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Consolidation of the  
Justice System in Albania

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**REPUBLIC OF ALBANIA**  
**THE ASSEMBLY**

**LAW**  
**No 25/2019**

**ON**  
**THE ORGANISATION AND FUNCTIONING OF THE JUDICIAL POLICE**

Pursuant to articles 78, 81, paragraph 1, and 83, paragraph 1, of the Constitution, upon the proposal of a member of the Parliament,

THE ASSEMBLY

OF THE REPUBLIC OF ALBANIA

DECIDED:

CHAPTER I

GENERAL PROVISIONS

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## Article 1

### **Scope**

This law defines the general rules and principles related to:

- a. organisation and functioning of the judicial police services and sections,
- b. their investigative activity,
- c. status of judicial police officers,
- ç. relations with the prosecution office and other state institutions they are part of.

## Article 2

### **Definitions**

In this law the following terms have these meanings:

1. “Judicial Police Officer” is a person appointed under this law in a service or section of the judicial police or in the judicial police services of the National Bureau of Investigation.
2. “Judicial Police Agent” is an employee of the State Police, Military Police and any other police service that the law recognizes for such a capacity.
3. “Judicial Police Service” is a special structure in the State Police, Military Police and other state institutions, to which the special law has attributed the functions of the judicial police under the Criminal Procedure Code and the provisions of this law.
4. “Judicial Police Section” is a special structure in the prosecution offices of the first instance courts of general jurisdiction and the General Prosecution Office.
5. “Ethical incompatibility” is a situation where a judicial police officer is prevented from objectively exercising his functions in a particular office, due to inappropriate social ties or conflict of interest.
6. “Investigative Structure” is part of the general structure of the State Police, composed of officers of police services, especially charged with conducting investigations.
7. “Promotion” is considered the move of the judicial police officer of the section from a first instance prosecution office of general jurisdiction to the General Prosecution Office.
8. “Secondment” is the temporary transfer of judicial police officers of sections or services for organizational needs or for the purpose of investigating into a certain case.

9. “Transfer” is the assignment of a judicial police officer from a section or service of the judicial police to a section or service of the same level.

#### Article 3

#### **Principles in carrying out the judicial police activity**

1. Judicial police shall, in exercising its activity, be guided by these principles:
  - a. lawfulness;
  - b. equality and non-discrimination;
  - c. objectivity and impartiality;
  - ç. professionalism and honesty in the exercise of duties;
  - d. avoidance of a conflict of interest;
  - dh. maintenance of confidentiality and investigative secrecy
  - e. observance of human rights and freedoms.

#### Article 4

#### **Entities exercising the functions of the judicial police**

The functions of the judicial police shall be exercised by:

- a. judicial police officers in the sections of prosecution offices of general jurisdiction,
- b. employees of the State Police, who are part of the investigative structure.
- c. employees of the National Bureau of Investigation, who have the status of Judicial Police Officers according to the legislation in force for the organization and functioning of institutions to combat corruption and organized crime;
- ç. employees of other police services and state institutions that by law are recognized the functions of the Judicial Police.

### CHAPTER II

#### DEPENDENCE AND ASSUMPTION OF FUNCTIONS

#### Article 5

#### **Functions of Judicial Police**

1. The judicial police shall perform these functions:
  - a. receive information about criminal offenses, upon its own initiative or upon a criminal report or complaint;

- b. prevent or hinder the further consequences stemming from the criminal offense;
  - c. search for perpetrators of criminal offenses;
  - ç. carry out the necessary actions to secure the sources of evidence and to accumulate all that serves the application of the criminal law;
  - d. perform any investigations and actions ordered or delegated by the proceeding authority;
  - dh. perform procedural actions for the execution of criminal court decisions;
  - e. carry out actions in the framework of criminal jurisdictional relations with foreign authorities;
  - ë. carry out actions pursuant to the legislation on the prevention and fight of organized crime and trafficking through preventive measures against property;
  - f. perform any other duty provided by law;
2. The Judicial Police documents the performance of its procedural actions in accordance with the rules of the Criminal Procedure Code.

#### Article 6

##### **Activity upon initiative in specific cases**

Judicial police officers and agents and any employees of the State Police have the right to take action when there is need to store the traces of the criminal offense or the crime scene, in accordance with the provisions of the Criminal Procedure Code, promptly notifying, as the case may be, the competent service or section of the Judicial Police and of the competent prosecution office.

#### Article 7

##### **Supervision and functional dependence of judicial police**

1. The Judicial Police exercises its functions for the investigation of the concrete case, under the dependence of a prosecutor and is conducted and controlled by him.
2. The Judicial Police executes the prosecutor's orders and instructions on the determination of the cases that shall be investigated with priority, the concrete actions that shall be carried out, as well as the necessary duration of the investigations.
3. During the judicial examination of the case, the judicial police shall perform all actions ordered by the court or the prosecutor.
4. The prosecutor and the court shall dispose directly of section officers and may delegate or order service officers to carry out special actions.

5. The head of the prosecution office shall issue mandatory orders for the Judicial Police under his jurisdiction regarding the realization of the functions pursuant to the law.
6. The Prosecutor General shall issue instructions of a binding nature on judicial police officers as well as on the coordination of the activity of prosecutors, in compliance with the provisions of the Criminal Procedure Code, the legislation into force on the organization and functioning of the prosecution office and this law, and shall supervise their implementation.

#### Article 8

##### **Confidentiality of investigations**

1. The Judicial Police shall apply the rules of the legislation in force to prohibit the publication of acts documenting procedural actions, and any other information deriving from them.
2. The Judicial Police shall be particularly prohibited to publish or share photos and personal data of juveniles, victims, and any other information that violates the constitutional freedoms and rights of the person.
3. Referral of the sources of evidence and other data provided during preliminary investigations shall be conducted only before the prosecutor who conducts and controls the investigations.

#### CHAPTER III

##### JUDICIAL POLICE COMMISSION

#### Article 9

##### **Judicial Police Commission**

1. The Judicial Police Commission is a collegial body composed of 5 members. The composition of the Commission is determined with the following members:
  - a. one prosecutor from the section of prosecutors in the General Prosecution Office appointed by the Prosecutor General;
  - b. one judicial police officer of the Prosecution Office section, who has worked for not less than five years as a judicial police officer appointed by the Prosecutor General;
  - c. one officer of the State Police services, part of the investigative structure, who has worked for not less than five years as a judicial police officer appointed by the General Director of State Police;

- ç. one member, head of the investigative structure of the State Police services whose rank is not lower than senior/director;
  - d. one member shall be from the other services of the Judicial Police of state institutions, who is assigned through rotation, every two years, by the General Director of Taxes or the General Director of Customs.
2. The Chairman of the Judicial Police Commission is the prosecutor member. He assumes this office as his full-time assignment.
  3. The Chairman and the members of the Judicial Police Commission have a 2-year mandate with the right to be re-elected only once. The members of the Commission shall serve part-time.
  4. When due to the incompatibility or the conflict of interest of the Judicial Police Commission member, the quorum necessary for the organization of the meeting is not met, the Chairperson of the Commission shall request his replacement at the appointment institutions, according to the criteria stipulated in letters “b”, “c”, “ç” and “d” of paragraph 1 of this article.
  5. The members of the Judicial Police Commission shall be remunerated for the participation in the meeting. The remuneration for the members shall be determined upon a decision of the Council of Ministers.

#### Article 10

#### **Competencies of the Judicial Police Commission**

1. The Judicial Police Commission shall exercise the following competencies:
  - a. determine the total number of judicial police officers of the sections and services, in cooperation with the General Prosecutor and the responsible ministers to whom the judicial police services are subordinated.
  - b. appoint, promote, transfer, second officers of Judicial Police of the sections, upon the proposal of the Prosecutor General;
  - c. approve the transfer and the secondment of officers of Judicial Police of services, upon the proposal of the head of the state institution where they belong to;
  - ç. Review the requests for disciplinary proceedings against officers of Judicial Police as provided in this Law;
  - d. Assess the results of the work and integrity of officers of Judicial Police;

- dh. Determine the rules for the organization of an initial investigation training pursuant to articles 16 and 17 of this law, in collaboration with the Prosecutor General, the Security Academy or public education institutions charged by law for professional trainings.
  - e. Assess training needs and plan the training of officers and agents of the Judicial Police in collaboration with the General Prosecution Office and the Security Academy and public educational institutions charged by law for professional trainings.
2. The competencies of the Commission provided in paragraph 1 of this Article shall not be exercised against the employees of the National Bureau of Investigation having the status of officers of Judicial Police.

#### Article 11

#### **Organization and Functioning of the Judicial Police Commission**

1. The Chairperson shall convene the first meeting of the Commission within 30 days from the appointment of the members.
2. The meetings of the Commission shall be valid when 3 (three) members are present.
3. The meetings of the Commission shall be held in the premises of the General Prosecution Office.
4. The Commission shall take decisions by the majority of the votes of the present members through an open voting procedure. When the votes are equally divided, the chairperson's vote shall be decisive.
5. The Chairperson of the Commission, in cooperation with the Prosecutor General, shall appoint from the ranks of the administrative staff of the General Prosecution Office the required number of the administrative staff in order to perform the duties of the Technical Secretariat of the Commission.
6. Detailed rules on the organization and functioning of the Judicial Police Commission, the composition and duties of the Technical Secretariat, shall be set out in the internal rules adopted by the Commission.

#### CHAPTER IV

#### ORGANISATION OF THE JUDICIAL POLICE

#### Article 12

#### **Judicial Police Services**

1. Judicial Police Services shall be organized within the State Police, other police services and state institutions, to which judicial police functions are recognized by law.

2. Judicial Police Services in the State Police shall be organized in the investigative structure, as defined in the legislation in force on State Police.
3. Other Judicial Police Services maintain the organization and hierarchy, according to the structure of the state institution they are part of.
4. The National Bureau of Investigation is composed by investigators and officers of the services of Judicial Police. It is organized and functions according to the provisions of the legislation in force on the organization and functioning of institutions for combating corruption and organized crime.
5. The officers and agents of the judicial police services shall be responsible for conducting investigations in accordance with the provisions of the Criminal Procedure Code.

#### Article 13

##### **Judicial Police Sections**

1. The Judicial Police Sections are established at the prosecution offices attached to the first instance court of general jurisdiction and at the General Prosecution Office.
2. The Judicial Police Sections consist of lawyers and specialists from various areas of expertise, who perform the functions of judicial police officers.
3. The specialist officers of the judicial police conduct special investigations based on professional training or training in areas that require specialization.
4. The specialist officers of the judicial police shall constitute no more than 25% of the total number of judicial police officers of the sections.

#### Article 14

##### **Organization of Judicial Police services**

1. The judicial police officers in the State Police, in other police services or in state institutions, whose judicial police functions have been recognized by the special law, shall exercise their functions in each territorial unit where the first instance prosecution offices of general jurisdiction operate.
2. The head of the institution where the Judicial Police service is a part, has the obligation and takes measures for the establishment of the respective service of the Judicial Police attached to each



first instance prosecution office of general jurisdiction, according to paragraph 1 of this article, and provides it with personnel, infrastructure and the required means for the fulfilment of duties.

3. The National Bureau of Investigation shall function according to the provisions of the legislation into force on the organization and functioning of institutions fighting corruption and organized crime.

#### Article 15

##### **Organization of judicial police sections**

1. The Sections of the Judicial Police shall be organized in compliance with the structure of first instance prosecution offices of general jurisdiction and in the General Prosecution Office, according to the legislation in force on the organization and functioning of the Prosecution Office.
2. The head of the prosecution office shall conduct, coordinate and supervise the activity of the officers of Judicial Police of the section in compliance with the requests of the prosecutors and of the court.

#### Article 16

##### **Selection criteria for the Officer of the Judicial Police Services**

1. In addition to the criteria provided by the special law, the person who shall meet the following criteria may be appointed an officer of Judicial Police services:
  - a. have 5 years of experience in the designation institution;
  - b. have completed the initial training on investigation;
  - c. not have been sentenced by a final court decision for the commission of a criminal offense, not be under criminal investigation or adjudication for a criminal offense;
  - ç. no disciplinary measure has been rendered against him and no disciplinary proceeding has been initiated against him;
  - dh. have integrity.
2. The provision of paragraph 1, letters “a” and “b” of this article shall not be applied for the selection of the judicial police officers in the State Police.

#### Article 17

##### **Selection criteria for the Officer of the Judicial Police in Sections**

The person who shall be appointed an officer of the Judicial Police in a section shall meet the following criteria:

- a. be an Albanian citizen;
- b. have completed the university studies in one of the higher education institutions according to the legislation in force on higher education;
- c. have five years of work experience:
  - i. as a lawyer in public, private institutions or in free professions, or
  - ii. in the field of the required specialty; or
  - iii. as a officer of Judicial Police in the Judicial Police services.
- ç. have completed the initial training for investigations;
- d. not have been sentenced by a final court decision for the commission of a criminal offense and not be under criminal investigation or adjudication for a criminal offense;
- dh. no disciplinary measure has been rendered against him and no disciplinary proceeding has been initiated against him;
- e. have integrity.

#### Article 18

##### **Selection procedure for the judicial police officers**

1. The selection of the officers of Judicial Police in sections shall be conducted through an open and transparent competition process.
2. At the end of the procedure provided in paragraph 1 of this article, the Prosecutor General, having received the opinion of the head of the respective prosecution office, shall select the most appropriate candidacies and shall propose them for appointment to the Judicial Police Commission.
3. More detailed rules on the organization of the procedure for the competition and the appointment of officers of Judicial Police in sections, shall be determined upon a proposal of the Commission and approval of the Prosecutor General.
4. The selection for the Judicial Police services at the State Police and at the state institutions, whose judicial police functions are recognized by the special law, shall be made in accordance with the provisions in the special laws and the criteria in this law.

#### Article 19

##### **Resignation and replacement**

The resignation and the replacement of the officer of Judicial Police shall be made in compliance with the provisions of the Criminal Procedure Code.

#### Article 20



### **Promotion**

Upon the proposal of the Prosecutor General, for the officers of Judicial Police in sections, who have work experience of more than 7 years, the Judicial Police Commission, after evaluating the results in their work and their integrity, shall decide on their promotion.

#### Article 21

### **Secondment**

1. For the needs of conducting investigations into a certain case or for organizational needs, upon the proposal of the Prosecutor General or the head of the relevant state institution, the Judicial Police Commission may second officers of Judicial Police from one section or service to another section or service of the same level.
2. The secondment of the officers of Judicial Police for organizational needs shall be made for 3-month periods and cannot exceed more than 6 months within a calendar year.
3. In the cases when the secondment is made for the needs of the investigation of a concrete case, the secondment time limit is linked to the completion of the preliminary investigations.
4. Upon the completion of the secondment period, the officer of Judicial Police of the section or of the services shall return to his previous position.

#### Article 22

### **Transfer**

1. The transfer can be made to a free permanent position:
  - a. due to the structural changes in sections or services.
  - b. upon the request of the officer of Judicial Police addressed, accordingly, to the Prosecutor General or to the head of the designation institution;
  - c. when there is a real risky situation against the life and health of the judicial police officer or his family;
  - ç. to avoid the situation of persistent ethical incompatibility and when any other measure has proved ineffective.
2. The transfer due to ethical incompatibility shall prevail over the lateral transfers.
3. The transfer of the officer of Judicial Police shall be proposed by the Prosecutor General or the head of the relevant state institution, accordingly.
4. The Judicial Police Commission shall, after verifying whether criteria under paragraph 1 of this article have been fulfilled and no later than 10 days from receiving the proposal, decide to accept it or not. In cases when the transfer impacts the preliminary investigation progress, the Judicial Police Commission may decide to postpone it to an appropriate moment.

5. The decision of the Commission shall be notified to the proposer immediately.

#### Article 23

##### **Dismissal and release**

1. The officer of Judicial Police shall be released from the duty in the cases of:
  - a. resignation;
  - b. having reached the age of retirement;
  - c. becoming permanently incapable to conduct the duty due to the health condition.
2. The officer of Judicial Police shall be dismissed in the cases of:
  - a. being sentenced with a final court decision for the commission of a criminal offence;
  - b. having been rendered the disciplinary measure of “dismissal”

#### CHAPTER V:

##### INVESTIGATIVE ACTIVITY OF THE JUDICIAL POLICE

#### Article 24

##### **Conduct of investigative actions by the Judicial Police services**

1. The prosecutor shall order the Judicial Police services to conduct preliminary investigations in all the cases when the criminal proceeding has been registered based on their referral of the criminal offense.
2. In special cases, in order to guarantee the objectivity of the investigation, the head of the prosecution office may order the officers of other services or Judicial Police sections to conduct investigations.
3. The prosecutor may order the Judicial Police services to conduct preliminary investigations even in the cases when the notification or the referral of the criminal offense has been made by other sources.

#### Article 25

##### **Conduct of investigative actions by the Judicial Police sections**

The Judicial Police sections shall carry out preliminary investigations, in cases when:

- a. written or verbal report is made directly at the prosecution office;
- b. receipt of information about the criminal offense and its referral are made by the section officers;
- c. the public institution which has reported the criminal offense has not judicial police services;
- ç. when the prosecutor initiates the investigation ex officio;
- d. the prosecutor deems that the case is of a special nature or requires complex or specialized investigations, which cannot be carried out by the Judicial Police services.

#### Article 26

##### **Conduct of investigative actions by the judicial police sections and services**

1. Subject to the nature and complexity of a case, the prosecutor may order the conduct of joint investigative actions by the Judicial Police officers involved in services and sections.
2. The prosecutor's order shall be notified to the respective Judicial Police service, which shall take measures for its execution.

#### CHAPTER VI

##### TRAINING AND EVALUATION OF THE RESULTS AT WORK

#### Article 27

##### **Initial training for admission to the Judicial Police**

The Security Academy or the public education institutions, charged by the law to provide professional training, in cooperation with the Judicial Police Commission and the Prosecutor General, shall deliver an initial investigation training, according to the provisions of articles 16 and 17 of this law.

#### Article 28

##### **Continuous training of Judicial Police officers**

1. The Judicial Police officers shall attend continuous training at public education institutions, as charged by the law for the attendance of professional trainings.
2. The continuous training period shall be in compliance with the respective program approved by the Judicial Police Commission.
3. Participation in the continuous training is mandatory.

4. More detailed rules on the organization of the training, drafting of the training programs, the participation in them and on the expenditures of the trainings shall be determined upon an agreement among the Judicial Police Commission, the Prosecutor General, the head of the institution where the judicial police officer exercises the functions and the director of the public educational institution.

#### Article 29

#### **Performance Evaluation**

1. The Judicial Police officers shall be subject to a periodical evaluation.
2. Each year, the Head of the Prosecution Office, upon the collection of the written opinions of the prosecutors, shall present to the Commission a performance evaluation for each judicial police officer.
3. The Judicial Police Commission, based on the presented results, shall make the classification of the evaluation of the judicial police officers according to the specifications: “Incompetent”, “Sufficient”, “Good” and “Very good.”
4. The evaluation “Incompetent” is a reason for the initiation of the disciplinary procedure for dismissal.
5. The evaluation acts, filled pursuant to this article, shall become part of the personal file of the Judicial Police officer.
6. In cases of promotion, the judicial police officer shall have the evaluation “very good” for the last 3 years.
7. Detailed rules on the evaluation method of the personal results, during the period that the judicial police officers exercise the functions, shall be determined by the Judicial Police Commission.

#### CHAPTER VII

#### REMUNERATION OF JUDICIAL POLICE

#### Article 30

#### **Salaries and rewards for Judicial Police officers**

1. The salary of a Judicial Police officer in the sections of the prosecution offices attached to the first instance courts of general jurisdiction and at the General Prosecution Office is equal to 60 percent of the initial gross salary of the prosecutor who exercises the function at them, according to the legislation in force on the status of judges and prosecutors.

2. After 5 years of service at the Judicial Police section, per each year of seniority, up to 25 years of service, this salary shall increase by 2 percent per year, according to the legislation in force on the status of judges and prosecutors.
3. Judicial police officers in the investigative structure of the State Police shall benefit a salary bonus of up to 10 percent of the basic salary for the respective rank of the State Police employee.
4. The salary of a Judicial Police officer at the National Bureau of Investigation is 20 percent higher than the salary of the Judicial Police officer in the sections, calculated on the basis of the initial gross salary of the Judicial Police officer in sections.
5. The Judicial Police officers in sections, upon the proposal of the head of the prosecution office and upon the approval of the Prosecutor General, may benefit rewards for professional merits. The criteria for the reward on special merits for the Judicial Police officers in sections shall be stipulated upon an instruction of the Prosecutor General, after the latter receives the opinion of the Judicial Police Commission and in compliance with the legislation in force.

#### Article 31

##### **Other benefits for Judicial Police officers**

1. Judicial police officers in sections shall benefit an annual payable leave of 30 calendar days. As a rule, the annual leave shall be taken in August. The Judicial Police officer, responsible for the performance of urgent tasks in August, shall take the annual leave in another period of time, being granted five additional leave days.
2. Due to the needs for professional qualifications and specializations, the Judicial Police officer is entitled to request unpaid leave and keep the job position for up to a year.
3. Judicial Police officers in the sections, services of the State Police and of the National Bureau of Investigation shall be provided with firearms, according to the applicable legislation on using firearms.

#### CHAPTER VIII

##### DISCIPLINARY RESPONSIBILITY OF JUDICIAL POLICE OFFICERS

#### Article 32

##### **General Rules**

1. During the exercise of functions, a Judicial Police officer shall be subject to disciplinary responsibility, in the cases provided in this law.
2. The disciplinary proceeding shall comply with the principles of lawfulness, objectivity, protection of rights and contradictoriness, according to the norms and the guarantees for a due legal process.
3. There is a competition among the disciplinary violations, in the cases when a judicial police officer commits two or more violations and when the decision which has determined the disciplinary measure for one of them has not become final. In the case of the competition of disciplinary violations, a sole measure is rendered and when the identified violations are sanctioned with different disciplinary measures, the most serious measure is rendered.
4. Importance of the fact, form of guilt, repetition, the mitigating and aggravating circumstances shall be considered in the determination of the disciplinary measure.
5. The disciplinary proceeding has a confidential character. Publication or disclosure of the data shall be banned until the proceeded subject is informed about them.
6. When the disciplinary violation is committed by a judicial police agent, the prosecutor shall ask the designation institution to initiate a disciplinary proceeding.

#### Article 33

#### **Disciplinary violations**

1. Discipline violations of the judicial police officers shall be divided into:
  - a. minor;
  - b. serious;
  - c. very serious;
2. The following acts and behaviours shall be minor violations:
  - a. actions and omissions of judicial police officers, causing procrastination of investigative processes;
  - b. unjustified absence at work up to 3 days;
  - c. violation of the rules of conduct.
3. The following acts and behaviours shall be serious violations:
  - a. unjustified and repeated procrastination of the actions of the judicial police officers as they exercise the functions provided by the law;
  - b. abandonment of work or unjustified and continuous absence for more than 3 days;



- c. breach of discipline at work repeatedly and after the warning issued in writing by the supervisor;
  - ç. failure of the leading officer to inform the prosecutor on the progress of investigations, whose duty is to inform ex officio;
  - d. other facts and behaviours that seriously discredit the position and the image of a Judicial Police Officer.
4. The following acts shall be very serious violations:
- a. reporting of investigational data outside the prosecution office;
  - b. submission of data and acts related to the commission of a criminal offense, beyond the deadlines and not in compliance with the procedures provided in the Criminal Procedure Code;
  - c. failure to execute, delayed execution or partial execution of a legal order of the court or prosecutor, which is linked to the exercise of functions of the Judicial Police;
  - ç. performance of actions and omissions in contradiction to the ordering or prohibitive provisions of the Criminal Procedure Code, with consequences for the investigation of the case.

#### Article 34

#### **Disciplinary measures**

1. Disciplinary measures against judicial police officers are the following:
  - a. remarks in writing;
  - b. remarks with warning;
  - c. demotion for a period from three months to one year;
  - ç. suspension from office up to 6 months;
  - d. dismissal from office or any other measures equal with it.
2. For the minor violations provided in article 33 of this Law, the disciplinary measures provided in letters “a” and “b” of paragraph 1 of this article shall be imposed.
3. For the serious violations provided in article 33 of this Law, the disciplinary measures provided in letter “c” of paragraph 1 of this article shall be imposed.
4. For the very serious violations provided in article 33 of this Law, the disciplinary measures provided in letters “ç” or “d” of paragraph 1 of this article shall be imposed.
5. The disciplinary measures shall be expunged when:
  - a. 1 year has lapsed from the date when the measure was imposed according to letters “a” and “b” of paragraph 1 of this article.

- b. 3 years have lapsed from the date of completion of the measure imposed under letters “c” and “ç” of paragraph 1 of this article.
6. Expunged disciplinary measures shall be removed from the personal file.

#### Article 35

##### **Entities entitled to initiation of disciplinary proceedings**

1. Disciplinary proceedings begin within 6 months of the violation being revealed, but not later than three years after the offense was committed.
2. The following shall have the right to request the initiation of disciplinary proceedings:
  - a. Prosecutor General,
  - b. Head of the prosecution office;
  - c. prosecutor of the case on which account a disciplinary violation has been committed;
  - ç. Head of the State Institution to whom the special law recognizes the functions of the Judicial Police;
3. In the request for the initiation of disciplinary proceedings, the nature of the violation and the facts wherefore the disciplinary proceeding is requested to be initiated, shall be described in a summary. The request is accompanied by the report on the disciplinary proceeding, which contains detailed information on the alleged disciplinary violations.

#### Article 36

##### **Disciplinary proceedings**

1. The Judicial Police Commission shall, within 30 days from the receipt of the request from the entities provided in article 35 of this Law, issue an order for the initiation of disciplinary proceedings, describing in a summary the nature of the violation, the facts wherefore the disciplinary proceedings must be initiated.
2. The order to initiate disciplinary proceedings is accompanied by an explanatory report, which contains:
  - a. Detailed information on violations mentioned in the order to initiate disciplinary proceedings;
  - b. Other data, administered in the personal file of the judicial police officer, relating previous assessments, disciplinary measures given, and any other information that is useful for the disciplinary proceedings.

3. The judicial police officer, against whom the disciplinary proceeding has been initiated, shall be notified in writing within 5 days from the issuance of the order, according to paragraph 2 for the reasons, facts and provisions violated, and the date of the hearing for the examination of the disciplinary proceedings.
4. The Judicial Police officer, against whom the disciplinary proceeding has been initiated, is entitled to:
  - a. be informed in a clear and detailed manner of the facts, violations and sanctions that may be imposed;
  - b. set out claims and requests;
  - c. be acquainted with disciplinary proceeding documents and file evidence;
  - ç. be assisted by a defence counsel elected by him;
  - d. request the summoning and hearing of witnesses, and submit other data in his defence.

#### Article 37

#### **Examination of disciplinary violations**

1. Examination of the alleged disciplinary violation begins with the verification of the appearance of the parties, verification of whether the officer has been acquainted with the scope of the disciplinary proceeding and the evidence against him, the initial submission of the respective subject and his request for obtaining and examining the evidence;
2. The Judicial Police officer and his or her defence counsel have the right to file their objections and to seek new evidence;
3. If the parties deem it necessary, they may request the summoning and hearing of witnesses about the circumstances of the facts related to the case.
4. The Commission shall also verify, prior to taking the decision:
  - a. the documentation of the officer's personal file;
  - b. the practices and cases of previous proceedings;
  - c. the presence of factors or mitigating and aggravating circumstances, including the circumstances of the commission of the disciplinary violation, the position of the officer regarding the committed violation, the consequences, etc.;
  - ç. Experience and individual results in the exercise of duty.

#### Article 38

#### **Decision-making**

1. After reviewing the facts and assessing the evidence, the Commission shall make a decision to take a disciplinary measure or to terminate the proceedings.
2. The decision shall be rendered in a reasoned form in writing, in compliance with the Administrative Procedure Code.

#### Article 39

##### **Appeals**

The final decision on the disciplinary measure may be appealed by the judicial police officer or agent against whom the measure had been taken or by any subject having requested the initiation of disciplinary proceedings at the Administrative Court within the time limits provided in the legislation in force on the organization and functioning of the administrative courts and the adjudication of administrative disputes.

#### CHAPTER IX

#### TRANSITORY PROVISIONS

#### Article 40

##### **Transitory provisions**

1. Judicial Police officers in the sections of the prosecution offices of general jurisdiction and of the General Prosecution Office, and judicial police officers of other services, shall continue to exercise their functions following the entry into force of this law.
2. Judicial Police officers in the sections of the Serious Crimes Prosecution Office shall remain in office until the National Bureau of Investigation is established. After the establishment of the National Bureau of Investigation, the Judicial Police Commission shall assign them to the sections of the prosecution offices of general jurisdiction.
3. The members of the Commission shall be assigned within 30 days from the entry into force of this law.
4. Upon the establishment for the first time of the Judicial Police Commission, the member, according to the stipulation in paragraph 1, letter “d” article 9 of this law, shall be the representative assigned by the General Directorate of Customs.

#### Article 41

##### **Sub-legal acts**

1. The Council of Ministers shall, within 3 months from the entry into force of this law, be responsible for issuing sub-legal acts pursuant to paragraph 5, article 9 of this law.
2. The Judicial Police Commission shall, within 3 months from its establishment, be responsible for issuing an internal regulation, pursuant to paragraph 6 article 11 of this law.
3. The Judicial Police Commission shall, within 6 months from its establishment, be responsible for issuing the sub-legal acts, pursuant to paragraph 7, article 29 of this law.

#### Article 42

##### **Repeals**

Law no. 8677, dated 2.11.2000, as amended, “On the organization and functioning of the Judicial Police”, as amended, shall be repealed following the entry into force of this law.

The sub-legal acts, issued pursuant to law no. 8677, dated 2.11.2000 “On the organization and functioning of the Judicial Police”, as amended, shall remain into force until the approval of the new sub-legal acts, pursuant to this law, as long as they do not fall into contradiction with the provisions of this law.

#### Article 43

##### **Entry into Effect**

This law shall enter into force 15 days following its publication in the Official Journal.

SPEAKER OF PARLIAMENT

**Gramoz RUÇI**

Adopted on 25.4.2019