

INSTITUTE FOR DEVELOPMENT OF
FREEDOM OF INFORMATION



**Recommendations of the Institute for Development of Freedom of
Information (IDFI)
On the Reform of the Ministry of Internal Affairs of Georgia**

To the Chairperson of the Interagency Council

On Reforming the Ministry of Internal Affairs of Georgia,

To the Secretary of the State Security and Crisis Management Council

Mr. Davit Sujashvili

As you are aware of, the Institute for Development of Freedom of Information (IDFI) is a member of the working group on reforming of the Ministry of the Internal Affairs (MIA) and works on the development of recommendations based on international practice for the Interagency Council.

We will present IDFI's views on two tasks connected to reforming of the Ministry of Internal Affairs: creating Citizen Involvement Councils at the Ministry of Internal Affairs and cancellation of so called "Special Security Officers" system at public institutions.

Sincerely,

Director

Giorgi Kldiashvili

1. Citizen Involvement Councils

Firstly, it should be noted that, it is important to increase citizen involvement in functioning of the Ministry of Internal Affairs. This will help the process of reform in MIA - system will become more effective and transparent, and at the same time it will increase Public Involvement in case of Crime Prevention, especially it will help MIA and citizens to co-work on Community Crime Prevention mechanism.

One of the most adapted methods of promoting accountability of police and creating crime prevention mechanism in international practice are Public Involvement Councils.

Public Involvement Councils are not public supervisory mechanisms but they are instruments for promoting the public engagement in the process of Law enforcement agencies. This will help police to effectively supervise its own system. Thus, it is important to stipulate the word “Engagement” rather than “Supervision” or “Monitoring”.

Supervision of police is always possible but effective supervision is possible only with the public engagement.

Same type of councils were created in USA in 60-ies of 20th century, and nowadays more than 200 councils exist.¹ Public engagement councils exist in different states of U.S for example Citizen Oversight Board² in Denver and Panel Review Board³ in Salt Lake City.

¹ <http://www.npr.org/2015/02/21/387770044/police-are-learning-to-accept-civilian-oversight-but-distrust-lingers>

² <https://www.denvergov.org/Default.aspx?alias=www.denvergov.org/cob>

³ <http://www.slcgov.com/civilianreview/police-civilian-review-board-faq>



We think it would be reasonable to take into account the best practice in the reforming process of the Ministry of Internal Affairs. Public Involvement councils could be created in the form of pilot project (for example, in Tbilisi).

Public Involvement Councils should be composed of the active members of the society, who will work for free in the council (as it is the citizen's obligation - to participate in crime prevention activities and the implementation and promotion of the activities of the Ministry of Internal Affairs).

Public involvement councils, as it is in United States, will be approved by local government. Local councils (municipalities) will also ensure the functioning of the Councils. Public Involvement Council is fully independent from the local police and Ministry of Internal Affairs.

Public involvement Council will discuss the reports of citizens about incidents committed by police. The criminal offense cases will be sent to the prosecutor's office and to the General Inspection of the Ministry of Internal Affairs. Public Involvement Council will provide free legal assistance to citizens with including by filing the case to the court.

Public Involvement Council:

- Runs inquiry
- Publishes annual reports
- Organizes meetings with pupils, students, citizens, experts and other representatives of society
- Meets at least once a month
- Organizes at least once in a quarter public meetings with the participation of representatives of society
- Meets with the police
- Promotes trust based relationship between police and society
- Provides advice for the police in order to create a public participation mechanism against crime

The Council is comprised from 5 to 10 members. The members of this Council can be represented by following sectors:

- Media
- Non-Governmental Organizations
- LEPL Legal Aid Service (as it provides free advocacy service on criminal cases as well)
- Representatives of Local Municipality
- Students
- School Teachers, Lecturers
- Social Workers of Probation Agency/Department of Corrections/Center for Crime Prevention
- Mediator
- Representatives of Public Defender
- Publicly Recognized Citizens

Members of the Public Involvement Council can be elected only once, for no more than 2 years.

A member of the Public Involvement Council may be elected as a Chairperson of the Public Involvement Council, only once for no more than 1 year.

Public involvement Council should be understood as part of the community involvement in crime prevention (community crime prevention) and not as separate and independent process from it.

Public Involvement Council helps to build a trustworthy relationship between society and police, and at the same time is an effective tool to strengthen public monitoring on police but as mentioned above, the basic meaning and importance is assigned to public involvement and monitoring can be considered as the community involvement in police activities, and as the police and the public fight against crime together.

2. Special Security Officers

On December 13, 2013 [Government Resolution # 337](#) approved the Regulations of Ministry of the Internal Affairs. One of the activities of the Minister of Internal Affairs is the following:

P) To assign Special Security Officers in the particularly important institutions and bodies of State;

According to the same provision, one of the major task of the State Security Agency's (Department) represents:

"Coordination and control of activities of Special Security Officers, who are assigned to particularly important state bodies and institutions, including analytical processing of information provided by them".

There is a Chief Division of officers in State Security Agency, employees of which perform security duties in different state institutions. "SSOs", which are directly involved in the activities of government institutions are accountable to the Ministry of Internal Affairs and they are appointed not according to the needs and wishes of the head of the institution of public institutions, but also on the special reference of Ministry of Internal Affairs. Therefore, it could be assumed that MIA has no confidence in particular state bodies and assigns security officer to control the state body

Moreover, according to the established practice, over the years, unfortunately, "SSOs" activities included collecting information not only on the activities of public institutions but also to control the activities of employees, personnel policy, politically motivated prosecution of public servants and the promotion of party interests.

The so-called "SSO" (the word comes from Russian ОДР - офицер действующего резерва) is a relic of the totalitarian Soviet system. "SSOs" significantly damage Georgia's open governance, democratic development processes. At the same time, appointing the Special Security Officers in public institutions, affects the trust of the society towards the Ministry of Internal Affairs and the public institutions. The presence of such officers creates an unhealthy atmosphere in the public sector.

Consequently, we consider it necessary to reform this institution. We think that the government should review its policy towards the institution of "SSO", and bring into line with the practice of modern democratic standards. It is necessary, also, to revise the Soviet approach within the current reform framework of the Ministry of the Internal Affairs. We should consider the risks that come along with such a system in democratic governance. The public security bodies can be used for non-legal control and supervision of public servants and the top officials.