

## LAW OF GEORGIA ON POLICE

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### CHAPTER V Coercive Measures

#### **Article 30. Coercive measures**

Coercive measures are the use of physical force, special means and firearms by the police, aimed at the fulfillment of police functions.

#### **Article 31. Right to apply coercive measures**

1. In order to ensure the implementation of the police tasks, a police officer is authorized to apply suitable coercive measures proportionally (*stricto sensu*), only in cases of necessity and with such intensity that ensures the achievement of a legitimate goal.
2. A police officer is authorized to use firearms and special means only if he/she has undergone special training.
3. A police officer is obliged to give a prior warning to a person before using physical force, special means and firearms, to give him/her a reasonable time to obey the lawful order of a police officer, except for the cases when the delay can cause infringement to life and health of a person and/or of a police officer or other severe consequence, or if in a given situation it is pointless or impossible to issue such warning.
4. The type and the intensity of a coercive measure are determined according to a given situation, the nature of an offence and the individual characteristics of the offender. Moreover, while using coercive measures a police officer shall try that the inflicted harm is minimized and is proportional.
5. A police officer is obliged to provide urgent first medical aid to a person injured in the course of application of coercive measures.
6. A police officer is prohibited to use such coercive measures that cause severe injury to a person, is related to unjustified risk or is prohibited by the Georgian legislation.

#### **Article 32. Use of physical force**

1. A police officer is authorized to use physical force, including special martial art techniques in order to protect his/her and/or others' security, to prevent crime and/or administrative offence, to arrest a criminal and/or an administrative offender, unless the use of nonviolent

methods do not ensure the fulfillment by a police officer of the functions conferred on him/her by the law.

2. A police officer is obliged to inform his/her direct supervisor and the prosecutor concerning the injury of a person inflicted due to the use of a physical force, unless it is impossible to notify concerning the injury of a person to the direct supervisor and prosecutor, or it is related to the special difficulties or interrupts the conduction of police functions.
3. If the physical force is used against the unidentified number of persons, the person in charge shall notify the direct supervisor and prosecutor.

### **Article 33. Use of special means**

1. In order to protect public security and legal order, a police officer uses active and passive special means.
2. Passive special means ensure the protection of life and health of a police officer and/or of a person being under his/her protection. Such special means are: bulletproof vest, helmet, shield, respirator and other special means for the protection of a body.
3. Active special means disable a person to show resistance against a police officer for a short period of time and/or assist a police officer in achieving the police tasks. Such means are: handcuffs and other means of restraint, special baton, tear-gas, pepper spray, acoustic means, non-lethal weapons (including non-lethal shells), light-sound device of psychological effect, means for stopping vehicle by force, barrier destruction means, water cannon, armored car and other special vehicle, special paint, service dog and horse, electroshock device and binding net. The above-mentioned special devices are used:
  - a) Handcuffs and other means of restraint are used - against a person having committed a crime or a socially dangerous act or omission, who resists or may resist a police officer, or tries to run away; in escorting an arrestee or detainee; if a person may, by his/her dangerous act, inflict damage to himself/herself and others;
  - b) Special baton is used - to repel attack on a person, a police officer and/or a protected object; in arresting a perpetrator of crime or a violator of legal order, if he/she willfully resists the lawful request of a police officer; in suppressing the mass and group violation of legal order;
  - c) Tear-gas, pepper spray, acoustic means and non-lethal weapons (including non-lethal shells) are used - to repel attack on a person, a police officer and/or a protected object; in suppressing the mass and group violation of legal order; in arresting a perpetrator of crime or of socially dangerous act and omission, or in order to force him/her to leave the occupied territory, a vehicle or a building used by him/her as a cover;

- d) Light-sound device of psychological effect is used - to repel attack on the state and/or public object, a person and/or a police officer, in arresting a person showing armed resistance; in expelling a criminal or a perpetrator of socially dangerous act and omission from building, land parcel, vehicle occupied by him/her, for freeing persons illegally deprived of liberty;
  - e) Means for stopping vehicle by force are used - to stop a vehicle by force, the driver of which has refused to comply with the request of a police officer to stop and whose actions endanger life and health of a person, or if the use of such means is necessary to protect a proportional legal good;
  - f) Barrier destruction means are used - in arresting a criminal or a perpetrator of socially dangerous act and omission, for freeing a person illegally deprived of liberty from a covered area;
  - g) Water cannon, armored car and other special vehicle are used - in suppressing mass violation of legal order, in repelling a group attack on state and/or public object, for stopping a vehicle by force the driver of which has refused to comply with the request of a police officer to stop, in arresting an armed criminal;
  - h) Special paint is used - to detect a perpetrator of a crime;
  - i) A service dog is used - in suppressing mass violation of legal order, in chasing and arresting a perpetrator of a crime or of a socially dangerous act and omission, in escorting an arrestee or detainee, in repelling an attack on a person and/or a police officer;
  - j) A service horse is used - in chasing and arresting a perpetrator of a crime or of a socially dangerous act and omission, while patrolling, in suppressing mass violation of legal order;
  - k) Electroshock device is used – in repelling an attack on a person, a police officer and/or a protected object;
  - l) A binding net is used – in chasing an offender, in repelling an armed attack, in capturing a perpetrator of an attack.
4. A police officer is obliged to inform his/her direct superior and the prosecutor regarding the person being wounded or injured due to the use of special means, unless it is impossible to notify the direct supervisor or prosecutor regarding the injury of the person, it is connected to the special difficulties, or interrupts the implementation of police functions.
5. In case the special means is used against the indefinite number of persons, it shall be notified to the direct supervisor or the prosecutor by the superior official.
6. The rules of storage, carriage and usage of special means being in the armament of the police are determined by the normative acts of the Minister.

#### **Article 34. Right to use firearms**

1. A police officer is authorized to store, carry and use service firearms, as well as additional service firearms in compliance with the rules established by the Minister.
2. The rules of storage and carriage of service firearms being at disposal of a police officer are established by the Minister.
3. Demonstration of firearms by a police officer for achieving a legitimate goal shall be considered as a passive use of firearms.
4. A deliberate shot shall be considered as an active use of firearms.
5. A police officer is authorized to use firearms as a means of last resort:
  - a) in order to protect a person and himself/herself, when life and/or health is endangered;
  - b) in order to free persons illegally deprived of their liberty;
  - c) in order to prevent an escape of a person detained for violent act or omission, or especially grave crime, with a prior knowledge of a police officer;
  - d) in order to suppress a violent crime, if a person shows resistance to a police officer;
  - e) in repelling an attack on a protected object, state organ and/or public organization;
  - f) while protecting a person from an attack of a dangerous animal;
  - g) in order to damage a vehicle with the aim to stop it, except for shooting from a moving vehicle at the other moving vehicle, if the act of a driver poses real threat to life and/or health of a person and the driver does not comply with repeated requests of a police officer to stop a vehicle.
6. The active use of firearms against a person shall be preceded by a following verbal warning on its use: "Police! Freeze or I will shoot!" followed by the warning shot. In case of necessity, a warning shot may not be conducted.
7. Firearms may be used without warning:
  - a) upon armed attack, as well as upon unexpected attack with the use of military equipment, any vehicle or mechanic means;
  - b) upon escape, by using a vehicle, of an arrestee or detainee who has committed especially grave crime, with the prior knowledge of a police officer;
  - c) upon showing armed resistance by a person;
  - d) upon giving the signal of distress or calling for additional support;
  - e) upon suppressing the taking off of firearm;
  - f) In order to end life of a lethally injured or infected animal, when it is clear that there are no other means available for the solution of the problem.
8. Firearms containing the danger of being lethally wounded shall be used only in case of necessary defense and/or urgent necessity.

9. A police officer is prohibited from using firearms at places where there is a risk that other persons might be injured, as well as at the inflammable and explosive places, except for the cases of necessary defense and/or urgent necessity.
10. A police officer is obliged to immediately inform his/her direct superior and the prosecutor about the active use of firearms.
11. The list of firearms and the ammunition being in the armament of the police is determined by the legislation of Georgia.

**Article 35. Restriction on the use of coercive measures**

1. It is prohibited to use physical force, special means and firearms against persons with evident signs of pregnancy, minor age, disability or old age, except for the cases when they conduct an armed or group attack, show an armed resistance to a police officer endangering life and health of another person or a police officer, unless it is impossible to repel such an attack and resistance by applying other techniques and means.
2. The exception to paragraph 1 of this Article is the case when nonuse of physical force and special means makes impossible to implement police functions.

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**CHAPTER IX**  
**Control of Activities of the Police**

**Article 56. Right to appeal against an act or omission of a police officer**

1. A person who considers that his/her rights and freedoms have been violated by an act or omission of a police officer, has the right to appeal against that act or omission before the superior official, the prosecutor's office or the court, in accordance with the legislation.
2. A preventive measure of the police that has been applied in the form of an individual administrative legal act or administrative real-act, shall be appealed in accordance with the administrative legislation, before the administrative organ adopting a respective measure, if there is a superior official to the official who has applied the respective measure. A police measure of the superior official shall be appealed before the superior administrative organ. The decision adopted with regard to the appeal is subject to the review by common courts of Georgia in accordance with rules of administrative legal proceedings.
3. A police measure applied on the basis of the provisions on administrative offences or of the criminal law shall be appealed in accordance with the Georgian legislation.

4. Administrative legal acts and administrative real-acts of the Minister shall be appealed to the court in accordance with the Administrative Procedural Code.

**Article 57. Internal control of the activities of a police officer and other employees of the Ministry**

1. The activities of a police officer and of other employees of the Ministry are controlled by the General Inspection of the Ministry.
2. The General Inspection of the Ministry is independent in its activities and it is forbidden for other structural subdivisions and officials of the Ministry to interfere with its activities. The General Inspection of the Ministry is directly accountable to the Minister, who conducts official supervision there-over in accordance with the Georgian legislation.
3. The authority of the General Inspection of the Ministry encompasses structural subdivisions of the Ministry, territorial organs, subordinate state agency of the Ministry – Border Police of Georgia and legal entities of public law of the Ministry.
4. The General Inspection of the Ministry:
  - a) reveals and appropriately reacts on the violations of the norms of Police Code of Ethics and Disciplinary Statute of the Officials of the Ministry of Internal Affairs of Georgia, within the system of the Ministry and on the facts of committing offences, within the system of the Ministry and in accordance with the Georgian legislation;
  - b) controls financial-economic activities of the divisions under the Ministry system, examines the legality and expediency of management of material and financial resources by them;
  - c) determines and prevents the reasons furthering the violations of the Georgian legislation by employees of the Ministry, reveals the violations and shortcomings of the activities conducted by the divisions under the Ministry system, elaborates respective recommendations in order to eliminate the existing flaws and the reasons causing them;
  - d) carries out other functions determined on the basis of the order issued by the Minister.
5. In case revealing the signs of the crime, while implementing the activities determined by paragraph 4 of this Article, General Inspection of the Ministry promptly delivers relevant materials to the General Prosecutor's Office of Georgia.

**Article 58. State Control of a police officer and other employees of the Ministry**

State control of the activities of a police officer and other employees of the Ministry is exercised on the basis of parliamentary, presidential, governmental, financial control and prosecutorial supervision, in accordance with the Georgian legislation.

**Article 59. Responsibility of a police officer and other employees of the Ministry**

1. A police officer and other employees of the Ministry are responsible for the commission of an administrative offence and a crime in accordance with the Georgian legislation.
2. An employee of the Ministry being arrested, detained or convicted for committing a crime is placed or serves his/her sentence in an isolated manner from other special contingent.
3. In case of violation of the service discipline, the following types of disciplinary punishment are applied against an employee of the Ministry:
  - a) Rebuke;
  - b) Reprimand;
  - c) Severe reprimand;
  - d) Deprivation of the badge;
  - e) Demotion from special or military rank by one level;
  - f) Removal from office;
  - g) Dismissal from office.
4. Rules on application of a disciplinary punishment to an employee of the Ministry and on its removal are established by the Minister.
5. The issue of responsibility for compensation for damages caused by a police officer in the course of conducting his/her official duties is regulated by the norms of Chapter XIV of the Administrative Code of Georgia.