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REPUBLIC OF ALBANIA
THE ASSEMBLY

LAW
No. 80/2020

ON PRISON POLICE

Pursuant to Articles 78 and 83, paragraph 1 of the Constitution, on proposal of the Council of Ministers,

THE ASSEMBLY
OF THE REPUBLIC OF ALBANIA

DECIDED:

CHAPTER I
GENERAL PROVISIONS

Article 1
Object

This Law governs the general rules and principles on:

a) the organization and operation of Prison Police;
b) the rights and duties of employees of Prison Police; and
c) the employment relations and status of employees in this service.

Article 2
Scope

This Law applies to all employees of the Prison Police who exercise their activity at the central level, in institutions for the execution of criminal sentences, inoperations for transferring andescorting convicted and remand prisoners.

Article 3
Definitions

In the context of this law, the terms below shall have the following meaning:

1. "Weapon" shall refer to any tool or instrument as defined and categorized in provisions of the law in force on weapons.
2. "On Call" shall be considered a situation in which the employees of Prison Police are put on call and take immediate measures to protect the security of persons on the premises of the institutions for the execution of criminal decisions.
3. "Inmate" is the person who is either in remand prison or sentenced with imprisonment with afinal decision.
4. "Prison Police Employee" is the employee who carries out duties in management, organization, supervision, or execution to guarantee order and security in the institutions forexecution of criminal sentences and in the General Directorate of Prisons.
5. "Institutions forExecution of Criminal Sentences" (IECS) are institutions of remand prison and institutions for the execution of prison sentences.
6. "Dismissal from Prison Police" is the termination of legal and administrative relations of a Prison Police employee with the General Directorate of Prisons, with no right to return to Prison Police.
7. "Release from Prison Police" is the termination of legal and administrative relations of the Prison Police employee with the General Directorate of Prisons.
8. "Measures for protection of order and security in IECS-s" is the entirety of legal actions which shall be carried out by Prison Police employees, in accordance with the law in force, with a view to guaranteeing order and security.
9. "RestraintTools" refers to tools used by the Prison Police in special situations in order to guarantee order and security, as defined by the Prison Regulation.
10. "Internal Area" includes accommodation areas, work facilities, vocational and cultural activities areas, and communal areasfor inmates and remand prisoners.
11. "External Area" includes the area between the border wall and the perimeter fence, as well as the security space outside of theperimeter fence.
12. "Dynamic Security" refers to the measures taken to ensure that Prison Police employees are trained and motivated to establish good relationswith inmates, to know and understand them in order to provide assistance for the inmates' personal problems, as well as to be involved in a dialogue with them.

13. “Emergency Situation” is a dangerous situation which poses serious threat and might affect directly or indirectly the life and/or health of inmates, Prison Police employees, or other persons within the IECS, and, on the basis of reliable data, it results that it cannot be contained within the normal limits of institution management andadministration.

Article 4
Status of Prison Police

1. The Prison Police employee enjoys a special status pursuant to this Law.
2. Provisions of the Labor Code shall apply for issues which are not regulated by this Law.
3. The Prison Police Status shall not change in times of war, state of emergency, or natural disaster.

CHAPTER II
PRINCIPLES OF ORGANISATION AND FUNCTIONING OF PRISON POLICE

SECTION I
PRINCIPLES OF EXERCISING THE ACTIVITY

Article 5
Legitimacy of the Activity

1. Prison Police employee carries out his/her duty through safe and humane management of inmates, and providing them with the possibility of rehabilitation and reintegration.
2. While exercising their duty, Prison Police employee treats inmates humanely, ethically, and with respect, and he/she protects every right and freedom of inmates.
3. Prison Police employees of basic role ensuresorder and security in the institution for the execution of criminal sentences, when escorting or transferringinmates, in compliance with international instruments of human rights and in the legislation in force.
4. Order and security, as for cases set forth in paragraph 3 of this Article, are ensured through technical measures and instruments anddynamic security.
5. Prison Police employee takes measures to protect the right to life and to prevent any action causing maltreatment, or inhuman or degrading treatment.
6. The rights and freedoms of inmates can only be limited in the cases and manners provided for in the law. In any case, limitations shall be imposed in proportion to the lawful aim.

Article 6
Principle of Equality and Nondiscrimination

1. Prison Police employee, in the course of exercising his/her activity, shall provide equal and objective treatment for all inmates and shall avoiddiscrimination on any grounds foreseen by the law in force on protection against discrimination.

2. Prison Police employee, when dealing with inmates, shall take into consideration the peculiarities and needs of age, gender, physical abilities and health conditions, and other special characteristicsrequiring special protection in accordance with the legislation in force.

Article 7

Respecting Rules of Ethics and Professional Conduct

1. Prison Police employee shall always perform his/her duties ethically and in a manner that he/she ensures good conduct in and out of the institution, and which earns respect for him/her and the mission.
2. Since the initial training, the Prison Police employee is introduced to the code of ethics, to the rights and freedoms of the prisoners, to respecting and protecting them, as well as to the evaluation rules of their application. Rules of ethics and conduct constitute the continuous training for the institution staff, including the Prison Police staff.
3. Prison Police employee shall carry out his/her duties responsibly and shall not perform any activity which might give rise to suspicion about the inappropriate use of the services they deliver.
4. Rules of conduct and more detailed instructionsfor their implementation are regulated by the Code of Conduct, which is approved by Order of the Minister of Justice.

Article 8

Control and Accountability

1. Prison Police employee is obliged to executethe orders issued by superiors, according to the functional level and in equal relations according to the hierarchy of ranks. Orders shall be issued in accordance with the functional duty and they shall not be in violation of the Constitution, the law, and the dignity of the person they are directed to.
2. In case of an explicit unlawful order, the Prison Police employee has the legal obligation not to execute the order and to report immediately the unlawfulness of the order to the direct superior of the person issuing the order, as well as to the institutions in charge of controlling the legitimacy of Prison Police.
3. In the absence of the direct superior, in urgent cases, and when it is impossible to communicate with more superior officials, the official with the highest rank has the right to issue the order to those of equal or lower rank.

Article 9

Continuity of Career

Prison Police employee shall be guaranteed of theright to career, welfare, and continuity of the job.

Article 10
Confidentiality of Data

1. The Prison Police staff, in the course of exercising their duty, are obliged to protect confidentiality, and state and investigation secret with regard to the facts they are informed of, in accordance with the law in force on protecting state and investigation secret.
2. The Prison Police staff are prohibited from publishing or disclosing to third parties data which impair the dignity and private life of the prisoner, and the rights of juveniles, as well as confidential or reserved data.
3. Prison Police staffhave the obligation to protect confidentiality of data for facts he/she is informed of, pursuant to paragraphs 1 and 2 of this Article, even after he/she has terminated employment relations, in accordance with the law in force on protection of state and investigation secret.

SECTION II
ORGANIZATION AND FUNCTIONING OF PRISON POLICE

Article 11
Organization of Prison Police

1. Prison Police functions as an administrative structure of the General Directorate of Prisons, which follows and fulfils protection of order and security in the institutions for the execution of criminal sentences, both during transfer and escortof prisonersto courts and other institutions, in accordance with the law and respecting human rights and freedoms.
2. The structure and organization of Prison Police is approved as part of the structure and organization of the General Directorate of Prisons, by Order of the Prime Minister, on proposal of the Minister of Justice. According to this paragraph, the special structure which performs relevant duties to ensuring the maintaining of order and security in the special regime of the high security institution, is also part of the structure and organization of the Prison Police, in accordance with the law in force on the rights and treatment of prisoners, and special protection in accordance with paragraph 2 of Article 19 of this Law.
3. Internal support services, financial management functions, and those of internal audit for the Prison Police are carried by the respective administrative structures in the General Directorate of Prisons.

Article 12
Duties of Prison Police

1. Prison Police, in the course of exercising its activity, has the following duties:
   a) ensure security in institutions for the execution of criminal sentences and in institutions where the prisoners are escorted or transferred;
   b) take security measures for the activities performed by inmates in institutions for the execution of criminal sentences;

c) provides the escort and physical security ofprisoners during the performance of criminal procedural actions;
ç) applyrules of security during escort or transfer of prisoners from one institution to another;
d) applyrules of security during escort or transfer of prisoners to court hearings;
dh) ensure protection ofprisoners in public and private hospitals;
e) take measures for protecting the life and health of prisoners, as well as ensuring the order and security in the institution in cases of emergency and natural disasters;
ë) search prisoners for forbidden items, search the internal and external area, as well as search the staff and people entering and leaving the internal space.
f) provide the service of physical protectionof the premises and institutions under the Ministry of Justice, when necessary and in accordance with the Order issued by the Ministry of Justice.
g) act alone or cooperate with the State Police or other structures in handling emergency situations and natural disasters.

In the cases set forth in letters “c”, “ç”, “d”, and “dh”, Prison Police has the obligation to take measures to expose the prisoner as little as possible before the public, to take the relevant protection measuresto ensurehis/her anonymity, as well to enablehis/her movement under conditions that do not impair the dignity anddo not aggravate his/her physical condition.

2. In addition to duties set forth in paragraph 1 of this Article, the special structure of the Prison Police performs the following functions:
   a) ensure the maintaining of order and security in the special regime of the institution of high security;
   b) prevent inmates from communicating with criminal organizations they are part of or other criminal organizations with which they cooperate outside the penitentiary institution;
   c) prevent interactions among other inmates, who are part of the same organization or other criminal organizations with which they cooperate;
   ç) prevent communication or exchange of items within the institution among inmates who belong to other criminal bands;
   d) supervise family meetings of the inmates and check their mail, in compliance with provisions of the law in force onthe treatment of prisoners;
   dh) to ensure special protection of Prison Police employees and directors of IECSs in cases when their life, family, or assets are threatened by illegal actions as a result of the duty they perform or have performed;
   e) perform any other function according to thelaw in force on the rights and treatment of prisoners.
3. In the course of carrying its activity, the Prison Police fulfills the duties set forth in paragraph 1 and 2 of this Article, guaranteeingthe fulfillment of the aim of prisoners’reintegration into society after having completed the sentence.
4. Specification of the physical protectionof premises of the institutions under the Ministry of Justice is approved by Order of the Minister.

Article 13
Use of Force

1. Prison Police employee shall not use force against sentenced persons and remand prisoners, unless this action is necessary for self-defense, for the prevention of violent actions, attempts of escape from the institution or in case of active or passive resistance against a lawful order. In these cases, force shall be used as the last resort and shall not a have a punitive nature.
2. The degree of force used shall be the minimum possible and shall be used for the shortest possible time. In any case, use of force is prohibited for motives of torture, inhuman or degrading treatment or punishment.
3. The use of weapons and other restraint tools, while using force, shall be in proportion to the situation and the level of risk that the Prison Police employee faces.
4. The staff working directly with inmates,prior totaking on the duty, shall be trained in advance on techniques which enable minimal use of force, to restate self-control of the aggressive prisoners.
5. The use of force against sentenced juveniles and juveniles in remand prison shall be in compliance with the provisions of the Juvenile Justice Criminal Code.
6. The inmates, after the use of force on them, shall undergo medical examination and treatment. In all cases of the use of force, the Prison Police employee drafts a report stating the reasons, facts, and circumstances that led to the need for using force.
7. The detailed rules on the manners, techniques, and degrees of the use of force are defined in the general regulation of prisons, approved by Decision of the Council of Ministers.

Article 14
Carrying and Use of Weapons and Other Tools

1. Prison Police employee, in the course of exercising the duty and due to it, is entitled to carry weapons and other restraint tools only in cases and according to the criteria laid out in the legislation in force.
2. Employees of the special structure within the Prison Police, the escorting groups, heads of the shift in the internal and external areas, as well as the operational forces carry weapons in personal use and after service. The unit weapon, which is given to the employee before the shift or a particular operation is an exception and it is not carried after service hours.
3. Prison Police employee is prohibited from using weapons in the internal areas of the institutions for the execution of criminal sentences, except for emergency situations, in accordance with the law in force on the use of fire arms.
4. In any case, the use of chains and iron bars and any other tools which place the person under conditions of torture, inhuman and degrading treatment or punishmentis prohibited. The use of other restraint tools in the internal area of the institution is allowed only in special cases, with the aim to:
   a) ensure the order and security of the institution, or personal physical or health security of the inmate;
   b) prevent escape.

5. The use of other restraint tools is allowed even during transfer or escort, provided that they are removed when the prisoner appears in front of a judicial or administrative body, unless the proceeding institution decides otherwise.
6. The use of weapons and other restraint tools, according to paragraphs 1, 2, 3, and 4 of this Article, is only allowed after the Prison Police employee has successfully completed the compulsory training on the use of tools of force, in compliance with the rules established in the staff regulation.
7. In institutions where there are sentenced juveniles or juvenile in remand, Prison Police employee carry and use restraint tools in accordance with the rules provided for in the Juvenile Justice Criminal Code.
8. The detailed rules on defining the cases and manner of the use of weapons different from those provided in the law in force on the use of fire arms and restraint tools, shall be approved by Decision of the Council of Ministers.

Article 15

Cooperation of Prison Police with Other Structures

1. In special cases, when order and security in the institution for the execution of criminal sentences are threatened, the Prison Police shall cooperate with other structures that operate in the field of order and security.
2. With regard to the case set forth in paragraph 1 of this Article, employees of structures that operate in the field of order and security, shall enter the institution for the execution of criminal decisions to handle conflicts according to rules laid out in the agreement signed between the General Director of Prions and the General Director of the State Police.
3. The Agreement, set forth in paragraph 2 of this Article, provides the conditions and the rights of the employees of each structure, various types of force that can be used, circumstances under which any type of force can be used, the necessary level of competences prior to the use of force, and the reports that shall be drafted after the use of force.

Article 16

Searching

1. Prison Police employees carry out searches of grounds and of:
   a) inmates;
   b) persons who enter the security perimeter and have the status of visitor;
   c) staff of the institution for the execution of criminal sentences.
2. Personal search is carried out by police employees of the same gender as the person being searched, in the presence of not less than two employees, and in a manner that avoids the possibility of being seen by the employee of the other gender.
   The personal search the inmate shall be in proportion to the need and shall consider respecting the dignity of the person being searched, their beliefs and other characteristics.

3. In any case, it is prohibited the intimate search on persons who undergo search performed by the Prison Police employees. The intimate search shall only be performed by the prison doctor when there is reasonable suspicion that the person being searched might be concealing forbidden items. The intimate searchshall becarried out in accordance with the rules set forth in the law in force on the rights and treatment of prisoners.
4. Searches of sentenced juveniles or juveniles in remand shall be done according to the provisions of the Juvenile Justice Criminal Code.
5. The personal items of individuals being searched are also subject to search for cases set forth in paragraph 1 of this Article. The person being searched must be present during the search of personal items, with the exception of cases when technical search tools are used or when the presence of the person searched poses risk to the staff performing the search. The personal searchor the search of personal items can also be carried out withtechnical search tools.
6. In all cases of entrance to and search on the grounds, the Prison Police employee drafts a report stating the reasons for entrance, for the search of grounds, and the search results.
7. The detailed rules on cases, type, and manner of carrying out the search shall be set forth in the general regulation of prisons.

Article 17
On Call Service

1. In cases when the rights of inmates are restricted or temporarily suspended collectively by order of theMinister of Justice, in accordance withthe law in force on the rights and treatment of prisoners, the Prison Police employees are on call service.
2. The Prison Police go on call by order of the Minister of Justice, which must also determine the measures corresponding to the level of security in the institution, the level of classification of the emergency, in accordance with the risk assessment for situations set forth in the law in force on the rights and treatment of prisoners.
3. In urgent cases and when it is impossible to follow the procedure set forth in paragraph 2 of this Article, the General Director of Prisons and, in his/her absence, the deputy director, is entitled to order the immediate transition to on call service, provided that they take the approval of the Minister of Justice within 24 hours.

CHAPTER III
RIGHTS AND OBLIGATIONS OF PRISON POLICE

Article 18
Economic and Financial Benefits

1. Prison Police employee is entitled to economic and financial benefits which include the following:
   a) monthly salary, which comprises payment for the rank, senioritysupplements for each year of service, and supplements for the special nature of the job;

b) compensation for additional costs for distance of workplace, payment for transport, or rent and food allowance, when transport to the workplace is not provided by the institution itself.

2. Procedures for financial benefits of Prison Police employee, during his/her period of employment, according to paragraph 1 of this Article, are set forth by decision of the Council of Ministers.
3. In so far as it is not provided for by Law,Prison Police employees are entitled to benefits in accordance with the law in force on supplemental social security as members of the Armed Forces, employees of the State Police, employees of the Guard of the Republic, employees of the State Intelligence Service, of the Defense Intelligence and Security Agency, of the Prison Police, of the Fire Protection and Rescue Police, and the Internal Audit Service of the Republic of Albania.

Article 19

Treatment for Families of Employees Who Die in Line of Duty

When the police employee loses his/her life in line of duty or due tohis/her duty, members of the family are entitled to financial and economic treatment in accordance with the provisions of the law in force on the manner of economic and financial treatment for providing immediate assistance to families of State Police employees, of the Guard of the Republic, Armed Forces, employees of the State Police, employees of the Guard of the Republic, Internal State Audit Service, Fire Protection and Rescue Police, of the Armed Forces, of the State Intelligence Service, and of the Prison Police.

Article 20

Special Protection

1. State Police ensures special physical protection of employees of the Prison Police and directors of IECSs, whose life, family, or assets are at risk from illegal actions of third parties due to their duty.
2. In emergency situations, when due to the nature and complexity of the case, it is impossible for the State Police to guarantee the protection in accordance with paragraph 1 of this Article, special protection shall be provided to the Prison Police employees, directors of IECSs, their families or assets by the special structure of the Prison Police, by order of the Minister of Justice.
3. The cases, conditions, and manner of special protection of Prison Police employees, directors of IECSs, in accordance with paragraph 1 of this Article, are determined by a joint instruction of the Minister of Justice and the respective Minister of Internal Affairs.
4. The cases, conditions, and manner of special protection of these employees, in accordance with paragraph 2 of this Article, are determined by an instruction of the Minister of Justice.

Article 21

Care for Pregnant Women

1. Pregnant or breastfeeding employees cannot perform any work or service that might harm their or their child's health.
2. Employees provided for in paragraph of this Article are not allowed to work at night.

Article 22

The Right for Vacation

1. Prison Police employee is entitled to weekly vacation, paid annual leave, and other paid vacation pursuant to provisions of this Law and other legal acts in force.
2. Duration of paid annual leave for high level employees is 45 (forty-five) calendar days, for the medium level employees it is 40 (forty) calendar days, and for basic role employees and he aspiring employees it is 30 (thirty) calendar days.
3. The annual leave shall be postponed when the Prison Police employeehas been in hospital, or has stayed home due to sickness or accident, during the period of this leave, document by medical prescription. The employee shall notify of this fact the person in charge in the institution. Annual leave is extended equal to the period of incapacity defined in the medical prescription.
4. In addition to vacations defined in paragraph 2 of this Article, the Prison Police employee is entitled to paid leave even for occasions of marriage; birth of child; serious disease or death of spouse/cohabitant, or of their immediate family; in case of harm from natural disaster; moving house; change of domicile due to duty; preparation for or defense of academic titles related to the job.
5. Prison Police employee is entitled to request unpaid leave in special situations due to health reasons, personal reasons, for their children, spouse, or parents. The maximum length of all unpaid leave within a calendar year must not exceed the amount of paid annual leave.
6. Criteria for issuing vacation days and their length, as foreseen in paragraph 4 and 5 of this Article, are determined by a decision of the Council of Ministers.

Article 23

Political Rights

1. Prison Police functions as an apolitical structure.
2. Prison Police employee shall not be member of any political party.
3. Prison Police employee shall not publicly express their political beliefs or preferences while exercising public functions.

Article 24

The Right of Membership in Unions

1. Prison Police employees have the right to participate in unions that aim to protect their interests in employment relations.
2. Relations between union organizations and Prison Police employees shall be regulated by the union statute and the charter of rights and responsibilities that Prison Police employees agree to when joining.
3. Basic rights of Prison Police employees shall be regulated by the collective contract signed between the General Directorate of Prisons and the respective union organizations.

Article 25

Prohibition of strike

Prison Police employee shall be prohibited from the right to strike.

Article 26

Obligation of Accountability and Refusal to Obey Unlawful Orders

1. Prison Police employee shall bear full responsibility for the lawfulness of any action or non-action while in duty.
2. Prison Police employee shall be under obligation to act in accordance with the orders issued by their superiors, pursuant to laws and internal rules of the institution.
3. When the Prison Police employee deems the verbal order as unlawful, he/she requests that superior issue the order in writing.
4. When Prison Police employee, even after applying the procedure set forth in paragraph 3 of this Article, from the communication of the order until the issuance of it in writing, continues to have doubts about the unlawfulness of the superior's order, he/she shall not execute it; instead, without delay, he/she shall inform the superior of the person who issued the order and shall request written confirmation.
5. Prison Police employee has the obligation to notify, without delay, the relevant bodies in the Ministry of Justice for checking the lawfulness of the activity of Prison Police, if the order issued in writing, pursuant to paragraph 4 of this Article, is unlawful to their discretion.
6. In any case, failure to fulfil obligations and procedures deriving from this Article by the employee who has issued, confirmed, or executed the order, as long as it in not a criminal offence, shall constitute ground for the initiation of an administrative investigation.

Article 27

Carrying Symbols on the Job

1. Prison Police employee is obliged to wear uniform, signs, and symbols of the Prison Police only when on duty and in accordance with relevant legal rules.
2. The Flag, coat of arms, uniform, and the color and symbols on the vehicles of Prison Police are determined by order of the Council of Ministers.

CHAPTER IV
EMPLOYMENT RELATIONS, ADMISSION IN PRISON POLICE, AND TREATMENT OF STAFF

Article 28
Employment Relation in Prison Police

1. Employment relations in the Prison Police are based on principles of equal opportunities, meritocracy, professional skills, and nondiscrimination. Admission in Prison Police is done through a process of selection which is fair and transparent.
2. Rules and procedures on employment relations of the Prison Police employees are established in this Law. For issues not regulated in this Law, the Labor Code provisions shall apply.
3. Detailed rules on training and career development of the Prison Police Employees are laid out in the staff regulation, which is approved by order of the Council of Ministers, upon proposal of the Minister of Justice.

Article 29
Criteria for Admission in the Prison Police

1. The right to compete for admission in the Prison Police is granted to any person who meets the following criteria:
   a) be of Albanian citizenship;
   b) have full capacity to act;
   c) be in good health and physical condition, capable to carry out relevant duties;
   ç) have graduated from high school;
   d) notto have criminal proceedings initiated against him/her, and is not sentenced witha final decision for committing a criminal offence or deliberate criminal misdemeanor;
   dh) be a person with pure moral figure and with social integrity;
   e) not to have any disciplinary measure of dismissal from duty or not to have effective disciplinary measures;
   ë) be 35 years of age;
   f) not to have been dismissed from State Police from provisional or periodic vetting, foreseen by the law in force on State Police employees;
2. The institution staff shall be fairly balanced between men and women and take into consideration specific needs of the institution.
3. Admission in Prison Police is done through an open competition at the national level, which is based on evaluation of the professional skills of candidates, their integrity, humanism, personal adaptability to the complexity of the job required of them. Admission in Prison Police includes a written exam, an oral exam, a psychological test, and an evaluation of physical and professional skills of candidates.

Article 30
Training

1. Successful candidates who are selected for admission in the Prison Police undergo the initial training in accordance with the rules foreseen in the relevant regulation. Upon completion of this training, the candidate has the right to exercise the duty for a one-year period, during which he/she has the status of aspiring Prison Police employee. Upon completion of this period, the aspiring candidate shall be confirmed or not as an employee of the Prison Police.
2. After being appointed in the relevant position, Prison Police employee shall attend the continuous training to enhance professional skills within the Prison Police.
3. Prison Police employees who work with special groups of prisoners, such as: juveniles, women, people with disabilities, foreigners, persons with special needs, etc. shall complete special trainings and qualifications in the relevant fields.
4. Prison Police employee undergoes an annual evaluation by their direct superior concerning their work progress and acquisition of additional knowledge.

Article 31
Appointment of Prison Police Employees

1. Basic and medium role employees shall be appointed by the General Director of Prisons on the proposal of Prison Police Director, based on the list of successful candidates in descending order.
2. High level employees in leading positions shall be appointed by the Minister of Justice on the proposal of the General Director of Prisons.

Article 32
Criteria for Appointment of the General Director of Prisons

1. The person to be appointed Prison Police Director apart of the criteria laid out in paragraph 1, letters “a”, “b”, “c”, “d”, “dh”, “e”, “f” of Article 29 of this Law shall hold the rank of “Leader”, and shall have completed higher education in accordance with the law in force on higher education.
2. The person who does not hold the rank of “Leader” can be appointed as The Prison Police Director provided that, in addition to the criteria laid out in paragraph 1 of this Law, he/she shall meet the following criteria:
   a) have completed the second cycle of higher education or anequivalent diploma;have completed higher education abroad or have a diploma recognized in the country in accordance with the law in force on higher education;
   b) have at least 10 years of experience working in public administration, in the police, in the Armed Forces, in free professions or in any other position in the private sector equivalent to the above;

c) not to have been member, collaborator, or favored by the State Security before 1990, pursuant to Law No. 45/2015 "On the right of information to the documents of the former security service of the Socialist Republic of the People of Albania";

ç) not to be subject of prohibitions, in accordance with the law in force, on guaranteeing integrity of persons elected, appointed, or exercising public function.

Article 33

Appointment and Release of Prison Police Director

The Prison Police Director is appointed and released by the Minister of Justice, on the proposal of the General Director of Prisons.

CHAPTER V

TRANSFER AND SECONDMENT

Article 34

Transfer

1. Transfer of Prison Police employee may be done by the General Director of Prisons on the written proposal of the Prison Police Director, solely for needs and interests of the job.
2. As a rule, a transfer is done with the consent of the employee.
3. Prison Police employees of basic and of medium role, who do not give their consent for transfer, shall appear on duty but they can file a complaint pursuant to the Code of Administrative Procedures. In any case, the deadline for the competent institution to dispose in relation to the complaint shall not exceed 30 (thirty) days.
4. With regard to basic role employees, transfer is only allowed to a distance up to 45 kilometers from their domicile.
5. When transport and food allowance is not provided by the General Directorate of Prisons, the transferred employee is entitled to financial treatment, in accordance to provisions of Article 18 of this Law.

Article 35

Secondment

1. Prison Police employee may be seconded on the written proposal of the Prison Police Director and by order of the General Director of Prisons, for the progress of or for the management of the workload in the prison system. The secondment period shall not exceed 6 (six) months.
2. During the secondment period, the employee retains his/herwork position and is entitled to the salary of the function for which he/she is appointed.

3. The seconded employee benefits financial treatment, in accordancewith provisions of Article 18 of this Law when accommodation, transport, and food allowance are not provided by the General Directorate of Prisons.

CHAPTER VI
CLASSIFICATION OF ROLES AND RANKS IN PRISON POLICE

Article 36
Roles in the Prison Police

1. Roles in the Prison Police reflect the level of organization, execution, control of performance of duties, and they indicate the position of the Prison Police employees.
2. Roles are classified according to the following categories:
   a) high role;
   b) medium role;
   c) basic role;

Article 37
Ranks in Prison Police

1. Each of the categories provided in Article 37 of this Law is classified in ranks, which indicate the position of the employee has in the hierarchical structure of the Prison Police:
2. Ranks for high role employees are as follows:
   a) First Leader (Director of Police);
   b) Leader
3. Ranks for medium role employees are as follows:
   a) Chief-Commissar (head of security);
   b) Commissar;
   c) Vice-Commissar.
4. Ranks for high role employees are as follows:
   a) Chief-Inspector;
   b) Inspector;
   c) Vice- Inspector.

Article 38
Assigning Ranks according to Function

1. Basic role employees shall have the ranks as follows:
   a) Vice-Inspectors includes employees with an executive role in supervising position;
   b) Inspectors include employees of basic role with executive and controlling functions;

c) Chief-Inspectors include the basic role employees with functions: assistant-specialist of police; head of shift in the special regime and head of the group in operational forces.

2. Medium level employees:
   a) Vice-Commissars include employees of medium role in support and management service positionsand security in the sections;
   b) Commissars include employees of medium role in management and leading positions within the IECSs;
   c) Chief-Commissars include employees of medium role in higher leading positions for security in the IECS, specialist of police in GDP and trainer at the training center;
3. High role employees:
   a) Leaders include heads of department in the General Directorate of Prisons and the head of the training center;
   b) First Leaders include the Prison Police Director.

Article 39
Hierarchy of Roles and Ranks

1. The hierarchy of Prison Police employees within the role is determined from the highest to the lowest rank. The hierarchy of Prison Police employees in the roles is determined from the highest to the lowest role.
2. The hierarchy of Prison Police employees of the same rank is determined based on their position, whereas for functions of the same level, based on seniority of rank.

Article 40
Attainment of Rank

1. Attainment of rank bya Prison Police employee meanshis/her promotion according to the respective functions for each rank.
2. The rank of “First Leader” is issued by order of the Minister of Justice upon appointment in duty.
3. The rank of “Leader” is issued by order of the Minister of Justice on the proposal of the evaluation commission at the Ministry of Justice.
4. The ranks “Vise-Commissar”, “Commissar”, and “Chief-Commissar” for medium role employees are issued by the General Director of Prisons, on proposal of the evaluation commission at the General Directorate.
5. The rank for basic role is issued by the Prison Police director, on proposal of the evaluation commission at the General Directorate.
6. Vacancies in the structure of Prison Police are notified according to the role, rank, and function by March 31 of every year, and they are published on the official web page of the General Directorate of Prisons.

Article 41

Evaluation Commission

1. Evaluation commissions for issuing ranks for basic role, medium role, and high role shall propose thatrespective ranks be issued on the basis of the evaluation of the criteria on the attainment of ranks set forth in this law.
2. Composition and functioning of the evaluation commission for issuing ranks for basic and medium roles shall be established by order of the General Director of Prisons.
3. Composition and functioning of the evaluation commission for issuing high role ranks shall be established by order of the Minister of Justice.

Article 42

Rank Promotion

1. Promotion in rank from "Vice-Inspector" up to the rank of "Leader" occurs when the following criteria are met:
   a) fulfillment of the timeframe of the rank;
   b) successful completion of the professional training for attainment of the next rank;
   c) positive annual evaluation of the performance for the period serving in the current rank;
   ç) status of winner of the competition procedures for promotion in rank.
2. The employee has the right to express interest to compete in the selection process from the moment he/she has attained the rank, if there are vacancies, after meeting the criteria set forth in paragraph 1 of this Article, according to the following timelines:
   a) basic role employees:
      i. from "Vice-Inspector" to "Inspector" 4 years;
      ii. from "Inspector" to "Commissar" 5 years;
      iii. from "Chief-Inspector" to "Vice-Inspector" 5 years.
   b) Medium level employees:
      i. from "Vice-Commissar" to "Commissar: 3 years;
      ii. from "Commissar" to "Chief-Commissar" 4 years.
   c) High level employees:
      i. from "Chief-Commissar" to "Leader" 5 years.

3. Seniority, with respect to the rank, is calculated for the period that the employee has served actively in the Prison Police structures and other institutions implementing the law.
4. The procedures for completion of therelevant training for the attainment of the next rank shall be defined in the staff regulation of the Prison Police, which shall include the composition of the testing commission, the application criteria, and application procedures.

Article 43
Presentation of Ranks

Presentation, form, and composition of ranks is approved by decision of the Council of Ministers.

Article 44
The Right of Complaint

1. In cases when the basic and medium role employee observes violation of the rules on promotion in ranks, he/she has the right to file a complaint to the General Director of Prisons, in accordance with the Code of Administrative Procedures.
2. In cases when the high role employee observes violation of the rules on promotion in ranks, he/she has the right to file a complaint to the Minister of Justice, in accordance with the Code of Administrative Procedures.

CHAPTER VII
DISCIPLINARY PROCEDURES

Article 45
Disciplinary Measures

1. The Prison Police employee bears administrative responsibility for his/her actions or non-actions, while carrying out the duty or due to it, which are in contradiction with the law in force, unless they constitute a criminal offense. In this case, one of the following disciplinary measures shall be taken:
   a) written reprimand;
   b) reprimand with warning;
   c) postponement of the timeframe for promotion in rank with 1 year;
   ç) dismissal from Prison Police.
2. The disciplinary measure shall be in proportion to the violation committed, the consequences deriving from it, and the degree of guilt.
3. The effects of the disciplinary measure, given by the competent authority, start oncethe person is informed of the disciplinary measure taken against him.
4. The decision on the disciplinary measure shall be communicated in writing to the Prison Police employee within 5 (five) working days from the day it is taken, and the employee shall also be informed of the right of complaint against this decision.
5. Categories and types of disciplinary violations, criteria, rules, procedures for taking disciplinary measures, and the composition, organization, and functioning of the commission of complaints for Prison Police employees are defined in the discipline regulation approved by Order of the Minister of Justice.

Article 45

Disciplinary Process

1. Taking disciplinary measures and processing them shall be in accordance with a procedure that guarantees the right to be notified, to he heard, and to be defended.
2. Only one disciplinary measure shall be taken for each violation. The decision for the disciplinary measure shall be communicated in writing to the interested person, and the relevant note shall be made in the personal file.

Article 47

Authorities Taking Disciplinary Measures

The authorities which take disciplinary measures include:

a) the General Director of Prisons in the General Directorate of Prisons,on own initiative or on proposal of the Prison Police Director, with regard to the disciplinary measures of “reprimand in writing” or “reprimand with warning”;
b) the IECS Director in the IECS, ex oficio or on proposal of the head of Prison Police for the disciplinary measures of “reprimand in writing” or “reprimand with warning;
c) Minister of Justice, on proposal of the General Prison Director, with regard to employees of high role for the disciplinary measure “postponement of the timeframe for promotion in rank with 1 year”
ç) General Director of Prisons, on proposal in writing of the Prison Police Director, with regards to employees of medium role for the disciplinary measure “postponement of the timeframe for promotion in rank with 1 year”
d) Prison Police Director, on proposal of IECS Director with regard to employees of basic role and employees in trial period in the capacity of aspiring candidate, for the disciplinary measure “postponement of the timeframe for promotion in rank with 1 year”
dh) Minister of Justice, on proposal of the General Director of Prisons, with regard to the Director and heads of departments in the General Directorate of Prisons for the disciplinary measure “dismissal from prison police”
e) General Prison Director, on written proposal of the Prison Police Director, with regard to the basic role employees and employees in trial period in the capacityof aspiring candidates for the disciplinary measure of “dismissal from Prison Police”

Article 48

Complaint

1. Prison Police employee against whom a disciplinary measure is taken, according to letters "a" e "b" of paragraph 1 of Article 46, of this Law, have the right to complain to the superior of the police officer who has taken the measure against him/her, within 5 (five) days from the date of receipt notification on the disciplinary measure.

2. Prison Police employee against whom a disciplinary measure is taken, according to letters "c" and "ç" of paragraph 1 of Article 46 of this Law, has the right to complain in writing to the commission of appeals of disciplinary measures in the Ministry of Justice, within 10 (ten) days from the date of written notification on the disciplinary measure.

Article 4

Commission of Appeals of Disciplinary Measures

1. The Commission for appeals of disciplinary measures is set up and functions in the Ministry of Justice.
2. The composition and functioning of the commission shall be defined by order of the Minister of Justice.
3. The Commission of appeals of disciplinary measures has the power to uphold the disciplinary measure, when considered well-founded, to repeal it, or to requestfrom the authority issuing the measure to review it.
4. The Prison Police employee against whom the measure is taken, shall appeal the final decision on the disciplinary measure, to the Administrative Court within the time limits foreseen by the law in force on organization and functioning of the administrative court and adjudication of administrative disputes.

Article 50

Deadlines for Expunction of Disciplinary Measures

1. Disciplinary measures of “reprimand in writing” and “reprimand with warning” shall remain in the personal file of a Prison Police employee for a period of 6 (six) months, and shall be expunged afterwards.
2. Disciplinary measure of “postponement of the timeframe for promotion in rank with 1 year”shall remain in the personal file of a Prison Police employee for a period of one year from the date of termination of the execution of the measure, and shall expunged afterwards.
3. Once the periods defined in paragraphs 1 and 2 of this Article are over, the entire documentation regarding disciplinary measures, defined in letters "a", “b”, and “c” of paragraph 1, Article 46 of this Law, shall be removed from the employee’s personal file. These data shall not be disclosed to any institution or structure without the written authorization of the General Prison Director.
4. The disciplinary measure "Dismissal from Prison Police" shall remain permanently in the personal file of a former Prison Police employee.

Article 51

Suspension

1. In cases when a criminal proceeding is initiated on a Prison Police employee, the latter shall be suspended from the function until the criminal process is concluded with a final decision. During this period, the employee is entitled to 50% of the salary for the rank.
2. In cases when innocence is proven with a final court decision, the Prison Police employee shall return in office and shall be compensated for the remaining part of the salary that would be have been given if not suspended.

CHAPTER VIII
TERMINATION OF EMPLOYMENT RELATIONS WITH PRISON POLICE

Article 52
Release from Prison Police

1. Prison Police employee shall be released from duty when:
   a) declared incapable due to health by decision of a medical commission determining incapacity;
   b) position is made redundant and the person does not accept to be appointed to vacancies equal or lower in position than the position held before;
   c) employed in other structures of the public administration;
   ç) failed the test taken upon completion ofthe basic training course;
   d) submitting the request to resign.

2. The Prison Police Director shall be released from duty for the following reasons:
   a) incapacity exercise the function for a period of more than 6 (six) months due to health reasons;
   b) resigns from duty;
3. `Basic role employee and medium role employee shall be released by the General Director of Prisons on proposal of the Prison Police Director.
4. `High role employee shall be released by the Minister of Justice, on proposal of the General Director of Prisons.

Article 53
Dismissal from the Prison Police

1. Prison Police employee shall be dismissed from duty if sentenced with imprisonment with a final court decision, as well as if against him/her the disciplinary measure of dismissal from the Prison Police is taken.
2. The Prison Police employee shall be dismissedby order of the competent authority for the appointment, and the competent authority for taking the disciplinary measure of dismissal from Prison Police.

Article 54

Financial Treatment after Termination of Employment Relation

1. Prison Police employee is entitled to the following after termination of employment relations:
   a) transitional payment;
   b) early supplementary pension;
   c) pension due to service;
   ë) elderly supplementary pension;
   d) job seniority.
2. Financial compensation following the termination of employment relations according to the cases set forth in paragraph 1 of this Article, shall be in accordance with the law in force on supplemental social security for members of the Armed Forces, employees of the State Police, employees of the Guard of the Republic, employees of the State Intelligence Service, of the Defense Intelligence and Security Agency, of the Prison Police, of the Fire Protection and Rescue Police, and the Internal Audit Service of the Republic of Albania.

Article 55

Priority for Return or Admission in Prison Police Structures

1. Prison Police employee in transitional payment and who meets the conditions and criteria to continue the police career which has been interrupted due to redundancy, in any case has priority to return to service.
2. Priority to be admitted in Prison Police shall be given to citizens who have work experience in the State Police, Guard of the Republic, Armed Forces.

CHAPTER IX

COOPERATION WITH OTHER INSTITUTIONS

Article 56

Informing the Public

1. The Prison Police informs the public and media on duties performed in the field of public order and security in the institutions for the execution of criminal sentences in accordance with the law in force.
2. The Prison Police is prohibited from communicating unethically during public communications or is prohibited from violating the principle of presumption of innocence, the principle of nondiscrimination and dignity of sentenced persons or remand prisoners, especially of juveniles.
3. Prison Police employee is prohibited from making personal statements in media about issues that have to do with their duty.

Article 57
Cooperation with Public Administration Institutions

In fulfilment of its duties, the Prison Police collaborates with institutions of public administration, both physical and legal persons.

CHAPTER X
FINAL PROVISIONS

Article 58
Transitional Provisions

1. Financial effects set forth in the letter “a” of paragraph 1, Article 18 of this Law, for the seniority bonus for each year of service, shall be implemented starting from January 1, 2021.
2. Financial effects set forth in the letter “a” of paragraph 1, Article 18 of this Law, for the supplements due to the special nature of the job, shall be implemented from January 1, 2022.
3. Financial effects set forth in the letter “a” of paragraph 1, Article 18 of this Law, for the supplement for the rank, shall be implemented from entry into force of this law.
4. The sublegalissued in implementation of Law No. 10 032, dated 11.12.2008, “On Prison Police”, as amended, shall remain in force and shall be implemented for as long as they are not in contradiction with the provisions of this law, until the new sublegal acts are issued.

Article 59
Sublegal Acts

1. The Council of Ministers, within 6 months from entry into force of this law, is in charge of issuing sublegal acts pursuant to Articles13, paragraph 7; Article 14, paragraph 8; Article 18, paragraph 2; Article 22, paragraph 6; Article 27, paragraph 2; Article 28, paragraph 3, and Article 43 of this law.
2. The Minister of Justice within 6 months from entry into force of this law, is in charge of issuingthe sublegal actspursuant to Articles7, paragraph 4; Article 12, paragraph 4; Article 20, paragraph 4; Article 41, paragraph 3; Article 45, paragraph 5, and Article 49, paragraph 2 of this law.
3. The minister of Justice and the respective minister for internal affairs within 6 months from entry into force of this law is in charge of issues the sublegal act pursuant to Article 20, paragraph 3 of this law.

Article 60
Repeals

Law No. 10 032, dated 11.12.2008 "On Prison Police”, as amended, shall be repealed.

Article 61

Entry into force

This Law shall enter into force 15 days following publication in the Official Gazette.

SPEAKER

Gramoz RUÇI

Passed on 25.6.2020