OF CONSULTATION SESSIONS</b>	<b>NUMBER OF LEGAL ACTS ADOPTED</b>	<b>SUB-LEGAL ACTS</b>	<b>NUMBER OF ADMINISTRATIVE ACTS</b>
<b>REFORM OUTPUT</b>	4	2	1	5
<b>CONSULTATION/ INCLUSIVENESS AND TRANSPARENCY</b>	Moderate	Moderate	Moderate	Moderate
<b>SUITABILITY AND ADEQUACY</b>	Low	Moderate	Moderate	Moderate
<b>NEED FOR ADJUSTMENTS/ AMENDMENTS</b>	High	Low	Moderate	Low

Source: In-depth interviews, administrative sources and author assessment

The representatives of the Union of State Police Employees, police employees who underwent and passed the vetting, and the journalist interviewed as a representative of the media who have followed the process from the beginning, claim that submitted recommendations have not been reflected in legislation, or in the implemented procedures. The need to accelerate the process relates to law enforcement, strengthening of institutions and issues to enhance administrative and managerial capacities of the process and documentation. The same interviewees, seek to also guarantee the impartiality of the process and trust in it through legal amendments that make EEC and SIAC more independent.

## **2.3 INSTITUTIONAL FRAMEWORK OF THE VETTING PROCESS**

### **2.3.1 The establishment and functioning of the Selection Board**

Article 8 of Law No. 12/2018, amended, provides the establishment of Selection Board, and tasks it with the selection of External Evaluation Committee and the Technical Secretariat members. The unit is comprised of 5 members<sup>35</sup> (also referred to as commissioners), who are high ranking employees of their respective institution and are appointed by the corresponding institutional heads. Article 8 of this legislation, stipulates the criteria for their selection, based on their professionalism, experience and integrity.

The first meeting of the Selection Board was held on 26.4.2018. In its activities, SP has been preoccupied with the establishment of EEC and its technical secretariat in cooperation with international partners who are assisting the Ministry of Interior in the process. In the establishment phase of EEC, procedures for the selection of its members in cooperation with High Inspectorate for the Declaration and Audit of Assets and Conflict of Interest (HIDAACI) and the University of Tirana Rectorate, were in accordance with the law. Several procedures were not fulfilled within the established timeframes, including the

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35 Selection Board consists of 5 members: a) one from the Ministry of Interior, who leads the board, b) one member from the Ombudsman; c) one from the Commissioner for Protection and Anti-discrimination, d) one from the State Information Service; e) one from the Commissioner on Information and Data Protection.

procedure for opening of EEC and the technical directorate calls for external members; the processing of applicant cases, their evaluation and the notification of eligible candidates for interviews; the holding of interviews with selected candidates<sup>36</sup>; the notification of selected candidates and the publication of the final list of EEC and the Technical Secretariat members. Notably, the Selection Board has not published sub-legal acts which regulate its activities.

The late start of the process is related to the delayed congregation of the Selection Board. It managed to hold its first meeting only 20 days after the law entered into force, while the law itself, according to Article 11/1 requires the publication of the call for EEC candidates within 10 days of the law entering into force. Furthermore, the decisive reason for the delay was caused by interagency procedures for determining and calculating salaries of vetting structure employees. While the Council of Ministers Decision No. 14 of 16.1.2019 on financial compensation of transitional evaluation employees settled the issue, it did so 8 months after the law entered into force, despite the law providing a clear one-month deadline.

The non-observance of the timeframe had a perverse effect on the list of winning applications, considering they were unwilling to give up their employment in absence of an established financial compensation scheme. SP's representative raised the issue at two consecutive meetings at the relevant Parliamentary Subcommittee, stating that the concern was shared by her colleagues.<sup>37</sup> This issue made it evident that the initiative was not preceded by a genuine analysis of financial costs, in spite of the recommendation made by MI's working group, who requested a detailed analysis

of intervention measures in the structures of State Police<sup>38</sup>, although it had constituted "projections of the financial scheme up to a point in its police vetting draft-legislation report."<sup>39</sup>

### **2.3.2 The establishment and the functioning of the External Evaluation Commission and the Technical Secretariat**

The External Evaluation Committee is a unit established in accordance with Article 8 of Law No. 12/2018 on the vetting of police and is responsible for the first phase of the transitional evaluation of the designated subjects<sup>40</sup>, provided by Article 6 of this law. EEC is comprised of 15 members, of which, a) 5 members and 2 adjunct members are selected by HIDAACI, and are chosen from the institutional employee pool, based on the criteria provided by the law; b) 10 members are selected by SB, of which 5 are University of Tirana professors and 5 are chosen through an open application procedure, in accordance with the criteria stipulated in the law. EEC is supported by a technical secretariat comprised of 15 employees, who are also chosen through a transparent and open application procedure by the Selection Board, similar to procedures applied for the selection of SB and the criteria stipulated in the legislation.

The competitive procedure for the selection of 5 EEC and 15 Technical Secretariat members commenced in April 2018 through the following phases:

- **Phase 1:** On 27.4.2018 the public call for the expression of interest, inviting applicants for filling vacancies in EEC and the Technical

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36 Based on reporting from Aida Shehi, member of the Selection Board, as noted in the Record of the Parliamentary Subcommittee on following and supervising the implementation of the vetting law. (2018, 1 October). Parliament of Albania, p. 6-10.

37 Ibid p.10

38 Condition analysis of State police, Republican Guard and SIAC. Ministry of Interior. P. 44..

39 Deputy Minister of the Ministry of Interior, Julian Hoda, in the Parliamentary Subcommittee record on following and overseeing the implementation of the vetting law. (2018, 1 October). Parliament of Albania, p. 5.

40 EEC evaluates employees in the following positions/rank: a) General Director or General Deputy Director, Departmental Head, Director of the Central Directory, Local Director and Deputy Director, Head of Police Station; b) Commander and Deputy Commander, and each officer ranked as a Major, Colonel and Lieutenant Colonel in the Republican Guard; c) SIAC employees.

Secretariat.

- **Phase 2:** On 4.6.2018, the Ministry of Interior published on its webpage the list of 52 applicants for EEC and 54 for the Technical Secretariat. Applications were presented and processed by the Selection Board, in accordance with the criteria established by Article 10 and 12 of Law No. 12/2018.
- **Phase 3:** On 18.6.2018, the Ministry of Interior published a list of candidates who passed the screening criteria and would be invited to attend an interview. The Selection Board noted that 38/52 applicants met the criteria for EEC, and 42/54 met the required criteria for the Technical Secretariat (TS) vacancies.
- **Phase 4:** On 20.6.2018, the Selection Board listed out the final points allocated to each candidate for vacancies in EEC and TS.
- **Phase 5:** On 11.2.2019, 7 months after the publication of points, the Ministry of Interior published the official list of selected candidates to filled vacancies in EEC and TS.

In the law, it is stipulated that the overall process should not last longer than 32 days, yet, in reality the recruitment took 11 months to complete. As a result, the expected September 2018 start date for transitional evaluation process was severely delayed.

EEC began its work in February 2019 in accordance with Law No. 12/2018, amended, Article 6, and based on its provisions, it should have carried on its activity only until June 2020, time when the first phase of the evaluation process was expected to be finished. Activities, functionality, and the Technical Secretariat are administered by the internal EEC regulations, as explained above. Functionally, EEC is structured into 5 evaluation units, comprised of 3 members each – who are selected through a draw. Evaluation units operate in an independent and impartial manner. These units are responsible for the verification, evaluation and taking decisions over

subjects undergoing evaluation. Unit 3 of the EEC Regulations prescribes the organizational features of the evaluation units.<sup>41</sup> Cases get assigned to different units through an arbitrary draw, which is also stipulated in the EEC regulations.

In this regard, the Technical Secretariat and its professional members comprises the core of assistance, consultation, and support. At the request of the Head of EEC, the secretariat conducts verifications, legal research, prepares studies and analysis over procedural and material issues related to evaluation cases.

Meanwhile, financial resources in support of vetting operations, excluding the salaries of EEC members, remain undetailed in the budget of the Ministry of Interior. Uncertainty pertaining to the financial scheme and financial support sources for structures of the vetting process, makes it difficult to assess the capacities and indeed the independence of EEC, which must request logistical and financial support from administrative structures of the ministry for each action it undertakes. This hampers independence of action and slows down activities, which in turn has a direct impact on the efficiency of the process.

### ***2.3.3 The Service for Internal Affairs and Complaints as an evaluation body***

Law No. 12/2018 stipulated the establishment of the Central Evaluation Committee and the Local Evaluation Committee along with their respective technical secretariats, projected to implement the second and the third phase of the vetting. Considering the process remains in the first phase due to the changes made by Law No. 20/2019, these structures will no longer be a part of transitional evaluation process. Their respective functions and responsibilities were transferred to the Service of Internal Affairs and Complaints (SIAC). For years, this institution has played the triple functionality of verifying personal integrity, assets and professional capacities of State Police employees. However, its inclusion in Law No. 12/2018, amended, formally makes it

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<sup>41</sup> For more information see: Regulation “On the activities and functioning of the EEC and the Technical Secretariat.” External Evaluation Committee.

a transitional and periodic evaluation unit. In addition, it will re-evaluate employees of the State Police and the Republican Guard who are not an EEC evaluation subject. Based on legislative stipulations, in accordance with Article 6, point 2 of Law No. 12/2018, amended, SIAC is responsible for re-evaluating around 12,000 SP and RG employees during the second evaluation phase. The criticism of this amendment has been explained above, but the extent of implications these changes will have on implementation remain difficult to gauge.

Based on input acquired through in-depth interviews, SIAC has established an internal structure comprised of 45 staff, who are being trained on vetting procedures. Once operative, they will help SIAC evaluate subject's integrity, professional capacities and assets. Notably, SIAC has experience in evaluating the first two criteria. However, its representatives conceive that the institution is in possession of all the requirements to assess the integrity and professional capabilities of subjects, based on its populated database. Yet, the verification and evaluation of assets, which is part of its responsibilities, as stipulated by Article 5/ç of Law No. 70/2014, poses challenges considering it is not a cultivated activity of the structure. To mitigate these issues, SIAC is enhancing the professional skills of employees tasked with verifying and evaluating the assets of vetting subjects through tailored trainings.

### **2.3.4 The establishment and functioning of the Parliamentary Subcommittee "on Follow-up and Supervision of the Implementation of the Vetting Law"**

A designated Sub-Committee tasked with overseeing the implementation of the law on police vetting was adopted by the Parliament of

Albania Decision No. 87/2028, on 19.7.2018 and began work on 21.9.2019. Due to its reservation to the legislation<sup>42</sup> on transitional evaluation of State Police employees, parliamentary opposition groups refused to nominate their representatives to this Sub-Committee. Considering the 4 to 3 formula of such structures, where 4 members belong to the ruling party and 3 to the opposition, the quorum for meetings could be obtained even if opposition representatives boycotted it.<sup>43</sup> Following the decision of the opposition MPs to void their parliamentary mandates, some of their seats were taken up by party list candidates, who upon assuming their roles filled in the vacant posts, enabled the return of normal Sub-Committee procedures.

As a result, the Sub-Committee is comprised of 7 members representing existing parliamentary groups in the Parliament of Albania. Its first meeting was held on 21.9.2018 and over the monitoring period, it has held 5 meetings.<sup>44</sup> Its work has primarily focused on the "continuation of the transitional and period evaluation process for SP, RG and SIAC employees"; reporting on activities of vetting structures (Selection Board and Technical Secretariat of the EEC); and a working visit at the EEC premises to closely observe the process and discuss challenges faced. Nonetheless, the Sub-Committee has yet to publish a working or monitoring report on police vetting process, despite being its responsibility.

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42 Dedaj, E. (2018, 20 February). Minister Xhafaj will not be vetted, legislation adopted by Parliamentary Committee with the Socialist Party votes. Ora News. <https://www.oranews.tv/article/vettingu-alibeaj-pasagjeret-e-003gb-nuk-mund-te-vleresojne-policine>

43 See Parliamentary Subcommittee report on following and supervising the implementation of the vetting law. (2018, 21 September). Parliament of Albania, p. 3. <https://www.parlament.al/Files/Procesverbale/20181001135602Procesverbal%20Nenkomisioni%20vetingut%20dat%C3%AB%2021.09.2018.pdf>

44 Meetings were held on 21 September 2018, without no presence of opposition; 1 October 2018 – within 1 month; 6 February 2019 – after 4 months; 13 September 2019 – after 7 months, opposition present; 24 January 2020 – after 4 months.

# III. ASPECTS AND CHALLENGES OF IMPLEMENTATION OF THE STATE POLICE VETTING PROCESS

## 3.1 INITIAL SCREENING SCHEME FOR EMPLOYEES OF THE STATE POLICE, REPUBLICAN GUARD AND THE SERVICE OF INTERNAL AFFAIRS AND COMPLAINTS (SIAC) IN ACCORDANCE WITH LAW NO. 18/2018 OF POLICE VETTING

In accordance with Law No. 12/2018 “On Transitional and Periodic Re-evaluation of Officials of the State Police, Republican Guard, and Service of Internal Affairs and Complaints in the Ministry of

Interior,” the transitional evaluation of employees is divided into three phases, based on the subject’s rank and function within these institutions. The ranking system allows for division of evaluation subjects into three main categories: high rank (245 employees), middle rank (2,700 employees), and low rank (9,000 employees). The following table (Table 2) provides a detailed overview of the evaluation scheme, followed by an illustration in Figure 1:

Table 2: Evaluation Phases for SP, RG and SIAC employees

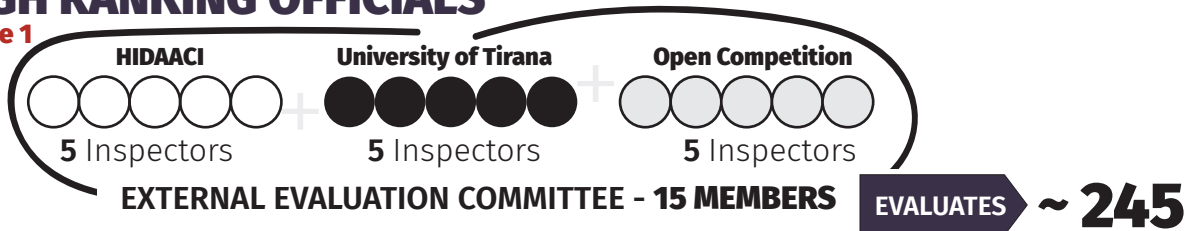
PHASE	COMMITTEE	SUBJECT FOR EVALUATION
<b>FIRST PHASE:</b>	Evaluation was expected to be conducted by the External Evaluation Committee (EEC) and the Technical Secretariat, each comprised of 15 members.	EEC sought to evaluate 245 high ranking SP, RG and SIAC employees.
<b>SECOND PHASE</b>	Evaluation foreseen as a task of the Central Evaluation Committee, comprised of 45 members, 15 of whom are selected by EEC, and the remaining 30 are appointed also by the EEC but come from high ranking employees who have successfully passed the first phase of the evaluation process. From the 30, 20 were to come from the State Police, 6 from the Republican Guard and 4 from SIAC – based on a proportional distribution of the overall number of employees at each institution.	The Central Evaluation Committee was to evaluate 2,700 mid-rank employees.

PHASE	COMMITTEE	SUBJECT FOR EVALUATION
<b>THIRD PHASE</b>	Evaluation foreseen to be carried out by the Local Evaluation Committee, which was expected to be comprised of 135 members – of whom 45 were to automatically selected to serve from the Central Evaluation Committee, and the remaining 90 to be selected from the ranks of State Police, Republican Guard and SIAC – who would be supported by the respective Technical Secretariats.	The Central Evaluation Committee was tasked with the evaluation of around 9,000 low-ranking employees from structures subject to evaluation.

Figure 1

## HIGH RANKING OFFICIALS

Phase 1



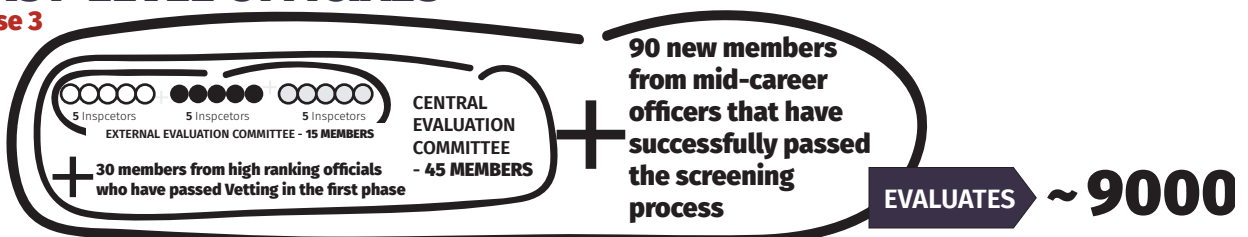
## MID CAREER OFFICIALS

Phase 2



## FIRST-LEVEL OFFICIALS

Phase 3



### 3.2 CURRENT SCREENING SCHEME FOR STATE POLICE, REPUBLICAN GUARD AND SIAC EMPLOYEES IN ACCORDANCE WITH LAW NO. 20/2019 OF POLICE VETTING

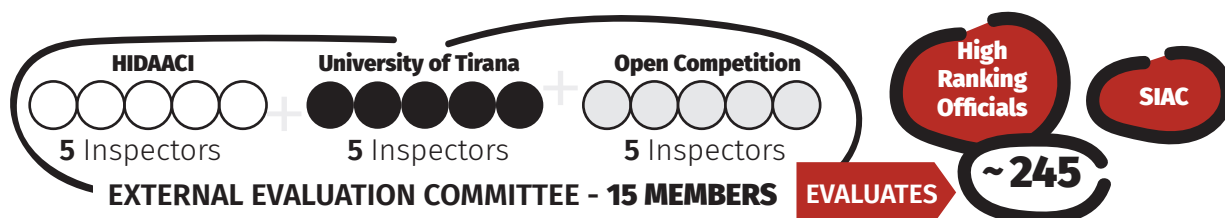
**First Phase:** Transitional evaluation is carried on by the External Evaluation Committee in support of which is the Technical Secretariat. The EEC evaluates high-ranking SP, RG and SIAC employees, estimated at 245 of them. Structurally, the EEC is

divided into three evaluation units comprised of 3 members each and is supported in its functions by the Technical Secretariat which is comprised of 15 members who are divided into groups of three to supports EEC evaluation units.

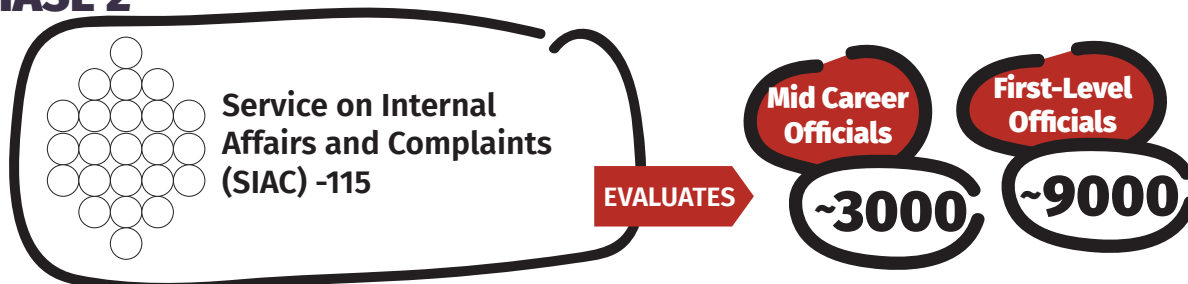
**Second Phase:** Employees of SIAC who have successfully passed the first evaluation phase, will assist in evaluating 12,000 low to mid-ranking police employees. A visual representation of the evaluation scheme for phase one and two is displayed below:

Figure 2

#### PHASE 1



#### PHASE 2



### 3.3 EVALUATION OBJECTIVE IN ACCORDANCE WITH LAW NO. 12/2018 ON POLICE VETTING, AMENDED

#### Personal Integrity (Article 35)

The objective of personal integrity is to examine and verify employee declarations and other data to determine the personal integrity of the employee undergoing vetting and establish if evaluation subjects are a part of or have contacts with people engaged in criminal activities.

Evaluation structures examine documentation and information received from relevant institutions, statements and community complaints that have been proven and verified. This evaluation is not limited to a specified timeframe considering integrity assessment cannot be curtailed to a given timeline.

#### Audit and Verification of Assets (Article 31 and 32)

The objective of auditing and verifying assets,

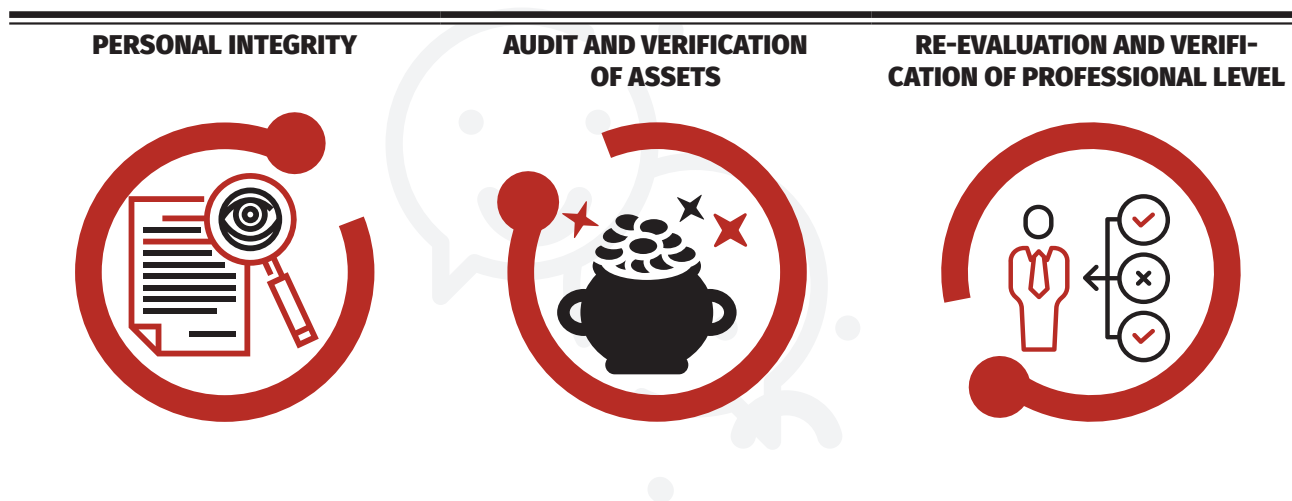
the legality of their accumulation source, of the fulfillment of financial obligations, including private interests of employees and related persons. As such, employees declare all assets including real estate and monetary, earned, possessed, used or transferred from the first day of employment in their respective institution, irrespective of the date the subject has assumed their current role or the rank they hold, until the day they submitted their asset declaration form.

**Evaluation and Verification of Professional Capacities (Article 43)**

The evaluation objective of professional capacities corresponds with the evaluation of educational and training credentials against the rank or position they hold, along with their observance of ethical rules and fulfillment of employee obligations, in accordance with Law No. 12/2018, changed, and in line with legislation establishing rules and regulations pertaining to SP, RG and SIAC employees. This evaluation includes the period from the first day of employment with the rank or position they currently hold but cannot exceed 7 years.

Figure 3

**SCOPE OF RE-EVALUATION:**



**3.4 IMPLEMENTATION OF THE POLICE VETTING PROCESS**

**3.4.1 Preliminary phase: self-evaluation of subjects**

In this phase, all State Police, Republican Guard and SIAC employees are asked to submit their self-evaluation forms. Following the entrance into force

of the law on police vetting, an estimated 12,000 employees from the above-mentioned structures were expected to submit their individual self-declaration forms. To assist, consult and ensure the progress of the procedure which lasted until 7.5.2018, SP, RG and SIAC adopted their respective facilitation schemes. As a result, additional human resources were added to existing units to provide them with additional manpower for the duration of this phase.<sup>45</sup> In addition, authorities drafted

45 Parliamentary Subcommittee record on following and overseeing the implementation of the vetting law. (2018, 1 October). Parliament of Albania.



and published advisory materials to assist with the process. Nevertheless, representatives of evaluation structures interviewed by IDM noted that the short deadline, and the high number of police employees expected to undergo the vetting, they were unable to receive sufficient information, feedback and training. Lack of information, combined with the novelty of the activity and the short timelines forced upon police employees such a large-scale undertaking, which they define as very stressful.

The asset declaration form is perceived as very difficult to fill correctly by interviewees considering the informal nature of the country's economy, and the need to provide evidenced information. Meanwhile, documents sometimes could not be acquired from relevant institutions within the necessary timeframes or at all. According to data provided by the Union of Police Employees, 20% of them faced difficulties in filling the forms. Reasons for that include informal economic activity such as renting or issues with property titles hampered the ability of evaluation subjects to fill in the

requested self-evaluation forms.<sup>46</sup>

- Evaluation subjects who have submitted their self-evaluation and resignation forms

Official sources report that 98% of evaluation subjects from SP, RG and SIAC have already submitted their self-evaluation forms.<sup>47</sup> According to data provided by SIAC<sup>48</sup>, 10,908 evaluation subjects from a total of 10,994 from each structure subject to vetting, have submitted their self-evaluations – a detailed illustration of which is presented in Table 3 below. The law required evaluations to be submitted within one month of the start date, fomenting media criticism that the timeframe is insufficient. Evaluation subjects report feeling pressured and stressed to promptly and correctly fill in self-evaluation forms, as requested.<sup>49</sup> Then, the phased scheme into three parts could have foreseen an alternative and more reasonable timeframe for the submission of self-declarations at latter stages in the process.

**Table 3: Evaluation subject data divided by structure**

INSTITUTION	NUMBER OF EMPLOYEES	SUBMITTED FORMS	RESIGNED
STATE POLICE	9,539	9,496	229
SIAC	113	103	2
REPUBLICAN GUARD	1,342	1,309	32
<b>TOTAL</b>	<b>10,994</b>	<b>10,908</b>	<b>263</b>

Source: SIAC, 2019



46 Based on in-depth interviews with representatives of the Union for State Police Employees and evaluation subject. (2020).

47 Parliamentary Subcommittee record on following and overseeing the implementation of the vetting law. (2018, 1 October). Parliament of Albania.

48 Service of Internal Affairs and Complaints. (2019). In response to request no. 102/1 prot, date 26.6.2019. [Official correspondence with IDM].

49 Delia, E. (2019, 1 March). Legislation amended, only 300 directors to be assessed through police vetting. The rest. Panorama online. <http://www.panorama.com.al/ndryshon-ligji-vetingut-ne-polici-do-i-nenshtrohen-vetem-300-drejtuesit-te-tjeret/>

However, compiled data does not provide for a clearer distribution of employees by region, gender, experience or rank for subjects who have submitted their self-evaluations. Based on the data provided by EEC, until now, no requests have been made by former employees of SP, RG and SIAC to undergo the transitional evaluation at free will<sup>50</sup>, as provided by Article 6/5 of Law No. 12/2018 on police vetting.

#### ● Resignations during the self-evaluation phase

Law No. 12/2018, Article 57/1, permits resignations of employees within 30 days of it entering into force. An estimated 2.4% or 263 evaluation subjects from a total of 10,994 have submitted their resignations during the self-evaluation phase.<sup>51</sup>

### 3.4.2 First phase of evaluation by the External Evaluation Commission (EEC)

Following the selection of the External Evaluation Committee and the supporting Technical Secretariat by the Selection Board by February 2019<sup>52</sup>, along with subsequent meetings in the same month and staff trainings in the next, EEC became operational and began evaluating high-ranking officials. During this evaluation phase, a series of procedures was followed. First, it began with the drawing procedure of evaluation subjects, followed by the evaluation and administrative investigation of evaluation subjects, to conclude with hearing sessions of evaluation cases. Considering the slow pace of process until now, projected deadlines provided by the law have passed.

#### ● a. The Drawing Process of evaluation subjects: phases and fragmentation of subject data

In observance of Article 6, Law No. 12/2019 on vetting of the police, changed, following the approval of the subject evaluation list,<sup>53</sup> EEC has made two public announcements containing the names of evaluation subjects resulting from the draw, in accordance with EEC adopted regulations. In an effort to enhance transparency in the process, members of the Parliamentary Sub-Committee along with international partners from PAMECA and ICITAP have been invited to oversee the drawing process.<sup>54</sup> Although interviewed media representatives perceive the process to have been transparent, union representatives indicate that they have not been notified nor included in the process, in spite of expressing an interest to do so.

#### Phase 1: Drawn subjects to undergo vetting

On 3.6.2019, EEC held a draw for the first 45 subjects to undergo the vetting process.<sup>55</sup> Data breakdown on the basis of the institution employed at, professional rank, gender and position results in the following fragmentation:

- 31 of them were employees of the State Police, 2 worked for the Republican Guard and 12 worked for SIAC.
- From the pool of subjects chosen, 44 of them were men and only one was a female.
- 40 of them served in the rank of a director, 3 as deputy directors, 1 as a commander and 1 as a deputy commander.

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50 External Evaluation Committee. (2020). In response to request no. 7.1.2020 prot, date 30.1.2020, subject "Request for information on police vetting process," received by EEC no. 35 prot, datë 12.2.2020. [Official correspondence with IDM].

51 Service for Internal Affairs and Complaints. Correspondence. 102/1 prot, date 26.6.2019.

52 On the selection of External Evaluation Committee and Technical Secretariat members for vetting of the [State] police, [Republican] Guard, and SIAC. (2019, 11 February). Ministry of Interior. <https://mb.gov.al/2019/02/11/perzgjidhen-anetaret-e-komisionit-te-jashtem-te-vleresimit-dhe-sekretariatit-teknik-per-vettingun-ne-polici-garde-e-shcba/>

53 External Evaluation Committee. (2019). Decision no. 17/2 prot. Date 20.5.2019.

54 Parliamentary Subcommittee record on following and overseeing the implementatino of the vetting law. (2019, 13 September). Parliament of Albania. <http://parlament.al/Files/Procesverbale/20191018110740Nenkomision%20%20i%20Vetingut%20dt%2013.09.2019.pdf>

55 List of subjects for the first draw. (2019, 8 July). External Evaluation Committe. <http://kjuv.al/lista-e-45-dyzet-e-pese-subjekteve-per-shortimin-e-pare/>

### Phase 2: Drawn subjects to undergo vetting

On 31.10.2019 EEC announced its second draw for 47 evaluation subjects<sup>56</sup> to undergo the vetting process, from which:

- 47 were employees of State Police.
- Of which 46 were men and 1 a woman.
- 5 were ranked as First Commanders, 1 as a High Commander, 27 as Supervisors and 14 as Deputies.
- 24 served as directors and 23 as Deputy Directors.

Figure 4: Distribution of evaluation subjects according to employing institution

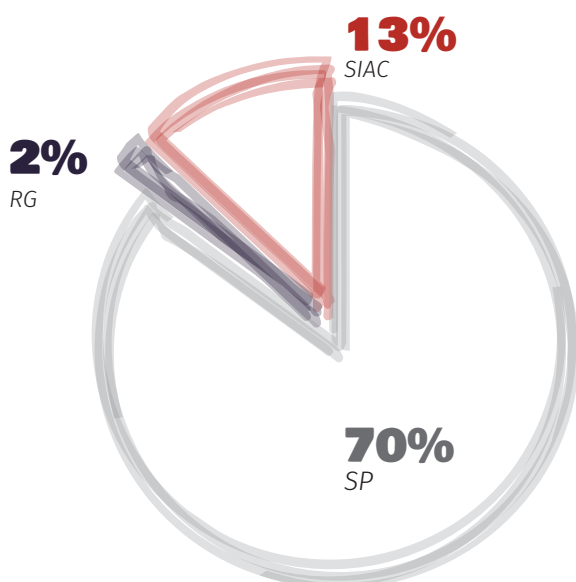
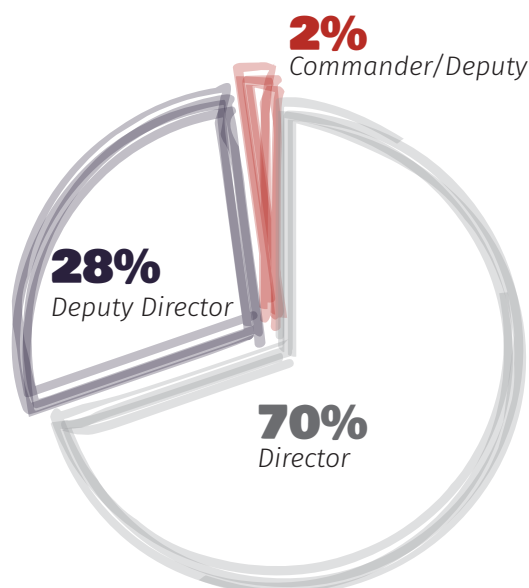


Figure 5: Distribution of evaluation subjects according to function/rank



Through both rounds of the draw, a total of 92 evaluation subjects have been selected to undergo vetting, from which 85% are State Police employees, 13% are employees of SIAC and only 2% are employees of the Republican Guard. Rank wise, 70% of them serve as Directors, 28% as Deputy Directors and only 2% serve as Commanders and Deputy Commanders.

In accordance with Law No. 12/2018, changed, SIAC, comprised of employees who have successfully passed vetting, is tasked to complete the second phase of the process. Current figures demonstrate that only 15 of the 92 drawn evaluation subjects have been vetted from a total of 245 employees – of which 12 are subject to vetting and 92 are SIAC employees. Service of Internal Affairs and Complaints states that it has established a team of 45 employees who are undergoing training to help with the process. However, it remains unclear whether this list includes employees who have already passed vetting. Nonetheless, preliminary preparations taking place give the impression that they could hurt established criteria for the second phase of the process, while the speed of the

56 List of subjects for the second draw. (2019, 31 October). External Evaluation Committee. <http://kiv.al/lista-e-subjekteve-per-shortimin-e-dyte/>

current process is likely to linger on and influence the rhythm of the second phase as well.

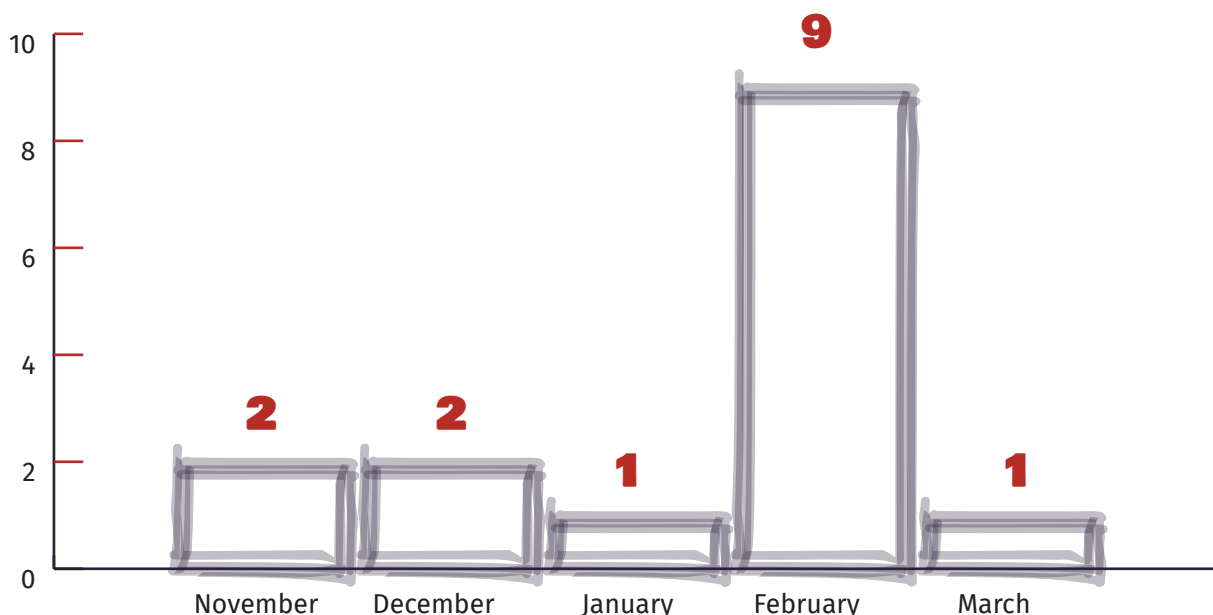
● b. Administrative evaluation of evaluation subjects

Upon completion of the first draw, work began to administratively assess 45 first cases of high-ranking employees from SP, SIAC and RG. Following the completion of the investigation, assessment of statements, researching and verification of information, the EEC began preparations for hearing sessions for each subject undergoing the evaluation process.

● c. Holding hearing sessions with evaluation subjects

On 5.11.2019, the EEC held its first hearing session, around 16 after the initial publication of the list drawn with subjects to undergo the vetting process. Between November 2019 to March 2020, EEC has evaluated 16.3% of evaluation subjects resulting from the draw and has held 15 hearing sessions for subjects being assessed for transitional evaluation. The rate of hearing sessions is relatively slow, averaging 3-4 sessions per month, compared to the total number of subjects drawn so far by EEC. For a visual representation of the hearings during the mentioned, see below:

Figure 6: Number of monthly hearing sessions held between November 2019 to March 2020



● d. Issued EEC decisions

During this period, EEC evaluation units have concluded 15 cases, of which<sup>57</sup>:

a. 12 have been confirmed in their roles.

b. 3 have been discontinued their roles.

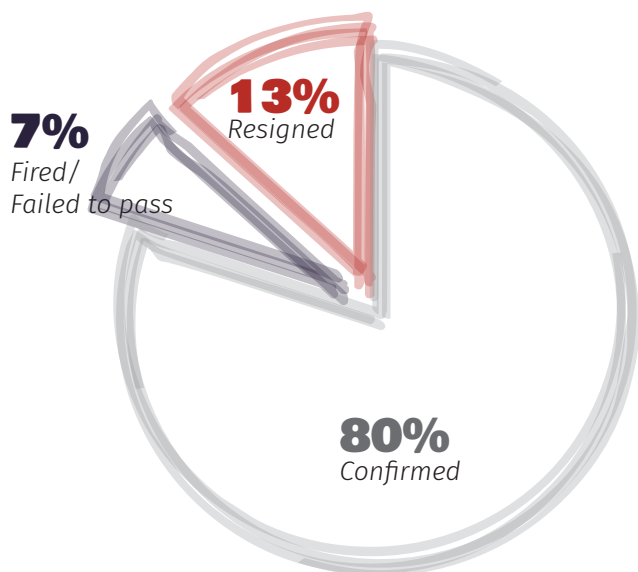
- 1 has been fired.
- 2 others resigned to circumvent transitional evaluation.

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<sup>57</sup> Article 59, of the Law No. 12/2018, as amended, stipulates that after the evaluation process the EEC can take only four types of decisions: 1. Confirmation for those who successfully pass the Vetting test; 2. Training obligation for those who simply have problems in their formation and their professional skills; 3. Appointment to the duty of former employees who pass the Vetting test; 4. Exemption from duty.

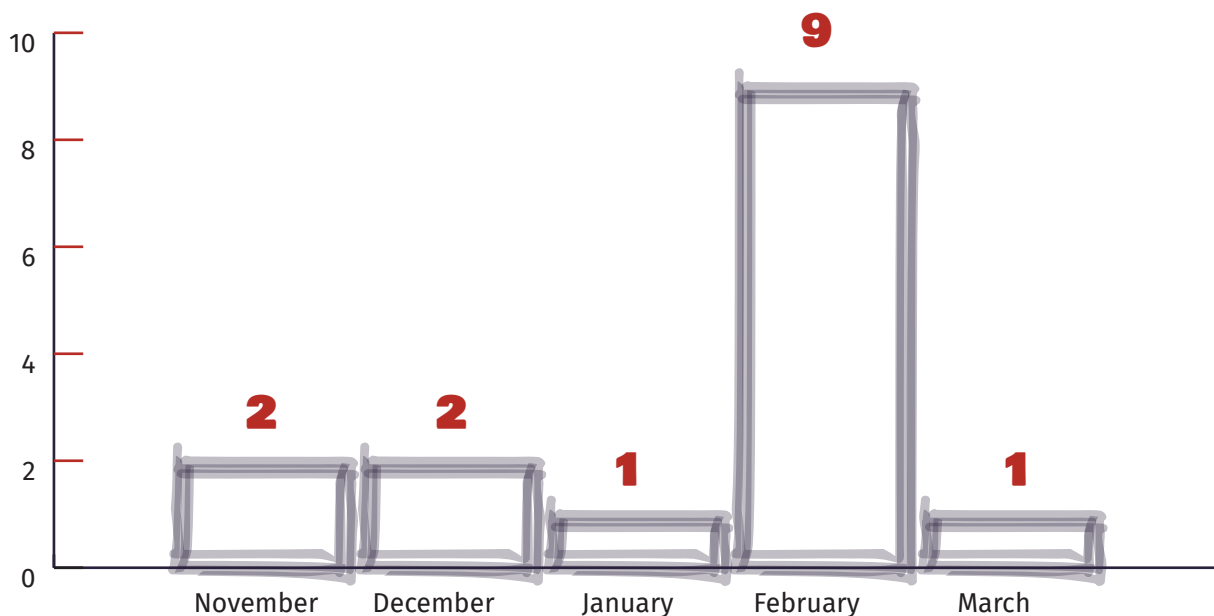
**Figure 7: Distribution of cases based on verdict**

Source: EEC data processed by authors



Among the decisions taken, 80% of them are positive, and employees are confirmed in their posts. This is a relatively high rate of confirmation, especially if compared with confirmation rates of judges and prosecutors in the justice system.

**Figure 8: Evaluation based distribution of decisions**



● e. Announcement and publication of decisions

According to Article 56/8 of Law No. 12/2018 on vetting, changed, the decision of the EEC evaluation unit is announced at the end of the hearing session and the evaluation subject is notified in writing, within 15 days from the decision. Based on our monitoring:

- On average, the EEC evaluation unit has announced decisions within 4 days after the

end of the hearing session.

- The average time for announcing the decision by the EEC evaluation unit for vetting subjects who have submitted a written request to withdraw from the transitional evaluation process varies from 2 days after receipt of the request for one case, to 4 months for another;
- All decisions have been published on the EEC webpage.

● f. Decisions for expulsion from duty for evaluation subjects

The Director for Handling Complaints in the Regional Directory of SIAC was the first official to be fired from the police due to vetting. EECs evaluation unit argued his dismissal stating that: “the subject lacks legal sources of financial sources to justify his assets and lacks professional capabilities to exercise the functions prescribed to his role.”<sup>58</sup>

● g. The appeal of EEC decisions

As provided by the law on police vetting, EEC decisions can be appealed directly in the competent Administrative Court. The current law does not provide for an appeals structure for EEC decision. Until now, only two cases have been appealed by evaluated subjects at the Tirana Administrative Court. During both court proceedings, EEC has been represented by a member of the Technical Secretariat with experience in the field. The legislation in place does not provide modalities for EEC’s legal representation in court processes. On both cases, the court has turned down the appeal and retained the verdict of the EEC unit. One of these court cases has been appealed by the subject at the Appeals Court.<sup>59</sup>

● h. Subjects who resigned during the administrative investigation phase

Law No. 12/2018, Article 57/1 permits subjects of evaluation to resign from their role and circumvent the vetting 30 days after the law enters into force. EEC decisions related to resignations in the administrative investigation phase must be taken in accordance with the provisions outlined in the

unified EEC decision<sup>60</sup> in spite of the law providing for a concrete legal disposition to authorize the issuance of such an act by the EEC. As a result, the unified decision of the EEC is not in compliance with the provided dispositions of Law No. 12/2018.

In this regard, the evaluation board of the EEC has decided to terminate the evaluation process for two vetting subjects in the administrative investigation phase, after considering the request to resign, and subsequently to suspend the process in the administrative investigation phase. One of the subjects has served as a Director of the Scientific Police Institute within the General Directorate of the State Police (GDSP), while the other has served as a Director of the Directory for Technological Information (DTI). Upon verification of dismissal acts from the respective institution, the evaluation unit declared both administrative investigation cases as complete. In the decision it was noted that the termination of the evaluation process due to resignation leads to the suspension of the administrative procedure without a conclusive verdict, considering the initiated procedure and its objective has become legally unattainable.<sup>61</sup> One of the subjects who withdrew from the process remains in a working relation with the institution as a General Director of the General Directorate for Information and Technology of the Customs.

● i. The right of evaluation subjects to seek legal assistance

Subjects undergoing evaluation have the right to seek legal assistance in accordance with Article 56/3 of Law No. 12/2018, changed. Based on the monitoring of hearing sessions, only two subjects have sought to seek legal advice from an expert of their choosing, and attended the session accompanied by them.



58 External Evaluation Committee. (2019). Decision no. 117, date 20.11.2019. <http://kiv.al/wp-content/uploads/2019/11/VENDIM-OLTION-SHEHU.pdf>

59 External Evaluation Committee. In response to request no. 7.1.2020 prot, date 30.1.2020, Subject "Request for information on the vetting police process," EEC receipt no. 35 prot, date 12.2.2020.

60 Decision no. 116, date 6.11.2019 “On the unification of handling the resignation transitional evaluation subject cases in accordance with Law No. 12/2018, changed, during the administrative investigation phase by the Evaluation Board of the EEC.” External Evaluation Committee.

61 External Evaluation Committee. (2019). Decision no. 3, date 16.2.2019.

### 3.5 CHALLENGES FACED BY EEC IN ITS WORK

Transitional evaluation process of State Police employees has progressed at a slow pace and began 9 months later than envisioned. Until now, around 23% of first phase subjects have been shortlisted for evaluation, while only 16% of shortlisted subjects have been evaluated between November 2019 and March 2020. Delays are mainly caused by the inability of evaluation units to hold meetings, issuance of sub-legal acts to ensure the smooth progression of the process, inability to foster capacity building of EEC and the technical secretariat, lack of sufficient financial and logistical infrastructure. During in-depth interviews, representatives of authorities and groups of interest attest that delays are a result of insufficient human resources within EEC, or due to obstructions resulting from gathering of the necessary information for evaluation from other institutions – often estimated to take up to 15 days from the delivery of the written request. Below, we provide a summarized description of the process progression and challenges faced.

#### ***Training of EEC members***

Members of the EEC and its Technical Secretariat have received capacity building training from several public institutions, including the High Inspectorate for the Declaration and Audit of Assets and Conflict of Interest (HIDAACI), the Independent Qualifying Committee, State Intelligence Service, Service of Internal Affairs and Complaints (SIAC) and the Albanian School of Magistrates (ASM). Trainings have incorporated among others, working themes of these institutions that will be used in the evaluation of subjects. Building the capacities of EEC members is an important step in fostering familiarity with the process, promoting best interinstitutional communication practices, and observance of EEC's internal modules and practices. However, the number of trainings held, the exact themes used in trainings and participants are not made public by the External Evaluation Committee.

#### ***The vetting budget***

The allocated fund for the vetting covers the salaries of EEC and the Technical Secretariat employees. In accordance with Article 29 and 66/1 of the law on the vetting, the financial compensation for members of the Selection Board, EEC and the Technical Secretariat is determined through a Council of Ministers Decision (CMD). This decision however has come later than provided by the law, causing a delay in the work of the EEC. Budgetary stipulations pertaining to logistics of EEC activities are not identified in the Ministry of Interior budget, assessing the allocated budget in support of the process unattainable. Currently, the budget of the EEC is 41 million Leke. In 2019, the institution spent 95% of the projected expenditure (for a detailed overview see table 5).

#### ***Access to infrastructure and logistical support***

Ministry of Interior is responsible for ensuring evaluation structures and EEC's working pace and provides it with the necessary logistics to exercise its duties, as stipulated by Article 30 of the law on police vetting. Following the identification of the building within the premises of the Republican Guard, designation of the necessary interventions, procurement of project and the rehabilitation of the space, on May 2020, EEC began work normally at its own location. MI supplied the logistical assets necessary (computers, printers, office supplies etc.) to ensure smooth working progression for EEC and the technical secretariat. However, based on the information provided by the EEC, measures have yet to be taken to ensure the physical protection of evaluation structures.<sup>62</sup>

#### ***Human resources supporting EEC***

EEC reports that it lacks sufficient supporting human resources in the following areas: assessment of complaints, requests for information, legal support for specific needs of the evaluation staff, finance specialists to help with the verification and auditing of assets, IT human resources to assist with publications and announcements; and administrative support

62 External Evaluation Committee. In response to request no. 7.1.2020 prot, date 30.1.2020, Subject "Request for information on the vetting police process," EEC receipt no. 35 prot, date 12.2.2020.

for assist with the daily workflow. Currently, EEC receives support only from the protocol office from which there is one allocated staffer to assist with its work, who remains a part of the MI staff (see Table 5 for more). The lack of human resource support has overloaded the operational work of both the EEC and the Technical Secretariat.<sup>63</sup> It remains crucial to the success, quality and independence of the process to allocate additional financial support in support of the structure, enabling it to fill its staff needs.

### **Changing presiding evaluators and members of the technical secretariat**

EEC reports that throughout its evaluation work, changes have taken place in the ranks of EEC and the Technical Secretariat members. In most cases, these changes have resulted from member resignations. However, in one instance, the change was linked to the commissioner failing to meet the necessary criteria.<sup>64</sup> These changes have prolonged the progression of the vetting process.<sup>65</sup>

**Table 5: Evaluation of EEC institutional capacity indicators**

<b>EVALUATION INDICATORS</b>	<b>ADMINISTRATIVE DATA</b>
Number of newly established structures	The External Evaluation Committee – an ad-hoc structure
Number of new structures expected to be established by the end of the process	Transfer of functions to SIAC
Current number of commissioners	15
Female Commissioners:	10
Technical Secretariat	15
Female Members	9
Current number of supporting technical staff	1
Budget of institutions implementing police vetting	42,000,000 ALL
Rapport between budget and expenses in 2019	95%
Number of trainings provided for evaluation staff	NA
Number of participants in capacity building trainings	NA
Webpage	1
Standardized information and processing database	NA
Number of evaluation cases for each EEC commissioner	20
Volume (in pages) of administrative publications for each evaluation case	50

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63 For more information see: External Evaluation Committee. (2019, 13 August). Announcement. <http://kjq.al/njoftim-2/>; Proceverbali i Nënkomisionit parlamentar për ndjekjen dhe mbikëqyrjen e zbatimit të ligjit të vetingut. (2019, 13 September). Parliament of Albania.

64 External Evaluation Committee. In response to request no. 7.1.2020 prot, date 30.1.2020, Subject "Request for information on the vetting police process," EEC receipt no. 35 prot, date 12.2.2020.

65 Bajraktaraj, B. (2019, 29 September). Three police vetting commissioners resign. Ora News. <https://www.oranews.tv/article/tre-komisionere-vettingun-e-policise-dorehiqen-nga-puna>





EVALUATION INDICATORS	ADMINISTRATIVE DATA
Number of cases being evaluation for each EEC member	6
Number of procured procedures	0
Number of experts engaged in the establishment of the institution	0

Source: Administrative data from EEC and MI

### **Suspension of EEC activity due to COVID-19 pandemic**

Due to the pandemic caused by COVID-19, and the measures taken to prevent the spread of the virus, EEC announced on 18.3.2020 the curtailing its institutional activity. In the meantime, only organizational functions deliverable from working remotely have been carried on. As a result, EEC announced the termination of all its hearing sessions and decisions on evaluation cases until further notice from the institution.<sup>66</sup> Following the easing of lockdown measures, on 20 May 2020, EEC announced that it will again start holding hearing sessions for evaluation subjects.

### **3.6. COOPERATION WITH OTHER INSTITUTIONS AND ACTORS OF INTEREST**

#### **Cooperation with institutions providing information used during the police vetting process**

EEC administers a high volume of documents used for the purposes of the institution during the police vetting process of evaluation subjects. To fulfill its duty of assessing the subjects personal integrity, auditing and verifying their assets, evaluating and verifying their professional capacities, EEC needs to consult substantial

sources of information and undertake a series of procedures to evidence and verify the information submitted. To achieve this, EEC needs to cooperate with relevant institutions, internal structures, including evaluation units, and organizations in Albania and abroad. Considering the nature of administrative investigations, EEC is forced to wait for their respective feedback and verify the data provided on evaluation subjects or persons related to them.<sup>67</sup> Based on reporting by the Head of EEC, delays in acquiring the requested information from third parties has slowed down its evaluation work.<sup>68</sup> This has been caused in part by conflicting timelines for providing a response, as stipulated by Law No. 12/2018 with internal institutional timeframes for processing and responding to responding to such requests. Delays have also been caused by the lack of informational clarity provided by institutions responding to EEC requests, prompting a follow up clarifying correspondence; lack of cooperation with some of them,<sup>69</sup> and frequent changes of leadership in the State Police and the Republican Guard.

#### **Cooperation with international institutions**

International partners play a consulting and monitoring role in the vetting process and seek to promote the transparency of the process and ensure the retention of quality and standards



66 External Evaluation Committee. (2020, 18 March). Announcement. <http://kjb.al/njoftim-3/>

67 External Evaluation Committee. (2019, 13 August). Announcement. <http://kjb.al/njoftim-2/>

68 Proceverbali i Nënkomisionit parlamentar për ndjekjen dhe mbikëqyrjen e zbatimit të ligjit të vetingut. (2019, 13 shtator). Parliament of Albania, p. 8-12.

69 Two constitutional institutions, namely the General Prosecutors Office and the Informative State Service have not collaborated for the submission of information requested on time and hampering the the delaying the commencement of the process on time. See Police vetting, , Kapaj: Why the process is floundering. (2019, 13 September). ABC News. <https://abcnews.al/vettingu-ne-polici-kapaj-pse-ngeci-procesi/>

throughout the vetting process.<sup>70</sup> International partners engaged in the process, have yet to publish a monitoring report. IDM's monitoring provides that international partners have not shown an interest in providing technical assistance or financially sponsoring specific aspects of the process.

### ***Cooperation and inclusion of the public in the vetting process***

Article 55/4 on police vetting provides that EEC publishes an information request form to ensure ease of public access. Persons made aware of facts or circumstances that may be used as evidence against evaluation subjects during the vetting process, have the right to directly inform vetting structures, as stipulated by Article 55/1 of Law No. 12/2018, changed. Public denouncements to EEC can be submitted through the "Denonco" feature made available on EEC's official webpage<sup>71</sup>. Until now, 8 such submissions have been made related to vetting subjects.<sup>72</sup> Once made, submissions are presented to the evaluation in charge of evaluation the denouncement is made against. Upon receipt, evaluation board is tasked with its verification. Submissions are made public during hearing sessions while protecting the anonymity of the denouncer.

### ***Cooperation with independent institutions, media and the public***

Monitoring by IDM reveals that independent institutions, local media and the public at large have not shown a vested interest to conduct in-depth analysis or monitoring reports of the vetting process. This is a standing contrast to the attention allocated to the ongoing vetting process in the justice system. Notably, hearing sessions for vetting subjects have been open to the public

and the media. Journalists, civil society actors, international institutions and interest members of the public have attended and monitored hearing session proceedings.

## **3.7 TRANSPARENCY EVALUATION OF VETTING PROCESSES**

### ***Publication of information related to the progression of the process***

To ensure transparency of the process and guarantee the right to information, the External Evaluation Committee periodically publishes its list of activities, noting the progress made in the vetting process or other important aspects of its activity during the specified timeframe. Although the EEC website includes a dedicated section for its transparency program, its content remains inaccessible.<sup>73</sup>

### ***Announcement of hearing session on evaluation subjects***

EEC announces regularly the dates of hearing sessions on evaluation subjects. Based on the information provided on its official webpage, announcements are made between one to four days in advance. This is a relatively short timeframe to make the announcement and enable the participation of the public or interested actors. In contrast, decisions have been publicly announced<sup>74</sup> in a relatively prompt manner.

70 Vetting of the police begins, this is who risks not making it through the process (2018, 9 April). Argjiro. <https://argjirolajm.net/zyrtarizohen-ndryshimet-ne-policine-e-shtetit-emrat/>

71 For more information see : <http://kqv.al/denonco/>

72 External Evaluation Committee. In response to request no. 71.2020 prot, date 30.1.2020, Subject "Request for information on the vetting police process," EEC receipt no. 35 prot, date 12.2.2020.

73 For more information, see: <http://kqv.al/program-transparence/>

74 For more information, see: <http://kqv.al/category/njoftime/>

## IV. CONCLUSIONS AND RECOMMENDATIONS

Some countries of the former eastern bloc implemented measures to purify their respective state apparatuses through practices of transitional justice. The Republic of Albania (RA) was among the first post-communist countries to undertake steps in this regard through the establishment of its first lustration in 1993. The State Police has been in the focus of the control of the figure from 1995, and ever since, several other laws have fomented the formation of institutional organs with general vetting functions and attributes. The use and instrumentalization of these structures and laws has led to the demise of their legitimacy and the suspension of these processes.

Due to the malfunction of these control mechanisms and the increased public attention on the State Police, following reports, accusations and evidence of its participation in the trafficking of narcotics in 2017, the Ministry of Interior was forced to undertake measures to overcome such unsettling concerns. Supported by its comprehensive analysis of the situation, an anti-corruption instrument such as police vetting was proposed for implementation. *The primary objective of vetting in the State Police would be to guarantee and promote integrity and enhance the professionalism of employees of Albanian agencies responsible for public order and safety. The evaluation process of police employees would be implemented by independent organs and would focus on assessing the integrity, assets and professionalism of police employees.*

This political objective materialized with the adoption of Law No. 12/2018 “On Transitional and Periodic Evaluation of Officials of the State Police, Republican Guard, and Service of Internal Affairs and Complaints in the Ministry of Interior,” which entered into force on 4 April 2018. As provided by this law, and in respect to the precedent established by the justice reform legislation, the transitional evaluation of police employees would focus on three main areas: personal integrity, audit and verification of assets, and the re-evaluation and verification of professional capacities according to rank, function, and nature of duty and responsibility each State Police employee has. The evaluation process is divided into two phases

based on nature of rank and function within the three targeted institutions. Professional ranking allows the categorization of evaluation subjects into three main groups: high rank, mid-rank, and low rank.

Implementation of the law began with self-evaluation phase in which employees of the State police, Republican Guard and Service of Internal Affairs and Complaints submitted their self-evaluation forms alongside support documents. An estimated 10,908 employees filled in and submitted their self-evaluation forms during this implementation phase, whereas 2.4% or 263 employees resigned from the process. Interviewees consider the completion of self-evaluation form as the most difficult to fill in, considering the need to be accurate in calculation of assets and the need to be accompanied by support documents, which at times could not be issued on time or at all in some cases, by the issuing institutions. According to data from the Union of State Police Employees, around 20% of evaluation subjects have reported difficulties in filling in the self-evaluation form.

The transitional evaluation of police employees have progressed at a slow pace, not least because it started almost 9 months later than planned. Currently, only 23% of evaluation subjects targeted by the first phase of the process have been shortlisted. Between November 2019 and March 2020, only 16% of shortlisted subjects awaiting evaluation have been vetted. Delays are primarily associated with the establishment of evaluation structures, issuance of acts and sub-legal acts regulating the process, building the capacities of EEC and the Technical Secretariat members, in addition to delays in establishing the financial and logistical infrastructure in service to the functioning of the process. Delays are a result of insufficient human resources within EEC, or due to obstructions resulting from gathering of the necessary information for evaluation from other institutions – often estimated to take up to 15 days from the delivery of the written request, as prescribed in the law.

International partners play a consulting and monitoring role in the vetting process and seek to promote the transparency of the process and

ensure the retention of quality and standards throughout the vetting process. International partners engaged in the process, have yet to publish a monitoring report. IDM's monitoring provides that international partners have not shown an interest in providing technical assistance or financially sponsoring specific aspects of the process. The Parliamentary committee in charge of overseeing the implementation of the vetting has yet to publish a periodic or a monitoring report on the progression of the process. Similarly, the External Evaluation Committee whose periodic activities are made public, has yet to draft or publish a monitoring or self-assessing report on the process.

The model chosen for implementation, consisting of two phases and the incorporation of SIAC may in fact help reduce the financial costs of the reform, but it still needs to ensure the public with instruments that guaranteed the impartiality and the privacy of the reform. With the latest Amendments made to the legislation, the slow progression of the process and intangible results for the public, have dimmed its belief in the reform's ability to reach set out objectives. To overcome this setback, it is necessary to seriously shift the attention of institutions toward the process, by ensuring the necessary political and institutional support, sufficient financial and logistical support, rectify delays and the slow progress, and revitalize the trust of the public and interest groups in this reform. Strengthening of EEC by providing it with the necessary logistical and human resource support to accelerate the evaluation process, and attainment of its objectives would mark a considerable achievement in this regard.

EEC is currently handling a high volume of documents in support of the administrative investigation of evaluation subjects. This process alone includes the verification and research of unlimited data, along with its corroboration, involving a series of procedural activities to assess the personal integrity of subject's figure, assets and professional capacities.

The political and institutional prioritization of the reform would **consolidate interinstitutional communication and enable the procession of information within established timelines**. This process has been significantly enhanced following the completion of the first 15 cases. However, inefficiencies pertaining to the timely procession

of cases has seriously impacted public trust and expectations in the reform, making it every more difficult for them to believe that unlike previous instances, this time, the process will be successfully completed and the integrity of the State police would be strengthened as a result of it.

Institutions engaged in the drafting of policies, legal framework and the implementation of transitional and periodic evaluation of State Police, Republican Guard and SIAC employees **must recommit to deepening coordination of efforts and consult a priori, legal and regulatory amendments with groups of interest, international partners and the public at large**. The process must be inclusive considering its large-scale undertaking, and the potential impact and benefits its successful implementation could have on the public. Amendments to the legislation, turned necessary due to the low efficiency of the vetting, must be preceded by a genuine consultation to rectify potential issues and regain the public's trust in the process. Establishing a new timeframe for the work of EEC until the evaluation of 245 high ranking employees is complete, should be included in the amendments to the law on police vetting. Notably, the lack of clear legal provisions in handling resignations of transitional evaluation subjects in the administrative investigation stage by the EEC has impacted the work of this structure as it has had to rectify the situation through the issuance of overreaching acts. This should also be included in future public consultations and amendments to the law on police vetting. Activities ensuring the engagement of interest groups in general and international partners in particular, that seek to politically support the reform, must be initiated by the Parliamentary Subcommittee overseeing the progress of the reform. The latter should be more pro-active in its treatment of process-related issues on case by case basis to provide timely and effective solutions.

The foreseen transfer of the process from an ad-hoc structures such as EEC to a stable institutional structure would ensure continuity. This transfer would allow for the transfer of know-how and developed practices through EEC practices into a more stable bureaucratic structure within public administration. Such a transfer should be accomplished through a mechanism which ensures the transfer of developed practices and standards, the operational continuity of EEC as an independent oversight mechanism

which guarantees standards and impartiality. The current legal framework foresees SIAC to continue administering of the process, but it does not clarify what will happen with the EEC. Its eventual dissolution of this organ indicates that continuation of the evaluation process without an external mechanism which ensures its independence. It would be wise to have **EEC continue to function supervising and certifying the process.**

The transitional and periodic evaluation process began with the completion and submission of self-evaluation forms by each targeted employee. Criticism was directed toward it for being a massive undertaking within a highly congested timeframe with which employees were tasked to fulfill their legal obligation. Persisting economic informality and difficulties faced in obtaining accompanying documents from other institutions such as banks and the property registration office within established deadlines, is believed to have impacted the accuracy of information provided. EEC implements the evaluation process in collaboration with supporting evidence from other institutions, which it provides with sufficient time to respond to its requests for corroboration, verification and explanation. This work approach has eased the pressure on employees and has enhanced the transparency of evaluation. **Considering the evaluation process of 12,000 employees will cease its operation in due time, it would be beneficial for all parties to digitize their information and to create a complete and standardized database of the data gathered.** Such an undertaking would accelerate the process and make it easier for all parties involved given that data digitization would allow quick screening of information, generating evaluation reports in a short time and building of algorithms to single out high risk individual during future periodic evaluations.

In compliance with transparency standards to guarantee the right to information, the External Evaluation Committee periodically publishes its activity. Interest groups, and evaluation subjects, consistently seek the enhancement of this transparency. In spite of its frequent public communication, there are still many aspects of the EEC pertaining to aspects of independence and non-interference that are not sufficiently transparent and understandable for the public. Both the process and the EEC would greatly benefit if the public, through groups of interest,

were more engaged and informed on the process. **EEC, with the support of other institutions and international partners, could build sustainable cooperation structures with interest groups through the establishment of a communication board and partnership with the public and groups of interest.** Public trust in the process would be significantly improved if such a board could manage to continually monitor and evidence EEC's impartiality.

Despite the attention transitional evaluation attracts, in the long term, period evaluation remains the organic mechanism through which the integrity of the police will be measured over time. Notably however, until now, the legal framework on transitional and periodical evaluation has not sought compliance with EU's *acquis communautaire*. With the return of verification responsibilities to the relevant state institutions increase both the opportunity and the responsibility for the further advancement of agencies/ bodies linked to vetting implications in the war against corruption and organized crime. In this framework, it is of importance to develop structures in charge of the identification and tracing of criminal assets, in accordance with repeated recommendations by the European Commission.

## ANNEX I: IN-DEPTH INTERVIEWS

### *Monitoring of progress, achievements and impact of police vetting*

The purpose of in-depth interviews is to gather information and data on challenges faced; compile interviewee opinions on the overall vetting process and particular implementation aspects pertaining to the establishment of vetting institutions, self-evaluation form, as well as the evaluation process based on cases and experiences had up to this stage of the process. Interviews are conducted with representatives of policy-making institutions, members of the External Evaluation Committee, evaluation subjects and international partners engaged in monitoring and supporting the vetting process.

Interviews are conducted with preliminary drafted, structured, and standardized questions to ensure responses received are comparable and analyzable. Due to the COVID-19 pandemic and its ensuing impact on movement, interviews could not be conducted in person. We remained conscious of this in the drafting of questions, and ensured they would be feasible for an online-interview via Skype, self-response short answers that can be provided via an electronic communication platform such as e-mail, or through referenced materials enabling explanations on posed questions. Interviews are divided into four sections and consist of 25 questions in total. The estimated time for each interview is 50 minutes.

### **SECTION I: LEGAL FRAMEWORK, ESTABLISHING AND STRENGTHENING ASPECTS OF VETTING STRUCTURES**

1. Now that the police vetting process has entered a consolidated phase of implementation, how do you assess the legal framework of the process for transitional and period evaluation of police employees and its corresponding sub-legal acts? Is the legal framework in question complete and sufficient to precede issues with implementation? Have groups of interest been consulted about and made aware of sufficiently of the content of this law and its corresponding sub-legal acts? What about the public?

2. Has the law foreseen transitional measures to ensure vetting results do not weaken institutions subject to the process, as it resulted with the justice system due to the vetting process? (Must be aware of the workload, namely that in the second phase an estimated 12,000 low and mid-rank employees will undergo evaluation which will be implemented by SIAC employees alone).
3. How do you assess institutional structures tasked with the implementation of the vetting? Are they strong institutions with sufficient capacities to fulfill their mission? Are they sufficiently independent and not influenceable by special interests? If yes, please elaborate on what elements ensure its capacities remain sufficient and independent? If you answered no, what elements and support is needed to ensure sufficient operational capacities and structural independence? Please consider the legal framework, human resources, institutional integrity, logistical and technical information support, financial and administrative resources.
4. The implementation of the vetting is progressing at a slow pace. Has the legal framework impacted its implementation or are there other factors at play causing delaying implementation?

### **SECTION II: ASPECTS OF VETTING IMPLEMENTATION**

Self-evaluation phase:

1. To your understanding, has the implementation of the self-evaluation process of vetted been sufficiently consulted, informed and in compliance with the planned progression of the reform?
2. Results of the self-evaluation phase consists of the submission of self-evaluation forms and accompanying documents by all employees of the State Police, SIAC and the Republican Guard. Are you aware of the volume of self-evaluation forms submitted?

(Gathered information must consist of: number of high ranking employees; number of mid-ranking police employees; number of police employees who resigned during the self-evaluation phase;

distribution of self-evaluation submissions by regional police directory and commissariat; distribution of resignations during self-evaluation phase by rank/position and police commissariat; how many of them were female and young from each corresponding group).

3. To your knowledge, during the self-evaluation phase, have there been: requests for information submitted, complaints, suggests over accompanying documentation and evaluation by self-evaluation subjects? If you have information on any of these aspects, please provide your answers to the questions below. If your information consists of personal opinions or thoughts alone, feel free not to mention specific data on the reaction of evaluation subjects at this stage.

(This are questions that must be asked separately during the interview. The number of requests/suggests/complaints. Main themes/concerns raised. Who has submitted these reactions? How have these requests/suggestions/complaints been submitted? Through formal channels? Informal channels? Have they been processed by authorities? Have there been seminars/explanatory sessions held over self-evaluation forms? How many such activities have been held? Have experts (local or international) been included in this phase? Has there been free legal assistance provided to police employee in the self-evaluation phase?

4. To your knowledge or information, you may have, which element of the self-evaluation form is considered hardest to fill: statement on assets; statement on personal integrity; or the statement on professional capacities?
5. Have vetting structures established data management systems with self-evaluations received? If not, do you think this information should have been digitalized and serve for future monitoring?
6. Are there aspects of the process that have been criticized by evaluation subjects? Monitoring international partners? From the public at large? Please provide your opinion. If you are aware of concrete cases, please provide a description of the concern raised by groups of interest followed by a response whether it has been addressed by responsible entities.
7. Pertaining to cases undergoing evaluation,

has there been a need to reassess submitted evaluations, seek further clarification or handle misunderstandings in reporting? If you have an opinion on this based on monitoring hearing sessions, please provide a detailed answer. If you have concrete information related to this, please elaborate.

8. What is your opinion on the current capacities of the Technical Secretariat and the External Evaluation Committee to process information compiled in the self-evaluation stage? Considering the slow progression of the process, do you think these capacities must be enhanced? Do you think the slow pace of the vetting process is related to the high volume of information to process and difficulties in processing it, or do you think there are other reasons causing the slow progression of vetting in the State Police?
9. Do you think that at the end of the first phase of evaluation, a reflection on procedures and capacities must take place to enhance the efficiency, impartiality and trust of the process in the public and among groups of interest? If your answer is yes, how should such an evaluation be organized?
10. Should the External Evaluation Committee itself build a self-evaluation mechanism?
11. What about trust in the decisions and activities of the External Evaluation Committee; should it be tested with groups of interest and the public at large before proceeding to the next large scale of implementation, where an estimated 3,000 mid rank employees, and 9,000 police officers will be vetted?

#### **Random selection of evaluation cases**

1. Has the selection draw of cases for evaluation been announced, transparent and trusted? Have you followed it? Has the media, the public and international institutions followed it sufficiently? Have you heard of an assessment of this process? What is your perception on its transparency and credibility? Please provide your opinion.

### **SECTION III: ASPECTS OF EVALUATION, PROGRESS, ITS IMPACT SO FAR, EXPECTATIONS FROM EVALUATION SUBJECTS AND THE PUBLIC PERSPECTIVE**

1. To your knowledge, how many evaluation subjects are currently a part of the evaluation process? (Statistical data is acquired through the EEC and MI, while responses from other groups of interest will be interpreted as an element of process transparency and a reflection of monitoring by the public and groups of interest)
2. Evaluation sessions are open to the public and scheduled hearings are announced regularly by the EEC. Are you aware of this? Are announcements made within a sufficient timeframe to allow interested parties to participate? What is your take on the transparency of these sessions and the inclusion of the public and groups of interest in it?
3. Have you personally attended any of evaluation session? If yes, on what capacity?

#### **A. Questions for members of External Evaluation Committee:**

- Has it been easy to present information (which at times was sensitive) at hearing sessions?
- Do you think it would be easier to hold hearing sessions with the evaluation subject behind closed doors, and hold public sessions only in the final phase?
- Do you think holding hearing sessions publicly enhances public trust in the process?
- Do you think holding public hearings infringes on human rights and privacy, considering information on vetted subjects can be of private/personal nature?
- How has cooperation been with support institutions of the vetting such as the Classified Information Security Directorate (CISD) and the High Inspectorate for the Declaration and Audit of Assets and Conflict of Interest (HIDAACI)?
- Do partner institutions play a role in these

sessions, namely those which are requested to verify subject's information and data for authenticity?

- Which of these institutions is more prompt in response: private institutions, banks, public institution, institutions within the justice system, prosecutor's office, tax administration office etc. What would you suggest should be done to improve interinstitutional communication?
- What do you think should change or improve about hearing sessions?
- Do you think the allocated budget to cover vetting is sufficient and how transparent is this process?
- How do you consider the processing procedures of public denouncement's to be? How many such denouncements have been submitted so far and what was the nature of these denunciations?

#### **B. Specific aspects of hearing sessions with evaluation subjects:**

- Do you think the time for announcing decisions on vetted subjects is sufficient?
- Do you think it necessary to amend the practice of resignation submission by evaluation subjects to make it compliant with timeframes provided in the law?

#### **C. Questions for public authorities/international institutions as monitoring entities of the process (Ministry of Interior, Parliamentary Subcommittee overseeing the vetting, SIAC):**

- Is the monitoring of evaluation sessions possible and transparent for you as a public authority?
- If you have monitored or followed evaluation sessions, what was the purpose of doing so: evaluation of the process, facilitation, support the subject being vetted, support the evaluation authority, it is part of your work functions etc.
- Does monitoring foster professionalism and the transparency of the process?



- Does monitoring hurt the impartiality of the process? Perhaps the External Evaluation Committee feels monitored from you as an authority?
- Have you had any learned lessons from monitoring? Do you have suggestions for improvement i.e. the capacity of the External Evaluation Committee, infrastructure, procedure etc.?

**D. Questions for evaluation subjects:**

- How have you experienced the evaluation process?
- Was the self-evaluation process difficult? What forms of communication have you used, and do you consider them to be effective?
- Have you been provided all the necessary information to prepare for the process?
- Were the EEC announcements made at an opportune time and did they allow you sufficient time to prepare?
- Have you been asked and listed to sufficiently and accordingly during the process?
- Have you felt at any moment that your privacy was violated?
- What do you think should change about the way the External Evaluation Committee handles information? How it is made public? How announcements are made, and hearing sessions are conducted?

**E. Questions for representatives of interest groups (including civil society, media or the union of police workers):**

- Have you been able to follow evaluation hearings?
- How many of them have you attended?
- Did you have information prior to attending the session?
- How have you been informed about the hearing and the information to be discussed? Have you received this information through the EEC website? Through formal correspondence?

Through direct (formal) communication?  
Through direct (informal) communication? Are announcements of sessions made in the right time?

- How comprehensive do you think the auditing of assets, assessment of the integrity and professionalism are in this process? How impartial and transparent?
- What is the reason you are monitoring hearing sessions?
- Do you think monitoring the sessions makes the process more transparent and trustful?
- Does the impact of external monitoring violate the privacy of the subject being evaluated?
- Do you think there are aspects of the procedure, processing of information or communication that should be improved?

## ANNEX II: TABLE 1: MATRIX OF EVALUATION INDICATORS

	<b>PROGRESS INDICATORS</b>	<b>RESULTS/IMPACT INDICATORS</b>	<b>TRUST AND TRANSPARENCY INDICATORS</b>	<b>INFORMATION SOURCE</b>
<b>LEGAL FRAMEWORK</b>	<p>Number of consultation sessions.</p> <p>Number of adopted legal acts.</p> <p>Number of adopted sub-legal acts.</p> <p>Number of adopted administrative acts.</p>	<p>Number of recommendations/ suggestions resulting from the consultation process.</p> <p>Number of recommendations/ suggestions reflected in legal acts.</p>	<p>Number of participants at consultation processes</p> <p>List of institutions and consulted groups.</p>	<p>Administrative data.</p> <p>Official reports.</p> <p>Interviews.</p>
<b>INSTITUTIONAL FRAMEWORK</b>	<p>Number of newly established structures.</p> <p>Number of structures expected to be established by the end of the process.</p> <p>Current number of staff engaged in the vetting process.</p> <p>Current number of technical/support staff.</p> <p>3-year budget allocated to institutions implementing police vetting.</p> <p>Number of trainings held for vetting staff.</p> <p>Number of participants in staff trainings.</p> <p>Functioning information systems (Yes/No - Web) (Yes/No - Database)</p>	<p>Time used vs. Time planned to establish structures.</p> <p>Budget spent vs. Budget planned.</p> <p>Number of persons receiving vetting training certifications.</p>	<p>Regulation publication (Yes/ No or number of regulations published vs. total regulations).</p> <p>Publication of staff bio's and CV's (% of published vs. total staff).</p>	<p>Administrative data/official reports/ interviews</p>

	<p>Gender distribution of staff (male/female);</p> <p>Number of staff compared to current number of evaluation cases.</p> <p>Human resource budget vs. operations budget.</p>	<p>Descriptive statistics of staff such as age, education, years of experience, sectors in which experience has been gained, male/female.</p>		<p>Administrative data/official reports/ interviews</p>
	<p>Number of procured procedures.</p> <p>Total budget vs. budget for operations/ logistics</p>	<p>Support logistics (computers, communication and office supplies)</p>	<p>Procedural aspects of budget management and procurement</p>	<p>Administrative data/official reports/ interviews</p>
	<p>Number of experts engaged in the establishment of the institution</p>	<p>Number of materials/systems established (web, database etc.)</p>	<p>Transparency of incorporate expertise/ transparency in selection</p>	<p>Administrative data/official reports/ interviews</p>
<p><b>EVALUATION/ SELF-EVALUATION PROCESSES</b></p>	<p>Number of consultations on self-evaluation.</p> <p>Number of recommendations.</p> <p>Number of participants.</p> <p>Number of interest groups included (list of authorities consulted).</p>	<p>Number of recommendations made.</p> <p>Number of recommendations that have been reflected.</p>	<p>Number of interest groups included in discussions.</p> <p>Public announcement and the transparency of discussions.</p>	<p>Administrative data/official reports/ interviews/ monitoring of hearing sessions</p>
	<p>Number of self-evaluations.</p> <p>Number of persons who resigned.</p>	<p>Number of self-evaluations based on gender, age, experience and rank.</p>		<p>Administrative data/official reports/ interviews/ monitoring of evaluation sessions</p>



	<p>Number of legal experts included in the self-evaluation process.</p> <p>Number of instances legal assistance has been provided.</p> <p>Number of requests for assistance with self-evaluation submitted.</p>	<p>Number of explanatory sessions.</p> <p>Number of legal assistances benefited.</p> <p>Number of requests.</p> <p>Number of complaints.</p> <p>Main areas of unclarity.</p>	<p>Number of requests processed.</p> <p>Way complaints/ requests for help have been submitted.</p> <p>Number of materials/ explanatory guides printed and distributed during the self-declaration process.</p>	<p>Administrative data/official reports/ interviews/ monitoring of evaluation sessions</p>
	<p>Number (and list) of public institutions cooperating during the vetting process.</p> <p>Average time taken to respond to EEC's written requests for information by each institution.</p>	<p>Average time taken to respond to EEC's written requests for information by each institution.</p> <p>Number of correspondences exchanged with public institutions.</p> <p>Number of written requests for which a response has not been provide vs. responses in total.</p>	<p>Number of public activities related to police vetting organized in cooperation with other public.</p> <p>Activity topics.</p> <p>Joint publications.</p> <p>Joint media statements.</p>	<p>Administrative data/official reports/ interviews/ monitoring of evaluation sessions</p>
	<p>Number of reports and studies drafted on vetting.</p> <p>Number of partners included in the process (list of partners)</p>	<p>Public perception of the process of self-evaluation.</p> <p>Assessment of the vetting in European Commissions Progress Report.</p> <p>Evaluation from other international institutions.</p>		<p>Administrative data/official reports/ interviews/ monitoring of evaluation sessions</p>

	<p>Number of subjects evaluated vs. number of evaluations planned.</p> <p>Number of cases where the self-evaluation forms submitted by evaluation subjects had to be reassessed for clarity (% vs. total evaluated).</p>		<p>Number of persons interviewed who took part in hearing sessions, average for each session.</p>	<p>Administrative data/official reports/ interviews/ monitoring of evaluation sessions</p>
	<p>Number of complaints on violating human rights – if any/ number of cases to be reported in interviews related to violation of privacy violation and human rights</p>	<p>Number of processed cases related to violation of privacy/human rights</p>	<p>Number of persons interviewed who took part in hearing sessions, average for each session.</p>	<p>Administrative data/official reports/ interviews/ monitoring of evaluation sessions</p>
	<p>Number of public complaints related to the vetting process (2) main themes (3) processed public requests</p>	<p>Number of public complaints/ processed request</p>	<p>Opinion on the transparency of these sessions and inclusion of groups of interest by interviewees</p>	<p>Administrative data/official reports/ interviews/ monitoring of evaluation sessions</p>
			<p>Interviewee opinion on violation of privacy and human rights during the process</p>	<p>Administrative data/official reports/ interviews/ monitoring of evaluation sessions</p>

### **ANNEX III: LIST OF INSTITUTIONS INCLUDED IN THE IN-DEPTH-INTERVIEWS**

<b>NUMBER OF INTERVIEWEES</b>	<b>GROUP OF INTEREST</b>
2	External Evaluation Committee
2	Technical Secretariat
1	SIAC
1	Vetting Subjects – SIAC
4	Vetting Subjects
1	Police Unions
1	Media representative

