

EU-projekt: Podrška Pravosudnoj akademiji: Razvoj sustava obuke za buduće suce i državne odvjetnike

EU-project: Support to the Judicial Academy: Developing a training system for future judges and prosecutors

*Please note that the translation provided below is only provisional translation and therefore does NOT represent an official document of the Republic of Croatia. It confers no rights and imposes no obligations separate from those conferred or imposed by the legislation formally adopted and published in Croatian language.*

Unofficial consolidated text includes:

NN 129/00

NN 41/08

Last check: 19.12.2008.

# THE LAW ON POLICE

## ZAKON O POLICIJI

### I. INTRODUCTORY PROVISIONS

#### Article 1

This Law regulates the police tasks, the organisation of the police force, the police powers, and the labour status of the police officers of the Ministry of the Interior.

#### Article 2

The police force is a public service of the Ministry of the Interior, which performs certain tasks prescribed by law (hereinafter: police tasks).

The police force provides to the citizens the protection of their fundamental constitutional rights and freedoms, and the protection of other values protected by the Constitution, in accordance with this Law and other regulations.

The Ministry of the Interior (hereinafter: Ministry) also performs, besides the police tasks, other tasks relating to the internal affairs determined by law.

### Article 3

The police tasks determined by this Law are as follows:

1. protection of life, rights, safety and inviolability of a person;
2. protection of property;
3. prevention and revealing of criminal acts, misdemeanours and offences;
4. searching for perpetrators of criminal acts, misdemeanours and offences and their taking to the competent authorities;
5. control and regulation of the road traffic;
6. tasks relative to the movement and stay of aliens;
7. control and securing of the state border;
9. other tasks defined by law.

The police tasks are performed by the police officers of the Ministry at the headquarters as well as in the regional organisational units.

### Article 4

The police undertake urgent measures necessary for the elimination of direct danger to citizens and property in cases when it is not possible for the competent authorities to undertake those measures in due time.

In case of general alert caused by a natural disaster or an epidemic disease, the police shall provide assistance to state administration bodies, local and regional self-government units as well as to legal and natural persons.

### Article 5

If justified reasons exist for expecting resistance to the enforcement of the legal instruments passed by state administration bodies and legal persons vested with public powers, the police shall provide assistance to those bodies in order to secure the implementation of the enforcement.

Heads of police administrations shall decide upon the manner of providing assistance and notify about it the submitter of the request two days before the requested assistance at the latest.

### Article 6

When a natural or a legal person files a report against a police officer or an organisational unit, considering that his/her rights had been violated by an unlawful or improper activity performed by a police officer, the submitter of the report shall be notified about the state of facts and the measures undertaken within 30 days as of the day of the receipt of the report.

### Article 7

The Minister of the Interior is obliged to submit to the House of Representatives of the Croatian Parliament written reports on the conducting of police tasks at least once a year, and - upon request and regarding particular cases - even more frequently to the Committee for Internal Policy and National Security of the House of Representatives of the Croatian Parliament.

#### Article 8

At the request of a citizen, the police shall, directly or through media, provide information on the events and phenomena within the scope of their competence, which are of interest to citizens, as well as on the measures undertaken in connection with them.

The police shall directly inform citizens and legal persons on the issues within the scope of their competence, for the solution of which justified interest exists.

The Minister or a person authorised by him/her provides the reports and information referred to in Paragraphs 1 and 2 of this Article.

The providing of the information referred to in Paragraphs 1 and 2 of this Article shall be denied or postponed in case of a state, military, official or business secret.

#### Article 9

In undertaking measures aimed at the realisation of the safety of citizens and property, the police shall co-operate with the bodies of local and regional self-government units as well as with self-government units.

The police shall co-operate with other authorities, organisations, communities, non-governmental organisations, associations of citizens and self-organised citizens, with the aim of developing partnership in preventing or revealing unlawful behaviour and the perpetrators.

For the realisation of the aims referred to in Paragraphs 1 and 2 of this Article, co-ordinating bodies may be established.

#### Article 10

A police officer is at any time obliged to undertake necessary measures for the protection of life and personal safety of people and property.

## II. ORGANISATION OF THE POLICE

#### Article 11

In order to provide working conditions, the Ministry of the Interior:

1. determines the personnel and educational needs;

2. issues developmental, organisational and other fundamental guidelines relative to work;
3. creates the plans for the use of material and financial means;
4. creates and implements the plans for the setting up and use of an information system;
5. creates and implements the plans for the setting up of a radio-communication and a telecommunication system;
6. creates and implements the plans for the setting up and use of a safety-protected cryptology system;
7. defines the needs and acquires technical means;
8. organises international co-operation;
9. conducts certain tasks related to the Police College;
10. organises and performs internal control activities;
11. performs other tasks determined by law.

## Article 12

For the purpose of performing police tasks, the General Police Directorate (hereinafter: General Directorate) shall be established at the Ministry as an administrative organisation within the Ministry.

The tasks of the General Directorate are as follows:

1. observing and analysing of the security situation and the phenomena favourable to the emergence and development of crime;
2. harmonisation, directing and control of the operating of police administrations;
3. direct participation in performing certain complex tasks within the scope of competence of police administrations;
4. taking care of the implementation of international agreements on police co-operation and other international instruments that fall within the scope of its competence;
5. organising and conducting criminal expertise;
6. establishing the conditions for the operating of the Police Academy;
7. defining the standards for equipment as well as the material and technical means;
8. in conformity with special regulations, taking care of the preparedness of the police for acting in emergency situations.

**The General Directorate shall be managed by the Director General.**

The Government of the Republic of Croatia, at the proposal of the Minister of the Interior, appoints and acquits the Director General.

## Article 13

For the purpose of performing the tasks referred to in Article 3 of this Law, police administrations are established in the territory of the Republic of Croatia.

According to the size of the area, the number of inhabitants, the number of criminal acts, misdemeanours and offences, the characteristics of traffic roads and the geographical position, police administrations are classified in four categories.

The Government of the Republic of Croatia determines – by the Decree on the Internal Organisation of the Ministry of the Interior - the category of a particular police administration.

#### Article 14

In performing the police tasks referred to in Article 3 of this Law, in the area for which it has been established a police administration:

1. observes and analyses the security situation and the phenomena favourable to the emergence and development of crime;
2. organises, harmonises, directs and controls the operating of police stations;
3. directly participates in performing certain complex tasks within the scope of competence of police stations;
4. performs and implements the defined measures regarding border control and the securing of the state border;
5. undertakes measures for the protection of particular persons and buildings;
6. performs other tasks regulated by special regulations.

A police administration is managed by the head of the police administration.

The heads of regional police administrations shall be appointed and acquitted by the Minister of the Interior (hereinafter: Minister), at the proposal of the Director General.

Before submitting the proposal, the Director General will request the opinion of either the County Assembly or the Assembly of the City of Zagreb respectfully.

#### Article 15

For the purpose of the immediate performing of police tasks as well as other tasks, police stations are established within police administrations.

According to the indicators referred to in Article 13, Paragraph 2 of this Law, police stations are classified in three categories.

The Government of the Republic of Croatia determines – by the Decree on the Internal Organisation of the Ministry of the Interior - the category of a particular police station.

A police station is managed by the head of the police station.

The heads of regional police stations shall be appointed and acquitted by the Director General, at the proposal of the head of the police administration.

### III. POLICE POWERS

#### Article 16

The police powers prescribed by this Law are as follows:

1. to verify and establish the identity of persons and objects;
2. to summon;
3. to take in;
4. to search for persons and objects;
5. to temporarily restrict the freedom of movement;
6. to give warnings and orders;
7. to temporarily dispossess objects;
8. to perform polygraph testing;
9. to inspect premises, areas, buildings and documentation;
10. to inspect persons, objects and means of transportation;
11. to secure and inspect venues;
12. to register reports;
13. to publicly announce awards;
14. to record in public places;
15. to use the means of coercion;
16. to protect the victims of criminal acts and other persons;
17. to gather, process and use personal data.

The police powers referred to in Paragraph 1 of this Article are applied by a police officer.

#### Article 17

The Ministry of the Interior (hereinafter: Ministry) issues a police badge and the official identity card to a police officer.

A police officer is obliged to wear a uniform while performing the tasks of maintaining law and order, controlling and managing the road traffic, controlling and protecting the state border, or while performing other tasks according to the rules on the police conduct.

In accordance with the order received from the superior officer, a police officer may perform the tasks referred to in Paragraph 2 of this Article without wearing the uniform.

#### Article 18

A police officer is obliged to carry the weapons and ammunition.

A police officer shall use the weapons and ammunition, as well as other means of coercion, in conformity with the conditions defined by this Law.

#### Article 19

While applying police powers, a police officer is obliged to behave in a human way and respect the dignity, reputation and honour of every person, as well as other fundamental human rights and freedoms.

## Article 20

Before a police officer starts applying police powers, he/she is obliged to identify himself/herself by presenting his/her police badge and the official identity card.

A police officer shall – in exceptional cases - not identify himself/herself in the way referred to in Paragraph 1 of this Article if the actual circumstances relative to the application of the police power imply that this might jeopardise the achieving of its legitimate aim. In such a case, the police officer shall, during the performing of the police power, announce his/her status by uttering the word “Police!”

As soon as the circumstances referred to in Paragraph 2 of this Article cease to exist, a police officer shall identify himself/herself in the way referred to in Paragraph 1 of this Article.

## Article 21

The application of a police power must be proportional with the need for the reason of which it is undertaken.

The application of a police power must not cause consequences more harmful than the ones that would have been caused if the police power had not been applied.

Applied shall be the police power, by the means of which the lawful aim may be achieved with the least harmful consequences and within the shortest possible time.

## Article 22

A police officer shall apply police powers according to his/her own decision as well as upon the order received from the superior officer and from the competent authority.

A police officer is obliged to enforce the order received from the superior officer and from the competent authority, but shall not enforce it if he/she would thereby commit a criminal act.

## Article 23

A police officer shall apply the powers defined by this Law against military personnel also, unless prescribed otherwise by a special regulation.

A police officer is obliged to immediately notify the Military Police about the procedure referred to in Paragraph 1 of this Article.

## Article 24

Police powers shall be applied against minors and younger full-age persons as well as in cases regarding the criminal-law protection of children and minors by police officers specially trained for combating juvenile delinquency.

In exceptional cases, if the circumstances relative to a particular case prevent a police officer specially trained for combating juvenile delinquency from applying police powers, another police officer shall apply them.

Police powers shall be applied against minors in the presence of either one of his/her parents or his/her guardian, except in cases in which it is not possible due to special circumstances or the impossibility to postpone the procedure.

### *1. Verifying and establishing the identity of persons and objects*

#### Article 25

A police officer is empowered to verify the identity of a person:

1. who is to be arrested, taken in, detained or sent to the competent state administration bodies;
2. who represents a threat requiring police action;
3. who is subject to inspection or search, or against whom other measures and activities prescribed by law are undertaken;
4. who is caught in another person's home, a building or other premises, or in a vehicle subject to inspection or search, if the verification of identity is necessary;
5. who is caught in an area or a building in which the freedom of movement is temporarily restricted, if the verification of identity is necessary;
6. who reports the commission of a criminal act, misdemeanour or offence, or the perpetrators of those acts, or who provides information of interest for police activities;
7. who, by the way in which he/she behaves, raises suspicion that he/she is a perpetrator of a criminal act, misdemeanour or offence, or that he/she intends to commit it, or who, by his/her physical appearance, resembles a person searched for;
8. who is caught at the venue of the commission of a criminal act, misdemeanour or offence;
9. who is found in a place where it is necessary, for security reasons, to establish the identity of all persons or of the majority of persons;
10. at a justified request of the official persons from state administration bodies, or of legal or natural persons.

A justified request referred to in Paragraph 1, Point 10 of this Article includes any request, from which it is obvious that official persons need data of that nature in order to act in conformity with law, or that a right of a natural person had being violated.

A police officer shall inform the person about the reason for which the verification of his/her identity is necessary.

#### Article 26

The verification of a person's identity shall be performed by the means of the inspection of his/her identity card or another public document, containing a photograph.

In cases exceptional from Paragraph 1 of this Article, the verification of identity may be performed on the basis of a statement given by the person whose identity is verified.



## Article 27

The power to establish the identity shall be applied towards a person who either does not possess a document referred to in Article 26, Paragraph 1 of this Law, or if there is doubt in regard to the authenticity of that document.

The identity shall be established by the use of either the methods and means of criminal tactics and technique, or of medical or other appropriate expert analysis.

In order for the identity of a person to be established, the Ministry is authorised to publicly release a composite picture, drawing, recording or a description of the person.

When there is no possibility for the identity to be established in another way, The Ministry is authorised to release a photograph either of a person who is not able to give his/her personal data, or of the dead body of an unknown person.

## Article 28

The power to establish and verify the identity of an object shall be applied when it is necessary, in the course of the procedure, to establish the characteristics and distinctive features of the object as well as the correlation between a person or an event and the object.

The Ministry is authorised to publicly release a picture, drawing, recording or a description of an object if it is of significance for a successful conducting of the procedure of establishing the identity of the object.

## *2. Summoning*

### Article 29

It is allowed to summon for an interview a person, who is reasonably assumed to have information necessary for performing the police tasks referred to in Article 3, Paragraph 1, Points 1 to 4 of this Law.

The summons must contain the title, place and address of the organisational unit of the Ministry, as well as the reason, venue and time of summoning.

The person, who appeared, or was brought in under coercion, but refuses to give information, must not be summoned repeatedly for the same reason.

An acknowledgement of delivery (a delivery note) shall be written on the delivery carried out.

### Article 30

A person, who is at home, may be summoned between 6 a.m. and 10 p.m.

In exceptional cases, if there is a risk of delay, a police officer is empowered to summon the person, who is to give information, outside the time referred to in Paragraph 1 of this Article.

#### Article 31

In exceptional cases, a police officer is empowered to summon a person verbally or by using an appropriate telecommunication means, and obliged to inform him/her, on that occasion, of the reason of the summoning; with the person's consent, he/she may drive the person to the official premises.

Persons may exceptionally be summoned through media if it is very necessary because of the risk of delay or the security of the procedure, or when a large number of persons are summoned.

Minors shall be summoned by the means of the delivery of a written summons to a parent or the guardian.

### *3. Taking in*

#### Article 32

A person may be taken in on the basis of a written order issued by a court.

For the purposes of Paragraph 1 of this Article, persons may be taken to the premises of the Ministry, another competent state administration body or a venue set in the order.

A police officer is obliged to hand in the order referred to in Paragraph 1 of this Article to the person, who is to be taken in.

A police officer shall not hand in the order referred to in Paragraph 1 of this Article to the person, for whom it may be reasonably suspected that he/she will offer resistance.

A person may be taken in between 6 a.m. and 10 p.m.

In exceptional cases, when taking in is necessary for performing police tasks that must not be delayed, a person may be taken in outside the time referred to in Paragraph 5 of this Article.

If taking in has to be performed within the county in which the person has been caught, it may be undertaken six hours before the fixed time at the earliest. When taking in has to be performed outside the county where the person has been caught, it may last not longer than twenty-four hours.

#### Article 33

A police officer shall, without a written order, take in a person:

1. whose identity has to be established,
2. for whom search has been officially proclaimed.

#### Article 34

The provisions on taking in shall be applied neither against a person, whose mobility is severely aggravated due to a illness, exhaustion or pregnancy, nor against a person, for whom it may be reasonably suspected that his/her health might deteriorate considerably as a result of taking in. The above facts must be reported to the authority that had issued the order for taking in.

The provisions on taking in shall not be applied against a person, who performs tasks of such a nature that they must not be interrupted as long as an appropriate replacement is ensured.

#### Article 35

A police officer is obliged to notify the person, who is to be taken in, of the reasons for his/her taking in, of his/her right to inform the family or other persons, as well as of his/her right to a defence lawyer.

#### *4. Search for persons and objects*

#### Article 36

The police are empowered to conduct the measures of search for persons and objects.

The measures of search, referred to in Paragraph 1 of this Article, are search and announcement.

A search is officially proclaimed for:

1. a person, for whom there is reasonable doubt that he/she had committed a criminal act, misdemeanour or offence, or a person, who can provide information about a criminal act, misdemeanour or offence, or about a perpetrator;
2. a missing person;
3. a person, who are declared wanted in accordance with a special law.

An announcement is officially proclaimed:

1. to establish the domicile or residence of persons, in accordance with a special law;
2. to establish the identity of a person, who is not capable of giving his/her personal data, or of a dead body of a person, whose personal data cannot be established;
3. to find objects related to a criminal act, misdemeanour or offence, in accordance with special regulations, or the objects found or missing;
4. to dispossess objects or documents on the basis of a decision rendered by either a court or a state administration body.

#### *5. Temporary restriction of the freedom of movement*

#### Article 37

The movement of a person in a particular area or building may, in conformity with law, be temporarily restricted in order to:

1. prevent the committing of criminal acts, misdemeanours or offences;
2. find and capture the perpetrators of criminal acts, misdemeanours or offences;
3. find and capture the persons searched for;
4. find traces and objects that may serve as evidence that a criminal act, misdemeanour or offence had been committed.

The temporary restriction of the freedom of movement may not continue after the achieving of the aim due to which it was applied.

#### Article 38

A police officer is, moreover, empowered to temporarily restrict the movement and stay in a particular area or building in cases of endangered safety caused by natural disasters, epidemic diseases and in other cases of endangered safety of persons and property (safety inspection), for as long as the endangerment lasts.

For the purpose of achieving the aims referred to in Paragraph 1 of this Article, a police officer is empowered to remove (evacuate) persons.

#### Article 39

The measures of search referred to in Article 36 of this Law, and the temporary restriction of the freedom of movement referred to in Article 37 of this Law, shall be conducted through criminal-tactical actions (search, inspection of particular buildings and premises, ambush, raid and blockade of traffic and other areas).

### *6. Giving warnings and orders*

#### Article 40

A police officer shall warn a person who, by his/her behaviour, activity or failing to perform an activity, might endanger his/her own safety or the safety of other persons or property, breach law and order or threaten the road traffic safety, or in case there is reasonable doubt that the person might commit, or provoke another person to commit, a criminal act, misdemeanour or offence.

#### Article 41

Orders are given:

1. to eliminate danger to life and personal safety of citizens;
2. to eliminate danger to property;

3. to prevent the committing of criminal acts, misdemeanours and offences, to capture their perpetrators, and to find and secure the traces of those acts, which may serve as evidence;
4. to maintain law and order or to re-establish the breached law and order;
5. for the reasons of the road traffic safety;
6. to deny access or stay in an area or building, in which it is not permitted;
7. to prevent and eliminate the consequences in case of general alert caused by natural disasters, epidemic diseases or other forms of jeopardy to public safety.

#### Article 42

Warnings and orders shall be given verbally, in writing or in some other appropriate way (by optical and sound signals, by hand, etc.)

#### *7. Temporary dispossession of objects*

#### Article 43

A police officer shall temporarily dispossess an object:

1. when the circumstances of the case indicate that a certain object is intended to be used for the committing of a criminal act, misdemeanour or offence;
2. when the dispossession of an object is necessary for the protection of public safety;
3. which is in the possession of a person, who has been deprived of freedom, and who might use it for self-injuring, assault or escape.

A police officer is obliged to issue a receipt on the temporary dispossession of an object. The receipt must contain the characteristics of the dispossessed object that make it different from other objects, and the data on the person from whom the object had been dispossessed.

#### Article 44

When the keeping of temporarily dispossessed objects in police premises is either not possible, or linked with significant difficulties, due to the features of the objects, the temporarily dispossessed objects may be deposited or secured in an appropriate way until a decision is rendered by the competent authority.

When the reasons for the temporary dispossession of an object cease to exist, the temporarily dispossessed object shall be returned to the person from whom it had been dispossessed, unless otherwise prescribed by another law or the decision of the competent authority.

#### Article 45

When neither any court nor any other administration body is competent for further procedure, the police are empowered to sell the temporarily dispossessed objects if:

1. the objects are in danger of decay or considerable loss of value;

2. the keeping and maintenance of the objects are linked with disproportional expenses or difficulties.

A temporarily dispossessed object may be sold if the person invited does not take it over within a determined period of time, which must not be shorter than one month, and after the person had been informed that the object would be sold unless taken over.

Temporarily dispossessed objects shall be sold at a public auction.

If a temporarily dispossessed object could not be sold at a public auction or if it is obvious that the auction expenses would be disproportionate with the amount gained by sale, or if the object is in danger of decay, the temporarily dispossessed object shall be sold in free sale.

When a buyer cannot be found within the term of one year, the temporarily dispossessed object may be either used for public welfare or destroyed.

The means gained by the selling of the temporarily dispossessed object are considered revenue of the state budget.

## *8. Polygraph test*

### Article 46

A police officer is empowered to perform a polygraph test on a person, from whom information is requested, after having previously informed the person about the device and after received a written consent from the person.

A police officer is obliged to stop performing the polygraph test in case the person, from whom information is requested, states, after having given his/her written consent, that he/she wants to withdraw it.

### Article 47

A polygraph test must not be performed on:

- a person under the influence of alcohol, narcotic drugs or other psychoactive substances,
- a person suffering from a serious cardiac illness,
- a person under stress,
- a person taking sedatives,
- a person showing obvious signs of a mental illness or disturbance,
- a person feeling intensive physical pain,
- a pregnant woman or a child-bearing woman.

## *9. Inspection of premises, buildings and documentation*

### Article 48

A police officer is empowered to enter business premises and perform the inspection of the premises and the documentation with the purpose of:

- finding the perpetrator of a criminal act, misdemeanour or offence;
- appropriate conduct upon notification of the presence of an explosive or some other dangerous situation.

#### *10. Inspection of persons, objects and means of transportation*

##### Article 49

A police officer is empowered to inspect a person, an object carried on the person and a means of transportation, when it is necessary in order to find devices that might be used for an assault or self-injuring.

The inspection of a person for the purposes of Paragraph 1 of this Article consists of the examination of the contents of his/her clothes and footwear.

The inspection of a means of transportation for the purposes of Paragraph 1 of this Article consists of the examination of all open or closed spaces of the means of transportation or of the objects transported on them.

The inspection of objects carried on a person consists of the examination of the object the person has on him/her, or which is in his/her immediate vicinity, or the objects of the person, upon whose order and accompanied by whom, it is being transported.

The inspection of a person must be performed by a person of the same sex, except in the cases when an urgent examination of a person is necessary in order to dispossess him/her of a weapon or other objects adequate for an assault or self-injuring.

While conducting the inspection, police officers may use technical devices and service dogs.

In case of doubt as to whether the inspected person possesses - on him/her, in a means of transportation or in an object carried on him/her - objects which may serve as an evidence in criminal proceedings or misdemeanour proceedings, a police officer is empowered to detain the person until the search warrant is obtained, and in any event not longer than six hours.

#### *11. Securing and inspection of venues*

##### Article 50

Having learnt about the commission of a criminal act, a misdemeanour or an offence or any other event which requires direct observation to establish or clarify facts, a police officer is empowered to secure the venue until the arrival of an appropriate authority's official, inspect the venue to find or secure traces and objects which may serve as evidence, help to find the perpetrator and to gather information relevant to the criminal act, misdemeanour, offence or event.

A police officer is empowered, until the inspection is completed, and in any event not longer than six hours, to detain a person who, according to his/her estimation, may provide information significant for the clarification of the event or for undertaking rescue activities, if it is improbable that the information might be gathered later or if the presence of the person, who can undertake rescue activities, could not be ensured.

For the protection of the victims of criminal acts, misdemeanours, offences or events, or for the protection of the interest of a procedure, a police officer may forbid the recording of a venue.

## *12. Registering reports*

### Article 51

A police officer is obliged to register reports on committed criminal acts, pursued ex officio.

If, at the time of raising criminal charges or in the course of investigation, it is established that there is reason to suspect that it is a case of a criminal act pursued by civil suit or it is established that the event does not have characteristics of a criminal act, a police officer is obliged to inform the injured party thereof.

If a police officer receives a written or verbal report on a criminal act with a known perpetrator pursued by civil suit, he/she is obliged to inform the injured party thereof.

With the aim of establishing the perpetrator of a criminal act referred to in Paragraphs 2 and 3 of this Article, a police officer is obliged, at the request of an injured party or other person authorised for submitting a civil suit, to undertake necessary actions, which they cannot undertake themselves.

The obligations referred to in Paragraphs 2, 3 and 4 of this Article refer to the cases in which there is reasonable doubt that a criminal act against a person's dignity and reputation had been committed.

## *13. Public announcing of awards*

### Article 52

The police are empowered to publicly announce a reward to be granted for information supplied for the purpose of:

discovering and arresting of a person who committed a criminal act;  
finding of a missing person;  
other justified cases, in which information supplied by citizens are necessary for the performing of tasks referred to in Article 3 of this Law.

The rewards may be announced either through the media or in another appropriate manner.

The person who supplies information for which a reward had been announced is not entitled to the latter in case the police already dispose of the same information.



#### *14. Recording in public places*

##### Article 53

Recording in public places implies permanent acoustic or video surveillance of public places in which criminal acts, misdemeanours or offences are committed repeatedly, with the aim of the prevention of such acts.

If the lives and health of people as well as property may be endangered during a public gathering, a police officer is empowered to perform video recording or photographing of the same public gathering.

The police must publicly announce their intention to carry out the activities referred to in Paragraphs 1 and 2 of this Article.

#### *15. Use of the means of coercion*

##### Article 54

For the purposes of this Law, the means of coercion are as follows: bodily force, truncheon, means for tying a person up, device for coercive stopping of a vehicle, service dogs, chemical agents, service horses, firearms, water jet device, special vehicles, special types of weapons and explosive devices.

The means of coercion may be used to protect human lives, to surmount resistance, to prevent escape or to reject an attack if the measures of warning and ordering do not guarantee success.

A police officer shall always use the mildest means of coercion that guarantees success.

The person, against whom the conditions are fulfilled for the use of the means of coercion, shall not be warned if the warning would jeopardise the performing of the official task.

#### USE OF BODILY FORCE

##### Article 55

For the purposes of this Law, the use of bodily force implies the use of various martial arts holds and similar actions on another person's body, the aim of which is to reject an attack or to surmount a person's resistance, with the least possible harmful consequences.

#### USE OF TRUNCHEON

##### Article 56

The use of truncheon is allowed if the milder forms of use of bodily force are ineffective or do not guarantee success.

## USE OF MEANS FOR TYING UP

### Article 57

The means for tying up may be used to:

1. prevent a person's resistance or reject an attack aimed at a police officer;
2. prevent a person from escaping;
3. prevent self-injuring or injuring of another person.

## USE OF DEVICE FOR COERCIVE STOPPING OF VEHICLES

### Article 58

The use of the device for coercive stopping of vehicles is allowed to:

1. prevent the escape of a person caught in committing a criminal act pursued ex officio;
2. prevent the escape of a person either deprived of liberty or for whom an order for deprivation of liberty has been issued;
3. prevent the illegal crossing of a state border in a vehicle;
4. prevent unauthorised access by a vehicle to a building or an area containing persons secured by a police officer.

## USE OF SERVICE DOGS

### Article 59

A service dog may be used as a means of coercion in the following cases:

1. when conditions for the use of bodily force or truncheon are fulfilled;
2. when conditions for the use of firearms are fulfilled;
3. when breached law and order is being restored.

In cases referred to in Paragraph 1, Point 2 of this Article, a service dog may be used without muzzle, whereas in the cases referred to in Points 1 and 3, it must be used only with muzzle.

## USE OF CHEMICAL AGENTS

### Article 60

Apart from the cases described in Article 67, Paragraph 1 of this Law, chemical agents may be used for forcing a person out of a closed area or for solving hostage situations.

## USE OF SERVICE HORSES

## Article 61

Service horses may be used as a means of coercion only to restore the breached law and order.

## USE OF FIREARMS AGAINST PERSONS

### Article 62

A police officer may use firearms if other means of coercion used already were inefficient or if they do not guarantee success.

A police officer may use firearms when there is no other way to:

1. protect his/her own life as well as the lives of other people;
2. prevent the committing of a criminal act for which a prison sentence lasting five years or more can be pronounced;
3. prevent the escape of a person caught committing a criminal act for which a prison sentence of more than ten years can be pronounced, or of a person for whom search on the grounds of having committed such a criminal act has been announced;
4. prevent the escape of a person, who has been arrested for the commission of criminal acts referred to in Point 3 or of a person for whom search on the grounds of having escaped from prison has been announced.

Before the use of firearms, a police officer shall verbally warn the person by uttering “Stop, it’s the police”, followed by the second warning “Stop or I’ll shoot!”

The warning referred to in Paragraph 3 of this Article shall not be given if this would jeopardise the performing of a police task.

### Article 63

The use of firearms is not allowed when it would jeopardise other persons’ lives, unless the use of firearms is the only means of defence from a direct assault or danger.

The use of firearms is not allowed against a minor, unless the use of firearms is the only way of defence from an assault or danger.

## USE OF MEANS OF COERCION AGAINST A CROWD

### Article 64

A police officer is empowered to order a group of persons to disperse if the group has gathered and is acting in an unlawful manner, so that it might provoke violence.

If the group does not disperse, the use of the following means of coercion is allowed:

1. special motor vehicles;
2. bodily force;
3. truncheon;
4. chemical agents;
5. water jets;
6. service dog;
7. service horse.

The measures referred to in Paragraph 1 of this Article may be used only upon the order given by the head of a police administration or a police officer authorised by him/her.

## USE OF SPECIAL TYPES OF WEAPONS AND EXPLOSIVE DEVICES

### Article 65

Special types of weapons and explosive devices may be used when conditions referred to in Article 62, Paragraph 2 of this Law are fulfilled, in case the use of other types of weapons is inefficient or does not guarantee success.

Special weapons and explosive devices may not be used for the purpose of preventing a person from escape.

Explosive devices may not be used against persons gathered in a crowd.

The Minister or a person authorised by him/her renders the decision on the use of special types of weapons and explosive devices.

## USE OF FIREARMS AGAINST ANIMALS

### Article 66

Firearms may be used against animals in case they represent an immediate danger of attack against a person's life and limb or a danger to the lives or health of people (infectious diseases, etc.).

Weapons may be used against ill and seriously injured animals when a veterinarian or another person is unable to undertake an appropriate measure.

## USE OF FIREARMS WHILE CHASING A VESSEL

### Article 67

In performing police tasks at sea and on inland navigation routes, a police officer has the right to use firearms if a chased vessel does not stop after having been given a visible or an audible signal to stop from a distance that, undoubtedly, makes the receipt of the signal possible.

During the chase, the crew of the chased vessel may be warned and scared by firing into the air, above the vessel.

In case the vessel does not stop even after the warning fire, firearms may be used against the vessel.

In cases referred to in Paragraphs 2 and 3 of this Article, a police officer - while using firearms - is obliged to preserve the lives of the crew of the chased vessel.

#### Article 68

If a police officer uses the means of coercion within the limits of his/her powers, he/she is excluded from the responsibility.

If criminal proceedings are conducted against a police officer on the grounds of having used the means of coercion or performed other activities while performing police tasks, the Ministry will provide the police officer with free legal assistance during the proceedings.

The Ministry will also provide with free legal assistance a citizen who helped the police officer, in case criminal proceedings were initiated against him/her on the grounds of an activity related to the providing of help.

### *16. Protection of the victims of criminal acts and other persons*

#### Article 69

As long as justified reasons for it exist, the police shall - by setting appropriate measures - protect a victim or another person who did or could supply information relevant for the criminal proceedings, or a person who is related to the persons mentioned, in case they are in danger either from the perpetrator or from other persons.

#### Article 70

When submitting a written report on the contents of the information, for the gathering of which the police are empowered in conformity with the law, a police officer is entitled to deny data on the identity of the person from whom he/she had received the information, in case – on the basis of his/her judgement – the revealing of the identity would expose the said person to serious danger relative to his/her life, health or physical integrity, or would thereby jeopardise his/her freedom or property.

The data on the identity of the person who submitted the information are considered official secret.

### *17. Gathering, processing and using of personal data*

#### Article 71

The police gather, process and use personal data as well as keep the records on personal and other data, for the gathering of which they are empowered by the means of this Law, in order to prevent and discover criminal acts, misdemeanours and offences as well as discover perpetrators of criminal acts, misdemeanours and offences.

#### Article 72

The police keep records on the following:

1. persons, who are deprived of liberty on any grounds (arrest, detention, taking in, etc.);
2. persons, for whom reasonable doubt exists that they had committed a criminal act, a misdemeanour or an offence;
3. committed criminal acts pursued ex officio, misdemeanours and offences as well as persons damaged by those acts;
4. criminal acts committed by unknown perpetrators and pursued by a civil suit;
5. persons and objects searched for, and persons who are forbidden to enter the territory of the Republic of Croatia;
6. verification of identity;
7. persons, who were subject to the establishing of identity, dactylographic procedure, DNA analysis and photographing;
8. operational reports, operational sources of information and persons under special police protection;
9. events;
10. means of coercion used;
11. citizen complaints.

#### Article 73

Figures on criminal acts, reported and injured persons as well as other figures may be used for statistical and analytical purposes at the Ministry.

The data referred to in Paragraph 1 of this Article may be given for use to competent expert and scientific bodies for scientific and research purposes.

In accordance with the rules on international police co-operation, personal data may be delivered to foreign police authorities and certain international organisations at their request.

#### Article 74

Personal data shall not be used contrary to the purpose prescribed either by this Law or by other regulations prescribing the protection of personal data.

#### Article 75

Personal data gathered and entered into records must be deleted immediately if found to be incorrect, or if the reasons or conditions, for which the personal data had been entered into the appropriate records, cease to exist.

Special regulations shall prescribe which personal data must be stored in the archive, and in that way kept as protected archive material.

#### Article 76

The data contained in records referred to in Article 72 may be given only to the person they refer to, from the time of their entering until their deleting from the records.

In exceptional cases, a person may obtain the information about the data contained in the records referred to in Article 72, Paragraph 1, Point 8, however only after the need for the use of the data had ceased to exist.

The police officer empowered for giving the data referred to in Paragraph 1 of this Article must always protect the identity of the person who supplied the information.

#### Article 77

Personal data entered into police records referred to in Article 72 of this Law shall be kept as follows:

1. in the records referred to in Point 1: three years either as of the rendering of the decision on conducting further proceedings against a person having been deprived of liberty, or after the person had been released;
2. in the records referred to in Point 2: five years as of the date the rehabilitation became effective by the force of law, under the condition that the person is not repeatedly reported;
3. in the records referred to in Point 3: five years as of the beginning of the limitation period for instituting criminal proceedings for a committed criminal act;
4. in the records referred to in Point 4: one year as of the beginning of the limitation period for instituting criminal proceedings for a committed criminal act;
5. in the records referred to in Point 5: until the person is found or it is established that further search is unnecessary;
6. in the records referred to in Point 6: two years after the process of the verification of identity had been performed;
7. in the records referred to in Points 7, 8 and 9: permanently;
8. in the records referred to in Point 10: ten years after the means of coercion had been used;
9. in the records referred to in Point 11: ten years after the receipt of a citizen's complaint.

#### Article 78

In conformity with the Law that regulates the protection of personal data, the state body competent for the protection of personal data carries out the control over the functioning of the information system, into which the records referred to in Article 72 of this Law had been deposited.

## IV. LABOUR RELATIONS

## *1. Application of regulations*

### Article 79

The regulations on civil servants apply to the status, rights, obligations and responsibilities of the police officers working at the Ministry, unless otherwise stipulated by this Law and the regulations passed on the basis of it.

## *2. Employment*

### Article 80

Apart from satisfying the general conditions necessary for the employment in the civil service, a person, who is to be admitted to the police force, must:

1. have completed at least the secondary level of education;
2. be under 25 years of age if he/she is to be employed at a secondary education post;
3. dispose of special mental and physical abilities, which can be proven by a certificate issued by an authorised medical institution;
4. have regulated the military service;
5. be worthy of performing police tasks.

The provision contained in Paragraph 1, Point 4, does not apply to women.

Unworthy of performing police tasks is a person who has been convicted for a criminal act committed either for personal gain or out of base motives, or a person, who has been punished for an offence against law and order of violent nature or any other offence that would make him/her unworthy of performing police tasks, as well as a person, whose earlier behaviour, habits or inclinations imply his/her unreliability for performing those tasks.

It shall be determined on the basis of a security check-up conducted by a competent police body whether a person is worthy of, or unreliable for, performing police tasks.

### Article 81

A person, whose employment at a state administration body or a legal person vested with public powers terminated due to a breach of official duty by means of an efficient decision of a competent body, shall not be admitted to the post of a police officer.

### Article 82

Police officers shall be admitted to the service by the means of competition.

The competition is not compulsory for the admittance to the police force in cases determined by the regulations on civil servants and employees.



The Government of the Republic of Croatia may – by passing a decree – determine the posts in the Ministry, which are to be filled up otherwise than by the means of a competition.

### *3. Ranks of police officers*

#### Article 83

An employee gains the status of a police officer by receiving a rank.

A police officer receives a rank depending on his/her level of education, years of service, post, having passed the examination for receiving rank and annual evaluations.

#### Article 84

Following ranks have been established for police officers:

Officer,  
Senior officer,  
Sergeant,  
Senior Sergeant,  
Inspector,  
Senior Inspector,  
Independent Inspector,  
Chief Inspector,  
Advisor,  
Chief Advisor.

### *4. Salaries of police officers*

#### Article 85

The salary of a police officer consists of the base salary and supplements.

The base salary equals the product of multiplication of the coefficient of the complexity of a police officer's post and the base for the calculation of the salary, plus an annual increment in the height of 0.5% for each year of service.

The base for the calculation of the salary of a police officer is determined in accordance with the regulations on civil servants.

#### Article 86

The coefficient of the complexity of a police officer's post is regulated by a decree of the Government of the Republic of Croatia.

## Article 87

Police officers assert the right to the salary supplements on the basis of rank, efficiency at work, special working conditions, hazards and responsibilities.

The supplements referred to in Paragraph 1 of this Article are determined in a percentage of the base salary of a police officer.

## *Trainees*

## Article 88

The service of a trainee police officer shall terminate if:

he/she does not pass the state examination or the examination for receiving the rank of a police officer;

his/her superior officer estimates – while the person is on probation – that he/she will not be able to finish the probation with success.

In the case referred to in Paragraph 1 of this Article, the trainee is obliged to compensate for the expenses of his/her education.

## Article 89

Within a term of 3 months after having passed the state examination, a trainee for the post of a police officer is obliged to pass the examination for receiving the rank of a police officer.

## *6. Rights, obligations and responsibilities stemming from service relations*

## Article 90

On the occasion of the admittance to the service, a police officer is obliged to accept and sign a written statement regulating the rights and obligations of police officers.

## Article 91

The police officers, whose tasks are of a more complex nature and have to be performed under aggravated working conditions, shall have their years of service calculated in an accelerated manner, so that every 12 months actually spent performing the tasks of a police officer shall be calculated as either 16 or 14 months in the retirement insurance scheme.

For the purposes of this Law, aggravated working conditions are as follows:

increased danger to life and limb,  
work in shifts,  
work in cycles,

work on national holidays and holidays,  
standby (either at the place of work, some other place or at home, upon an order received from the superior officer), etc.

#### Article 92

If necessary for a successful and timely performing of the official tasks, a police officer is obliged - upon an order received from the superior officer - to perform his/her tasks longer than within working hours.

In conformity with the general regulations relative to work and the collective agreement, a police officer has the right to get either payment or days off for the work referred to in Paragraph 1 of this Article.

#### Article 93

The annual leave of a police officer may be postponed or interrupted for the purpose of the performing of official tasks that must not be delayed.

In the case referred to in Paragraph 1 of this Article, a police officer has the right of reimbursement for the actual expenses caused by the postponement or interruption of his/her annual leave.

#### Article 94

A police officer must not conduct an independent economic or professional activity.

A police officer may, outside working hours and on the grounds of a previously obtained written approval of the Minister of the Interior or a person authorised by him/her, carry out – independently or at a legal or a natural person - only the activities not influencing the lawful and proper performing of police tasks.

#### Article 95

Police officers must neither join a political party in an organised manner nor act politically within the Ministry.

Police officers must attend neither party nor other political gatherings in uniform, unless they are on duty.

#### Article 96

Police officers do not have the right to go on strike in case of:

1. state of war or immediate threat to the independence and unity of the state;

2. armed rebellion, mutiny and other forms of violent threat to the democratic constitutional order of the Republic of Croatia or to fundamental freedoms and human rights of citizens;
3. announced natural disaster or immediate risk of a natural disaster in the area of two or more counties or in the whole territory of the Republic of Croatia;
4. other disasters or accidents, which obstruct normal life and represent a threat to the safety of people and property.

A police officer is obliged to apply police powers even while on strike, if necessary for the purposes of:

1. protection of lives and safety of people;
2. arresting and taking to a competent authority of a person caught while committing a criminal act pursued ex officio;
3. preventing the committing of a criminal act and discovering the perpetrator of a criminal act which is pursued ex officio.

Provisions of the Law on Labour shall apply, in an appropriate manner, to the organisation and the implementation of strikes.

#### Article 97

A police officer who - by a medical commission of the Ministry - has been found inept for performing police tasks due to professional illness or injury, which occurred during or on the occasion of the carrying out of the service, shall keep the salary and other rights stemming from the service until an efficient decision on the right to retire is rendered, and in any event three years as of the date of the rendering of the decision on ineptness to work.

#### Article 98

A police officer who - during or on the occasion of the carrying out of the service - loses his/her life, shall be buried at the expense of the Ministry in the place determined by the family.

The expenses referred to in Paragraph 1 of this Article are as follows:

1. expenses of the transportation of the body to the place of burial;
2. travel expenses for two escorting persons;
3. expenses of grave unless one is owned by the family;
4. other usual expenses, the amount of which is determined by the Minister of the Interior.

In case referred to in Paragraph 1 of this Article, the family supported by the deceased employee has the right to a single financial aid in the height of 12 times the amount of the last salary received by the deceased employee.

#### Article 99

The person who – on the occasion of providing assistance to the Ministry - is injured, taken ill or prevented from working for at least three months, in case he/she is not insured on any other basis,

has – during the medical treatment - the rights stemming from the health insurance, while in case of disablement or impairment caused by either injury or illness, the person has the same rights stemming from the retirement insurance as police officers - at the expense of the Ministry.

The family of the person, who loses his/her life while providing assistance to the Ministry, has the rights referred to in Article 93, Paragraph 2 of this Law, and to a single financial aid in the amount of 12 average employee salaries in the Republic of Croatia in the last three months.

#### Article 100

The circumstances, under which a police officer or a person who had provided assistance to the Ministry lost his/her life as well as the circumstances, under which the persons provided assistance to the Ministry, and the consequences thereof, shall be established by a commission appointed by the Minister of the Interior.

#### Article 101

Police officers are obliged to keep the official secret they learnt either during the service or on the occasion of performing their tasks.

For the purposes of this Law, the official secret includes as follows:

1. any data, which - by law or the regulations based on it - are defined as state, military or official secret;
2. data and documents, which - by law, the regulations based on the law and the enactments - are defined as business secret;
3. data and documents, which - by other bodies or legal persons - are defined as official or business secret;
4. measures, actions, data and sources of information, the revealing of which would be harmful for the interest of natural or legal persons as well as for a successful performing of official tasks.

The obligation of keeping the official secret continues even after the termination of the employment at the Ministry.

#### *7. Transfer to another post*

#### Article 102

For the purposes of the service, a police officer may - temporarily or permanently - be transferred to another post intended for his/her level of education, within either the same or another organisational unit of the Ministry, in either the same or another place of work.

Transfer lasting up to one year is defined as temporary transfer.

An appeal against the decision on transfer shall not postpone its execution.

#### Article 103

A police officer, who has been temporarily transferred to another place of work more than 50 km far from his/her place of residence, has the right to the following:

1. single financial aid in the amount of his/her average salary for the last three months before the transfer;
2. salary received at his/her previous post, if more favourable for him/her;
3. seven days of paid leave for visiting his/her family every three months and the reimbursement of travel expenses for those visits;
4. compensation on a monthly basis for the separation from the family, if he/she supports the family;
5. appropriate accommodation and board.

#### Article 104

A police officer, who has been permanently transferred to another place of work more than 50 km far from his/her place of residence, apart from the rights referred to in Article 98 of this Law, has the right to the following:

1. travel expenses and expenses caused by the change of residence, on presentation of the receipts;
2. appropriate accommodation for himself/herself and the family, three years as of the date of the transfer.

The police officer, who has been transferred at his/her own request, and the police officer, who has been transferred during the period of the validity of the obligation stemming from the contract on education, is not entitled to the rights referred to in Article 103 of this Law and Paragraph 1 of this Article.

#### Article 105

A police officer may be sent to work abroad in accordance with the rules on international police co-operation.

### *8. Education, training and specialisation*

#### Article 106

The education, training and specialisation of police officers (hereinafter: education) shall be carried out by the Police College and the Police Academy.

The Police College and the Police Academy each have their own statute.

#### Article 107

A police officer, whose education expenses have been borne by the Ministry, is obliged, after graduation, to work at the Ministry for a period twice as long as the period of his/her education, or to compensate for the expenses of his/her education.

The police officer referred to in Paragraph 1 of this Article, who is responsible for having failed to graduate from school, is obliged to compensate for the expenses of his/her education.

#### *9. Evaluation, awards and acknowledgements*

##### Article 108

The performance of police officers in the previous calendar year shall be evaluated until the end of February of the current year.

The immediate superiors of police officers shall evaluate their performance.

The evaluation is based on the data relative to their professional knowledge, training, working discipline and working characteristics (dedication to work, orderliness, independence, co-operation and persistence).

##### Article 109

As an acknowledgement for the results achieved and a stimulation of successful performance, police officers shall be awarded with awards or acknowledgements.

The awards and acknowledgements of the Ministry are as follows:

- the annual award;
- the commemorative award;
- the letter of thanks.

Pursuant to Article 9 of this Law, the Ministry may award local self-government units, non-governmental organisations, citizens and associations of citizens with letters of thanks or acknowledgements.

#### *10. Disciplinary proceedings*

##### Article 110

Police officers shall be held disciplinary responsible for the breaches of the official duty.

##### Article 111

Apart from the breaches of the official duty prescribed by the regulations on civil servants, minor breaches of the official duty for police officers are as follows:

1. improper handling of the means of work entrusted to him/her,
2. impolite behaviour towards clients and colleagues at work,
3. improper wearing of uniform and insignia,
4. unjustified missing from work in the duration of 1 (one) day.

#### Article 112

Apart from the breaches of the official duty prescribed by the regulations on civil servants, serious breaches of the official duty for police officers are as follows:

1. issuing data to unauthorised persons,
2. improper use of the entrusted means or their use for purposes other than assigned,
3. taking or failing to take any steps, with the aim of disabling or obstructing the regular functioning of the service,
4. indecent behaviour during or outside the service,
5. revealing of incorrect facts relative to the service,
6. repetition of minor breaches (two or more minor breaches in one year).

#### Article 113

The proposal for initiating the disciplinary proceedings on the grounds of a minor breach of the official duty shall be submitted by the superior police officer.

The proceedings on the grounds of a minor breach of the official duty shall be initiated and conducted, and the decision rendered, either by the Minister or a person authorised by him/her.

The proposal for initiating the disciplinary proceedings on the grounds of a serious breach of the official duty shall be submitted either by the Minister or a person authorised by him/her.

The proceedings on the grounds of a serious breach of the official duty shall be initiated and conducted, and the decision rendered, by the disciplinary court.

#### Article 114

The first-instance and second-instance disciplinary courts shall be established at the Headquarters of the Ministry both for police officers working at the Headquarters and for police officers working at Police Administrations.

The scope of competence of the first-instance court panel shall be prescribed by the Decree on the Internal Organisation and Operation of the Ministry.

#### Article 115

The first-instance court consists of the president and two members.

The second-instance court consists of the president and four members.



The president and the members of the panel of both the first-instance and second-instance disciplinary courts are employed at the Headquarters of the Ministry.

The functions of the president and the members of the panel of both the first-instance and second-instance disciplinary courts shall be regulated by the Book of Rules on the Internal Organisation of the Ministry.

#### Article 116

Against a decision rendered in the proceedings conducted on the grounds of a minor breach of the official duty, both the police officer against whom the proceedings are conducted and the superior officer, who had submitted the proposal for initiating the disciplinary proceedings, have the right to appeal to the first-instance court within eight days as of the date of the receipt of the decision.

The decision of the first-instance court is final.

#### Article 117

Against a decision rendered by the first-instance court in the proceedings conducted on the grounds of a serious breach of the official duty, both the police officer against whom the proceedings are conducted and the Minister or a person authorised by him/her have the right to appeal to the second-instance court within eight days as of the date of the receipt of the decision.

#### Article 118

Apart from the disciplinary sanctions prescribed by a general regulation, for a serious breach of the official duty, a police officer may be pronounced the disciplinary sanction of the termination of employment in the duration between 3 and 12 months.

#### Article 119

A police officer may be temporarily removed from the service even before the disciplinary proceedings on the grounds of a serious breach of the official duty are initiated against him/her, if the breach itself and its consequences are of such a nature that his/her staying in the service would significantly harm the interests of the service.

#### Article 120

The Minister or a person authorised by him/her shall render the decision on the removal.

The disciplinary court shall render the decision on initiating the disciplinary proceedings within 8 days as of the date of the removal.

The removal may last until the conclusion of the disciplinary proceedings, and in any event not longer than 12 months.

#### Article 121

Against the decision on the removal, the police officer has the right to appeal to the competent court within eight days as of the date of the receipt of the decision.

The competent court has to render a decision within eight days as of the date of the receipt of the appeal.

The court decision on the appeal is final.

#### Article 122

The police officer, who has been removed, shall be deprived of the police badge, the official identity card, weapons and other means entrusted to him/her.

### *11. Termination of service*

#### Article 123

The service of a police officer shall terminate if his/her first superior officer establishes that he/she has obstructed the performing of the tasks within the competence of the Ministry by having either carelessly performed his/her tasks or breached the regulations prescribing the operation of the service.

The obstruction of the performing of the tasks referred to in Paragraph 1 of this Article includes both the overstepping of police powers and the non-application of police powers when - in conformity with the provisions of this Law - a police officer was obliged to apply them, whereby a damage to natural or legal persons, or state administration bodies, was caused.

In cases referred to in Paragraph 1 of this Article, the Minister of the Interior renders – on the basis of the opinion of the competent superior officer - the ruling on the termination of the service.

An appeal against the ruling referred to in Paragraph 3 of this Article is not permissible, but administrative proceedings may be initiated before the Administrative Court of the Republic of Croatia.

#### Article 124

Apart from the cases of the termination of service by the force of law, set in the regulation on civil servants, the service of police officer shall terminate by the force of law as follows:

1. when a competent authority establishes his/her right to retire for the reason of professional inaptness to work – on the day the ruling becomes final;

2. when it becomes known that the data relating to the fulfilling of the conditions referred to in Article 80, Paragraph 1, Points 1, 3 and 4 of this Law are untrue – on the day it becomes known; when he/she is convicted for having committed a criminal act pursued ex officio, excluding the criminal acts referred to in Chapter XX of the Criminal Code of the Republic of Croatia, which are relative to traffic safety– on the day the judgement becomes final;
4. if he/she refuses the transfer – on the day he/she should have taken up the post;
5. if it becomes known that he/she had acted contrary to the provision of Article 94 of this Law – on the day it becomes known that he/she had been conducting a prohibited activity.

## V. FINANCING

### Article 125

The funds for the operation of the Ministry are provided by the State budget of the Republic of Croatia.

## VI. SPECIAL PROVISIONS

### Article 126

The employees of the Ministry are provided with specific health care, which is, as a rule, conducted and organised by the Health Centre of the Ministry of the Interior of the Republic of Croatia, it being a medical institution owned by the Republic of Croatia.

The Health Centre and other medical institutions, which fulfil the personnel and technical conditions regulated by law, provide primary health care to the employees of the Ministry and their families, as well as to other health insurance beneficiaries, on the basis of their free choice of both the general practitioner and the institution.

General regulations defining the establishing, activities and managing of medical institutions shall, unless contrary to the provisions of this Law, accordingly apply to the Health Centre, established and organised pursuant to the provisions of Paragraphs 1 and 2 of this Article.

### Article 127

The Republic of Croatia is liable for the damage made to third persons by a police officer of the Ministry, unless it is proven that the police officer had acted in conformity with the regulations on the manner of performing police tasks.

### Article 128

The Minister of the Interior passes the regulations on the manner of performing police tasks and the regulations on implementation within the powers determined by law.

## VII. POWERS TO PASS REGULATIONS

## Article 129

The Government of the Republic of Croatia prescribes the following by a decree:

headquarters and areas in which police administrations referred to in Article 13 of this Law are established and operate;  
design of the uniform of police officers referred to in Article 17, Paragraph 2 of this Law;  
types of weapons and equipment of police officers referred to in Article 18 of this Law;  
conditions for receiving the ranks referred to in Articles 83 and 84 of this Law; promotions and assignments; insignia of the ranks as well as functional insignia of the posts of police officers;  
criteria for determining the salary supplements, their height and way of payment referred to in Article 87 of this Law;  
posts of police officers who shall have their years of service calculated in an accelerated manner referred to in Article 91 of this Law.

The Minister of the Interior passes the regulations on the following:

design of the police badge and the official identity card of police officers referred to in Article 17, Paragraph 1 of this Law;  
carrying of weapons and ammunition referred to in Article 18 of this Law;  
manner of verifying and establishing the identity of persons and objects referred to in Article 25 of this Law;  
contents and way of delivering the summons referred to in Article 29 of this Law;  
manner of applying the powers of taking in referred to in Articles 32, 33, 34 and 35 of this Law;  
manner of implementing the measures of searching for persons and objects referred to in Article 36 of this Law;  
manner of applying the powers of the temporary restriction of the freedom of movement referred to in Articles 37, 38 and 39 of this Law;  
manner of implementing the measures of giving warnings and orders referred to in Articles 40, 41 and 42 of this Law;  
manner of performing the polygraph test and the contents of the written consent referred to in Article 46 of this Law;  
manner of applying the powers of the inspection of premises, buildings and documentation referred to in Article 48 of this Law;  
manner of applying the powers of the inspection of persons, objects and means of transportation referred to in Article 49 of this Law;  
manner of applying the powers of securing and inspection of venues referred to in Article 50 of this Law;  
criteria for determining the height of the award referred to in Article 52 of this Law;  
technical characteristics of the means of coercion referred to in Article 54 of this Law, as well as the manner of using them;  
types of measures and procedure for protecting the victims of criminal acts and other persons referred to in Article 69 of this Law;  
pattern, contents and way of keeping of records referred to in Article 72 of this Law;  
criteria and way of establishing special mental and physical abilities referred to in Article 80, Paragraph 1, Point 3 of this Law;  
contents of the statement regulating the rights and obligations of police officers referred to in Article 90 of this Law;

determining the type and level of the secrecy of data, the way of operating secret data, special protection measures for keeping secret data as well as keeping official data referred to in Article 101 of this Law;  
appropriate accommodation and board conditions referred to in Article 103, Paragraph 1, Point 5 of this Law;  
conditions and way of choosing the police officer to be sent to work abroad, as well as his/her rights, obligations and responsibilities during the performing of the service abroad referred to in Article 105 of this Law;  
education, training and specialisation of police officers referred to in Article 106 of this Law;  
evaluation procedure and keeping records on the evaluations of police officers referred to in Article 108 of this Law;  
conditions and procedure of awarding police officers with awards or acknowledgements referred to in Article 109 of this Law;  
determining of medical institutions referred to in Article 126, Paragraph 1 of this Law;  
manner of performing internal control and control activities.

The Minister of the Interior, with the consent of the Minister of Health, passes the regulations on personnel and technical conditions, which have to be fulfilled by the medical institutions that provide specific health care to police officers.

The Government of the Republic of Croatia and the Minister of the Interior shall pass the regulations referred to in Paragraphs 1, 2 and 3 of this Article within six months as of the date of the coming into force of this Law.

## VIII. TRANSITIONAL AND CLOSING PROVISIONS

### Article 130

The Secondary Police School shall continue operating as long as it needs for the students, enrolled before the start of the application of this Law, to complete their education according to the curricula and conditions that were in force at the time of the enrolment.

After the expiry of the interval of time referred to in Paragraph 1 of this Article, the Secondary Police School shall stop operating.

### Article 131

The regulations on implementation, passed on the basis of the Law on Internal Affairs (the official gazette "Narodne novine", Nos. 55/89, 18/90, 47/90, 19/91 – final draft, 73/91, 19/92, 33/92, 76/94, 161/98, 29/00 and 53/00), shall stay in force until the coming into force of the regulations on implementation, which are to be passed, on the basis of this Law, by the Government of the Republic of Croatia and the Minister of the Interior, unless contrary to the provisions of this Law.

### Article 132

The civil servants and employees of the Ministry, who were in service on the day of the start of the application of this Law, shall continue working at their former posts and keep the rank and the

salary in accordance with the former regulations either until the rendering of the ruling on the assignment to posts according to the Book of Rules on the Internal Organisation of the Ministry, which is in conformity with this Law, or until the rendering of the ruling on the placement at disposal.

The persons referred to in Paragraph 1 of this Article, who are to be assigned to the posts of police officers, shall receive the ranks referred to in Article 84 of this Law in accordance with the provisions of a special regulation.

The persons referred to in Paragraph 1 of this Article, who - until the coming into force of the Book of Rules on the Internal Organisation, which is in conformity with this Law (the official gazette "Narodne novine", Nos. 55/89, 18/90, 47/90, 19/91 – final draft, 73/91, 19/92, 33/92, 76/94, 161/98, 29/00 and 53/00) - have performed the tasks of empowered official persons, but are to be neither assigned to the posts of police officers nor placed at disposal, shall receive the ranks and be assigned to positions determined by the Book of Rules on the Internal Organisation, which is in conformity with this Law and the regulations on civil servants and employees.

The Government of the Republic of Croatia shall – by a decree – prescribe the ranks and positions of persons referred to in Paragraph 3 of this Article, the conditions for their placing into the appropriate salary grades, and the coefficients of the complexity of the posts they are to be assigned to.

#### Article 133

Throughout the text of the Law on the Rights Stemming from the Retirement Insurance of Active Military Persons and Empowered Official Persons (the official gazette "Narodne novine", No. 128/99), the words: "empowered official person" shall, in the part relating to the civil servants of the Ministry of the Interior, be replaced by the words: "police officer" in the appropriate case.

By the coming into force of this Law, the provisions of Article 3, Paragraphs 1 and 2 of the Law on the Rights Stemming from the Retirement Insurance of Active Military Persons and Empowered Official Persons shall expire.

#### Article 134

By the coming into force of this Law, the Law on Internal Affairs shall expire (the official gazette "Narodne novine", Nos. 55/89, 18/90, 47/90, 19/91 – final draft, 73/91, 19/92, 33/92, 76/94, 161/98, 29/00 and 53/00), except for the provisions of Articles 13 - 24 and Articles 80 – 92 of the Law on Internal Affairs.

The provisions of Articles 80 – 92 of the Law on Internal Affairs shall cease to be effective on 1<sup>st</sup> January 2002.

#### Article 135

This Law shall come into force on 1<sup>st</sup> January 2001, except for the provisions of Articles 110 – 122, which shall become effective on 1<sup>st</sup> January 2002.

Class: 200-01/00-01/02  
Zagreb, 14 December 2000

THE HOUSE OF REPRESENTATIVES OF  
THE CROATIAN PARLIAMENT

Speaker of the House of Representatives of  
the Croatian Parliament  
Zlatko Tomčić, m.p.

Law on changes to the Law on Police (NN 41/08)

Article 2

In the whole text of the Law on Police (»Official Gazette no. 129/00.) the word »Director General« should be replaced by the word »Police Director General« in the appropriate case.

Article 3

This Law shall come into force on eight day of its publication in the Official Gazette

Class: 200-01/08-01/01  
Zagreb, 28 March 2008