



PERFORMANCE AUDIT REPORT





State Audit Office Of Georgia

"I hereby approve"

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Defence, Public Order and Security Audit Department
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Legal Response Measures of the Ministry of Internal
Affairs of Georgia to the Violations of Road Traffic Rules

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DEFINITIONS

Ministry, or MIA – the Ministry of Internal Affairs of Georgia

Minister – the Minister of Internal Affairs of Georgia

Patrol Police – Patrol Police Department of the Ministry

Shida Kartli, Kvemo Kartli, Imereti, etc. Patrol Police – the Main Divisions of Regional Police Offices

Regional Police Department – a territorial authority of the Ministry

Centre – a structural subdivision of the Ministry – “Joint Operations Centre”

Analytical Department – Information-Analytical Department of the Ministry

AOC, or the Code – Administrative Offences Code

Ltd. – a limited liability company

LEPL – a legal entity of public law

Patrolling – a detail of one or more police officers fulfilling their official duties on a predefined service area

Fixed site radars – speed measuring devices placed at specific locations automatically recording the fact of violation of the established speed limits by a driver by more than 15 km/h in the form of a photo and sending it to the Patrol Police through electronic document processing system (EFLOW).

“Smart cameras” – cameras equipped with number-plate recognition analytical software and integrated in the unified network of the MIA. The cameras can identify one of the 5 different types of administrative violations (according to the software integrated in them) and respond in an appropriate manner through video-analytical software without the intervention of an operator. The so-called “section control radars” belongs to one of the mentioned types.

“Section control radars” – speed control sections automatically recording exact time of entry and exit of a vehicle into/from the section and the number-plate by means of analytical software recognizing the number-plates of vehicles. After that, the software calculates the average speed of the vehicle and registers the fact of speeding in case it exceeds the established speed limits and sends it to the Patrol Police through electronic document processing system (EFLOW).

Mixed method of patrolling – carried out by means of two vehicles at a time one of which has a special colour and the other – usual colour.



EXECUTIVE SUMMARY

The State Audit Office has conducted performance audit on the effectiveness of legal response measures of the Ministry of Internal Affairs of Georgia to the violations of road traffic rules.

Thousands of road traffic accidents resulting in significant human and economic consequences occur on the roads of Georgia year after year. Therefore, the road traffic safety has been recognised as the national priority which is declared both in the “National Road Safety Strategy of Georgia” and in the state budget laws of Georgia for the years 2017 and 2018. Moreover, the obligation of enhancing road safety is laid down in the EU-Georgia Association Agreement.

Important reforms have been undertaken in the Ministry of Internal Affairs during the last years with regards to the legal responses to the violations of traffic rules. A Road Traffic Safety Program aimed at enhancing the level of safety for pedestrians, passengers and drivers and decreasing the number of road traffic accidents is being implemented. Besides, the share of technologies in the process of road traffic control and administration is considerably increasing.

Until 2017 only the fixed site types of radars and human resource operated video cameras were functioning in the country – in big cities and on highways. An important workload in terms of detection of violations was accomplished by Patrol Police crews. In 2017 the Ministry launched a new project “Safe City, Safe Region, Safe Country”.¹ The mentioned project envisaged installation of 1000 so-called “smart cameras” and 500 so-called “section control radars” equipped with analytical software throughout Georgia. Due to the financial concerns, only a small part of the mentioned devices were functioning in 2017, but the necessary licenses are already purchased and appropriate preconditions prepared within the project for the development of a unified network of a video-surveillance system.

The State Audit Office studied the legal response measures implemented by the relevant structural units of the Ministry against the violations of road traffic rules, namely, the issues related to the detection of cases of violations of road traffic rules, imposition of corresponding sanctions, submission of penalty charge notices to the offenders and collection of the sanctions imposed.

Audit findings with respect to the detection of violations of road traffic rules cover the information such as the disposition, number and functionality of the existing radars and other video-surveillance cameras disclosure whereof may have a negative impact on the interests of observance of law and order in the country. Considering the above mentioned and having regard to paragraph 7 of article 9 of the Law of Georgia on State Secrets, part of the report was classified as the secret information, namely “restricted for official use only”.

¹ Approved by Order no 233 of the Ministry of Internal Affairs of Georgia of May 1, 2017.



AUDIT HAS REVEALED CERTAIN SYSTEMIC DEFICIENCIES:

PROBLEMS AND DEFICIENCIES EXISTING IN TERMS OF DETECTION OF VIOLATIONS

- › **Territorial coverage problem** – activities of the Patrol Police Department cover the most densely populated settlements and the main highways of the country which account for only 45% of the territory of Georgia. Patrolling of the remaining part of the country, namely, of some of the cities, towns and villages, also, less busy roads – is ceded to the territorial authorities of the Ministry (regional police departments). The share of road traffic accidents and deaths observed within the beats of the regional Patrol Police Departments during 2015-2017 accounted for 10-12% and 26-28% of the traffic accidents and deaths registered in the country, respectively. Subsequently, the mentioned territory is a relatively uncontrolled environment due to the following reasons:
 - No video/photo surveillance is enforced on the areas of service assigned to the territorial authorities;
 - The beat of a separate patrol crew of district inspectors is always considerably greater than that of a patrol police crew.
 - The district inspectors worked more than 80 hours a week (working in shifts every other day) during audit period which significantly reduced the efficiency of their activities. Nowadays the situation has improved though they still work 72 hours per week.
 - District inspectors are technically underequipped as compared to the patrol inspectors. For instance, they do not have body worn cameras, the means for printing electronic penalty charge notices (they draw up an administrative offense report manually), etc.
- › **Problem in terms of detection of speeding facts** – insufficient detection of speeding facts in the country due to inadequate number of radars and their technical malfunctioning often making it impossible to use them. The mentioned problem can be solved by way of timely installation and activation of the section control radars and through equipment of the relevant staff with speed measuring devices, especially on the part of the territory of the country which is left beyond the control of both patrol police and radars.
- › **Problems observed in the operation of a video-surveillance system** – part of the video-surveillance system responsible for the detection of various types of traffic rules (apart from speeding) is not in proper working order.
- › **Deficiencies existing in patrol police activities** – the existing model and scale of covert patrolling have failed to accomplish a crucial role in the solution of traffic safety issues due to the limited number of patrol crews, service zones, working time, lack of speed measuring devices which have become the reason for unregistered facts of speeding which is one of the prevalent types of violations.
- › **Problem in terms of detection of violations of road traffic rules by pedestrians** – traffic accidents are often caused by pedestrians and they hardly get any penalties.



DEFICIENCIES IN TERMS OF IMPOSITION OF ADEQUATE FINES AGAINST VIOLATIONS

- › **Some of the articles of the Administrative Code do not provide for the imposition of adequate fines for repeat traffic offenders.** These are, for instance, articles 116 and 121 of the Code setting forth the amounts of penalties against driving under the influence of alcohol or in case of driving with the driver's license already suspended or without having it at all. The Code does not envisage criminal responsibility even in case of repeated violation of the mentioned articles and the facts revealed as a result of audit have outlined that some drivers tend to violate the requirements of the mentioned articles on a systematic basis ending in fatal results. Introduction of the penalty point system which implies driving disqualification in case of frequent violation of road traffic rules, have toughened the approach towards repeat traffic offenders though the penalty point system has failed to toughen the punishment for those persons who continue driving even after losing all the points. No criminal responsibility is imposed on a given person in such cases.
- › **Penalty point system does not apply to video fines,** thus reducing the efficiency of video fines. According to international practice, any type of penalty is reflected on driver's points and entails appropriate responsibility.
- › **Certain problems persist in terms of imposition of sanctions against the violations having been recorded by the video-surveillance system, namely:**
 - Operators do not issue penalty charge notices for the legal entities of private law the identification code whereof is not included in the software.
 - No video fines have been issued and sanctions imposed against transit vehicles and vehicles with foreign registration numbers during audit.
 - No penalty charge notices can be issued in case of violations recorded with minor software and technical faults (referred to in the report) either, thus decreasing the indicator of responding to the violations revealed.

Delayed and disproportional response to the violations detected has an effect on the number of traffic rule violations and results in traffic accidents.

INEFFECTIVENESS OF THE MEASURES OF COLLECTION OF THE PENALTIES IMPOSED AGAINST VIOLATIONS

- › **25-30% of the offenders of road traffic rules avoid the payment of the penalties imposed.** The purpose of paying a penalty is the prevention of violation of road traffic rules. Subsequently, effective operation of penalty enforcement mechanisms is vital.

Until November 1, 2017 there was a major issue of submission of video fines to the drivers having violated traffic rules and their collection which is already legally regulated though, according to the existing situation, practical results are still unknown. Namely, the employees of the Georgian Post, Ltd. being obliged under the agreement signed with the Ministry to submit penalty charge notices of video fines to the offenders of road traffic rules to their addresses may discharge their



obligation ineffectively due to either objective or subjective reasons. The Patrol Police Department in its turn does not carry out monitoring and inspection of the fulfilment of the provisions of the agreement concluded with the Georgian Post, Ltd. Thus, it is impossible to determine the gaps existing in the process of submission of penalty charge notices.

On November 1, 2017 a new procedure of submission of penalty charge notices of video fines (delivery of fines through SMS notifications) was enacted with a view to solving the above mentioned problem which is highly likely to decrease the number of undelivered and outstanding video fines. Notwithstanding this, there are several problems which will impede on the smooth functioning of the system. One of them, for instance, is the fact that the MIA database does not contain contact information of the owners of 30% of the registered vehicles making it impossible to send out SMS notifications to them.

Subsequently, for the time being, the significance of the problem relating the delivery of video fines has not yet diminished. The MIA does not have any leverage to use in the process of collection of amounts imposed through the overdue (outstanding) penalties: patrol police officers and district inspectors have no right of submission of the video fines to the addressees.

- › **The software of the Ministry has deficiencies. Namely, it is not possible to send any information on outstanding penalties of the private companies to the National Bureau of Enforcement at all**, with a view to ensuring compulsory enforcement, neither is it sent by post. As a result, no compulsory enforcement is applied against the failure of the private companies either to pay the penalties. Total value of the mentioned categories of video fines with outstanding status accounted for almost 450.0 thousand GEL by year 2016.
- › **During the audit structural units of the MIA had no consistent statistical summary information** on the number and amount of overdue penalties of the offenders, number of video fines not submitted to the addressees, amount of the penalty interests accrued on outstanding penalties, number of those remaining in arrears and number of fines transferred for enforcement. This kind of information is necessary for correct implementation of analytical activities and for the development of a result-oriented action plan. Neither had the Ministry any follow-up information about the status of enforcement of penalties by the LEPL – National Bureau of Enforcement, namely about the number and amount of penalties and penalty interests left unenforced and the reason for the failure to enforce them.

The State Audit Office has issued recommendations for the elimination of the above mentioned deficiencies.

To the Ministry of Internal Affairs, the Patrol Police Department and the Unified Operations Centre:

RECOMMENDATIONS WITH RESPECT TO THE DETECTION OF VIOLATIONS

With a view to enhancing oversight over the observance of road traffic rules and preventing road traffic accidents to the maximum extent possible throughout the territory of Georgia:



1. Special efforts should be made towards the process of developing unified video-surveillance network and the feasibility of placing video-surveillance cameras on secondary as well as on local roads should be considered. Timely conduct of the process of installation of section control radars and putting them into operation should be ensured in order to enable the efficient use of the relevant infrastructure and the software licenses already acquired by the Ministry for these purposes.
2. Possibility of using non-stationary (mobile) speed measuring devices (radars), especially on the locations with no fixed site radars and section control radars arranged, should be considered.
3. Technical malfunction of the fixed site radars arranged throughout the country should be eliminated to enable the Ministry to utilise the available remaining resources to the maximum extent possible and improve the situation considerably. At the same time, efficient use of the available capacities of the video-surveillance cameras procured before 2017 and arranged throughout the country should be ensured.
4. Possibility of creation and running of a special web-page with a view to ensuring participation of citizens in the detection of traffic rule violations should be considered in order to enable (entitle) each citizen to upload a video and/or photo image reflecting a fact of traffic rule violation based on which it will be possible to issue a penalty charge notice. At the same time, an issue of feasibility of mandatory arrangement of video-registrators in passenger transport should be considered, as necessary, with a view to ascertaining the real reasons for road traffic accidents and simplifying investigations.
5. The number, beats and working hours of patrol crews should meet the existing challenges and the feasibility of introducing the practice of mixed method of patrolling should be considered with a view to benefiting from the advantages of covert method of patrolling in a more efficient way.
6. Activities in terms of detection of violations of road traffic rules by pedestrians and imposition of corresponding sanctions should be intensified in extremely risky areas.

RECOMMENDATIONS RELATED TO THE IMPOSITION OF RELEVANT SANCTIONS AGAINST THE VIOLATIONS OF ROAD TRAFFIC RULES

7. Advisability of making amendments to legislation aimed at imposing more severe punishment for repeat traffic offenders should be considered with a view to ensuring the imposition of relevant sanctions against the violation of road traffic rules, for instance: drink driving or cases of driving where a person has a driver's license already suspended or doesn't have it at all.
8. With a view to introducing a correct and uniform approach of responding to the violations of road traffic rules by state-owned vehicles revealed by means of video-surveillance, it is important to develop relevant criteria and the detailed instruction on the rules of charging penalties and communicate it to the employees in charge of issuing the penalty charge notices for implementation.



9. Possibility of applying a penalty point system to video fines should be considered by taking account of international practice.
10. With a view to imposing corresponding penalties against the violations revealed:
 - Inclusion of identification codes of all legal entities of private law in the relevant software should be ensured in order to enable the issue of video fines against them as necessary.
 - Possibility of issuing relevant penalty notices against the facts of violations registered by the software with some imperfections should be considered for the cases where a photo and/or video image provides all the necessary evidences clearly;
 - Identification of an offender, imposition of a corresponding sanction and implementation of effective enforcement measures should be ensured within the competencies of the Ministry in cases of automatic detection of the facts of traffic violations by transit vehicles and vehicles with foreign registration numbers.

RECOMMENDATIONS FOR THE ENHANCEMENT OF EFFICIENCY OF THE MECHANISMS OF COLLECTION OF THE FINES IMPOSED

11. For the purposes of information analysis and correct planning of further activities it is important that the Ministry of Internal Affairs develops the relevant system in collaboration with the LEPL National Bureau of Enforcement based on which the Ministry will receive information on the status of enforcement of the penalties imposed both for the violations of road traffic rules and other administrative offences.
12. With a view to developing an effective system of enforcement of penalties, integration of all the services enabling the communication of the necessary information on the outstanding penalties of private companies to the National Bureau of Enforcement in the existing software should be accelerated.
13. With a view to solving the issue of improving the process of submission of penalty charge notices to the drivers having violated the road traffic rules and collecting the video fines imposed on them and effectively enacting the amendments to legislation:
 - The existing database of registrations of vehicles and contact details of their owners should be improved;
 - Monitoring of the proper fulfilment of the provisions of the agreement concluded with the Georgian post, Ltd. and inspection of the services rendered thereby should be ensured;
 - Possibility of submission of video fines by patrol police officers at least to the drivers receiving a penalty for a new violation and having undelivered video fines in arrears should be considered;
 - The issue of using the capacities of district inspectors for the submission of outstanding (undelivered) video fines to the addresses should be considered.



1. INTRODUCTION

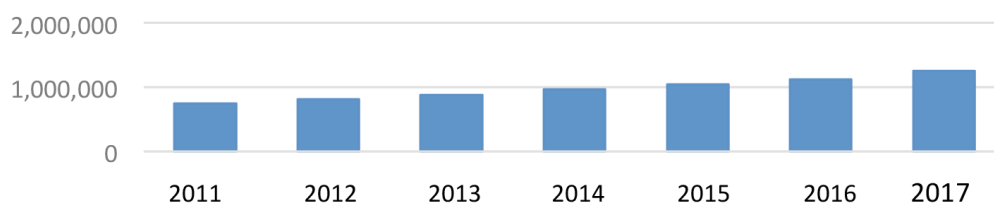
1.1 AUDIT MOTIVATION

One of the important processes having accompanied the development of the country is increase of number of vehicles which in turn has led to the significant increase of number of road traffic accidents.

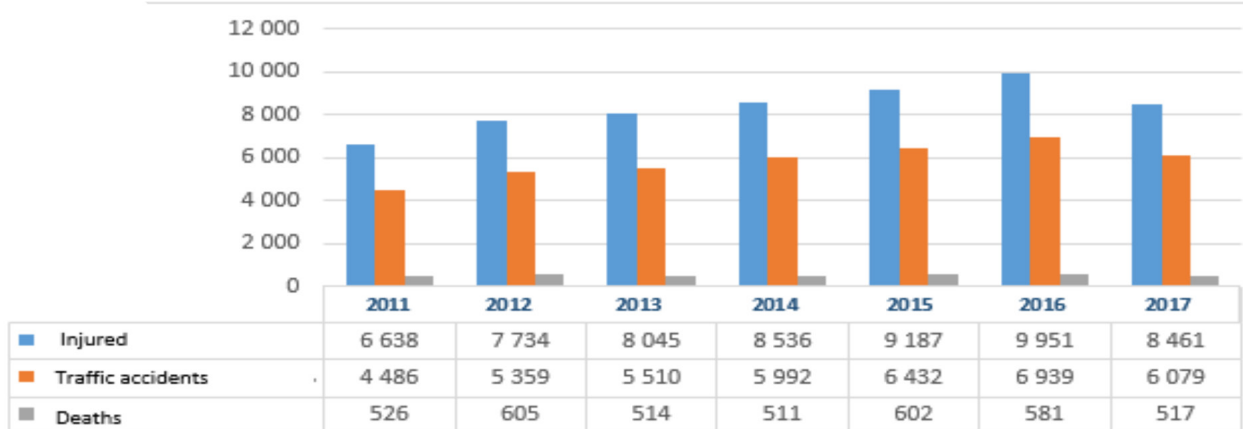
Over 500 persons/year died in traffic accidents on the roads of Georgia during the last years and number of the injured exceeded 8000.

Number of vehicles has increased by 33% between 2011 and 2016 leading to the proportionate increase of number of road traffic accidents by 35%.

Graph no 1: Dynamics of increase of auto park in 2011-2017²



Graph no 2: Dynamics of road traffic accidents in 2011-2017³

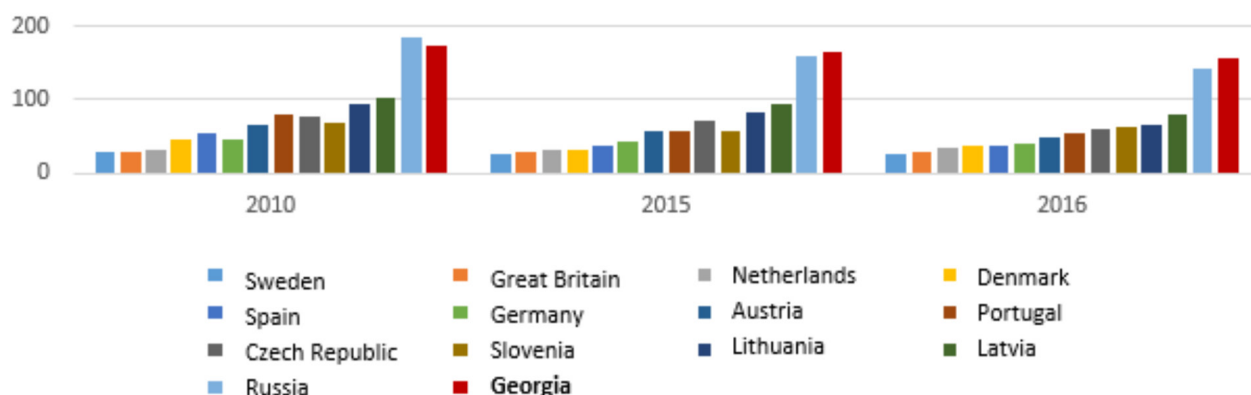


The fact that the number of deaths and the injured as a result of traffic accidents in Georgia calculated per 1 million inhabitants largely exceeds the average indicator of the European countries, points to the large scale of the problem of road traffic accidents.

² <http://police.ge/files/pdf/statistika%20da%20kvlevebi/2017/autoparki-2016-5.pdf>

³ The Ministry of Internal Affairs of Georgia, statistics of road traffic accidents, 2008-2015. The Ministry of Internal Affairs of Georgia, statistics of road traffic accidents, 2008-2015.

Graph no 3: Number of deaths caused by traffic accidents in 2010, 2015 and 2016 calculated per 1 million inhabitants in some of the European countries



The data provided above shows that the highest indicator of deaths resulting from road traffic accidents is observed in Georgia in 2016 and it accounts for about 156 per 1 million inhabitants⁴.

Considering the above mentioned the prevention of road traffic accidents and minimising its number is the priority direction of the country in which the measures taken by the MIA have vital importance.

Due to the high public interest towards the problem, the State Audit Office deemed it advisable to conduct performance audit on the effectiveness of the legal response measures to the violation of road traffic rules. The State Audit Office deems that the recommendations issued as a result of in-depth investigation of the causes of the existing problems will help the Ministry to enhance the efficiency and effectiveness of its legal response measures to the violations of road traffic rules.

1.2 AUDIT OBJECTIVE AND KEY QUESTIONS

The purpose of audit is to evaluate the effectiveness of the legal response measures taken by relevant structural units of the Ministry to the violations of road traffic rules and issue relevant recommendations.

The main subject of the audit is the risk of insufficiency of legal response of the relevant institutions to the increasing cases of road-transport accidents. There is a risk that significant part of the cases of violation of road traffic rules still remains unrevealed and, subsequently, unpunished. The indicator of collection of penalties is low which may be related to the problems existing in terms of the issue of submission of penalty charge notices.

The following key questions have been determined as the basis for the investigation of the causes of the above mentioned problems and for issuing relevant recommendations:

⁴ This indicator has reduced to 139 in 2017 though it is still high.

How effective are the legal response measures taken by the Ministry of Internal Affairs of Georgia to the violation of road traffic rules?

With a view to finding an answer to the key question the audit gave answer to the following sub-questions:

- › To what extent is the adequate/sufficient detection of the cases of violation of road traffic rules and imposition of relevant sanctions ensured?
- › How efficient is the existing system of submission of penalty charge notices to the offenders and collection of the sanctions imposed?

1.3 AUDIT SCOPE AND METHODOLOGY

Audited entity is the Ministry of Internal Affairs and the structural subdivisions thereof, namely: the Patrol Police Department and its structural units (Tbilisi, Mtskheta-Mtianeti and Shida Kartli main divisions), territorial authorities of the Ministry (Mtskheta-Mtianeti and Shida Kartli police departments), Unified Operations Centre, Information-Analytical Department.

With a view to answering the key audit question, the State Audit Office has studied the period running from January 1, 2016 to January 1, 2018:

The following methodology was used during the main audit investigation phase:

- › Analysis of information provided by the audited entities (Road Safety Strategy, Road Safety Action Plan 2017, financial and statistical data);
- › Studying and analysing the legislative norms regulating legal response measures taken against the violations of road traffic rules;
- › Studying examples of international good practice in the given field;
- › Interviews with the employees of the audited entity and focus groups.
- › Data analysis (analysis of databases and data documents).

The following methods and procedures have been used for providing answers for each audit question:

With a view to estimating the sufficiency of detection of cases of violation of road traffic rules and imposition of corresponding sanctions, legal basis regulating the issues relating the detection of the cases of violation of road traffic rules and imposition of corresponding sanctions by the Patrol Police, the Unified Operations Centre and territorial authorities (regional police departments) was studied. At the same time, consistency of the existing practice with current legislation and its efficiency and effectiveness was analysed.

With a view to ascertaining the efficiency of the existing system of submission of the penalty charge notices and collection of the sanctions imposed, the amendments to the Administrative Offences Code made on November 1, 2017, namely the new procedures of enforcement of penalties imposed against the facts of violations reflected on photo and/or video records were studied. Process was studied and deficiencies and risks have been identified in terms of their ef-



iciency and effectiveness along with the enforcement of the mentioned rules. Interviews were held with the audited entities and other related parties both by way of telephone and written and direct surveys.

1.4 AUDIT CRITERIA

Legislative acts regulating the field of road safety and police activities and used as evaluation criteria during audit are listed below:

- › Law of Georgia on Police;
- › Law of Georgia on Road Traffic;
- › Administrative Offences Code of Georgia;
- › Decree no 1389 of the Government of Georgia of July 11, 2016 on Approval of the National Road Safety Strategy of Georgia;
- › Order no 993 of the Minister of Internal Affairs of Georgia of December 31, 2013 on Approval of the Regulation of the Patrol Police Department of the Ministry of Internal Affairs of Georgia;
- › Order no 412 of the Minister of Internal Affairs of Georgia of June 3, 2014 Laying down the Service Areas of the Main Divisions of the Patrol Police Department of the Ministry of Internal Affairs of Georgia and the Subdivisions Thereof;
- › Order no 625 of the Minister of Internal Affairs of Georgia of August 15, 2014 Laying down the Procedure of Approval, Completion and Development of the Templates of the Documents to Be Drawn up by the Duly Authorised Persons of the Ministry in Connection with the Cases of Administrative Offences;
- › Order no 1310 of the Minister of Internal Affairs of Georgia of December 15, 2005 on Approval of the Instruction on the Rules of Carrying out Patrols by the Patrol Police Service of the Ministry of Internal Affairs of Georgia;
- › Order no 458 of the Minister of Internal Affairs of Georgia of August 22, 2016 on Some Measures Necessary for the Implementation of a Pilot Programme of Analysis-Based Police Activities;
- › Order no 233 of the Minister of Internal Affairs of Georgia of May 1, 2017 on Approval of the Project of the Ministry of Internal Affairs of Georgia – “Safe City, Safe Region, Safe Country”;
- › Decree no 1933 of the Government of Georgia of September 26, 2016 on the Measures to be Implemented with Respect to the Introduction and Development of the Unified Video-Monitoring System Equipped with Video-Analytical Software by the Ministry of Internal Affairs of Georgia on the Whole Territory of the Country.
- › Order no 328 of the Minister of Internal Affairs of Georgia of June 28, 2017 on Approval of the Rules of Mounting and Using Automatic Photo and Video Equipment, Non-Stationary (Mobile) Speed Measuring Devices on an Unmarked Vehicle Operated by the Police and Data Processing;
- › Order no 999 of the Minister of Internal Affairs of Georgia of December 31, 2013 on Approval of the Code of Ethics of the Georgian Police and the Rules of Conduct of Some Employees of the Ministry of Internal Affairs of Georgia;

Standards developed by the European Union and international organizations, best practices of different countries, etc. were also used for the evaluation of the activities of the Ministry.



The following international organizations lay down the road safety criteria:

- › European Transport Safety Council (ETSC)
- › World Bank (World Bank)
- › World Health Organization (WHO)
- › Organisation for Economic Co-operation and Development (OECD)
- › United Nations Organization (UN)
- › Global Road Safety Partnership (GRSP), etc



2. BACKGROUND

2.1 LEGAL REPONSES OF THE MINISTRY OF INTERNAL AFFAIRS OF GEORGIA TO THE VIOLATION OF ROAD TRAFFIC RULES

One of the important objectives of the Ministry of Internal Affairs is ensuring road traffic safety and it is entitled to draw up an administrative violations report and impose an administrative fine set forth in the Code against the offender to this end.

According to the Information-Analytical Department of the Ministry, annually 1.2 million penalties were issued on average during 2015-2017 the total amount whereof accounted for 58.5 million GEL per year. The indicator of payment of the penalties was steadily decreasing in the same period while the number of cancelled and undelivered penalties was increasing. As a result, the indicator of payment of penalties by offending drivers was reduced from 80.5% to 69.4%.

Table no 1: Information on the penalties and payments for 2015, 2016 and 2017 (thousand units)

		2015	2016	2017
Total of penalties	Quantity	1,191.80	1,012.80	1,271.10
	Amount	55,843.20	55,907.60	63,743.50
Payment	Quantity	1,051.20	833.2	957.2
	%	88.20	82.27	75.30
	Amount	44,975.10	41,867.90	44,259.60
	%	80.54	74.89	69.43

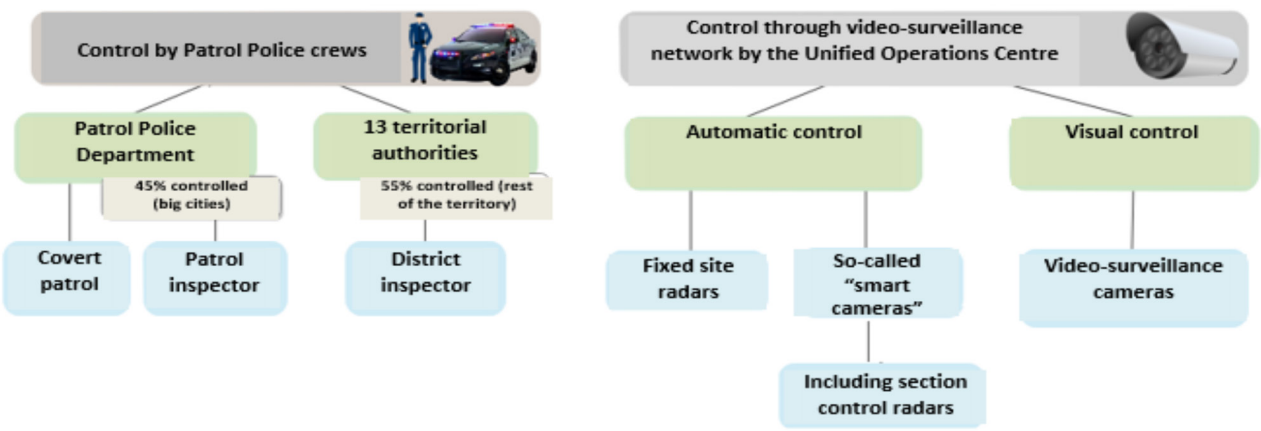
Obligation of road traffic control and response to road traffic accidents is assigned to the Patrol Police Department, territorial authorities of the Ministry and Unified Operations Centre.

Scheme no 1: Structure of the Ministry in terms of responsibility for ensuring road traffic safety:



Traffic control is being implemented by the Ministry mainly in the form of patrolling by police crews (of both the Patrol Police and the territorial authorities of the Ministry) and by means of video cameras arranged on the roads and intersections of the country.

Scheme no 2: Functions of the structural units of the MIA in terms of detection of violations of road traffic rules (as of January 1, 2018)



According to the existing situation, an obligation of patrolling on 45% of the territory of Georgia is assigned to the Patrol Police Department of the Ministry while on the rest of the territory – to the territorial authorities of the Ministry (regional police departments). According to order of the Minister⁵, international roads and big cities, as well as secondary roads and part of administrative centres are subordinated to the control of the Patrol Police Department. Relatively small settlements (including regional centres like: Kaspi, Kareli, Akhmeta, Kvareli, etc.) and secondary roads are controlled by the territorial authorities of the Ministry.

As for the video-surveillance of road traffic, this function is carried out throughout the territory of the country by the structural subdivision – the Unified Operations Centre which was set up in October 2016.

PATROL POLICE DEPARTMENT

The Patrol Police Department is a structural subdivision of the Ministry one of the main objectives whereof is to ensure safety of the road traffic participants. The Department controls the most densely populated settlements and the main highways (up to 45% of the country) with the bulk traffic concentration and, subsequently, with higher number of facts of traffic rule violations observed. To this end, the Department has regional divisions throughout the country representing the structural units thereof.

⁵ Order no 412 of the Minister of Internal Affairs of Georgia of June 3, 2014 Laying down the Territories of Activities of the Main Divisions (Divisions) of the Patrol Police Department of the Ministry of Internal Affairs of Georgia and the Subdivisions Thereof.



Scheme no 3: Structure of the Patrol Police Department

	Organizational Division
	Financial-Economic Division
	Watch and Information Division
	Staff Support Division
	General Division (Chancellery)
	Monitoring Division
	Tbilisi Main Division
	9 main regional divisions

With a view to ensuring traffic safety, the Patrol Police Department is obliged to:

- › Carry out legal and organizational-technical measures for road traffic regulation purposes;
- › Carry out appropriate measures for the elimination and prevention of road traffic accidents;
- › Develop proposals for the rules, standards and technical norms with respect to the issues of ensuring road traffic safety and carry out state supervision and control over their fulfilment;
- › Participate in the measures undertaken for unified state registration of road-traffic accidents;
- › The Patrol Police is entitled to draw up relevant administrative offences report and impose administrative fine against the offender;
- › The Patrol Police carries out patrolling both on foot and by using transport and other means;
- › When a Patrol Police crew registers the fact of violation it draws up an administrative offences report and issues an penalty charge notice on site implying the imposition of a monetary sanction and/or suspension of a driver's license;
- › Video files reflecting the violations of road traffic rules and registered by the Unified Operations Centre through control of video cameras are sent to the Patrol Police Department having the sole right to analyse them and impose corresponding penalties;
- › The Department participates in the measures undertaken for unified state registration of other indicators reflecting road traffic safety and the activities undertaken for ensuring traffic safety. The reports drawn up by the district inspectors of the relevant territorial authorities (departments) of the Ministry are sent to the territorial divisions of the Department for reflecting them in the unified database of violations;
- › The Department is in charge of analysing the facts of administrative offenses committed.

TERRITORIAL AUTHORITIES OF THE MINISTRY

The Ministry has 11 territorial authorities (departments) the beats and the competences whereof are laid down in the regulations approved by the Minister. The above mentioned departments

are in charge of patrolling the part of the territory of the country which is left beyond the control of the Patrol Police Department.

The typical structure of the territorial authorities of the Ministry is provided in scheme no 4 given below.

Scheme no 4: *Structure of the territorial authorities (departments) of the MIA*

Regional Police Department of the MIA	Organizational Assurance Division
	Division of Detectives
	Division of District Inspectors
	Kinology group
	Regional divisions of the regions within the district

Patrolling is the competence of the Division of District Inspectors of the territorial authorities of the Ministry the duties whereof, apart from number of other functions, include “combat against administrative offenses, detection-elimination of violations within the competencies thereof”, etc. According to the established practice, 2- or 3-person crews of district inspectors carry out patrolling on the beat assigned to them and apart from controlling the observance of road traffic rules they carry out other main activities within their competencies⁶.

JOINT OPERATIONS CENTRE

Pursuant to the decree of the Government of Georgia⁷, a structural subdivision – the Unified Operations Centre was set up in the Ministry in October 2016 with a view to implementing the project of development of the unified video-surveillance system equipped with video-analytical software by the MIA throughout the territory of the country the with the following functions assigned thereto:

- › Ensuring 24-hour continuous video-surveillance by use of video-analytical software throughout the country and continuous development of the national video-surveillance system;
- › Consolidation, development and management of the databases within the system of the Ministry;
- › Ensuring quick access to the information available in the databases with a view to providing analytical support to the police officers in charge of prevention and responding to the incidents⁸, etc.

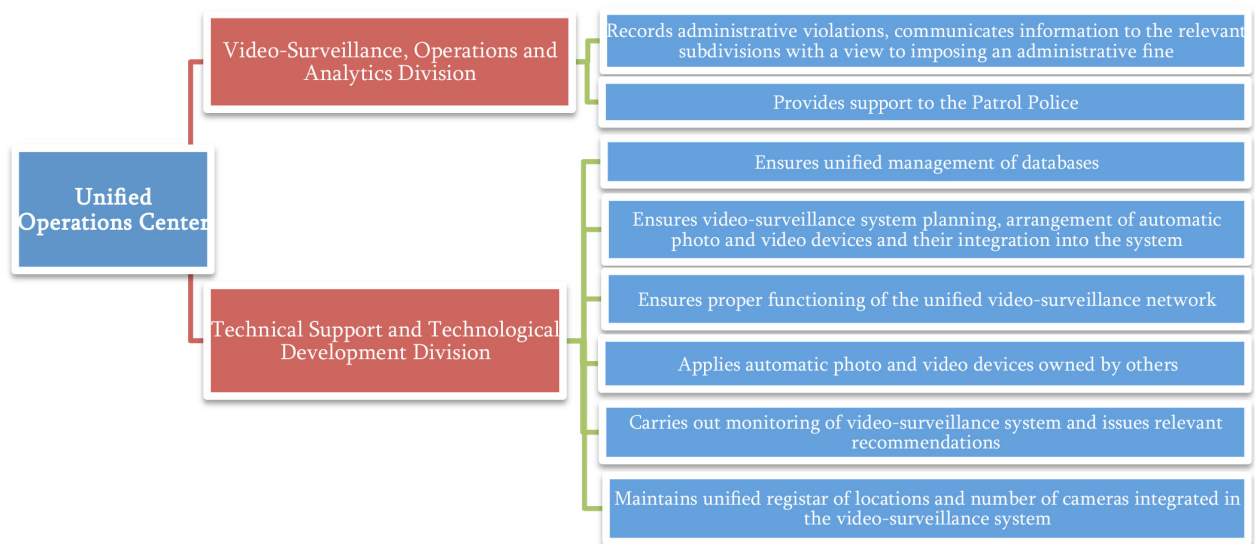
6 Seeking and arresting the accused persons and other offenders, crime clearance, revealing and arresting the persons having committed violation, control of the observance of the rules of purchase, possessing, carrying, etc. of firearm, responding to family and neighbourhood conflicts, control of gambling and other games of chance, implementation of environment protection measures, etc.

7 Decree no 1933 of the Government of Georgia of September 26, 2016.

8 Paragraphs “a”, “b”, “c” of article 5 of the Regulation of the Unified Operations Center (department) of the Ministry of Internal Affairs of Georgia.



Scheme no 5: Structure of the Unified Operations Centre



Video cameras and the so-called “fixed site radars” arranged on the territory of the country having been controlled by the Patrol Police Department were transferred to the newly established Centre with a view to discharging the duties assigned thereto.

Part of the video cameras (1100 units) and the so-called “fixed site radars” (60 units) transferred to the Centre under the right of management was practically not functioning due to various reasons.

In May 2017, the Ministry launched the project – “Safe City, Safe Region, Safe Country”⁹ one of the 4 main directions whereof is – “Ensuring Traffic Safety and Administration Improvement”. The mentioned project implies the arrangement of up to 10 thousand video cameras of the same standard with high technical capacities throughout the territory of Georgia out of which 3 thousand will be purchased by the state and the rest will be complemented by way of integrating safety cameras of private persons and different public institutions into the unified video-surveillance network.

The project implied arrangement of 1000 so-called smart cameras and 500 section control radars equipped with traffic administration video-analytical software throughout the territory of Georgia by 2017 and arrangement of additional several hundred video cameras by 2018. The mentioned video cameras record specific administrative violations and ensure appropriate response on an automatic basis. They are equipped with analytical number-plate recognition software and are integrated in the unified network of the MIA connected to the Unified Operations Centre. The smart cameras can record one of the 5 types of administrative violations listed below:

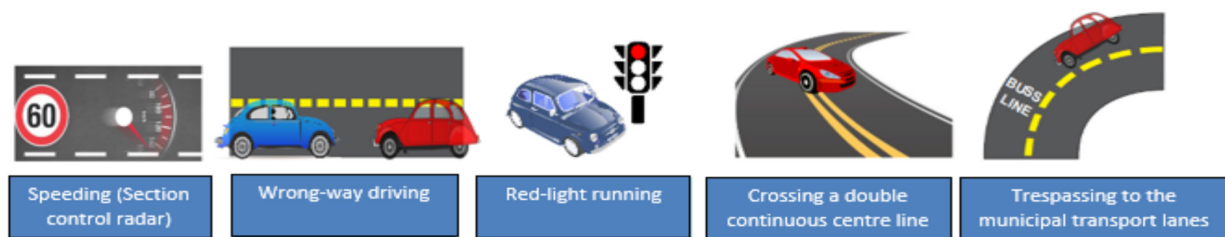
- › Red-light running;
- › Crossing a double continuous centre line;
- › Speeding – by section control radar;
- › Wrong-way driving;
- › Trespassing in municipal transport routes.

9 Approved by Order no 233 of the Minister of Internal Affairs of Georgia of May, 1 2017.

Pursuant to the decree of the Government, the mentioned project envisages the allocation of 30.0 million GEL (which should have been assigned by the Ministry from its own funds) due to which the project does not have a detailed action plan and the implementation schedule. According to the information of the Centre, 2.0 million and 5.7 million GEL was spent within the project during 2016 and 2017, respectively.

The above mentioned project is innovative though there was a delay in its implementation due to financial issues. As a consequence, the Ministry failed to implement important part of the activities scheduled for 2017. According to the available information, apart from other assets, the Centre has purchased 100 number-plate recognition cameras and 1800 number-plate recognition licenses. Only small part of both section control radars and smart cameras were functioning successfully as of February 1, 2018 supported by the above mentioned devices.

Information about the functions of the smart cameras in operation is provided on the scheme given below.



As mentioned above, the Centre ensures recording of the facts of violations by carrying out both visual and automatic control by use of 24-hour video-analytical software. The corresponding images are sent to the Patrol Police Department where the fact of violation is ascertained and the relevant penalty imposed.

Furthermore, the MIA has introduced covert patrolling on July 1, 2017 which was also implemented by the Centre (at present, the process of delegating this function to the Patrol Police is underway). This method of patrolling implies implementation of patrolling on a section of the road with an unmarked vehicle, recording the revealed administrative violation on a video and/or photo tape and sending it to the Patrol Police for ensuring relevant response.

2.2 MEASURES AIMED AT ENHANCING ROAD SAFETY

During the last years the government of Georgia has undertaken important measures with a view to enhancing road safety, namely:

- › Adoption of the **National Road Safety Strategy 2015, Action Plan 2015-2020** and **National Road Safety Action Plan 2017** through the involvement of international experts the long-term goal whereof implies the reduction of mortality and serious injuries caused by road-traffic accidents;
- › **Setting up a lead institution**, which would carry out coordination, monitoring and evaluation of the road safety strategy, action plan and other projects;

- › Legislative amendments as a result whereof mechanisms of **penalty point system and covert patrolling** was introduced to legislation. The mentioned mechanisms entered into force on July 1, 2017;
- › On July 1, 2017 the requirements of the Code were made tougher for those desiring to reinstate the driver's license prematurely. Namely, the right of the offender to apply to the authority to this end arises 3 months after the imposition of an administrative fine;
- › The amendments made to the Code of Administrative Offences on June 30 entered into force as from November 1, 2017, of which articles 290¹ and 290² have vital importance based on which the procedure of **enforcement** of penalties drawn up against the facts of violations recorded on a photo and/or video tape has improved;
- › Moreover, the **Unified Operations Centre** has started functioning within the MIA as from October 2016 and carries out a 24-hour **oversight over the road traffic rules** by means of video cameras arranged on the roads and intersections of the country;
- › The works aimed at **enhancing road safety**, construction of access roads and local roads on some sections of the East-West highway have been accomplished;
- › A **road safety training** component, etc. was enhanced in the national curriculum.

PLANNED/ONGOING ACTIVITIES

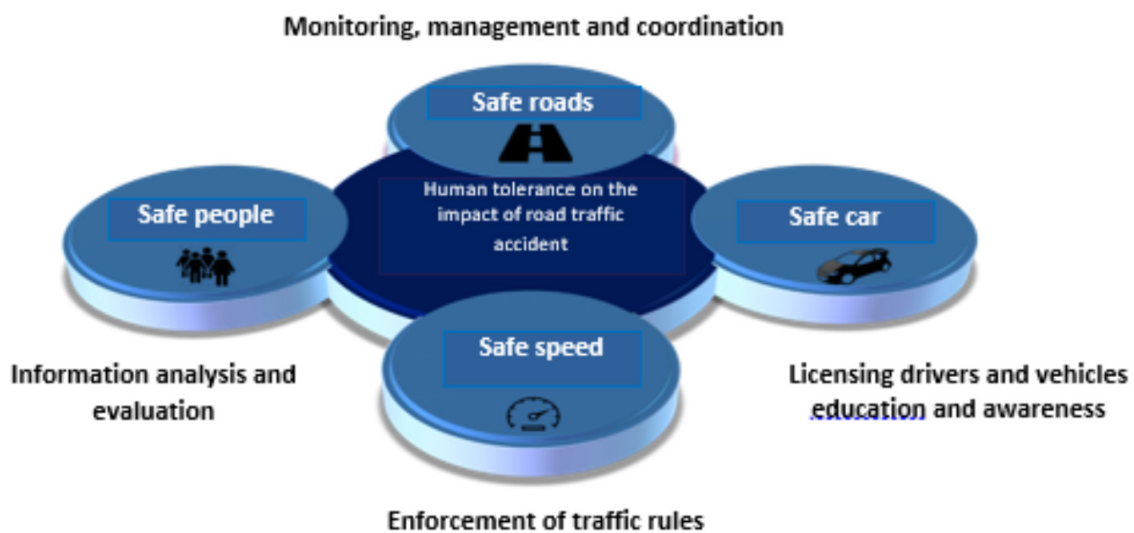
- › The first stage of **obligatory technical** inspection of vehicles was initiated on January 1, 2018;
- › Works aimed at the introduction of the matters related to the **transportation of dangerous goods, use of tachographs and vehicle inspection (technical inspection)** within the Association Agreement for ensuring harmonization with main road safety directives are underway;
- › Transfer of practical part of **driving exams** from the test area to the real space and authorization of driving schools is planned to take place from 2018;
- › The process of improvement of **covert patrolling** and transfer of this function to the Patrol Police Department is underway.

2.3 OVERVIEW OF INTERNATIONAL PRACTICE

A principle of "**Safe System**" approach shall be taken into account during the evaluation of the effectiveness of the legal response measures of the Ministry to the violation of road traffic rules which implies global investigation of the road-traffic system. This is an inclusive approach covering all the participants of the road-traffic system (driver, passengers, pedestrians, etc.). According to the long-term road safety vision, the system shall be arranged so that the traffic accident causes no deaths or serious injuries.¹⁰

¹⁰ <http://roadsafety.gov.au/nrss/safe-system.aspx>





Road safety strategies and best practice examples of different countries should also be taken into account such as: Swedish and Slovenian – “Zero Vision”; Dutch – “Sustainable Safety”.

The above mentioned strategies are focused on several directions (speeding, alcohol, pedestrian safety, data system improvement, cyclists, adults, elderly, etc.) and are relevant for any country aiming at achieving sustainable road safety.

ARRANGEMENT OF A VIDEO-SURVEILLANCE SYSTEM FOR THE CRIME PREVENTION AND TRAFFIC REGULATION

Many developed countries have successfully gone through the path of road safety improvement. Significant part of these countries considers road safety as part of global safety and strives to solve the problem in a complex way. A video surveillance network is arranged in every developed country for crime prevention and traffic administration. Practice has shown that the number of traffic accidents has dramatically decreased in places where the cameras are installed.

The project mentioned above – “Safe City, Safe Region, Safe Country” launched by the Ministry of Internal Affairs of Georgia in May 2017 is an attempt towards the mentioned progressive experience which should deliver positive outcomes under the conditions of correct implementation.

METHODS OF FIGHTING AGAINST SPEEDING

According to the current data, important part of traffic accidents is caused by speeding. Therefore, elimination of this problem is one of the priority directions in the police activities. In developed countries the speeding facts are revealed by using both automatic and non-automatic methods. In the first case speed is controlled automatically by means of a speed measuring devices while in case of non-automatic method, a police officer pulls the offender over and issues a penalty or a relevant warning. For instance: The Swedish Police and the National Road Administration uses an automatic system for the detection of speeding facts though they have speed control cameras arranged at every 4.5 km on the main roads.



1000 radars were integrated in the detection of drivers violating road traffic rules in France by 2005 of which only 700 radars were fixed and the rest 300 radars were mobile devices. In Germany, they use mobile laser-operated cameras which are managed by police officers and they work as radars at the same time. As a result, effective speed control is ensured.



Mobile, automatic speed measuring devices (for instance: Mesta 1000) are applied in some of the European countries. A camera measures speed ranging from 25 to 300 km/h and monitors the centre line. The main functions thereof include: speed measuring, detection of an offender, taking a photo, preparation of and sending out notices on violations. The camera is used for carrying out control from patrol vehicles or for ensuring simple and fast roadside arrangement thereof in urban areas¹¹. According to the existing experience, non-automatic method of speed identification has 3 advantages over the automatic method, namely:

According to the existing experience, non-automatic method of speed identification has 3 advantages over the automatic method, namely:

- A driver having violated road traffic rules has a direct interaction with the police;
- The police is able to explain to the driver that a penalty is issued;
- The police pull the drivers over at places visible for everyone on purpose so that other drivers notice such facts thereby aiding the prevention of violation.

This method has some deficiencies as well since it is much more labour intensive and it is practically impossible to reach the same level of detection as in case of automatic detection.

CITIZEN PARTICIPATION IN THE DETECTION OF FACTS OF TRAFFIC RULE VIOLATIONS

Some countries have an accepted practice of citizens taking photos or videos of the facts of violations of road traffic rules and sharing them online on the official web-page of the police. Many countries have managed to significantly cut down on the number of cases of traffic rule violations by using this method. For instance:

- › In Lithuania, the citizens are entitled to take a photo or a video of the facts of traffic rule violations at their will and upload the material on a special web-page of the police¹², which then will get relevant response of the Police.
- › In Spain, a citizen having witnessed the violation of traffic rules in an urban area, takes a video or a photo of a vehicle (not the driver) and then provides a detailed description of the place of violation of road traffic rules and notifies local police thereabout. For the purposes of ensuring the observance of road traffic rules, video or photo recording is not restricted in Spain¹³. Similar practice has yielded favourable results in Australia, the USA, Holland, Singapore, etc.

11 Source: <https://www.morpho.com/en/public-security/guarantee-road-and-railways-safety/check-speed-red-light/check-speed/mesta-1000>.

12 Source: (share the violation): <https://www.epolicija.lt/en/report-anonymous>.

13 Source: http://www.abc.es/motor/reportajes/abci-puede-particular-denunciar-infraccion-traffic-201704101914_noticia.html



- › Some countries have developed the practice of using video-registrators as it ensures the possibility of recording the situation around the vehicle and ascertaining actual causes of the traffic accident. There are many cases in practice where a traffic accident is caused by the violation committed by other persons rather than by the participants of the accident themselves. Availability of a video-registrator in similar cases significantly simplifies the process of investigation.

SANCTIONS AGAINST GROSS VIOLATIONS OF TRAFFIC RULES

In some of the developed countries gross (speeding, driving under the influence of drugs or alcohol, etc.) and repeat offenders of road traffic rules get the sanctions like: penalties, psychological and health tests or participation in mandatory rehabilitation programmes (improvement of driving skills), etc. However, such drivers get punishment according to both administrative and criminal legislation depending on the gravity and repeatability of a violation¹⁴. For instance:

- › In Spain, a criminal responsibility arises against a person in case of gross violation of traffic rules (speeding, drink driving or driving without a license) thereby more than 4 times during a 3-year period.¹⁵
- › In Germany, driving under the influence of alcohol is subject to confinement – for up to the period of one year or a penalty, whereas the violation of traffic rules while driving under the influence of alcohol is subject to confinement for up to 5 years or a penalty.
- › Different states of the United States of America apply different types of punishment for the violation of road traffic rules though the drivers committing gross or repeated violation of the rules face the punishment under the criminal code as well whereas in Georgia only the drivers having caused traffic accidents resulting in grave outcomes are punished pursuant to the criminal code¹⁶.

Some of the European countries (Sweden, Belgium) have introduced a special mandatory program (Interlock Program) for repeat violators for the purposes of prevention which implies conducting a breath alcohol test with the special device installed in the vehicle owned by the driver.



A driver blows into the special alcohol testing device and is able to start a car in case the device does not detect any alcohol content whereas in case of detection of alcohol content exceeding the permitted limit, the driver is unable to start. In cases where the driver refuses to participate in the mentioned mandatory program he/she will be disqualified for the period of 5 years¹⁷.

14 Source: [http://www.europarl.europa.eu/registre/docs_autres_institutions/commission_europeenne/sec/2008/0351/COM_SEC\(2008\)_0351_EN.pdf](http://www.europarl.europa.eu/registre/docs_autres_institutions/commission_europeenne/sec/2008/0351/COM_SEC(2008)_0351_EN.pdf).

15 Source: https://www.intolaw.be/verkeersrecht/verkeersinbreuk/herhaling-recidive#.Wi_gq9-WbIV

16 Source: <http://www.speedingeurope.com>

17 Source: <http://www.rms.nsw.gov.au/roads/safety-rules/demerits-offences/drug-alcohol/interlock-program.html> and <http://www.smh.com.au/nsw/the-car-device-that-allows-drink-drivers-back-behind-the-wheel-20160423-godf18.html>.

WORK SCHEDULE OF A PATROL POLICE OFFICER

Work schedules of patrol police officers vary according to the countries but mainly they use the standards of the European Union which implies mandatory rest periods and the working time of about 40 hours a week¹⁸. For instance, a police officer in Spain works for 40 hours a week and rests for 2 days. Such work schedule enables a police officer to fully recover and discharge the rights and obligations assigned thereto at high level.

¹⁸ Source: <https://factly.in/indian-police-working-hours-90-percent-police-force-country-works-more-than-8-hours-day/>; <https://www.nij.gov/topics/law-enforcement/officer-safety/stress-fatigue/Pages/shift-work.aspx>



3. AUDIT FINDINGS



Failure to **reveal** the facts of significant part of facts of traffic rule violations in the country.



Failure to ensure legal evaluation of already revealed facts and **imposition of corresponding fines** in a comprehensive manner. There are certain types of deficiencies in terms of legislative basis as well in this field.



There are deficiencies in the **mechanisms of enforcement** of penalties and other administrative fines imposed thus rendering the existing system of traffic rule administration ineffective.

3.1 DEFICIENCIES IN THE DETECTION OF THE CASES OF VIOLATION OF ROAD TRAFFIC RULES

The survey conducted during audit has verified that the drivers tend to violate traffic rules often or very often though they seldom get penalties. The survey results in terms of detection of violations are presented in the table given below:

Table no 2: Survey results

Question	Answer	Taxi	Microbus	Pedestrian
How often do you tend to violate traffic rules due to reasons not depending on you?	Seldom	16%	4%	72%
	Often	40%	52%	28%
	Very often	44%	44%	
How often do you receive a penalty imposed by the Patrol Police?	Seldom	80%	90%	20%
	Often	18%	6%	
	Very often	2%		
	No penalties imposed		4%	80%
According to your opinion, what is the number of traffic rule violations left unregistered and unpunished?	50%	50%	44%	36%
	80% and more	20%	22%	36%
How often do you get video fines imposed?	Seldom	76%	70%	
	No video fines received	24%	30%	

The survey results have demonstrated that there are significant problems in terms of detection of violations.

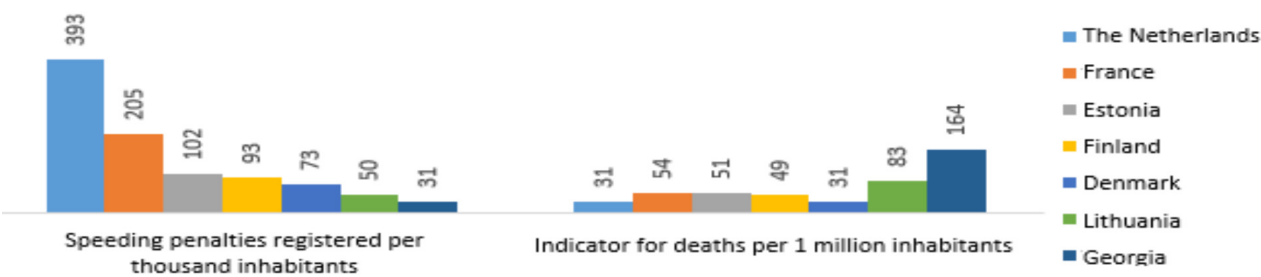
13,018 traffic accidents registered during 2016-2017 giving rise to the criminal cases have caused 1,098 deaths and 18,412 injuries. In 1,180 (with 1,232 persons injured and 22 deaths) out of the mentioned 13,018 cases of traffic accidents no guilt was established against a specific person.

The given circumstances point to the significant problems existing in terms of detection of traffic rule violations. According to audit results, these problems are due to the following deficiencies:

3.1.1 DEFICIENCIES IN THE DETECTION OF SPEEDING CASES

The experience shows that the higher the indicator of detection of speeding facts the less the number of deaths caused by traffic accidents. For instance, in the Netherlands, 393 speeding facts has been registered per 1000 inhabitants in 2015 whereas this indicator varied between around 30-40 for Georgia during the last years which is very low. At the same time, the average annual number of deaths caused by road traffic accidents in the Netherlands varied between 31 and 33 per million inhabitants while in Georgia this indicator accounted for 139 by 2017. The inversely proportional relation between the given indicators is shown in the diagram given below.

Graph no 4: Relation between the indicator of detection of speeding facts and the indicator of registered deaths caused by road traffic accidents:



As a result of audit it was ascertained that only a small part of speeding facts are revealed in Georgia. This is due to following factors:

1. Speeding is revealed only by means of insufficient number of fixed site radars and section control radars.
2. Quite often the existing radars are out of working order and are not technically operational thus impeding on the detection of speeding facts.
3. Patrol crew is not equipped with speed measuring devices.

As mentioned above, speed control is ensured in the country only by a small number of stationary speed measuring devices - the so-called "fixed site radars" or "section control radars".

Comparative analysis of the violations registered by "fixed site radars" in 2017 is provided in the table below:



Table no 3: Violations recorded by “fixed site radars” in 2017 (sample)

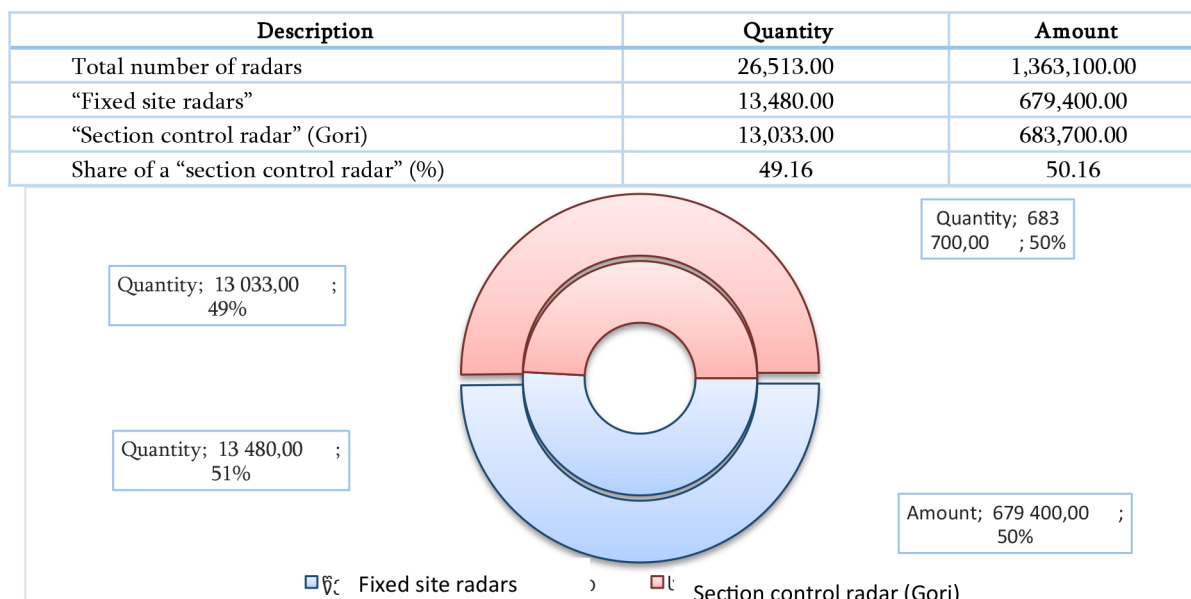
Place of violation	Number of penalties	Amount
Radar no 1	39	1,950
Radar no 2	51	2,550
Radar no 3	129	6,450
Radar no 4	196	9,800
Radar no 5	199	9,950
Radar no 6	231	11,850
Radar no 7	337	16,850
Radar no 8	343	17,300
Radar no 9	4551	227,700
Radar no 10	6112	305,600
Radar no 11	8996	450,650
Radar no 12	13171	690,850
Radar no 13	15638	782,050
Radar no 14	16697	834,900
Radar no 15	20250	1,012,000
Radar no 16	37497	1,885,600

Quantitative analysis of the violations registered by radars have outlined that in 2017 the most of the violations, namely 54,194 violations corresponding to the penalties amounting 2,760.5 thousand GEL, were registered in Tbilisi, by means of 2 radars arranged on Gulua Street, (radar no 16) in front of the Ministry of Internal Affairs, and only a small number of violations were registered by the rest of the radars. This evidence points to the fact that often the radars arranged in other places were out of working order which led to the failure to provide full coverage of the traffic rule violations. The above mentioned facts and circumstances point to the inefficiency of the use of the available technical devices. According to the information provided by the Patrol Police Department, the total number of violations registered by the radars in 2017 was 147,653 with the total amount of the penalties issued accordingly against the owners of the vehicles accounting for 7,433.8 thousand GEL the major share of which is still made up of the violations revealed by “fixed site radars” as only one section control radar (near Gori) was working during the mentioned period, namely, after the first half of November. The facts that the share of violations revealed by the mentioned section control radar accounts for 49.2% of the total violations revealed by all radars during November-December 2017 (before putting other radars into operation) points to the obvious technological advantages thereof.

Table no 4: Violations registered by radars in November-December 2017:

Description	Quantity	Amount
Total number of radars	26,513.00	1,363,100.00
“Fixed site radars”	13,480.00	679,400.00
“Section control radar” (Gori)	13,033.00	683,700.00
Share of a “section control radar” (%)	49.16	50.16





It should be noted as well that the speed control method implying the use of "fixed site radars" is quite effective though there are still some deficiencies reducing its capacities in terms of detection of violations:

Insufficient number of radars	
Deficiencies of spot radars	Frequent malfunction or faults (blurred images, incorrect time indicated on the image, fragments of two vehicles in one image, incompletely caught serial or number of a vehicle, etc.)
	The radars are adapted only for the recognition of exceeding the speed limit by more than 15 km/h and cannot distinguish the cases of exceeding by more than 40 km/h.
	The radars are not adapted for operation according to the speed limits established for C and D categories of means of transport resulting in the failure to reveal facts of exceeding the speed limits established for them
	A radar cannot identify the driver of the vehicle

The problems can be significantly cut down by operation of "section control radars" though, as mentioned above, implementation of the above mentioned project implying the installation of 500 "section control radars" is delayed mainly due to financial problems. No schedule and cost estimate was developed for the installation of the above mentioned 500 "section control radars" because of unavailability of the relevant budget due to insufficient financing. This fact makes the expenses (approximately 7.7 million GEL) already spent within the project for the procurement of number-plate recognition licenses, corresponding servers, etc. inefficient. Considering the above mentioned, it is necessary to utilise the capacities of the existing "fixed site radars" to the maximum extent possible.

At the same time, the Ministry is not applying alternative methods of arranging radars on patrol police vehicles or unmarked vehicles or monitoring speeding by using mobile automatic speed measuring devices for the detection of speeding facts which are used effectively in the developed countries.

3.1.2 PROBLEM RELATED TO THE EFFICIENCY OF DETECTION OF VIOLATIONS BY VIDEO-SURVEILLANCE SYSTEM

70% of detection of the traffic rule violations in the European countries is accomplished through the automatic method implying the use of video cameras integrated in the video-surveillance network which has significantly reduced the number of traffic accidents.

To this end, the share of video-surveillance system is permanently increasing in Georgia as well though, notwithstanding the mentioned significant increase, the situation is still far from the results achieved by the countries with advanced experiences. Namely, only 26-31% of the total number of penalties was issued through automatic control (video fines) which is far from the indicator of the EU countries (around 70%).

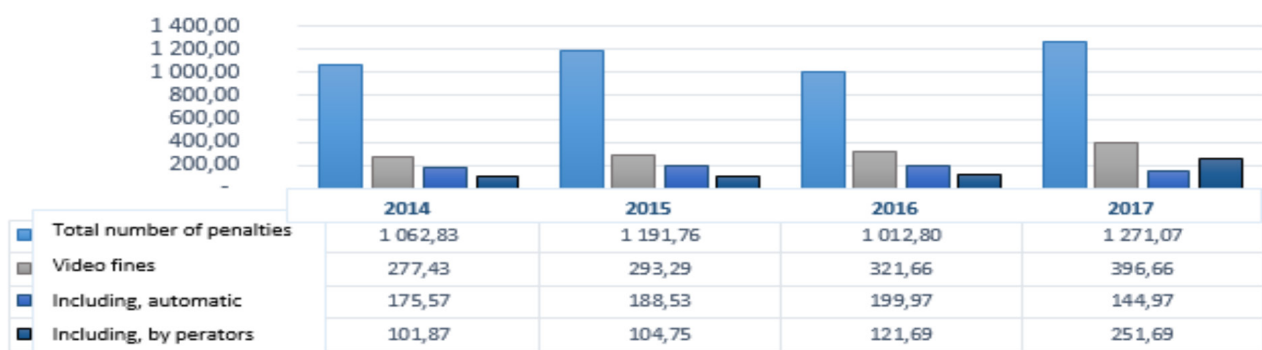
At present, apart from the speed measuring “fixed site radars” and “section control radars”, the video-surveillance system integrates in itself the video cameras arranged on the roads and inter-sections which ensure registration of other types of traffic rule violations (except for speeding).

Before the installation of smart cameras, automatic registration of violations was ensured solely by means of speed measuring so-called “radars”. As to the major part of video-surveillance cameras, operators use them for visual traffic control and register the fact of violations, as necessary, as the cameras purchased before 2017 are not adapted for automatic registration of violations.

During 2014-2016, 800 cameras out of the available 1100 cameras was administered by the MIA by help of operators for the purposes of ensuring road traffic safety though it was not possible to use their capacities more effectively as the available human resources enabled the control of maximum 50-60 cameras at a time.

Due to the above mentioned fact, the share of the violations recorded by operators was comparatively less (36-37%) in the total number of video fines registered during 2014-2016 while in 2017 this indicator exceeded the share of automatic video fines.

Graph no 5: Information on the structure of penalties during 2014-2017



The mentioned fact can be explained by the evidence that by 2017 a new structural subdivision – the Unified Operations Centre was already functioning whereas the network of smart video cameras had not been set up and the road traffic supervision ensured thereby was limited to the visual control only.

Setting up the network of “smart video cameras” would simplify this process though, even in this

case, it still requires the use of human resources as the submission of a relevant penalty to the address of an offender cannot be ensured automatically. A patrol police operator checks the images of the facts of violations recorded by the cameras and sends the penalty to the addressee on provision that it does not contain faults. However, works are already underway for the complete automation of the process.

Audit has revealed the following types of significant problems in terms of detection of violations through video-surveillance system:

- › Considering that the so-called “smart video cameras” are focused on recording 5 types of violations only there still remains the need of visual control for the detection of other types of violations (mobile phone use while driving, driving without a seat belt, etc.) requiring in its turn the relevant video-surveillance network and additional human resources.
- › A functional road infrastructure is vital for effective implementation of video-surveillance so that a photo or a video image clearly shows the essence of the violation. The current road infrastructure is still underdeveloped.
- › Installation of “smart cameras” throughout the country requires considerable budget resources as in most cases there is no power network and/or fibre optical main lines available on the sections of the roads on which the relevant specialists of the Ministry deem the functioning of the cameras necessary which cannot be achieved without the above mentioned infrastructure.
- › There are only 21 operators employed in the Unified Operations Centre ensuring real time visual control of the road traffic and recording the facts of violations as necessary. It should be noted that only 2 video-surveillance cameras can be controlled by one operator, i.e. the Centre can control maximum 42 cameras at a time which is very low and is not sufficient. Studying the records produced by video cameras during non-working hours (rest days, period between 18:00 and 09:00) and detection of violations also requires important human and time resources therefore random sampling is applied in this process too. As a consequence, only a small-scale road traffic video control is accomplished at present, which makes the adequate detection of violation unlikely.

3.1.3 DEFICIENCIES IN TERRITORIAL COVERAGE AND WORK SCHEDULE OF A DISTRICT INSPECTOR

As mentioned above, the Patrol Police Department, with ensuring safety of the road traffic participants being one of the main objectives thereof, covers only 45% of the territory of Georgia. The role of patrolling the remaining part of the territory is assigned to the territorial authorities of the Ministry, to the regional police departments.

None of the structural units of the Ministry possess complete information about the share of the regional police and the Patrol Police Department in the total number of administrative penalties issued against the violations of road traffic rules.

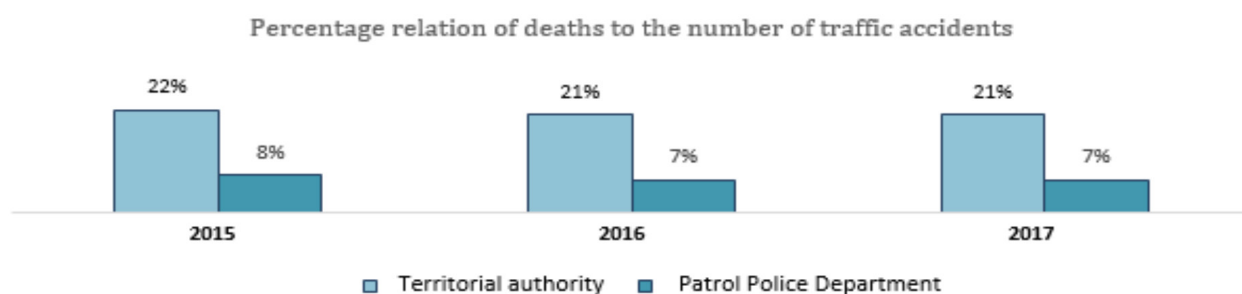
According to the information provided by Mtskheta-Mtianeti and Shida Kartli police departments of the MIA, their share of issuing penalties in a non-automatic way makes up only 5-8% of the cases in the respective region.



Due to lower number of vehicles on the area of service of a regional police, fewer cases of road traffic accidents are registered there than on the area of service of the Patrol Police though they result in graver results.

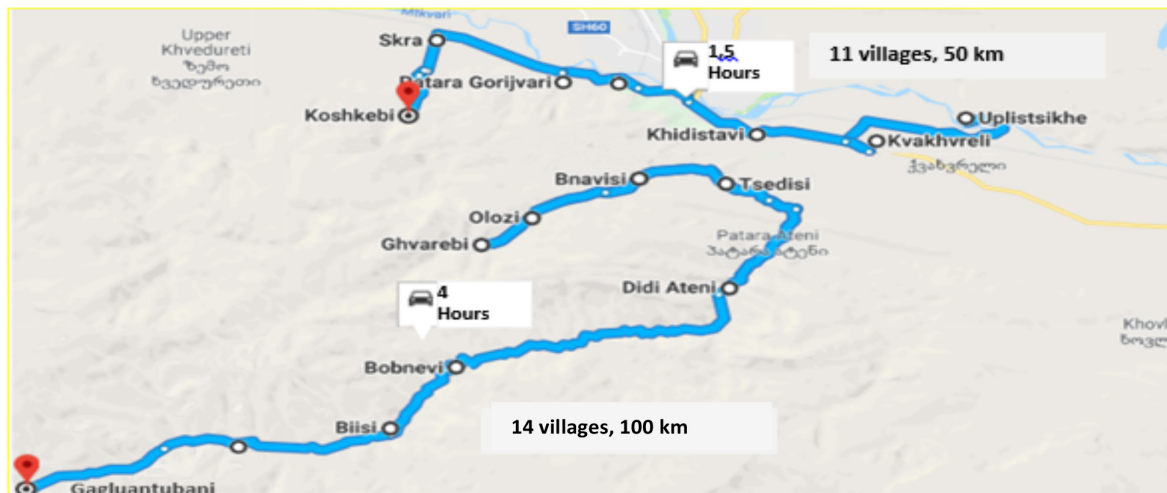
Namely, 10-12% of the road traffic accidents having occurred throughout the country and 26-28% of the total deaths caused during 2015-2017 is observed on the service areas of the territorial authorities of the Ministry, i.e. the road traffic accidents occurring on the service areas of the territorial authorities of the Ministry result in fatalities nearly thrice as often as in case of road traffic accidents registered in the service area of the patrol police.

Graph no 6: *Percentage relation of the cases of deaths caused by road traffic accidents registered on the service areas of the territorial authorities of the Ministry and the Patrol Police*



Considering the above mentioned, more than half of the territory of Georgia represents insufficiently controlled environment in terms of road traffic safety, due to the following reasons:

- › No video/photo surveillance is ensured on the service areas of the territorial authorities of the Ministry, not to mention the absence of speed control whereas speeding is one of the major reasons causing traffic accidents.
- › The beat of a single patrol crew of district inspectors is always much greater than that of a patrol police crew leading to the problem of deficiencies in control. For instance: 25 populated villages (apart from 33 almost unpopulated villages) belonging to the service area of the IV Police Department (Ateni) of Gori Regional Division of Shida Kartli Police Department is being controlled by the department staffed with 20 employees out of which only 13 employees are in charge of patrolling, i.e. daily patrolling is carried out by 2 or maximum 3 groups composed of 3 police officers. The above mentioned territory with the time of coverage thereof is provided on the map presented below:



The territory is divided into two parts out of which the first part includes 14 villages and the road section with the total length of 100 km the complete patrolling round of which takes 4:00 (four) hours. The second part includes 11 populated villages and the road section having the total length of 50 km the complete patrolling round taking 1:30 hours.

The mentioned roads are not controlled by video-surveillance cameras and are left beyond speed control thus entailing frequent traffic accidents. According to the provided information, 16 road traffic accidents have been observed on the mentioned roads during 2016-2017 out of which 15 caused injuries of the participants of the accident and one resulted in the death of a person.

- › The district inspectors had difficult work schedule during audit period which was reflected on the efficiency of their activities.

Until 2018, they worked in shifts every other day, i.e. for 24 hours per each 48 hours. As a consequence, the workload for them exceeded 80 hours a week which is 2 times more than the standards established in the developed countries. From January 2018, within the audit process, the working schedule of district inspectors has changed. Namely, they work in shifts, once in three days from 9:00 to 18:00 and once for 24 hours, i.e. they work 32 hours during 72 hours thus exceeding 70 hours a week though it has improved the previous working schedule.

- › In terms of road traffic rules and safety issues, the district inspectors generally lack the experience and, as a consequence, qualification as compared to the patrol police officers of the Patrol Police as there are fewer vehicles moving within their beats.
- › The district inspectors are technically underequipped as compared to the patrol inspectors. They do not have body worn cameras, on-board computers, electronic ticket printing devices (they draw up a report on administrative offences manually), etc.

Considering the above mentioned, detection of the violations of road traffic rules on the mentioned territories is far more problematic: for instance, one of the drivers (hereinafter the driver no 1, ref. chapter 3.2.1) having received penalties for 233 times during 2013-2017 for the violation of road traffic rules, including 207 times for driving under the influence of alcohol, lives on the service area of a regional police. Notwithstanding that, the driver had been penalised by the district inspectors twice only and the remaining 231 penalties were issued by the patrol police.

Comprehensive resolution of the mentioned problem is a time-extensive process and requires financial resources though it is possible to improve the indicator of detection of violations on the territories left beyond the control of the Patrol Police in the near future by way of arranging video-surveillance cameras on hazardous locations, citizen participation in the detection of violations of road traffic rules and by way of proper equipment of district inspectors with a view to ensuring the prevention of road traffic accidents.

3.1.4 DEFICIENCIES EXISTING IN THE PATROL POLICE ACTIVITIES

According to the regulation, functions of the Patrol Police, apart from the road traffic safety, include various other activities (protection of state border regime, combat illegal migration, etc.), i.e. it is not a specialised police structure working only on the issues related to road traffic safety. According to the available information, the number of patrol police officers in the Patrol Police has not increased significantly, from 2007 up to the present, whereas the number of vehicles has increased from 550 thousand to more than 1,256.0 thousand.

In 2007, the Patrol Police used to administer traffic of around 250 thousand vehicles a day with 120 crews in Tbilisi, whereas it had to administer the traffic of around 550 thousand vehicles a day with up to 130 crews by 2017. And, in the 4th quarter of 2017 this number has increased by 30 units at the expense of patrol crews allocated for foot patrolling on intersections though this will not help the situation improve drastically due to the following reasons:

- › Along with the increased confidence in the Patrol Police the number of calls for different household reasons by the citizens has also increased. Namely, only in Tbilisi, on average 1100 calls are registered during 24 hours out of which only 250 are related to the road traffic issues, i.e. each crew has to respond to 8-9 calls a day on average out of which only 2-3 calls are related to road safety issues. Under such circumstances it is difficult to respond properly to the facts of violations of road traffic rules.
- › Concentration of large traffic volumes in Tbilisi causes frequent traffic congestions due to which significant part of working hours of the patrol crews is spent on road traffic decongestion and regulation. The crews involved in the mentioned process are practically unable to control the observance of road traffic rules during such cases.
- › No mixed method of patrolling is introduced in the Patrol Police Department.
- › Patrol Police crews have no non-stationary (mobile) speed measuring devices (ref. chapter 3.1.1 - Deficiencies in the detection of speeding cases) and subsequently are not able to register the facts of speeding. This problem can be partially solved by putting section control radars into operation though even in this case there are some restrictions in terms of both insufficient number of cameras and specificity of road traffic (turning off the road, sharp speed reduction on a certain section of a road, etc.), therefore, integration of new devices will unlikely eliminate the need of non-stationary (mobile) speed measuring devices.

Considering that it is not possible to increase the number of patrol police officers and district inspectors with the available resources it is more logical to focus on sharing the experience of the developed countries which implies intensification of application of technical equipment on the one hand and citizen participation in the detection of undisciplined drivers on the other hand.



Interviews with the drivers have demonstrated that quite often they have witnessed gross and grave violations of road traffic rules left unregistered and unpunished due to the absence of an operational video camera or a patrol police crew in the vicinity.

Notwithstanding that a covert patrolling method (patrolling without an interaction) has been introduced the existing model and scales thereof will unlikely accomplish its critical role in the resolution of problems observed in the field of road traffic safety due to the limited number of patrol crews, activity zones and working time. At the same time, patrol crews are not equipped with speed measuring devices rendering them unable to register the speeding facts being one of the prevailing and hazard-prone forms of violations.

Creation of a special web-page can be the way to the extensive resolution of the above mentioned situation enabling (entitling) each and every citizen to upload a video and/or photo images taken (observed) thereby reflecting the violation of road traffic rules.

At the same time, the Ministry shall be obliged to investigate the above mentioned materials and ensure relevant legal response to them (in cases of clearly recorded facts of violations). Important part of the population will accept the cooperation with the ministry on provision that the uploading of the video images on the above mentioned web-page is anonymous which will significantly enhance the detection of the facts of violations of road traffic rules.

In practice, there are many cases where the traffic accident is caused by a violation committed by other persons rather than by the participants of road traffic accidents themselves. Availability of a video-registrator in similar cases significantly simplifies the process of investigation and establishment of an offender by ensuring the possibility of recording the situation around the vehicle and ascertaining the real causes of the road traffic accident.

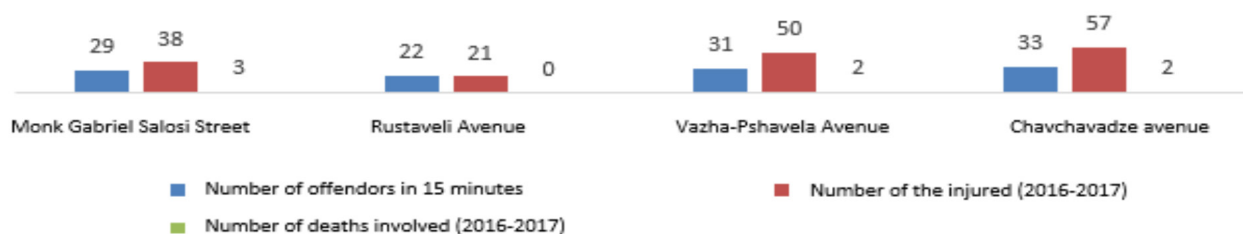
3.1.5. FAILURE TO RESPOND TO THE FACTS OF VIOLATIONS OF ROAD TRAFFIC RULES BY PEDESTRIANS IN DUE MANNER

According to statistical information, it is obvious that in many cases the pedestrians are involved in the road traffic accidents. The interviews have shown that the pedestrians represent one of the major problems for drivers (especially, children and the elderly). Audit has outlined that they hardly get any penalties. As a consequence, most of the cases of the road traffic accidents with fatal outcomes are those (36%) involving pedestrians.

A study conducted in the streets of Tbilisi within the audit has confirmed gross violations of road traffic rules by the pedestrians and the failure of the patrol police to respond. The study was carried out on the most dangerous road sections (heavy traffic and multi-directional traffic areas), namely, on the streets where 7 deaths and 166 injuries have been registered during 2016-2017 (Rustaveli Avenue, Chavchavadze Avenue, etc.). As a result, 115 pedestrians have been observed violating the road traffic rules on 4 streets during a period of 15 minutes even causing hazardous situations in some cases though none of them got penalties.



Graph no 7: Information on the violations of road traffic rules by pedestrians revealed as a result of the study:



In 2017, the number of cases of imposition of penalties against the pedestrians have halved as compared to the year 2016 whereas the percentage of outstanding penalties has doubled: In 2017, on average 16 pedestrians got penalty during a day throughout the country for the violation of road traffic rules whereas according to the study conducted by the audit team, 115 violations were observed during the period of 15 minutes on only four locations.

Use of patrol police resources for the detection of violations of road traffic rules by pedestrians would be inefficient as this issue can be controlled by the foot patrol as well. There are serious problems in this regard too as far as, for instance, in total 30 patrol-inspectors were in charge of foot patrolling in Tbilisi until the fourth quarter of 2017 equipped with 3 patrol vehicles and 6 patrol motorcycles. At present, the number of patrol inspectors has risen to 70 and the number of patrol vehicles – to 31 though they are in charge of regulating traffic on the intersections and they let the traffic pass on red light as necessary. Under such circumstances, they have no time for controlling the movement of the pedestrians thus leaving the violation of road traffic rules thereby almost uncontrolled.

CONCLUSION

Detection of violations is the most important precondition for the prevention of road traffic accidents, subsequently, it is crucial that the Ministry makes special efforts to this direction. According to the present situation, the deficiencies in the detection of violations are conditioned by various factors, namely:

- › *Insufficient detection of **speeding facts** due to the inadequate number of available radars and their malfunction.*
- › ***Part of the existing video-surveillance system** capable of revealing different types of violations (apart from speeding) is not in proper technical condition.*
- › ***Problem of territorial coverage** – the activities of the Patrol Police Department cover 45% of the territory of Georgia. Patrolling of the remaining part of the territory is assigned to the territorial authorities of the Ministry (regional police departments). The mentioned territory represents a relatively poorly controlled environment due to the following reasons: no vide/photo surveillance is being carried out on the beats of the district inspectors at all, the beat of a separate patrol crew of district inspectors is always greater than that of patrol police crews. At the same time, the district inspectors worked for 80 hours a week (working in shifts every other day) during the audit period which drastically reduced their efficiency. The district inspectors are technically underequipped as compared to the patrol inspectors: they do not have, for instance, body worn cameras, electronic ticket printing devices (they draw up a report of administrative violations manually), etc.*

- › **Deficiencies in the Patrol Police activities** – the existing model and scale of covert patrolling have failed to play a crucial role in solving the traffic safety issues due to the limited number of patrol crews, service zones, working time, lack of speed measuring devices having become the reason for unregistered facts of speeding which is one of the prevalent types of violations.
- › Traffic accidents are often caused by **pedestrians** and they hardly get any penalties. Introduction of relevant control is vital in extremely risky areas.

RECOMMENDATIONS

To the Ministry of Internal Affairs of Georgia, Patrol Police Department and the Unified Operations Centre:

With a view to enhancing oversight over the observance of traffic rules and preventing traffic accidents throughout the territory of Georgia to the maximum extent possible:

- › Special efforts should be directed towards the process of creation of the unified video-surveillance network and feasibility of installation of video-surveillance cameras on the secondary and local roads should be considered. Timely conduct of the process of installation of section control radars and putting them into operation should be ensured in order to ensure efficient use of the relevant infrastructure and the software licenses already acquired by the Ministry for these purposes.
- › Possibility of using non-stationary (mobile) speed measuring devices (radars), especially on the locations with no fixed site radars and section control radars arranged, should be considered.
- › Technical malfunction of the site radars arranged throughout the country should be eliminated thus enabling the Ministry to utilise the remaining resources to the maximum extent possible and improve the situation considerably. At the same time, efficient use of the available capacities of the video-surveillance cameras procured before 2017 and arranged throughout the country should be ensured.
- › Possibility of creation and running of a special web-page with a view to ensuring participation of citizens in the detection of traffic rule violations should be considered in order to enable (entitle) each citizen to upload video and/or photo images reflecting a traffic rule violation fact based on which it will be possible to issue a penalty charge notice. At the same time, an issue of feasibility of mandatory arrangement of video-registrators in passenger transport should be considered, as necessary, with a view to ascertaining the real reasons for traffic accidents and simplifying the investigation.
- › Number, beats and working hours of patrol crews should meet the existing challenges and the feasibility of introduction of the practice of mixed method of patrolling should be considered with a view to benefiting from the advantages of covert patrolling method more effectively.
- › Activities in terms of revealing the violations of traffic rules by pedestrians and imposing corresponding sanctions in extremely risky areas should be intensified.



3.2. DEFICIENCIES IN TERMS OF IMPOSING CORRESPONDING SANCTIONS AGAINST THE VIOLATIONS OF ROAD TRAFFIC RULES

3.2.1 LEGISLATIVE DEFICIENCIES

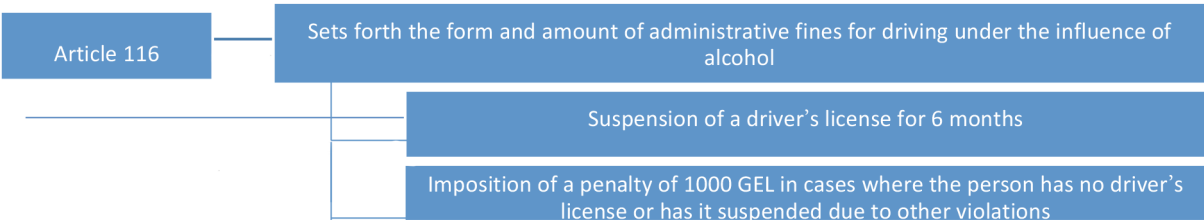
One of the main objectives enshrined in the Administrative Offenses Code of Georgia is to ensure prevention of violations. With a view to accomplishing the mentioned objective, the Code sets forth certain types and amounts of administrative fines which shall be imposed against an administrative offender. The form and amount of an administrative fine shall be commensurate to the violation perpetrated and shall constitute a preventive measure deterring the repetition of similar acts.

Penalty point system introduced on January 1, 2017 has toughened the approach towards the repeat offenders inasmuch as the drivers are losing points at each violation revealed eventually resulting in the suspension of a driver's license. Introduction of the mentioned system was the most important and timely step towards redressing the situation though the existing penalty point system has failed to toughen the punishment against the persons who continue driving even after having lost all the points.

ARTICLE 116 OF THE AOC DOES NOT PROVIDE FOR AN ADEQUATE PUNISHMENT

Some of the articles of the Code have failed to serve the declared purpose thereof insofar as they do not ensure adequate penalties for the repeat offenders. One of them is article 116 of the Code:

*Scheme no 6: Article 116 of the Administrative Offenses Code*¹⁹



The Code does not specify as to what kind of fine shall be charged against a person repeating this kind of violation on a systematic basis, i.e. such act bears the nature of a repeat offense and poses a serious hazard to the society. Notwithstanding that the mentioned violation under the influence of drugs or psychotropic agents may be subject to the imposition of administrative confinement for up to 15 days this kind of act gives rise to criminal responsibility in many European countries.

The failure to regulate the above mentioned issue has resulted in some drivers violating the road traffic rules on a systematic basis. They get penalties but avoid payment of major part thereof and due to the deficiencies in the current normative acts it is not possible to ensure adequate response – application of necessary and proportionate sanctions.

¹⁹ Article 116, paragraphs 42 and 43



As a result, 622 penalties (805.72 thousand GEL) had been charged against 10 drivers during the period between 2011 and January 1, 2018, including total of 591 overdue penalties (800.09 thousand GEL) of which 92.4%, i.e. 546 penalties (749.2 thousand GEL, i.e. 93.6%) were transferred for enforcement though to no avail (ref. table no 5).

Table no 5: Information on administrative penalties imposed against the 10 drivers during 2011-2017 (amount given in thousands GEL)

Description		Total	Outstanding	%	Transfer for enforcement	%	Paid	%	Other ²⁰	%
Driver no 1	Number	233	35	15	188	80.7	10	4.3		
	Amount	323.5	44.8	13.8	277.9	85.9	0.8	0.3		
Driver no 2	Number	108	2	1.9	98	90.7	4	3.7	4	3.7
	Amount	151.1	3	2	147.98	97.9	0.12	0.1	0	-
Driver no 3	Number	66	1	1.5	64	97			1	
	Amount	93	1	1.1	90.5	97.3			1.5	
Driver no 4	Number	66	2	3	63	95.5			1	
	Amount	79.8	0.8	1	77.4	97			1.6	
Driver no 5	Number	33	2	6.1	29	87.9		0	2	6.1
	Amount	40.1	0.5	1.2	39.1	97.5		0	0.5	1.2
Driver no 6	Number	18		0	18	100		0		-
	Amount	21.9		0	21.9	100		0		-
Driver no 7	Number	21	1	4.8	19	90.5	1	4.8		-
	Amount	23.14	0.4	1.7	22.7	98.1	0.04	0.2		-
Driver no 8	Number	22		0	22	100		0		-
	Amount	30.01		0	30.01	100		0		-
Driver no 9	Number	21	1	4.8	20	95.2		0		-
	Amount	20.1	0.4	2	19.7	98		0		-
Driver no 10	Number	34	1	2.9	25	73.5	7	20.6	1	2.9
	Amount	23.07		0	22	95.4	0.07	0.3	1	4.3
Total	Number	622	45	7.2	546	87.8	22	3.5	9	1.4
	Amount	805.72	50.9	6.3	749.19	93	1.03	0.1	4.6	

DRIVER NO 1

“Driver no 1” referred to in the table was permanently driving the vehicle registered on another citizen’s name under the influence of alcohol. In 2017 the driver was charged a penalty 127 times by the patrol police officers of Imereti Patrol Police Main Division for the violation of road traffic rules of which 120 penalties were issued pursuant to paragraph 4³ of article 116 of the AOC, i.e. the above mentioned patrol police officers had stopped the “driver no 1” being under the influence of alcohol almost every third day though to no avail. The one and the same patrol inspectors had each issued 11 penalties against the person during the mentioned period.

²⁰ The deadline for the administrative punishment expired, undelivered, etc.

During 2013-2017, the “driver no 1” was charged a penalty 233 times in total and overall amount of the penalties charged exceeded 323.5 thousand GEL of which only 870 GEL (2.7%) was paid. The rest of the penalties are either transferred for enforcement or still have the status of overdue penalties. Furthermore, administrative confinement of total of 9 days (7 and 2 days) had been used as an administrative penalty in two instances.

The above mentioned penalties generally related to driving under the influence of alcohol (207 penalties, amounting to 303.2 thousand GEL) and the person had the driver’s licenses already suspended. This is considered to be a violation of severe category in the developed countries as very often it becomes the reason for traffic accidents. In some cases the mentioned violation was accompanied with the infringement of other articles of the Code too, like: mobile phone use while driving, driving without a seat belt, non-observance of prohibition signs, etc.

The vehicle driven by the above mentioned driver is registered on another person but according to the notary act, the owner is the driver himself. Therefore, the above mentioned norm of the Code is not applied against the person on whom the vehicle is registered and the driver no 1 continues driving the vehicle up to present. Considering that the mentioned driver is socially vulnerable and does not own any property, application of the enforcement measures against him is deemed useless.

DRIVER NO 2

One of the citizens (hereinafter the “driver no 2”) was charged with a penalty 108 times during 2013-2017 (before December 1) with the total amount of penalties exceeding 151 thousand GEL of which only four was paid with the total amount of 120 GEL (0.08%). The overdue penalties had been transferred for enforcement but to no avail up to present as the “driver no 2” has a status of a socially vulnerable person.

The above mentioned penalties were issued against the “driver no 2” while driving 19 different vehicles out of which two of them are transferred to him under the authority of a power of attorney. The overdue penalties were charged for severe violations of road traffic rules, like: driving under the influence of alcohol (paragraph 4³ of article 116 of the Code – 39 penalties amounting to 57.3 thousand GEL), or driving with the suspended driver’s license (paragraph 4 of article 121 – 65 penalties amounting to 93.5 thousand GEL) in most cases accompanied as well with other traffic rule violations.

DRIVER NO 3

One of the citizens was charged with a penalty 66 times during 2013-2017 thus incurring the payment of 93.0 thousand GEL in total which still remains unpaid. Notwithstanding that the relevant institution had transferred the above mentioned penalties for enforcement and the vehicle driven by the driver belonged thereto at the time of charging the penalties, no measures have been undertaken for the enforcement so far.

The penalties were imposed in connection to driving with the suspended driver’s license on a systematic basis (article 121 of the AOC) for which the Code envisages the penalty of 1500 GEL or administrative confinement for up to 15 days. Notwithstanding that the driver received the



penalty under the mentioned article (121-4-0) 15 times during the first three months in the year 2017 he was not presented to the court with the request of administrative confinement though the police officers were entitled to do so.

DRIVER NO 4

One of the citizens got charged with a penalty 66 times during 2013-2017 (before December 1) for the violation of road traffic rules and the total amount of the penalties charged accounted for 79.8 thousand GEL which is still unpaid. Notwithstanding that the “driver no 4” used to get charged on a systematic basis since May 2013 and all the penalties were transferred for the enforcement due to non-payment, no result has been reached so far.

The above mentioned penalties were issued against the “driver no 4” while driving 12 different vehicles against the violations of road traffic rules, such as: driving under the influence of alcohol (38 penalties amounting to 33.4 thousand GEL), or driving with the suspended driver’s license (34 penalties amounting to 45 thousand GEL) accompanied with other traffic rule violations as well. Notwithstanding the above mentioned, no administrative confinement had been imposed against the “driver no 4” whereas he got a penalty 10 times during 11 months in 2017 pursuant to paragraph 4 of article 121 of the Code providing, inter alia, for administrative confinement.

Thus, considering the above mentioned: almost no legal response measure is applied against the person with the socially vulnerable status having violated the road traffic rules while driving a vehicle registered on another person’s name and having failed to pay the penalty, regardless of the frequency and hazardous nature of the violations which points to the legislative deficiencies. It should be noted as well that 2 of the above mentioned drivers have become the participants of road traffic accidents as well.

APPLICATION OF INADEQUATE SANCTIONS IN CASES OF DRIVING WITHOUT A LICENSE

As mentioned above, apart from monetary punishment, current legislation provides for an administrative confinement for maximum 15 days (and not criminal responsibility) for the violation of road traffic rules, which is hardly applied, i.e. a citizen being financially capable of paying the penalties can violate legislation without limitation and continue driving even in case of losing all the points and without criminal responsibility charged against him.

For years many drivers used to pay quite significant amounts of the penalties imposed against them and repeated the violations again.

For instance:

- › One of the drivers was charged with a penalty 336 times during 2013-2017 for the violation of road traffic rules and the total amount of penalties imposed accounted for 13.2 thousand GEL out of which 303 penalties (12.2 thousand GEL) were paid.
- › Similarly, another driver was charged with a penalty 175 times (7.8 thousand GEL) out of which 167 penalties (6.0 thousand GEL) were paid.

Frequency of the cases of repeated violations of road traffic rules by the drivers for whom the



sanction have no deterring effect also point to the need of toughening the punishments. Otherwise, it tends to cause traffic accidents entailing grave outcomes. Driving without a driver's license (article 121 of the AOC) and repeated violations of road traffic accidents left without adequate punishment is of particular concern. Maximum punishment prescribed by the mentioned article is a penalty of 1500 GEL or an administrative confinement for up to 15 days which is hardly applied.

For instance, on June 25, 2016 the patrol police crew charged a penalty against a citizen driving a vehicle registered on another person's name without a driver's license²¹. On July 1, i.e. 6 days later, the same driver got a penalty again for the same violation²², but both penalties remained unpaid. On November 15, 2016, the driver had a traffic accident resulting in the deaths of two pedestrians²³. In all the three cases the citizen was driving one and the same vehicle during night hours.

FAILURE TO APPLY PENALTY POINT SYSTEM TO THE VIDEO FINES

The penalty point system does not apply to video fines as the video cameras record the registration number of a vehicle rather than a person. In such cases the above mentioned rules consider deduction of 10-20 points for speeding but this kind of violation can only be registered automatically, i.e. application of the penalty point system is impossible. All this reduces efficiency of video fines. According to international practice, any type of penalty has an impact on the driver's points and entails relevant responsibility. At the same time, it is necessary to apply tougher responses against the persons driving even after having lost all the points.

3.2.2 DEFICIENCIES IN TERMS OF IMPOSITION OF SANCTIONS AGAINST THE VIOLATIONS RECORDED BY VIDEO CAMERAS

In case the violation recorded on a video and/or photo tape the Patrol Police takes the decision with regards to the fact of administrative violation based on the relevant examination of the tape and a penalty charge notice is issued on provision that the vehicle involved in the violation can be identified and it is not an operative vehicle.

There are certain deficiencies in terms of imposition of sanctions against the registered violations, namely:

- › The software which is based on the database of the LEPL Service Agency does not include identification codes of some of the legal entities of private law and the operators do not issue penalties on the grounds that it is impossible to pay the penalty in a banking institution without the mentioned information, i.e. the fact of violation is evident and the company owning the vehicle is identifiable though penalty cannot be imposed due to minor reasons.
- › Besides, no sanctions were imposed against transit vehicles and vehicles with foreign registration numbers during the period of audit on the grounds that it is not possible to identify them in the relevant database. As a result, the drivers of such vehicles violate road traffic rules and they can be charged with a penalty by patrol crews only which significantly reduces the

21 Violation referred to in paragraph 42 of article 116 of the AOC - 1000 GEL.

22 Violation referred to in paragraph 43 of article 116 of the AOC - 1500 GEL.

23 Violation referred to in paragraph 7 of article 2276 of the AOC - from 6 to 10 years.



effectiveness of legal response measures to the violations committed thereby.

- › The Ministry does not have a detailed work instruction for the employees (operators) of the Patrol Police Department in place. For instance, there is no written criteria as to which categories of vehicles shall be eligible for penalty waivers, where and what kind of information shall be submitted in case of violations of road traffic rules by the vehicles of law-enforcement (not operative) structures, like governmental, diplomatic and other types of vehicles resulting in applying inconsistent approaches to the mentioned issues. For instance, there were 43 active vehicles of the above mentioned category in the database on December 5, 2017 (between 0:00 and 0:00 of the following day), i.e. pending penalties.
- › There are cases where the software does not provide the registration number of a vehicle in full (for instance, one figure is missing) though a photo/video material clearly shows both the registration number and the main aspect of the violation. Notwithstanding that, legislation does not entitle the operators to issue a relevant penalty charge notice and sent it to the addressee.

CONCLUSION

Some of the articles of the Code have failed to serve the declared purpose thereof insofar as they do not ensure adequate penalties for the repeat offenders. For instance, articles 116 and 121 laying down the amounts of penalties in case of driving under the influence of alcohol or in case of driving with the driver's license suspended or without having it at all.

Introduction of a penalty point system have toughened the approach towards repeat traffic offenders though the penalty point system has failed to toughen the punishment for those persons who continue driving even after losing all the points.

Apart from monetary punishment, current legislation provides for an administrative confinement for maximum 15 days (and not criminal responsibility) for the violation of road traffic rules, which is hardly applied. Legislation does not envisage criminal responsibility for such cases as opposed to the practice of the developed countries of the world.

At the same time, penalty point system does not apply to video fines, thus reducing the efficiency of the video fines. According to international practice, any type of penalty is reflected on the driver's points and entails appropriate responsibility.

There are certain deficiencies in terms of the imposition of sanctions against the already registered violations, for instance: operators do not issue a penalty charge notice against the legal entities of private law the identification code whereof is not included in the software. No video fines are issued and sanctions imposed against transit vehicles and vehicles with foreign registration numbers resulting in the reduction of the rate of response against such violations.



RECOMMENDATIONS

TO THE PATROL POLICE DEPARTMENT OF THE MINISTRY OF INTERNAL AFFAIRS OF GEORGIA:

- › Advisability of making amendments to legislation aimed at toughening the punishment for repeat offenders with a view to ensuring imposition of relevant sanctions against the violations of road traffic rules should be considered, for instance: against the cases of driving under the influence of alcohol or driving with the driver's license suspended or without having it at all.
- › With a view to introducing correct and uniform approach of responding to the violations of road traffic rules by state-owned vehicles revealed by means of video-surveillance, it is important to develop relevant criteria and detailed instruction about the procedure of charging a penalty and communicating it to the employees in charge of issuing video fines.
- › Feasibility of application of the penalty point system to the video fines should be considered by taking account of international practice.

TO THE MINISTRY OF INTERNAL AFFAIRS OF GEORGIA AND THE UNIFIED OPERATIONS CENTRE:

With a view to imposing relevant penalties against the violations revealed:

- › Inclusion of identification codes of all legal entities of private law in the relevant software should be ensured to enable the issue of video fines against them, as necessary.
- › Possibility of issuing a relevant penalty against the facts of violations recorded by the software with some faults on provision that all the necessary facts are clearly visible on a photo and/or video tape should be considered.
- › In case of automatic detection of the facts of violations of road traffic rules by transit vehicles and vehicles with foreign registration numbers, identification of an offender, imposition of a corresponding sanction and effective measures necessary for its enforcement should be ensured within the competencies of the Ministry.

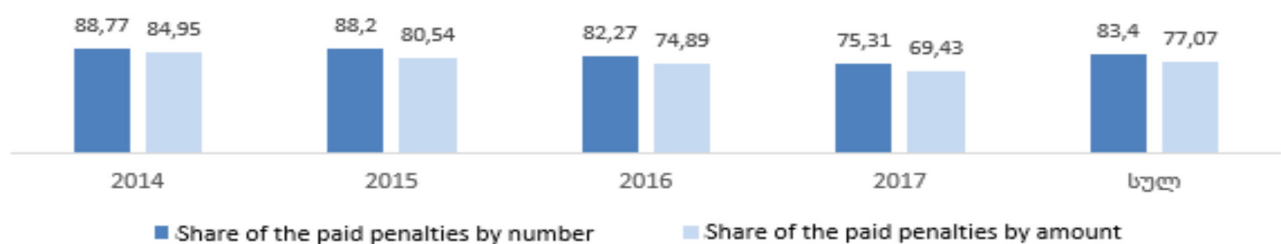
Disclosure: According to the information provided by the Ministry of Internal Affairs with respect to the preliminary audit report sent by the State Audit Office, two of the recommendations provided in the report have been partially fulfilled, namely: for the first time in the practice of the Ministry of Internal Affairs the software-aided imposition of penalties by use of photo-video devices was launched in February of the current year against administrative violations committed by the vehicles with internal transit number-plates and in the same year the function of covert patrolling was transferred to the Patrol Police Department of the MIA and the extension of the area of covert patrolling is being planned.



3.3 INEFFECTIVENESS OF COLLECTION OF SANCTIONS IMPOSED AGAINST TRAFFIC RULE VIOLATIONS

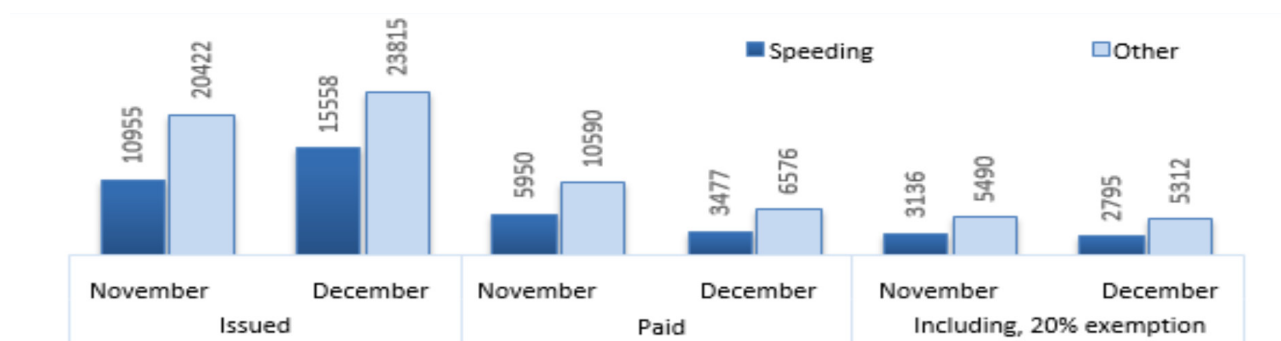
As mentioned above, last years have been marked with a decrease of an indicator of payment of penalties and the rise of number of the penalties which were either cancelled or undelivered. Despite the fact that 88.8% of the total number and 84.95% of the total amount (the rest of the penalties are still outstanding due to various reasons: failure to submit to the address, cancelled, etc.) of the penalties issued were paid in 2014 the same indicators have fallen to 75.3% and 69.4% respectively by year 2017. This is due to the deficiencies existing in terms of collection of the fines.

Graph no 8: Tendency of payment of penalties percentagewise (2014-2017)



An amendment was made to legislation on November 1, 2017 according to which an offender is granted a 20% exemption in case of payment of a penalty within 10 days which has obviously led to positive outcomes but failed to ensure radical improvement of the situation. Namely, only 26,593, i.e. 37% out of 70,750 penalties issued against the violations detected by video cameras were paid during November-December 2017 including 16,733 penalties paid with 20% exemption accounting for 63% of the total of the paid penalties.

Graph no 9: Information about the video fines issued during November-December 2017:



3.3.1 DEFICIENCIES IN TERMS OF COMPULSORY ENFORCEMENT OF PENALTIES

According to statistics, minimum 25-30% of the offenders avoid payment of the penalties imposed. Pursuant to current legislation, a penalty interest is imposed against an offender after the expiration of the voluntary enforcement period and compulsory enforcement is applied pursuant to the Law of Georgia on Enforcement Proceedings 30 days after the imposition of a penalty interest in case of failure of an offender to pay the penalty and the interest.

Neither the MIA in general nor the Patrol Police Department or other structural units subordinated thereto are obliged to collect the penalties imposed against the drivers thereby. This issue is fully conditional on the desire of a driver, smooth operation of the Georgian Post (in case of video fines) and the LEPL National Enforcement Bureau.

The structural units of the MIA had no consistent statistical summary information during audit about the number and amount of outstanding penalties.

During the audit structural units of the MIA had no consistent statistical summary information on the number and amount of overdue penalties of the offenders, number of video fines not submitted to the addressees, amount of the penalty interest accrued on outstanding penalties and the number of outstanding interests and the number of penalties transferred for enforcement. This kind of information is necessary for correct conduct of analytical activities and for the development of a result-oriented action plan. According to the explanation provided by the Information-Analytical Department of the Ministry, information available in the database provides the possibility to ensure comprehensive statistical data the processing and analysis whereof would facilitate the correct development of the road safety strategy and planning of necessary measures by the Ministry.

Neither had the Ministry any follow-up information about the status of enforcement of penalties by LEPL – National Bureau of Enforcement, namely about the number and amount of penalties and penalty interests left unenforced and the reason for the failure to enforce them as neither the Ministry nor the Bureau have an obligation to exchange relevant information.

Due to the deficiencies in the relevant software of the Ministry it is not possible to transfer information about the outstanding penalties of private companies to the National Bureau of Enforcement for the purposes of enforcement. Neither can this notification be sent via post. As a result, no enforcement measures are taken against the private companies having failed to pay the penalties imposed on them for the violation of road traffic rules. The mentioned video fines get the same status as undelivered and outstanding (overdue) penalties would do in other cases – “proceedings ceased”. There is no information in the existing database about the number of undelivered video fines and their amount at the time of expiry of deadline for payment. Total value of video fines belonging to the mentioned category and having the status of unpaid penalties accounted for 450.0 thousand GEL by year 2016.

3.3.2 DEFICIENCIES IN TERMS OF SUBMISSION OF VIDEO FINES

An issue of collection of amounts of the video fines charged against the drivers having violated road traffic rules presented an important problem until November 1, 2017.

According to the Patrol Police Department, employees of the Georgian Post, Ltd. obliged by the agreement concluded with the Ministry to ensure the delivery and signed submission of the penalty charge notices generated through video fines to the offenders to their addresses fail to discharge their obligation in an appropriate manner due to various reasons.

For instance, one of the citizens got charged with the video fine 12 times during 2013-2015. Namely, only 6 out of 12 notices were submitted and paid and the remaining 6 were left undelivered and the proceedings ceased.



The Patrol Police Department does not carry out monitoring of the due observance of the requirements of the agreement concluded with the Georgian Post, Ltd. regardless of the fact that the agreement entitles the Department “to inspect the services rendered”. As a result, the Georgian Post, Ltd. may not be fulfilling the provisions of the agreement in due manner and the Department has not carried out any “the inspection of the services rendered” so far.

The Ministry was not able to provide statistical information about the number of undelivered penalty charge notices from the last years. At the same time, according to the Information-Analytical Department of the Ministry, the unified database of administrative violations no longer contain significant part of the outstanding penalties issued before 2017, which were written off due to maturity reasons and removed from the database.

An amendment to the Administrative Offences Code relating the submission of video fines entered into force on November 1, 2017 for the solution of the problem. According to the mentioned amendment, the payment of the penalty registered on a video and/or photo tape shall be imposed on a person identified according to the registration data of a vehicle and the information concerning the video fine in the form of a Short Message Service (SMS) is sent to the driver prior to sending it by parcel post. According to the above mentioned Code, a citizen is eligible for a 20% exemption on provision that the penalty is paid within 10 days of the notice (article no 290¹).

In case of failure of an offender to pay the penalty within the mentioned period a video fine is sent to the specific address by post. In case the person refuses to accept the penalty charge notice or it is impossible to submit it thereto a video fine is published on the official web-page of the MIA – www.police.ge and is deemed submitted on the 30th day of its publication. In case of failure of the offender to pay the penalty within the mentioned period it will be charged a penalty interest and in case of non-payment of the amounts charged within the next 30 days the realisation of a vehicle is initiated.

The above mentioned amendment has also toughened the procedure of submission of video fines by post, namely, a penalty charge notice is deemed submitted on provision that any adult family member living at the address of the person repeatedly refuses to accept the penalty charge notice at the time of its delivery by post.

There was not sufficient time between the enactment of the above mentioned amendments and the preparation of the audit report for the evaluation of their outcomes though it is highly likely that these changes will reduce the number of undelivered and unpaid video fines.

Notwithstanding that, there are some deficiencies in the new system, namely:

- › The database of the MIA includes the registrations of 1,256.0 thousand vehicles, including 376.3 thousand, i.e. almost 30% registered without the contact information of the owner and it is not possible to send SMS notifications to them;
- › Contact information of major part of the owners of the vehicles available in the above mentioned database has already been changed for several times thus reducing the likelihood of receiving SMS notifications thereby;
- › Major part of the owners of the vehicles do not live at their legal addresses or drive vehicles under the ownership of other persons;



- › In some cases, a vehicle is registered at the address like: Tskhinvali region, Abkhazia. As a result, it is not possible to submit video fines to this category of offenders as well;
- › A penalty charge notice is deemed submitted 30 days after the publication thereof on the official web-page of the MIA - www.police.ge whereas some drivers may not have access to internet. The Ministry has no responsibility in terms of submission of video fines to the offenders therefore there are no effective measures taken for the submission of problematic video fines. For instance, patrol police officers are not obliged to provide information about charged and undelivered video fines at least to the drivers to whom a new penalty is being issued. The capacities of district inspectors are also left unutilised to this end, whereas they have most reliable and comprehensive information about the citizens actually residing on their corresponding beats.

Considering the above mentioned, there are cases where a video fine was not delivered and as a result the proceedings ceased, i.e. was left beyond enforcement whereas the driver was charged with a penalty issued by the patrol police crew within the period of validity of the fine. Should the patrol police officer have been obliged to notify the driver about the video fine issued against him/her and had officially delivered the notice or should the district inspector had been involved in the search of the offenders whose actual and legal addresses are not the same (being the reason for the failure of the Post to submit the fine), the number of undelivered and unpaid video fines would have decreased. Not to mention the fact that the employees of the Ministry may discharge the mentioned function more effectively as compared to the employees of the Post.

It is highly likely that the failure to use the above mentioned leverages will increase the number of undelivered video fines published on the official web-page of the MIA of which major part will require the application of enforcement mechanisms. At the same time, it is highly likely that major part thereof will become the subject of a court hearing entailing additional time and material expenses both on the side of the state and the citizens, not to mention that in many cases the penalty charge notices will be deemed delivered in case of persons not representing actual owners of the vehicles which will result in additional court disputes and public discontent. Whereas, fulfilment of the recommendations issued by the State Audit Office will significantly reduce the number of problematic video fines and prevent the above mentioned complications.

CONCLUSION

25-30% of the offenders tend to avoid payment of the penalties imposed. The purpose of payment of a penalty is the prevention of violations of road traffic rules. As a consequence, effective functioning of mechanisms of enforcement of the penalties is important.

The Ministry has no follow-up information about the status of enforcement of penalties by LEPL – National Bureau of Enforcement, namely about the number and amount of penalties and penalty interests left unenforced and the reason for the failure to enforce them.

The existing software of the Ministry does not provide the possibility to send any information on outstanding penalties of the private companies to the National Bureau of Enforcement, with a view to ensuring compulsory enforcement, neither is it sent by post. As a result, no compulsory enforcement is applied against the failure of the private companies to pay the penalties either. Total value of the mentioned categories of video fines with outstanding status accounted for almost 450.0 thousand GEL by year 2016.



Until November 1, 2017 there was a major issue of collection of amounts of video fines imposed on the drivers having violated traffic rules: the employees of the Georgian Post, Ltd. being obliged under the agreement signed with the Ministry to ensure delivery and signed submission of penalty charge notices of video fines to the offenders to their addresses may discharge their obligation ineffectively due to either objective or subjective reasons. The Patrol Police Department in its turn does not carry out monitoring and inspection of the fulfilment of the provisions of the agreement concluded with the Georgian Post, Ltd. Thus, it is impossible to determine the gaps existing in the process of delivery of penalty charge notices. From November 1, 2017 a new procedure of submission of video fines was enacted with a view to solving the above mentioned problem which will highly likely decrease the number of undelivered and outstanding video fines. However, there are several problems which will likely impede on the smooth functioning of the system. One of them, for instance, is the fact that the database of the MIA does not contain contact information of the owners of 30% of the registered vehicles making it impossible to send out SMS notifications to them.

Subsequently, for the time being, the significance of the problem relating the submission of video fines is not diminishing. The MIA does not have any leverage in the process of collection of amounts imposed through overdue (outstanding) penalties: patrol police officers and district inspectors have no right of delivering the video fines to the addressees. Application of the mentioned mechanism may improve the penalty administration process and facilitate the prevention of traffic accidents.

RECOMMENDATIONS

TO THE MINISTRY OF INTERNAL AFFAIRS OF GEORGIA, PATROL POLICE DEPARTMENT:

- › For the purposes of information analysis and correct planning of further activities it is important that the Ministry of Internal Affairs develops the relevant system in collaboration with the LEPL National Enforcement Bureau based on which the Ministry will receive information about the status of enforcement of penalties imposed for both the violations of road traffic rules and other administrative offences.
- › With a view to developing an effective system of enforcement of penalties, integration of all the services enabling the communication of the necessary information on the outstanding penalties of private companies to the National Bureau of Enforcement in the existing software should be accelerated.
- › With a view to solving the issue of improving the process of submission of penalty charge notices to the drivers having violated the traffic rules and collection of the video fines imposed on them and effective enforcement of the amendments to legislation:
 - Existing database of registration of vehicles and the contact information of their owners should be improved;
 - Monitoring of the proper fulfilment of the provisions of the agreement concluded with the Georgian post, Ltd. and inspection of the services rendered should be ensured;
 - Possibility of submission of video fines by patrol police officers at least to the drivers receiving a penalty for a new violation and having undelivered video fines in arrears should be considered;
 - The issue of using the capacities of district inspectors with respect to the submission of outstanding (undelivered) video fines to the addressees should be considered.



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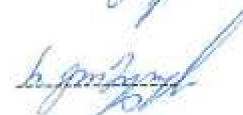
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