

# Law of Georgia on the Police

## Chapter I – General Provisions

### Article 1 – The scope of the Law

1. This Law shall define basic principles of the Georgian police activities, the legal grounds for organisational structure of the police, its functions, measures to be carried out by the police and legal forms of exercising police authority, procedure for serving in the police, legal and social protection guarantees of police officers and control over police activities.

2. The purpose of this Law shall be to ensure the protection of public security and legal order.

3. This Law shall apply to the activities of persons having special and military ranks who serve within the system of the Ministry of Internal Affairs of Georgia (MIA) ('the Ministry').

[3. This Law shall apply to the activity of a person with a special rank who is employed within the system of the Ministry of Internal Affairs of Georgia ('the Ministry'). *(Shall become effective from 1 January 2025)*]

*Law of Georgia No 3515 of 21 September 2023 – website, 12.10.2023*

### Article 2 – Definition of terms

For the purposes of this Law, the terms used shall have the following meanings:

a) public safety – inviolability of human rights, state sovereignty, territorial integrity and constitutional order, laws and other acts of Georgia;

b) legal order – a system of behaviour and relations formed within society and regulated by the legislation of Georgia and by customs, traditions, and moral norms that do not contradict the legislation of Georgia;

c) threat – a condition indicating reasonable grounds to believe that in case of an unobstructed course of expected developments there is a high probability that the good protected by the police would be damaged;

d) reasonable grounds to believe – a fact and/or information that would be sufficient for an impartial observer to draw conclusions considering given circumstances;

e) an administrative real act – a public legal action aimed at achieving actual outcomes rather than at originating, changing, or terminating legal relations;

f) border-police activities – a unity of office-related organisational, procedural, investigative, legal and administrative, criminal intelligence, intelligence, counter-intelligence, regime, technical and military and tactical activities that are performed by the Border Police of Georgia to carry out the functions vested in it;

### Article 3 – The Police of Georgia

The Police of Georgia ('the Police') are a system of law enforcement agencies under the Ministry exercising executive power. Within the scope of its authority, under the legislation of Georgia, the Police carry out preventive measures and respond to offences to ensure public security and legal order.

### Article 4 – Organisational structure of the Police

1. The police shall function within the system of the Ministry and shall employ persons holding ranks determined by the legislation of Georgia, and other public servants ('Ministry employees').

2. Police agencies shall function within the system of the Ministry as structural sub-units, territorial bodies, the state sub-agency – Border Police of Georgia, and legal entities under public law (LEPLs) operating within the system of the Ministry.

3. A police officer shall be a public servant who serves at the Ministry, an employee of the state sub-agency – Border Police of Georgia or an employee of a legal entity under public law within the Ministry who are conferred a special rank and who have taken the oath of a police officer.

4. The text of the oath of police officer shall be approved by the Minister of Internal Affairs of Georgia ('the Minister').

### Article 4<sup>1</sup> – Temporary detention cell

1. There shall be a temporary detention cell operating within the system of the Ministry ('the Cell'), the main task of which is to ensure enforcement of placement of a person arrested or detained under the Administrative Offences Code of Georgia, or of a person arrested under the Criminal Procedure Code of Georgia or of a person involved under the same Code, or, in cases provided for by the legislation of Georgia, of an alien arrested with the aim of expelling him/her from Georgia, and to protect the rights and safety of a person placed in the Cell.

2. The following shall be defined by an order of the Minister:

a) the legal status, tasks, functions and internal regulations of the Cell, and the functions and duties of employees of the Cell;



- b) the procedure for placing a person in the Cell, including when accepting a person in the Cell, the procedure for collecting his/her dactyloscopic data, taking a photo and their processing;
- c) the procedure for personal searching of a person to be placed in the Cell and for examining his/her items;
- d) the procedure for primary medical examination of a person placed in the Cell;
- e) the rights and duties of a person placed in the Cell;
- f) the procedure for the communication of a person placed in the Cell with the external world;
- g) the procedure for the entry of other persons in the Cell;
- h) the measures to be implemented in order to observe safety in the Cell;
- i) the list of the items (things), documents and food products a person placed in the Cell has the right to receive as a parcel, or that are not allowed for bringing to a person placed in the Cell;
- j) the procedure and conditions for enforcing placement of a person in the Cell.

3. For ensuring protection of the rights and observance of safety of persons placed in the Cell, surveillance and control of these persons shall be carried out through visual and/or electronic means. The procedure for carrying out video surveillance, for storing, erasing and destructing the records shall be defined by an order of the Minister.

*Law of Georgia No 2296 of 14 December 2022 – website, 27.12.2022*

#### **Article 5 – Legal grounds for police activity**

1. Legal grounds for police activity shall be the Constitution of Georgia, international legal acts, this Law and other laws of Georgia, legal acts and other normative acts of the President of Georgia, the Government of Georgia, the Prime-Minister of Georgia and the Minister.

2. The Law of Georgia on Public Service shall apply to police officers and Ministry employees, unless otherwise provided for by this Law and other legislative acts.

3. For the purposes of this Law, the Minister, within the scope of his/her authority, shall issue normative acts and individual administrative-legal acts, and shall execute administrative real acts.

4. The Police shall exercise their preventive actions applying legal forms of activities of administrative bodies – administrative and legal acts and administrative real acts – as provided for by the General Administrative Code of Georgia. Procedures set by the General Administrative Code of Georgia shall not apply to issuance and notification of individual administrative and legal acts on conducting criminal intelligence actions.

5. The Criminal Procedure Code and other relevant normative acts of Georgia shall specify legal forms of police responsive actions to offences committed by the Police for detecting, preventing, and investigating a crime.

*Law of Georgia No 713 of 21 April 2017 – website, 10.5.2017*

#### **Article 6 – International cooperation of the Police**

1. International cooperation of the Police shall be based on international treaties of Georgia, the principle of reciprocity and regional cooperation as determined by the legislation of Georgia.

2. The main goal of the international cooperation of the Police shall be the collection of crime-related information world-wide and combating against crime, and for this purpose, close cooperation with appropriate services of other foreign countries and the General Secretariat of Interpol.

*Law of Georgia No 3922 of 8 July 2015 – website, 15.7.2015*

#### **Article 7 – Cooperation of the Police with state and municipality bodies, civic organisations, legal and natural persons**

1. To perform their functions, the Police shall cooperate with state and municipality bodies, civic organisations, legal and natural persons as determined by the legislation of Georgia.

2. The General Administrative Code of Georgia shall regulate the issues related to the provision of legal assistance by the Police to other administrative bodies.

*Law of Georgia No 6919 of 15 July 2020 – website, 28.7.2020*

#### **Article 7<sup>1</sup> – Protection of the rights of persons with disabilities**

When carrying out police measures, the police shall ensure the protection of the rights provided for by the Law of Georgia on the Rights of Persons with Disabilities.

*Law of Georgia No 6837 of 14 July 2020 – website, 28.7.2020*

### **Chapter II – Basic Principles of Police Activity**

#### **Article 8 – Basic guiding principles of police activity**

1. A police officer shall strictly observe the principles of protecting and respecting fundamental human rights and freedoms, lawfulness, non-discrimination, proportionality, exercising discretionary power, political neutrality, and transparency of police activity.

2. Violation of basic guiding principles of police activity by a police officer while carrying out police measures shall incur liabilities under the legislation of Georgia.



### **Article 9 – The principle of protecting and respecting fundamental human rights and freedoms**

1. The forms, methods, and means of police activity shall not infringe human honour and dignity, right to life, physical inviolability, right to property and other fundamental rights and freedoms, and shall not cause unjustifiable damage to the environment.
2. Torture, inhuman, and degrading treatment shall be inadmissible when carrying out police measures.

### **Article 10 – Principle of lawfulness**

1. Measures carried out by a police officer shall be based on the principles of the rule of law and legal reservation.
2. Under the principle of the rule of law, crime prevention and response measures shall comply with the requirements of law.
3. Under the principle of legal reservation, police measures that limit human rights and freedoms recognised by the Constitution of Georgia may only be carried out under the law.

### **Article 11 – Principle of inadmissibility of discrimination**

The Police shall respect and protect human rights and freedoms irrespective of race, skin colour, language, sex, age, status of disability, religion, political or other opinions, national, ethnic, or social affiliation, origin, property or social status, place of residence, or other characteristics.

*Law of Georgia No 6837 of 14 July 2020 – website, 28.7.2020*

### **Article 12 – Principle of proportionality**

1. Police measures shall aim at achieving legitimate objectives. A selected police measure shall be fit, necessary, and proportional.
2. Measures selected by a police officer shall be deemed fit if they enable achievement of a legitimate objective.
3. A fit police measure selected by a police officer shall be deemed necessary if it is impossible to use other means that would cause less damage to the recipient of the measure and to other persons while achieving a legitimate objective.
4. A necessary police measure carried out by a police officer shall be deemed proportional if the damage inflicted to achieve the good protected by law does not exceed the good itself, for the protection of which the police measure is carried out.
5. Lawful police action shall be terminated if the objective of the action has been achieved or if it is obvious that the objective is impossible to achieve.

### **Article 13 – Principle of exercising discretionary powers**

1. In the cases and within the scope of law, to perform its functions, the Police shall act within discretionary powers.
2. A police officer shall be authorised to decide whether to perform police measures.
3. A police officer shall have the freedom to select the most acceptable one out of several police measures under the legislation of Georgia, according to the principle of proportionality.
4. If the legislation of Georgia specifies several police measures, the use of one of the measures shall suffice to prevent a threat.

### **Article 14 – Principle of political neutrality**

When exercising his/her powers, a police officer shall uphold the principle of non-partisanship. A police officer may not use his/her official status in favour of party interests of any political subject.

### **Article 15 – Principle of transparency in police activity**

1. The Police shall provide public information about their activity to state bodies, civic organisations, and interested persons, as determined by the legislation of Georgia.
2. The Police shall promptly provide objective information about their activity to the public and mass media avoiding disclosure of state, professional, or commercial secret information, and personal data and investigation materials, except as provided for by law.
3. The Police shall process the personal data according to the legislation of Georgia on personal data protection, unless otherwise determined by this Law.
4. The police shall be authorised to process the data, including the personal data, stored by a loan providing agency under the Organic Law of Georgia on National Bank of Georgia in a special electronic programme for registration of movable things accepted as collateral for a financial loan, under the procedure determined by an order of the Minister.

*Law of Georgia No 3319 of 21 July 2018 – website, 7.8.2018*

## **Chapter III – Police Functions and Authority**

### **Article 16 – Police functions**



1. The basic function of the Police shall be to avoid threats to public security and legal order.
2. The police functions shall be to:
  - a) protect human rights and freedoms;
  - b) protect legal and natural persons from offences against their property;
  - b<sup>1</sup>) assist persons in searching mobile devices otherwise gone out of lawful possession without possible commission of an offence, within the scope of their competence;
  - c) carry out preventive measures to avoid and avert crime and other offences;
  - d) detect and lawfully respond to crime and other offences on the basis of the authority granted by the Criminal Procedure Code of Georgia, the Administrative Offences Code of Georgia, and other normative acts;
  - e) protect and control the legal regime of the state border and maritime space of Georgia;
  - f) analyse crime and other offences, expected threats, risks, and challenges and proposing a strategy for combating crime;
  - g) carry out activities related to permits, licenses, and registration;
  - h) ensure traffic safety;
  - i) ensure protection of the parties of a criminal procedure;
  - j) combat, prevent, and suppress illegal migration and ensure fulfilment of other requirements under the legislation of Georgia;
  - j<sup>1</sup>) protect the rights of an asylum seeker, a refugee, a person with humanitarian status and a person under temporary protection;
  - k) carry out search and rescue operations;
  - l) exercise powers granted by the legislation of Georgia during state of emergency or martial law;
  - m) participate in responding to emergency situations, within the scope of their competence;
  - n) ensure performance of expert and criminalistics activities;
  - o) place a person arrested or detained under the Administrative Offences Code of Georgia, or of a person arrested under the Criminal Procedure Code of Georgia or of a person involved under the same Code, or, in cases provided for by the legislation of Georgia, of an alien arrested with the aim of expelling him/her from Georgia, in the Cell;
  - p) for performing functions defined by this article and the legislation of Georgia, maintain information bases, including the bases for criminal records and convictions, and to process the data retained in the aforementioned bases.
3. The procedure and conditions for maintaining the information bases provided for by paragraph 2(p) of this article and for processing the data retained in the aforementioned bases shall be defined by an order of the Minister.

*Law of Georgia No 3922 of 8 July 2015 – website, 15.7.2015*

*Law of Georgia No 1683 of 7 December 2017 – website, 14.12.2017*

*Law of Georgia No 3100 of 5 July 2018 – website, 11.7.2018*

*Law of Georgia No 1036 of 1 December 2021 – website, 6.12.2021*

*Law of Georgia No 1576 of 24 May 2022 – website, 6.6.2022*

*Law of Georgia No 2296 of 14 December 2022 – website, 27.12.2022*

## **Article 17 – Police powers**

1. The Police shall exercise the following powers within the scope of their authority to ensure performance of their preventive functions:
  - a) carry out police measures to avoid offences;
  - b) render relevant legal assistance and urgent medical aid to a person; take urgent measures to protect human life and health including in cases in which a person poses a threat to himself/herself or to others;
  - c) carry out relevant measures within the scope of their authority to protect the state borders of Georgia, facilities of special and strategic importance, and security of high-ranking state officials; ensure physical protection of state facilities according to the procedures and lists approved by the Minister;
  - d) ensure safety of the participants of meetings, demonstrations, and other mass events;
  - e) participate, together with other state agencies and public organisations, in preventive measures aimed at avoiding child vagrancy and child neglect, and eliminating juvenile delinquency, and consider peculiarities and best interests of minors while performing police activities;
  - f) regulate traffic and monitor observance of traffic rules, norms, and standards;
  - g) take special measures within the scope of their authority to protect the parties of criminal procedures according to the Special Programme for Protection of Parties of Criminal Case;
  - h) based on information furnished by the penitentiary institution, immediately notify a victim of violence against women and/or domestic violence of the release or escape from the penitentiary institution, as well as of a short leave from the prison facility under the procedure established by Article 125 of the Penitentiary Code, of a leave from a pre-release facility under the procedure established by Article 34(12) of the same Code of the person having committed violence against him/her (the abuser), and carry out the measures provided for by Article 11(2) of the Law of Georgia on Violence against Women and/or Elimination of Domestic Violence, Protection and Support of Victims of Violence;
  - i) ensure the taking of the measures envisaged by the Law of Georgia on Combating Crime against Sexual Freedom and Inviolability within the scope of their competence;



j) For the purpose of finding a mobile device on the application of the owner of the mobile device otherwise gone out of lawful possession without possible commission of an offence (if his/her right of ownership of the mobile device is confirmed), initiate its search and the restriction (blocking) of its operation, if needed, under the procedure established by the legislation of Georgia .

2. To fulfil police functions, the Police shall respond to offences within the scope of their authority, in particular it shall:

a) to rapidly respond to violence against women and/or domestic violence and to ensure the protection of a victim and restriction of certain actions of a perpetrator:

a.a) issue a protective order or an order limiting the rights related to arms, as a temporary measure; monitor the execution of the requirements and conditions provided for by protective orders, restricting orders and orders limiting the rights related to arms;

a.b) in the case of violence against a minor, immediately execute a decision of a social workers concerning the separation of a minor;

a.b<sup>1</sup>) control the carrying out of electronic surveillance of an abuser to ensure the taking of temporary victim protection measures;

a.b<sup>2</sup>) in the case of non-appearance of an abuser in the authorised body of the Ministry of Internal Affairs of Georgia in order to attach the electronic means to the body, search the abuser throughout the country;

a.c) carry out other obligations that the police is charged with under the law;

b) if there is a reasonable belief of committing a crime under Article 160, ensure that an unlawful owner of a residential house/apartment and/or other possession and a person/persons living with him/her are evicted from the residential house/apartment and/or other possession without court judgement under the procedure established by an order of the Minister;

c) deprive a person of driving a vehicle if he/she does not have a driving license or he/she has been disqualified, or if there are reasonable grounds to believe that a person is under the influence of alcohol, drug or psychotropic substance; the Police shall bring the person to an authorised person for examination;

d) if there are reasonable grounds to believe that a person has consumed drugs, bring the person to an authorised person for examination;

e) receive and record information on crimes and other offences, and missing persons and promptly respond to them, also register offences and offenders;

f) perform, as determined by law:

f.a) border-police and criminal intelligence actions;

f.b) discreet investigative activities under the Criminal Procedure Code of Georgia (electronic surveillance using technical means, and discreet video and audio recording, or filming and photographing that cause no harm to life and health of individuals, or to the environment);

f.c) technical criminalistics examination with respect to criminal intelligence, administrative offences and other cases;

g) assist relevant bodies in searching for lost and stolen weapons, ammunition, and equipment, military property, and persons who evade the national conscript military service;

h) within the scope of their authority, perform measures specified by the criminal procedure legislation;

i) ensure cessation of meetings and demonstrations and disperse the participants of the events in the cases provided for by the Georgian legislative acts;

j) order a person to observe the law and stop committing an offence; in the case of failure to follow the order, take measures as provided for bylaw.

3. In the case of emergencies and a state of emergency or martial law, the Police shall:

a) participate, within the scope of their authority, in the eradication of consequences of emergencies and in search and rescue operations; ensure safety of persons, legal order, and protection of property from offences, provide first aid to affected persons and persons in helpless condition; within the scope of their authority, participate in ensuring observance of the regime set for the state of emergency or martial law, and in carrying out actions required by quarantine in the case of epidemics and epizootic events;

b) during a state of emergency and martial law, within the scope of their authority, ensure security and readiness of state mobilisation-recruitment stations and operative command headquarters, and full mobilisation and preparedness of the staff (of the Ministry);

c) receive, process, and submit notification to authorised bodies for further response to natural and anthropogenic emergencies, emergency medical aid, suspension, limitation and/or fluctuation of pressure of natural gas supply from permissible norms, as well as suspension and/or fluctuation of pressure of potable water supply and other emergencies.

4. Based on its function to protect state borders of Georgia, the Police shall ensure to:

a) prevent, detect, and suppress illegal actions at the state border of Georgia and carry out other measures, under the legislation of Georgia, at the state border, within the border zone, within the border area, in the maritime area of Georgia and on vessels under Georgian jurisdiction;

b) inspect persons at the state border of Georgia, manage the processes related to illegal migration, prevent and suppress illegal migration, and meet other requirements on the legal status of individuals crossing the state border as provided for



- by the legislation of Georgia, and perform procedures provided for by the law of Georgia on International Protection;
- c) exercise the 'right of hot pursuit' provided for by the United Nations Convention of 1982 on the Law of the Sea.
5. Within the scope of its authority and in cooperation with relevant authorities, the Police shall, on the basis of international treaties of Georgia, carry out measures to ensure personal and property security of representation offices of foreign countries and international organisations in the territory of Georgia.
6. In accordance with The Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction, the police shall:
- determine the actual whereabouts of a minor on the basis of the request of the central body – the relevant structural subdivision of the Ministry of Justice of Georgia (the Central Body) or on the basis of a court order;
  - ensure the prevention of the crossing of the state border of Georgia by a child illegally displaced/detained in the period from the commencement of the proceedings by the Central Body until the execution of the court decision on the basis of the request of the Central Body or a court order;
  - assist the Central Guardianship and Custody Body in accordance with the rules established by the legislation of Georgia in the process of enforcing a court decision on the return of an illegally displaced/detained child from Georgia to the territory of a contracting state that is a party to the said Convention.
7. For the purpose of finding a mobile device provided for paragraph 1(j) of this article, the police shall be authorised to submit a request, through a unified system for searching mobile devices, to an electronic communication company provided for by the Law of Georgia on Electronic Communications, which provides mobile communication networks and means and/or services, for recording the fact of activation of the mobile device gone out of lawful possession without possible commission of an offence and for immediately notifying about the recording of the fact of its activation. For the same purpose, the police shall be authorised to submit a request, if needed, for restricting (blocking) the operation of the mobile device gone out of lawful possession without possible commission of an offence and for immediately notifying about its restriction (blocking). If the police submit the request under this paragraph in the form of an electronic document, for confirming the veracity of the integrity and origination of the electronic document, placement of a qualified electronic stamp on it shall suffice.
8. After receiving information on recording the fact of activation of a mobile device, the telephone number and its owner, the time and location of the recording the fact of activation of the mobile device, under the procedure established by this Law and the Law of Georgia on Electronic Communications, the police shall ensure that the owner of the telephone number be established, he/she be invited to and interviewed in the police, and, if there are appropriate grounds, the mobile device be handed to the applicant. If this is the case, appearance of the owner of the telephone number to the police shall be obligatory.

*Law of Georgia No 2692 of 17 October 2014 – website, 31.10.2014*

*Law of Georgia No 3556 of 1 May 2015 – website, 18.5.2015*

*Law of Georgia No 3712 of 12 June 2015 – website, 24.6.2015*

*Law of Georgia No 3922 of 8 July 2015 – website, 15.7.2015*

*Law of Georgia No 4627 of 11 December 2015 – website, 29.12.2015*

*Law of Georgia No 5454 of 22 June 2016 – website, 12.7.2016*

*Law of Georgia No 765 of 4 May 2017 – website, 25.5.2017*

*Law of Georgia No 960 of 1 June 2017 – website, 20.6.2017*

*Law of Georgia No 3100 of 5 July 2018 – website, 11.7.2018*

*Law of Georgia No 5768 of 17 March 2020 – website, 23.3.2020*

*Law of Georgia No 6057 of 10 June 2020 – website, 19.6.2020*

*Law of Georgia No 6761 of 13 July 2020 – website, 20.7.2020*

*Law of Georgia No 1576 of 24 May 2022 – website, 6.6.2022*

*Law of Georgia No 3515 of 21 September 2023 – website, 12.10.2023*

*Law of Georgia No 4002 of 15 December 2023 – website, 26.12.2023*

## **Chapter IV – Police Measures**

### **Article 18 – Crime prevention and response measures of the Police**

1. To prevent a threat to or violation of public security and legal order, the Police, within the scope of their authority, shall carry out the following preventive measures:

- interviewing a person;
- identifying a person;
- inviting a person;
- carrying out frisk and examination of a person;
- carrying out special inspection and examination;
- carrying out special police control;
- ordering to leave a place and prohibiting entrance to a certain territory;
- restricting a person or a vehicle from moving or restricting actual possession of an item;



- i) using self-operating photo (radar) and video equipment;
- j) developing and using technical means;
- k) carrying out criminal intelligence measures.

2. The Police shall carry out responsive measures to offences according to this Law and the legislation of Georgia on administrative offences, criminal law, and other normative acts.

3. If a police officer cannot be identified by his/her insignia, he/she shall be obliged to present a document evidencing his/her authority to a person unless it hinders accomplishment of police functions.

4. While carrying out preventive measures and responding to offences, the Police shall take into account peculiarities and best interests of minors.

*Law of Georgia No 3712 of 12 June 2015 – website, 24.6.2015*

### **Article 19 – Questioning a person**

1. To ensure public security, a police officer may openly and directly request a person to identify himself/herself, for which a police officer may stop and ask a person to present his/her identity documents, if:

- a) a person's appearance is similar to the appearance of a wanted or missing person;
- b) there are reasonable grounds to believe that a person has committed or will commit an offence;
- c) a person is in the territory of or in a facility subject to a special regime, or in a place under special police control;
- d) a person possesses a weapon defined by the Law of Georgia on Weapons, the carrying of which requires a special permit and the fact of having such permit cannot be verified otherwise;
- e) a person is at a crime scene, a road accident scene, or an incident scene;
- f) the appearance of a person, physical characteristics of a transportation mean, or a person's actions indicate his/her possible involvement in an offence.

1<sup>1</sup>. The police shall be authorised, when carrying out a measure provided for by paragraph 1 of this article, including for the identification of a presumably wanted person, of a presumably lost person or of an alien presumably illegally staying in the territory of Georgia, or for the verification of a fact of suspending or depriving of a person's right, to verify the data of the person concerned in the information bases of the Ministry.

2. A police officer shall have the right to interview a person if there are sufficient grounds to believe that he/she has the information needed to perform police functions. Provision of information by a person shall be voluntary, except as provided for by Article 17(8) of this Law. Application of this measure against a person under the age of 14 shall only be possible in the presence of a parent or a legal representative.

3. The grounds for carrying out police measures shall be explained to a person, unless it prevents the police from performing functions imposed by this Law. In the case of an interview provided for by paragraph 2 of this article, it shall be explained to a person before this measure is carried out that participation in it is voluntary, except as provided for by Article 17(8) of this Law.

*Law of Georgia No 1036 of 1 December 2021 – website, 6.12.2021*

*Law of Georgia No 1576 of 24 May 2022 – website, 6.6.2022*

### **Article 20 – Identification of a person**

1. The Police shall be authorised to carry out the identification of a person for observing public safety in the case provided for by Article 19(1) of this Law if the identity of a person cannot be established by taking of the preventive measures provided for in the same paragraph or if it is related to special difficulties, or if there are sufficient grounds to believe that the information and/or the identity documents provided by the person fail to prove his/her identity and the identification of the person is required to prevent offences, or there are sufficient grounds to believe that the person has direct relation to the offence committed.

2. The measures to identify a person shall be as follows:

- a) the taking of fingerprints and palm prints;
- b) the taking of photos;
- c) the recording of physical characteristics;
- d) the measuring of height;
- e) the recording of voice;
- f) the verification of the data in the information bases of the Ministry;
- g) the recording of other biometric data.

3. Before carrying out identification measures, a person shall be given an opportunity to prove his/her identity voluntarily within a reasonable period of time.

4. While carrying out identification measures, a police officer shall prepare a report and state the grounds for application of the measure, and all important factual circumstances. The report shall be signed by the police officer that has employed the measure and the person against whom the measure has been employed. If the person against whom the measure was employed refuses to sign the report, the appropriate note shall be made in the report. The person against whom the measure was employed shall have the right to enter a note into the report, which he/she must endorse by his/her signature.



5. The report provided for by paragraph 4 of this article need not be drawn up if a measure under this article is employed through the use of a special electronic programme.
  6. Where so provided for by paragraph 5 of this article, a person shall have the right to apply to the Ministry within 3 days and make a written request for the report of a measure employed against him/her.
  7. The procedure for carrying out measures of identification of a person defined by this article, including the one for verifying the data in a special electronic programme, shall be determined by the Minister.
- Law of Georgia No 1036 of 1 December 2021 – website, 6.12.2021*

#### **Article 21 – Invitation of a person**

1. The Police may invite a person by a notification to interview him/her at a police station if:
    - a) there are sufficient grounds to believe that the person holds necessary information that will help the Police to perform their function;
    - b) it is necessary for identification of another person.
  2. When notifying a person, the grounds for inviting him/her must be explained to him/her.
  3. When notifying a person of the invitation, it must be explained to him/her that reporting to the police and leaving the police is voluntary, except as provided for by Article 17(8) of this Law.
  4. When inviting a person, the peculiarities of his/her official duties and personal interests shall be taken into account.
  5. Inviting a minor shall only be admissible together with a parent or a legal representative.
  6. Duration of stay of an invited adult at a police station shall not exceed four hours, while in case of a minor, it shall not exceed two hours.
  7. A report shall be prepared about the interview with the invited person that shall be signed by the police officer who prepares the report and by an invited person; if an invited person is a minor, a report should also be signed by his/her parents or a legal representative. A report shall contain the name of the invited person and the grounds for the interview, whether the rights have been explained to the invited person, and other factual circumstances. If an invited person refuses to sign an interview report, a relevant entry shall be made in the document. An invited person has the right to add a note to the interview report that shall be endorsed by his/her signature.
- Law of Georgia No 1576 of 24 May 2022 – website, 6.6.2022*

#### **Article 22 – Frisk and examination**

1. Frisk of a person means patting down his/her clothing with hands or with a special device or instrument.
2. A police officer may stop a person for frisk within the frame of preventive measures if:
  - a) there are reasonable grounds to believe that a person has an item, carrying of which is restricted, or which poses threat to his/her or other people's lives and health;
  - b) a person is near or within 20 meters of the territory or facility subject to special regime as provided for by Article 23 of this Law;
  - c) there are reasonable grounds to believe that persons staying in the territory of Georgia illegally gather in the place where the person is, or the place is used by wanted persons to hide, or an offence may be committed.
3. Frisking shall be conducted by a police officer of the same sex. In the case of immediate need, frisk and search may be conducted by any police officer only by a special device or an instrument.
4. Within its preventive authority, a police officer has the right to examine an item or a vehicle, if:
  - a) a police officer conducts a frisk and search of an actual possessor of the item or the vehicle;
  - b) there are reasonable grounds to believe that offender or a person illegally deprived of liberty is in the vehicle;
  - c) there are reasonable grounds to believe that there is an item in the vehicle that has to be seized;
  - d) there are reasonable grounds to believe that the item or the vehicle is where a crime may be committed, and it is necessary to conduct a frisk and search to prevent a crime;
5. Examination of an item or a vehicle includes visual examination of the item and/or the vehicle; for vehicles, this also includes visual examination of luggage boots.
6. The actual item possessor or a family member of the possessor of the item or the vehicle must attend the examination.
7. A police officer shall explain the right to appeal the legality of the measure defined by this article to the person.
8. The length of time a person may be stopped by a police officer shall not exceed 30 minutes from the moment that the person has been stopped.
9. A police officer shall prepare a report when he/she applies the measure defined by this article. A police officer who prepares the report and the person against whom the measure is conducted shall sign the report. If a person does not attend the examination of an item or vehicle, his/her family member shall sign the report; if the family member does not attend the examination, a neighbour shall sign the report. Persons participating in the measure and the factual circumstances shall be indicated in the report. If a person against whom the measure is conducted refuses to sign the report, a relevant entry shall be made in the report. The signatory has the right to add a note to the report that is endorsed by his/her signature. If the owner of an item or a vehicle subject to examination cannot be identified, a police officer shall conduct the measure defined by this article without the presence of the persons provided for by this paragraph.
10. If the grounds for search originate during a frisk and search, a police officer shall conduct the search as provided for





by the Criminal Procedure Code of Georgia.

### **Article 23 – Special inspection**

1. Special inspection, as a preventive measure, shall imply inspection and examination of a person, of an item or a vehicle on territory or at a facility under special regime that is necessary to find and identify the item. The Government of Georgia shall develop the list of territories and objects subject to special regime.
2. Within the scope of their authority, the Police shall perform a special inspection of a person, as a preventive measure, only if:
  - a) there are reasonable grounds to believe that a person carries an item, the possession of which is an offence or a violation of the rules regulating the territory or the facility subject to the special regime;
  - b) it is necessary to identify a person in helpless condition;
  - c) a person is being checked at a border crossing point as provided for by the legislation of Georgia.
3. Special inspection of a person shall be conducted by a police officer of the same sex, except for cases when inspection of a person by a police officer of the same sex requires special efforts. Inspection of a person by a police officer of an opposite sex is admissible only by a special device or instrument.
4. Within the scope of their authority, the Police shall inspect an item or a vehicle as a preventive measure in the cases provided for by Article 22(4) of this Law.
5. Special inspection of a vessel shall be conducted:
  - a) to identify the state of the flag;
  - b) to inspect the ship's crew and passengers;
  - c) to define compliance of the security, maritime navigation tools, environmental and on-board living conditions of the vessel with international standards.
6. A person who is in actual possession of an item or vehicle or his/her family member shall attend a special inspection.
7. A police officer shall explain the right to appeal the legality of the measure in cases provided for by the fourth and fifth paragraphs of this article.
8. If the grounds for search originate during a special inspection, a police officer shall perform the search as provided for by the Criminal Procedure Code of Georgia.

### **Article 24 – Special police control**

1. Special police control of a person, an item, or a vehicle shall be conducted if there are reasonable grounds to believe that a crime or other offence has been or will be committed.
2. Special police control is an inspection conducted by the Police on a pre-selected territory for a specific period of time, while in the cases of immediate necessity it is conducted on relevant territory for a needed period of time. Special police control intends to achieve the purposes determined by the first paragraph of this article.
3. A written order on conducting special police control shall be issued by the Minister, while in the cases of immediate necessity, the Minister or a person designated by order of the Minister shall issue a relevant verbal instruction. The verbal instruction shall be translated into a written instrument within 24 hours.
4. A frisk as provided in Article 22(1)(5) of this Law shall be implemented when conducting special police control.
5. During a special police control, a police officer shall be equipped with switched-on video recording device fixed on his/her uniform.

### **Article 25 – Demand to leave a place and prohibition of entry onto a certain territory**

1. A police officer shall have the right to demand a certain place be left for a specific period of time or to prohibit a person to enter a certain territory, if it is necessary to prevent a threat.
2. Restriction under the first paragraph of this article may last until the threat is eliminated.
3. Application of the measures under this article shall not result in long-term restriction of a person's right to use his/her own domicile.

### **Article 26 – Restriction of movement of a person or a vehicle or restriction of actual possession of an item**

1. Under the legislation of Georgia, the Police shall be authorised to temporarily restrict movement of a person if:
  - a) the person's action poses threat to his/her or other people's health and lives;
  - b) the person fails to fulfil the requirements under Article 25 of this Law;
  - c) the purpose is prevention of a crime or an administrative offence.
2. As provided for by the legislation of Georgia, the Police may temporarily restrict actual possession of an item or movement of a vehicle to prevent a threat if the item or the vehicle may be used by a person to infringe his/her or other people's lives and/or health or damage another's property.
3. Restriction of actual possession of an item shall be conducted by depriving possession of an item, by restriction of its movement or by other means.
4. Temporary restriction of movement of a person, and movement or transportation of an item shall be immediately terminated if the grounds for application of that measure cease to exist.



## **Article 27 – Use of self-operating photo (radar) and video devices**

1. The Police shall be authorised, under the procedure established by the legislation of Georgia, for observing public safety, to install/place and use photo and video devices/equipment or other technical equipment defined by an order of the Minister on the uniform, a vehicle, a road, along outer perimeter of a building, within the border zone of Georgia, and within the border zone of Georgia and the maritime space of Georgia, and to use the installed self-operating devices in the possession of another person, for the purpose of:

- a) preventing crime and protecting a person's safety and property, public order, and protecting minors from harmful influence;
- b) ensuring observance of the road traffic regulations;
- c) ensuring protection of the state border of Georgia, and prevention, detection, and elimination of crimes and other offences within the border zone and the boundary line, and ensuring safety of a person;
- d) timely detecting threats to a person and property at a border crossing point.

<sup>1</sup>1. The list of the buildings on the outer perimeter of which self-operating photo and/or video equipment must be installed/placed, and the technical characteristics and the rules of operation of the self-operating photo and video equipment shall be defined by an ordinance of the Government of Georgia.

2. Information regarding self-operating photo (radar) and video devices installed in the cases under the first paragraph of this article shall be indicated in a visible place, except as provided for in paragraph 3 of this article.

3. To ensure security of the road traffic, the police may install/place photo and video devices and a nonstationary (mobile) speedometer on a transportation vehicle, in their possession, without appropriate identification signs along a limited number of road sections defined under a substantiated order of the Director of Patrol Police Department of the Ministry of Internal Affairs of Georgia. In this case, information on possible using photo (radar) and video devices shall be indicated at the entry (entries) and exit (exits) of an appropriate road section. In case of using self-operating photo (radar) and video devices by a police transportation vehicle with appropriate identification signs, the information need not be indicated at a road section.

4. Usage of self-operating photo and video devices, and of a nonstationary (mobile) speedometer (direct recording) installed/placed on a transportation vehicle without appropriate identification signs, in possession of the police, may be allowed only on a road section defined under paragraph 3 of this article. Information collected as a result of using self-operating photo and video devices, and a nonstationary (mobile) speedometer installed/placed on a transportation vehicle without appropriate identification signs, in possession of the police, shall be destroyed not later than 24 hours after it was collected, except when the information collected shows a violation of traffic regulations defined under the Administrative Offences Code of Georgia and it is archived for conducting proceedings, under the procedure established by the legislation of Georgia. If information collected contains details of an offence, the information shall be seized under the procedure established by the Criminal Procedure Code of Georgia.

5. Issues of placing self-operating photo and video devices, and a nonstationary (mobile) speedometer on a transportation vehicle without appropriate identification signs, in possession of the police, and issues of using them, also issues of data processing shall be defined by an order of the Minister.

*Law of Georgia No 713 of 21 April 2017 – website, 10.5.2017*

*Law of Georgia No 5613 of 19 December 2019 – website, 24.12.2019*

*Law of Georgia No 1036 of 1 December 2021 – website, 6.12.2021*

## **Article 28 – Development and use of technical means**

1. Within the scope of their authority vested by this Law and other laws of Georgia, the Police shall develop and use technical means and ensure its protection in order to guarantee public security.

2. Technical means used by the Police and methods of their use shall not infringe the honour and dignity of a person, shall not violate fundamental human rights and freedoms recognised by the Constitution of Georgia, shall not pose a threat to human life and health, and shall not cause damage to the environment.

3. Technical means shall be applied according to the legislation of Georgia.

## **Article 29 – Criminal intelligence measures**

1. Criminal intelligence activities of the Police shall be regulated under the Law of Georgia on Criminal Intelligence Activity and other normative acts.

2. (Deleted – 8.7.2015, No 3922).

*Law of Georgia No 3922 of 8 July 2015 – website, 15.7.2015*

## **Chapter V – Coercive Measures**

### **Article 30 – Coercive measures**

Coercive measures shall include use of physical force, special means, and firearms by the Police to perform police functions.



### **Article 31 – The right to use coercive measures**

1. To perform police functions, a police officer may use fit and proportionate coercive measures only in the case of necessity and to the extent that shall ensure achievement of legitimate objectives.
2. A police officer shall be authorised to use firearms and special means only if he/she has undergone special training.
3. Before using physical force, special means and firearms, a police officer shall warn a person and give a reasonable period of time to carry out the lawful order except if the delay may cause encroachment on life and health of a person and/or of a police officer, or other severe consequences, or if such warning is unjustifiable or impossible in a given situation.
4. The form and extent of a coercive measure shall be defined based on a given situation, the nature of an offence and individual peculiarities of the offender. Also, a police officer must try to cause minimal and proportionate damage while carrying out a coercive measure.
5. A police officer shall be obliged to provide first aid to a person injured by coercive measures.
6. A police officer may not use means that can cause severe injury to a person, may pose unjustifiable risk or are prohibited by the legislation of Georgia.

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

1. A police officer shall have the right to use physical force, among them special holds of martial arts to ensure his/her safety and/or safety of other persons, to prevent crimes and/or administrative offences, to arrest a criminal who has committed a crime and/or an administrative offender if the use of non-violent methods cannot ensure performance of police functions vested in the police officer under the law.
2. A police officer shall inform his/her immediate superior and the prosecutor about injuries to a person inflicted as a result of use of physical force except if informing the immediate superior and the prosecutor about the injuries is impossible or is related to specific difficulties, or impedes performance of police functions.
3. If physical force is used against an unspecified number of people, a senior official shall inform his/her immediate superior and the prosecutor.

### **Article 33 – Use of special equipment**

1. A police officer shall use passive and active special equipment to ensure public security and legal order.
2. Passive special means shall ensure protection of life and health of a police officer and/or of a person protected by police officer. Passive special means shall be: bulletproof vests, helmets, riot shields, gas masks and other special body protective equipment.
3. Active special equipment shall disable a person to resist a police officer for a short period of time and/or assist a police officer to perform police functions. Active special means shall be: handcuffs and other means of restraint, rubber batons, tear gas, pepper spray, sonic weapons, non-lethal weapons (including non-lethal shells), flash-bang device of psychological effect, device to stop a vehicle by force, barrier demolition equipment, water cannons, an armoured car and other special vehicles, special paint, police dogs and horses, electroshock devices and a capturing net. The above special means shall be used in the following cases:
  - a) handcuffs and other means of restraint are used against a person who resists or may resist a police officer, or tries to escape, who has committed a crime or an action posing a threat to the public at large; during escorting an arrested or a detained person; if a person may injure himself/herself and others as a result of his/her dangerous action;
  - b) special batons are used to repel an attack on a person, a police officer and/or a protected facility; to arrest a person who has committed a crime or an offender if he/she refuses to obey a lawful order of a police officer, and to prevent mass and group violations of legal order;
  - c) tear gas, pepper spray, sonic weapons, and non-lethal weapons (including non-lethal shells) are used to repel an attack on a person, a police officer and/or protected facility; to prevent mass and group violations of legal order; when detaining a person who has committed a crime or an action posing threat to the public at large, or when forcing such person to leave an occupied territory, vehicle or building and construction that the person is using as a shelter;
  - d) flash-bang device of psychological effect to temporarily disorient senses is used to repel an attack on a state and/or public facility, on a person and/or a police officer; to detain a person who is engaged in an armed resistance; to expel a criminal or a dangerous person posing a threat to the public from buildings and construction sites, plots of land, and vehicles that they have broken into, and to release a person who has been unlawfully deprived of liberty.
  - e) a device to stop a vehicle by force is applied to stop a vehicle by force that is driven by a person who does not obey the demand of a police officer and whose actions pose a threat to a person's life and health, or if use of such means is necessary to protect proportionate lawful good;
  - f) a barrier demolition technique is used to arrest a criminal or a person who has committed an action posing a threat to the public at large, as well as to release a person unlawfully deprived of liberty from a closed space;
  - g) water-cannons, armoured car and other special transportation means are used to suppress mass violations of legal order, to repel a group attack on the state and/or public facilities, to stop a vehicle by force if the driver does not obey a police officer's demand to stop; to detain an armed criminal;
  - h) special paint is used to detect a person who has committed a crime;



- i) police dogs are used to suppress mass violations of legal order, to chase and arrest a criminal or a person who has committed an action posing a threat to the public at large, to escort an arrested or detained person, to repel an attack on a person and/or a police officer;
  - j) police horses are used to chase or arrest a criminal or a person who has committed an action posing a threat to the public at large or during patrolling, and to prevent mass violations of legal order;
  - k) an electroshock device is used to repel an attack on a person, a police officer and/or a protected facility;
  - l) binding net is used to chase an offender, to repel an armed attack, or to arrest an attacker.
4. A police officer shall inform his/her immediate superior and the prosecutor about inflicting damage to or wounding a person as a result of the use of coercive measures, with the exception of cases when informing the immediate superior and the prosecutor about inflicting damage to or wounding a person by a police officer is impossible or is related to exceptional difficulties, or impedes performance of police functions.
5. If special equipment is used against an unspecified number of people, a senior official shall inform his/her immediate superior and the prosecutor.
6. The rules for keeping, carrying, and using police special equipment shall be regulated by normative acts issued by the Minister.

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

1. A police officer may keep, carry, and use a service firearm, as well as an additional service firearm as determined by the procedure of the Minister.
2. The procedure for keeping and carrying firearms at disposal of a police officer shall be determined by the Minister.
3. Passive use of a firearm refers to demonstration of a firearm by a police officer to achieve a legitimate objective.
4. Active use of a firearm refers to intentional shot from a firearm.
5. A police officer may use a firearm as a last resort:
  - a) to defend a person and him/herself from a threat to their lives and/or health;
  - b) to release a person who has been unlawfully deprived of liberty;
  - c) based on prior information, to prevent the escape of a person who has been detained for having committed a violent act or extremely grievous crime;
  - d) to prevent a violent crime if a person resists a police officer;
  - e) to repel an attack on a protected facility, state body and/or civic organisation;
  - f) to defend a person from the attack of a dangerous animal;
  - g) to damage a vehicle to stop it, except shooting from a moving vehicle at another moving vehicle, if the action of a driver poses threat to human life and/or health and the driver does not obey multiple demands of a police officer to stop the vehicle.
6. The active use of a firearm against a person shall be preceded by the following verbal warning: ‘Police! Freeze or I will shoot!’ followed by a warning shot. In the case of necessity, a warning shot might not be fired.
7. A firearm may be used without prior warning:
  - a) in the case of an armed attack, or unexpected attack with military equipment, any vehicle or mechanical means;
  - b) based on the prior knowledge of a police officer, in the case of an escape, using a vehicle, of a person detained or imprisoned for extremely grievous crime;
  - c) in the cases of armed resistance by a person;
  - d) to give an alarm signal or to request support forces;
  - e) to stop the robbing a police officer of a firearm;
  - f) to kill a deadly injured or diseased animal if it is obvious that the problem cannot be solved otherwise.
8. Use of a firearm in a situation where it may cause deadly injury shall only be admissible in the case of self-defence or emergency.
9. A police officer may in no case use a firearm in the areas where there is a possibility of injuring other people, as well as in inflammable and combustible areas, except for the cases of necessary self-defence and/or emergency.
10. A police officer shall urgently inform his/her immediate superior and the prosecutor about the active use of firearms.
11. The list of firearms and ammunition in the police arsenal shall be determined by the legislation of Georgia.

### **Article 35 – Restrictions to use coercive measures**

1. Use of physical force, special equipment, and firearms against persons who are obviously pregnant, under age, with disabilities or elderly shall be inadmissible, except if they are armed or carry out a group attack or armed resistance to police officer, thus endangering lives and health of other persons or the police officer, and if this attack or resistance is impossible to repel by any other means and methods.
2. An exception to the first paragraph of this article shall occur in cases where the non-use of physical force and special equipment makes it impossible to carry out police functions.

## **Chapter VI – Police Service**



### **Article 36 – The procedure for serving in the Police**

1. The procedure to serve in the Police shall be defined by normative acts of the Minister.
2. A police officer may not go on strike or participate in meetings and demonstrations.
3. A police officer may not be a member of a political party.
4. A police officer may not perform any paid work, except for scientific, pedagogical or creative work, hold a position at any other budgetary organisation or perform any paid work in an enterprise, established with more than 50% state share participation, or hold a position in a body or institution of a foreign country.

### **Article 37 – Recruitment procedure**

1. A citizen of Georgia, who has reached 18 years of age, has a command of the official language and who, based on his/her personal and business characteristics, education, physical training and health status is capable of performing police functions may be recruited to serve in the Police.
2. The Human Resources (HR) Department of the Ministry and a special commission shall select candidates to be recruited to the Police and examine the health status, physical fitness, education and professional aptitude of a candidate.
3. A candidate who is to be recruited to a certain position in the Police shall undergo special training in a relevant educational programme or course at the Academy of the Ministry before or after being recruited.
4. A person may be recruited to work at the Police on the basis of a special competition.
5. A legal act on recruitment/appointment or dismissal/discharge may be issued by means of an electronic document management system. A legal act issued under that procedure shall be considered delivered from the moment of sending it by the electronic document management system to the person to whom the legal act of recruitment/appointment or dismissal/discharge (including removal from the position) directly concerns.

### **Article 37<sup>1</sup> – Examination of a candidate, an intern, or a trainee to be recruited to the system of the Ministry and of an employed person**

1. A candidate, an intern, or a trainee to be recruited to the system of the Ministry ('the Candidate') and an employed person, including a military servant, a public officer, a civilian, and a contract employee ('the Employee'), shall be subject to examination. The procedure for conducting the examination shall be established by the Ministry.
2. The purpose of the examination provided for by paragraph 1 of this article shall be to establish compliance of the Candidate and/or the Employee with the functions/tasks defined by the legislation of Georgia for a servant of the Ministry, and to identify circumstances hindering proper fulfilment of the official duties by him/her.

*Law of Georgia No 1036 of 1 December 2021 – website, 6.12.2021*

### **Article 38 – Limitations set for recruitment**

The following persons shall not be recruited to work in the Police:

- a) a person convicted for having committed a premeditated crime;
- b) a person who is subject to criminal prosecution;
- c) a person who has been recognised by court as having limited competence, unless otherwise determined under court decision;
- d) a person who has been deprived by the court of the right to occupy a relevant position;
- e) a person whose state of health, based on the conclusion of a medical examination, does not meet the necessary requirements set for the position.
- f) a person who is ill with alcoholism, drug addiction, mental and/or other disease. The list of diseases shall be developed collaboratively by the Minister of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia and the Minister;
- g) a person who, as a result of holding the position, will directly supervise or be supervised by a parent, spouse, sister, brother, child or a sister, brother, or parent of a spouse.
- h) an applicant for obtaining citizenship of a foreign country, except for the cases provided for by law, international treaties and agreements of Georgia.

*Law of Georgia No 3346 of 20 March 2015 – website, 31.3.2015*

*Law of Georgia No 3100 of 5 July 2018 – website, 11.7.2018*

### **Article 39 – The procedure for recruiting of and serving by conscripts**

The procedure for recruitment of and serving by conscripts in the Police shall be defined by legal acts and other normative acts of the Minister.

### **Article 39<sup>1</sup> – Transfer of a police officer to a position similar (equivalent) to his/her position, out of official necessity**

1. Out of official necessity, by decision of the Minister or duly authorised person and with the consent of a police officer or without his/her consent, a decision may be made to transfer the police officer to a position similar (equivalent) to his/her position. The police officer can also be transferred under this procedure to territorially another place. A police officer may be transferred under this procedure without his/her consent for a period of up to one year. After the one-year



period fully expires, if needed, this period can be extended for an additional period of up to one year.

2. A police officer may be transferred under the procedure provided for by paragraph 1 of this article if the police officer can, based on his/her education (qualification) and functions and duties to be performed by him/her, perform the functions and duties imposed on him/her.

3. After the period provided for by paragraph 1 of this article expires or the official necessity is eliminated, the police officer shall be returned to the position he/she held before his/her transfer, and if this is not possible, he/she shall be appointed to the similar (equivalent) corresponding position. If the police officer refuses the offered position, he/she shall be dismissed from the position held.

4. Other cases of official transfers of a police officer, apart from the transfer of a police officer, out of official necessity, to a position similar (equivalent) to his/her position under the procedure established by this article, shall be defined by an order of the Minister.

*Law of Georgia No 1576 of 24 May 2022 – website, 6.6.2022*

#### **Article 40 – Temporary suspension of a police officer from the office**

1. A police officer, who is accused of committing a crime, may be temporarily suspended from office by order of the Minister, based on a substantiated written request of the investigative body, a relevant conclusion of the General Inspectorate of the Ministry, or a request of the Head of a respective unit until a final decision is made.

2. If a police officer is acquitted, he/she shall be restored to the same position; and if it is impossible, the police officer shall be restored to an equivalent position.

*Law of Georgia No 3922 of 8 July 2015 – website, 15.7.2015*

#### **Article 41 – Procedure for dismissing a police officer**

1. A police officer can be dismissed:

- a) on the basis of a personal report;
- b) due to lay off or reorganisation that is followed by staff reduction;
- c) due to elimination of structural sub-units;
- d) due to expiration of the term of being administered by HR Department;
- e) due to reaching an age limit;
- f) due to expiration of the term set for service;
- g) due to disciplinary misconduct or a final judgment delivered against him/her;
- h) due to incompatibility for the position;
- i) due to change of citizenship;
- j) due to movement to another organisation;
- k) due to the state of health based on the conclusion of a medical examination;
- l) due to being declared missing or deceased;
- m) due to death;
- n) on other grounds as directly provided for by the legislation of Georgia.

2. The decision to dismiss a police officer shall be made by the Minister or an authorised person.

#### **Article 42 – Placement of a police officer administered by HR Department**

1. Based on the order of an authorised person, a police officer may be dismissed from the occupied position and placed at command of HR Department for not more than four months:

- a) on the basis of a personal report;
- b) due to lay off or reorganisation followed by staff reduction;
- c) due to elimination of a structural sub-unit;

2. A police officer being administered by the HR Department may be assigned to temporarily perform his/her duties.

3. Starting from the day of placement under administration of HR Department, a police officer is considered as having been notified about possible dismissal.

#### **Article 43 – Professional preparation of police staff**

1. Special professional training, retraining, and advanced in-service training of police staff shall take place at the Academy of the Ministry.

2. (Deleted – 21.7.2018, No 3270).

3. (Deleted – 21.7.2018, No 3270).

4. The Academy of the Ministry may also provide training, retraining and refresher courses for employees of state security and other bodies with law enforcement function, and of legal entities of public and private law.

*Law of Georgia No 2367 of 2 May 2014 – website, 16.5.2014*

*Law of Georgia No 3922 of 8 July 2015 – website, 15.7.2015*

*Law of Georgia No 3270 of 21 July 2018 – website, 31.7.2018*



#### **Article 44 – Ranks in the Police**

1. The Police shall have a set of ranks awarded on the basis and under procedures defined by this Law and other acts.
2. A police officer shall be awarded a rank if he/she is holding a position for which an equivalent or a higher rank is prescribed.
3. Awarding a rank to a police officer shall be successive, and skipping over any following rank shall be inadmissible.

#### **Article 45 – Term of service for awarding a police rank**

1. A term of service shall be determined for awarding any successive rank except for special lower ranks.
2. A term of service at the Ministry shall not be defined for awarding the highest rank. Highest ranks shall be awarded by the President of Georgia on the recommendation of the Minister.
3. The Minister and an authorised person shall have the right to award a rank earlier than the due term of office on the basis of extraordinary achievements or certification results.

#### **Article 46 – Incentives for a police officer**

1. The following incentives shall be defined for a police officer for his/her exemplary performance of official duties, long and conscientious service, and performance of extremely difficult or significant assignments:
    - a) commendation;
    - b) granting of a monetary reward;
    - c) rewarding of a valuable gift;
    - d) award of a Ministry diploma;
    - e) awarding of a badge;
    - f) award of a Ministry medallion;
    - g) awarding of a Ministry medal;
    - h) early awarding of a higher rank;
    - i) early lifting of a disciplinary punishment;
    - j) awarding of a civilian or service gun;
    - k) writing up for the state award.
  2. Several forms of police incentives may be used at a time.
  3. An authorised person shall have the right to administer incentives to police officers.
  4. The forms of incentives provided for by the first paragraph of this article may be applied to a person who assisted the Police, except for the forms of incentives set in paragraph(1)(e),(h),(i).
  5. The Minister shall determine the procedure for incentivising police officers.
- Law of Georgia No 1938 of 23 December 2017 – website, 29.12.2017*

#### **Article 47 – Police uniform**

1. A police officer shall wear the uniform as provided for by the legislation of Georgia.
  2. A personal identification card and/or a special badge shall be issued to a police officer to confirm his/her authority.
  3. A template of the police uniform shall be approved by the Minister.
  4. A personal identification card and/or a special badge of a policeman shall be approved by the Minister in accordance with the Law of Georgia on Symbols of National Standing.
- Law of Georgia No 4321 of 22 February 2019 – website, 7.3.2019*

### **Chapter VII – Legal and Social Protection of a Police Officer**

#### **Article 48 – Legal protection of a police officer**

1. When performing official duties, a police officer represents the state authority and he/she shall be protected by the State. Carrying out lawful instructions of a police officer shall be obligatory for everyone.
2. No one shall have the right to interfere in the official activities of a police officer, except as provided for by law.
3. Impeding, infringing honour and dignity, resisting, threatening, demonstrating violence and infringing upon the life, health or property of a police officer in performing his/her official duties shall result in liabilities as provided for by the legislation of Georgia.
4. A police officer shall refuse to carry out an obviously unlawful order or instruction if he/she knew or should have known about its unlawfulness, and shall act within the law.
5. A police officer shall inform the General Inspectorate of the Ministry or the prosecutor in the case of receiving an obviously unlawful order or instruction.
6. A police officer who refuses to carry out an obviously unlawful order or instruction shall not be held liable.
7. A person who issues an obviously unlawful order or instruction to a police officer shall be held liable under the legislation of Georgia.
8. A police officer shall have the right to resort to court to defend his/her rights and freedoms.



#### **Article 49 – Social protection of a police officer**

1. The State shall ensure social protection of a police officer.
  2. State mandatory health and life insurance of a police officer shall be ensured.
  3. During the period of being administered by the HR Department, a police officer shall retain his/her remuneration (salary) set for the last occupied position for two months.
  4. Damages inflicted on a police officer when performing his/her official duties shall be fully compensated from the State Budget of Georgia as provided for by the legislation of Georgia.
  5. Provision of pensions to police officers shall be ensured under the legislation of Georgia.
  6. The terms and conditions for providing medical service to a police officer and his/her family member (members) shall be defined by the Minister.
  - 6<sup>1</sup>. Medical provision of employees of the Ministry and the State Security Service of Georgia, their family members, persons dismissed from the Ministry and the State Security Service of Georgia (beneficiaries of the state compensation), and students of an educational institution/division of the Ministry and the State Security Service of Georgia, as well as their health status examination while doing service (including upon recruitment or dismissal) shall be ensured by the Legal Entity of Public Law operating within the Ministry – the Healthcare Service of the Ministry of Internal Affairs of Georgia.
  7. A lump sum allowance, other additional measures of social protection, and privileges may be allotted for a police officer by an order of the Minister.
  8. A state-owned apartment, house, auxiliary facilities and land attached to them, which represent the property of the Ministry, may be transferred to a police officer to live in under an individual administrative and legal act of the Minister.
- Law of Georgia No 3922 of 8 July 2015 – website, 15.7.2015*

#### **Article 50 – Death of a police officer during performance of official duties**

1. If a police officer is killed while performing his/her official duties, except as provided for by paragraph 1<sup>1</sup> of this article, a lump sum allowance of not more than GEL 15 000 (fifteen thousand laris) and GEL 500 (five hundred laris) for burial (grave decoration) expenses shall be provided to the family (heir) of the police officer from funding allocated to the Ministry of Internal Affairs of Georgia from the State Budget of Georgia based on an act issued by the Minister. Burial expenses of a police officer shall be covered by the State.
  - 1<sup>1</sup>. If a police officer is killed or dies from received wounds while performing his/her official duties, in particular when taking preventive measures under this Law, restraining an offence, seizing a criminal, combatting crime, protecting public order and/or fighting during combat operations, attacking in connection with his/her official activities, or saving lives, health and/or property of people, a lump sum allowance of GEL 100 000 (one hundred thousand laris) and GEL 500 (five hundred laris) for burial (grave decoration) expenses shall be provided to the family (heir) of the police officer from funding allocated to the Ministry of Internal Affairs of Georgia from the State Budget of Georgia based on an act issued by the Minister. Burial expenses of a police officer shall be covered by the State.
  2. Within the limits of budget appropriations allotted to the Ministry, and in the case of budget savings, additional financial aid may be granted to a family member (heirs) or to an immediate dependant of a police officer who died while performing his/her official duties based on a legal act of the Minister.
  3. If a police officer is killed or dies from received wounds while performing his/her official duties, a state compensation shall be granted to his/her family members under the Law of Georgia on State Compensation and State Academic Stipends.
- Law of Georgia No 3895 of 3 July 2015 – website, 10.7.2015*

#### **Article 51 – Health damage of a police officer when carrying out official duties**

1. In the case of injury to the health of a police officer while carrying out official duties, the police officer shall be granted a lump sum allowance based on an individual administrative legal act of the Minister. The amount of the lump sum allowance shall be defined in the following amount based on the degree of severity of the injury:
  - a) in the case of severe injury to health – GEL 7 000 (seven thousand laris);
  - b) in the case of less severe injury to health – GEL 4 000 (four thousand laris);
  - c) in the case of a light injury to health – GEL 2 000 (two thousand laris);
2. If injury to the health of a police officer while carrying out official duties makes it impossible for the police officer to duly carry out his/her official duties, the Ministry shall ensure employment of the police officer within the system of the Ministry at a position relevant to his/her personal and professional skills, education, and health condition.
3. If in the cases provided for in the second paragraph of this article the Ministry cannot provide employment of the police officer due to objective reasons, the police officer shall receive monthly compensation in the full amount of the sum set for the last occupied position, for an unemployment period, but not exceeding one year.
4. The degree of severity of health injury of a police officer shall be determined according to the law.

#### **Article 52 – Working hours of a police officer**





1. Irregular working hours shall be determined for a police officer.
2. A special working regime may be declared for a specific period of time, and in particular cases, within the system of the Ministry or its individual structural units, on the basis of an individual administrative legal act of the Minister. In the case of a special working regime, police officers shall stay at their usual working places. A police officer shall have the right to leave a working place only with the permission of his/her direct superior.
3. The Ministry shall shift to a special working regime if martial law or an emergency situation is declared.

#### **Article 53 – Leave of a police officer**

1. The length of annual paid leave of a police officer shall be 30 calendar days.
2. The length of annual paid leave shall be 35 calendar days for a police officer with working experience of more than five years at the Ministry, and 40 calendar days for a police officer with working experience of more than 10 years.
3. The leave of a police officer may be discontinued and he/she summoned to proceed with his/her work in the case of service needs.

#### **Article 54 – Salary of a police officer**

1. Salary (monetary remuneration) of a police officer shall consist of remunerations for the position occupied and the rank awarded.
2. In addition to his/her salary, a police officer may be granted a sum additional to the salary (monetary remuneration) and compensation.
3. The Minister shall determine the amount, procedure, and conditions of paying salaries (remuneration for the position occupied and for the rank awarded) and the sum additional to salaries (monetary remuneration) and compensation of a police officer.

### **Chapter VIII – Financial and Logistical Support of the Police**

#### **Article 55 – Financial and logistical support of the Police**

1. Structural sub-units of the Ministry, its territorial bodies, and the state sub-agency within the Ministry–Border Police of Georgia, shall be funded from the State Budget of Georgia. Legal entities under public law (LEPLs) within the Ministry shall be funded according to the legislation of Georgia.
2. If a police officer, when carrying out his/her official duties, uses state or personal transportation means, fuel for the transportation means shall be provided by the Ministry under an individual administrative legal act of the Minister.

### **Chapter IX – Control of Police Activity**

#### **Article 56 – Appealing against an action of a police officer**

1. A person who believes that his/her rights and freedoms have been violated by action of a police officer shall have the right to appeal against that action to a superior official, the Prosecutor's Office, or to the court as provided for by the legislation of Georgia.
2. A preventive measure of the Police that has been carried out in the form of an individual administrative legal act or an administrative real act shall be appealed under the administrative legislation of Georgia to the administrative body that has carried out the measure, if there is an official superior to the official who has carried out the measure. A police measure carried out by a chief police officer shall be appealed to the superior administrative body. The decision made on the appeal shall be subject to review by the courts of Georgia of general jurisdiction according to administrative legal proceedings.
3. A police measure carried out on the basis of the norms of administrative offences or criminal law shall be appealed as determined by the legislation of Georgia.
4. An administrative legal act and administrative real act of the Minister shall be appealed to the court according to the Administrative Procedure Code of Georgia.

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

1. Activities of a police officer and other employees of the Ministry shall be controlled by the General Inspectorate of the Ministry.
2. The General Inspectorate of the Ministry is independent in its activity and it is inadmissible for other structural units or officials of the Ministry to interfere with its activity. The General Inspectorate of the Ministry is directly accountable to the Minister who supervises it under the legislation of Georgia.
3. The authority of the General Inspectorate of the Ministry shall apply to structural sub-units within the Ministry, territorial bodies, a state sub-agency under the Ministry– the Border Police of Georgia, and legal entities of public law (LEPLs) operating under the Ministry.
4. The General Inspectorate of the Ministry shall:
  - a) within the system of the Ministry, as determined by the legislation of Georgia, detect and respectively respond to the



facts of unlawful actions that violate the norms of the Code of Police Ethics and Disciplinary Statute of the Employees of the Ministry of Internal Affairs of Georgia;

b) control financial-economic activities of the divisions within the Ministry, examine the legality and expediency of management of material and financial resources by the divisions;

c) identify and prevent reasons facilitating violation of the legislation of Georgia by the employees of the Ministry, reveal the violations and shortcomings in the activities of the divisions within the system of the Ministry, and develop relevant recommendations to eliminate the identified shortcomings and their reasons;

d) perform other functions as defined by an order of the Minister.

5. If elements of offence are identified in carrying out of actions under paragraph 4 of this article, the General Inspectorate of the Ministry shall immediately, according to investigative jurisdiction, forward the relevant materials to the General Prosecutor's Office of Georgia or to the Special Investigation Service.

*Law of Georgia No 3284 of 21 July 2018 – website, 9.8.2018*

*Law of Georgia No 3801 of 30 November 2018 – website, 13.12.2018*

*Law of Georgia No 4256 of 27 December 2018 – website, 29.12.2018*

*Law of Georgia No 4898 of 28 June 2019 – website, 28.6.2019*

*Law of Georgia No 1324 of 30 December 2021 – website, 13.1.2022*

### **Article 58 – State control of activities 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 shall be exercised on the basis of parliamentary, presidential, governmental, financial, and prosecutorial supervision as provided for by the legislation of Georgia.

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

1. A police officer and other employees of the Ministry shall be liable for committing an administrative offence and crime as provided for by the legislation of Georgia.

2. An employee of the Ministry who is detained, arrested, or convicted for committing a crime shall be placed or shall serve the sentence isolated from other special contingents.

3. The following forms of administrative punishment shall be applied against employees of the Ministry of violation of work-related discipline:

a) rebuke;

b) reprimand;

c) severe reprimand;

d) deprivation of the Ministry badge;

e) demotion of a special or military rank by one level;

[e) demotion of a special rank by one grade; (Shall become effective from 1 January 2025)]

f) demotion to a lower a position;

g) dismissal.

4. The procedure for imposing disciplinary punishment against an employee of the Ministry and his/her removal shall be determined by the Minister.

5. The liability for compensation of damages suffered by a police officer while carrying out official duties shall be regulated by Chapter XIV of the General Administrative Code of Georgia.

*Law of Georgia No 3515 of 21 September 2023 – website, 12.10.2023*

## **Chapter X – Transitional and Final Provisions**

### **Article 60 – Transitional provisions**

1. The Government of Georgia shall ensure the following before 1 January 2014:

a) (Deleted – 21.7.2018, No 3270).

b) adoption of Ordinance of the Government of Georgia on Approving the Procedure for Using Arms by Border Police Coast Guard Vessel (Boat) against Illegally Sailing Vessels;

c) development of the list of the territories and objects subject to the special regime.

1<sup>1</sup>. The Government of Georgia shall ensure adoption of the Ordinance of the Government of Georgia on Approval of the Procedure for Setting Up of the Joint Maritime Operations Centre of the Executive Authorities of Georgia Related to the Observance of the State Border Regime and the Protection of the State Border Protection Facilities and for Information Management to Ensure Control of the Legal Regime of Maritime Space of Georgia, before 1 September 2018.

1<sup>2</sup>. The Government of Georgia shall ensure the adoption of the following ordinance before 1 March 2020: on the technical characteristics of the automatic photo and video equipment and the rules of their operation, as well as the approval of the list of those buildings, on the outer perimeter of which it is mandatory to place / install automatic photo and/or video equipment.

2. The Minister shall approve the following before 1 January 2014:



- a) the procedure for serving at the Ministry;
- b) the procedure for serving at the state sub-agency – Border Police of Georgia within the Ministry;
- c) the text of a police officer's oath;
- d) the Code of Police Ethics;
- e) the procedure for determining social protection and material support for employees of the Ministry;
- f) the procedure for determining social protection and material support for employees of LEPLs operating within the Ministry;
- g) the procedure for determining the salary (remuneration for a position and a rank) and additional pay within the system of the Ministry;
- h) terms and conditions for providing fuel for the transportation means of the Ministry;
- i) disciplinary statute for Ministry employees;
- j) the procedure for recruitment and service of conscripts with the Police;
- k) the instruction of turnover of weaponry and its control within the Ministry;
- l) the procedure for keeping, carrying, and using special means in the arsenal of the Police;
- m) uniforms and attributes of Ministry employees;
- n) samples of badges, Ministry medallions and medals and the procedure for awarding badges, Ministry medallions and medals;
- o) temporary instructions on protecting the collection of financial resources, precious metals, and other valuables by employees of the LEPL Security Police Department operating within the Ministry;
- p) a list of firearms, ammunition, and equipment in the arsenal of the state sub-agency within the Ministry – Border Police of Georgia;
- q) forms of reports for identifying a person, for interviewing an invited person, and for frisk and search of a vehicle.

3. The Ministry shall ensure carrying out the measures necessary for enactment of this Law.

4. A person who has been recognised by court as legally incompetent may not be employed by the police until his/her individual examination is conducted.

5. The Minister shall issue the order under Article 17(2)(b) of this Law before 1 March 2016.

6. The Minister shall approve the procedure for placing self-operating photo and video devices, and a nonstationary (mobile) speedometer on a transportation vehicle without appropriate identification signs, in possession of the police, and using them, also for data processing, before 1 July 2017.

*Law of Georgia No 3346 of 20 March 2015 – website, 31.3.2015*

*Law of Georgia No 4627 of 11 December 2015 – website, 29.12.2015*

*Law of Georgia No 713 of 21 April 2017 – website, 10.5.2017*

*Law of Georgia No 3270 of 21 July 2018 – website, 31.7.2018*

*Law of Georgia No 5613 of 19 December 2019 – website, 24.12.2019*

## **Article 61 – Final provisions**

1. The following shall be declared invalid:

a) The Police Law of Georgia of 27 July 1993 (The Gazette of the Parliament of Georgia, No 9, 1993, Art. 187);

b) The Border Police Law of Georgia of 27 December 2006 (The Legislative Herald of Georgia, No 49, 29.12.2006, Art. 377).

2. This Law, except for the Articles 1-59 and Article 61(1), shall come into force upon promulgation.

3. Articles 1-59 and Article 61(1) of this Law shall come into force as from 1 January 2014.

**President of Georgia**

**Kutaisi**

**4 October 2013**

**N 1444-I b**

**M. Saakashvili**

