Draft (as of September 2014)

Law of Ukraine “On Police and Police Activity”

This law defines the legal basis for the organization, system, mandate and order of the police activity in Ukraine as well as the status of police personnel.

SECTION 1. GENERAL PROVISIONS

Article 1. Status of police

1. Police is a central executive authority body performing functions of securing public order set by this Law, and created pursuant to the Law on Central Executive Authority Bodies and Executive Bodies of Local Councils performing functions of securing public order set by this Law and created pursuant to the Law on Local Self-Government.

2. Organization, system, mandate and order of police activity shall be defined by the Constitution of Ukraine, international treaties of Ukraine ratified by the Verkhovna Rada of Ukraine, this and other laws of Ukraine.

Article 2. Tasks and functions of police functions

1. The task of police is to provide police services on securing public order by ensuring safety of persons, society and state from unlawful acts.

2. With the aim to secure public order police shall perform the following functions:

   1) precaution, prevention, detection and termination of administrative and criminal offences;
   2) carrying out proceedings in the cases on administrative offences;
   3) investigation of criminal offences;
   4) protect and ensure safety of:
      a) state authorities, local authorities, diplomatic missions and consular posts of foreign countries on the territory of Ukraine, foreign diplomatic missions of Ukraine;
      b) parties in criminal proceedings
   5) escorting detainees and convicted persons;
   6) exercising border control and overseeing crossing of Ukrainian borders by persons, vehicles and cargoes.

   Within the limits of these functions police shall also cooperate with international and foreign police organizations.
Article 3. Principles of police activity

1. Police activity shall be based on the following principles:

1) Observance of human rights and fundamental freedoms;

2) Rule of law;

3) Legalness;

4) Non-partisan and political neutrality;

5) Openness;

6) Cooperation with civil society;

7) Unity of command together with collegiality in resolving certain issues of its activity.

Article 4. State policy in the sphere of police activity

1. Police activity shall be directed and coordinated by:

1) ministry responsible for state policy in the sphere of protection of public order and protection of persons, society and state from unlawful infringements;

2) ministry responsible for the state policy in the sphere of finance;

2. Central executive authorities mentioned in part 1 of this article:

1) provide for the legal regulation of police activity in cases foreseen by the Law;

2) define priority spheres of police activity development;

3) inform the public and provide clarifications with regard to implementation of the state policy in the sphere of police activity;

4) generalize the practice of implementation of legislation in the sphere of police activity, elaborate proposals concerning the improvement and amendment, in the set order, of draft legislative acts, acts of the President of Ukraine, the Cabinet of Ministers of Ukraine for the consideration of the President of Ukraine and the Cabinet of Ministers of Ukraine;

5) control police activity in the way foreseen by this Law.

3. Control over the activity of police shall be realized in the form of inspection and secret inspection of police officers integrity. Along with this, 20 % of the group of inspection shall be comprised of human rights defenders.

Provisions on the order of running inspections and the order of running secret inspections of police officers integrity shall be approved by the Cabinet of Ministers of Ukraine.
SECTION 2. PRINCIPLES OF POLICE ORGANIZATION

Chapter 1. System and structure of police

Article 5. Police system and number of police employees and officers

1. Police system includes:

1) Local police;

2) Administrative police;

3) Criminal police;

4) Financial police;

5) Border police;

2. National guard of Ukraine shall perform police functions of securing public order according to the law on the National Guard of Ukraine in accordance with the provisions of this Law.

3. Local council approves the number of local police employees and officers in accordance with the provisions of this Law. In cases stipulated by part 2 of article 6 of this Law, the number of local police officers shall be set by the administrative contract.

The Cabinet of Ministers of Ukraine approves the number of Administrative, Criminal, Financial and Border police officers in accordance with the provisions of this law.

Article 6. Local police

1. Local police — executive body of local council created within each community.

2. Two or more local councils of neighbouring communities shall have the right to conclude an administrative contract with each other on the creation of one local police the jurisdiction of which would cover the territories of the mentioned communities.

3. Local police shall be comprised of:

1) service of district inspectors;

2) patrol service.

4. Local police secures public order through:

1) precaution, prevention, detection and termination of administrative and criminal offences on the territory of relevant community, including sections of district automobile roads as well as forest and water facilities of local importance;

2) carrying out proceedings in the cases on administrative offences;

3) taking part in investigations of criminal offences in the order set by the Criminal Procedure Code of Ukraine;
4) protection and ensuring safety of local authorities.

5. Jurisdiction of local police shall be limited to territory of relevant community (communities), except for cases of direct prosecution by local police of a person suspected in committing administrative or criminal offence.

6. The number of local police officers shall be set in accordance with the following ratio: not more than 10 police officers per 10 000 persons constantly living on the territory of relevant community (communities).

7. Ministry responsible for state policy in the sphere of protection of public order and protection of persons, society and state from unlawful infringements shall approve unified standards of organization of work of local police.

Article 7. Administrative police

1. Administrative police — central executive authority managed and coordinated by the ministry responsible for state policy in the sphere of protection of public order, persons, society and state from unlawful infringements.

2. Administrative police shall be comprised of:

   1) patrol service;
   2) security service;
   3) rapid response service.

3. Administrative police secures public order through:

   1) precaution, prevention, detection and termination of administrative and criminal offences on sections of provincial, territorial, regional, national and international automobile roads as well as on forest and water facilities of regional and national importance;
   2) carrying out proceedings in cases on administrative offences;
   3) taking part in investigations of criminal offences in the order set by the Criminal procedure code;
   4) protection and ensuring security of:
      a) state authorities (the Verkhovna Rada of Ukraine, the Cabinet of Ministers of Ukraine), diplomatic missions and consular posts of foreign countries on the territory of Ukraine, foreign diplomatic missions of Ukraine ;
      b) parties in criminal proceedings.
   5) escorting detainees and convicted persons.

4. The Rapid response service of the Administrative police shall have the power to take immediate measures on mass riots termination.
5. The number of Administrative police officers shall be no more than 30 000 including no more than 2 000 police officers within rapid response service.

Article 8. Territorial structure of Administrative police

1. The Secretariat of the Administrative police shall be located in the city of 

The Service of rapid response of the Administrative police shall be located in the city of 

2. Territorial (regional) bodies of Administrative police shall be located in regions, Autonomous Republic of Crimea, cities of Kyiv and Sevastopol.

3. Regional bodies of the Administrative police are created, reorganized, eliminated as legal entities of public law by the Minister managing and coordinating the activity of the Administrative police based on the proposal of the Head of the Administrative Police.

4. The jurisdiction of the Rapid response service of the Administrative police covers all the territory of state.

5. The jurisdiction of the regional body of the Administrative police shall be limited by the territory of the relevant region.

Article 9. Criminal police

1. Criminal police — central executive authority managed and coordinated by the ministry responsible for state policy in the sphere of protection of public order, persons, society and state from unlawful infringements.

2. Criminal police investigates criminal offences in the order defined by the Criminal procedure code.

3. The number of Criminal police officers shall be no more than 30 000.

Article 10. The territorial structure of Criminal police

1. The Secretariat of Criminal police is located in the city of 

2. Territorial (district) bodies of Criminal police are located at districts, cities of Kyiv and Sevastopol.

3. District bodies of Criminal police shall be created, reorganized, eliminated as legal entities of public law by the minister managing and coordinating Criminal police activity based on the proposal of the Head of the Criminal police.

4. The jurisdiction of district body of Criminal police shall be limited by the territory of the relevant district.
Annex to the OSCE/ODIHR Opinion on the Draft Law of Ukraine on Police and Police Activities

Article 11. Financial police

1. Financial police — central executive authority managed and coordinated by the ministry responsible for state policy in the sphere of finance.

2. Financial police investigates criminal offences in the order defined by the Criminal procedure code.

3. The number of the Financial police officers shall be no more than 3 000.

Article 12. Territorial structure of the Financial police

1. The Secretariat of Financial police shall be located in the city of

2. Territorial (regional) bodies of Financial police shall be located at regions, Autonomous Republic of Crimea, cities of Kyiv and Sevastopol.

3. Regional bodies of Financial police are created, reorganized, eliminated as the structural units of the secretariat of Financial police by the Head of Financial police upon approvement of the minister managing and coordinating the activity of Financial police and the Cabinet of Ministers of Ukraine.

4. The jurisdiction of the regional body of Financial police shall be limited by the territory of the relevant region.

Article 13. Border police

1. Border police — central executive authority managed and coordinated by the ministry responsible for state policy in the sphere of protection of public order, persons, society and state from unlawful infringements.

2. Border police secures public order through:

1) Precaution, prevention, detection and termination of administrative and criminal offences;

2) carrying out proceedings in cases on administrative offences;

3) taking part in investigations of criminal offences in the order set by the Criminal procedure code;

4) exercising border control and overseeing crossing of Ukrainian borders by persons, vehicles and cargoes.

3. The number of Border police officers shall be no more than 20 000.

Article 14. Territorial structure of Border police

1. The Secretariat of Border police shall be located in the city of
2. Territorial (regional) bodies of Border police shall be located at the regions, Autonomous Republic of Crimea, cities of Kyiv and Sevastopol.

3. Territorial (regional) bodies of Border police shall be created, reorganized, eliminated as legal entities of public law by the minister managing and coordinating the activity of Border police upon the proposal of the Head of the Border police.

4. Territorial structures (groups, units, stations, posts) of regional bodies of Border police shall be created, reorganized, eliminated by the Head of the Border police upon the approval of the minister managing and coordinating the activity of the Border police.

5. The jurisdiction of the Border police covers all the territory of state.

**Article 15. The Secretariat of police**

1. The structure and regulations on the secretariat of the local police are to be approved by the relevant local council.

2. Secretariats of the Administrative, Criminal, Financial and Border shall be comprised of:
   1) analytic unit;
   2) control unit;
   3) organizational support unit;
   4) international cooperation unit;

3. The Secretariats of territorial (district, regional) bodies of Administrative, Criminal, Financial and Border police shall be comprised of:
   • analytics unit;
   • control unit;
   • organizational support unit;
   • units empowered to perform functions of police foreseen by this Law.

**Chapter 2. The leadership of police**

**Article 16. The leadership of local police**

1. The Head of local police shall be appointed by the relevant local council based on the and within the framework of submission of the Commission of local police in the order set by articles 47,49 of this Law.

2. The head of local police can have one deputy.

3. A person running for the office of the Head of local police, Deputy head of local police must:
1) meet the general requirements for entering service in bodies of local self-government;
2) reach 27 years of age;
3) have the experience of police activity not less than 5 years.

4. The tenure of the office of the Head of the local police — 4 years. The same person can be reappointed to office of the head of police.

5. The mandate of the leadership of local police is defined by the Constitution of Ukraine, law on local self-government and this Law.

Article 17. The leadership of Administrative, Criminal, Financial, and Border police

1. The Head of Administrative, Criminal, Financial and Border police, their deputies are appointed to the office and fired from the office by the Cabinet of Ministers of Ukraine upon the submission of the Prime-Minister of Ukraine prepared based on the proposal of the relevant minister.

Proposals to the Prime Minister of Ukraine concerning the candidates for the office of the Head of Administrative, Criminal, Financial and Border police shall be submitted by the minister based on and within the submission of the relevant Police commission in the order stipulated by articles 47, 49 of this Law.

Proposals to the Prime Minister of Ukraine concerning the candidates for offices of Deputy Heads of Administrative, Criminal, Financial and Border police shall be submitted by the relevant Head based on and within the framework of Police commission submission in the order set by articles 47, 49 of this Law.

2. The Head of Administrative, Criminal, Financial and Border police can have no more than 3 deputies.

3. A person running for the office of the Head of Administrative, Criminal, Financial, and Border must:
   1) meet the general requirements of civil service;
   2) reach 35 years of age;
   3) have the experience in police activity not less than 10 years;
   4) know not less than 2 foreign languages.

4. A person running for the office of Deputy Head of Administrative, Criminal, Financial and Border police must:
   1) meet the general requirements of civil service;
   2) reach 30 years of age;
   3) have the experience in police activity not less than 5 years.
5. A person running for the office of the Head, Deputy Head of structural units of the secretariat of police, units of the secretariat of territorial (district, regional) bodies of police must:

1) meet the general requirements of civil service;
2) reach 30 years of age;
3) have the experience in police activity not less than 3 years.

6. The mandate of the leadership of Administrative, Criminal, Financial and Border police are defined by the Constitution of Ukraine, law on the Cabinet of Ministers of Ukraine, law on central executive authorities and this Law.

SECTION 3. POLICE ACTIVITY

Chapter 1. Police activity program

Article 18. Types and content of police activity program

1. Having been appointed to the office, the Head of Local, Administrative, Criminal, Financial and Border police has to prepare:

1) a strategic (for 4 years) police activity program;
2) year police activity program.

2. Local police activity program has to take into consideration the provisions of the Administrative police activity program.

3. The police activity program has to include:

1) objectives that need to be achieved;
2) amount and sequence of realization of police tasks;
3) measures of cooperation with public;
4) priorities of work;
5) criteria of fulfilment / non-fulfilment of the set objectives and priorities.

Article 19. Adoption of police activity program

1. Head of Local police, Head of Administrative, Criminal, Financial and Border police adopts a strategic program together with a year program of police activity within 30 days after the appointment.

The next Police activity year program shall be adopted 30 days prior to the end of last year program of police activity.
2. The Head of local police submits the police activity program to the relevant local council.

The Heads of Administrative, Criminal, Financial and Border police submit the police activity program to the relevant minister managing and coordinating the activity of Administrative, Criminal, Financial and Border police.

3. After the adoption of the police activity program it shall be published on the official website of the relevant local, Administrative, Criminal, Financial and Border police.

**Article 20. Annual report on police activity**

1. Report on police activity includes the information concerning the results, terms and state of police activity program execution.

2. The heads of local, Administrative, Criminal, Financial and Border police adopt a report on police activity at the same time with the year program of police activity and submit to the authority foreseen by part 2 of article 19 of this Law, as well as to the Police commission for it to prepare an alternative report on police activity.

3. Police commission submits an alternative report on police activity to the head of the relevant police as well as to the authority body foreseen by part 2 of article 19 of this Law prior to the day a previous year program of police activity ends.


**Chapter 2. Police mandate**

**Article 21. General police mandate**

1. When performing the functions defined by this Law police has the mandate for:

1) procedural actions foreseen by the criminal procedure law;

2) measures of ensuring proceedings in cases on administrative offences provided for by the Code of Ukraine on Administrative Offences;

3) police measures;

4) data processing.

2. A police officer is an official who according to the Criminal Procedure Code of Ukraine, Code of Ukraine on Administrative Offences and this Law has the mandate for:

1) adoption and registration of appeals and reports on criminal offences;

2) temporary seizure of documents certifying the use of special rights (driving a car or a vessel, hunting, entrepreneurship);
3) temporary seizure of property (actual deprivation of opportunities to own, use and dispose of their property before issue on arrest or its return is resolved);

4) detaining a person.

3. Police bodies foreseen by part 1 of article 5 of this Law cooperate with each other and other authorities when performing functions defined by this Law.

4. Police is forbidden to perform functions than are not foreseen by this Law.

Article 22. Special mandate of local and Administrative police

1. Local and Administrative police when performing functions fulfil their mandate foreseen by article 21 of this Law.

With the aim of precaution, prevention and termination of administrative and criminal offences local and Administrative police have the authority to ensure the traffic safety.

When ensuring the traffic safety, local and Administrative police are forbidden to use posts (including stationary) on automobile roads for fixation of traffic violations.

2. It is forbidden to engage Criminal and Financial police officers to perform the functions of local and Administrative police except in cases of emergency or martial law.

Article 23. Special mandate of Border police

1. Border police when performing its functions fulfils the mandate foreseen by article 21 of this.

When exercising border control the Border police:

1) checks the documents;

2) examines persons, vehicles, cargoes, including with the use of technical means, service dogs and other animals;

3) checks that the foreigners, stateless persons observe regulations of crossing the state border when entering or leaving the territory of Ukraine or in case of transit through the territory of Ukraine;

4) Registers foreign nationals, stateless persons and their passport documents at checkpoints across the state border;

5) forcefully returns to the country of origin or a third country foreigners and stateless persons detained within controlled border areas during or after trying to illegally cross the state border of Ukraine;

6) control over compliance of non-military vessels and warships with the established order of swimming and being in the territorial sea and internal waters of Ukraine.
Chapter 3. Police measures

§ 1. Police measures

Article 24. Types of police measures

1. Police within the mandate and in the way foreseen by this Law, takes the following police measures:

1) limits access to certain places;
2) enters a home or other property;
3) takes police custody;
4) puts to police jail;
5) takes measures of coercion.

Article 25. Limits of access to certain places

1. Police has the authority to limit or forbid access of persons to certain parts of locality or objects with the aim of performing functions foreseen by this Law.

Article 26. Entry into a home or other property

1. The police is authorized to enter a home or other property without a substantiated court decision only in urgent cases related to the preservation of human life and valuable property.

A police officer is authorized to open the closed room, storage, and prohibit any person to perform any act that prevents the penetration of the home or other property.

2. After saving lives or valuable property policeman is obliged to invite at least two unbiased persons to conclude a protocol. Persons are entitled to make statements that should be entered in the record.

The person who owns the home or other property or the one possessing it, shall be provided with a copy of the protocol. In the absence of people at home or other property copy of the protocol must be left in a visible place at home or other property.

Upon entry into a home or other property to the point of its abandonment a policeman is obliged to ensure the safety of property located in the home or other property, and the inability to access it by unauthorized persons.

3. This Law defines home of a person as any premises permanently or temporarily owned by a person, regardless of its purpose and legal status, and suitable for permanent or temporary residence therein of individuals, as well as all parts of the room. Premises specifically designed for the detention of persons whose rights are restricted under the law cannot be regarded as home.
Other property of a person shall be understood under this Law as a vehicle, land, garage, other buildings or premises for household, office, commercial, industrial and other purposes, etc., permanently or temporarily owned by a person.

**Article 27. Police custody**

1. Police custody shall be applied to:

   1) a minor under the age of 16, who was left unattended;

   2) a person who is suspected of escaping from a psychiatric institution or specialized treatment facility where they were held according to a court decision;

   3) person who has signs of pronounced mental disorder and poses a real danger to others or themselves;

   4) person in a public place who in the result of intoxication lost the ability to walk or poses a real danger to others or themselves.

Police custody results for:

1) persons mentioned in item 1 of paragraph 1 — in being given to parents or adoptive parents, guardians, guardianship authority;

2) persons mentioned in items 2,3 of paragraph 1 — in being put into relevant facility;

3) persons mentioned in item 4 of paragraph 1 — in being transferred to special medical facility or a place of living.

2. A policeman shall immediately notify the person in the language they understand of the reasons for the police action and clarify the right to receive medical care, give explanations, appeal against the police actions, immediately notify the other parties of their location.

Notification of rights and their clarification by the policeman can be waived if there are reasonable grounds to believe that the person may not be aware of their actions and to manage them.

3. A policeman is authorized to take away weapons or other items with which that person may harm himself or others, regardless of whether they are forbidden to use.

It is forbidden for a policeman to search a person to whom the police custody is applied.

4. When police custody is applied the protocol is drawn up which includes: a place, date and specific time (hour and minute) when the police custody was applied; grounds for its application, description of weapons or other objects taken away; petitions, applications or complaints of a person if such were, presence or absence of visible bodily injuries.

Protocol shall be signed by a policeman and a person. Copy of the protocol shall be immediately provided to a person upon signature. Protocol may not be provided to a person for signature and its copy handed over to him when there are grounds to believe that they may not be aware and in control of their actions.
5. A policeman immediately reports with the help of technical means to the responsible policeman at the police station on each application of police measure.

When there sufficient grounds to think that the transfer of a person lasted longer than it was necessary a responsible policeman at the police station shall be obliged to conduct an inspection to solve the issue on holding responsible the persons guilty of it.

6. A policeman is obliged to give a person a possibility to immediately notify close relatives, members of the family or other persons at his choice of his or her location.

A police is obliged to immediately notify parents or adoptive parents, guardians, guardianship authority of location of a minor.

Article 28. Putting to police jail

1. Persons apprehended in the order set by the Criminal Procedure Code, Code of Ukraine on Administrative Offences are put to the police jail by a policeman responsible for keeping detainees.

2. Each police unit has to have one or several appointed policemen responsible for keeping detainees.

A policeman, responsible for keeping detainees shall be obliged to:

1) immediately register a detainee;

2) check the grounds for detention;

3) check whether a policeman who detained a person provided for free legal aid to be received by a detainee;

4) clarify to a detainee the grounds for his detention, his or her rights and obligations;

5) set a detainee free immediately when there are no grounds for his detention or the term for his detention foreseen by the Criminal Procedure Code and Code of Ukraine on Administrative Offences ended;

6) provide for a good treatment of a detainee and observance of his or her rights anchored in the Constitution and the laws of Ukraine;

7) ensure that all actions done with a detainee including the time when such actions started and ended as well the information about persons who conducted such actions or were present during such actions were included into personal file of a detainee;

8) ensure prompt, appropriate medical care and fixation by a health professional of any injury or deterioration of health of the detainee. To the people who provide medical care to a detainee, in his desire, admitted can be any person who has the right to engage in medical practice.

In case of violation of rights of a detainee as provided in this part, the policeman in charge of keeping detainees, shall immediately take steps to renew the violated rights.
3. Detained persons are put to police jail with the observance of the following requirements:

1) men — separately from women;

2) persons under 18 years old — separately from adults;

3) suspects in committing grave and especially grave crimes — separately from other detainees;

4) suspects in the same criminal proceedings — separately from one another;

5) suspects who are (were) law enforcement officers — separately from other detainees.

4. Detainee is provided with conditions that meet the requirements of sanitation and hygiene. Normal area in a police cell can not be less than 4 square meters, and for a pregnant woman or a woman who is carrying a child - 7 square meters excluding the area required to accommodate bathrooms and common use items (table, stools (benches), stands etc) of a detained person.

The detained person is provided free by the same standards set by the Cabinet of Ministers of Ukraine with nutrition, personal bed, bedding, and other material conditions necessary for life. If necessary, issued clean clothes and shoes.

5. A person put into a police cell (including a foreign citizen) has a right to meet a close relative, member of a family or other person who he or she notified when apprehended.

A foreign citizen put into a police cell has also a right to meet the representative of the embassy or a consulate of the relevant state that were informed of his or her detention.

A meeting, foreseen by this article shall be conducted at the time free from carrying out any procedural actions and last not longer than 1 hour.

Police has to ensure the conditions for visits which also excludes the possibility of third persons to have access to information provided during the process of a visit.

§ 2. Coercive measures

Article 29. Types of coercive measures

1. Police when performing functions foreseen by this Law, is authorized to use:

1) physical influence

2) impact munition:

a) means of active defence:

- Anti-Shock Shield, Armoured Shield;

- handcuffs;
- means of binding;
- rubber baton;
- container with tear and irritant substances;

b) means for special operations:
- backpack apparatus for spraying tear substances in open areas;
- container, shell, grenade and other special device with tear and irritant substances;
- a shell with rubber bullet;

- water pump;
- armoured truck, other vehicle;
- device for forced stopping of a vehicle;
- hand smoke grenade;
- compact subversive device to open premises;

3) a service dog, horse;

4) firearms.

2. Police is forbidden to use coercive measures not foreseen by this Law.

3. The use of means of individual protection (helmet, bullet-proof vest and other special gear) shall not be considered a coercive measure.

**Article 30. Principles of coercive measures implementation**

1. Implementation of coercive measures shall be based on the following principles:

1) preventiveness;

2) exclusiveness;

3) proportionality.

2. Preventiveness means that police uses each coercive measure (except when there is a need to protect a policeman from a sudden attack or an armed attack on other persons) as well as police measure of restricting access to certain places, entry into the house or other property of a person and detention of a person only after a warning on the necessity to terminate unlawful acts and an intention to use a coercive measure.

A warning can be made with voice, and when the distance is too big or when there is a big group of people, through loudspeakers and always in Ukrainian and better in native language of the group of people these coercive measures will be applied against not less than 2 times and giving enough time to terminate unlawful acts.
A warning of a policeman starts: “Police! In the name of the law!”.

3. The exclusiveness lies in the fact that police applies coercive measures only after all other possibilities were exhausted in order to terminate unlawful acts only with the aim of overcoming resistance to the legitimate demands of police, if resistance is performed with the use of force against a police officer or others.

   Police is forbidden:

1) to use a coercive measure until a person commits an unlawful act or tries to commit it;

2) to use coercive measure against a woman with clear signs of pregnancy, a person under 14 years old, elderly people with severe symptoms or disability, unless they commit a group attack that threatens the life and health of people, including police officers or there is an armed attack or armed resistance, and in urgent cases related to the preservation of the lives of people by the police, including the policemen themselves.

4. Proportionality lies in the fact that police is obliged to use the softest coercive measure which would not cause or cause the least harm to the health, rights and interests of the individual and at the same time will achieve the expected results of the measure.

   The most stringent measure of coercion is the use of firearms.

   The police must apply one type of coercive measures by the time of achieving the desired result, or to the point where it appears that it can not be achieved and there is a need to adopt a more stringent measure of coercion.

5. A policeman is obliged to:

1) immediately in writing notify the supervisor of the applied measure of coercion (except handcuffs and medium binding) and its results;

2) with damage to health of a person to give her first aid.

**Article 31. Application of physical restraint**

1. A police officer is authorized to apply the measure physical restraint, including unarmed combat, only to end the criminal offence and detain a person (if there is any physical resistance or threat to the life or health of the police), the performance of the police measure in the form of restricting access to certain places, penetration in a home or other property.

**Article 32. Application of a service dog, horse**

1. Police is authorized to use dogs, horses, who have passed training courses recognized as suitable for official use and are in the structure of the respective departments.

   Dogs are used on long, short leash or no leash, in a muzzle or with no muzzle, based on the specific situation.
Article 33. The use of impact munition

1. Police (policeman) is authorized:

1) use special tools (means of active defence, a means for special operations) only in self-defence and to stop a group violation of public order, riot, act of terrorism, release a captured hostage (hostages);

2) use handcuffs, binding tool to stop any criminal offence, detain, escort detainees and convicted persons, conducting proceedings with individuals when they pose a real danger to others or themselves. When applying handcuffs, a police is required periodically (at least every 30 minutes) to check the status of fixing means in order to avoid injuries;

3) use water cannon only to end the group violation of public order or riots;

4) use a service vehicle to forcefully stop another vehicle.

2. Police (policeman) is forbidden to:

1) strike a rubber baton on the head, neck, clavicular area, genitals, lower back, and abdomen;

2) when using tear and irritating exercise aimed fire on the people, and shoot grenades into the crowd of people re-use them in the zone lesions during the period of action of these substances;

3) shoot a rubber bullet cartridge with opaque shock action with a special rifle at a distance of 40 meters from the closest person and on any part of the head and body, except the lower legs;

4) use water cannon at temperatures below +10 ° C;

5) to use the device for forced stopping a vehicle that transports people, motorcycles, sidecars, scooters, mopeds as well as on mountain paths or parts of paths with limited visibility, level crossings, bridges, underpasses, overpasses, tunnels;

6) use compact subversive device to open the captured areas where the hostages are kept.

Article 34. Applying coercive measures to participants of a peaceful assembly

1. Police is authorized to use only the following coercive measures to the participant of a peaceful assembly including the one that was forbidden by the court until he or she commits criminal offence:

1) service horse;

2) means of active defence: anti-shock shield, armoured shield.

2. Police must ensure simultaneous dilution of participants of peaceful assembly (including counter-assemblies) at a safe distance, without limiting the right of individuals to peaceful assembly.
3. In the case of an administrative or criminal offence during a peaceful gathering police must stop this act, detain a person, without stopping and without prejudice to peaceful assembly.

**Article 35. Use of firearms**

1. Police is authorized to use firearms only as a last resort:

   1) in terms of self-defence against an armed attack;

   2) to halt attacks on individuals or convoy specified in paragraphs 4 and 5 of part 2 of Article 2 of this Law, which are protected by the police;

   3) to detain an armed person;

   4) for the purpose of detention of a person, who is directly prosecuted on suspicion of committing a grave or especially grave crime committed with violence.

   The police is also authorized to use firearms for filing an alarm or call for assistance, for the removal of an animal that poses a real danger to humans.

2. A police officer is authorized to use firearms only after a warning about the need to stop illegal actions and intent to use coercive measures envisaged by part 2 of Article 30 of this Law. Mentioned warning can also be a shot into the air.

   A police officer is authorized to use firearms without the mentioned warning only in emergency cases concerning saving people's lives.

3. A police officer is authorized to use firearms only to those losses to a person that is necessary and sufficient in this situation for the immediate cessation or prevention of attack or escape.

   A try of a person to approach the police officer, reducing the determined distance, or touch a firearm of a police officer, gives a police officer the right to use firearms.

   A police officer is authorized to use firearms for the purpose of causing the death of a person only in case of an armed attack if appropriate prevention or cessation of attacks can not be achieved by other means.

4. Police is forbidden to use firearms, when there is a significant crowd of people, if this can hurt outsiders.

   Police warning, foreseen by part 2 of this article, shall have the proposition for outsiders to move to a safe place.

5. It shall be forbidden to use firearms in the direction of a neighbouring state except for cases when it is necessary to repel the armed attack and invasion of the territory of Ukraine by armed military groups and crime groups, terminate armed provocations as well as to repel the attack or terminate armed resistance of persons who illegally cross or try to cross the state border of Ukraine.

**Chapter 4. Police databases**
Article 36. The list of police databases

1. Police when performing the functions foreseen by this Law is authorized to process information in databases.

Processing of information in police databases is carried out under the provisions of the law on personal data protection taking into consideration the requirements of this Law.

2. Police processes information of such databases:
   1) database of wanted persons;
   2) database of missing persons;
   3) database of unidentified corpses;
   4) database of identified individuals who can not provide information about themselves due to illness or minor age;
   5) database of missing and found vehicles and items;
   6) database on administrative offences;
   7) database of persons subjected to fingerprinting;
   8) database of photographed persons;
   9) database of selected biological samples;
   10) database of application of police measures, including coercive measures;
   11) database of those who were in police station;
   12) database of persons who have crossed the border of Ukraine;
   13) database of people who are not allowed to enter Ukraine or temporarily restricted to leave Ukraine.

3. Police is forbidden to process information on natural persons in databases not foreseen by this Law.

The provision of this chapter shall not apply to the processing by police of data of the Unified Register of pre-trial investigations, information in police personnel database, police database for candidates for the post of policeman, database on individuals involved in the confidential cooperation, database on material and technical equipment of the police.

Article 37. Term of data storage

1. Police is authorized to retain data for the following terms:

   1) for bases mentioned in items 1-5 of part 2 of article 36 of this Law, - until the moment a person, corpse, transport vehicle, a thing are found (identified);
2) for the base mentioned in item 6 of part 2 of article 36 of this Law, - during one year from the moment of imposing an administrative fine;

3) for bases mentioned in items 7-9 of part 2 of article 36 of this Law, - until the limitation periods for criminal prosecution run out;

4) for a base mentioned in item 10 of part 2 of article 36 of this Law, - during 3 years from the moment of application of relevant measure;

5) for a base mentioned in item 11 of part 2 of article 36 of this Law, - during 3 years from the moment of relevant stay;

6) for a base mentioned in item 12 of part 2 of article 36 of this Law, - during 3 years from the moment of relevant crossing;

7) for a base mentioned in item 13 of part 2 of article 36 of this Law, - within the terms of relevant decision action.

2. The police is obliged to remove and destroy the data in an appropriate database after the deadline provided for in the first paragraph of this article.

**Article 38. Access to police database**

1. A policeman has a right to access database manager of which is a relevant police body officer serves at.

   Information on access to database shall be registered and stored in the automatic system of data processing, including the information on a police officer who received access and the volume of data he got access to.

   Access to the other databases is done on the basis of a submitted request for access to the data that shall be considered according to the law on personal data protection.

**SECTION 4. POLICE PERSONNEL**

**Chapter 1. Status of police personnel**

**Article 39. Composition of the police personnel**

1. Police personnel is comprised of:

   1) police officers;

   2) civil servants, officials of local self-government;

   3) employees.

2. A police officer — is a serviceperson performing functions and mandate of police including police measures foreseen by this Law.
A civil servant — is a serviceperson within the secretariat of police, the secretariat of territorial (regional, county, district) police body.

An official of local self-government — a serviceperson within the secretariat of local police.

An employee — a person working within the secretariat of police, secretariat of the territorial (regional, county, district) police body.

**Article 40. Legislation on police personnel**

1. The legal status of a police officer (except for a local police officer), regulations for being appointed as a police officer, police service, payment and social guarantees, disciplinary responsibility and termination of service is defined by the provisions of the law on state service taking into consideration the peculiarities foreseen by this Law.

The legal status of a local police officer, regulations for being appointed as a police officer, police service, payment and social guarantees, disciplinary responsibility and termination of service is defined by the provisions of the law on service in local authorities taking into consideration the peculiarities foreseen by this Law.

2. The legal status of a civil servant is defined by the provisions of the law on civil service.

3. The legal status of an official of local self-government is defined by provisions of the law on service in local authorities.

4. The legal status of an employee is defined by the provisions of legislation on labour.

**Article 41. Uniforms and police badges**

1. Local, Administrative and Border police officers shall perform functions in a uniform. Police officers are provided with standard uniform, approved by the Cabinet of Minister of Ukraine, for free.

   The uniform shall have a sign “ПОЛІЦІЯ. POLICE”.

   Money for uniforms of local police officers is provided from the relevant local budget.

   Uniforms for Administrative and Border police are provided for the money from the State Budget.

2. Criminal and Financial police officers perform their functions in civil clothes.

3. A police uniform has a badge with a clear imprint of the family name, name and a unique personal number of the officer.

   A police officer is forbidden to take away from the uniform or hide a badge as well as to hinder in any way the information on the badge from being read or fixate it with the help of technical means.
A police officer performing functions in civil clothes is obliged to have a badge foreseen by this part with him, except for cases when the existence of a badge prevents carrying out a covert investigative (search) action.

4. A police officer is provided with a service ID card, the sample of which is approved by the Cabinet of Ministers of Ukraine.

A service ID card has a unique personal number the same as foreseen by part 3 of this article.

A police officer is forbidden to hide service ID card as well as to hinder the information on it from being read or to fixate it with the help of technical means.

Article 42. The unity of the legal status of police

1. Police officers in Ukraine have a unified legal status regardless of the police authority or position held by a police officer.

Article 43. Rights and duties of a police officer:

1. Policeman has the right to:

1) healthy, safe and appropriate for effective activity conditions of service;

2) remuneration regardless of seniority and performance;

3) professional training;

4) promotion based on performance;

5) participate in trade unions to protect their rights and interests;

6) vacation and pension benefits in accordance with the law;

7) appeal as prescribed by law against decisions on dismissal of civil service, disciplinary penalties, denial of retirement, and a negative opinion on the basis of performance appraisal activities;

8) respect for their personality, dignity, fair and respectful treatment by commanding officers, colleagues and other citizens;

9) unimpeded access to documents relating to the service, including the findings on the basis of the evaluation results of his police activity;

10) the free use (with subsequent redress) of vehicles, communications facilities of legal entities or persons during the execution of police powers relating to the direct pursuit of the suspect;

11) Participate in the activities of NGOs, subject to the limitations prescribed by law;

12) other rights foreseen by the law.

2. A police officer is obliged to:
1) To uphold the Constitution and laws of Ukraine and the rules of conduct of public servants;

2) treat citizens with respect, respect the dignity of a person;

3) say his name, rank and at the request of the person - to present an official ID when talking to a person. Police officer who performs the functions of the police in civilian clothes when dealing with a person must show an official ID, say his last name and rank;

4) use state language or any other language according to the language law while on duty;

5) to ensure the effective performance of the functions and powers of the police, conscientiously perform his or her duties;

6) carry out the decisions of public authorities, orders of commanding officers given (issued) within their mandates and internal regulations of the police;

7) continuously improve professional skills and improve the organization of their activity; participate as an instructor (teacher) in training for other police officers;

8) keep state secrets, information about persons that have become known to them in connection with their official duties, as well as other information that under the law shall not be disclosed;

9) take the necessary measures to terminate the offence, rescue people and help them - regardless of their location and time of day;

10) immediately notify the head of the police unit of detected offences committed by others among police personnel, and if such offence has crime elements - relevant pre-trial investigation body.

Police periodically, at least once a year, passes the secret inspection of integrity. Secret integrity test is to establish the circumstances and conditions that contribute to the commission of a corruption offence by certain police officer.

The result of a secret integrity inspection cannot become the ground for bringing a police officer to administrative or criminal responsibility.

**Article 44. Independence of a police officer**

1. A policeman in his activities is independent from any undue influence, pressure, interference from wherever they may come from.

2. Policeman acts within the powers defined by law, job descriptions and is subordinated to their supervisor.

The immediate supervisor is the direct commanding officer.

In the case of joint exercise of powers by police officers, holding same positions, the one holding a higher rank is appointed as an interim commanding officer. In case when positions and ranks are the same, the police officer of higher age shall be appointed as an interim commanding officer.
In the case of joint exercise of powers by police officers who hold different positions, the one holding a higher position is appointed as an interim commanding officer.

3. A direct supervisor within their authority can give orders and instructions. Order, instruction of a supervisor is mandatory for compliance.

The head of the local police, Administrative Police and Border Police has the right to give orders and instructions that are mandatory for all police officers of local police, Administration Police and Border Police accordingly.

4. Policeman shall not execute orders that are clearly criminal. In the case of doubt on the legality of the order, instruction given by his superior has the right to refuse to execute it or to require written confirmation, upon receipt of which must comply with such an order, instruction. Simultaneously with the execution of such order, instruction a police officer is obliged to inform of it the Police Commission in writing.

5. Procedure for issuance or execution of orders, instructions by the Criminal, Financial police officers shall be determined by the Criminal Procedure Code. Criminal, Financial Police officers are not obliged to execute orders, instructions of their supervisors that cause them to question their legitimacy, if they did not get them in writing.

6. If a police officer performed an illegal order, instruction, without having observed the requirements provided in this chapter, he shall be responsible for his actions under the law.

Chapter 2. Peculiarities of the appointment of police officer

Article 45. General requirements for candidates to become police officers

1. A citizen of Ukraine that runs for the post of police officer must meet the following requirements:

1) reach the age of 18;

2) have a completed secondary education;

3) fluency in the national language;

4) health sufficient for the exercise of powers of the police officer, approved by the medical commission, given in the order established by the Cabinet of Ministers of Ukraine.

Article 46. Procedure for selection of candidates for the position of a police officer

1. Selection of candidates for the position of police officer consists of the following steps:

1) the competition, which includes a polygraph test;

2) special training for a candidate who enters the service for the first time;

3) the appointment and taking the oath.
Article 47. Competition for the position of a police officer

1. Competition for the position of police officer is held by the Police commission.

2. Competition is held to occupy any vacant position.

3. Competition announcement is published on the relevant website of local police, Administration Police, Criminal Police, Financial Police and Border Police.

4. Polygraph testing is conducted by a certified specialist in a specially designated room. The process of testing is fixed by technical means of video and audio recording.

Certification and specifications of a polygraph are approved by the Cabinet of Ministers of Ukraine.

Exempted from passing a polygraph test are pregnant women and women with children under three years old.

Polygraph testing is harmless to the health of a person survey in which the analysis of the dynamics of psychophysiological responses of a questioned person in response to psychological stimuli provided in the form of answers, objects, diagrams, photos, etc., which gives the possibility to detect simulation and present registered results in the analog and/or digital form.

The survey results are used during the interview with the person solely for the information of the likely character, which contributes to the possible formation amongst members of the Police Commission of an inner conviction.

5. Polygraph test is conducted to ascertain the facts of corruption or other illegal acts committed by the candidate for police officer position.

6. Negative result on a polygraph itself is not a reason for the denial of candidates for appointment to the position of a police officer. However, refusal to pass polygraph test results in the impossibility of his appointment as a police officer.

7. Polygraph test results can not be used to charge the candidate for the police officer position of criminal, administrative or disciplinary offence.

Article 48. Specific training of a candidate for police officer position

1. The candidate for the police officer position who enters the service for the first time, is trained in a Police school to gain knowledge and skills of practical activity of a police officer, including the passing of the special physical and fire training.

2. Term of the special training of the candidate for the police officer position, who has completed their secondary education, is six months.

The period of special training of the candidate for police officer position, who has basic or full higher education, is three months.
3. During the period of special training of the candidate for police officer position he or she receives monthly allowance in the amount of 50% of the salary of a police officer.

4. During special training candidate for police officer position is engaged to the performance of certain police functions performance of which shall take no more than 25% of the time of special training and has the status of a police officer during the performance of these functions.

5. Specific training of a candidate for a police officer position is considered completed:

1) when all the standards of special physical and fire training are fulfilled;

2) when a qualification examination in the form of anonymous testing and practical tasks are passed.

Candidates who failed to comply with the standards of the special physical and fire training are not allowed to pass a qualifying examination. A qualification examination takes place in a specially designated area. The course of the qualification examination is fixed by technical means of video and audio recording.

The standards of special physical and fire training, as well as a list of issues and practical problems for the qualification examination shall be approved by the ministry responsible for public policy in the field of public order and the protection of individuals, society and the state from illegal encroachments in consultation with the ministry responsible for public policy in finance, and the ministry responsible for public policy in the field of defence.

Based on the result of the police special training Police School Examination Board shall take a reasoned decision on the successful or unsuccessful completion showing the results of training (number of points), a copy of which is awarded to the candidate for the post of police officer. A candidate can not be deemed as one who have successfully completed a special training, if he did not comply with the standards of the special physical and fire training, or if the result of the qualifying examination was less than 50 percent of the maximum score possible.

6. Candidate for the police officer position who failed special training may appeal against the decision to the relevant Police Commission within fifteen days after the receipt of a copy of such decision. After reviewing an appeal the Police Commission denies the appeal or satisfies it and makes a decision that a candidate for police officer position successfully completed police special training.

7. Police school shall notify the appropriate Police commission of the results of the special police training of the candidates for the position of police officer.

8. Candidate for police officer position who failed a special training shall be excluded from the reserve for vacant police officer positions after the deadline to appeal against the decision of Police School Examination Commission (if the complaint was not filed) or if the complaint was denied.

9. Results of special training of a candidate are valid for two years or until the first appointment to a police officer position.

Article 49. Appointment to the police officer position
1. The winner of the competition shall be appointed to the vacant post of police officer.

2. Decision on appointment is made on the basis of and on the submission of the Police Commission after the deadline to appeal against the results of the competition, and in the case the results of the competition were challenged - after the decision on the appeal.

3. Service relations of a person who enters the service of the police begin upon appointment as a police officer. Status of a police officer a person, who enters the civil service, service in local self- government authorities for the first time, receives after taking the oath.

Article 50. Oath of a police officer

1. A person appointed as a police officer for the first time must publicly take the oath as follows:

"Being aware of high responsibility, I solemnly swear that I will faithfully serve the Ukrainian people, observe the Constitution and laws of Ukraine, put them into practice, respect and protect the rights and freedoms of a person and a citizen, the honour of state, I will honorably carry a high rank of a police officer and conscientiously perform my duties ".

2. A person appointed as a police officer for the first time, says the oath in a solemn ceremony in the presence of the head of the local police, Chief of Administrative Police, Criminal Police, Financial Police or Border Police.

3. Text of the oath shall be signed by a police officer and kept in his personal file.

Article 51. Perpetuity of the appointment as a police officer

1. Appointment as a police officer has no terms (until retired or resigned), subject to the successful execution of duties.

2. A police officer can be appointed for a certain term in the case when this is done for the period of absence of the person who retains the position of a police officer under the law.

Chapter 3. Peculiarities of police service

§ 1. Police ranks

Article 52. Police ranks

1. Chief of local police, Administrative Police and Border Police awards respective police officers with following special ranks:

1) Junior Inspector of Police;

2) The Inspector of Police;

3) Senior Inspector of Police;
4) The Commissioner of Police.

2. Chief of Criminal Police, Financial Police awards the respective police officers with following special ranks:

1) Junior Detective of Police;

2) Detective of Police;

3) Senior detective of Police;

4) The Commissioner of Police.

3. A person who was appointed as a police officer for the first time, is awarded with a rank of junior police inspector, junior police detective.

4. Upon the appointment of a police officer of the local police, Administrative Police and Border Police to the Criminal police or Financial Police he or she is automatically awarded with the appropriate special rank of Criminal Police or Financial Police.

Upon the appointment of a police officer of Criminal police, Financial police to the local police, Administration Police or Border Police he or she is automatically awarded with an appropriate special rank of local police, Administration Police or Border Police.

5. Policeman after termination of service in the corresponding special rank retains this rank for life.

**Article 53. Duration of stay in the police rank**

1. Term of being in each special rank is 8 years.

There shall be no early promotion to the next rank of police officer.

2. The length of police service (stay in the police rank) includes term of tour of duty made in accordance with this Law to:

1) secretariat of the respective ministry;

2) the secretariat of police;

3) Police School as an instructor (teacher);

4) national contingents participating in international peacekeeping and security operations.

3. Whatever term of a tour of duty is, provided for by part 2 of this Article, it is only 10 years of such tour of duty that can be included to the term of service in the police (stay in the police rank).

§ 2. Features of working time and rest time of a police officer

**Article 54. Working time of a police officer**
1. Duration of a working time of a police officer is 39 hours per week.

2. Police Chief sets the calendar of shifts of police officers for every month taking into account the wishes of police personnel.

3. Working shifts may include both uniform and irregular working hours, standard and flexible working time of police officers.

4. Uniform schedule of policeman must meet the following criteria:
   1) consists of 5 days a week;
   2) has two days off per week;
   3) the shift shall not be longer than 9 hours in one working day;
   4) the difference of working time in different weeks cannot be more than 5 hours;
   5) the average hours of work over two calendar months shall not exceed working time during the relevant working week.

   Irregular working hours of policemen shall meet the following criteria:
   1) the length of one working day shall be not more than 9 hours;
   2) the average hours of work over two calendar months shall not exceed working time during the relevant working week.

5. Flexible working hours give a police officer the right to choose the start and end of a shift. Working shifts with flexible working time must last at least four hours without a break.

6. Overtime period shall not exceed 200 hours in one calendar year.

**Article 55. Service readiness of a police officer**

1. Supervisor is authorized by order to oblige a police officer to be service ready during non-working hours while staying at the place of residence or other place specified by a police officer.

2. Duration of stay in the service readiness can not exceed 200 hours in one calendar year.

**Article 56. Leisure time of a police officer**

1. Breaks for rest and meals of a police officer last:
   1) with a work shift of up to 8 hours - one hour;
   2) with a work shift of more than 8 hours - one break for one hour, and the rest of the breaks for not more than 30 minutes.

   Break for rest and meals can be made no later than four hours after the start of the shift. Breaks for rest and meals are not included in the working hours.
2. Continuous rest between individual police shifts should last at least ten hours. In the case of the overtime work continuous rest can not be less than six hours.

3. Weekly uninterrupted rest period in the performance of overtime work can not be less than 12 hours.

§ 3. Peculiarities of transfer, rotation, secondment of a police officer

Article 57. Transfer of a police officer

1. In case of a reasonable need of services a policeman, given his training and skills can be transferred:

   1) to another position in the same police unit, including in another area - by a decision of the head of the respective police unit;

   2) to the equivalent position in another police unit, including in another area - by a decision of the chief of the police unit from which a policeman is being transferred and chief of police, where a policeman is transferred.

2. Transfers shall be made only with the consent of a police officer, except in cases where the transfer is necessary in view of the important public interests. Transfer within one police unit does not require the consent of a police officer if a new post is related to the same remit as the previous post, and does not involve reduction of wages.

   Before making the decision to transfer a police officer has a right to be heard.

3. Transfer to another area can be carried out in the view of special public interest, for a period not exceeding two years. When transferring to another district a police officer shall be provided with appropriate living conditions, taking into account his family situation, and reimbursement of all the costs associated with the move, in the order established by the Cabinet of Ministers of Ukraine. A police officer can be transferred in such a way no more than twice during the service.

4. The transfer to another place is not allowed without the consent of a police officer — being a pregnant woman or a person self-raising a disabled child, a disabled since childhood, a child under the age of sixteen. There shall be no transfer during the existence of critical personal or family circumstances (illness or serious illness of police officer family member, natural disaster, etc.).

5. Transfer should not be a disguised punishment.

6. In the case of transfer of a police officer to another police post he or she receives salary that corresponds to the position at which he or she was transferred, and in case the salary in the new position is less than the previous one, he or she receives supplement wage in the appropriate amount.

Article 58. Rotation of police officers
1. Police carries out rotation of the police officers — planned transfer of a police officer from one office to another office of the same level.

2. A list of positions subject to rotation in the police force shall be established by the Cabinet of Ministers of Ukraine.

**Article 59. Secondment of a police officer**

1. A policeman can be sent on a service secondment (hereinafter - secondment) to exercise his or her powers outside the permanent duty station.

   Supervisor determines the location of assignment and tasks to be executed, duration of a secondment, the vehicle and the date of completion of a secondment.

2. A secondment can take no more than 30 calendar days. If it requires a longer duration, then this requires the written consent of the police officer.

   A police officer is required to perform duties on a secondment on days-off as well if so required.

3. A police officer receives a reimbursement of costs relating to the secondment in the manner specified by the Cabinet of Ministers of Ukraine.

   For the entire period of secondment a police officer retains his position and salary.

4. When directed on a secondment marital status and other personal circumstances of a police officer shall be taken into consideration.

   It is not allowed to send a police officer on a secondment without the consent of the police officer - self-raising a disabled child, a disabled since childhood, a child under the age of sixteen.

5. Provisions of part 2,4 of this article shall not apply to police secondments, provided for by Article 53 of this Law.

**§ 4. Peculiarities of professional training of police officers**

**Article 60. Professional training of a police officer**

1. Professional training provides for police training and professional development and is carried out:

   1) for local police officers - at the expense of the relevant local budget;

   2) other police officers - at the expense of the state budget.

2. Relations arising in connection with the passing of police retraining are governed by the laws on education, besides the characteristics defined in this Law.

   In matters arising in connection with the further training of police officers, laws on education do not apply.
Regulations of police training and professional development shall be approved by the ministry responsible for public policy in the field of public order and the protection of individuals, society and state from illegal encroachments.

3. The need for retraining of police officers shall be defined by a police officer together with the supervisor during the appointment and at the time of service.

In the event of termination of service at the initiative of the police officer within three years after the passage of retraining wholly or partially funded by the budget, he is obliged to reimburse the money spent on training in the order set by the Cabinet of Ministers of Ukraine.

4. Professional training of a police officer is conducted to systematically improve professional skills needed to perform the powers of the police, and is an integral part of the service.

   Education policeman held in the form

   Professional training of policemen shall be held in the form of special courses, workshops, training sessions and other activities aimed at improving the professional level of performance of police powers, as well as through training and self-education.

5. Supervisors within the eligible costs for the maintenance of proper police units, organize training of police officers on the job, at the police school, and are entitled by law to procure the services in enterprises, institutions and organizations of ownership, individuals, necessary to provide for police training.

6. Police officers improve police skills by decision of a supervisor at least once every two years, as well as when there is a need for it.

The need for professional development is determined by the police officer along with his supervisor on the basis of performance appraisal of police activity.

**Article 61. General provisions of police officer evaluation**

1. Every four years Attestation Commission runs an attestation of a police officer.

   It is not allowed to conduct other forms of police performance appraisal in addition to attestation.

   A police officer subject to attestation shall get the information on attestation no later than one month before its start.

2. Attestation commission is created by the order of the head among the police officers who serve in this police force, in an amount not less than four people for three years and operates on a continuous basis without interruption of its members from exercising the powers of the police. The structure of the attestation committee consists of an equal number of representatives of the supervisory staff (chiefs) and employees of the relevant police units.

   Representatives of the staff are elected to the Attestation Commission at the General Assembly of Policemen by secret ballot. Representatives of the supervisory staff (chiefs) are appointed by the Chief of the relevant police unit.
2. Failure to create a constant Attestation Commission within the police unit (other than local police) evaluation of a police officer shall be carried out by the Attestation Commission of Police units of a higher in order of submission.

3. Attestation Commission members elect their chairman and secretary at the first meeting by a secret ballot.

4. Attestation Commission meeting is valid if attended by at least four of its members. Attestation Commission decisions are adopted by a majority of the members of the commission. A member of the Commission who is under evaluation has no right to vote.

5. Decision of the Attestation Commission in the form of a submission is binding for the head of the police unit.

Regulations on Attestation Commission shall be approved by the Cabinet of Ministers of Ukraine.

Article 62. Procedure for evaluation of a police officer

1. Evaluation is carried out in the form of interviews, during which a police officer answers questions from members of the Attestation Commission concerning police activity, knowledge and application of laws.

2. Based on the results of evaluation of a police officer an Attestation Commission by a secret ballot has to take a following decision:

1) meets the requirements of his position;

2) meets the requirements of his position, subject to the recommendations to improve the professional skills of a particular direction;

3) does not meet the requirements of the position.

A police officer is considered as the one who passed the attestation when he is recognized as the one who meets the requirements of his position or the one who meets the requirements of his position, subject to the recommendations to improve the professional skills of a particular direction.

3. In case of a decision on compliance to the post, subject to the recommendations on training, in twelve months such a policeman shall pass re-evaluation for the purpose of validation of advanced training in certain professional direction.

4. In case of a decision on non-compliance with policeman's position, an Attestation Commission decides on his or her dismissal from the position.

Article 63. Internship of a police officer

1. With the purpose of improvement of police officer's skills and achieving experience a police officer can do an internship for a period of up to six months on other (including higher) positions in the same unit of police or other police units.
2. Internship is conducted distantly from the police unit that sent a police officer, with his maintaining a position and salary.

Procedure for police internship is set by the Cabinet of Ministers of Ukraine.

§ 5. Peculiarities of remuneration, bonuses for police officers

Article 64. Salary of a police officer and measures of social protection

1. Salary of a police officer consists of base salary and bonuses for the following:

1) years of service;

2) staying service ready.

2. Police officer's base salary is set at 6 times the minimum wage established by law.

Base salary of the police officer who is in a managerial position in the local police, set in proportion to the size of the salary of a police officer as defined in paragraph 1 of this Part, with the coefficient for:

1) deputy head of the local police - 1.1;

2) head of the local police - 1.2.

Base salary of a police officer who is in a managerial position in the Administrative Police, Criminal Police, Financial Police, Border Police shall be established in proportion to the size of the salary of a police officer as defined in paragraph 1 of this Part, with the coefficient for:

1) Deputy chief of the structural unit of territorial (district, regional) body - 1.2;

2) Chief of a branch of territorial (district, regional) body - 1.3;

3) The deputy head of regional (district, regional) body - 1.4;

4) The head of a territorial (district, regional) body - 1.5;

5) Deputy Chief of Police - 1.6;

6) Chief of Police - 2.

3. Police officers receive a monthly bonus for seniority in the following amounts: for the service more than a year - 10 percent, more than 3 years - 15 percent, over 5 years - 18 percent, over 10 years - 20 percent, over 15 years - 25 percent, over 20 years - 30 percent, over 25 years - 40 percent, over 30 years - 45 percent, over 35 years - 50 percent of base salary.

4. A police officer is paid a bonus at the rate of 0.002 to the size of the salary for each hour of stay in the service readiness.

5. In case of injury or disability that occurs in connection with performing official duties, a police officer shall be compensated at a rate of up to three years annual salary, which consists of a base salary and bonuses for length of service, depending on the degree of disability, and in case of the
death of this reason the family or dependents of the deceased shall be paid a lump sum of five years salary at the last post, which consists of base salary and bonuses for seniority. The order, conditions and payment of compensation and a lump sum shall be determined by the Cabinet of Ministers of Ukraine.

6. Burial of a policeman who died in connection with performing official duties, or removed from office, who died as a result of bodily injury or other harm, related to the performance of official duties shall be done at the expense of the funds allocated to the police in order and in the amount determined by the Cabinet of Ministers of Ukraine.

**Article 65. Police officer encouragement**

1. For an impeccable and efficient service the head of the police unit uses the following types of police officer encouragement:

   1) acknowledgment certificate;

   2) awarding with the diploma and other departmental awards of police;

   3) cash prize in the amount of 50 to 100 percent of base salary, but not more than twice in one calendar year;

   4) a request for state honours.

2. Incentives do not apply to the police officer during the term of a disciplinary sanction.

**Chapter 4. Peculiarities of disciplinary responsibility of a police officer**

**Article 66. Grounds for bringing a police officer to disciplinary responsibility**

1. Grounds for bringing a police officer to disciplinary responsibility are committing misconduct - illegal actions (or inaction), a decision showing non-performance or improper performance of police duties and other requirements of this Law, for which he may be subjected to disciplinary punishment.

2. Disciplinary offences of police officers are such acts that are free of administrative misconduct or criminal offence:

   1) an expression of disrespect to state symbols of Ukraine;

   2) non-performance or improper performance of duties, decisions of state authorities, commands, decrees and orders of the heads given within their jurisdictions;

   3) failure to perform or improper performance of official duties, any other violation of the oath;

   4) disclosure of information constituting secrecy protected by law;

   5) abuse of office or unlawful interference with official activities of other officers, including through public statements about their decisions, actions or inaction;
6) non-compliance with legislation on preventing and combating corruption, including illegal acquisition of property or services from individuals and legal entities for the purpose of financial, technical or other support for the police;

7) approval of behavior that discredits them as police officers and could harm the authority of the police;

8) providing false information or forged documents during the appointment to the post, as well as the failure to provide such information about the circumstances that have arisen during the service;

9) violation of the requirements of police work, if it caused substantial harm or created a real threat to the onset of severe consequences;

10) failure to take legal measures to address conflicts of interest;

11) violation of the rules of professional ethics;

12) violation of restrictions on the participation of the policemen in the election process set out by the electoral legislation, other non-performance of requirements for loyalty and political neutrality of the police;

13) violation of internal regulations, including absenteeism;

14) being in a state of alcoholic, narcotic or other intoxication in the workplace, as confirmed by a medical report or a decline to perform the command of the head of the unit to pass the examination for the state of alcoholic, narcotic or other intoxication;

15) an expression of contempt for persons in the exercise of powers or unreasonable delay in the consideration of the appeal;

16) public statement, which is a violation of the presumption of innocence;

17) non-observance of legislation on languages when performing functions.

3. Policeman can not be subject to disciplinary action if six months passed after the head of the unit received the information on disciplinary misconduct, not counting the time of temporary disability of a police officer or his stay on vacation, or if two years passed after it was committed.

Article 67. Types of disciplinary sanctions

1. To the police officer may be applied one of the following types of disciplinary penalties:

1) observations;

2) a reprimand;

3) penalty;

4) delay in promotion to the next rank of police;

5) reduction in the police rank by one grade;
6) a warning of unsatisfactory professional competence;

7) release from police.

Disciplinary sanctions provided for in paragraphs 2-7 shall be imposed only upon submission by the Police Commission.

2. In case of minor violations of internal regulations and other internal documents approved in due course, and other minor misconduct, the head is required to confine written comments to the police officer.

3. In case of improper exercise of the powers of the police, violation of law, the commission of other misconduct a police officer may be reprimanded or fine the amount from 10 to 25 percent of base salary for a period of one to three months.

4. Delayed promotion to the next rank of police officer for a period of one to two years applies if the Commission decides that the police officer meets the requirements of the position subject to fulfilment of recommendations for training as well as when during the year the police have imposed on a police officer such types of disciplinary sanctions as a reprimand and a fine.

5. Lowering of police rank by one grade, warning of unsatisfactory professional competence can be used for the systematic improper exercise of the powers of the police, the systematic violation of internal regulations in cases where such offence was committed within one year from the date of application to the police officer of any other type of disciplinary penalty (except for observations) for the commission of the prior offence.

6. Dismissal is an exceptional police disciplinary action and may be used only in cases provided for in paragraphs 1-9 of Article 68 of this Law, provided that there has been a gross violation of the Constitution or laws of Ukraine, violation of oath and / or systematic failure to perform functions of police committed within one year after the application of any other disciplinary action (except for observations) to a police officer.

Article 68. Circumstances mitigating or aggravating disciplinary action

1. Disciplinary sanction shall conform to the nature and severity of the misconduct and the degree of fault of the police officer. When determining the type of disciplinary sanction taken into account should be the nature of the offence, the circumstances under which it was committed, the previous behavior of the police and its relationship to the performance of official duties.

2. Contingencies that mitigate the responsibility of a police officer, are:

1) awareness and acknowledgment of his guilt in committing a disciplinary offence;

2) The previous behavior is impeccable;

3) The strong performance of his functions, the availability of public incentives and rewards;

4) Taking measures to prevent or eliminate adverse effects that occurred or may occur as a result of the commission of the offence, voluntary reparation of damage;
5) The commission of the offence under threat, coercion or through the service or any other dependence;

6) the commission of the offence as a result of supervisor's misconduct.

3. When using a particular type of disciplinary sanction other circumstances that are not mentioned in the second part of this article may be taken into account, that mitigate the responsibility of police officer.

4. Contingencies that aggravate the responsibility of a police officer are:

1) the commission of the offence being drunk or in the condition caused by the use of drugs or other intoxicating substances;

2) the commission of the offence again before the removal of a previous penalty in the set order;

3) the commission of the offence intentionally because of personal hostility to another police officer, an employee, including a supervisor, or retaliation for actions or decisions concerning a police officer;

4) the occurrence of serious consequences or damages caused as a result of the commission of a disciplinary offence.

Article 69. Grounds and reasons for initiation a disciplinary case

1. Grounds for initiation a disciplinary case are statements of complaint and the notice of citizens, officials, media (hereinafter - the notice) on the commission of a violation that has elements of the disciplinary offence, or a direct detection of a misdemeanor by a the police official.

2. Basis for initiation of disciplinary case is the existence in the report and other materials of sufficient evidence pointing to signs of misconduct.

Article 70. General procedure for disciplining

1. The police unit chief or the Head of the Police Commission, in the presence of matter and the grounds, open proceedings in a disciplinary case.

Where there is no need for disciplinary proceedings, head of police unit or his authorized representative demands a written explanation from a police officer and makes a disciplinary sanction—an observation.

If there is a need to conduct a disciplinary investigation, head of the police unit conducts the investigation and based on its conclusions imposes disciplinary sanctions - observations, or refers the case to the Police Commission. Police Commission after consideration of disciplinary proceedings makes a recommendation to the head of police unit to impose on police officer a disciplinary sanction or close the proceedings due to lack of grounds for disciplinary action.
2. Decision to send the case to the Police commission or to close a case (proceedings) shall be taken within three months after the detection of the offence or the end of a disciplinary investigation.

The decision to impose a disciplinary sanction taken within three days after the completion of the proceedings by Police Commission.

3. Decision to impose a disciplinary sanction is issued in the form of the relevant act (an order or decree).

4. Where a breach of discipline has signs of a corrupt act or offence, head of the police unit must immediately transfer the file to the appropriate pretrial investigation body.

**Article 71. Initiation of a disciplinary case**

1. The initiation of the disciplinary case - a decision of the head of the police unit or police commission in resolution (instruction) to the notification of violation of discipline, on consideration of the fact by a respective official and resolution of the issue concerning bringing the police officer to disciplinary responsibility, or in the order or other act on the initiation of a disciplinary investigation concerning this incident.

**Article 72. Conduct of disciplinary investigation**

1. Disciplinary investigation, which is a preliminary collection of information about the circumstances of the case concerning the possible commission of the offence, is made by chief of police unit or a person (Commission) authorized by him or by a police commission.

Commission to conduct a disciplinary investigation shall necessarily be formed in case of failure or improper performance of functions, abuse of authority, which led to loss of life or significant property damage to a person or entity, state or community.

The order of conduct of the disciplinary investigations by a commission shall be established by the Cabinet of Ministers of Ukraine.

2. Disciplinary investigations are carried out within one month. If necessary, the prescribed period may be extended by a disciplinary body that initiated disciplinary investigations, but not more than to two months.

3. Officials of police units, personally interested in its results shall not be involved in the conduct of disciplinary proceedings.

4. Persons conducting a disciplinary investigation shall be personally liable for the completeness, comprehensiveness and objectivity of its findings and nondisclosure of information relating to this investigation.

5. Commission or a person conducting a disciplinary investigation has a right to:

1) receive an explanation from the police officer against whom a disciplinary investigation is conducted, and others on the circumstances of the case;
2) receive in units of the police or at the request by other authorities required documents or copies and attach them to the case file;

3) consult relevant experts on issues relating to disciplinary proceedings.

6. Policeman, against whom the official investigation is conducted, has a right:

1) to give explanations, submit relevant documents and materials relating to the circumstances that are investigated;

2) submit an application to obtain new materials and to attach to a case file materials new documents, to obtain additional explanations of persons related to the case;

3) be present during the execution of appropriate measures;

4) to submit complaints against the persons who conduct disciplinary investigations.

7. Integral part of a disciplinary investigation is a police polygraph test, which is conducted to ascertain the fact of committing misconduct in the manner provided in Article 49 of this Law.

The negative results of the polygraph test can not be the only reason for bringing the police officer to disciplinary responsibility.

The results of the polygraph test cannot be used to charge the police officer with a criminal or administrative offence or other misconduct.

8. Based on the results of the disciplinary investigation a conclusion is drawn up which within the term of the investigation together with a disciplinary case shall be given to the head of the police unit or a police commission that has initiated the disciplinary investigation.

**Article 73. Removal of a police officers from office**

1. Failure or improper exercise of the powers which could lead or has led to loss of life, caused significant damage to persons or entities, the state, the community gives grounds for dismissal from the police post. Decision on removal of a police officer from office shall be adopted by a Police Commission.

2. Duration of removal can not exceed the term of a disciplinary investigation, and if the case is given to the Police Commission - time to make a decision after hearing in the case.

3. During the removal from office a police officer is paid two-thirds the size of his salary.

In the event of closure of disciplinary proceedings without calling the police officer to disciplinary measures he shall be paid the difference in wages not received due to removal from office.

**Article 74. Conclusion on the results of a disciplinary investigation**

1. Conclusion as a the result of a disciplinary investigation shall include:
1) the date and place of conclusion, surname and initials, title, and a place of service of person (or committee members), who conducted a disciplinary investigation;

2) grounds and the basis for initiation of disciplinary proceedings;

3) the circumstances of the case, in particular, the circumstances of police officer misconduct;

4) an explanation of the police officer regarding the circumstances of the case;

5) explanations of others who know the circumstances of the case;

6) an explanation of the police supervisor on the circumstances of the case;

7) documents and materials that confirm and / or deny the fact of misconduct;

8) information describing the police officer as well as data on the presence or absence of disciplinary sanctions;

9) the causes and conditions that led to the commission of the offence, taken or proposed measures to eliminate them or circumstances that are removed from the police charges;

10) conclusion regarding the presence (absence) of the act of police misconduct and its legal qualification, with reference to the provisions of law.

2. Conclusion shall be signed by a person (all members of the Police Commission), who conducted a disciplinary investigation. The members of the Police Commission are entitled to a separate opinion, which they sets out in writing and attach to the report.

3. Decision to send the disciplinary case to the Police Commission or to close a case (proceedings) is taken by the supervisor or a Police commission within three days from the date of detection of the offence or the end of a disciplinary investigation.

4. Disciplinary authority which appointed the disciplinary investigation, may close disciplinary proceedings on the results of disciplinary investigations in case of absence of misconduct in police officer's actions.

Article 75. Procedure for consideration of the case by a Police Commission

1. Police Commission is considering a disciplinary case within 15 days from the date of its receipt and shall submit a proposal to the head of the police unit.

2. Consideration of the case is made by Police Commission publicly unless it adopted a decision to make a consideration closed in order not to disclose the state secrets or other secrets protected by law.

3. Police Commission verifies the completeness, comprehensiveness and objectivity of the disciplinary proceedings, the availability and sufficiency of the evidence of guilt in the commission of police officer's misconduct, decides on the presence in the police officer's act of a misconduct or lack of it, and make proposals to impose a particular type of disciplinary sanction or to close disciplinary proceedings.

When determining the type of disciplinary sanction members of the Police Commission should be guided by the provisions of Article 70 of this Law.
4. Police Commission is empowered under the law to change the legal qualification of the offence committed specified by the person (Commission), which conducted a disciplinary investigation.

5. Consideration of a case by the Police Commission shall be carried out with the police officer, who is being held accountable, except when he or she fails to attend the meetings of the Commission without good reason. At a meeting the Police Commission hears the explanations of the police officer about the circumstances of the case.

Police officer, the person who filed the complaint or report are to be notified of the time, date and place of the hearings of Police Commission no later than three days prior and in writing.

6. Decision to impose a disciplinary sanction on police officer or to close the case because of the lack of disciplinary offence shall be taken by a Police Commission by secret ballot with a simple majority vote of its members and is made in the form of a submission.

7. In the case of an equality of votes the vote of the Head of Police Commission is decisive.

8. During the proceedings, the Police Commission Secretary and in case of his absence - the other member of the Commission is taking minutes of the meeting, which is attached to the case file.

9. Submission of the Police Commission shall be immediately forwarded to the head of police unit.

Article 76. Disciplinary case

1. Disciplinary case shall include:

1) the decision of an authority or officer of the initiation of disciplinary proceedings;

2) a written explanation of the police officer on the circumstances of the case;

3) a written explanation of the head of the structural unit (body) of the police, which a police officer works for, on the circumstances of the offence and other data necessary for a complete, thorough and objective investigation of the facts;

4) a written explanation of others who know the circumstances of the offence committed;

5) a certificate of presence (absence) of disciplinary measures imposed on a police officer;

6) the conclusion on the disciplinary proceedings (if such proceedings took place);

7) submission of the head of the structural unit (body) of the police, which a police officer works for, with proposals for the imposition of disciplinary punishment or dismissal of the case (if the investigation was not carried out and it is not considered by a Police Commission);

8) submission of the Police Commission to bring the police officer to disciplinary responsibility and imposition of a specific type of disciplinary punishment or to dismiss the case (if the case was considered by the Commission);
9) A copy of the decision (act) of the head of the police unit or the Police Commission on the imposition of a disciplinary sanction or dismissal of the case.

**Article 77. Guarantees in the application of disciplinary sanction**

1. Disciplinary sanction is applied to the police officer immediately after the detection of the offence within the period specified by this Law.

2. In the case of conducting disciplinary investigations within the 6 months period from the day when offence occurred the day of signing the conclusion of this investigation is considered the day of the detection of the offence.

3. Disciplinary sanction may be imposed only when the fact of the commission of the offence and the guilt of the police officer are confirmed.

   It is not allowed to impose a disciplinary sanction if the person has already been imposed with administrative penalties or criminal penalties for the same offence.

4. Only one disciplinary penalty shall be imposed for each violation of discipline.

5. Disciplinary sanction can not be applied in the absence of a police officer in the service because of temporary disability, while being on vacation or on a secondment, and before the completion of the appropriate disciplinary investigation.

   The period of absence of police officer in the service because of temporary disability and stay on vacation or a business trip terminates the period of penalty.

   In such cases, the penalty is applied after a police officer returns in service in the manner prescribed by this Law.

6. Policeman has a right to review the disciplinary case, and challenge a disciplinary penalty imposed on him or her in the manner prescribed by this Law.

7. Policeman is entitled to have the assistance of an attorney or other authorized representative.

**Article 78. Explanation of a police officer**

1. Before imposition of a disciplinary sanction a person (Commission) that conducts disciplinary proceedings (in case there is an investigation) shall receive from the police officer, called to disciplinary responsibility, a written explanation.

2. Explanation of a police officer shall reflect the time, place, circumstances and reasons for committing misconduct, his sense of guilt or denial, and other issues that are relevant to the case.

3. Failure to provide official explanation shall be fixed by an official in presence of two persons from the staff of the police or with the relevant act and shall not prevent the imposition of a disciplinary sanction on a police officer.

   Refusal of a police officer to review or sign the act shall be certified thereon by persons who composed it.

**Article 79. Right to review records of disciplinary proceedings**
1. Policeman has the right to examine all records of disciplinary proceedings before the decision to impose a disciplinary sanction on him is made, in the case where the disciplinary investigation was not conducted, or after the preparation and signing of the conclusion of such investigation within the time allowed for the preparation of materials for their consideration or sending them to the disciplinary committee.

2. On the results of review a police officer may contribute comments and additions to the conclusion, file a petition to take additional measures to establish the circumstances relevant to the case, to provide additional explanations and submit additional documents and materials relating to these circumstances, which are added to the case.

**Article 80. Decision on bringing to disciplinary responsibility or disciplinary proceedings closure**

1. Decision to impose a disciplinary sanction on a police officer or to close disciplinary proceedings is taken within three days from the day the offence was detected based on notification and materials of the case or the conclusion of the disciplinary investigation or submission of the Police Commission from the date of receipt.

2. A decision that is made by order or other act specifies the name of the police unit, the date of its adoption, information about a police officer, a summary of the circumstances of the offence and its legal qualification, type of disciplinary sanction.

3. If in the course of disciplinary proceedings in the act of police officer misconduct under this Law has not been identified, Head of Police Unit or Police Commission decides to close the disciplinary proceedings against the police officer, and issues an order or other act.

4. A police officer receives upon signature a duly certified copy of the order or any other act on imposition on him a disciplinary sanction or closure of disciplinary proceedings no later than the next business day after the decision is made.

   In case of the police officer refuses to obtain a copy of the order or any other act on imposing on him a disciplinary sanction or closure of disciplinary proceedings this document shall be sent to the police officer at his place of residence by registered mail with return receipt requested.

**Chapter 5. Peculiarities of resignation of a police officer**

**Article 81. Resignation of police officer**

1. Resignation is a termination of powers of a police officer based on his written statement.

2. Grounds for resignation of a police officer can be a medical condition that prevents the execution of their duties (if any medical report).

3. In case of resignation of a police officer who has not reached retirement age set by the law, but has insurance experience for men - at least 15, for women - at least 10 years and worked as a police officer for at least 5 years, a body that made the decision on resignation, pays on a monthly basis 2/3 the size of his salary until the retirement age or to the moment a person finds a job, but no longer than six months.
4. If a resigned person terminates the citizenship of Ukraine or commits an intentional crime, the payments referred to in paragraph third of this Article shall cease.

SECTION 5. BODIES PROVIDING FOR THE ACTIVITY OF POLICE

Chapter 1. Police Commissions

Article 82. Types, jurisdiction and powers of the Police Commissions

1. Police commissions operating in Ukraine are the following:

1) Commissions of the local police;

2) Police Commissions of regions, Autonomous Republic of Crimea, cities of Kyiv and Sevastopol.

2. Commission of local police shall be created in each community (communities), which has the local police.

Police commissions are formed in each region, the Autonomous Republic of Crimea, cities of Kyiv and Sevastopol.

3. Police Commission is authorized to:

1) conduct a competition for the position of police officer;

2) adopt an alternative report on police activity;

3) conduct disciplinary proceedings against a police officer.

4. Commission of local police is authorized to prepare the nomination of the head of the respective local police based on the results of the competition.

Police Commissions are authorized to prepare the nomination of heads and deputy heads of the Administrative Police, Criminal Police, Financial Police and Border Police based on the results of the competition. The mentioned authority as well as the adoption of an alternative report on police activity shall be exercised by the Police Commission within which jurisdiction the secretariat of Administrative Police, Criminal Police, Financial Police and Border Police respectively is located.

Police Commissions of a region, Autonomous Republic of Crimea, cities of Kyiv and Sevastopol authorized to conduct a competition for all police officers positions and conduct disciplinary proceedings against all the police officers who serve in the secretariats, local (district and regional) authorities and other departments of the Administrative Police, Criminal Police, Financial police and Border Police, that are located within the relevant region, the Autonomous Republic of Crimea, cities of Kyiv and Sevastopol.

Article 83. Composition of Police Commissions

1. The structure of each Police Commission (Commission of the local police, the Police
Commission of the region, the Autonomous Republic of Crimea, cities of Kyiv and Sevastopol

consists of five members who are citizens of Ukraine, in particular:

1) one person appointed by the Minister responsible for public policy in the field of public order and the protection of individuals, society and the state from illegal encroachments in consultation with the Minister responsible for public policy in the field of finance;

2) one person (deputy), elected by the relevant local council, regional council, the Supreme Council of the Autonomous Republic of Crimea, Kyiv City Council, Sevastopol City Council;

3) one person (authoritative human rights defender), selected by the relevant local council, regional council, the Supreme Council of the Autonomous Republic of Crimea, Kyiv City Council, Sevastopol City Council;

4) one person (a reputable attorney), elected by the Board of Advocates of the region;

5) one person (authoritative human rights defender), designated by the Ukrainian Parliament Commissioner for Human Rights.

2. Police Commission shall include a police officer elected during the general assembly of policemen of the respective police unit by a secret ballot when considering a disciplinary case. Police officer against whom a disciplinary case is opened, cannot be a member of the Police Commission during its consideration.

Head of Police unit cannot be selected to the Police Commission.

3. An elected People's deputy of Ukraine, representative of the Cabinet of Ministers of Ukraine, central or local executive authority, judge, law enforcement officer or officer of an agency of state supervision (control) cannot be selected as a member of the Police Commission.

4. Police Commission is competent if it has at least four members.

Commission members at the first meeting by secret ballot elect its chairman and secretary. Meeting of the Police Commission is legal, if attended by at least four of its members.

Article 84. Term of office and the support of the Police Commissions activities

1. Term of office of a member of the Police Commission shall be three years.

The same person may not exercise the powers of a member of the Police Commission for more than two consecutive terms.

2. Police Commissions act on a regular basis without interruption of its members from performance of their basic duties.

3. Travel and lost earnings or separation from ordinary activities are reimbursed to the members of the police commission. Compensation for lost earnings shall be calculated in proportion
to the amount of the average salary, and compensation for separation from ordinary activities - in proportion to the size of the minimum wage.

4. Organizational support of the activities and meetings of police commissions are carried out by an appropriate unit of the relevant police secretariat.

**Chapter 2. Police schools**

**Article 85. Status of Police schools**

1. Ukraine has 4 Police Schools in the city of____________, of____________, of____________, of____________.

2. Police schools are public institutions with a special status, providing training to the staff of the police. Legislation on education does not apply to the police schools.

3. Ministry responsible for public policy in the field of public order and the protection of individuals, society and the state from illegal encroachments:
   1) forms the Police Academy;
   2) approves the statutes of Police schools and changes thereto;
   3) appoints and dismisses heads of Police schools;
   4) serves as the chief administrator of the State Budget of Ukraine on the financial support of the Police School.

4. Employees of Police schools except seconded police officers, are under equal wages to civil servants.

5. Police schools are legal entities, having the seal with the State Emblem of Ukraine and its name, its own balance sheet and accounts in the State Treasury of Ukraine.

Police schools cannot form regional offices.

**Article 86. Tasks of police schools**

1. Police school shall:
   1) train candidates for the police officer position;
   2) retrain police officers;
   3) conduct research on improving the police;
   4) study the international experience of police activity;
   5) provide guidelines for police activity, police commissions.

**Final provisions**
1. This Law shall enter into force on 1 January 2015, except for:

1) the provisions concerning the local police and the local police commissions, which shall take effect from the date of entry into force of the Law on Administrative and Territorial Structure of Ukraine;

2) The provisions of the Border Police, which will become effective on January 1, 2017;

3) Article 48, which shall enter into force on 1 July 2015;

4) paragraph 3 of Article 16, which shall enter into force on 1 January 2020;

5) paragraph 3 of Article 17, which shall enter into force on 1 January 2025;

6) paragraph 3 of part 4 of Article 17, which shall enter into force on 1 January 2020;

7) paragraph 3 of part 5 of Article 17, which shall enter into force on 1 January 2018.

8) sub-item 5 of item 4 of Transitional provisions which shall enter into force on 01 January 2017

2. Since the enactment of this Law the following acts are repealed:


3) Law of Ukraine "On the organizational and legal framework to combat organized crime" on June 30, 1993 № 3341 -XII (Bulletin of the Verkhovna Rada of Ukraine, 1993, № 35, p. 358);


7) The Law of Ukraine "On the general structure and size of the State Guard of Ukraine" dated November 17, 2005 № 3106 -IV (Bulletin of the Verkhovna Rada of Ukraine, 2006, № 2-3, art. 50);


3. Since January 1, 2017 are repealed:


4. Amend the following legislative acts of Ukraine:


   a) part 2 of article 2 shall be amended as follows: “as well as state protection and ensuring security of certain state officials, members of their families and other persons”.

   b) amend the article 25 with part 4 as follows:

   “In case of performing state protection and ensuring security of certain state officials and members of their families, Security Service of Ukraine, its bodies and officers also have the right:

   1) to give consent to let citizens to objects where a protected person constantly or temporarily resides;

   2) receive in the set order from the heads of state authorities of Ukraine, local authorities, entrepreneurs, institutions, organizations disregard of the form of ownership, upon a written request from the Head of the Security Service of Ukraine or his deputies, information necessary to conduct state protection;

   3) use the form of clothing and documents encoding a person or departmental affiliation of officers and transport vehicles of the Security Service of Ukraine; run in the order set by the Law of Ukraine “On Operative and Search activity”, open and covert operative and measures with the aim to prevent encroachments on officials and members of their families, detect and terminate such encroachments

   4) take video-, foto- audio-recordings at objects where a protected person constantly or temporarily resides;

   5) engage upon agreement with the heads of law enforcement authorities and other state authorities their military servicemen, technical and other means;

   6) exercise on objects, where a protected person constantly or temporarily resides, fire, sanitary, ecological, radiation and anti-epidemic control and control over the state of technical protection of information, take measures to eliminate detected violations, define reasons that caused them”;

   c) amend article 25-1 as follows:

   “Article 25-1. Ensuring security of certain state officials, members of their families and other persons Security Service of Ukraine, its bodies and officers carry out state protection and ensure security of places of constant and temporary residence of the President of Ukraine, Speaker of the Verkhovna Rada of Ukraine, its deputies, the Prime-Minister of Ukraine, Chief of the Supreme Court of Ukraine and members of their families. State protection shall be carried out both on the territory of Ukraine and beyond its borders during the whole tenure of officials mentioned in this article.
State protection shall also be carried out with regard to heads of foreign states, parliaments and governments and members of their families, heads of international organizations coming to Ukraine or staying at its territory. The list of heads of international organizations subject to state protection shall be approved by the Cabinet of Ministers of Ukraine.

State protection if there is a threat to life or health can be applied to people’s deputies of Ukraine, members of the Cabinet of Ministers of Ukraine, heads of central executive authorities – not members of the Cabinet of Ministers of Ukraine, judges of the Constitutional Court of Ukraine and Supreme Court of Ukraine, Head of the National Bank of Ukraine, Speaker of the Verkhovna Rada of the Autonomous Republic of Crimea, Chief of the Head of the Council of Ministers of the Autonomous Republic of Crimea.

Decision on the necessity of applying state protection to persons mentioned in part 3 of this article shall be taken by the President of Ukraine upon the submission of the Head of the Security Service of Ukraine. State protection shall be provided to persons for the term up to six months, which can be prolonged for the same term by the President of Ukraine upon the submission of the Head of the Security Service of Ukraine”.

d) amend article 25-2 as follows:

“Article 25-2. Obligations and rights of persons subject to state protection

Persons subject to state protection are obliged to treat their security responsibly, facilitate state protection authorities in carrying out their functions.

Persons subject to state protection have the right to:

1) receive information on measures of ensuring their security;
2) approve candidates who will be directly protecting them;
3) refuse (temporarily refuse) in the written form from personal protection, taking full personal responsibility for possible negative consequences of this act.”


3) Delete paragraphs 4 and 6 of Article 1 of the Law of Ukraine "On the general structure and size of the Security Service of Ukraine" (Supreme Council of Ukraine, 2006, № 4, p. 53);


5) add item 19 to part 1 of article 2 of the Law of Ukraine “On National Guard of Ukraine” (Bulletin of the Verkhovna Rada of Ukraine, 2014, № 17, p.594) as follows:

“19) protection and ensuring security of state border of Ukraine, sovereign rights of Ukraine in its maritime and economic zone”.

**Transitional provisions**

1. The course of one month from the date of publication of this Law provided for shall be the
appointment, election of members of Police Commissions of regions, the Autonomous Republic of Crimea, cities of Kyiv and Sevastopol stipulated by the Article 82 of this Law (other than local police commissions, which members shall be appointed and elected within one month from the date of entry into force of the Law of Ukraine "On administrative and territorial structure").

Until the day when this Law comes into force the mentioned Police commissions conduct competitions for the positions of officers of Administrative police, Criminal Police, Financial Police and Border Police according to the article 47 except for special training of candidates for the position of a police officer.

2. Prior to the day of creation of local police its functions foreseen by this Law shall be performed by district, district in cities, city units of the Administrative police.

Within one month from the date of publication of this Law, the formation of Police commissions of districts, districts in cities and cities shall be provided for.

The mentioned Police commissions have 5 members who are the citizens of Ukraine, in particular:

1) one person is appointed by the Minister responsible for public policy in the field of public order and the protection of individuals, society and the state from illegal encroachments;

2) one person is elected by the relevant local council from among the members of the Board;

3) one person (authoritative human rights defender) shall be elected by the relevant local council;

4) one person (a reputable lawyer) is elected by the Board of Advocates of the region;

5) one person (authoritative human rights defender) shall be appointed by the Ukrainian Parliament Commissioner for Human Rights.

The term of office of the members of these police commissions is three years.

Until the formation of Local police commissions mentioned Police commissions are authorized pursuant to this Law to:

1) conduct a competition for the position of a police officers of district, city district and city units of Administrative police;

2) submit an alternative report on police activity of district, city district, city units of Administrative police;

3) conduct disciplinary proceedings against police officers of district, city district, city units of Administrative police.

3. Upon enactment of this Law police officers already appointed to service automatically receive police ranks of junior inspector of police, junior detective of police if before such an appointment they had a special rank of private, junior, middle commanding officers or from 15th to 7th rank of a civil servant, service in local self-government bodies.
Police officers already appointed to service automatically receive police ranks of inspector of police, detective of police if before such an appointment they had a special rank of senior commanding officers or from 6th to 1st rank of civil servant, service in local self-government bodies.

Appointed to the position of a police officer persons not foreseen in paragraphs 1, 2 of this item is automatically assigned a rank of junior police inspector, junior police detective.

4. Surcharges for years of police service will amount to:

1) for junior police inspector, junior police detective, who prior to his or her appointment had special police ranks of private, junior commanding officers, middle commanding officers or from 15th to 7th rank of civil servants, servants in local self-government - 15 percent of base salary;

2) for inspector of police, police detective, who prior to his or her appointment had special rank of the senior and higher commanding officers or from 6th to 1st rank of civil service, service in local self-government - 20 percent of base salary.

5. The length of police work includes the work before the enactment of this Law as a judge, prosecutor, investigator, police officer or other law enforcement agency.

6. Cabinet of Ministers of Ukraine to the date of enactment of this Act shall provide for:

1) Elimination of structural units of the Ministry of Interior, Territorial and structural divisions of Directorate Generals of the Ministry of Internal Affairs, Departments of the Ministry of Internal Affairs on railroads, the State Automobile Inspectorate, veterinary police, judicial police, special police units, territorial and structural divisions of the State Guard of Ukraine, special units of the State penitentiary Service of Ukraine, escorting units of the National Guard of Ukraine;

2) creation of Administrative Police, Criminal Police, Financial Police and Border Police;

3) the transfer of premises, transport, logistical facilities and equipment that were in use by public authorities, which are to be abolished to the police bodies taking into account peculiarities of their previous usage to:

a) the Administrative Police - from the State Guard Service of Ukraine, special units of the State Penitentiary Service of Ukraine, National Guard of Ukraine escorting units, the State Automobile Inspectorate, transport police, veterinary police, judicial police, a special unit of the State Guard Service, a special unit of the police for public safety;

b) to district, district in cities, city units of Administrative police - from district and district in the city, city units of Internal Affairs;

c) to the local police (since its creation) - from district, district in cities, city units of Administrative police;

d) to the Criminal Police - from investigative units, units to combat organized crime, human and drug trafficking, cyber-crime, units of criminal police for children, criminal investigation, the units of the State Border Guard Service of Ukraine, units to combat corruption and organized crime of the Security Service of Ukraine;
e) to the Financial Police - from the State Service to combat economic crime, tax police units of the State Customs Service of Ukraine, counterintelligence departments for protection of the economy of the state of the Security Service of Ukraine;

f) to the Border Police (since its creation) — from State Border Guard Service of Ukraine;

g) to Police schools — from schools and vocational training centers of police;

4) the reorganization of the State Guard Service of Ukraine of MIA (except for a special unit) in a state enterprise;

5) deprive bodies of interior of the authority:

a) in respect of property evaluation, property rights and professional activities;

b) in the permit system;

c) in the sphere of state registration of vehicles and issuance of relevant registration documents;

d) to control the trade of transport vehicles, training, retraining and improvement of skills of drivers of transport vehicles;

e) to take exams for the right to drive a transport vehicle and issuance of driver's licenses;

f) to license economic activities;

g) to issue permits in the sphere of traffic safety;

6) to transfer databases not foreseen by this law to authorized state authorities;

7) to stop enrolling cadets, students, adjuncts, Ph.Ds to the institutes, universities, academy of internal affairs from the day this Law comes into force;

8) transfer health care facilities from the sphere of the Ministry of Internal Affairs of Ukraine to the sphere of the ministry responsible for state police in the sphere of healthcare;

9) adoption of legal acts arising out of this Law;

10) bring its legal acts in correspondence with this Law;

11) bring legal acts of the ministries and other central executive authorities in correspondence with this Law;

12) introduction for the review by the Verkhovna Rada of Ukraine of propositions concerning bringing the legal acts of Ukraine in correspondence with this Law.

7. Petitions and notifications of criminal offences submitted to the bodies of internal affairs before the enactment of this Law as well as the information that has not been entered into the Unified state register of pre-trial investigations have to be transferred during 24 hours to the respective police unit for them to be entered to the Unified state register of pre-trial investigations according to the article 214 of the Criminal Procedure Code of Ukraine.
8. Materials of criminal proceedings that on the day of enactment of this Law are at the body of internal affairs at the pre-trial stage must be transferred to the relevant police unit to continue the proceedings during 10 days from the day this Law is enacted.

9. Petitions and notifications, appeals of the bodies of local self-government, deputies of all levels, legal entities and individuals submitted to bodies of internal affairs before this Law was enacted and concerning which there was no decision taken must within 24 hours be transferred to those who submitted them or to the relevant police unit for them to be entered into the Unified state register of pre-trial investigations according to the article 214 of the Criminal Procedure Code of Ukraine.