

## **Law of Georgia on the Public Security Service**

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### **Chapter III Forces and Means of the Public Security Service**

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#### **Article 8. Right to Apply Physical Force, Special Means and Firearms by an Employee of the Public Security Service**

1. While conducting official duties an employee of the public security service is authorized to use physical force, special means and service firearms, in accordance with the law.
2. The right to use firearms also applies to a military serviceman of the Public Security Service, envisaged by the military legislation of Georgia.
3. An employee of the public security service is obliged to give a person a prior warning concerning using physical force, special means and firearms, to give him/her reasonable time to obey legitimate request of an employee of the public security service, except for the cases when delay may cause damage to life or health of a citizen and an employee of the public security service, other grave consequence, or if it is impossible to give such warning in a given situation.
4. Type of special means and intensity of physical force are determined in accordance with the concrete situation, nature of offence and individual characteristics of an offender.

#### **Article 9. Right to use physical force**

An employee of the public security service is authorized to use physical force, including special martial art techniques, in order to protect the security of himself/herself and of citizens, to suppress crime and arrest criminals, in case the nonuse of violent methods does not ensure for an employee of the public security service to comply with the duties imposed by the law.

#### **Article 10. Right to use special means**

1. While conducting official duties an employee of the public security service is authorized to use special means: handcuffs or other means of restraint, rubber baton, tear gas or gas of special effect allowed by international conventions, light-sound device of psychological effect, barrier destruction means and means for stopping vehicle by force, water cannon, armored car and other special vehicle, special paint, electroshock device and service dog - in the following cases envisaged by this Article:
  - a) Handcuffs and other means of restraint are used – against a perpetrator of crime if he/she shows or may show resistance against an employee of the public security service or tries

- to escape; while escorting an arrestee or detainee if a person due to his/her acts or omissions can cause harm to himself/herself or others;
- b) Rubber baton is used – to repel attack against a citizen, an employee of the public security service or a protected object; while arresting a perpetrator of crime if he/she obviously does not comply with the legitimate request of an employee of the public security service;
  - c) Tear gas or gas of special effect allowed by international conventions are used – to repel attack against a citizen, an employee of the public security service or a protected object; to free hostages; while arresting a perpetrator of crime or in order to force him/her to leave an occupied vehicle or building used by him/her as a cover;
  - d) Light-sound device of psychological effect is used – to repel attack against a state or public object, an employee of the public security service or a citizen; to arrest a person showing armed resistance; to expel a criminal from a building, land parcel, vehicle; to free hostages;
  - e) Means for stopping vehicle by force is used – to stop a vehicle by force, the driver of which has not complied with a legitimate request of an employee of the public security service to stop a vehicle;
  - f) Barrier destruction means is used - to stop a perpetrator of crime; to free hostages;
  - g) Water cannon, armored car are used – to repel a group attack on a state or public object; to stop a vehicle by force, the driver of which has not complied with a legitimate request of an employee of the public security service to stop a vehicle; to arrest armed criminals;
  - h) Special paint is used – to reveal a perpetrator of an offence;
  - i) Electroshock device is used – to repel attack against a citizen, an employee of the public security service or a protected object;
  - j) Service dog is used – while escorting a perpetrator of an offence; to repel attack against a citizen or an employee of the public security service; while conducting criminal intelligence measures.
2. An employee of the public security service is obliged to provide first medical aid to a person who suffered due to the use of physical force or special means, immediately notify the direct supervisor or prosecutor about the injury or wound caused to a person as a result of the use of physical force or special means.
  3. It is prohibited to use physical force or special means against the persons having obvious signs of pregnancy, minor age, disability, old age, except for the cases when they participate in armed or group attack or show armed resistance against an employee of the public security service.
  4. An employee of the public security service is prohibited to use such physical force or special means which cause serious injury to a person, is connected to undue risk or is prohibited by international conventions and other international acts.
  5. The rules of storage, carriage and use of special means being in the armament of the public security service are established by the Georgian legislation.

**Article 11. Right to use firearms**

1. An employee of the public security service is authorized to store, carry and used service firearms.
2. The rules on storage and carriage of firearms being at the disposal of an employee of the public security service are established by the Georgian legislation.
3. Intended shot is considered as a use of firearms.
4. An employee of the public security service is authorized to use service firearms as a means of last resort:
  - a) to protect a citizen and himself/herself from the danger which causes real threat to their life and health;
  - b) to prevent snatching of firearms;
  - c) to free hostages;
  - d) to prevent escape from the place of arrest or detention and deprivation of liberty;
  - e) to prevent a serious crime, while arresting a perpetrator of such crime if he/she shows resistance against an employee of the public security service or tries to escape;
  - f) to repel attack on houses of citizens, protected objects, objects of state bodies, public organizations, private property;
  - g) while protecting citizens from the attack of dangerous animals;
  - h) while giving a signal of distress or calling for additional support;
  - i) to damage a vehicle in order to stop it, if the driver's actions cause real threat to the life or health of a person and the driver does not comply with multiple requests of an employee of the public security service to stop a vehicle.
5. Use of firearms should be preceded by a verbal warning on its use. In case of necessity a warning shot may be conducted.
6. Use of firearms without a warning may be conducted:
  - a) against sudden attack carried out via armed, military equipment, any transport or mechanical means;
  - b) while escaping an arrestee or detainee using or from a vehicle;
  - c) while showing armed resistance at the time of arresting or detaining a criminal;
  - d) while escaping of an arrestee or a detainee.
7. Use of firearms is prohibited at the places where it is possible to injure other persons, as well as at inflammable or explosive places, also against the persons having obvious signs of pregnancy, minor age, disability, old age except for the cases when they participate in armed or group attack or show armed resistance against an employee of the public security service.

8. While using firearms an employee of the public security service is obliged to apply all measures in order to ensure the security of other persons, to provide first medical aid to the damaged one.
9. An employee of the public security service is obliged to immediately notify the direct supervisor and prosecutor regarding the use of firearms.
10. The list of service firearms and ammunition being in the armament of the public security service is approved by the Georgian government.
11. It is prohibited to use of firearms or ammunition which is connected to undue risk or is prohibited by international conventions and other international acts.