

## LAW ON POLICE

### Chapter 1

#### General Provisions

##### **Article 1. Goals of the Police**

The police of the Republic of Lithuania shall be the executive body of State power ensuring law and order, and operating within the system of internal affairs of the Republic.

The main goals of the police force shall be: the prevention of crime and other violations of the law; the detection and investigation of crimes; the protection of public order, peace, and security; the protection of civil rights, freedoms and property; and, within its powers, environmental protection. Furthermore, the police shall control traffic safety, and shall offer emergency aid and other means of social assistance to the community.

The police shall protect all citizens and organisations of the Republic of Lithuania, as well as other persons who are in the territory of the Republic of Lithuania and who are within the jurisdiction of the Republic, regardless of their citizenship, nationality, origin, social and material status, social and political views, religious beliefs, and other factors.

##### **Article 2. The Principles of Police Activities**

Police activities shall be based on the principles of democracy, humanism, lawfulness, social justice, openness, professional secrecy, and on the principle of combining individual and collegiate management.

Political parties and political movements shall not be permitted within the police force.

##### **Article 3. The Legal Bases for Police Activities**

The police shall observe the Basic Provisional Law of the Republic of Lithuania (the Constitution), this Law, other laws of the Republic of Lithuania, decrees and directives of the Government of the Republic of Lithuania, and standard acts of the Ministry of Internal Affairs of the Republic of Lithuania. Municipal Police shall also follow the resolutions of their local bodies of power and government, provided that the said resolutions comply with the laws of the Republic of Lithuania.

##### **Article 4. Publicity of Police Activities**

The police shall inform State and local government bodies of power and government, the mass media, and the general public about their activities.

Upon receipt of a citizen's application, the police must, in accordance with the procedures established by the Minister of Internal Affairs and approved by the Government, furnish information concerning the applicant which is stored in the police data banks, provided that this information is not of a confidential nature. It shall be prohibited to disclose personal information to any citizen other than the one whom the information concerns.

The police may not disclose information which is considered to be a State, national defence, commercial, or professional secret. Information which is acquired in the line of duty and which is potentially harmful to the honour, dignity or safety of citizens, the safety of police officers or their family members, the lawful interests of organisations, or information which would obstruct the detection of crimes or condition the commission of crimes, shall not be disclosed, unless the performance of duty or the needs of justice directly necessitate its disclosure.

##### **Article 5. Police Officers and their Legal Status**

Police officers shall be public servants whose honour, dignity, life, health, rights, and freedoms shall be protected by the laws of the Republic of Lithuania.

Police officers shall be citizens of the Republic of Lithuania who serve and hold a valid post in the police force, and who carry out police functions. They shall, at all times and places, have the same legal status and position as governmental representatives.

Police officers shall comprise policemen/policewomen and police officials.

Police officers shall also comprise cadets of the Lithuanian Police Academy and members of the police reserve, when such persons are charged to enforce public order. Cadets of the Lithuanian Police Academy shall also be granted the status of police officers during their practice or probationary periods in the police force.

All citizens, enterprises (i.e. State, private and other), institutions, and organisations (and their officials) must comply with the demands of a police officer.

Police officers shall have the right to have custody of, carry, and use firearms and special police equipment in accordance with the procedures established in this Law.

If the demands of a police officer are not complied with, the officer shall have the right to use force, but only to the extent necessary, and after all other measures of persuasion and the like prove to be ineffective.

Probationary police officers shall not be issued firearms.

#### **Article 6. Legal Guarantees of Police Activities**

In the line of duty, police officers shall only act according to the law. Police officers must obey the orders of their superior officers.

If a police officer is issued an order or a directive which contradicts the law, he or she must act in accordance with the law, and must report the unlawful order or directive to both the Police Department and the prosecutor.

#### **Article 7. Assistance to Police Officers in the Fulfilment of their Duties**

State and local government bodies, as well as their officials, must render necessary organisational and technical assistance to police officers performing their duties.

In their activities, police officers shall rely on organisations of law enforcement and maintenance of public order which are formed and operated on a voluntary basis, as well as on the assistance of citizens. Said organisations must be registered in the procedure established by law and the Government of the Republic of Lithuania.

#### **Article 8. Realization of Professional Interests**

Police officers may establish societies, clubs, professional unions, and other associations in order to meet their professional, cultural, and social needs. The functioning of said associations shall be controlled by the regulations (i.e. statutes) which shall be adopted and registered in the manner established by law.

Police officers shall be prohibited from going on strike.

#### **Article 9. Professional Relations of the Police**

The police force of the Republic of Lithuania shall maintain professional relations with relevant institutions in other countries, as well as with international police organisations.

#### **Article 10. Supervision and Control of Police Activities**

The Prosecutor's Office of the Republic of Lithuania shall supervise the legality of police activities. Relevant institutions of the Supreme Council of the Republic of Lithuania, the Government, the Ministry of Internal Affairs, local government

Councils, and executive bodies shall exercise control over police activities within their jurisdiction.

#### **Article 11. Appealing Against Police Actions**

Citizens shall have the right to appeal against the actions of police officers and bodies of law enforcement in accordance with the procedures established by law.

Civic complaints against the actions of police officers shall be investigated and settled by the chief officer of the police institution wherein the police officer (against whom the complaint is lodged) is employed. Citizens may appeal to a higher level police institution, to the competent body of control over police activities, or to the court if they disagree with the decision of the chief officer.

## **Chapter 2**

### **The Organisation and Functions of the Police**

#### **Article 12. The Organisation and Structure of the Police Force**

The unified system of the police force of the Republic of Lithuania shall consist of the branches and structural subdivisions of the National and Municipal Police under the authority of the Police Department of the Ministry of Internal Affairs of the Republic of Lithuania.

The Police Department shall be headed by the Police Commissar General, who is also the Deputy Minister of Internal Affairs. The Police Commissar General shall be appointed and/or removed from office by the Government, upon the approval of the Supreme Council.

The city (district) Police Commissariat shall be a division of the higher level local government board, wherein branches of the National and Municipal Police shall be operating.

The city (district) Police Commissar shall be approved by the local government Council and appointed by the Minister of Internal Affairs, on the joint recommendation of the Police Commissar General of the Police Department and the higher level local government board.

#### **Article 13. The National Police**

The National Police shall comprise criminal police, transport police, traffic police, and public police. Chief officers of the National Police shall be appointed by the Minister of Internal Affairs of the Republic of Lithuania, on the recommendation of the Police Commissar General of the Police Department. Branches and other structural police subdivisions shall be formed within the criminal, transport, traffic, and public police for the fulfilment of certain functions or objectives.

On the order of the Minister of Internal Affairs, other internal affairs branches may also operate under the auspices of Municipal Police Commissariats.

#### **Article 14. Goals of the National Police**

The criminal police, by way of their operational and professional activities, shall prevent crime, shall keep criminal records, shall detect and investigate crimes which have been committed and shall pursue their perpetrators, shall conduct investigations in cases assigned to their competence, and shall carry out assignments given by prosecutors, interrogators, judges, and the court, and which are related to the investigation of crimes and the search for the offenders.

The public police shall ensure public order at national events, shall render necessary assistance to the prosecutor's office and investigative bodies in the investigation of crimes, as well as to courts in the investigation of cases and in the execution of court sentences and court orders, shall ensure public order and peace in cases provided by law, when State officers (officers of control bodies, State inspectorates, and other State bodies and institutions) are performing their lawful duties, and, upon authorisation from the Government, shall guard State institutions and other important facilities.

Upon the decision of the Government of the Republic of Lithuania, special purpose police units which are directly subordinate to the Police Commissar General of the Police Department may be formed within the public police.

The transport police shall carry out the functions of the criminal and public police within the railway, airline and water borne systems of transport, and in the territories subordinate to said systems.

The traffic police shall exercise road safety control, shall investigate traffic violations and road accidents, shall institute inquiries concerning road accidents, and shall impose administrative penalties and other measures of influence for traffic violations.

#### **Article 15. The Municipal Police**

The Municipal Police shall comprise subdivisions which shall prevent violations of law and order, shall institute inquiries in the manner established by law, and shall ensure the protection of public order and peace, as well as of the rights and lawful interests of citizens. These functions shall be performed by municipal police stations which shall be formed according to territorial principle.

Municipal Police shall be directed by the Police Department of the Ministry of Internal Affairs.

Police stations located on the territory of a city (district) shall be directed by the Commissar of the Municipal Police, who is also a Deputy Commissar of the city (district) police. The Commissar of the Municipal Police shall be appointed by the higher level local government Board, and approved by the local government Council, on the recommendation of the Police Commissar.

Commissars of municipal police stations shall be appointed by the city (district) Police Commissar, on the recommendation of the Municipal Police Commissar, and shall be approved by the lower level local government Council(s) on whose territory the police station is operating. If any one of the Councils does not approve, the higher level local government Council shall approve the police station Commissar.

The police station Commissar shall be granted the powers of chief officer of the body of inquiry, and the authority to investigate cases of administrative law violations. Other Municipal Police officers shall be appointed by the city (district) Police Commissar, on the recommendation of the Municipal Police Commissar.

The higher level local governments shall have the exclusive right to form police stations and to determine the area serviced by them.

The Ministry of Internal Affairs, in conjunction with local governments, shall organize the selection and training of the Municipal Police staff, and shall provide them with uniforms with local government insignias, as well as with police equipment and armament.

#### **Article 16. Goals of the Municipal Police**

On their respective territories, Municipal Police shall prevent violations of law and order, shall protect public peace and order, shall ensure the protection of the rights and lawful interests of the citizens, and, within their competence, shall ensure environmental protection. In accordance with the procedures established by law, the Municipal Police shall conduct inquiries in cases assigned to their competence, shall fulfil assignments given by courts located on the territory of the local government, and shall assist the traffic police in ensuring traffic safety on their territory.

#### **Article 17. Functions of the Police**

The police, while protecting and defending the life, health, honour, dignity, rights, freedoms, lawful interests, and property of citizens from socially dangerous attacks, and while carrying out other tasks set forth by law, shall discharge functions specified in Articles 18-24 of this Law.

It shall be prohibited to charge the police to carry out functions which are not prescribed by law.

#### **Article 18. The Prevention of Crime and other Violations of the Law**

The police shall:

- 1) organize and implement measures for the prevention of crime and other violation of the law;
- 2) disclose the causes and conditions for crimes and administrative violations of law which have been committed, and shall execute lawful measures for their elimination;
- 3) compile and hold preventive, criminal, and operational records;

- 4) guard the property of citizens, institutions, enterprises, and organisations on a contractual basis; and
- 5) apply administrative and other preventive measures.

#### **Article 19. Detection and Investigation of Crimes**

The police shall:

- 1) register and examine statements and reports concerning planned or committed crimes;
- 2) conduct searches for absconded suspects, the accused persons, defendants, convicts, and missing persons, and shall carry out operational activities provided by Article 20 of this Law;
- 3) conduct inquiries in the manner established by law; and
- 4) fulfil assignments given by interrogators, prosecutors, judges, and courts in cases provided for in the Law on Criminal Procedure.

#### **Article 20. Operational Police Activities**

Operational police activities shall be the activities of crime prevention and detection which are of a secretive nature and which are carried out with the intention of collecting information concerning planned or committed crimes. As such activities are carried out, the acquired material shall be documented, searches shall be conducted for the offenders and missing persons, and the sources and means of illegal income shall be disclosed.

In executing operational activities, the police may, in the established manner, use special technical devices, voluntary assistance from citizens (open and secret), as well as intelligence questioning, operational surveys and inspections, surreptitious surveillance, intelligence, and other methods of special control.

The means, methods, and techniques of operational activities and the manner in which they are used shall be regulated by special standard acts drafted by the Ministry of Internal Affairs and the Prosecutor's Office, and approved by the Government.

In each specific case, the utilisation of the means, methods, and techniques of operational activities shall be sanctioned by the prosecutor, provided that this is established in the standard acts specified in paragraph 3 of Article 20 of this Law. Factual information which is obtained by employing said methods and which is recorded with the aid of technical equipment may be used as evidence in criminal cases in the manner established by the Law on Criminal Procedure.

Police operational activities shall be practiced for the sole purpose of combating crime, and shall be the exclusive right of the operational branches of the police.

#### **Article 21. Protection of Public Order, Peace, and Safety, and Civil Rights and Freedoms**

The police shall:

- 1) patrol public places;
- 2) maintain order during large public events;
- 3) enforce laws to combat crime, alcoholism, drug abuse, prostitution, and other conditions which are harmful to society;
- 4) supervise that firearms, ammunition, explosives, narcotics, and other objects and substances which are subject to license regulations are acquired, kept, preserved, and transferred according to the established procedure;
- 5) prepare statements for administrative violations of law, investigate the cases of such violations, impose administrative penalties for the offenders, and apply other measures of administrative coercion;

6) guard and escort apprehended persons in cases prescribed by law, and shall execute investigative and court orders in criminal cases; and

7) ensure public order when officers of the law, State controllers, medical staff, and other officials or employees are discharging the duties vested in them in the manner established by law.

#### **Article 22. Road Traffic Control**

The police shall:

- 1) direct traffic and pedestrians, and shall exercise control over the order and safety of road traffic;
- 2) supervise that streets and motorways are designed, built, repaired, maintained, managed, and exploited according to road safety requirements;
- 3) supervise the mechanical condition of motor vehicles;
- 4) supervise that individuals, enterprises (all types), institutions, and organisations comply with the laws and other standard acts which are enforced to ensure road safety and to protect the environment from the harmful effects of motor vehicles and other forms of transport;
- 5) investigate traffic violations and road accidents, conduct investigations of road accidents, impose administrative penalties, and apply other measures of influence for the violation of traffic regulations; and
- 6) administer examinations and issue certificates conferring the right to drive motor vehicles and other forms of transport.

#### **Article 23. Social Assistance to the Community**

The police shall:

- 1) provide emergency assistance to victims of law violations and to persons in a helpless state;
- 2) ensure that persons who are arrested and brought to them police are secure and are immediately provided with necessary medical aid;
- 3) inform State bodies, public organisations, and citizens about catastrophes, accidents, and other emergency situations which pose a threat to human safety;
- 4) assist in the rescue of people and property in cases of natural calamity and other emergencies, and shall take measures to ensure the safety of the people;
- 5) take custody of lost documents, objects, valuables, and other property which are found and brought to the police, and take measures to return the said objects to their lawful owners or holders, and, on the decision of the court, shall conduct searches for debtors;
- 6) ensure the security of citizens who have rendered assistance to the law enforcement bodies in the investigation of a crime, or to the members of their families, if their life, health, safety, or property are in jeopardy; and
- 7) offer other necessary aid to persons in a helpless state.

#### **Article 24. Cooperation between Police Branches**

In maintaining public order, preventing crimes or other violations of law, apprehending offenders, as well as in other cases, all of the police branches shall cooperate and render thorough reciprocal assistance without any special orders or directives thereto.

### **Chapter 3**

## **Police Service**

### **Article 25. The Process of Joining and the Legal Regulations of Service in the Police**

Citizens of the Republic of Lithuania who are 18 years of age or over, who have a command of the national language, and who, by their educational, professional and physical, qualifications, personal qualities, and state of health, are capable of performing the duties of a police officer, may join the police on a voluntary and selective basis.

Persons may only join the police after the medical commission of the Ministry of Internal Affairs certifies that they are fit for the service. Upon joining the service, police officers shall take an oath to the State of Lithuania.

Citizens who join the police of the Republic of Lithuania for the first time, and who have no specialised or higher education, shall be given the lowest rank of probationary policeman, and a probation period of 1 year shall be established.

Police officers may not be members of any political parties or political organisations.

Service in the police shall be based on the discipline prescribed by service regulations.

The conditions and procedure for service in the police shall be established by: the Law on the Police of the Republic of Lithuania as well as other laws, and the Statute of the Service in the Police, and the Statute of the Police approved by the Government.

Persons who join the police of the Republic of Lithuania after serving in the system of internal affairs of the Republic of Lithuania or in corresponding services of other countries, may have their years of duty (employment) in the aforesaid positions included in their period of service and guaranteed long service bonus.

In addition to their work in the police, police officers shall only be permitted to engage in educational and scientific research work, provided that this does not contradict their service interests.

### **Article 26. The Police Officer's Oath**

Upon entry into office, a police officer shall take the following oath to the State of Lithuania:

" With you as witness, I, (name, surname):

- swear to defend the State of Lithuania and its independence, even if it means sacrificing my strength and life;
- swear to conscientiously execute the laws of the Republic of Lithuania and the orders of my superiors;
- swear to faithfully implement my duties and serve the people and the State of Lithuania; and
- swear to refrain from actions that might discredit the honour of the police.

So help me God."

Note. The last sentence may be omitted from the oath.

The procedure for administering the oath shall be established in the Statute of the Service in the Police.

Citizens who refuse to take the oath shall not be employed in the police.

### **Article 27. Standard Police Ranks**

The following ranks shall be established in the police for denoting length of service, qualification, and office, as well as for regulating the relations between police officers:

- probationary policeman

- policeman
- chief policeman
- first sergeant
- junior inspector
- inspector
- chief inspector
- commissar inspector
- commissar
- senior commissar
- chief commissar
- commissar general

After passing a qualification examination (the requirements and procedure of which shall be established by the Minister of Internal Affairs of the Republic of Lithuania) and being appointed to a relevant office, a person shall be given a police rank.

Police ranks shall be given as follows:

- the ranks of probationary policeman through and including the rank of first sergeant shall be given by the Commissar of the city (district) police or the Commissar General;
- the ranks of junior inspector through and including chief Commissar shall be given by the Minister of Internal Affairs of the Republic of Lithuania; and
- the rank of Commissar General shall be given by the Prime Minister of the Republic of Lithuania.

Qualification categories shall be established for denoting the qualification of police officers.

#### **Article 28. The Police Uniform**

Police officers, while on duty, shall wear the uniform approved by the Government of the Republic of Lithuania. The uniform shall bear the police officer's name, as well as the insignia of the officer's respective police force (Municipal Police officers shall also wear the insignia of their local government).

While off duty, police officers may wear civilian clothes.

Cases in which police officers are not required to carry out their duty in uniform shall be established by the Minister of Internal Affairs of the Republic of Lithuania.

In uniform, police officers shall also be permitted to wear orders, medals, and decorations of other states. The procedure for wearing said decorations shall be established by the Minister of Internal Affairs.

#### **Article 29. The Dismissal of Police Officers**

Police officers shall be dismissed from service:

- upon their own volition;

- upon reaching the established age;
- for reasons of health;
- under the procedure of attestation;
- in cases specified in the Statute of the Police;
- upon violation of Part 2 of Article 8 of this Law;
- in accordance with a court order or sentence; and
- in the event that the officer loses citizenship of the Republic of Lithuania.

Disputes concerning dismissal from service shall be resolved in court.

### **Article 30. The Enlistment of Employees of the Internal Affairs System to Perform Police Duties**

In the event of an exigency to ensure public order and security, police duties may be performed by employees of the internal affairs system who are not in the police service, in pursuance of a written order from the chief officer of a police institution. In such a case, the employees of the internal affairs system shall be under the direction of a permanent police officer.

While performing police duties, employees of the internal affairs system must wear an insignia which is clear to the population and which shall be established by the Minister of Internal Affairs, who shall also inform the public thereof.

### **Article 31. The Police Reserves**

The police institutions of the Republic of Lithuania shall have police reserves. The police reserves shall consist of police officers who have been dismissed from service for objective reasons and upon their consent, have been transferred to the police reserves, as well as citizens of the Republic of Lithuania who are fit for service in the police, and who pledge to conscientiously and honestly fulfil the duties entrusted to them.

Persons shall be selected for the police reserves according to the general requirements for the staffing of the police as provided in this Law.

Citizens who are in the police reserves shall be issued standardized certificates, shall undergo training, and shall be supplied with clothing and arms, the costs whereof shall be covered by the State. While in service, they shall perform the functions of police officers, and shall have their rights and duties.

The conditions and procedures for entrance into the police reserves shall be established in the Regulations of the Police Reserves of the Republic of Lithuania, which shall be approved by the Government.

Police officers who are transferred to the reserves shall have the right to use the rank that they held at the time of discharge, appending the words "in the reserves".

### **Article 32. Police Personnel Training**

Police personnel shall be trained at special schools.

Persons who have graduated from other institutions of higher education and who leave their job for employment in the police shall be provided with re training courses.

## **Chapter 4**

### **The Rights, Duties, and Responsibilities of Police Officers**

#### **Article 33. General and Special Rights and Duties of Police Officers**

Police officers shall have the social, economic, political, and personal rights and freedoms of citizens of the Republic of Lithuania as consolidated in the Provisional Basic Law (the Constitution) of the Republic of Lithuania.

Police officers shall have general and special professional rights and duties.

All police officers shall have general rights and duties. Special professional rights and duties shall be conferred to police officers who are performing certain functions established by this Law.

#### **Article 34. General Professional Rights of Police Officers**

Each police officer shall have the right to:

1. demand that citizens and officials who are violating law and order cease their unlawful actions, as well as to use force after all persuasive measures have proved to be ineffective;
2. check personal documents upon suspecting that a citizen or official has violated the law and notifying that person thereof;
3. bring offenders to the police or other official premises and, for no longer than three hours, hold them for the purpose of establishing their identity, drawing up records, statements and reports, and examining their person and possessions;
4. use, in cases provided in this Law, firearms, special equipment, and methods of combat wrestling;
5. enter, at any time of day, the premises of enterprises, institutions, organisations, cooperatives, and the homes and businesses of citizens, as well as to halt and enter any means of transportation, while in pursuit of criminal suspects or absconding criminals, or in an attempt to prevent a crime from being committed. If such actions are met with resistance, a police officer shall have the right to use force to open the premises or means of transportation in question. A police officer shall also be granted this right in the event of a natural calamity or catastrophe. The Prosecutor's Office shall be notified without delay of such actions;
6. temporarily restrict or suspend traffic, pedestrians, or road work which is in progress, in the event that the safety of people and transportation is being threatened; and
7. use, without intervention and without charge, all vehicles belonging to enterprises, institutions, organisations, cooperatives, and citizens, with the exception of vehicles belonging to diplomatic or consular representatives, when going to the scene of an incident, pursuing criminals, or transporting persons in need of urgent medical aid.

In case of official exigency, police officers shall have priority in the acquisition of tickets for all means of transportation; when all tickets are sold out they shall have the right to board all means of transportation;

8. use, in cases of emergency, communication facilities owned by enterprises, institutions, organisations, and citizens without charge; and
9. seize, in the procedure established by law, firearms, ammunition, explosives, narcotics, and other objects and substances subject to license regulations from organisations or citizens if the said object or substance is being kept or used in violation of regulations.

#### **Article 35. General Professional Duties of Police Officers**

A police officer, at all times and places, must:

1. take urgent measures, upon witnessing a crime or any other violation of the law being committed, or upon receiving a report from a citizen or an officer concerning such an act, to stop the crime or violation that is being committed;
2. take measures to apprehend persons guilty of committing a socially harmful act and to bring them to police quarters upon receiving a report from a citizen or officer concerning the commission of such a crime or other violation of the law;

3. report information concerning socially harmful acts to the police upon the knowledge of such an act, take measures to protect the scene of the incident, and ascertain witnesses of the crime;
4. ensure the protection of the rights, legal interests, and health of persons who are arrested or brought to police quarters, and provide first aid to victims of law violations and persons who are in a helpless state;
5. take all possible measures to save the property of citizens, the State, public organisations, and other organisations in the event of natural calamity, catastrophe, accidents, or other emergency situations;
6. identify himself (herself) while performing official duties. In the event that a police officer does not have a police insignia, or upon a personal request, the officer must present his or her official identification card. Actions of police officers which temporarily restrict the rights of citizens shall be accompanied by the words "In the name of the Law". In such cases, all private persons and officers must unconditionally obey and carry out the demands of the police officer; and
7. refrain from divulging information of a confidential nature, unless the execution of official duties or rights requires otherwise.

In carrying out all of their duties, police officers must respect and preserve the dignity of the people, and must ensure and protect their rights and freedoms.

### **Article 36. The Rights of Police Officers in the Prevention of Crime and Violations of the Law**

While preventing law violations, a police officer shall have the right:

1. to take intoxicated persons from public places or dens to "sobering up" stations (or in the absence of such stations, to police quarters), if such persons are unable to move, are liable to harm themselves or the people around them, or are the potential victims of crime;
2. to summon to police quarters and officially caution persons for inadmissible antisocial behaviour;
3. while conducting administrative surveillance, to enter, at any time of day, the permanent or temporary residence of persons under administrative surveillance, to summon and bring such persons to police quarters, and to supervise their actions in order to confirm that they comply with the imposed restrictions;
4. while monitoring immigration regulations and the pass system at the State border, to enter a person's residence from 6 a.m. to 10 p.m., to request personal documents, and to write up records of administrative violations;
5. to take photographs and make audio and video recordings of persons under administrative arrest, persons under administrative surveillance, and persons who are on the police prevention register; to fingerprint persons suspected of having committed a crime or of being vagrants;
6. to detain and deliver vagrants to reception distribution centres, and to fingerprint and photograph detained persons who have no personal documents and whose identity is impossible to establish in any other way; to carry out, in the presence of a physician, bodily examinations in order to establish a person's distinguishing features. When necessary, a police officer shall have the right to take handwriting samples of such persons and to seize items which might help to establish the person's identity;
7. before boarding, to carry out security checks on plane passengers, their baggage, and cabin luggage; to deter from boarding persons who refuse to present their luggage for inspection, persons who show invalid or forged documents, and persons carrying prohibited items on board; to write up a report on administrative law violations;
8. to bring drug addicts, prostitutes, homosexuals, and other persons who are on the medical institution or police prevention registers to medical institutions for compulsory venereal disease and AIDS testing; and
9. to visit persons who are on the police prevention register at their homes or to summon them to police quarters for discussions concerning the prevention of law violations.

### **Article 37. The Rights of Police Officers in the Apprehension and Investigation of Crimes**

While investigating a crime, a police officer shall have the right:

1. to check statements and reports concerning planned or perpetrated crimes;
2. to detain and arrest criminal suspects in accordance with the established procedures;
3. while possessing information about a crime or any other violation of the law that has been committed, is being committed, or is planned:
  - a) to inspect the economic financial (and other) activities, the state of protection of material valuables and goods, the legitimacy of their acquisition, production, utilization, and sale, and the premises of production, administration, and other spheres (including sealed premises) of all enterprises, institutions, and organisations;
  - b) in accordance with the procedures established by law, to inspect vehicles entering or leaving the territory of enterprises, institutions, and organisations, as well as the goods and items carried by personal or State means of transportation;
  - c) to order inventory and auditing; to suspend production upon coordination with the manager or owner of the enterprise, or upon receipt of permission from the chief officer of the territorial subdivision of the National Police; to examine, review and seize documents concerning book keeping, personnel, inspections and audits (and other documents), as well as samples of raw materials, products, and goods (and other items);
  - d) to enlist relevant specialists, and to request and obtain information and explanatory statements concerning crimes or violations from managers, officers, and persons who are materially responsible (and others); and
  - e) to wait in ambush and, in the manner established by law, to inspect motor vehicles and other forms of transport, citizens, and their personal luggage at both mobile or permanent check posts;
4. to freely enter the premises of all types of enterprises, institutions, and organisations during working hours; during non working hours, to enter said premises with an administrative representative, a representative of the owner, or the owner of the enterprise, institution, or organisation;
5. to commission criminalistical (and other) investigations and examinations; and
6. within his or her powers, to perform other legal actions provided for in the Law on Criminal Procedure.

### **Article 38. The Rights of Police Officers in the Protection of Public Peace and Order and Civil Rights and Freedoms**

While protecting public peace and order and safeguarding civil rights, freedoms, and safety, a police officer shall have the right:

1. to demand that citizens and officials who are violating law and order cease their unlawful actions, and to give such persons official notice if necessary;
2. to carry and use, in cases specified in this law, firearms and other special police equipment while in the line of duty;
3. to check the documents of citizens or officials who violate public order or who are suspects of a crime or any other violation of the law;
4. to suspend work in progress, to limit or ban traffic, and to restrict entry into or occupancy of a certain territory or premises if the environment, public order, or safety of citizens is being endangered;
5. to demand that the organizers of mass public events take measures to ensure the safety of the participants and spectators, and to ban, interrupt, or restrict such events if the demands are not complied with; and

6. within the limits of his or her powers, to monitor the compliance with environmental protection regulations of legal and natural persons.

### **Article 39. The Rights of Police Officers in Ensuring Road Safety**

In attempting to ensure road safety, a police officer shall have the right:

1. to stop motor vehicles or other forms of transport and to check the documents of the driver, the vehicle, and the load;
2. to suspend driving rights of persons suspected of being under the influence of alcohol, drugs, or other medication, as well as of persons who do not have the right to drive a motor vehicle or other form of transport, and to use instruments for determining intoxication as provided for in the standard acts or to bring the suspected drivers to a medical institution.

Refusal to go to a medical institution to determine the degree of intoxication shall be considered as an irrefutable confirmation that the suspect is intoxicated;

3. to summon persons guilty of infringing traffic regulations, persons involved in road accidents, and witnesses of such accidents to police headquarters;
4. to seize drivers' documents and motor vehicle (and other forms of transport) registration documents, and to issue standardized temporary documents;
5. to suspend persons whose health poses a threat to road safety from driving motor vehicles or other forms of road transport, and to refer such persons to supplementary medical examinations;
6. to revoke driving rights and impose other administrative penalties for the infringement of traffic regulations;
7. to change, restrict, or ban traffic in order to ensure road safety or to improve traffic conditions; and
8. to prohibit the exploitation of motor vehicles or other forms of road transport if their construction or mechanical conditions are not in compliance with the traffic regulations and the norms and standards of road traffic that are in effect, as well as when the numbers of the engine, body, or chassis do not correspond with the numbers recorded in the registration documents, and to bring such motor vehicles and other forms of transport to police headquarters.

### **Article 40. Responsibility of Police Officers**

Police officers shall be personally liable for their own actions and decisions, and the consequences thereof.

Police officers who violate the requirements of law in the execution of their duties shall, in accordance with the procedure established by law, be subject to disciplinary, administrative, material, or criminal liability, depending on the nature of the violation.

A police officer who knowingly executes an order or directive which is criminal or unlawful shall not be relieved of responsibility.

The State shall fully compensate for damage inflicted on a citizen by the unlawful official actions of a police officer, regardless of the police officer's guilt, in accordance with the procedure established for the compensation for damage caused by unlawful actions of bodies of inquiry and investigation, the prosecutor, and the court.

Police officers who act in accordance with the lawful powers granted to them shall not be held responsible for damages, provided that the legal limits of criminal arrest were not exceeded thereby.

Lithuanian Police Academy cadets who are expelled must reimburse the Academy for all expenses and training costs. This shall also apply to cadets who, on a competitive basis, fail to proceed to a higher level, and refuse to work in the police force for an established period of time.

## **Police Firearms and Special Equipment and the Conditions of the Utilization Thereof**

### **Article 41. The Objectives and Restrictions of Using Firearms and Special Equipment**

The police shall have the right to keep and, pursuant to the conditions provided for in this Law, to use firearms and special equipment.

The police shall use firearms and special equipment in order to stop activities which endanger society, or to apprehend the perpetrators of such actions and bring them to police head quarters. Firearms and special police equipment shall only be used for the purposes established by law.

In using firearms and special equipment, police officers shall take into consideration the nature of the law violation, the offender, as well as the concrete circumstances and situation. While employing firearms or special equipment, police officers must take all possible measures to avoid detrimental consequences.

When circumstances allow, police officers must warn persons beforehand of their intent to use firearms or special equipment against them, except in cases specified in paragraphs 3 and 4 of

Article 43 of this Law. Firearms shall only be employed after all other available methods have been used, or when such methods can not be used due to a lack of time.

### **Article 42. Conditions for the Utilization of Firearms**

A police officer shall have the right to use firearms against persons, animals, motor vehicles, and other forms of transportation.

A police officer shall have the right to use firearms against a person in the following cases:

1. when his or her health or life is in danger, or to prevent his or her firearm from being seized;
2. to defend other persons from an attack which threatens their health or life, as well as to free persons who have been kidnapped or taken hostage;
3. to repel an armed attack;
4. while in pursuit of a criminal suspect, if the suspect uses or attempts to use a firearm, weapon, or other life threatening object, implement, or method in an attempt to evade arrest;
5. to apprehend a person caught in the act of committing a serious offence, provided that the person cannot be apprehended in any other way;
6. while attempting to apprehend an arrested or convicted person, if the person has escaped, or is trying to escape, from the place of imprisonment, or from the place of detention before trial or while being transported;
7. in the event of a mass prison escape or riot; and
8. in the event that a police guard or specially guarded facility is attacked; the list of such facilities shall be determined by the Government of the Republic of Lithuania.

The use of firearms against a person and the consequences thereof shall be reported to the prosecutor immediately.

The use of firearms shall be prohibited: in public gathering places, if it endangers innocent people; against citizens who have young children with them; against women, minors, and persons who are visibly disabled, except in cases when said persons attack or resist with firearms themselves.

A police officer shall have the right to use firearms against transport if the driver refuses to stop upon an obvious and express demand that is made suitably in advance, and if traffic safety or other people are endangered by the person's driving.

A police officer may shoot an animal if it is attacking a person or if it is dangerous to the residents.

### **Article 43. Special Police Equipment and the Conditions of Use Thereof**

Police shall be permitted to possess and use the following special equipment and methods: rubber truncheons, handcuffs and restraining devices, methods of combat wrestling, gas, water cannons, police dogs, methods of stopping transport by force, and other means:

1. rubber truncheons may be used in the circumstances specified in paragraphs 1 8 of Part 2 of Article 42 of this Law, as well as during the apprehension of persons who are violating public order, if such persons resist the police officer or refuse to obey his or her demands;
  2. handcuffs and restraining devices may be used:
    - in the apprehension and transportation to police head quarters of persons guilty of committing socially dangerous acts, if there are reasonable grounds to believe that such persons will resist the police officer or attempt to escape detention
    - while transporting persons who have been detained or arrested; and
    - when citizens, as a result of their dangerous actions, may potentially inflict harm on themselves or on others;
  3. methods of combat wrestling may be used:
    - in the apprehension and transportation to police head quarters of persons guilty of committing socially dangerous acts, if such persons resist or attempt to escape detention by other actions; and
    - when persons intentionally refuse to carry out the lawful demands of a police officer or resist a police officer's lawful actions;
  4. gas may be used for personal protection in cases provided for in paragraph 1 of Article 43 of this Law;
    - special purpose gas may be used:
    - in the event of mass riots or group actions which grossly violate public order; and
    - when apprehending and forcing persons guilty of committing socially dangerous acts to abandon certain premises, motor vehicles, or other forms of transport;
  5. water cannons may be used in the event of mass riots or group actions which grossly violate public order;
  6. police dogs may be used:
    - in the pursuit of criminal suspects who have fled from the scene of the crime;
    - when apprehending persons who have escaped from places of confinement, from places of detention before trial, while being transported under guard, or during interrogation;
    - when apprehending persons guilty of committing a crime or of grossly violating public order;
    - during mass riots or group actions which grossly violate public order; and
- when police officers are defending themselves, citizens, or guarded objects from assault.

7. means of stopping transport by force may be used when the driver refuses to stop upon a police officer's demand, or in regard to a special road sign.

It shall be prohibited to use special police equipment against children, pregnant women, women with children, and persons who are visibly disabled, except in cases when said persons are themselves the attackers.

## **Chapter 6**

### **Social Guarantees of Police Officers**

#### **Article 44. Housing Provisions**

Police officers shall be provided with flats according to the procedures established in the effective laws of the Republic of Lithuania.

Employees of enterprises, institutions, and organisations who are on the waiting list for acquiring a flat at their place of employment shall have their waiting list position transferred to the appropriate town (district) local government waiting list, according to their place of residence, upon joining the police of the Republic of Lithuania.

Persons who quit their job to join the police may not be evicted, by reason thereof, from official dwelling premises or hostels without being provided with another dwelling place.

Officers of certain police branches may be provided with official flats according to the procedure established by the Government.

Police officers shall be entitled to rent deductions and relieves which shall be reimbursed by State and local government funds appropriated for financing the social needs of police.

#### **Article 45. Remuneration of Police Officers**

The salary of police officers shall comprise their basic salary (monthly wages) calculated according to their rank, qualification category, and length of service, as well as additional allowances (in accordance with the Labour Code) for working on days off, holidays, at night, and overtime. In addition, police officers shall be paid supplementary wages for the place and conditions of service and for knowledge of a foreign language, as well as family allowances, special commissions for secret work, relocation allowances, one time benefits, and other payments.

The amount of basic salaries, additional allowances, compensations, benefits, and other payments, as well as the procedures for calculating the rate thereof, shall be regulated by law and shall be established by the Government of the Republic on the recommendation of the Minister of Internal Affairs.

#### **Article 46. Police Officer Pensions**

The State shall guarantee social security for police officers who become disabled in the line of duty.

The State shall guarantee accident insurance for police officers serving in the police of the Republic of Lithuania.

The amount of pension and scope of social guarantees shall be established by the laws of the Republic of Lithuania, and the procedures for application thereof shall be established by the Government of the Republic of Lithuania.

#### **Article 47. Other Social Guarantees of Police Officers**

A police officer's work week shall consist of 40 hours. If necessary, the chief officer of an organ of the police may as sign working hours to police officers which exceed the established standard work week. They shall be remunerated therefore in the procedure established in Article 45 of this Law.

Annual vacation time shall be established in relation to a police officer's length of service in the police (the system of internal affairs) as follows:

- up to 10 years 30 calendar days;

- from 10 to 15 years 35 calendar days;
- from 15 to 20 years 40 calendar days; and
- over 20 years 45 calendar days.

On the territory of the Republic of Lithuania, police officers may use public transportation (i.e. city, suburban, and inter city transportation for distances not exceeding 100 kilometres) free of charge, with the exception of air transport and taxi cabs.

Police officers shall be entitled to reimbursement for the costs of medication, sanatorium vouchers, and medical treatment at sanatoriums from State Social Insurance funds, according to the procedures established in the Law on State Social Insurance.

The specifics of police officer health protection and social insurance shall be controlled in accordance with regulations approved by the Ministers of Internal Affairs, Health, and Social Security.

#### **Article 48. Police Officer Compensations**

In the event that a police officer dies in the line of duty, his or her family shall be paid a one time compensation equivalent to the ten year (120 months) salary of the deceased.

A police officer who sustains personal injuries on duty shall be compensated the equivalent of one to five yearly salaries (from 12 to 60 monthly salaries), depending on the gravity of the sustained injury.

Police officers shall be compensated for material damages encountered during service in the police.

### **Chapter 7**

#### **Police Financing and Material Technical Provisions**

##### **Article 49. The Financing of the Police**

The National Police shall be financed from the State budget of the Republic of Lithuania.

The Municipal Police shall be financed from the State and local government budgets. From their budgets, local governments shall ensure the payment of salaries to Municipal Police staff, and the reimbursement for police station maintenance expenses. Funds from the State budget of the Republic of Lithuania shall be appropriated for remunerating police officers in cases provided for in this Law, for compensating damages, for covering maintenance expenses of the national staff of the Municipal Police, and for financing centralized material technical supply for police stations.

For the expansion of police staff, the development of the technical bases of subdivisions, the provision of financial incentives for personnel, and the improvement of employees' living conditions, the following funds shall also be used:

1. funds acquired from all enterprises, institutions, and organisations, as well as from citizens;
2. funds acquired under contract for police services; and
3. funds acquired from fines and other sources.

The procedure for appropriating funds required for police force maintenance into the State and local government budgets shall be established by the Government of the Republic of Lithuania.

##### **Article 50. Material Technical Provisions for the Police**

Material technical provisions for subdivisions of the National Police shall be financed from the funds appropriated for their maintenance.

Local governments shall provide territorial subdivisions of the National and Municipal Police with premises according to the general procedure, and shall ensure heating, lighting, and general and technical maintenance on the said premises.

Subdivisions of the transport police shall be provided with premises, equipment, and communication facilities by the departments serviced by them.

The Ministry of Internal Affairs shall provide subdivisions of the police with means of transportation, uniforms, firearms, ammunition, special police equipment, clerical workers, operational, communication, information, and other equipment, as well as other means required for their work.

Kazimieras Motieka

Vice President

Supreme Council

Republic of Lithuania

Vilnius

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