

## Police Service Act

Passed 14 May 1998,

(RT<sup>1</sup> I 1998, 50, 753),

entered into force 15 June 1998,

amended by the following Acts:

19.05.2004 entered into force 01.07.2004 - RT I 2004, 46, 329;

29.01.2003 entered into force 10.03.2003 - RT I 2003, 20, 116;

19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375;

05.06.2002 entered into force 01.07.2002 - RT I 2002, 53, 336;

11.10.2001 entered into force 08.11.2001 - RT I 2001, 85, 511;

20.12.2000 entered into force 01.03.2001 - RT I 2001, 7, 17;

14.03.2000 entered into force 16.04.2000 - RT I 2000, 28, 167;

19.01.2000 entered into force 16.02.2000 - RT I 2000, 10, 57.

## Chapter 1

### General Provisions

#### § 1. Scope of application of Act

(1) This act provides the definition and conditions of the police service.

(2) The Public Service Act (RT I 1995, 16, 228; RT I 1999, 7, 112; 10, 155; 16, 271 and 276; 2000, 25, 144 and 145; 28, 167; 102, 672; 2001, 7, 17 and 18; 17, 78; 42, 233; 47, 260; 2002, 21, 117; 62, 377; 110, 656; 2003, 4, 22; 13, 67; 69; 20, 116) extends to the police service with the specifications resulting from this Act.

(3) The provisions of the Administrative Procedure Act (RT I 2001, 58, 354; 2002, 53, 336; 61, 375; 2003, 20, 117) apply to administrative proceedings prescribed in this Act, taking account of the specifications provided for in this Act.

(19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

#### § 2. Definition of police service

Police service is employment in the position of police officer in a police authority, in the Security Police Board, in a position relating to co-ordination of the activities of security authorities in the State Chancellery, in the position of police officer in an institution of applied higher education for public defence or a police training institution (hereinafter body).

(29.01.2003 entered into force 10.03.2003 - RT I 2003, 20, 116)

#### § 3. Definition of police officer

(1) A police officer is a person employed in the police service.

(2) Police officers are state officials.

#### § 4. Basic categories of police officers

(1) The positions of police officer are divided into basic categories according to the educational and other basic requirements set for employment in a position.

(2) The basic categories of police officers are:

1) higher police officers;

2) senior police officers;

3) junior police officers.

(3) Within the basic categories, the positions of police officer are established as official titles.

#### § 5. Official titles of police officers

- (1) Higher police officers are:
  - 1) national police commissioner and national security police commissioner;
  - 2) deputy national police commissioner and deputy national security police commissioner;
  - 3) police chief and police prefect;
  - 4) deputy police chief, deputy police prefect and police counsellor;
  - 5) chief superintendent;
  - 6) superintendent.
- (2) Senior police officers are:
  - 1) leading police inspector, leading assistant and leading constable;
  - 2) senior police inspector, senior assistant and senior constable;
  - 3) police inspector, assistant and constable.
- (3) Junior police officers are junior police inspector, junior assistant and junior constable.
- (4) The titles of assistants are only applicable in the Security Police Board.

#### § 6. Official ranks of police officers

- (1) The police officers specified in clauses 5 (1) 1), 2), 3), 4), 5) and 6) of this Act shall belong to the tenth, ninth, eighth, seventh, sixth and fifth official ranks of police officers, respectively.
- (2) The police officers specified in clauses 5 (2) 1), 2) and 3) of this Act shall belong to the fourth, third and second official ranks of police officers, respectively.
- (3) The police officers specified in subsection 5 (3) of this Act shall belong to the first official rank of police officers.

#### § 7. Official rank of head of structural unit organising study in police training programme of institutions of applied higher education for public defence and official ranks of teaching staff of police training programme

- (1) The head of the structural unit organising study in the police training programme of an institution of applied higher education for public service and the teaching staff of the police training programme are police officers.
- (2) The head of the structural unit organising study in the police training programme of an institution of applied higher education for public service shall belong to the eighth official rank of police officers.
- (3) Professors in the police training programme of institutions of applied higher education for public service shall belong to the eighth official rank, associate professors shall belong to the seventh official rank, senior lecturers shall belong to the sixth official rank and lecturers shall belong to the fifth official rank and assistant lecturers shall belong to the second, third or fourth official rank of police officers.

(29.01.2003 entered into force 10.03.2003 - RT I 2003, 20, 116)

#### § 7<sup>1</sup>. Police cadet

- (1) Students of police training institutions and full-time students of the police training programme of institutions of applied higher education for public service are police cadets.
  - (2) The rights and obligations prescribed for police officers may be extended to police cadets by the internal procedure rules of educational institutions preparing police officers if this is necessary in order to achieve study objectives.
  - (3) The social guarantees prescribed for police officers, and also the rights and obligations of police officers extend to a police cadet in the cases where the police cadet is engaged in the performance of the functions of police officer or assumes such functions on his or her own initiative or at the request of the victim.
  - (4) Police cadets shall be appointed to office in an police authority as non-staff public servants in order to undergo practical training. Sections 40, 43, 44, 50–52, 55, 56, 59–65, 67–77, 79–81 of the Public Service Act and §§ 21–29, 32, 39–41 of this Act are extended to police cadets during practical training.
  - (5) Police cadets who are successful in their studies shall receive a scholarship. The amount of the scholarship and the conditions of and procedure for payment thereof shall be established by the Minister of Internal Affairs.
- (29.01.2003 entered into force 10.03.2003 - RT I 2003, 20, 116)

## Chapter 2

### Employment in Police Service

#### § 8. Requirements for police officers

- (1) An Estonian citizen who has attained 19 years of age, has at least secondary education, is proficient in Estonian to the extent established by law or legislation issued on the basis of an Act and meets the professional requirements for police officers may be employed in the service as a police officer.
- (2) The professional requirements for police officers, including requirements for their physical training, educational background and health shall be established by a regulation of the Government of the Republic.

#### § 9. Persons who shall not be employed in police service

The following shall not be employed in the police service:

- 1) a person with restricted active legal capacity;
- (05.06.2002 entered into force 01.07.2002 - RT I 2002, 53, 336)
- 2) a person who has not undergone compulsory military service;
  - 3) a person who has been punished for an intentionally committed criminal offence;
  - 4) a person who has been convicted with a sentence of imprisonment;
  - 5) a person who is a suspect, the accused or accused at trial in a criminal case;
  - 6) a person deprived of the right to work in the position of police officer by a court judgment entered into force;
  - 7) persons closely related by blood (parents, brothers, sisters, children) or by marriage (spouse, spouse's parents, brothers, sisters, children) to an officer or the immediate superior who has direct control over the corresponding position;
  - 8) persons who receive a pension, remuneration or other regular benefits from a foreign state.

## § 10. Police oath

Upon entry into the police service, police officers shall take the following police oath:  
“Upon entry into the police service, I, (given name and surname), shall take an oath to be loyal to the constitutional order of Estonia, comply unwaveringly with legislation, maintain state and professional secrets, use the authority given to me in a just and impartial manner, and perform the duties in an honest and conscientious manner.”

## § 11. Taking police oath

- (1) Every police officer shall take the police oath upon entry into the service.
- (2) The taking of the police oath takes place in a festive manner and under the national flag.
- (3) Upon taking the police oath, police officers shall read out the police oath and sign the text of the police oath.
- (4) The police oath shall be administered by the Minister of Internal Affairs, head of the Security Police Board or the Police Board or the head of any other police authority or police training institution or institution of applied higher education for public defence.  
(29.01.2003 entered into force 10.03.2003 - RT I 2003, 20, 116)
- (5) Police cadets shall take the police oath before their first practical training.  
(29.01.2003 entered into force 10.03.2003 - RT I 2003, 20, 116)
- (6) The text of the police oath signed by a police officer or cadet shall be kept together with the service record.

## § 12. Appointment of police officers to office

- (1) The Government of the Republic shall, on the proposal of the Minister of Internal Affairs, appoint to office the head of the Police Board for a term of five years after having considered the opinion of the Legal Committee of the Riigikogu<sup>2</sup>. The head of the Police Board shall not be appointed to office for more than two consecutive terms. The National Security Police Commissioner shall be appointed to office pursuant to the procedure prescribed in the Security Authorities Act.  
(20.12.2000 entered into force 01.03.2001 - RT I 2001, 7, 17)
- (2) The deputy head of the Police Board and the deputy head of the Security Police Board shall be appointed to office by the Minister of Internal Affairs on the proposal of the head of the corresponding Board.
- (3) Police officers of institutions of applied higher education for public defence shall be appointed to office by the Rector on the proposal of the head of the Police Board. The head of the structural unit organising study in the police training programme of an institution of applied higher education for public service shall be appointed to office for the term provided in the statutes of the institution of applied higher education for public service.  
(29.01.2003 entered into force 10.03.2003 - RT I 2003, 20, 116)
- (4) Other higher police officers shall be appointed to office by the head of the Police Board and the head of the Security Police Board respectively.  
(20.12.2000 entered into force 01.03.2001 - RT I 2001, 7, 17)
- (5) The heads of police prefectures and heads of regional structural units of the Security Police Board shall be appointed to office for a term of five years.
- (6) Police officers not specified in subsections (1), (2), (3) or (4) of this section shall be appointed to office by the head of the corresponding body.

(20.12.2000 entered into force 01.03.2001 - RT I 2001, 7, 17)

### § 13. Requirements for appointment of police officers to office

(1) Any person who has worked as the deputy head of the Police Board or the Security Police Board, as the head of a structural unit of the Police Board or Security Police Board or as the head of a police authority or police training institution for at least three years before appointment to office may be appointed as the head of the Police Board or head of the Security Police Board.

(29.01.2003 entered into force 10.03.2003 - RT I 2003, 20, 116)

(2) Any person who has worked as a higher police officer for at least three years before appointment to office may be appointed as the deputy head of the Police Board or Security Police Board, as the head of a structural unit of the Police Board or Security Police Board, or as the head of a police authority or police training institution.

(29.01.2003 entered into force 10.03.2003 - RT I 2003, 20, 116)

(3) Any person who has worked in the position of police officer belonging to the third or fourth official rank of police officers for at least two years may be appointed to another position of higher police officer.

(4) As an exception, a person who has a master's degree or has appropriate qualifications or a person who has worked , for at least two years before appointment to office, as a judge, sworn advocate, prosecutor (with the exception of assistant prosecutor), higher prison officer, notary or other, person who has higher education and whose education meets the educational requirements for the position may be appointed as a superintendent.

(29.01.2003 entered into force 10.03.2003 - RT I 2003, 20, 116)

(5) Any person who has worked in the position of police officer belonging to the second official rank of police officers for at least one year may be appointed to the position of police officer belonging to the third or fourth official rank of police officers.

(6) Any person who has worked in the position of junior police officer for at least one year may be appointed to the position of police officer belonging to the second official rank of police officers.

(7) A person who has higher education and whose education meets the educational requirements for the position may be appointed to the position of senior police officer.

(29.01.2003 entered into force 10.03.2003 - RT I 2003, 20, 116)

(8) Police officers may be appointed to office without a competition.

### § 14. Publication of information on Internet on vacant positions of police officers

(1) Information on positions about to become or presently vacant in police authorities and police training institutions, and on the requirements of appointment to office, including the competition conditions, shall be made public on the web site of the Police Board.

(20.12.2000 entered into force 01.03.2001 - RT I 2001, 7, 17)

(2) No information shall be made public on the positions of police officer which solely concern surveillance.

(3) The procedure for publication of information specified in subsection (1) of this section shall be established by a regulation of the Minister of Internal Affairs.

## Chapter 3

### Transfer of Police Officers

#### § 15. Transfer of police officers without their consent

(1) In addition to the cases specified in the Public Service Act, a police officer may, in the interest of the service, be transferred to another position of police officer without the consent of the police officer:

- 1) within the same official rank in the same or another police authority;
- 2) within the official ranks of the basic categories of police officers, including transfer to a position of a lower rank, if such transfer is due to the reorganisation or dissolution of or layoffs in a police authority or police training institution.

(2) Any transfer which results in the change of a police officer's residence shall be prohibited if the last transfer which resulted in the change of residence took place without the consent of the police officer less than five years ago.

#### § 16. Authority to transfer police officers without their consent

(1) The right to transfer a police officer without his or her consent lies with the person who has the authority to appoint the police officer to office. The right to transfer junior or senior police officers from one police authority to another (with the exception of the Security Police Board) lies with the head of the Police Board.

(2) The right to transfer a police officer without his or her consent to another position in the Security Police Board or to the position of police officer of the Security Police Board in another police authority lies with the Minister of Internal Affairs.

#### § 17. Guarantees upon transfer without consent

(1) A person who has the authority to transfer a police officer in the interest of the service without the consent of the police officer to another position shall notify the police officer thereof in writing at least one month in advance. A notice concerning a transfer of a police officer which results in the change of his or her residence shall be given at least two months in advance.

(2) A police officer who is transferred shall:

- 1) continue to receive his or her former salary if the salary at the new position is smaller than the former salary;
- 2) receive his or her four months' salary as a single benefit if the transfer results in the change of residence of the officer.

(3) The transfer of a police officer which results in the change of his or her residence is permitted only if the police officer is provided with housing in the new locality by the employer. The procedure for provision of housing by employer and the requirements for the size and condition of the housing shall be established by a regulation of the Government of the Republic.

(4) Upon vacating the housing provided by an employer as specified in subsection (3) of this section, the police officer shall be compensated for the expenses incurred by him or her for the repair and reconditioning of the housing provided that the necessity and amount of the expenses was agreed upon in advance with the Police Board or the Security Police Board, as appropriate, and a written agreement was concluded with reference thereto. The standard conditions of such contract shall be established by a regulation of the Minister of Internal Affairs.

§ 18. Guarantees of police officers transferred to position of lecturer

(1) The guarantees provided for in subsections 17 (2), (3) and (4) of this Act extend to a police officer who is transferred with his or her consent or on his or her initiative, or appointed to the position of lecturer as a police officer at the Estonian Public Service Academy or a police training institution for one up to five academic years, for the whole period of employment in the position of lecturer as a police officer of such training institution.

(20.12.2000 entered into force 01.03.2001 - RT I 2001, 7, 17; 11.10.2001 entered into force 08.11.2001 - RT I 2001, 85, 511)

(2) After expiry of the term specified in subsection (1) of this section, a police officer who is employed as a lecturer shall be transferred at his or her request to the same position or to another position within the same official rank; if such position is not available, the police officer shall be transferred to another position.

Chapter 4

Police Officers' Benefits Related to Office

§ 19. Salary scale of police officers

(1) A differentiated salary scale of salary grades from 1 to 10 shall be established for police officers.

(2) The salary grade of a police officer shall correspond to his or her official rank.

(3) Within a salary grade of police officers, differentiated salary rates may be established for officers of different categories, qualifications, districts or bodies.

(4) The minimum salary rate of the first salary grade of the salary scale of police officers (the minimum salary of police officers) is 4 200 kroons.

(5) The salary rates, including differentiated salary rates, corresponding to the salary grades of police officers and the specifications of their use shall be established by a regulation of the Government of the Republic.

(5<sup>1</sup>) If the salary rate of a police officer according to the salary scale can be differentiated (increased) on two or more bases, the rates (percentages) of differentiation shall be added up to a total rate (percentage) of differentiation on the basis of which the differentiated salary rate shall be calculated.

(20.12.2000 entered into force 01.03.2001 - RT I 2001, 7, 17)

(6) The Government of the Republic may increase the minimum salary rate of police officers established by this Act once a year.

§ 20. Specifications of remuneration of some police officers

(1) The salary of police officers engaged in surveillance, except police officers of the Security Police Board, shall be increased by 10 – 50 per cent. A list of such positions or requirements for inclusion of positions in the list shall be established by a directive of the Minister of Internal Affairs.

(20.12.2000 entered into force 01.03.2001 - RT I 2001, 7, 17)

(2) Police officers included in the list specified in subsection (1) of this section shall not receive additional remuneration for working overtime or in the evening or night time, nor for working on days off or public holidays.

(3) If, upon a change in the salary rate of a police officer, the new salary rate of the salary grade is lower than his or her former salary rate, the police officer shall continue to receive the former salary rate of the salary grade until he or she is employed in that position, but for not longer than two years.

(4) Additional remuneration may be paid to a police officer instructing police cadets in their practical training in the amount equal to 5 per cent of the salary rate of the salary grade of the police officer payable for each instructed cadet.

(11.10.2001 entered into force 08.11.2001 - RT I 2001, 85, 511)

§ 21. Allowances upon death, declaration of permanent incapacity for work, illness of or causing of bodily injuries to police officers

(11.10.2001 entered into force 08.11.2001 - RT I 2001, 85, 511)

(1) If a police officer dies in the performance of his or her duties or in connection with the service in the police, the state shall pay the family members and persons who were maintained by the deceased police officer a single allowance in an amount equal to ten years' wages of the deceased.

(2) The cost of the funeral of a police officer who dies in the performance of his or her duties or in connection with the service in the police shall be borne by the state.

(3) A police officer who is declared permanently incapacitated for work due to the performance of his or her duties or in connection with the service in the police shall be paid a single allowance upon:

1) partial loss of capacity for work which did not result in release from the police service, to the extent of his or her one year's salary;

2) partial loss of capacity for work which resulted in release from the police service, to the extent of his or her two years' salary;

3) total loss of capacity for work, to the extent of his or her seven years' salary.

(11.10.2001 entered into force 08.11.2001 - RT I 2001, 85, 511)

(4) A police officer who, in the performance of his or her duties or in connection with the service in the police, receives a bodily injury which damages his or her health but does not result in permanent incapacity for work, shall be paid a single allowance in an amount equal to his or her one month's salary.

(11.10.2001 entered into force 08.11.2001 - RT I 2001, 85, 511)

(5) Medical expenses and the cost of medicinal products of police officers who receive injuries or fall ill in the performance of their duties or in connection with the service in the police shall be borne by the state.

(6) The procedure for calculation and payment of the allowances and costs provided for in this section shall be established by a regulation of the Government of the Republic.

§ 21<sup>1</sup>. Pensions for police officers

(1) A police officer whose length of police service is at least 20 years has the right to receive a pension for police officers when he or she attains 50 years of age in the amount of 50% of the of the police officer's last salary or of the most favourable salary corresponding to his or her position earned by police officer during the last five years of the police officer's service, provided that he or her she served in the position for at least twelve consecutive months.



(2) A police officer who is released from service due to age, state of health or lay-offs in the staff and who by the date of his or her release from service has attained 55 years of age and who has completed at least twenty five years of pensionable service or whose accumulation period is at least twenty five years, twelve years and six months of which the person served on the position of a police officer, has the right to receive a pension for police officers in the amount of 30% of the police officer's last salary or of the most favourable salary corresponding to his or her position earned by police officer during the last five years of the police officer's service, provided that he or her she served in the position for at least twelve consecutive months

(3) The amount of pension for police officers shall be increased for each year by which the length of the police service of the police officer exceeds the length of service provided in subsection (1) or (2) of this section in the amount equivalent to 2.5 per cent of the salary based on which the pension of a police officer was calculated, however in a maximum amount of 75 per cent of the corresponding salary.

(4) The amount of pension for police officers of a head of the Police Board or head of the Security Police Board shall be 75 per cent of his or her last salary as of the date of expiry of his or her second term of office, regardless of the overall length of his or her police service and age.

(5) The pension shall be recalculated if the salary, corresponding to the position based on which a pension for police officers was calculated, changes. In such case, the pension shall be paid in the altered amount as of the first day of the month following the month on which the salary was changed.

(6) The pension of police officer shall not be increased pursuant to the provisions of § 57 of the Public Service Act (RT I 1995, 16, 228; 1999, 7, 112; 10, 155; 16, 271 and 276; 2000, 25, 144 and 145; 28, 167; 102, 672; 2001, 7, 17 and 18; 17, 78; 42, 233; 47, 260; 2002, 21, 117; 62, 377; 110, 656; 2003, 4, 22; 13, 67; 69; 20, 116).

(7) A pension for police officers shall not be paid if a person is working in the position of a police officer. A pension for police officers shall be paid out to the full extent to a person who continues working in any other profession or position regardless of the amount of income earned by such person.

(8) A pension for police officer is granted for life.

(9) Police officers who have the right to receive several of the state pensions provided for in this Act or other Acts concurrently shall be granted one class of state pension of their choice.

(9<sup>1</sup>) Prosecutors have the right to receive pensions under the conditions provided for in this section if they have completed the overall length of police service necessary therefor. (19.05.2004 entered into force 01.07.2004 - RT I 2004, 46, 329)

(10) The right to receive a pension for police officers pursuant to this section does not apply to a police officer who has been released from service upon the entry into force of a judgment of conviction by a court by which by which a punishment is imposed on the person for and intentionally committed criminal offence.

(11) The right to receive a pension for police officers pursuant to this section does not apply to a police officer who has been released from service due to the wrongful non-performance or unsatisfactory performance of duties, including intoxication while in the service.

(11.10.2001 entered into force 01.01.2002 - RT I 2001, 85, 511)

§ 21<sup>2</sup>. Length of police service

(1) A period of service in the position of police officer shall be included in the length of police service which gives the right to receive a pension for police officers provided for in § 21<sup>1</sup> of this Act.

(2) A period of service or study specified in clauses 1)-4) of this section provided it was followed by service in the position of police officer shall also be included in the length of police service which gives the right to receive a pension for police officers provided for in § 21<sup>1</sup> of this Act:

1) period of study in a police training institution or institution of applied higher education for public defence;

(29.01.2003 entered into force 10.03.2003 - RT I 2003, 20, 116)

2) period of service as a preliminary investigator or senior preliminary investigation official of the Pre-trial Investigation Authority of the Republic of Estonia (director general, deputy to director general, adviser in preliminary investigation, director of bureau of preliminary investigation, deputy director, head of department of preliminary investigation, chief specialist in preliminary investigation, preliminary investigator);

3) period of active service in the Estonian Defence Forces;

4) period of service as members of rank or commanding staff of authorities of internal affairs of other states.

(3) Period of service before 1 July 1992 as a judge, employee of a prosecutor's office with supervisory control duties or employee of a preliminary investigation authority with preliminary investigation duties, provided within six months it was followed by service in the position of police officer or period of service or study provided for in clauses (2) 1)-3) of this section and service in the position of police officer, shall be included in the length of police service which gives the right to receive a pension for police officers provided for in § 21<sup>1</sup> of this Act.

(19.05.2004 entered into force 01.07.2004 - RT I 2004, 46, 329)

(3<sup>1</sup>) Period of service after 1 July 2004 as a prosecutor shall be included in the length of police service which gives the right to receive a pension for police officers provided for in § 21<sup>1</sup> of this Act if the length of police service before the period of service as a prosecutor was at least five years.

(19.05.2004 entered into force 01.07.2004 - RT I 2004, 46, 329)

(4) The period of service as a police officer and as a preliminary investigator or senior preliminary investigation official of the Pre-trial Investigation Authority of the Republic of Estonia from 1 March 1991 to 1 September 1994 shall be included in the length of police service under favourable conditions multiplied by three. A pension for police officers shall be paid to a prosecutor who has the right to receive the pension for police officers out of state budget funds through the budget of the Ministry of Justice.

(19.05.2004 entered into force 01.07.2004 - RT I 2004, 46, 329)

§ 21<sup>3</sup>. Pension for incapacity for work for police officers

(1) A police officer who is totally or partially incapacitated for work due to illness or injury as a result of the performance of his or her duties or the combating of a criminal offence has the right to receive a pension for incapacity for work as of the date on which his or her permanent incapacity for work arose.

(2) The percentage and time of and reasons for loss of capacity for work of a police officer shall be established pursuant to the procedure provided for in the State Pension Insurance Act (RT I 2001, 100, 648; 2002, 53, 336; 338; 61, 375; 2003, 20, 116).

(3) In the case of total and permanent incapacity for work, the amount of pension for incapacity for work for police officers shall be equal to 100 per cent of the police officer's last salary. In the case of partial and permanent loss of capacity for work, the amount of pension for incapacity for work for police officers shall be equal to the percentage of the police officer's last salary which corresponds to the percentage of the loss of his or her capacity for work. A pension for incapacity for work for police officers shall not be granted to a police officer if the percentage of the loss of his or her capacity for work is less than 40.

(4) The pension for incapacity for work for police officers shall be recalculated if the percentage of the loss of the capacity for work or the salary of the position based on which the pension for police officers was calculated changes. In such case, the pension shall be paid in the altered amount as of the first day of the following month.

(5) If, by the date a police officer is declared incapacitated for work, the length of his or her service meets the requirement for the grant of a pension for police officers, a pension for incapacity for work for police officers shall, at his or her request, be granted to him or her in the amount of the pension for police officers.

(6) If a police officer receiving a pension for incapacity for work for police officers was declared incapacitated for work before he or she attained a pensionable age provided for in § 7 of the State Pension Insurance Act, then after attaining the pensionable age, the person shall continue to receive such pension during his or her lifetime; however, the procedure for recalculating pensions provided for in subsection (4) of this section shall be applied thereto.

(7) Persons to whom a pension for police officers or pension for incapacity for work for police officers is granted shall be paid the full amount of the pension regardless of the amount of income he or she receives.

(8) Police officers who have the right to receive several of the state pensions provided for in this Act or other Acts concurrently shall be granted one class of state pension of their choice.

(11.10.2001 entered into force 01.01.2002 - RT I 2001, 85, 511)

§ 21<sup>4</sup>. Application for, grant and payment of pension for police officers and pension for incapacity for work for police officers

(1) The provisions of § 36 of the State Pension Insurance Act apply upon application for a pension for police officers and pension for incapacity for work for police officers.

(2) A pension for police officers and pension for incapacity for work for police officers shall be granted as of the date on which the right to receive the pension arises provided that the application is submitted within three months after the date on which the right to receive the pension arises. In other cases, pensions for police officers and pensions for incapacity for work for police officers shall be granted as of the date of application for the pensions. The provisions of § 37 of the State Pension Insurance Act apply upon grant of the pensions.

(3) The provisions of the State Pension Insurance Act apply upon payment of pensions for police officers and pensions for incapacity for work for police officers, unless otherwise provided by this Act.

(4) Pensions for police officers and pensions for incapacity for work for police officers provided by this Act shall be paid out of state budget funds through the budget of the Ministry of Internal Affairs.

(5) The Government of the Republic or a competent minister appointed by the Government of the Republic has the right to issue regulations for the calculation, grant, recalculation and payment of the pensions for police officers and pensions for incapacity for work for police officers provided by this Act.

(11.10.2001 entered into force 01.01.2002 - RT I 2001, 85, 511)

#### § 22. Compensation for proprietary damage

(1) The state shall compensate a police officer or his or her family members for direct proprietary damage which the police officer suffers in the performance of his or her duties.

(20.12.2000 entered into force 01.03.2001 - RT I 2001, 7, 17)

(2) The conditions for, limits of and procedure for compensation for proprietary damage shall be established by a regulation of the Government of the Republic.

(20.12.2000 entered into force 01.03.2001 - RT I 2001, 7, 17)

#### § 23. Medical examinations of police officers

(1) The state shall provide police officers with free medical examinations.

(2) The conditions, regularity and procedure for performance of medical examinations shall be established by a regulation of the Government of the Republic.

#### § 24. Use of public transport

The conditions for use of public transport for business travel by police officers and the procedure for reimbursement of expenses shall be established by a regulation of the Government of the Republic.

#### § 25. Housing provided by employer

(1) Police officers shall be provided with housing by the employer, where necessary and possible.

(2) A local government may provide police officers who serve in the corresponding rural municipality or city with housing pursuant to the conditions and procedure established for provision of housing by an employer.

#### § 26. Police uniform

(1) Police officers and cadets shall be provided with police uniforms.

(2) The description of and the term for wearing police clothing items shall be established by a regulation of the Government of the Republic.

(3) The procedure for provision and wearing of uniforms shall be established by the head of the Police Board, the head of the Security Police Board, or Rectors of institutions of applied higher education for public defence, as appropriate.

(29.01.2003 entered into force 10.03.2003 - RT I 2003, 20, 116)

(4) Police officers who are not provided with uniforms shall receive compensation in an amount equal to the cost of the uniform.

## Working and Rest Time and Holiday of Police Officers

### § 27. Overtime of police officers

(1) Police officers are required to comply with the orders of the head of a police authority to work overtime in the following cases:

- 1) in order to guarantee national security;
- 2) for the purposes of national defence;
- 3) for the rescue of people;
- 4) for the provision of assistance in fire and rescue work;
- 5) for the prevention of a natural disaster, fire, accident or catastrophe, or for the elimination of consequences thereof;
- 6) for the prevention and termination of mass disorders;
- 7) for the maintenance of order in public events;
- 8) for the performance of a police task which cannot be suspended or completed due to its particular nature;
- 9) in other cases provided by law.

(2) Police officers shall not be required to work overtime for more than 8 hours per day. The duration of a shift including overtime shall not exceed 16 hours. The standard limit on overtime per police officer is 300 hours per calendar year.

### § 28. Requiring police officers to work on days off or public holidays

The head of a police authority may require police officers to work on days off or public holidays in the cases specified in subsection 27 (1) of this Act.

### § 29. On call time

(1) On call time is the time when police officers shall be at the disposal of the management of a body or duty officer's service in agreed locations for the performance of urgent police activities during their rest time.

(20.12.2000 entered into force 01.03.2001 - RT I 2001, 7, 17)

(2) The duration of on call time shall not exceed 150 hours per month.

(3) Additional remuneration equal to ten per cent of the hourly wage rate of a police officer shall be paid for on call time.

### § 30. Interruption of holiday of police officers

(1) A holiday of a police officer may be interrupted and the police officer may be asked to return to the service with his or her consent but not more than twice during one holiday.

(2) No consent is required for the interruption of holiday if a police officer's holiday is interrupted and he or she is asked to return to the service in the cases specified in clauses 27 (1) 1), 2), 3) or 5) of this Act.

### § 31. Additional holiday of police officers

(1) An additional holiday granted to police officers for the length of public service need not be added to the base holiday.

(2) The head of a body may grant an additional paid holiday of up to ten calendar days to police officers for excellent performance of duties.

(20.12.2000 entered into force 01.03.2001 - RT I 2001, 7, 17)

## Chapter 6

### Other Conditions of Service of Police Officers

§ 32. Requiring police officers to work outside of their service area and beyond their duties  
The head of the Police Board or Security Police Board may require a police officer subordinate to him or her to work outside of the service area and beyond the duties of the police officer in the cases provided for in subsection 27 (1) of this Act.

#### § 33. Restrictions in connection with police service

(1) A police officer shall not:

- 1) work for another employer with the exception of teaching, research or creative work;
- 2) be a member of a political party;
- 3) participate in strikes;
- 4) be a member of the management body, controlling body or audit body of a company.

(11.10.2001 entered into force 08.11.2001 - RT I 2001, 85, 511)

(2) (Repealed - 14.03.2000 entered into force 16.04.2000 - RT I 2000, 28, 167)

(3) A police officer shall not be issued a copy of the directive on the basis of which the police officer was employed in the police service, transferred to another position or released from the police service, or a copy of a directive imposing a disciplinary punishment on the police officer if such directive contains state secrets or any other information which is not subject to disclosure. In such case, the police officer shall be issued an extract of the directive which does not contain information on state secrets.

(4) Within three years after release from the police service, a police officer shall not work for legal persons in private law which provide security services or private detective services.

#### § 34. Police officers acting as undercover agents

If a police officer acts as an undercover agent (pursuant to clause 7 9) of the Surveillance Act), his or her service relationship in the police service shall not be suspended or he or she shall not be released from the position of police officer; the duties performed by the police officer in the capacity of an undercover agent are deemed to be performance of the duties of a police officer.

#### § 35. Reimbursement of training expenses

(1) A police officer, cadet or police training institution graduate shall compensate for the direct expenses incurred by the state for his or her training or in-service training organised in a foreign state if he or she:

- 1) interrupts the studies or in-service training without good reason;
- 2) is released from the police service upon the entry into force of a conviction by a court;
- 3) is released from the police service for a disciplinary offence;
- 4) is released from the police service on his or her own initiative;
- 5) is expelled from a police training institution due backlog in studies or non-satisfactory performance or for a disciplinary offence;
- 6) after graduating, refuses to assume police service.

(11.10.2001 entered into force 08.11.2001 - RT I 2001, 85, 511)

(2) Training and in-service-training expenses shall not be compensated for by a police officer who:

1) after graduation from a training institution or completion of in-service training has worked in the police during a period of time which equals the duration of the training period multiplied by 1.5 but for not less than three years;

2) is released from the police service on his or her own initiative due to his or her permanent incapacity for work or a need to care for a family member with permanent incapacity for work or disability.

(11.10.2001 entered into force 08.11.2001 - RT I 2001, 85, 511)

(3) The procedure for calculating training and in-service training expenses shall be established by a regulation of the Minister of Internal Affairs.

## Chapter 7

### Evaluation of Police Officers

#### § 36. General procedure for evaluation of police officers

(1) Police officers shall be evaluated once every three years.

(2) The procedure for evaluation of police officers and the form of an evaluation record shall be established by a regulation of the Minister of Internal Affairs.

(3) Evaluation results shall be entered in the evaluation record and the service record of a police officer.

#### § 37. Evaluation requirements of police officers

(1) The evaluation requirements for the basic categories of police officers shall be established by a regulation of the Minister of Internal Affairs.

(2) The evaluation requirements of police officers shall be established by the Minister of Internal Affairs or by the head of the Police Board or Security Police Board to the extent authorised by the Minister of Internal Affairs in agreement with the competition and evaluation committee of the Ministry of Internal Affairs.

(3) The evaluation requirements shall be accessible by a police officer in his or her place of service.

#### § 38. Competition and evaluation committee of police officers

(1) The competition and evaluation committee of the Ministry of Internal Affairs and competition and evaluation committees of police officers shall perform the assessment of candidates for the position of police officer by a competition and the evaluation of police officers.

(20.12.2000 entered into force 01.03.2001 - RT I 2001, 7, 17)

(2) The procedure for establishing competition and evaluation committees and the statutes of the competition and evaluation committees shall be established by a regulation of the Minister of Internal Affairs.

## Chapter 8

### Incentives for Police Officers

### § 39. Incentives

(1) The incentives applied in respect of police officers are the following:

- 1) expression of thanks;
- 2) granting of a monetary award;
- 3) giving of a valuable gift;
- 4) award of a certificate of honour;
- 5) award of a weapon registered to the name of the police officer;
- 6) award of a police cross of merit.

(2) The types and description of a police cross of merit, the conditions for award of a cross of merit and the procedure for wearing a cross of merit shall be established by a regulation of the Minister of Internal Affairs.

(3) As an exception, the incentives provided for in subsection (1) of this section may also be applied as an award for outstanding merits in respect of persons who are not police officers.

(11.10.2001 entered into force 08.11.2001 - RT I 2001, 85, 511)

### § 40. Grounds for application of incentives

(1) An incentive may be applied in respect of a police officer for the following:

- 1) a long-term excellent service; or
  - 2) noteworthy performance of duties.
- (2) Several incentives may be applied simultaneously.

### § 41. Authority to apply incentive

(1) The authority to apply an incentive lies with the person authorised to appoint a given police officer to office.

(2) The Minister of Internal Affairs has the authority to apply incentives in respect of all police officers.

(3) The Head of the Police Board and the Head of the Security Police Board have the authority to apply incentives in respect of all police officers subordinate to them.

(4) Only the Minister of Internal Affairs has the authority to apply the incentives specified in clauses 39 (1) 5) and 6).

## Chapter 9

### Disciplinary Liability of Police Officers

### § 42. Disciplinary punishments

The disciplinary punishments imposed on police officers are:

- 1) reprimand;
- 2) reduction of salary by 10 to 50 per cent for up to three months;
- 3) release from the service pursuant to § 118 of the Public Service Act.

### § 43. Grounds for imposing disciplinary punishments

(1) A disciplinary punishment may be imposed on a police officer for a disciplinary offence.

(2) Only one disciplinary punishment may be imposed for each disciplinary offence.



#### § 44. Authority to impose disciplinary punishment

(1) The head of a body has the authority to impose disciplinary penalties specified in clauses 42 1) and 2) and the head of a body who has the authority to appoint the police officer to office has the authority to impose a disciplinary penalty specified in clause 42 3) of this Act

(20.12.2000 entered into force 01.03.2001 - RT I 2001, 7, 17)

(2) The Minister of Internal Affairs has the authority to impose a disciplinary punishment on any police officer.

(3) The head of the Police Board has the authority to impose a disciplinary punishment on any police officer subordinate to him or her.

(4) The Minister of Internal Affairs has the authority to impose a disciplinary punishment specified in clauses 42 1) and 2) of this Act on the head of the Police Board or head of the Security Police Board.

(5) The head of the Police Board and the head of the Security Police Board have the authority to impose a disciplinary punishment specified in clause 42 1) or 2) of this Act on any police officer subordinate to him or her who has been appointed to office by the Minister of Internal Affairs.

#### § 45. Disciplinary investigation

(1) A disciplinary investigation shall be conducted to ascertain whether a disciplinary offence was committed and to determine the person who committed it.

(2) The authority to commence a disciplinary investigation concerning subordinate police officers lies with:

- 1) the Minister of Internal Affairs;
- 2) the head of the Police Board;
- 3) the head of a body.

(20.12.2000 entered into force 01.03.2001 - RT I 2001, 7, 17)

(3) A disciplinary investigation is commenced by a directive whereby the investigator and term for the disciplinary investigation are determined. The police officer against whom a disciplinary investigation is commenced shall be notified of the directive promptly.

(4) The investigator of a disciplinary investigation may request explanations about and gather evidence on the disciplinary offence. It is mandatory to request the explanation of a police officer against whom the disciplinary investigation is commenced.

(5) Upon conclusion of a disciplinary investigation, the investigator shall prepare a summary of the disciplinary investigation which, if the commission of the disciplinary offence is ascertained and the person who committed it is determined, shall set out at least the following:

- 1) the given name, surname and position of the police officer who committed the disciplinary offence;
- 2) a description and the time and place of the disciplinary offence;
- 3) evidence in favour of the commission of the disciplinary offence;
- 4) reference to the Act providing for disciplinary liability and to the provision which the police officer violated by his or her act.

(6) The summary of a disciplinary investigation shall be signed by the investigator of the disciplinary offence, forwarded promptly to the person who initiated the disciplinary

investigation and introduced to the person against whom the disciplinary investigation was conducted.

## Chapter 10

### Release from Police Service

#### § 46. General procedure for release from police service

(1) In addition to the grounds for release from the service provided for in the Public Service Act, a police officer shall be released from the police service on the bases of and pursuant to the procedure provided for in §§ 47 and 49 of this Act.

(2) A police officer may be released from the police service by a person authorised to employ him or her.

§ 47. (Repealed - 11.10.2001 entered into force 08.11.2001 - RT I 2001, 85, 511)

#### § 48. Release of head of police prefecture and head of regional unit of Security Police Board from office due to expiry of term of service

(1) The head of a police prefecture and the head of a regional unit of the Security Police Board shall be released from office due to the expiry of their term of office and shall be appointed to another position of higher police officer by the head of the Police Board or head of the Security Police Board, as appropriate.

(2) The head of a police prefecture and head of a regional unit of the Security Police Board may be re-appointed for a new term of office.

(3) The head of a police prefecture and the head of a regional unit of the Security Police Board may be appointed to the position provided for in subsection (1) of this section or re-appointed with the written consent of the person.

(4) The head of a police prefecture or head of a regional unit of the Security Police Board shall be released from the police service if he or she does not consent to his or her appointment to the position provided for in subsection (1) of this section or to his or her re-appointment to office, and does not wish to be appointed to any other position of police officer.

(5) If there is no vacant position necessary for the appointment specified in subsection (1) of this section and the head of a police prefecture or head of a regional unit of the Security Police Board does not consent to being appointed to another vacant position of police officer, he or she shall be released from the police service and shall receive compensation in an amount equal to his or her six months' salary.

#### § 49. Release from police service due to reaching of specified age limit

(1) A police officer may be accepted for police service until he or she reaches the following age limits:

- 1) as a junior or senior police officer – until the age of 55 years;
- 2) as a higher police officer – until the age of 60 years.

(2) A police officer shall be released from the police service on the first working day of the month following the month of attaining the specified age limit set out in (1) of this section.

(3) With the permission of the head of the Police Board or head of the Security Police Board, a police officer may be employed in the police service until he or she attains the pensionable age provided for in § 7 of the State Pension Insurance Act.

(4) A police officer specified in subsection (3) of this section shall be released from the police service when he or she attains the pensionable age provided for in § 7 of the State Pension Insurance Act.

(11.10.2001 entered into force 08.11.2001 - RT I 2001, 85, 511)

## Chapter 11

### Final Provisions

#### § 50. Implementation of new salary rates

(1) The procedure for and the stages and terms of transition to new salary rates of police officers shall be established by a regulation of the Government of the Republic.

(2) The transition to new salary rates shall be completed by 1 January 2000.

(3) Within a period of ten years as of the entry into force of this Act, the Government of the Republic may increase the salary of police officers working in certain districts by up to 25 per cent.

#### § 51. Implementation of Act

(1) Section 7 of this Act enters into force on 1 September 1998.

(2) The evaluation of police officers pursuant to the evaluation requirements established by this Act shall be completed by not later than 31 December 2002.

(11.10.2001 entered into force 08.11.2001 - RT I 2001, 85, 511)

(3) A police officer who has taken the police oath valid before the entry into force of this Act is not required to take the police oath provided for in § 10 of this Act.

(4) The time of having worked as a leading police officer prior to the entry into force of this Act shall be included in the time of working as a higher police officer upon the entry into force of this Act.

(5) The description of and the terms for wearing police clothing items shall be established by a regulation of the Government of the Republic within three months after the entry into force of this Act.

(6) A person who has been released from police service before 1 March 1991 and who receives state pension has the right to submit, before 1 January 2003, an application for the recalculation of his or her pension to receive a pension for police officers provided that such person complies with the conditions provided for in § 21<sup>1</sup> of this Act.

(11.10.2001 entered into force 01.01.2002 - RT I 2001, 85, 511)

(7) A person who is working in the position of a police officer and who receives state pension has the right to submit, before 1 January 2003, an application for the recalculation of his or her pension to receive a pension for police officers provided that such person complies with the conditions provided for in § 21<sup>1</sup> of this Act.

(11.10.2001 entered into force 01.01.2002 - RT I 2001, 85, 511)

(8) If the application is justified, the state pension granted earlier shall be recalculated as a pension for police officers as of the first day of the month following the submission of the application. If a person continues to serve as a police officer, his or her state pension shall be

recalculated as a pension for police officers as of the date following the date of his or her release from police service.

(11.10.2001 entered into force 01.01.2002 - RT I 2001, 85, 511)

(9) Subsections 21<sup>2</sup> (3) and (4) of this Act apply in respect of persons who are employed as police officers on the date of entry into force of this version or after the entry into force of thereof.

(19.05.2004 entered into force 01.07.2004 - RT I 2004, 46, 329)

## § 52. Guarantees for police officers appointed to position of higher or senior official of Ministry of Internal Affairs

(1) A police officer who is released from the police service in connection with his or her appointment to the position of higher or senior official of the Ministry of Internal Affairs shall:

- 1) continue to receive the salary of a police officer if he or she so wishes;
- 2) retain the right to use the housing provided by the former employer.

(2) If the person specified in subsection (1) of this section has worked in the position of higher or senior official of the Ministry of Internal Affairs for at least two years, the Minister of Internal Affairs may reappoint him or her as a police officer at his or her request. The Minister of Internal Affairs shall not refuse to appoint such person to office if a vacant position of police officer exists.

(3) The period of service in the position of higher or senior official of the Ministry of Internal Affairs shall be included in the period of service of such position in which the police officer worked prior to his or her appointment to the position of higher or senior official of the Ministry of Internal Affairs.

(4) The guarantees specified in subsections (1) and (3) of this section shall apply to the persons specified in the corresponding subsections until the period of service in the position of higher or senior official of the Ministry of Internal Affairs has not been suspended.

(5) The guarantee specified in subsection (3) of this section extends to such higher or senior police officers who were released from the police service in connection with their appointment to the position of higher or senior official of the Ministry of Internal Affairs prior to the entry into force of this Act.

[§§ 53-55 omitted]<sup>3</sup>

## § 56. Reorganisation of some institutions belonging to police

(1) The former Central Criminal Police is reorganised into a government agency under the name of the Central Criminal Police as of 1 July 1998.

(2) The former Personal Protection Service is reorganised into a government agency under the name of the Personal Protection Service as of 1 July 1998.

(3) The former Forensic Science and Criminalistics Bureau is reorganised into a government agency under the name of the Forensic Service Centre as of 1 July 1998.

(4) The Minister of Justice shall reorganise the former Field Police Bureau, Traffic Police Bureau and Police Information Bureau by joining the institutions or the structural units thereof to other police institutions as of 1 July 1998.

## § 57. Repeal of earlier legislation

The following are repealed:

- 1) The Republic of Estonia Police Act Amendment Act (RT I 1993, 20, 355) Part 2;
- 2) Decree of the Presidium of the Supreme Council of the Republic of Estonia of 21 February 1991 “On Police Oath of Republic of Estonia and Procedure for Taking Oath” (RT 1991, 7, 108).

<sup>1</sup> RT = *Riigi Teataja* = *State Gazette*

<sup>2</sup> Riigikogu = the parliament of Estonia

<sup>3</sup> The omitted sections amend other legislation.