



Municipal Administrative Commission: an ineffective, outdated solution in the administrative violation process

Rīga 2025



Latvijas Republikas
Valsts kontrole

Audit report

“Municipal Administrative Commission: an ineffective, outdated solution in the administrative violation process”

Performance audit “Are municipal administrative commissions a good solution to ensure an effective administrative violation process?”

The audit was performed based on audit schedule No 2.4.1-47/2024 of the Fifth Audit Department of the State Audit Office of Latvia of 2 January 2024 (as amended on 11 November 2024, 17 February 2025 and 22 April 2025)

The cover design includes an image from website *depositphotos.com*.

Summary

Conclusions and expected results after implementation of the recommendation

The collegial operating model of administrative commissions (hereinafter referred to as the Commissions) established in local and regional governments has historically served public education purposes, but the audit has concluded that it has become ineffective and does not meet the requirements of good governance. Therefore, the State Audit Office of Latvia recommends that local and regional governments abandon the collegial operating model of the Commissions in administrative violation proceedings.

The Commissions, which were initially created as politically motivated collegial formations, have lost their initial political influence over time. However, local and regional governments have not used the opportunity to manage the Commissions as result-oriented institutions by strategically planning their work within the system of municipal institutions and providing them with a budget, full-time staff and a governance framework. The audit has proven that in the modern administrative law system, such a collegial model increases costs and extends the terms of administrative violation process, without creating a demonstrable benefit for higher quality.

The reason administrative violation cases end up in a Commission is found in the determination of competence in both sectoral laws and regulations and binding regulations of local and regional governments. However, the division of competence between the Commission and other institutions has not been assessed in practice and is therefore contrary to the goal of using it only as an exceptional and not a general solution, as envisaged by the Ministry of Justice¹.

In 2024, the municipal police were to start operating in each local and regional government. This was the right moment for local and regional governments to reassess the current decision-making process in administrative violation cases by redistributing the examination of cases and decision-making from the Commission to the municipal police. The situation modelled in the audit shows: if the municipal police were to take over a large part of the decision-making entrusted to the Commission, the overall workload would increase by an average of 190 hours per local or regional government while maintaining the legal quality of the decisions made.

A significant part of the work of the Commissions consists of decisions on the application of coercive measures of an educational nature to children. To address behavioural problems of a child meaningfully, the State Audit Office of Latvia issued a recommendation² to the Ministry of Welfare in 2022 to review and improve the established system for examining administrative violations committed by children by assessing the possibility of refusing to apply administrative liability to children in cooperation with the Ministry of Justice, the Ministry of the Interior, the Ministry of Smart Administration and Regional Development and local and regional governments.

Statistics indicate that the number of initiated administrative violation proceedings against minors has decreased by 21%³ from 2021 to 2024, but the implementation of this recommendation has been slow over three years, thus preventing the overall full improvement of both the effectiveness and quality of the process. To reduce a number of administrative violations committed by minors, the pace of making changes to the Law on the Protection of the Rights of the Child is also essential. It would ensure a more targeted, multidisciplinary inter-institutional cooperation-based approach

to working with children, while the Law on Coercive Measures of Educational Nature regulating administrative processes, whose provisions determine the collegial examination of cases currently, would gradually lose relevance after the amendments come into force. Such changes in general, according to the auditors, would allow for a transition to a one-person decision-making model and abandon the ineffective work of the Commissions. 80% of local and regional government leaders have also acknowledged that the Commission as such should be reformed.

The audit provided one recommendation. So that administrative violation process would be modern and the examination of administrative violation cases and decision-making in local and regional governments would be effective, the Ministry of Justice and the Ministry of Smart Administration and Regional Development should abandon the regulation of the collegial model of the Commissions in the administrative violation process.

The State Audit Office of Latvia expects that in the next five years, it will be achieved by fulfilling the specified actions in the implementation of the recommendation that all administrative violation cases in local and regional governments are examined and decisions are made individually.

The historical development of the Commissions has been shaped since the Soviet era when broad public involvement in government work was considered an intrinsic value. The audit has confirmed that the collegial operating model of the Commissions no longer complies with the principle of good governance in terms of the speed of administrative violation proceedings, costs, as well as the quality of decisions taken in administrative violation cases. The information obtained during the audit confirms that this historical inertia has not been assessed systematically even during the administrative liability reform, during which a new legal framework for the administrative violation proceedings was adopted in 2018 but the functional role of the Commissions was not analysed.

From a historical perspective, the Commissions were intended as a nurturing mechanism that, through collegial reasoning, disciplined a violator and expressed public condemnation at the same time. Such a goal lost relevance in the early 1990s, as state administration shifted to a professional rather than a mass participation approach. However, the Commissions remained within laws and regulations without a detailed evaluation of their effectiveness, and local and regional governments have not reoriented the Commissions into a result-driven institution by planning their work strategically within the system of municipal institutions, providing them with a budget, full-time staff and a governance system. From a governance and monitoring perspective, the information provided by the Commissions to local and regional councils is mostly limited to the number of cases reviewed, and local and regional governments lack a mechanism that would link human resource planning with efficiency or quality indicators. Hence, the responsibility of municipal leadership for the use of human resources and finances remains unclear while the supervisory function is fragmented and mostly reactive rather than proactive, which has not always contributed to optimal costs and transparency, as well as reasonable planning of the workload and staff of the Commission. According to the auditors' calculations, 29 local and regional governments would need 118 fewer Commission members than according to the situation as of 1 January 2024, which would reduce the time spent by audited entities and paid for from municipal budget for reviewing cases by approximately 59,200 hours.

The audit compared the effectiveness of the work of the Commission and direct state administration institutions. On average, an administrative violation case examined by the

Commission is completed in 61 days from the initiation of the administrative violation process to the decision, while this time is up to 48 days in direct state administration institutions. In their turn, average remuneration costs for the Commission to adopt one final decision in an administrative violation case are 98.18 euros. This is almost seven times more than for a decision adopted individually in a direct state administration institution.

The audit has concluded that the criterion set for the quality of Commission's work does not indicate the advantages of collegiality, as the proportion of appealed and annulled decisions in the Commissions is similar to the results of direct state administration institutions. The indicators of public involvement also differ insignificantly because the presence of violator in the examination of the case is observed in 26% of commission cases and 24% of direct state administration institutions. Similarly, a sampled analysis of the Commission's work found no evidence of any recorded discussions, dissenting opinions, or opposing votes. The audit estimated that votes "against" constituted less than 7% indicating a limited impact of collegiality on the final outcome.

The evidence obtained during the audit as a whole allows us to conclude that individual decision-making in municipal institutions would be at least 15% more effective than the collegial format if time, costs, quality and public willingness to get involved in the examination of administrative violation cases are taken into account.

The majority of Commission decisions, that is, approximately 78%, concern administrative violations for which a warning or a fine⁴ of up to 50 euros has been imposed. The auditors consider that collegial discussion does not increase the added value of such standardised issues as the applicable penalty, the sufficiency of evidence and whether a person is liable for the administrative violation committed, but it prolongs the process and increases the costs for all involved in the process. In addition, the analysis of the binding provisions shows that the shared competence between the Commissions and other institutions is still maintained in the recently adopted binding provisions. This confirms that the determination of separate competence for the Commission is perceived as a self-evident requirement for the implementation of the administrative violation process, and not as an exception, as indicated by the Ministry of Justice⁵.

The examples of Lithuania and Estonia also confirm the need for change. In Lithuania, collegial municipal administrative commissions were abolished with the reform of the Code of Administrative Violations in 2017, but in Estonia, administrative violation cases at the municipal level have long been examined by officials with a specific mandate rather than collegial structures.

The results of a survey of municipal management conducted by the State Audit Office of Latvia confirm that 80% of respondents see the need to review the Commission model, provided that the examination of "children's cases" is resolved. The benefits cited by municipal management include faster procedures, a lower administrative burden and lower costs for both the local or regional government and the population.

The auditors have modelled a situation in which the competence of the Commission is transferred to the municipal police. Calculations show that the annual workload of the police would increase by approximately 190 man-hours in a local or regional government on average. It corresponds to a transparent and manageable increase in capacity taking into account that the administrative violation process for 63% of administrative violation cases until their consideration by the Commission is carried out by municipal police officials already at present. The Law on Police stipulates the right of the municipal police to make decisions in administrative violation cases

clearly regarding the violation of binding regulations of local and regional governments, therefore the regulatory basis for expanding the delegation is sufficient.

Taking into account the above, the audit has recommended that all administrative violation cases in local and regional governments would be reviewed and decisions made individually within five years.

These changes would reduce decision-making time by about a third, save about 1.12 million euros in remuneration costs per year, and reduce the workload of the courts by about 44%, as complaints would first be considered by a higher official. Moreover, if an initial decision is made closer to the actual circumstances of the case, it can also affect the quality and speed of the administrative violation proceedings positively. The processes would also become more understandable and accessible to citizens by eliminating the need to participate in collegial meetings where disciplinary, but often routine, cases are discussed.

Recommendation

One recommendation is provided after the audit.

In order for the administrative violation process to be modern and for the examination of administrative violation cases and decision-making in local and regional governments to be effective, the Ministry of Justice, the Ministry of Smart Administration and Regional Development, and local and regional governments should abandon the collegial operating model of commissions in administrative violation process.

The implementation of the recommendation included in the audit report affects a wider range of institutions, both in direct state administration and in local and regional governments. Therefore, targeted inter-institutional cooperation would be necessary for successful promotion of change. Accordingly, the State Audit Office of Latvia will draw the attention of the Cabinet of Ministers to the fact that positive changes would require change management, including by determining those responsible for process management, tasks, and deadlines for their implementation.

References

- ¹ Letter No 1-17/796 of the Ministry of Justice on municipal administrative commissions in the administrative liability system dated 11 March 2025.
- ² Page 131 of the State Audit Office's performance audit report "Does the child with behavioural issues and his/ her family have the opportunity to receive the necessary support?". Available on the State Audit Office's website www.lrvk.gov.lv in the section "Completed audits", accessed on 23 May 2025.
- ³ Reports of the Ministry of the Interior on the situation of juvenile delinquency and child victims of criminal offences in 2023 and 2024. Available at <https://www.iem.gov.lv/lv/citi-parskati>, resource accessed on 2 June 2025.
- ⁴ One fine unit is five euros (Article 16, Part Two of the Administrative Liability Law).
- ⁵ Letter No 1-17/796 of the Ministry of Justice on Municipal Administrative Commissions in the Administrative Liability System dated 11 March 2025.