

LAW ON INTERIOR AFFAIRS

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Date of last check: 18 June 2025

Pursuant to Article 82 paragraph 1 item 2 of the Constitution of Montenegro and Amendment IV paragraph 1 to the Constitution of Montenegro, the Parliament of Montenegro of the 27th convocation, at the sitting of the fourth session of the first regular (spring) session in 2021, on 17 June 2021, has adopted the:

LAW ON INTERIOR AFFAIRS¹

I BASIC PROVISIONS

Subject matter

Article 1

Interior affairs shall be performed by the state administration authority in charge of interior affairs (hereinafter referred to as “the Ministry”) in accordance with this Law and other laws.

Interior Affairs

Article 2

Interior affairs shall include: affairs of issuing identity cards, travel and other documents, deciding on acquisition and loss of Montenegrin nationality, and other rights from the area of civil status, rights of foreigners and of stateless persons, affairs

¹ Official Gazette of Montenegro, 070/21 as of 25 May 2021, 123/21 as of 26 November 2021 and 003/23 as of 10 January 2023, 084/24 as of 6 September 2024

of managing mixed migration, police affairs and affairs directly related to police affairs, affairs referring to prevention of money laundering and terrorism financing, affairs of integrated border management and Schengen Action Plan coordination, affairs of internal control of work, affairs of protection and rescue and related affairs whose performance shall ensure protection of security and property and the exercise of rights and freedoms of citizens, as well as other duties laid down by law.

Police affairs, and affairs related to them, as well as affairs referring to prevention of money laundering and terrorism financing shall be performed by the Ministry through the organisational unit within whose scope these affairs fall.

Prohibition of Discrimination

Article 3

The staff at the Ministry when performing their duties shall not discriminate citizens based on: race, skin colour, nationality, social or ethnic origin, links with a minority nation or minority national community, language, religion or belief, political or other opinion, gender, change of gender, gender identity, sexual orientation and/or intersexual features, health condition, disability, age, financial status, marital or family status, membership in a group or assumption of membership in a group, political party, trade union or other organization, as well as on the basis of other personal features.

Providing Assistance and Duties of Citizens, Legal Persons and Authorities

Article 4

The Ministry within the scope of its competence, shall provide assistance to citizens, legal persons, state authorities, state administration bodies, local self-government bodies and local government bodies, in exercise of their basic rights, freedoms and obligations, i.e. competence, as well as in protection of life, personal safety of citizens and property.

Citizens, legal persons and authorities referred to in paragraph 1 of this Article shall enable unhindered exercise of police affairs and of protection and rescue affairs.

Informing the Public

Article 5

The Ministry shall inform the public about performance of interior affairs when in the interest of the citizens of Montenegro and their safety, in accordance with the law.

Notifications referred to in paragraph 1 of this Article containing personal data, shall be published i.e. submitted in accordance with the law regulating personal data protection.

Day of Interior Affairs

Article 6

Day of Interior Affairs shall be 2 October.

Subsidiary Implementation Article 7

General regulations on labour shall apply to the rights, obligations and responsibilities of the staff at the Ministry and in the Police that are not regulated by this law, regulations on civil servants and state employees, i.e. by another law.

Use of Gender-Sensitive Language Article 8

All terms used in this law for natural persons in the masculine gender shall mean the same terms for the feminine gender.

II. ORGANISATION OF THE MINISTRY

Basic and Special Organizational Units Article 9

The Ministry shall provide for the performance of duties within its competence within the basic and special organizational units.

The basic organizational units in the Ministry shall be the directorates and the Police Directorate (hereinafter referred to as "the Police").

Special organizational units in the Ministry may be: the cabinet of the Minister of the Interior, departments, the internal audit service and the public relations service.

Directorates Article 10

A directorate shall be headed by a Director-General, who shall be accountable to the Minister for their work.

Within the composition of a directorate, as narrower organizational units, the following may be included: departments, sections, services, divisions, regional units and branch offices.

The department, section, service and regional unit shall be managed by a head, and the division and branch office by a chief.

The directorates shall perform affairs relating to: issuing identity cards, travel and other documents, deciding on the acquisition and loss of Montenegrin citizenship and other rights in the area of civil status, the rights of foreigners and stateless persons, duties

of mixed migration management, Schengen Action Plan coordination, duties of internal control of work, duties of protection and rescue, normative duties, staff management duties, financial, accounting and public procurement duties, duties of construction, maintenance and protection of information and communication systems, courier and administrative-technical, as well as other general duties of importance for the work of the Ministry and other duties, in accordance with the law.

The affairs referred to in paragraph 4 of this Article shall be performed in accordance with this Law and special laws.

Special Organizational Units

Article 11

The cabinet of the Minister of the Interior shall be coordinated by the Chief of the cabinet of the Minister of the Interior.

The department and services referred to in Article 9, paragraph 3 of this Law shall be managed by a head.

The cabinet of the Minister of the Interior shall perform affairs important for the exercise of the function of the Minister of the Interior.

The departments shall perform affairs related to protection of personal data and free access to information, integrated border management affairs, affairs of supervision over critical infrastructure protection and other affairs, in accordance with the law.

The internal audit service shall perform internal audit affairs in accordance with the law regulating the management and internal controls in the public sector.

The public relations service shall perform duties related to informing the domestic and international public about the work of the Ministry, as well as other duties in area of information dissemination.

Organization of the Police

Article 12

Police duties and duties related to police duties, within the scope determined by this and other laws, as well as duties referring to the prevention of money laundering and terrorism financing, shall be performed by the Police within: sectors, divisions, security centres, security departments, groups, units and police stations, as well as within the financial intelligence unit.

The Police shall be managed by a Director who shall be accountable for their work to the Minister of the Interior (hereinafter referred to as “the Minister”) and to the Government of Montenegro.

The sector shall be managed by an Assistant Police Director, who shall be accountable for their work to the Police Director.

Divisions, security centres and security departments shall be managed by heads who shall be accountable for their work to the Assistant Police Director and the Police Director, i.e. to the Head of the Financial Intelligence Unit.

Groups and units shall be managed by chiefs i.e. commandants.

The chiefs of the groups shall be accountable for their work to the heads and assistant directors, i.e. to the Head of the Financial-Intelligence Unit, and the unit commandants shall be accountable for their work to the Police Director.

Police stations shall be managed by commanders, who shall be accountable for their work to the heads of the security centres and security departments.

The Head of the Financial Intelligence Unit shall be accountable to the Police Director for their work.

Affairs of the Security Centres

Article 13

The Police, through security centres, shall perform police duties on the territory of municipalities, the Capital City and the Royal Capital (hereinafter referred to as “the Municipality”), which relate to:

- 1) protection of life, personal and property security;
- 2) prevention and detection of criminal offenses and locating and depriving of liberty of their perpetrators;
- 3) maintenance of public order and peace and road traffic safety in road traffic;
- 4) control of movement and stay of foreigners;
- 5) certain criminal-technical duties; and
- 6) performing other tasks within the scope of the centre.

The activities of the security centre shall be performed within the following narrower organizational units: security departments, police units and police stations.

Neutrality and Operational Independence of the Police

Article 14

The Police shall be politically and ideologically neutral in their work.

In performing police and related duties, the Police shall be operationally independent of the Ministry and other state administration authorities.

The use of special Police units shall be conducted with the consent of the Police Director, whereas the Minister shall have the authority to revoke the use of the special Police units.

The Minister, in accordance with provisions of this Law, may request special reports regarding the work of the Police, while respecting operational independence.

The Police Director shall be obliged to submit without delay the report referred to in paragraph 4 of this Article and shall be responsible for the content of the report.

III. POLICE AFFAIRS

Police Director

Article 15

(Law amending the Law on Interior Affairs, Official Gazette of Montenegro, no. 123/2021, of 26.11.2021, Article 1)

For Director of the Police can be appointed a person who, in addition to the general conditions for employment of civil servants and employees, has at least ten years of work experience in jobs with VII1 level of education qualification, of which at least five years in managerial positions in the Police, Ministry, Ministry of Defence or Agency for National Security, i.e. at least five years as a judge or prosecutor.

The Director of the Police, on the basis of a public competition, is appointed by the Government of Montenegro (hereinafter referred to as "the Government") on proposal of the Minister.

The Government shall submit the proposal for appointment of the Director of Police to the Parliament of Montenegro (hereinafter referred to as "the Parliament") for an opinion.

The opinion referred to in paragraph 3 of this Article shall be given by the Parliament on the proposal of the competent committee.

The Director of the Police cannot be a member of a political party, nor function as a party member at the time of their candidacy for office, nor for five years before submitting their candidacy for the position of Director of Police.

The Police Director shall be appointed for a period of five years.

Termination of Office of the Police Director

Article 16

(Law amending the Law on Interior Affairs, Official Gazette of Montenegro, no. 123/2021, of 26.11.2021, Article 2)

The provisions of this Law and the law governing the rights and obligations of civil servants and employees shall apply to the rights, obligations, responsibilities and termination of the mandate of the Director of the Police.

The Director of the Police shall submit to the competent committee of the Parliament a special report on the results of the Police in the fight against organized crime and corruption, twice a year, and no later than June 1 and December 1.

If the competent committee of the Parliament does not accept the report referred to in paragraph 2 of this Article, it shall inform the Minister, who may initiate the procedure of dismissal of the Director of Police before the expiration of the term for which they were appointed.

In case of termination of the term of office of the Director of Police before the expiration of the term for which they were appointed or in case of inability of the Director of Police to perform their duty permanently or for a long time, the Government shall appoint one of the heads of the internal organizational unit Police, who meets the requirements for the Director of Police prescribed by this law, for a maximum period of six months.

Assistant Police Director Article 17

As Assistant Police Director a person may be appointed who, in addition to the general conditions for entering employment for civil servants and state employees, has at least ten years of work experience in duties with VII 1 level of education qualifications, out of which at least three years of experience at managerial job positions in the Police, the Ministry, the Ministry of Defence, or the National Security Agency, i.e. at least three years in the position as a judge or prosecutor.

Assistant Police Directors shall be appointed by the Minister, at proposal of the Police Director, with prior consent of the Government, in accordance with the law governing the rights, obligations and responsibilities of civil servants and employees, as persons in the category of senior management staff.

The Assistant Police Director cannot be a member of a political party or act politically, at the moment of presenting as candidate, during the performance of their function, as well as five years prior to the submission of application for the position of Police Director.

The Assistant Police Director shall be appointed for a period of five years.

The termination of office of the Assistant Police Director shall be conducted in accordance with the law governing the rights and responsibilities of civil servants and state employees.

Police duties Article 18

Police duties shall include:

- 1) protecting and improving citizens' safety and rights and freedoms guaranteed by the Constitution;
- 2) protecting property;
- 3) preventing commission of, detecting and solving criminal offences prosecuted ex officio and misdemeanours;

- 4) preventing all forms of crime and other unlawful acts, locating perpetrators of criminal offences and misdemeanours and bringing them to the competent authorities, as well as undertaking measures and actions for detecting and identifying proceeds acquired through criminal activity;
- 5) providing traces and items that can serve as evidence in criminal and misdemeanour proceedings, keeping a DNA registry and processing data in that registry, taking fingerprints, as well as other criminal-forensic expertise and analyses using modern forensic methods and records;
- 6) maintaining public peace and order and preventing violence and improper behaviour at sports gatherings;
- 7) providing assistance in executions;
- 8) operational and analytic duties, as well as duties carried out by using the intelligence-led-policing model;
- 9) protecting certain persons, facilities and areas;
- 10) protecting the critical infrastructure of the Police;
- 11) regulating, controlling and surveillance in road traffic;
- 12) border control;
- 13) acting towards foreigners in the cases defined by the law;
- 14) enforcing the decisions of the competent authority on detaining a person and of other decisions in accordance with the law;
- 15) duties at sea and inland waterways within the Police competence;
- 16) securing public gatherings of citizens and public events in accordance with the law; and
- 17) other duties proscribed by law.

Police duties shall be performed by exercising police powers, measures and actions.

Principles and Objective of Performing Police Duties

Article 19

Performing of police duties shall be based on the following principles of a democratic society: legality, professionalism, depoliticization, and cooperation, proportion in the exercise of powers, efficiency, impartiality, non-discrimination, timeliness, integrity and hierarchical subordination.

Police duties shall be performed with the aim of ensuring equal protection of security, freedoms and rights of citizens, applying the law and ensuring the rule of law.

When performing police duties, powers may be applied, which are laid down by the law and by which an objective is reached with the minimum harmful consequences.

Standards of Police Action

Article 20

Police officers shall act in compliance with the Constitution, ratified international agreements, law and other regulations.

Police officers shall comply with standards of police action, in particular those arising from the duties regulated by international regulations and relating to the duty of serving people, respecting legality and combating illegality, exercising human rights, non-discrimination while performing police tasks, limitation and restraint in the use of means of coercion, prohibition of torture and application of inhuman and degrading treatments, providing assistance to persons at risk and other persons in need of assistance, duty to protect classified and personal data, duty to reject unlawful orders and combating of any form of corruption and discrimination.

Intelligence-Led Policing Model

Article 21

The Police shall use an intelligence-led policing model in performing police duties.

The intelligence-led policing model, within the meaning of this Law, shall represent a manner of managing, i.e. handling certain police duties on the basis of criminal intelligence information, collected in accordance with the law, in order to define priorities in the field of preventing and combating crime, as well as to make appropriate decisions in relation to this.

For the collection of criminal intelligence information, the Police may, inter alia, use the services of confidential persons, i.e. direct sources (hereinafter referred to as “operational links”).

The closer manner of performing police duties using an intelligence-led policing model shall be regulated by a regulation of the Ministry, which shall be marked with a relevant classification level in accordance with the law regulating classified data.

Performing of Police Duties outside Working Hours

Article 22

A police officer, in cases where it is possible shall, outside working hours, provide help to any person who is in danger, prevent commission of criminal offenses and actions which could endanger public order and peace or jeopardize the security of persons and property, depending on assessment and level of threat to the security of persons and property.

In the case referred to in paragraph 1 of this Article, a police officer shall immediately inform the nearest organizational unit of the Police, remain on the crime scene and secure the scene until the arrival of the police officers who will act upon their notification, and they shall also undertake other police powers, measures and actions in accordance with the law.

Exceptionally, a police officer during temporary incapacity to work shall not be obliged to act in accordance with paragraph 1 of this Article.

A police officer shall exercise the rights in accordance with this Law on the basis of performing the duties referred to in paragraph 1 of this Article.

Duty to Perform Police Duties Article 23

A police officer shall be obliged to undertake necessary actions in performing police duties in order to protect human life even when their own life is threatened in performing these duties.

Relations between the Police, State Prosecutor's Office and Court and Cooperation with Security Services Article 24

The Police in the pre-investigation, criminal and misdemeanour procedure shall exercise police powers and act according to the order and requests of the state prosecutor and the court, in accordance with the law.

The Police shall cooperate with other authorities and services dealing with security affairs, through joint work, exchange of information and technical cooperation, in accordance with the Law.

Community Policing Article 25

In order to perform interior affairs and address security priorities in the municipality the Ministry shall develop cooperation and partnership with citizens and other municipal subjects and individually coordinate mutual interests and the need for creating a favourable security setting in the municipality, i.e. developing a democratic society.

The Police shall provide support to the municipality in the development of prevention of crime and meeting other security needs of the municipality.

The Ministry shall develop professional capacities, competence and ethics of police officers for socially responsible performance of the police duties, with full respect of human and minority rights and freedoms and protection of all vulnerable categories of persons.

In order to develop cooperation and partnership in the sense of paragraph 1 of this Article, the head of the organisational unit of the Police established for the territory of municipality shall submit to the local municipal assembly an annual report on the security situation on the territory of the municipality, by March 31 of the current year for the previous year.

The report referred to in paragraph 4 of this Article shall not contain data on ongoing criminal and misdemeanour procedures.

Receipt of Reports on a Committed Criminal Offence and Misdemeanour

Article 26

A police officer shall be obliged, in accordance with the law, to receive a report on a committed criminal offense and misdemeanour, as well as a report whose content does not indicate that it is a criminal offense or misdemeanour in question.

Receipt of Found Items Article 27

A police officer shall be obliged to receive the found item from the finder, which may endanger the safety of citizens, money and valuables, i.e. a dangerous item, and make a report thereon, and issue a confirmation on the receipt of the item to the finder.

The Police shall be obliged to take all necessary measures to preserve the item and find the person who lost the item.

If the person who lost the item is known or subsequently identified, the item shall be returned.

The provisions of this Law on the storage and destruction of temporarily seized items shall apply to the handling of items referred to in paragraph 1 of this Article.

Cooperation with Citizens Article 28

The Police shall cooperate directly with citizens who provide assistance in performing police duties, in accordance with this Law.

Code of Police Ethics Article 29

The Code of Police Ethics shall represent a set of principles of ethical conduct of police officers based on the long-term positive practice in the work of the officers of the Police, as well as on the international standards from this area whose aim is preservation, affirmation and improvement of the dignity and reputation of police officers and strengthening the trust of citizens in the Police work.

The police officer shall conduct themselves at work and outside work in such a manner as not to harm the reputation of the Ministry and the Police in accordance with this Law and the Code of Police Ethics.

The Code of Police Ethics and the act on the conduct of a police officer towards their subordinates and their superiors and on their personal appearance shall be adopted by the Ministry.

Ethics Committee Article 30

The application of the Code of Police Ethics shall be monitored by the Ethics Committee.

The Ethics Committee shall consist of the following seven members:

- two from the ranks of police officers, out of which there is at least one with the highest police rank, that are proposed by the Police Director;
- one representative of Police trade unions;
- two representatives of the Ministry and
- two representatives of the non-governmental organisations dealing with human rights in relation to Police work.

The President and members of the Ethics Committee shall be appointed by the Minister for period of two years.

The President and members of the Ethics Committee shall be entitled to a compensation for their work.

The representatives of the non-governmental organisation referred to in paragraph 2 indent 4 of this Article shall be appointed at the proposal of non-governmental organisations, based on a public call published by the Ministry, in accordance with a separate regulation.

Powers of the Ethics Committee **Article 31**

The Ethics Committee upon filed proposals, complaints and remonstrance of citizens and police officers and based on its own information shall provide an opinion whether a particular behaviour of a police officer represents a violation of the Code of Police Ethics.

The Ethics Committee may request the necessary data from the Ministry, Police, state administration authorities, citizens and other entities that possess the information related to the proposals, complaints and remonstrance under paragraph 1 of this Article.

The opinion referred to in paragraph 1 of this Article shall be submitted by the Ethics Committee to the police officer, their immediate superior, the Director of Police, the Minister and the submitter of the proposal, complaint or remonstrance.

When it determines that a particular behaviour of a police officer represents a violation of the Code of Police Ethics, the Ethics Committee shall initiate i.e. propose the launching of a relevant procedure.

The Ethics Committee shall prepare the annual report on the work which contains an overview and analysis of the decisions made throughout the year as well as opinions referred to in paragraph 1 of this Article, as well as an evaluation of the situation with recommendations.

The Ethics Committee shall deliver the report referred to in paragraph 5 above to the Minister and to the Police Director by January 31 at latest of the current year for the previous year.

The work of the Ethics Committee shall be public, unless the complainant requests that the review of the complaint should be anonymous.

The Ethics Committee shall adopt rules of procedure on closer manner of work and other issues relevant for the work of the Ethics Committee.

Right to Complaint Article 32

A natural and legal person shall have the right to file a complaint regarding the work of a police officer when believing that a police officer, while performing police duties violated some of their rights or inflicted damage, within 30 days from the date when the damage occurred, i.e. some of their rights or freedoms were violated.

The Police shall reply to the complainant, in a deadline as short as possible, and not later than 30 days from the day of receipt of the complaint.

The complainant shall be enabled to have insight in the case files on the process of verifying and determining facts regarding the complaint.

Regarding the complaint referred to in paragraph 1 of this Article, the Police may request the opinion of the Ethics Committee.

If not satisfied with the response or if he does not receive a response within the deadline referred to in paragraph 2 of this Article, the complainant may file an objection to the Ministry within 15 days from the date of receipt of the response, i.e. the day of expiration of the deadline for response.

The Minister shall decide upon the objection referred to in paragraph 5 of this Article within 30 days from the day of receipt of the objection.

The closer manner of handling complaints referred to paragraph 1 of this Article shall be regulated by the Ministry.

Right to Judicial Protection and Compensation of Damage Article 33

A person believing that their rights or freedoms were violated due to performance of police duties, or that damage was inflicted on them, shall have the right to judicial protection and compensation of damage.

Assistance in Execution Article 34

Police officers shall provide assistance to the state authorities, state administration bodies and local self-government bodies and local administration bodies in the procedure of execution of their decisions, at their request, as well as in other cases defined by the law, if during the procedure the execution was attempted which was hindered by demonstrated physical resistance or serious threat by the person regarding who the execution procedure is conducted, i.e. if during the execution procedure demonstration of physical resistance is justifiably expected, in accordance with the law.

Notwithstanding paragraph 1 of this Article, police officers shall not provide assistance in the process of executing decisions to the authorities whose officers have the authority to use the means of coercion, which ensure an unhindered execution procedure.

The request referred to in paragraph 1 of this Article shall be submitted no later than five days prior to the day determined for execution of the decision, to the organizational unit of the Police in whose area the assistance is requested.

Notwithstanding paragraph 3 of this Article, if the reasons for urgency so require, the police officers shall provide assistance at the oral request of the authority referred to in paragraph 1 of this Article without delay, with the obligation of the authority to submit the written request within 24 hours.

In addition to the request for assistance, the authorities referred to in paragraph 1 of this Article shall also submit proof that they have attempted the execution, which was prevented by the demonstrated physical resistance or serious threat of the party regarding which the execution procedure is carried out, i.e. proof that it is reasonably expected that physical resistance will be demonstrated in the execution procedure.

The request for assistance shall be decided by the head of the organizational unit of Police referred to in paragraph 3 of this Article, upon authorization of the Director, without delay, and at the latest within 48 hours from the date of submission of the request.

The authority referred to in paragraph 1 of this Article may, if it is not satisfied with the reply or does not receive a reply within the deadline referred to in paragraph 6 of this Article, file an objection to the Ministry within three days from the date of delivery of the reply i.e. expiration of the deadline for delivering the reply.

A police officer shall submit a report on the provided assistance to the competent organizational unit of the Police and to the Ministry.

Prior to providing assistance, the police officer has the right to verify the circumstances of the event, i.e., to perform a check of the persons to whom the execution relates through the database and records to which the Police have access.

A police officer shall temporarily seize weapons and other items suitable for endangering security prior to execution, in accordance with this Law, if he determines

that the person to whom the execution relates or another person who is a member of their household owns the weapon in legal possession.

The content of the request for assistance, the manner of providing assistance and reporting on the provided assistance shall be prescribed by the Ministry.

Vehicles, Vessels, Weapons and Special Equipment and Tools

Article 35

In order to perform duties laid down by law, police officers shall use vehicles, vessels, aircrafts (helicopters, unmanned aerial vehicles, etc.), weapons, special means, i.e. devices for detecting and disabling the use of unmanned aerial vehicles, information and communication equipment and systems as well as other special equipment and tools.

Natural and legal persons cannot use the combination of colours and markings of vehicles, vessels and aircrafts which are identical or similar to the colours and markings of vehicles, vessels, aircrafts used by the Police.

The Ministry shall adequately manage stockpiles of weapons, special equipment and tools, to keep them in the proper condition and to keep them in a safe storage area.

The Ministry shall keep records of the procurement, use, condition and destruction, of weapons, special equipment and tools containing explosive charges (including ammunition).

The records referred to in paragraph 4 of this Article shall be kept in electronic form and kept permanently.

Colour and markings of vehicles, vessels, aircrafts, weapons and special equipment used for performance of police duties shall be determined by the Government.

Execution of the Decision on Detaining a Person and Premises for Detention of Arrested and Detained Persons

Article 36

A person who has been brought to premises for detention by decision of a competent authority shall be entitled to inviolability of personal dignity, psychological and physical integrity and all other rights laid down by law.

When brought to detention premises, the rights referred to in Article 79 paragraph 1 of this Law must be re-communicated to the person orally and in printed form, in a language that they understand, i.e. in a language reasonably considered to be understood by them.

Premises intended for detention of arrested persons and detained persons shall meet international standards, in particular as regards sanitary and technical requirements,

cubic volume of air, adequate temperature of the premises, minimum surface, lighting and ventilation, nutrition and conditions for exercising religious needs.

The Ministry shall regulate the conditions under paragraph 3 of this Article.

Prior to adopting the act referred to in paragraph 4 of this Article, the Ministry shall obtain the opinion of the Protector of Human Rights and Freedoms of Montenegro on the fulfilment of international standards regarding the conditions referred to in paragraph 3 of this Article.

Protection of Particular Persons, Facilities and Areas

Article 37

Persons, facilities and areas under Article 18 paragraph 1 item 9 of this Law, the manner of protection, as well as other issues relevant for protections of particular persons, facilities and areas shall be laid down by the Government.

Protection of Critical Infrastructure of the Police

Article 38

The critical infrastructure used by the Police, i.e., which was designated in accordance with a separate law, shall be protected by application of measures of physical and /or technical protection, as well as by other necessary measures, on the basis of a security plan.

The security plan referred to in paragraph 1 of this Article shall mandatorily include a security, vulnerability and risk assessment, a physical protection study and a technical protection design.

A more detailed manner of protecting the critical infrastructure and the closer manner of the plan referred to in paragraph 2 of this Article, shall be laid down by a regulation of the Ministry, which shall be marked by a relevant level of classification, in accordance with the law regulating the classified data.

Obtaining Data from Criminal Records

Article 39

In order to protect the facilities and premises referred to in Article 37 of this Law and protect critical infrastructure, the Police may, upon justified request, request data from criminal records from the state administration body responsible for judicial affairs for persons who are to be engaged in performing works in those facilities and premises.

Access to the data in the records referred to in paragraph 1 of this Article shall be exercised in accordance with the law governing electronic government, and in case this is not possible, the state administration body responsible for judicial affairs shall submit the requested data within three days.

If, based on the obtained data, it is estimated that the engagement of persons referred to in paragraph 1 of this Article would jeopardize the protection of facilities and premises referred to in Article 37 of this Law, i.e. protection of critical infrastructure, the Police shall prohibit the engagement of such persons in performing works and access to the facility and the area, i.e. to the critical infrastructure.

Guard of Honour Article 40

Following the decision of the Minister, a certain number of police officers, shall participate as guard of honour in celebrations, ceremonies and receptions organised on the occasion of:

- 1) welcome and farewell of representatives of foreign states coming to official and working visits to the Ministry and the Police;
- 2) laying wreaths at the monuments in Montenegro and opening memorial sites;
- 3) funeral of prominent officers and officers who have lost their lives in the performance or due to the performance of interior duties; and
- 4) organising other events of significance for the Ministry.

The manner of engaging and training police officers referred to in paragraph 1 of this Article, their rights and obligations, the manner of participating in celebrations, ceremonies and receptions, and other matters of importance shall be prescribed by the Ministry.

IV. POLICE POWERS AND DUTIES

1. General Rules

Types and Exercise of Police Powers, Measures and Actions Article 41

Police powers, measures and actions shall include:

- 1) processing personal and other data;
- 2) verifying and determining the identity of persons and identifying items;
- 3) summoning;
- 4) bringing in;
- 5) temporary restriction of freedom of movement;
- 6) giving warnings;
- 7) issuing commands;
- 8) using another person's means of transportation or means of communication;
- 9) determining the presence of alcohol and/or psychoactive substances in the body;
- 10) temporary seizure, storage and destruction of items;
- 11) searching for persons and items;
- 12) stopping and inspecting persons, items and means of transportation;

- 13) public promise of reward;
- 14) recording in public place;
- 15) using means of coercion;
- 16) performing special police actions;
- 17) performing preparatory actions for implementing secret surveillance measures;
- 18) polygraph testing;
- 19) counter-diversion examination;
- 20) protecting and inspecting the scene;
- 22) undertaking measures for elimination of imminent danger; and
- 23) other powers laid down by law.

Police Officers Article 42

Police powers in the performance of police duties shall be exercised by police officers.

The Police Director and the Assistant Police Director shall have police powers in the performance of police duties, as well as rights, obligations and responsibilities related to those powers.

A Police intern cannot exercise police powers during the internship.

Conditions for the Exercise of Police Powers Article 43

Police powers may be exercised only if the requirements provided by law for their exercise have been fulfilled.

A Police officer shall exercise police powers:

- 1) upon their own estimation of the fulfilment of the requirements for exercise defined by law;
- 2) when following the order of the immediate superior, i.e. of a superior police officer, in accordance with the law; or
- 3) when following an order of the court or state prosecutor, in accordance with a separate law.

When a superior officer is present during the exercise of police powers, the police powers shall be exercised upon their order, except in situations requiring urgent action.

A person against whom police powers are exercised shall have right to be informed about the reasons for exercising police powers, to indicate the circumstances that they consider relevant regarding exercising police powers, to be informed of the identity of the police officer exercising the police power, and to ask for the presence of a person they trust, when possible, and if this does not jeopardise or postpone the performance of the police task.

Recording Actions of Police Officers

Article 44

Police actions may be recorded with audio-visual recording devices in order to protect the safety of persons and property by performing police duties, control the exercise of police powers, as well as to protect police officers.

The devices referred to in paragraph 1 of this Article shall be placed in a visible place with a police officer, i.e. in a visible place in an official vehicle, vessel, aircraft.

The person regarding whom the police powers are being exercised, when circumstances permit and if it does not endanger or delay the execution of a police task, shall be informed that Police actions are being recorded and the action of informing shall be recorded.

The recordings created in the sense of paragraph 1 above, that are not used in the procedures conducted in accordance with the provisions of separate laws, shall be destroyed by the Police within 90 days from the day of their creation.

Enabling Medical Aid

Article 45

If requested by a person regarding whom a police power is exercised, the police officer shall enable the provision of medical aid to that person.

Principle of Proportionality

Article 46

The exercise of police powers must be proportionate to the need for which it is being undertaken.

Between multiple police powers, the power will be applied with which a task that may be conducted in a timely manner, with the least harmful consequences, and that restricts the least the human rights and freedoms.

When applying the means of coercion, their use should be gradual, from the easiest to the most severe means of coercion, if possible, and with the minimum necessary force.

Protection of Victims of Criminal Offence and Other Persons

Article 47

The Police shall, if and while justified reasons exist for this, by taking relevant measures protect the victim and the other person who provided or could provide data which are important for the criminal procedure or protect the person who is in relation

with these persons, if the danger exists for them from the part of the perpetrator of the criminal offence or other persons.

The police officer shall also be obliged to protect the information whose disclosure would put in danger the person referred to in paragraph 1 of this Article, in the manner that during the reporting he may withhold information about the identity of the person from whom he received the notification.

Measures referred to in paragraph 1 of this Article shall be undertaken in such a manner as to completely protect the confidentiality of the identity of the victim and other persons.

Obligation of Keeping Data Article 48

A police officer shall keep confidential and protect classified data and personal data he obtained while performing police duties or due to performing police duties, in accordance with the law.

The obligation of keeping data confidential and protecting them shall be in place even after the termination of performing police duties, i.e. termination of employment within the Ministry.

The police officer may be released from the obligation of keeping classified data in accordance with the law regulating classified data.

A police officer may make publicly available personal data (hereinafter referred to as the: "personal data") obtained in the course of work, in accordance with the law governing the protection of personal data.

Execution of Orders Article 49

A police officer shall execute all orders of the immediate superior issued in order to perform police duties, except for those who order the commission of an act representing a criminal offence.

If the order is considered unlawful due to other reasons, the police officer shall be obliged to inform thereof the Minister, the Police Director and the head of the organisational unit to which they were reassigned.

The Police shall be obliged to provide protection to the police officer referred to in paragraph 2 above in accordance with the law.

Official Badge and Official Identification Card

Article 50

An official badge and official identification card shall be issued to a police officer for the purpose of proving the police officer capacity.

The official identification card and the official badge shall be issued by the Ministry.

A record shall be kept on issued official identification cards and official badges, which apart from other data shall also contain personal data of the police officers.

The design and content of the official identification card and the design of the official badge as well as the content and manner of keeping the record referred to in paragraph 3 of this Article shall be laid down by the Ministry.

Uniform, Insignia of Ranks and Special Insignia Article 51

Police officers shall perform police duties in uniform on which there are insignia of ranks and special insignia.

Notwithstanding paragraph 1 above, police officers may perform certain police duties in civilian clothes as required by the nature and conditions of performing of duties.

Persons who are not police officers cannot wear uniforms which are identical or similar to those worn by police officers.

The uniforms of the attendees of the basic police education programme referred to in Article 147 of this Law and of Police interns shall be identical to the uniforms worn by police officers, but with different and prominently displayed insignia.

The uniforms, insignia of ranks and special insignia shall be determined by the Government.

Presentation of Credentials and Identification of Police Officers Article 52

If a police officer performs police tasks in civilian clothes, prior to exercising police powers, they shall present themselves by presenting the official identification card.

A police officer in uniform, prior to exercise of police powers, shall present themselves by presenting the official badge or official identification card only if this is requested by the person regarding whom the police power is exercised.

Exceptionally, a police officer shall not present themselves in the manner referred to in paragraph 1 and 2 of this Article, if this could jeopardize the attainment of the objective in performing the police duty.

In the case referred to in paragraph 3 of this Article, while exercising police powers, the police officer shall warn the citizen by pronouncing the word "Police".

The provisions of paragraph 4 of this Article shall not apply in situations when this may jeopardise the attainment of the objective in performance of a police duty.

When due to the use of special equipment in the performance of police duties showing credentials i.e. the identification of police officers is not possible, a visible insignia containing a combination of letters and/or numbers shall be placed on the uniform i.e. on parts of special equipment that will enable identification of the police officer.

A special record shall be kept on the entrusted insignia under paragraph 6 above.

The closer characteristics of the insignia under paragraph 6 above shall be regulated by the Ministry.

Exercise of Police Powers regarding Particularly Vulnerable Categories of Persons

Article 53

Police officers shall be obliged, in all cases, and especially in cases defined by law, to apply special caution when exercising police powers regarding persons under 14 years of age, apparently sick, elderly and feeble persons, persons with disabilities, persons with significantly reduced mobility, as well as towards women whose pregnancy is visible, while applying restrictions defined by law.

Police officers shall exercise police powers regarding the persons referred to in paragraph 1 above cautiously, especially paying attention to the mental capacity, sensitivity, personal characteristics and privacy of these persons.

When applying police powers regarding persons with disabilities, police officers, when they deem it necessary, shall request the assistance of a person who has knowledge of the correct manner of communication and treatment of a person with disabilities.

The tasks, in accordance with the law governing the treatment of minors in the criminal procedure, shall be performed by police officers who are specially trained to deal with minor perpetrators of criminal offenses and minors as participants in the criminal procedure.

As a rule, police powers regarding minors shall be exercised in the presence of a parent or legal representative and attorney.

Notwithstanding paragraph 5 of this Article, police powers regarding minors shall be exercised without the presence of a parent or legal representative, in the presence of a representative of the authority competent for social and child protection or a trusted third party, in the case where there are grounds for suspicion that the parent or legal representative has committed a criminal offence or a misdemeanour to the detriment of a minor.

In order to prevent the immediate commission of a criminal offense or misdemeanour, the police officer may exercise police powers regarding a minor without the presence of a parent, legal representative, attorney, trusted third party or the representative of an authority competent for social and child protection.

Exercise of Police Powers towards a Person with Immunity Article 54

In regard to a person with immunity, a police officer shall act in accordance with ratified international agreement and particular regulation.

A police officer shall immediately notify the immediate superior of acting in regard to the person referred to in paragraph 1 above.

The immediate superior shall be obliged to inform the Police Director of the acting referred to in paragraph 2 of this Article, without delay.

Exercise of Police Powers towards Military Officers Article 55

The police powers laid down by this law shall be used by a police officer also regarding military officers, unless otherwise regulated by a special law.

Upon exercising police powers regarding persons referred to in paragraph 1 of this Article, the competent organizational unit of the Chief of Staff of the Army of Montenegro shall be immediately notified thereof.

Service Weapons, Other Equipment and Tools for Performing Police Duties Article 56

A police officer, as required by the nature of work, shall be obliged and authorised to carry an official weapon and ammunition and other equipment and tools for performing police duties during working hours.

A police officer may carry an official weapon and ammunition even outside working hours.

Assignment of a Police Officer Abroad Article 57

A police officer may take part in performance of police duties abroad under the conditions laid down by an international agreement.

The decision on assignment of a police officer abroad shall be made by the Minister, upon proposal of the Police Director, on the basis of merits and work performance.

A police officer shall not be assigned abroad to perform duties referred to in paragraph 1 of this Article without their consent.

A police officer to be assigned abroad in accordance with paragraph 1 above shall conclude a contract with the Ministry.

More detailed conditions and manner of selection of a police officer to be assigned abroad, as well as their rights and obligations and the content of the contract under paragraph 4 above shall be laid down by the Ministry.

Cooperation with a Police Officer of another Country Article 58

A police officer of another country or an international organisation may perform certain police duties on the territory of Montenegro, in accordance with this law, with the prior approval of the Police Director.

A police officer may, together with the police officer of another country or of an international organisation undertake certain police duties within joint investigations, when laid down by law or an international agreement.

Returning of the Official Identification Card, Official Badge, Weapons and Other Equipment and Tools Article 59

A police officer shall be obliged to return the official identification card, official badge, weapons and other equipment and tools for performing police duties if:

- they were declared unfit mentally and/or physically to perform police duties in accordance with this law, on date of delivery of the report on determined mental and physical ability,
- they are temporarily suspended from service, on the day of delivery of the decision on temporary suspension,
- their employment in police rank ceases, on the date of termination of employment in police rank;
- during temporary inability to work.

The official identification card, official badge, weapons and other equipment and tools for performance of police duties shall be seized from the police officer if he fails to act in accordance with paragraph 1 of this Article.

The seizure of the official identification card, official badge, weapons, other equipment and tools for performance of police duties shall be taken care of by the immediate superior of the police officer.

2. Processing of Personal and Other Data

Processing Article 60

In performing duties within its competence the Police may process personal and other data (hereinafter referred to as the “data”) in the extent necessary to perform police duties and exercise police powers.

Processing of personal data shall represent processing in the sense of the law governing the protection of personal data.

The Police, in accordance with the law, shall process data on:

- 1) a person who represents danger,
- 2) a person who is in danger,
- 3) a missing person,
- 4) a person for whom there are grounds for suspicion exist that they prepare or they committed a criminal offence or a misdemeanour,
- 5) a wanted person, as well as the person related to them;
- 6) a person who holds items obtained or incurred in connection with the commission of a criminal offense or illegally obtained proceeds, as well as regarding the illegally obtained proceeds and the persons to whom the proceeds were transferred;
- 7) a facility which represents danger or which is in danger, as well as regarding persons, items and facilities which are or will be in the immediate vicinity of certain persons, facilities and areas referred to in Article 18 paragraph 1 item 9 of this Law; and
- 8) other data defined by the law.

Manner of Data Collection Article 61

As a rule, data shall be collected directly from the data subject.

Data may be collected by using publicly available sources, from state authorities, state administration bodies, local self-government bodies and local government bodies, business entities, legal and natural persons.

While performing regular police duties a police officer shall be authorised to collect data in public places, by respecting the right concerning the protection of privacy and family life.

When it is necessary and possible and if this does not jeopardise the exercise of police powers data on a person may be collected also from another person, without the knowledge of the data subject.

If the collection of data in a manner referred to in paragraph 1, 2 and 3 above would not reach the legitimate objective of protection of public interest in performing police duties, including also prevention of potential danger, the data may also be collected in a different manner prescribed by law.

If the collection of data would jeopardise the life, health, bodily integrity or property of the persons from whom the data are collected, the police officer shall undertake measures in order to protect these persons.

The police officer shall immediately inform their immediate superior on the measures referred to in paragraph 6 above.

Request for Collection of Data Article 62

Authorities, business entities and legal and natural persons referred to in Article 61 paragraph 2 of this Law, shall upon the Police request enable insight into i.e. provide the data regarding which they keep records within their competence and powers, and which are necessary for the Police in order to carry out statutory duties and powers, within the deadline defined in the request.

The request referred to in paragraph 1 of this Article shall contain the legal basis and reasons for the use of data, the data that are the subject of the request, also including the data necessary for determining the identity of a person, i.e. for identifying an item.

In the event that the data requested by the request is used to initiate or continue the investigation in criminal proceedings, the reasons for the use of data shall not be given during the launching or continuation of an investigation in criminal proceedings.

The insight into the data related to which records are kept by local self-governments, local governments, business entities, legal and natural persons, may be performed electronically by the Police if there are technical possibilities for this, in accordance with the law.

The Police, on the basis of this Law or other law, shall collect data at their own initiative, i.e. based on a court order or a state prosecutor's order, in accordance with the law governing the criminal proceedings.

The Police shall warn the authorities, business entities, legal and natural persons referred to in paragraph 1 of this Article that they cannot reveal the information that the data was collected from them in accordance with paragraphs 3 and 5 of this Article, unless otherwise defined by law.

The authorities, business entities, legal and natural persons referred to in paragraph 1 of this Article shall keep records on insight, access and provision of data, which shall contain information that the Police performed the insight, access or that the data were provided to it electronically, as well as the date and time of start, i.e. of completion of insight and access to data.

The Police shall keep records of police officers who had insight i.e. access to the data referred to in paragraph 1 of this Article.

Information, Information and Communication, Voice Recording and Geospatial Systems

Article 63

In performing duties within their competence the Ministry and the Police shall use information, information and communication, voice recording and geospatial systems, in accordance with this Law.

In order to undertake security and data protection measures against unauthorized destruction, loss or alteration, unauthorized disclosure or access to data processed using information and information and communication systems, the Ministry and the Police shall process data on all users who have been granted the right to access the services of these systems.

The Ministry and the Police, for the purpose of controlling the work of police officers and other officers, as well as for conducting procedures upon complaints, shall process the data collected by recording audio and other communications in the closed police radio-communication system for transmission of speech, messages and data, by calling the number of on-call services and other publicly available telephone numbers used by the Ministry and the Police (voice recording systems).

The Ministry and the Police in order to perform duties within their competence through the use of the geographical-information system shall perform the visualization of items and events; spatial and temporal analysis of events; provide support and assistance in decision making; distribution of services for geospatial data entry and updating, as well as of services for locating devices for transmission of speech, messages and data referred to in paragraph 3 above and other mobile radio communication devices, shall process data, i.e. keep records on: the location, vector geospatial data, raster and alphanumeric geospatial data.

The Ministry and the Police shall keep records on the procurement, use, condition and destruction of information and information-communication equipment, as well as records of unique code names in voice recording systems in connection with the performance of duties within their competence.

Planning and implementation of information security measures and cyber protection shall be done in accordance with a separate law.

The manner of designing, establishing, managing, developing and maintaining information-communication, voice recording and geospatial systems shall be regulated by the Ministry.

Records on Processed Data and Deadlines for Storing and Deleting Data

Article 64

In performing the duties within their competence the Ministry i.e. the Police shall be the controller of the personal data filing system, i.e. of the records where data are systematized and which they shall keep, in particular on:

- 1)criminal offenses and perpetrators of criminal offenses, filed criminal charges, victims of criminal offenses, witnesses and injured parties - five years from data entry;
- 2)requests for initiating misdemeanour proceedings and perpetrators of misdemeanours - three years from the day of initiating the proceedings, i.e. one year if no proceedings have been initiated;
- 3)persons who are subject to a search and missing persons - until they are found or after the reasons for the search have been terminated, i.e., three years from the entry into force of the statute of limitations for prosecuting a committed criminal offence or a misdemeanour for persons for whom a warrant has been issued or whose entry in Montenegro has been forbidden;
- 4)persons regarding whom the procedure of verifying identity has been conducted- one year from the day of identity verification of the persons;
- 5)the following data collected using video acoustic recording equipment, in accordance with the law:
 - 30 days from the day the data was created by recording in a public place;
 - five years from the day the data was created, when a review of the collected data identifies persons, events and phenomena that require the taking of measures and actions by the Police;
 - five years from the end of the procedure if the collected data are necessary for conducting criminal, misdemeanour or disciplinary proceedings;
- 6)operational information – five years from the day of data processing;
- 7)persons regarding who secret surveillance measures have been undertaken in accordance with the law regulating criminal procedure and measures taken in accordance with this law – five years from the day of data processing;
- 8) events notified to the Police or otherwise informed by the Police - five years from the day of notification i.e. receiving information;
- 9)persons whose liberty has been restricted or deprived on any basis- five years from the day of restriction or deprivation of liberty;
- 10)persons summoned in order to obtain notifications - two years from the day of notification collection;
- 11)filed complaints - five years from the day of filing of complaint;
- 12)used means of coercion, police officers who have used means of coercion and persons who have been subjected to means of coercion - ten years from the day of use of means of coercion;
- 13)temporarily seized, lost and found items and items that are subject to search- until the finding of the item searched or upon the cessation of reasons that required the seeking, i.e. the search;
- 14)data processed using the intelligence-led policing model, i.e. collected on the basis of work with operational links - five years from the day of data processing;
- 15)data processed through the application of special police actions- five years from the day of data processing;
- 16)personal data given for use, purpose, the legal basis for using and providing data for use, time of using data within the meaning of Article 67 of this Law -ten years from the day of data provision;
- 17)issued orders- three years from the day of issuing of the order;

- 18) assistance provided to state bodies, state administration bodies, local self-government bodies and local government bodies - two years from the day of providing assistance;
- 19) applications for public gatherings and public events - two years from the day of filing the application;
- 20) data relevant for the Police work in community - five years from the day of data processing;
- 21) persons, facilities and areas protected by the Police - five years from the day of data processing;
- 22) DNA analysis results- stored in accordance with a separate law;
- 23) data on provided leads and items that may serve as evidence in criminal and misdemeanour proceedings - until the entry into force of the absolute statute of limitations for criminal prosecution for the criminal offence for which the traces and items were taken;
- 24) fingerprints and other data on criminal forensic expertise and analysis - five years from the day of data processing;
- 25) access to information and communication systems - five years from the day of access to the system;
- 26) data in voice registration systems - at least 30 days from the day of data processing, depending on the system load even longer, but not more than two years;
- 27) financial intelligence data- in accordance with the law governing prevention of money laundering and terrorism financing;
- 28) data in geospatial systems- permanent;
- 29) acting upon the requests of the State Prosecutor's Office and the courts - five years from the day of acting on the request;
- 30) insignia referred to in Article 52 paragraph 6 of this Law - five years from the day of engagement.

Upon the expiry of the deadlines referred to in paragraph 1 of this Article, except for the deadline for data from the records on provided leads and items that may serve as evidence in criminal and misdemeanour proceedings, on fingerprints and other data on criminal forensic expertise and analysis, a re-examination of the justification for further storing of the data for the performance of police duties shall be carried out.

Data whose further storing is not justified shall be deleted from the records upon expiry of the deadline prescribed for storing.

Data that has been collected contrary to the law or is incorrect must be deleted or corrected immediately.

Personal data shall be deleted from the records for a person who has been acquitted by a final and enforceable court decision of criminal liability for a particular criminal offence, as well as for a person for whom a final and enforceable judgment has been issued dismissing the charges or aborting the criminal proceedings for a specific criminal offence.

The form, content, manner of keeping records, storing and deleting the data referred to in paragraph 1 of this Article, except for the records referred to in item 22 of this Article, other records established by this Law, as well as the manner of accessing the blocked data under Article 66 of this Law shall be prescribed by the Ministry.

Right of Insight into the Data Article 65

The data subject shall be entitled to the right of insight into the data referred to in Article 64 paragraph 1 of this Law, in the following records:

- under items 1 and 2 after the indictment becomes effective, i.e. following the filing of a charge, on the date of the initiation of misdemeanour proceedings for a misdemeanour;
- under items 3, 4, 8, 9, 11, 12, 13, 23, 24, 25 and 30 when the reasons for requesting collection of data on that person have ceased;
- under items 5, 10, 16 to 21 when the reasons for requesting collection of data have ceased;
- under items 6, 14 and 15 after archiving the information, i.e. the data; and
- under item 7 after the decision on termination of investigation becomes final and enforceable, i.e. on the date the indictment against this person becomes effective.

The right of insight into data in the manner referred to in paragraph 1 of this Article may be limited due to:

- preventing interference with the proceedings,
- preventing the uncovering of an investigation or prosecution of criminal offenses or the execution of criminal sanctions,
- protection of national security;
- protection of security of particular persons, facilities and areas under Article 18 paragraph 1 item 9 of this Law, and
- protection of the rights and freedoms of others.

The person whose data was collected without their consent, and which had not been deleted from the records within the prescribed deadline, shall be notified thereof if this is permitted by nature of police work.

Blocking of Data Article 66

When the deadline for keeping data from the records on provided traces and items that may serve as evidence in criminal and misdemeanour proceedings; on fingerprints and other data on criminal forensic expertise and analysis expires, the data from this record shall be blocked.

After blocking within the meaning of paragraph 1 of this Article, the data shall be stored:

- ten years for criminal offenses for which imprisonment of up to one year is prescribed;

- 30 years for criminal offenses for which imprisonment of up to eight years may be imposed; and
- 50 years for criminal offenses for which imprisonment of more than eight years may be imposed.

Police officers and competent state authorities shall be allowed access to blocked data only for the purpose of criminal investigation of a criminal offense whose offender is prosecuted ex officio or in other cases relating to the securing of national security or constitutional order, if necessary for the exercise of their authorizations determined by law.

Upon expiry of the deadlines referred to in paragraph 2 of this Article, blocked data shall be deleted.

Provision of Data Article 67

The Ministry may provide data from the records referred to in Article 64 paragraph 1 of this Law for use to state authorities, state administration bodies, local self-government bodies and other legal entities exercising public authorizations, in accordance with the law governing the protection of personal data if necessary for the exercise of their authorizations defined by law and these data cannot be obtained otherwise, or their obtaining would require disproportionately high costs.

The data from the records referred to in Article 64 paragraph 1 of this Law, for which there is no restriction prescribed by law, shall be provided by the Ministry for use and on the basis of requests of entities that supervise and control the work of the Police in order to perform duties within their competence, in accordance with this Law.

International Data Exchange Article 68

The Ministry and the Police may, if necessary for conducting tasks within its scope of competence, exchange data at their own initiative or at the request of foreign states or international organizations, under conditions of reciprocity.

Personal data may only be exchanged if there are prior guarantees that a foreign country or an international organization that uses such data applies adequate personal data protection measures prescribed by a separate personal data protection law and will use them for the purpose prescribed by this Law.

Data obtained from another country may be delivered to a third country only if there is consent of the state from which they were obtained.

The Ministry and the Police shall keep a record on the exchange of data under paragraph 3 of this Article, which shall contain data on when and to whom the data was delivered and for what purpose.

Notwithstanding paragraph 4 of this Article, records on the international exchange of financial intelligence shall be kept by the financial intelligence unit, in accordance with the law governing the prevention of money laundering and terrorism financing.

Application of Regulations on Personal Data Protection Accordingly

Article 69

Regulations on the protection of personal data shall apply accordingly to the processing of personal data at the Ministry i.e. in the Police, unless otherwise provided by this Law.

3. Verifying and Determining the Identity of Persons and Identification of Items

Verifying the Identity of Persons

Article 70

A Police officer shall verify the identity of a person:

- 1) who enters a protected facility or area;
- 2) who needs to be deprived of liberty, for who bringing in under Article 77 of this Law will be carried out, who will be detained or referred to the competent authorities;
- 3) who is dangerous to other persons or property;
- 4) who reports a criminal offense for which prosecution is undertaken ex officio or a misdemeanour, the perpetrators of those offences, i.e. gives a notification on these criminal offences and misdemeanours;
- 5) who is subject to an examination, search upon order of a court or another action prescribed by law is being undertaken regarding this person;
- 6) who is found in someone else's home or other premises or means of transportation which are subject to an examination or search, if identity verification is needed;
- 7) who is found in an area or in a facility subject to a temporarily restricted freedom of movement, if identity verification is needed;
- 8) whose identity needs to be determined due to security reasons;
- 9) who collects data, without justifiable reasons, on the person, facility or area in which a person protected by the Police is located;
- 10) who can provide data useful for the performance of police duties;
- 11) who by their conduct, acts or stay on a certain location or in a certain moment gives a reason for suspicion that they are a minor who is running away from home or educational institution or is lost;
- 12) who is obviously helpless, and whose identity verification is needed for the purpose of providing help;
- 13) at a justified request of an official in the sense of the Criminal Code of Montenegro;
- 14) who due to their behaviour, actions and stay on a particular location creates reason for suspicion that he represents danger for security and public order and peace.

Justified request referred to in paragraph 1 item 13 of this Article shall be deemed a request from which it may be determined that the data on person's identity are needed for lawful acting of officials.

At the request of the person whose identity is being verified, the police officer shall be obliged to inform them about the reason of verifying their identity, unless otherwise prescribed by the Law.

Notwithstanding paragraph 3 of this Article, a police officer may refuse to notify a person of the reasons for identity verification, if this would make it impossible or significantly impede the exercise of police powers prescribed by law.

Method of Verifying a Person's Identity Article 71

Verifying the identity of a person referred to in Article 70 of this Law shall be conducted by examining their identity card or examining another public document with a photograph or electronically, when the identity card or other public document contains an electronic identification certificate.

Exceptionally, identity verification may also be conducted on the basis of a statement of another person whose identity has already been verified, i.e. determined.

The police officer may verify the identity of the person even without the knowledge of that person if a justified reason for this exists.

Determining the Identity of a Person Article 72

If the identity of a person cannot be verified in accordance with Article 71 of this Law or the authenticity of an identity card or other public document with a photo is suspected, or it is necessary to determine the identity of the person for whom there is information that they plan, i.e. prepare for the commission of a criminal offense or misdemeanour, the identity of a person may also be determined by using data from records kept by the Ministry i.e. the Police, using methods and using means of criminal tactics and technique, forensic, medical or other appropriate expertise, as well as through international police cooperation, unless otherwise provided by a separate law.

If the identity of a person cannot be determined in the manner referred to in paragraph 1 above the Police shall be authorized, in order to determine their identity to publish a photograph, photo fit, drawing, footage or description of that person, unless otherwise provided by a special law.

Police shall be authorized in order to determine the identity of a person, when the circumstances so warrant, to publicly publish a photo of a missing person, a person who cannot, or does not want to provide the true information about themselves or a photograph of a corpse of an unknown person.

Identification of Items

Article 73

The police officer shall be obliged to take the necessary measures and actions in order to identify items when there are grounds for suspicion that the item was acquired, or it occurred in connection with the commission of a criminal offence or a misdemeanour or a criminal offence or a misdemeanour was committed with it.

The police officer shall conduct the identification of items by establishing and verifying the features and characteristics of the item, as well as by establishing and verifying the relation between persons or events and the item.

The Police may publicly publish a photograph, drawing, footage or description of the item, if it is important for the successful identification of the item.

4. Summoning

Conditions and Manner of Summoning for an Interview

Article 74

The Police may summon for an interview a person who is likely to dispose of any information, which it is necessary to perform police duties.

The summon referred to in paragraph 1 must include the reason for summoning, name, place and address of the organisational unit of the Police where the person is summoned, time of arrival and the right of the person to come to the interview together with a lawyer.

If the summoned person from paragraph 1 of this Article comes to the Police premises together with their lawyer, the lawyer must be granted presence at the interview.

The summoned person from paragraph 1 of this Article shall be instructed that they are not obliged to provide data.

A person who failed to respond to the summoning may be brought by force, only if warned about it in the summons.

Time Period in which a Person May be Summoned for an Interview

Article 75

A person may be summoned for an interview in the period from 6 a.m. to 10 p.m.

Exceptionally, in order to perform police duties that cannot be delayed, the police officer may summon a person for an interview beyond the time provided in paragraph 1 of this Article.

Special Cases of Summoning for an Interview

Article 76

A police officer shall have powers to summon for an interview a person also by phone or other suitable means of electronic communication, in which case they shall give the reasons for summoning, warn the person that he may be brought by force if he fails to respond to the summoning, and with the person's consent, they may escort them to the Police premises.

A person may be exceptionally summoned for an interview also through the media and other means of public communicating, as well as through electronic communication networks when necessary for performing police duties which cannot be delayed or when the summoning is intended for a large number of persons.

Upon request of a person who responded to a summoning for an interview, a certificate containing reasons, time and place of interview and explanation of the manner of summoning shall be issued.

5. Bringing in and Temporary Restriction on the Freedom of Movement

Bringing in **Article 77**

(Law on Amendments to the Law on Internal Affairs, Official Gazette of Montenegro 084/24 as of 6 September 2024, Article 1)

A police officer shall be authorised to bring in:

- 1) a person whose identity needs to be verified pursuant to Article 70 of this Law or determined pursuant to Article 72 of this Law;
- 2) a person in order to collect notifications regarding the solving of criminal offenses and misdemeanours, if the summon would cause a delay which would jeopardize the performance of police duties;
- 3) a person referred to in Article 74 paragraph 5 of this Law;
- 4) a person who is subject of a search;
- 5) a person with whom items have been found whose possession is not allowed and items suitable for committing misdemeanours and criminal offenses;
- 6) a person who is found in the place of commission of a criminal offence or misdemeanour when this is necessary in order to perform police duties that cannot be delayed; or
- 7) upon order of the court, i.e. of the State Prosecutor.

The person shall be brought in to the premises of the Police in the period from 6 a.m. to 10 p.m.

By way of exception, when bringing in is needed for the purpose of performing police duties that cannot be delayed, the person may be also brought in outside the time referred to in paragraph 2 of this Article.

Bringing in the person referred to in paragraph 1 of this Article may be undertaken not earlier than three hours before the specified deadline for bringing in, if it must be carried out in the territory of the municipality for which the Police organizational unit was established, and where the person is located or where the person has been found.

When the person to be brought in is located or has been found outside the territory of the municipality for which the Police organizational unit was established, the bringing in may last no longer than 6 hours, unless otherwise provided by a separate law.

Persons Exempted from the Application of Provisions on Bringing in Article 78

Provisions of Article 77 of this Law shall not apply to bringing in of a person:

- 1) if it is reasonably assumed that their bringing in would significantly hamper their health condition; or
- 2) performing such tasks that must not be interrupted until providing their suitable replacement.

Regarding the facts referred to in paragraph 1 of this Article the police officer conducting the bringing in shall inform the immediate superior without delay.

Rights of Person Brought in Article 79

A police officer prior to bringing in a person, shall inform them about the reasons of bringing in and about their rights in their language or in a language they understand: to notify regarding the bringing in a family member or a trusted third party, i.e. if they are a foreigner also the diplomatic or consular representative of the country of their nationality, i.e. the representative of the relevant international organization if this is a stateless person or a migrant; to a lawyer of their own choice from the very first moment of bringing in, and to an examination by a doctor of their own choice.

If there is possibility that a person who is to be brought in will resist, bringing in may be conducted even without the prior informing about the reasons.

If there is a suspicion that a person who is to be brought in possesses a weapon or assault tool or that this person will throw away, hide, or destroy items that are to be seized from them as evidence in a criminal or misdemeanour procedure, the police officer shall perform an examination in accordance with Article 91 of this Law.

A police officer shall, prior to the bringing in, inform the body competent for social and child protection when a person is to be brought in who provides care to or is guardian of minors or other persons, if the relatives or neighbours are unable to take care of that person.

A police officer shall immediately inform a parent, legal guardian, the person to whom the child or minor is given to custody, a trusted third party or the body competent for social and child protection about bringing in a minor.

Temporary Restriction of Freedom of Movement

Article 80

A police officer may temporarily restrict access or movement in a particular area or facility:

- 1) if there is danger to life of people or property;
- 2) to prevent the commission of a criminal offence or misdemeanour;
- 3) for the purpose of finding and capturing persons who committed a criminal offence or misdemeanour;
- 4) in order to find traces and items that can serve as evidence that a criminal offense was committed for which prosecution is undertaken ex officio or a misdemeanour for which imprisonment is prescribed;
- 5) if it is necessary to establish the identity of a person in accordance with Article 70 of this Law until the bringing in referred to in Article 77 of this Law; or
- 6) in order to protect secured persons, facilities or areas.

Temporary restriction of freedom of movement during access or movement in a particular area may only last until the attainment of the objective for which the powers are being applied, and may not last longer than 12 hours, unless otherwise prescribed by a separate law.

Temporary restriction of freedom of movement during exit from a facility may only last until the attainment of the objective for which the powers are being applied, and may not last longer than 6 hours, unless otherwise prescribed by a separate law.

When circumstances permit, the police officer shall communicate the reasons behind undertaking actions to the person against whom actions referred to in paragraph 1 of this Article are undertaken.

Criminal and Tactical Actions for the Execution of Powers of the Temporary Restriction of Freedom of Movement

Article 81

Temporary restriction of freedom of movement may be conducted by application of criminal and tactical actions (blockade, raid, pursuit, ambush and examination of certain facilities and areas).

6. Giving Warnings and Issuing Orders

Giving Warnings

Article 82

A police officer shall give a warning to the person likely to:

- 1) threaten, by their behaviour, acting or omission of a certain action their own safety or safety of other person or property, threaten the traffic safety, disturb public peace and order or disturb border control or threaten and disturb the safety

- of the persons, facilities and areas under the Article 18 paragraph 1 item 9 of this Law, i.e. disturb police officers who perform duties of direct protection of those persons, facilities, and areas; or
- 2) may commit, encourage or induce another person to commit a criminal offence or a misdemeanour.

Issuing Orders Article 83

An order can only be issued in relation to behaviours, i.e. activities, acts or omissions on which the successful performance of police duties and tasks directly depends, i.e. the exercise of police powers, measures and actions, in order to:

- 1) eliminate the threat to life, health and freedom of persons and to property;
- 2) prevent the commission of a criminal offence i.e. misdemeanour, capture the perpetrator of that criminal offence i.e. misdemeanour, and find and provide leads of a criminal offence i.e. misdemeanour that could serve as evidence in criminal, i.e. misdemeanour proceedings;
- 3) maintain or restore disrupted public order and peace;
- 4) secure road traffic safety;
- 5) enable smooth border control;
- 6) prevent access to a person, facility or area under Article 18 paragraph 1 item 9 of this Law,
- 7) prevent access and stay in the area or facility where it is not allowed in accordance with law,
- 8) prevent access and stay where it is not allowed due to security reasons and based on the estimation of an police officer,
- 9) prevent the occurrence and eliminate consequences of general danger, and
- 10) in other cases laid down by law.

The order referred to in paragraph 1 of this Article, may also be issued to a group of persons, which comprises more than three persons.

The Manner of Giving Warnings and Issuing Orders Article 84

Warnings and orders shall be given: verbally, in written form, by light and sound signals, signs, hand, or in another manner laid down by the act referred to in Article 124 of this Law.

7. Use of Another Person's Means of Transportation or Means of Communication and Determining the Presence of Alcohol and/or Psychoactive Substances in the Body

Use of Another Person's Means of Transportation or Means of Communication Article 85

Another person's means of transportation i.e. means of communication may be used if it is not otherwise possible to carry out the transportation, i.e. to establish a communication in order to:

- 1) prevent the commission of a criminal offense prosecuted ex officio or to capture a perpetrator of a criminal offense that is directly prosecuted when such actions cannot be otherwise taken; and
- 2) transport an injured person who is a victim of criminal offense, traffic accident, natural disaster or other accident to the nearest health care institution.

The owner of the means of transportation or communication means used in accordance with paragraph 1 above shall be entitled to compensation of costs and actual damage caused by the use of these means.

Determining the Presence of Alcohol and/or Psychoactive Substances in the Body

Article 86

In order to determine the presence of alcohol and/or psychoactive substances in the body, a police officer may subject a person to testing through using suitable means if this is necessary to perform police duty.

If the testing defined in paragraph 1 of this Article cannot be conducted due to visibly justified reasons, the police officer may bring the person to the closest health institution in order to take a sample of blood or samples of blood and urine in order to determine the presence of alcohol and/or psychoactive substances in the body.

The person referred to in paragraph 1 of this Article shall immediately act according to the order of the police officer and enable the testing via suitable means, i.e. give a blood sample or blood and urine samples.

Data collected in accordance with paragraphs 1 and 2 of this Article shall represent a special category of personal data and can only be processed in accordance with the law governing the protection of personal data.

8. Temporary Seizure, Storage and Destruction of Items, Searching for Persons and Items, Stopping and Examination of Persons and Items, Public Promise of Reward and Recording in a Public Place

Conditions for Temporary Seizure of Items

Article 87

A police officer shall temporarily seize an item in order to prevent the commission of a criminal offence or of a misdemeanour, if:

- 1) the circumstances of the case, the nature and characteristics of the item indicate that the item occurred in the commission of a criminal offence or misdemeanour or it was intended for committing a criminal offence or misdemeanour;

- 2) it is deemed necessary for protecting the persons and property;
- 3) the item may be used for self - harm, assault, escape, concealment or destruction of evidence proving that a misdemeanour was committed; or
- 4) the item due to particular circumstances, shape, characteristic and type of material it was made from, is suitable and may be used in any way which would violate public order and peace, insult or disturb someone, or its use and application would violate the security in the facility or area under protection.

Certificate of Temporary Seizure of Items Article 88

A police officer shall issue a certificate of temporary seizure of items, in a prescribed form.

The certificate referred to in paragraph 1 of this Article shall include data on the police officer who has temporarily seized the item, data on the temporarily seized item that are making it distinguishable from other items, as well as the data on the person from whom the item was seized.

Storage and Destruction of Temporarily Seized Items Article 89

When storage of temporarily seized items at the Police premises is impossible or is significantly impeded, these items may be stored in another space, i.e. they may be placed or secured in another appropriate manner, pending the decision of the competent authority, unless otherwise prescribed by the law.

Under the conditions referred to in paragraph 1 of this Article, if the temporarily seized items have been entrusted to or are being stored in the Police, the costs of the storing shall be borne by the person from whom the item has been temporarily seized.

Temporarily seized item shall be returned to the person from whom it was seized or to the person who is the lawful owner, when the reasons for the seizure cease to exist, unless otherwise prescribed by the law.

The person referred to in paragraph 3 of this Article, shall be summoned to take over the temporarily seized item within a deadline that may not be longer than 30 days as of the date of cessation of the reasons for seizure.

When the temporarily seized item is not returned in accordance with paragraph 3 of this Article, the person from whom the item was seized shall have the right to complaint in the sense of Article 32 of this Law.

Temporarily seized unexploded ordnance, mine explosive ordnance, improvised explosive devices, as well as other life-threatening and health-threatening devices, in accordance with the Criminal Code of Montenegro, after criminal forensic processing and expertise, shall be destroyed without delay, with the assistance of the competent authorities, in the prescribed manner.

Prior to the destruction of the items referred to in paragraph 6 of this Article, the consent of the competent state prosecutor or other competent authority shall be obtained, and after the destruction the minutes shall be drawn up.

The Ministry shall prescribe more detailed manner of seizing, storing and administering temporarily seized items as well as the more detailed content and form of the certificate of temporarily seized items.

Search for Persons and Items

Article 90

The Police, immediately after finding out about the commission of a criminal offense, misdemeanour or disappearance of a person shall conduct measures of search for persons and items.

The search for persons, i.e. items, shall be called by a notice, diffusion and announcement.

A notice shall be issued in accordance with the law governing criminal procedure and other law.

A diffusion for search may be issued:

- 1) for a person for whom grounds for suspicion exist that he has committed a criminal offence prosecuted ex officio or a misdemeanour;
- 2) for a person at the request of the competent authority i.e. institution, which has been submitted in accordance with a separate law;
- 3) at the request of the legal representative of the person who has fled home and in other cases, in accordance with separate regulations; or
- 4) for a person who can provide the necessary notification about a committed criminal offence or misdemeanour, the perpetrator or the items of the criminal offence or misdemeanour.

An announcement may be issued:

- 1) for a missing person;
- 2) for the purpose of establishing the identity of a person who is unable to provide personal data or for the purpose of establishing the identity of a found unidentified body;
- 3) for items related to a criminal offense or misdemeanour, for items for which the Police are obliged to search in accordance with the law, as well as for items that have been found or are missing;
- 4) for the purpose of determining the place of residence and place of stay of a person, in accordance with a separate law; and
- 5) in other cases prescribed by law.

If the disappearance of a person has been reported and there are grounds for suspicion that the person is the victim of a criminal offence, police officers shall be obliged to immediately take measures and actions provided for by this Law and other

laws, in cooperation with other competent authorities, citizens' associations and citizens, in order to find the person.

Stopping and Examination of Persons, Items and Means of Transportation

Article 91

The police officer shall be authorised to stop and examine persons and items carried by that person and the means of transportation, when such actions are deemed necessary:

- 1) for ensuring protection of persons and property;
- 2) for preventing the commission and detecting criminal offences and misdemeanours;
- 3) for preventing the escape of a perpetrator of a criminal offence prosecuted ex officio or a misdemeanour;
- 4) for finding items that may be suitable for an assault or self - injury;
- 5) for finding wanted persons and items;
- 6) for bringing in persons;
- 7) for securing persons, facilities and areas referred to in Article 18 paragraph 1 item 9 of this Law.

When stopping, a police officer shall, prior to proceeding to the examination referred to in paragraph 1 of this Article, inform the person that he has been stopped for the purpose of examination, as well as of the reasons for stopping and performing the examination.

Examination of persons referred to in paragraph 1 of this Article shall mean an external examination of clothing and footwear, as well as of items carried by the person.

Examination of items that a person carries shall include the examination of items carried by the person or that are in their immediate vicinity.

The examination of the means of transportation shall be considered as an examination of all open and closed spaces of the means of transportation and items being transported.

The police officer may examine persons, items and means of transportation visually and by exercising other police powers, measures and actions.

Examination of person must be performed by a person of the same sex, with the exception when the urgent examination of persons is required for the purpose of seizing weapons or items that may be suitable for an assault or self - injury.

If in the course of examining persons, items and means of transportation, the police officer determines that due to the circumstances it is necessary to make a search, they shall perform the search, in accordance with the Law.

In the case referred to in paragraph 8 of this Article, a police officer shall be authorized to temporarily restrict the freedom of movement of a person in accordance with Article 80 paragraph 2 of this Law, pending the obtaining of a search warrant.

Public Promise of Reward Article 92

The Ministry, upon proposal of the Police, shall be authorised to publicly promise a reward for provided information, when the information of citizens is needed for performing the police duties.

A public promise of reward may be published in the media, public informing and communication means or in other appropriate manner.

The Ministry shall be obliged to publicly revoke the promised reward, once it obtains the requested information.

Person who provided the information for which the reward was promised shall not be entitled to the reward, if the Police already has that information.

Police officers and their immediate family members as well as accomplices in the commission of a criminal offense i.e. misdemeanour who provided the information shall not have the right to the reward.

As the immediate family, in terms of paragraph 5 above the following shall be considered: parent, adoptive parent, guardian, spouse, children (born in marriage, extra-marital, adopted, and stepchildren), brother and sister.

Recording in Public Places Article 93

The Ministry shall perform duties related to design, establishing, managing, development and maintenance of video surveillance of public areas.

In order to carry out police duties, the Police shall monitor and record a public place, using equipment for video acoustic recording and photographing.

When there is a danger that in the event of a public gathering or public event a threat might occur to the lives and health of people or property, for the purpose of exercising police powers, detecting criminal offenses and misdemeanours, as well as controlling and analyzing the performance of police duties, the police officer shall be authorized to record or photograph the public gathering, i.e. the public event.

In order to achieve the objectives referred to in paragraph 2 and 3 of this Article, the Police may use vehicles, vessels, aircrafts and other means with recording devices, with or without the external markings of the Police, as well as devices for recording and recognizing license plates, persons and items.

The notification on the intention to record referred to in paragraph 3 of this Article, except for public gatherings which were not announced and recordings as secret surveillance measures in accordance with the law regulating criminal procedure, shall be published in the media and on the Ministry internet page no later than 24 hours prior to the start of recording.

The notification on the intention to record referred to in paragraph 3 of this Article shall be submitted in writing to the organizer of the public gathering i.e. public event.

If the data collected in accordance with paragraph 2 of this Article are not necessary for the purpose of prosecuting persons due to the existence of grounds for suspicion of commission of a criminal offense or misdemeanour, they shall be deleted not later than 30 days from the date of creation.

The Ministry shall keep a record on the data obtained through use of video surveillance of public areas, in accordance with this Law.

9. Use of the Means of Coercion

Types of Means of Coercion and Conditions for Use Article 94

The means of coercion under this Law shall include:

- 1)physical force;
- 2>manual spray with irritant effects;
- 3)electroshock weapon;
- 4)service truncheon;
- 5)instruments of restraint;
- 6)special vehicles;
- 7)service dogs;
- 8)service horses;
- 9)special motor vehicles;
- 10)means for blocking;
- 11)water jet ejectors;
- 12)chemical means;
- 13)means for special purposes, and
- 14)firearms.

The means referred to in paragraph 1 of this Article, shall be used when this is necessary in order to protect the safety of people, repel an attack and prevent escape if the official task cannot be carried out through giving warnings or issuing orders.

A police officer shall use means of coercion only if he cannot complete their task otherwise, in proportion to the danger that threatens the legally protected goods and values, i.e. the gravity of action which is prevented or suppressed.

A police officer shall always use the mildest means of coercion that guarantee success, in proportion to the reason of use and in a manner by which the official task is performed without unnecessary harmful consequences.

Before using means of coercion, a police officer shall alert the person against whom he intends to use the means.

By way of exception from paragraph 5 of this Article, means of coercion may be also used without previous warning when this could jeopardise the attainment of the objective in performing police duties.

While using means of coercion, a police officer shall protect human lives, cause the least possible injury and material damage, and ensure provision of aid to an injured person or person in danger as soon as possible, and that their family or other relatives are informed thereof as soon as possible.

The Use of Means of Coercion against a Group of Persons

Article 95

A police officer shall be authorized to issue an order to a group of three or persons to break up if the group unlawfully gathered, unlawfully behaves, may provoke, has provoked violence or violence has already taken place.

If the group of persons in the case referred to in paragraph 1 of this Article does not disperse, a police officer may use the means of coercion referred to in Article 94, paragraph 1, item 1 to 12 and referred to in Article 112 paragraph 3 item 1 and 2 of this Law.

In the case of public gathering, i.e. public event, in the sense of the law governing public gatherings of citizens and public and sports events, means of coercion shall be applied to persons who have unlawfully gathered, unlawfully behave and thus may cause violence or violence has already taken place, only upon order of the immediate superior.

The means referred to in Articles 103, 111 and 112 of this Law may be used in order to establish disrupted public order and peace during the public gatherings referred to in paragraph 3 of this Article, only upon authorization by the Police Director.

Reporting, Control and Accountability Regarding the Use of Means of Coercion

Article 96

A police officer who used and/or ordered the use of a mean of coercion, i.e. who participated in the exercise of means of coercion, shall independently and without consulting other participants in the event, submit a written report on use of means of

coercion to the immediate superior as soon as possible and no later than 24 hours following the use of means of coercion.

When he uses and/or orders the use of a mean of coercion, i.e. participates in the exercise of means of coercion in securing public gatherings or public events, as well as during providing assistance to another organizational unit of the Police, a police officer shall independently and without consultation with other participants of the event, submit a written report to the head for securing the public gathering or public event, i.e. to the head of the organizational unit of the Police to which he provides assistance, without delay, and no later than 24 hours following the use of means of coercion.

The immediate superior, i.e. the head referred to in paragraph 2 above shall, without delay, collect information on the circumstances of the use of the means of coercion and provide an opinion on the justification and regularity of the use of the means of coercion, which, with the report of the police officer referred to in paragraph 1 and 2 of this Article, shall within 48 hours following the use of means of coercion be submitted to the Police Director or to a person authorized by them.

The report referred to in paragraph 1 and 2 of this Article, shall contain the place, date and hour of use of the means of coercion, name, surname and unique identity number, nationality, i.e. the date of birth of the person against whom the means of coercion was used, type and number of document of the foreigner against whom it was used; name and surname and unique identity number of the person that was present during the use of the means of coercion, type of the means of coercion used; name and surname of the police officer who used, i.e. ordered the use of means of coercion; the reason for the use of the means of coercion; the circumstances under which the means of coercion was used; possible consequences of use; legal basis and manner of use; other data if the use of means of coercion was against a group of persons and other facts and circumstances necessary for the assessment of justification, regularity, and legality of the use of the means of coercion.

Legality of the use of means of coercion shall be assessed by the Police Director or a person authorised by them, no later than within three days from obtaining the report with the case documents.

If assessed by the Police Director or a person authorised by them that the means of coercion were used unlawfully, they shall within five days at latest following the date of assessment of the legality of the use of the means of coercion, undertake measures to establish accountability of the police officer, who used, i.e. ordered the use of the means of coercion.

By way of exception of paragraph 5 of this Article, the Minister, or the person authorised by them, shall form a commission which shall assess the circumstances under which the means of coercion were used, if:

- 1) the police officer used a firearm;
- 2) due to the use of the means of coercion serious bodily injury or death of person occurred; or
- 3) the means of coercion was used against a group of persons.

The commission referred to in paragraph 7 of this Article shall be composed within three days following the day of the use of means of coercion, and it shall include of two police officers with the highest police rank, and one representative of the Ministry, and one representative of the representing Police trade union.

The commission referred to in paragraph 7 of this Article shall determine the circumstances under which the means of coercion was used by collecting data, in accordance with the law, and it shall take minutes about this in a deadline as short as possible.

Regarding the lawfulness of use of means of coercion, the commission referred to in paragraph 7 of this Article shall form an opinion on the circumstances justifying the use of the means of coercion, and it shall deliver it to the Minister or to the person authorised by them in a deadline as short as possible.

If the opinion referred to in paragraph 10 of this Article contains the assessment that the means of coercion was used unlawfully, the Minister or the person authorised by them shall act in accordance with paragraph 5 of this Article.

For the unlawful use of means of coercion in the sense of paragraph 5 and 10 of this Article, the police officer who used the means of coercion shall be accountable, i.e. the police officer who ordered the use of means of coercion.

In case of unlawful use of the means of coercion, a police officer who did not try to prevent the unlawful use of the means of coercion even though they were able to do so shall also be accountable.

The opinion of the Commission on the use of the means of coercion referred to in paragraph 7 item 2 of this Article shall be submitted to the state prosecutor for assessment.

Legal Assistance Regarding the Use of Means of Coercion

Article 97

When assessed in accordance with Article 96 of this Law that the means of coercion were used in accordance with the law, the police officer shall not be accountable for the use of the means of coercion.

When a court procedure is conducted against a police officer for the use of means of coercion under paragraph 1 above or for undertaking other actions in performing police duties, the Ministry shall provide them with legal assistance and costs in that procedure.

Physical Force

Article 98

The use of physical force, within the meaning of this Law, shall mean grips of martial arts or similar actions against the body of another person, undertaken with the aim of repulsing the attack or overpowering the resistance of the person, prevent self-injury of a person or arbitrary withdrawal of a person in the cases envisaged by law, by inflicting the least harmful consequences.

Manual Spray with Irritant Effects **Article 99**

Manual spray with irritant effects may be used if the conditions for the use of physical force were met, except in cases of overcoming passive resistance.

Manual spray with irritant effect may be used in order to repel an attack or overpower the active resistance of a person.

The use of manual spray with irritant effects, under this Law, shall comprise the use of aerosols filled with a chemical material of a more gentle effect than teargas, serving to temporarily disable and leaving no permanent consequences for human health after use.

Electroshock Weapon **Article 100**

An electroshock weapon may be used if the conditions for the use of physical force and manual spray with irritant effect were met, except in cases of overcoming passive resistance.

Electroshock weapon emitting a short-term electro-magnetic impulse may be used in order to repel an attack or overcome active resistance of a person.

Service Truncheon **Article 101**

The service truncheon may be used if the milder manners of using physical force i.e. manual spray with irritant effects failed or do not guarantee success in performing the official task.

The use of a service truncheon shall mean striking blows or undertaking grips on the body of a person.

Strikes with a truncheon shall not be made to the area of head, neck, and genitals, except as last resort.

Against persons under 14 years of age, obviously sick and infirm persons, disabled persons, persons with significantly reduced mobility and women whose pregnancy is

visible, the service truncheon may be used only if any of those persons use firearms, tools or other dangerous item or tool to threaten their own life, the life of a police officer or the life of another person.

The Ministry shall prescribe the types, design and more detailed characteristics of the service truncheon.

Instruments of Restraint

Article 102

Instruments of restraint may be used to:

- 1) prevent resistance of a person or repel an attack aimed against a police officer;
- 2) prevent the escape of a person; or
- 3) disable self-injury or injuring another person.

A police officer, per rule, shall tie the person that he brings in.

The use of instruments of restraint shall mean tying, as a rule, a person's hands behind their back.

Instruments of restraint shall mean duty handcuffs, plastic ties and other instruments suitable for it.

While using instruments of restraint the restrictions under Article 101 paragraph 4 of this Law shall apply.

The use of instruments of restraint on persons who were already lawfully deprived of liberty for any reason, shall not be considered as the use of means of coercion in terms of this Law.

Special Vehicles

Article 103

Special vehicles shall mean the vehicles for ejecting water under pressure, armoured vehicles with or without built-in interdiction fence, aircrafts (helicopters, unmanned aerial vehicles, etc.), vehicles for removal of obstacles and other vehicles for special purposes.

Special vehicles may be used to prevent commission of criminal offenses, establish disturbed public order and peace, interdict passage of persons and to use chemical substances and firearms built in those vehicles.

The use of special vehicles shall mean ejection of pressurized water with or without chemical substances, ejection of marking paint, use of the built-in firearms, removing obstacles and interdiction of passing of persons by special vehicles, use of other vehicles for special purposes and aircrafts when used in the sense of paragraph 2 of this Article.

Built-in chemical substances and firearms referred to in paragraph 2 may be used only under the conditions for the use of these means, i.e. weapons, as provided by this Law.

Service dogs Article 104

Service dog is a specially trained dog that may be used with a protective muzzle and on a leash as means of coercion when the conditions for the use of physical force, manual spray with irritant effect, electroshock weapon and service truncheon were met.

The service dog with protective muzzle and without leash may be used as means of coercion:

- in order to prevent the escape and capture a person that has committed a criminal offence prosecuted ex officio;
- in order to prevent the escape of a person that acts contrary to the regulations on state border surveillance;
- in order to repel an attack on a facility and area under protection;
- in order to establish public order and peace;

The service dog without a protective muzzle and without leash may be used as means of coercion:

- in order to establish public order and peace largely disrupted;
- in order to prevent the action of a group of persons that jeopardises the life of a police officer or the security of persons or of property of higher value;
- when the conditions for the use of firearms have been met.

The use of service dogs shall mean releasing the service dog towards a person and interdiction of persons' passage by using service dogs.

By way of exception of paragraph 1 of this Article specially trained service dogs may be used also when performing other police duties.

Service horses Article 105

Service horses may be used as means of coercion in order to establish the disturbed public order and peace and for blocking of passing of persons, when the conditions for the use of physical force, manual spray with irritant effect, electroshock weapon and service truncheon have been met.

Using the service horse shall mean moving of police officers on horses towards persons with the purpose of their separation or suppression i.e. blocking of passing of persons with service horses.

Special Motor Vehicles Article 106

When protecting persons referred to in Article 18 paragraph 1 item 9 of this Law, special motor vehicles may be used as means of coercion if by using other means of coercion it is not possible to protect the life of those persons.

A special motor vehicle within the meaning of paragraph 1 of this Article shall be vehicles accompanying a protected person.

Means for Blocking Article 107

Means for blocking shall be considered as means for forced stopping of vehicles and means for blocking of passing of persons.

Means for blocking when in use shall be safeguarded by police officers.

Means for Forced Stopping of Vehicles Article 108

Means for forced stopping of vehicles referred to in Article 107 paragraph 1 of this Law may be used for the prevention of:

- 1) the escape of a person who is found committing a criminal offense or misdemeanour;
- 2) the escape of a person deprived of liberty or for whom a warrant for deprivation of liberty was issued;
- 3) illegal crossing of the state border in a vehicle;
- 4) unauthorised access of a vehicle to the facility or area where there are persons who are protected by the Police, i.e. to protected facilities and areas; or
- 5) further driving of a person who was previously stopped and did not act upon the orders of a police officer.

Means for forced stopping of a vehicle, shall mean devices, barbed tapes and other means which may force the vehicle in motion to stop.

In addition to the means referred to in paragraph 2 of this Article for the purpose of forced stopping of a vehicle, in order to prevent the commission of a criminal offense, i.e. the escape of a criminal offender in that vehicle, a police officer may use an official motor vehicle in such a way that it does not endanger the life of persons in the means of transportation that is being stopped by force, or of other persons.

In front of the installed means for forced stopping of vehicles at the appropriate distance in accordance with the regulations on road traffic safety, traffic signs of prohibition of overtaking and mandatory stop shall be placed, if it is possible in a given situation.

Means for Blocking of Passing of Persons

Article 109

Means for blocking of passing of persons referred to in Article 107 paragraph 1 of this Law may be used to intersect and divide space when maintaining public peace and order and securing public gatherings, to block certain area or facility, i.e. to restrict, ban or direct the movement of persons in public places, certain areas or routes.

Means for blocking of passing of persons shall mean boundary fences, special vehicles, service dogs, service horses and other means of purpose that may prevent passing of persons.

Devices for Ejecting Jets of Water

Article 110

Devices for ejecting jets of water and marking paint may be used only under the terms and in the manner set out in Article 95 of this Law towards a group of persons behaving in such a manner so that it may provoke violence.

Chemical Means

Article 111

Chemical means may be used to repel an attack and overcome the resistance that may not be secured by using physical force, manual spray with irritant effects, electroshock weapon and service truncheons, to restore disturbed public peace and order, to clear the closed area from persons, to resolve hostage situations and in cases when the conditions were met for the use of means for special purposes or for the use of firearms defined by this Law.

Chemical means, in terms of this Law, shall mean various constructive means, filled with non-lethal chemical substances for temporary, short-term incapacitation, purposely designed and constructively adapted for application in performing more complex duties and tasks of police officers, and which are allowed under the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, and are not used as a method of warfare and are not treated as chemical weapons.

In closed spaces the chemical means may be used only to overcome the resistance of a person hidden or barricaded or threatening or offering resistance by using firearms, other dangerous tool or dangerous item.

When using chemical substances in the vicinity of establishments occupied by children and the elderly, hospitals, elementary schools and busy roads and highly flammable materials, special measures of protection and provision of assistance to persons shall be also undertaken (presence of emergency medical service, fire brigade, etc.).

Chemical means cannot be used against persons who are near explosive materials i.e. flammable liquids and gasses, as well as at high altitude and in similar places where it could be life-threatening to people.

Means for Special Purposes

Article 112

Means for special purposes may be used to repel an attack and overcome the resistance that may not be provided by using other means of coercion, in order to restore disturbed public peace and order, to compel a person to leave an enclosed space and in cases where the conditions for the use of firearms defined by this Law were met.

The means for special purposes cannot be used with the purpose of overcoming the passive resistance.

The means for special purposes in terms of this Law shall include:

- 1) acoustic-optical means for temporary incapacitating, i.e. bombs with sound, light, smoke, or a combination of these effects, as well as shock ammunition, flash and stun grenades;
- 2) the kinetic means for the temporary incapacitating, different types of ammunitions for temporary incapacitating without harmful consequences, such as bullets for temporary incapacitating, bullets and pellets made of a mixture of natural and artificial rubber, wood or plastic or kinetic non-lethal projectiles; and
- 3) explosive devices.

Means for special purposes shall be used on the basis of a written order of the Police Director.

By way of exception of paragraph 4 of this Article, if there is a danger of delaying the use of means of coercion, means for special purposes may be used on the basis of an oral order of the Police Director, provided that the Police Director shall be obliged to make a written order within 24 hours of issuing an oral order.

Firearms

Article 113

When performing police duties, if the use of other means of coercion fails to achieve the purpose for which the powers are exercised, a police officer may use a firearm only if it is necessary to protect their life or the life of another person.

There must be objective reasons for using a firearm to protect one's life or the life of another person.

The existence of objective reasons, within the meaning of paragraph 2 of this Article, shall be assessed from the perspective of an average police officer, trained and with experience in using firearms, whereby these reasons must be based on all facts known to the police officer at the time of use of the firearm.

In addition to a person, a police officer may also use a firearm against an animal, a means of transportation and an item that endangers their life or that of another person.

A police officer may pull and hold in hands a firearm in all situations where he reasonably assumes that it is necessary for the performance of police duties and official tasks.

Before a police officer uses a firearm, they shall be obliged to, when the circumstances allow it, warn the person against whom he will use the firearm with an appropriate shout.

Pulling and holding a firearm in accordance with paragraph 5 of this Article shall not be considered as using a firearm within the meaning of this Law.

Use of Firearm in Pursuing a Vessel Article 114

When necessary to stop a vessel pursued at sea and inland waterways, a police officer may, in order to prevent the commission of a criminal offence or to deprive of liberty a fugitive criminal offender, use a firearm against such vessel in order to prevent it from fleeing, to stop it and transfer it to the competent authority, only if this is not possible to be achieved by using other currently available means.

Other means referred to in paragraph 1 of this Article shall mean oral and other warning and warning shots fired above the vessel, under condition that it shall not threaten anyone.

In the case where, as last resort, shots are fired at the vessel, the police officer shall do it in such a manner as to protect the lives of the people on the vessel and at line of fire.

10. Conducting Special Police Actions

Special Police Actions Article 115

Police officers may, in the performance of police duty, notwithstanding the provisions of Article 157 of the Criminal Procedure Code, for operational purposes, conduct certain police actions, if it is obvious that other actions will not achieve the target of police duty.

Police actions in terms of paragraph 1 of this Article shall include:

- 1) observation;
- 2) tracking; and
- 3) entrapment;

Data collected using the actions referred to in paragraph 2 of this Article may be used for the purposes of preliminary investigation and investigation, in order to protect the safety of citizens and property, prevent commission of and detect criminal offences and misdemeanours, search for wanted persons, maintain public order and peace, as well as secure public gatherings, protect the persons, facilities and areas referred to in Article 18 paragraph 1 item 9 of this Law.

The decision on the implementation of the actions referred to in paragraph 2 of this Article, shall be made by the Police Director, or the Assistant Police Director designated by the act on internal organisation and job description.

Police actions referred to in paragraph 2 of this Article may last for up to 24 hours continuously or with an interruption up to 48 hours.

11. Preparatory Actions for Implementation of Measures of Secret Surveillance and Polygraph Testing

Type of Preparatory Actions Article 116

Preparatory actions for application of measures of secret surveillance in accordance with the law governing the criminal procedure, in terms of this Law shall be the following:

- 1) change of identity;
- 2) development i.e. forming a changed identity; and
- 3) change of ownership of things.

Change of identity in terms of paragraph 1 item 1 of this Article shall mean modification of data regarding a person, modification of data regarding a person in records i.e. registries and development of modified documents.

Development i.e. forming a changed identity in terms of paragraph 1 item 2 of this Article shall mean acquiring necessary skills in particular circumstances and training persons for using changed identity and things with changed ownership.

Change of ownership of things in terms of paragraph 1 item 3 of this Article shall mean change of ownership data, i.e. other property rights with regards to things from the state property regarding which the Ministry exercise ownership rights and development of changed documents and markings.

Limitations to Preparatory Actions Article 117

Preparatory actions referred to in Article 116 of this Law cannot be undertaken within preliminary investigation, investigative and evidentiary actions in relation to a specific criminal offence i.e. person.

Rules on Conducting Preparatory Actions

Article 118

Documents created through changes of identity and ownership under the Article 116 paragraphs 2 and 4 of this Law may be used in legal transactions.

The decision on conducting preparatory actions under Article 116 of this Law shall be made by the Police Director or the person authorised by them.

Documents and markings referred to in Article 116, paragraphs 2 and 4 of this Law shall be kept in the Police premises, and the modified data shall be kept by the authority which keeps records i.e., registers of such data.

The deadline to use documents and markings under Article 116 paragraphs 2 and 4 of this Law shall be within a year from the date of development.

By way of exception of paragraph 4 of this Article, the deadline to utilise the documents, i.e. markings may be extended a maximum three times in duration of one year upon a justified proposal of the Assistant Police Director responsible for criminal police duties, by the decision of the Police Director.

Upon the expiration of the deadline referred to in paragraphs 4 and 5 of this Article, documents i.e. the markings shall be destroyed, and the modified data shall be deleted.

Supervision over the preparatory actions under Article 116 of this Law shall be conducted by the Supreme State Prosecutor or the state prosecutor authorised by them, once a year in the premises of the Police.

Supervision under paragraph 7 of this Article shall be realized in a manner to avoid disclosure of the identity of a person.

The Police Director may, to protect third parties, order that the person who based on Article 116 of this Law uses modified identity, presents with their true identity in the procedures before state authorities.

Upon request of a competent authority of another state preparatory actions referred to in Article 116 of this Law may be conducted also for the police officer of that state, in accordance with this Law.

The preparatory actions referred to in Article 116 of this Law may also be conducted by police officers authorised to exercise internal control of the Police.

The restrictions and rules for conducting the preparatory actions referred to in Article 116 of this Law shall also apply accordingly in the case referred to in paragraph 11 of this Article.

The method of creating, storing, and destroying data, documents, and markings under Article 116 paragraphs 2 and 4 of this Law shall be determined by a regulation of the Ministry, which is marked with an appropriate degree of classification in accordance with the law that regulates classified data.

Polygraph Testing Article 119

In accordance with the law, a police officer may, with the voluntary consent of the person from whom the information is requested, apply a polygraph test to them, after he informs the person about the operation of the device and has the person give their written consent.

A minor may be subjected to polygraph testing with their voluntary consent and with the written consent and presence of a parent, guardian, adoptive parent, foster parent, trusted third party i.e. a person entrusted with the care, foster and education of the minor.

The police officer shall terminate the application of the polygraph testing if the person from whom the information is requested, after giving written consent, declares that they withdraw that consent.

The following persons cannot be subjected to polygraph testing:

- 1) who is under the influence of alcohol, intoxicating drugs or other psychoactive substances;
- 2) who has severe heart diseases and respiratory difficulties;
- 3) who is in an excessively stressful condition;
- 4) who is under the influence of tranquilisers;
- 5) who shows visible signs of a mental illness, temporary mental disorder or is in another state which prevents the testing;
- 6) who feels intensive physical pain;
- 7) who is a pregnant or post-partum women;
- 8) who has not yet reached 14 years of age.

Polygraph Testing of Police Officers Article 120

A police officer engaged in the duties of fight against organized crime and corruption shall be obliged to undergo polygraph testing regarding the circumstances of their work and the performance of a specific police duty.

The polygraph testing of the police officer referred to in paragraph 1 above, on the proposal of the immediate superior of the police officer, shall be approved by the Minister or by the person authorized by them.

The polygraph testing of the police officer referred to in paragraph 1 above, regarding the circumstances of work and performance of a specific police duty, shall also be conducted at the request of the head of the organizational unit of the Ministry performing duties of internal control of the Police work.

Refusing to take a polygraph testing and answer questions related to police duties referred to in paragraph 1 above shall be considered a breach of official duty.

The manner carrying out i.e. conducting the polygraph testing referred to in Article 119 and 120 of this Law and the methodology for the application of this testing shall be prescribed by the Ministry.

12. Counter-Diversion Examination, Securing and Inspecting the Scene, Undertaking Measures for the Elimination of Immediate Danger

Counter-Diversion Examination Article 121

If it is necessary to provide protection of the safety of persons and property, a specially trained police officer may conduct a regular or extraordinary counter-diversion examination of persons, premises, facilities, assets, devices and other items.

Counter-diversion examination shall include the inspection or detection of explosive tools or devices, as well as chemical-biological-radiological-nuclear and other examination.

If it is possible to expect that in the premises, facilities or assets, i.e. other places in the immediate vicinity, there could be a threat to the safety of persons and property via suspected devices or items, and when this threat occurs, police officers may empty the premises, facilities, assets, i.e. the place, and prevent access to them in accordance with Article 80 paragraphs 2, 3 and 4 of this Law, and examine them directly or with the use of technical means, i.e. with the use of service dogs.

In the cases referred to in paragraph 3 of this Article, a specially trained police officer, upon the finding of a suspected device or item, may independently or with the assistance of the competent authorities carry out their transport with the purpose of deactivation, neutralisation, destruction and such, i.e. on the spot take measures to deactivate, neutralise and destroy them, if there is no other manner of removing the direct and serious danger to the safety of persons and property.

During the counter-diversion examination, police officers may request from the competent authority to execute supervision and take measures within their competence.

Specially trained police officers shall be authorized to also conduct preventive counter-diversion examination of persons, premises, facilities, assets, devices and other items.

A specially trained police officer shall be authorised to enter and perform counter-diversion examination of persons, premises, facilities, assets, premises, and documentation to act upon a report on the presence of an explosive device or to eliminate other imminent and danger to persons and property.

At the proposal of a specially trained police officer who has conducted the counter-diversion examination, the competent organizational unit of the Police may give state authorities, state administration bodies, local self-government bodies and local government bodies, business entities, legal and natural persons general and individual instructions for dealing with the situations referred to in paragraph 3 of this Article.

Securing and Inspecting the Scene Article 122

Upon arrival at the scene of commission of a criminal offence, misdemeanour or other incident, a police officer shall be obliged to take measures and actions to eliminate the danger to life and health of persons or property and to assist the injured persons, if any, and to inspect the scene in order to take all necessary measures to preserve the scene of commission of a criminal offense or misdemeanour unchanged, and in particular traces and items which may serve as evidence.

The provisions of paragraph 1 of this Article shall also apply to a police officer finding themselves at the scene of commission of a criminal offence, misdemeanour or other incident.

In order to protect victims and injured parties of a criminal offence, misdemeanour or other incident, and in order to protect the interests of the proceeding, a police officer shall be authorized to prohibit the recording of the scene.

Undertaking Measures for the Elimination of Immediate Danger Article 123

Police officers shall take urgent measures which are necessary to eliminate immediate danger to persons and property when these measures may not be in timely manner undertaken by other competent authorities and they shall immediately inform those authorities thereof.

Police officers shall provide assistance to state administration bodies, local self-government bodies, local government bodies, legal and natural persons in the case of general danger caused by natural disasters, epidemics or other forms of threats.

Police officers shall take urgent measures that are necessary to eliminate the imminent danger to life, health and property of persons in the event of an announcement or notification of a planted improvised explosive device, as well as of finding and spotting suspicious items.

When entering someone else's apartment or other premises, in accordance with a separate law, if it is not otherwise possible to enter the apartment or other premises, the police officer may use force or special means (mechanical and hydro-mechanical means for violent entry into the facility, etc.) to open an apartment or other premises, i.e., to enter he may use the passage through areas used by other persons.

Where circumstances permit, the assistance of expert persons may be used to enter another person's apartment or other premises referred to in paragraph 4 of this Article.

In matters under paragraphs 1 and 2 of this Article, police officers shall also participate in the exercise of rescue function and provision of first aid to persons and, in this regard, use the prescribed tools, devices and equipment.

Act on Performing Particular Police Duties Article 124

The more detailed manner of performance of particular police duties and exercise of powers that have not been regulated by other regulations shall be prescribed by the Ministry

V LABOUR RELATIONS

1. Entering Employment of Police Officers

Conditions for Entering Employment Article 125

In addition to the general requirements for employment of civil servants and state employees, a person who enters employment in a rank of the police officer must also meet the following conditions:

- 1) that no criminal proceeding for a criminal offence prosecuted ex officio has been initiated against them;
- 2) to have the corresponding level of education qualifications in accordance with this Law;
- 3) to have a special mental and physical ability for the performance of police duties; and
- 4) that there are no security impediments for the performance of police duties.

Apart from the conditions referred to in paragraph 1 of this Article a person who is employed in a rank of the police officer must also fulfil the special conditions for employment defined by this law and the act on internal organisation and job description.

A person who is employed in the rank of policeman cannot be older than 30 years on the day of entering employment in the rank of a policeman.

The check of the special mental and physical ability referred to in paragraph 1 item 3 of this Article shall be performed by a commission established by the Minister, with the approval of the state administration body competent for health affairs (hereinafter referred to as: "the Health Commission") whose composition and manner of work shall be determined with the regulation under Article 161 paragraph 8 of this Law.

The existence of security impediments for performing police duties shall be determined via a check conducted by the Commission for Checking Security Impediments under Article 128 of this Law.

The decision on entering employment in the Police shall be adopted by the Minister.

Prohibition of Entering Employment in a Police Rank

Article 126

A person whose employment in a state authority, a state administration body, a local self-government body, a local government body and services established in accordance with the law regulating local self-government, i.e. in another legal entity with public powers, terminated due to a severe breach of official duty cannot enter employment in police rank for a period of four years after the termination of employment.

Security Impediments

Article 127

It shall be considered that security impediments referred to in Article 125 paragraph 1 item 4 of this Law exist for admission of interns and for admission to primary i.e. higher police education in terms of this Law, if:

- 1) a person was convicted by a final judgment for a criminal offence prosecuted ex officio, except for a criminal offence against public traffic safety for which an imprisonment sentence of up to three years was prescribed, unless it has been deleted from the records;
- 2) a person was sentenced to imprisonment sentence for a criminal offence with elements of corruption in the sense of this Law, unless it has been deleted from the records;
- 3) a person is registered in the records of intoxicating drugs consumers, kept by the state administration body in charge of health affairs;
- 4) a person was punished for a misdemeanour against public order and peace with elements of violence, violent behaviour or causing serious conflicts in their working and living environment, unless it has been deleted from the misdemeanour records;
- 5) their behaviour, habits or inclinations so far indicate unsuitability for work in a police rank;
- 6) a person is connected to or maintains connections with persons who without authorisation collect data, terrorists, saboteurs, members of organised criminal groups or persons for whom there are grounds for suspicion that they belong to such groups;

- 7) a person conceals or gives incorrect data about themselves or their family members, which are of importance for the performance of police duties; or
- 8) there are other circumstances making the person unsuitable for work in a police rank.

Criminal offences with elements of corruption, in the sense of this Law, shall mean the following criminal offences:

- abuse of official function;
- fraud in office;
- unlawful influence;
- incitement to unlawful influence;
- passive bribery,
- active bribery, and
- usury.

Manner of Determining the Existence of Security Impediments

Article 128

The existence of security impediments shall be determined by the Commission for Checking Security Impediments formed by the Minister.

Checking of the existence of a security impediment referred to in Article 127 paragraph 1 items 1, 2, 3 and 4 of this Article shall be established by the Commission for Checking Security Impediments through insight into relevant records.

Checking of the existence of a security impediment referred to in Article 127, paragraph 1, item 5, 7 and 8 of this Law, shall be performed by the Commission for Checking Security Impediments in cooperation with the Police.

The Commission for Checking Security Impediments shall obtain the opinion on the existence of a security impediment referred to in Article 127 paragraph 1, item 6 above, from the National Security Agency in accordance with the law governing national security.

The National Security Agency shall deliver the opinion referred to in paragraph 4 above within 90 days.

If the National Security Agency fails to submit an opinion within the period referred to in paragraph 5 of this Article, it shall be deemed that there is no security impediment referred to in Article 127, paragraph 1, item 6 of this Law.

The report with the opinion on the existence or non-existence of a security impediment shall be submitted by the Commission for Checking Security Impediments to the Minister, within 30 days from the day of the performed checks.

The report referred to in paragraph 7 of this Article shall be submitted by the Minister to the Committee for Security and Defence for the purposes of informing.

The person for whom the determination of security impediments is performed shall give the written consent for the determination of the existence of security impediments.

The candidate shall be informed about the existence of a security impediment, whereby there is no obligation to inform the candidate about the reasons on the basis of which the existence of a security impediment was determined.

The composition and manner of work of the Commission for Checking Security Impediments, as well as other issues of importance for the verification of the existence of security impediments shall be prescribed by the Ministry.

The Manner of Filling Job Positions in the Police Article 129

The job positions in a police rank shall be filled via:

- 1) reassignment;
- 2) based on:
 - internal announcement;
 - public announcement;
 - public competition; and
- 3) in another manner prescribed by this Law.

The filling of job positions under paragraph 1 item 2 of this Article shall be conducted in accordance with the law governing the rights and obligations of civil servants and state employees, unless otherwise defined by this Law.

The decision on the selection of candidates when filling vacancies in the manner referred to in paragraph 1, item 2 indent 1 and 2 of this Article shall be adopted by the Police Director.

By way of exception of paragraph 1, item 2 of this Article, employment may be established without announcement, for certain positions where duties of criminal-intelligence, financial-intelligence and implementing secret surveillance measures and special investigative methods are performed, as well as witness protection duties and fight against terrorism, when it is determined by the act on internal organization and job description.

A person who enters employment in the manner referred to in paragraph 3 of this Article cannot be reassigned to another job position within two years from the day of entering employment.

If, when entering employment in the rank of a police officer, several persons meet the requirements in terms of this law and have the same success in testing of knowledge, abilities, competencies and skills, the proportional representation of members of minority nations and other minority national communities, as well as gender-balanced representation shall be taken into consideration.

The Police shall be obliged to take proactive measures in order to encourage proportional representation of members of minority peoples and other minority national communities and gender-balanced representation in the Police.

Persons who Enter Employment in a Police Rank for the First Time

Article 130

Persons who enter employment in police rank for the first time shall be obliged to:

- within one year from the day of entering employment complete the basic police training referred to in Article 149 of this Law; and
- within one year from the day of completing the basic police training referred to in Article 147 of this Law pass the particular exam for work in a police rank.

The Ministry shall organize the basic police training for the persons who enter employment for the first time.

The programme and manner of taking the exam referred to in paragraph 1 indent 2 above shall be prescribed by the Ministry.

Filling of Job Positions of Heads of Police Internal Organisational Units

Article 131

Job positions of heads of the Police internal organisational units shall be filled through internal announcement within the Police.

Job positions within the meaning of paragraph 1 of this Article shall be considered to be the job positions of heads of the divisions, security centres and security departments, as well as of unit commandants.

Filling job positions referred to in paragraph 2 above shall be carried out when this position has become vacant, i.e. due to the change of the internal organization or for some other reason, i.e. in order to perform police duties in a more expedient manner.

In the course of the internal announcement procedure in the Police and in the case where no candidate was chosen following the conducted announcement, the job positions referred to in paragraph 2 above shall be filled by reassignment of a police officer who fulfils the conditions prescribed for this job position, for a period no longer than six months.

Internal Announcement within the Police

Article 132

The internal announcement within the Police, in the sense of Article 131 of this Law shall be published on the notice board and the internet page of the Ministry, following the adoption of the decision on launching the procedure for filling a job position.

The decision on launching the procedure on filling the job position shall be adopted by the Police Director.

By way of exception of paragraph 2 of this Article, the decision to initiate the procedure for filling a position in the financial intelligence unit shall be adopted by the Police Director, at the proposal of the head of the financial intelligence unit.

The time limit for submitting the applications for the internal announcement within the Police cannot be shorter than ten days from the day of publishing the announcement.

The Ministry shall create a list of candidates who fulfil the conditions of the announcement based on a timely, complete and orderly documentation.

The candidates who fulfil the conditions of the announcement shall be subject to a verification of knowledge, ability, competence and skills.

The verification referred to in paragraph 6 of this Article shall be performed by the commission formed by the Minister, upon proposal of the Police Director (hereinafter referred to as “the Commission”) through written tests and oral interview or in another suitable manner, through assessing knowledge, competence and skills, and previous work results based on prescribed criteria.

The Commission referred to in paragraph 7 of this Article shall consist of two police officers out of which one is the immediate superior if possible, in the same or higher police rank as that for which the announcement was published and of one representative of the Ministry.

Based on the data from the submitted documentation, the conducted verification of competences and the insight in records kept by the Ministry, the Commission shall assess the candidates from the list of candidates who fulfil the conditions of the announcement through the application of the following criteria: professional and work qualities and results of the verification of competences.

Based on the report on verification referred to in paragraph 6 above adopted by the Commission, the Ministry shall within three days create a ranking list for selection of candidate and shall deliver it to the Police Director.

The selection list of candidates shall contain the three best rated candidates and may include more candidates if they are rated with the same number of points.

Following the conducted interview with all the candidates from the ranking list for selection of candidate, the decision on the selection of a candidate shall be adopted by the Police Director within 15 days from the day of delivering the ranking list for selection of candidate, with the prior consent of the Minister.

By way of exception of paragraph 10 of this Article, the Ministry shall submit the ranking list for the selection of candidates for work in the financial intelligence unit to the head of the financial intelligence unit, who, after interviewing all candidates from the ranking list for selection of candidates, within 15 days from the day of submitting of the ranking

list for selection of candidate shall adopt a decision on the selection of a candidate, with the prior consent of the Minister.

An appeal to the decision on the selection referred to in paragraphs 12 and 13 above shall not stay the implementation of the decision.

Upon the adoption of the decision on the selection, the reassignment of a head of the Police internal organisational unit shall be conducted.

The procedure of conducting and the content of the internal announcement within the Police, the manner of correcting and withdrawing the announcement, the closer manner of conducting the verification referred to in paragraph 7 of this Article, as well as the criteria and the manner of assessing referred to in paragraph 7 and 9 of this Article shall be prescribed by the Ministry.

Employment of Persons who Have Completed the Basic Police Education

Article 133

A person who has completed basic police education, in terms of this law, shall enter employment in the rank of policeman, without a public announcement, after completing an internship, with the obligation to take a professional exam for work in state authorities and a special exam for work in police rank, within from one year from the end of the internship.

In case where the person referred to in paragraph 1 of this Article fails to complete the probation period successfully i.e. fails to pass the exam for work in state authorities and the special for work in police rank, their employment shall be terminated.

The person referred to in paragraph 1 of this Article shall be obliged to remain employed in police rank for at least five years.

In case that the person referred to in paragraph 1 of this Article fails to remain employed in police rank for at least five years, they shall be obliged to reimburse the costs of education, as well as other costs incurred during education, in accordance with the contract between the Ministry and that person, regulating the mutual rights and obligations.

The person referred to in paragraph 1 of this Article shall not be obliged to complete the basic police training under Article 149 of this Law.

The number of participants in basic police education shall be determined by the Government, at the proposal of the Ministry, with the previously obtained opinion of the Police.

Along with the proposal referred to in paragraph 6 of this Article, the Ministry shall submit a certificate on the provided financial resources from the state administration body competent for budget affairs.

Special Employment Procedure Article 133a

(Law on Amendments to the Law on Internal Affairs, Official Gazette of Montenegro 084/24 as of 6 September 2024, Article 2)

For the purpose of filling in vacancies for police officers, the Ministry may, with the prior opinion of the public administration authority responsible for financial affairs (hereinafter referred to in: Ministry of Finance) regarding the fiscal impact on the state budget and with the approval of the Government, carry out a special employment procedure without a public announcement and outside of the human resources plan, due to the workload that cannot be coped with the existing number of employees, the need for specialized personnel or other justified reasons determined by the Ministry.

The procedure referred to in paragraph 1 of this Article shall be carried out on the basis of a public announcement published on the website and notice board of the Ministry.

Initiation of the Special Employment Procedure Article 133b

(Law on Amendments to the Law on Internal Affairs, Official Gazette of Montenegro No. 084/24 of 6 September 2024, Article 2)

The need to employ police officers within the Police, pursuant to Article 133a of this Law, shall be assessed by the head of the organisational unit where the vacancy exists, who shall notify the Police Director and based on this notification, the Director submits a substantiated proposal to the Minister to initiate the procedure referred to in Article 133a.

The need to employ police officers within the organisational units of the Ministry shall be assessed by the head of the relevant organisational unit and, based on that assessment, shall submit a substantiated proposal to the Minister to initiate the procedure referred to in Article 133a.

On the basis of proposals referred to in paragraphs 1 and 2 of this Article, the Minister shall issue a decision to initiate the special employment procedure.

Conditions for Establishing Employment in the Rank of Police Officer under the Special Employment Procedure Article 133v

(Law on Amendments to the Law on Internal Affairs, Official Gazette of Montenegro No. 084/24 of 6 September 2024, Article 2)

In addition to the general requirements for employment of civil servants and state employees, a person who enters employment in a rank of a police officer referred to in Article 133a of this Law, must also meet the following conditions:

- 1) that no criminal proceedings have been initiated against them for a criminal offence subject to public prosecution;
- 2) they hold at least Level V of educational qualifications;
- 3) they possess specific psychological and physical fitness required for performing police duties;
- 4) that there are no security impediments for the performance of police duties.

In addition to the conditions referred to in paragraph 1 of this Article, a person who has prior work experience in the Police may be employed under Article 133a of this Law, provided that they are not older than 40 years of age.

Implementation of the Special Employment Procedure

Article 133g

(Law on Amendments to the Law on Internal Affairs, Official Gazette of Montenegro No. 084/24 of 6 September 2024, Article 2)

The deadline for submitting applications to the public call referred to in Article 133a paragraph 2 of this Law shall not be shorter than 15 days from the date of publication.

After the application deadline, the Ministry shall compile a list of candidates whose applications are timely, complete and in proper form.

Candidates on the list shall undergo a security screening in line with Article 125 paragraph 1 item 4 of this Law and an assessment of specific psychological and physical fitness for police duties, conducted under an expedited procedure.

Following these verifications, the Ministry shall compile a list of candidates who meet the requirements of the public notice, i.e., for whom no security obstacles have been identified and who possess the required psychological and physical fitness.

Candidates on this list shall undergo testing of knowledge, skills, competencies and abilities, carried out by a commission appointed by the Minister.

The testing referred to in paragraph 5 of this Article shall be conducted through written examination and oral interview, based on prescribed criteria, no later than 30 days from the date the list of eligible candidates is compiled.

Within seven days from the completion of testing, the commission shall prepare a report on the evaluation process.

Based on the report, the Ministry shall, within three days, compile a candidate selection list.

The selection list for employment within the Police shall be submitted to the Police Director and the Minister.

The decision on the selection of candidates for Police employment shall be made by the Police Director the prior approval of the Minister.

The selection list for employment in the organisational units of the Ministry shall be submitted to the Minister, who makes the selection decision.

The Ministry shall notify candidates of the outcome of the procedure within 30 days of its conclusion.

A candidate may challenge the decision referred to in paragraphs 10 and 11 before the competent court within 15 days of receiving the decision on the selection of candidates.

The content, method of amendment and withdrawal of the public call, detailed procedures for the testing referred to in paragraph 5 of this Article, evaluation criteria, composition and functioning of the commission and other relevant matters for the

implementation of the special employment procedure shall be regulated by the Ministry.

Basic Police Training Obligation

Article 133d

(Law on Amendments to the Law on Internal Affairs, Official Gazette of Montenegro No. 084/24 of 6 September 2024, Article 2)

Police officers employed under Article 133a of this Law are required to complete basic police training in accordance with Article 149 of this Law within one year from the date of employment.

Police officers employed under Article 133a of this Law shall be employed with the rank of police officer and are obliged to remain in this rank for a minimum period of three years.

Taking Oath

Article 134

Following the employment, a police officer shall take and sign the ceremonial oath.

The text of the oath shall read as follows:

„I swear to use all my forces to protect citizens' security, devotedly protect human rights and freedoms and to serve to the citizens of Montenegro conscientiously and responsibly and perform police duties in consistent conformity with the law”.

2. Police Ranks, Conditions for Obtaining Police Ranks and Categorisation of Job Positions

Ranks

Article 135

The ranks of police officers shall be the following:

- 1) chief police inspector, first class senior police inspector, senior police inspector, independent police inspector, first class police inspector, police inspector and junior police inspector;
- 2) first class senior police sergeant, senior police sergeant; police sergeant;
- 3) first class senior policeman, senior policeman and policeman;
- 4) chief police advisor; first class senior police advisor; senior police advisor; independent police advisor and police advisor.

Conditions for Obtaining Police Ranks

Article 136

Conditions for obtaining police ranks shall be as follows:

- 1) chief police inspector – VII/1 level of education qualifications and a minimum of 10 years of work experience in duties with VII/1 level of education qualifications in police rank and passed professional exam for work in state authorities;

- 2) chief police advisor – VII/1 level of education qualifications and a minimum of 10 years of work experience in jobs requiring VII/1 level of education qualifications and passed professional exam for work in state authorities;
- 3) first class senior police inspector – VII/1 level of education qualifications and a minimum of 8 years of work experience in duties with VII/1 level of education qualifications in police rank and passed professional exam for work in state authorities;
- 4) first class senior police advisor – VII/1 level of education qualifications and a minimum of 8 years of work experience in jobs requiring VII/1 level of education qualifications and passed professional exam for work in state authorities;
- 5) senior police inspector – VII/1 level of education qualifications and a minimum of 6 years of work experience in duties with VII/1 level of education qualifications in police rank and passed professional exam for work in state authorities;
- 6) senior police advisor – VII/1 level of education qualifications, a minimum of 6 years of work experience in jobs requiring VII/1 level of education qualifications and passed professional exam for work in state authorities;
- 7) independent police inspector – VII/1 level of education qualifications and a minimum of 4 years of work experience in police rank in jobs requiring VI or VII/1 level of education qualifications in police rank and passed professional exam for work in state authorities;
- 8) independent police advisor – VII/1 level of education qualifications, a minimum of 4 years of work experience in jobs requiring VII/1 level of education qualifications and passed professional exam for work in state authorities;
- 9) first class police inspector – VI or VII/1 level of education qualifications, a minimum of 3 years of work experience in jobs requiring VI or VII/1 level of education qualifications in police rank, and passed professional exam for work in state authorities;
- 10) police inspector - VI or VII/1 level of education qualifications, a minimum of 2 years of work experience in jobs requiring VI or VII/1 level of education qualifications in police rank, and passed professional exam for work in state authorities;
- 11) police advisor – VII/1 level of education qualifications, internship or a minimum of one year of work experience in jobs requiring VII/1 level of education qualifications and passed professional exam for work in state authorities;
- 12) junior police inspector – VI or VII/1 level of education qualifications, internship or a minimum of one year of work experience in VI or VII/1 level of education qualifications and passed professional exam for work in state authorities;
- 13) first class senior police sergeant – V or VI level of education qualifications, and a minimum of 5 years of work experience in jobs with V or VI level of education qualifications in a police rank and passed professional exam for work in state authorities;
- 14) senior police sergeant – V or VI level of education qualifications, a minimum of 3 years of work experience in jobs with V or VI level of education qualifications in a police rank and passed professional exam for work in state authorities;
- 15) police sergeant – V or VI level of education qualifications, and passed professional exam for work in state authorities;

- 16) first class senior policeman - V level of education qualifications, a minimum of 5 years of work experience in jobs in a police rank and passed professional exam for work in state authorities;
- 17) senior policeman - V level of education qualifications, a minimum of 3 years of work experience in jobs in a police rank and passed professional exam for work in state authorities; and
- 18) policeman—V level of education qualifications, completed internship and passed professional exam for work in state authorities, and passed special exam for work in police rank.

Categorisation of Job Positions of Police Officers

Article 137

The duties of a job position in a police rank may be conducted in several police ranks.

The criteria for organising job positions of police officers within categories and levels of job positions defined by the law regulating the rights and obligations of civil servants and state employees, the ranks where duties of a particular job position may be conducted, as well as special conditions for performing duties of a job position shall be determined by the Government.

3. Evaluation, Promotion and Awarding of Police Officers

Evaluation of Work of Police Officers

Article 138

Police officers shall be evaluated in accordance with this Law in order to monitor their work and career development.

The evaluation of police officers shall be performed in an objective, transparent and impartial manner.

Criteria for Evaluation

Article 139

The evaluation of work of police officers shall be performed according to general and special criteria:

The general criteria for evaluating the work of police officers are:

- 1) achieved work results;
- 2) accuracy, precision and reliability in performing police duties;
- 3) compliance with deadlines in performing police duties; and
- 4) attitude regarding the performance of police duties.

Depending on the job description of the job position where the police officer is reassigned, the special criteria for evaluating the work of police officers shall be the following:

- 1) independence and creativity in work;
- 2) expertise, i.e. quality of work;
- 3) written and oral expression, i.e. communication skills;
- 4) preference for teamwork.

In addition to the criteria set out in paragraph 2 and 3 of this Article, the work of the Police Director, Assistant Police Directors heads of Police internal organisational units shall be also evaluated on the basis of the following criteria:

- 1) ability to co-ordinate and manage;
- 2) ability to organize the work of the organizational unit he manages;
- 3) making decisions for whose making they are authorized;
- 4) motivating police officers;
- 5) resolving conflicts;
- 6) monitoring of work and giving guidelines for the work to the police officers;
- 7) implementation of strategic objectives (if the head of the organizational unit is responsible for meeting the objectives).
- 8) other skills and competences, as well as the quality of duty performance

Evaluations of Work

Article 140

A police officer shall obtain the following work evaluation:

- “excellent “ if he shows a high level of expertise and autonomy in performing duties, a high level of knowledge of and application of regulations, if he ensures timely performance of duties, gives useful proposals or shows remarkable motivation for work and achieves results in work better than those foreseen for the job position they were placed in i.e. reassigned to, if he incites mutual respect and seeks solutions in the working environment in case of conflicts;
- “successful” if he shows the necessary level of expertise and autonomy and the necessary level of knowledge of and application of regulations, whose work and respect of duties and obligations at work ensure reliable performance of police duties, who performs one's duties in a timely manner and in accordance with the rules of service;
- “satisfactory“ if he reaches the required level of expertise for performing duty at work, whose work and respect of official duty ensure the lowest possible measure of acceptable quality standards of police work and precision in performance of duties, whose mistakes can be eliminated, who usually performs their duties in a timely manner and in accordance with the rules of service, and regarding whose work and proceeding the immediate superior has remarks and who shows a satisfactory level of knowledge of and application of regulations; or
- “unsatisfactory“ if he fails to show necessary expertise and autonomy necessary for achieving minimum quality standards of police work and reliable and acceptable performance of police duties at work, who makes significant mistakes in work and proceeding, or who frequently fails to perform duties in a timely manner and in accordance with the rules of service and who does not show interest for quality of their work, despite the fact that the immediate superior, the head of the competent Police organizational unit or the Police Director have remarks regarding their work and warn them about their omissions and

irregularities, and who does not show a satisfactory level of knowledge of and application of regulations.

Manner of Evaluating Article 141

The evaluation of the work of the police officers shall be conducted once a year and not later than 31 January of the current year for the previous year.

A police officer who worked less than six months in a calendar year, regardless of the reasons, shall not be evaluated.

The police officer's work evaluation shall be proposed by the immediate superior to the Police Director the prescribed form, with the prior consent of their superiors.

Prior to determining the proposal of the evaluation of work, the immediate superior shall be obliged to acquaint the police officer with the proposal of the evaluation and enable them to make a statement.

The employment of a police officer whose work was repeatedly evaluated as "unsatisfactory" shall be terminated on the date of enforceability of the decision on the evaluation.

The evaluation of the work under paragraph 1 above shall be taken into consideration during sending to educational programmes, trainings and special professional development and improvement, assignment for work abroad and promotion to a next higher police rank.

Evaluation of the Police Director, Assistant Police Director and the Head of the Financial Intelligence Unit Article 142

Evaluation of the work of the Police Director, Assistant Police Directors and of the head of the financial intelligence unit shall be performed twice a year, on which a report shall be drawn up.

The Police Director and the head of the financial intelligence unit shall be evaluated by the Minister by a decision.

Assistant Police Directors shall be evaluated by the Minister by a decision, at the proposal of the Police Director.

Before adopting a decision on the evaluation of work referred to in paragraph 2 and 3 of this Article, the Minister shall be obliged to inform the Police Director, Assistant Police Directors and the head of the financial intelligence unit with the proposal of the evaluation and enable them to make a statement.

The Police Director, before submitting the proposal of the evaluation referred to in paragraph 3 of this Article to the Minister, shall be obliged to acquaint the Assistant Police Director with that proposal and enable them to make a statement.

The Police Director, the Assistant Police Director, i.e. the head of the financial intelligence unit shall receive the following evaluations:

- "stands out" if they have shown exceptional abilities in the organization of work and management, in the cooperation and communication with other bodies, i.e. employees and other abilities for the purpose of efficient realization of work tasks;
- "good" if they have shown average abilities in the organization of work and management, in cooperation and communication with other bodies, i.e. employees and other abilities in order to efficiently perform work tasks;
- "unsatisfactory" if they have not shown average abilities in the organization of work and management, nor average abilities in cooperation and communication with other bodies, i.e. employees, nor other abilities for efficient realization of work tasks.

In the event that the work of the person referred to in paragraph 1 of this Article is evaluated twice in a row with a work evaluation "unsatisfactory", the Minister shall submit a proposal to the Government to terminate the mandate of that person on the basis of an executive decision on work evaluation.

Detailed criteria, manner and procedure of evaluation of the Police Director, Assistant Police Director, head of the financial intelligence unit and police officers, as well as the form referred to in Article 141, paragraph 3 of this Law, shall be prescribed by the Ministry.

Conditions for Obtaining Next Higher Police Rank and Loss of the Acquired Rank

Article 143

(Law on Amendments to the Law on Internal Affairs, Official Gazette of Montenegro 003/23 as of 10 January 2023, Article 1)

(Law on Amendments to the Law on Internal Affairs, Official Gazette of Montenegro 084/24 as of 6 September 2024, Article 3)

A police officer may be promoted only to the next higher police rank i.e. he can be promoted from IV or V level of education qualification into the initial rank with VI or VII level of education qualification, with the appropriate level of education qualification.

A police officer may obtain the next higher police rank provided that:

- 1) they have the appropriate level of education qualifications referred to in Article 136 of this Law;
- 2) they have spent at least one year within the appropriate police rank;
- 3) has passed the training referred to in Article 150 par 1 item 1 of this Law;

- 4) in the period of last four years has obtained at least three times the evaluation “successful” or he receives the evaluation “excellent” two times consecutively in their rank ;
- 5) in the last year they were not imposed with two disciplinary measures for minor breach of official duty, i.e. one disciplinary measure for severe breach of official duty;
- 6) in the last year they did not violate the Code of Police Ethics in the sense of Article 29 of this Law;
- 7) this is the next higher police rank foreseen for the job position they were reassigned to or is being reassigned to;
- 8) there is a vacancy in that next higher police rank; and
- 9) no criminal procedure for a criminal offense prosecuted ex officio or disciplinary procedure for severe breach of official duty are conducted against them.

Notwithstanding paragraph 2 item 3 of this Article, a police officer promoted into the next higher police rank within the same category of police rank shall not attend training. It shall be considered that there is no obstacle to obtaining the next higher police rank if the procedure referred to in paragraph 1, item 9 of this Article is aborted, if an acquittal is rendered or if the charge is rejected, but not due to lack of jurisdiction of the court.

A police officer may obtain the next higher police rank even if it was not possible to evaluate them (temporary inability for work, trade union engagement, non-active status of employment rights, etc.), and he fulfils the other requirements for obtaining the next higher police rank.

The police officer referred to in Article 135, paragraph 1, item 4, may be only promoted to the next higher police rank referred to in Article 135 paragraph 1 item 4 of this law, unless that police officer has previously performed police duties in the rank referred to in Article 135 paragraph 1 item 1 of this Law.

A police officer shall lose the police rank upon termination of employment in the Police.

The provision of paragraph 6 above shall be applied accordingly to a police officer authorized for performing internal control of the work of the Police.

Police Rank Categories

Article 143a

(Law on Amendments to the Law on Internal Affairs, Official Gazette of Montenegro 084/24 as of 6 September 2024, Article 4)

Police ranks, within the meaning of promotion to the next higher rank, shall be divided into three categories:

- 1) Category I – police officer, senior policeman, first class senior policeman, police sergeant, senior police sergeant and first class senior police sergeant;
- 2) Category II – junior police inspector, police inspector, first class police inspector; and
- 3) Category III – independent police inspector, senior police inspector, first class senior police inspector and chief police inspector.

Notwithstanding paragraph 1 of this Article, certain affairs requiring specific knowledge and skills that, as a rule, cannot be obtained by police education and working experience as police officers, can be carried out in police ranks of chief police advisor, first class senior police advisor, senior police advisor and police advisor.

Procedure of Promotion to the Next Higher Police Rank

Article 144

(Law on Amendments to the Law on Internal Affairs, Official Gazette of Montenegro 003/23 as of 10 January 2023, Article 2)

(Law on Amendments to the Law on Internal Affairs, Official Gazette of Montenegro 084/24 as of 6 September 2024, Article 5)

In order to conduct the process of promotion to the next higher police rank a public invitation shall be published for police officers who qualify for the promotion to the next higher rank referred to in Article 143 of this Law.

The decision to publish the public invitation referred to in paragraph 1 of this Article shall be made by the Minister, upon proposal by the Police Director.

The deadline for submitting applications to the public invitation cannot be shorter than eight days from the date of the public invitation publishing.

The Ministry shall compile a list of candidates who meet the requirements of the public invitation based on timely, complete and orderly documentation.

Candidates who meet the requirements of the public invitation, shall be subject to a testing of knowledge, abilities, competences and skills.

Testing of knowledge, abilities, competences and skills shall be carried out by a commission established by the Police Director by written testing, oral interview, insight into the records kept by the Ministry and other records and data filing systems or in another appropriate manner by assessing the knowledge, abilities, competences and skills.

The commission referred to in paragraph 6 above shall issue an appropriate notification to the candidates who have successfully passed the tests referred to in paragraph 5 of this Article, on the basis of the prescribed criteria.

In addition to the candidates, the notification referred to in paragraph 7 of this Article shall also be submitted to the organisational unit of the Ministry competent for human resources.

Police officer who has been issued the notification referred to in paragraph 7 of this Article shall acquire the next higher police rank, i.e. rank referred to in Article 143 paragraph 1, during reassignment or during the filling of a vacant position, on the basis of the decision on permanent reassignment pursuant to Article 168 of this Law, except when the reassignment is to a position for which both the next higher rank and the rank already held by the officer are prescribed, unless it involves the positions of heads of organisational units for which the police ranks referred to in Article 136 items 1 and 2 of this Law or positions for which police ranks referred to in Article 136 items 13 and 16 of this Law are stipulated.

Exceptionally, provisions of this Article shall not apply to the acquisition of police ranks in the course of entering employment and reassignment, to the acquisition of initial police ranks in line with the decision on reassignment referred to in Article 168 of this Law or to promotion to the next higher police rank within the same category of police ranks.

Notwithstanding paragraph 9 of this Article, the decision on the reassignment in the financial intelligence unit shall be adopted by the head of the financial intelligence unit.

The Ministry shall prescribe the content, manner of publishing, correction and withdrawal of the public invitation, criteria for evaluation and composition and manner of work of the commission referred to in paragraph 6 of this Article, as well as other issues of importance for the procedure of promotion to the next higher police rank.

Exceptional Promotion

Article 144a

(Law on Amendments to the Law on Internal Affairs, Official Gazette of Montenegro 084/24 as of 6 September 2024, Article 6)

A police officer may be exceptionally promoted to the next higher police rank if:

1. they hold the appropriate level of educational qualification;
2. they have not been imposed two disciplinary measures for minor breaches of official duty or one disciplinary measure for a serious breach of official duty in the past three years;
3. they have not violated the Code of Police Ethics in the past three years;
4. no criminal proceedings are being conducted against them for an offence subject to public prosecution and no disciplinary proceedings are being conducted for a serious breach of official duty.

The decision on exceptional promotion referred to in paragraph 1 of this Article shall be adopted by the Director of Police, with the prior approval of the Minister, based on the officer's performance and the needs of the service.

Types and Methods of Giving Prizes, Recognition Certificates and Assistances

Article 145

(Law on Amendments to the Law on Internal Affairs, Official Gazette of Montenegro 084/24 as of 6 September 2024, Article 7)

For the results achieved in performing interior affairs, police officers and other officers of the Ministry shall be awarded awards and recognition certificates.

Awards in terms of paragraph 1 of this Article shall comprise:

- 1) the annual award,
- 2) commemorative award and
- 3) award absence from work for a period of up to five working days with the compensation of salary.

Annual award for achieved outstanding results in performing interior affairs, the commemorative award, as well as the award absence from work for a period of up to five working days, with salary compensation, shall be awarded by the Minister.

By way of exception of paragraph 3 of this Article, the commemorative award for achieved success in performing police duties may be awarded by the Police Director, with the prior consent of the Minister.

Recognitions in terms of paragraph 1 of this Article shall mean gift and certificate of gratitude.

A police officer, who becomes entitled to old-age pension in accordance with the law may be awarded a meritorious badge and/or short barrelled firearm which was entrusted to them during the performance of police duties.

The funds for awards referred to in paragraph 2, items 1 and 2 of this Article shall be provided with the previously obtained opinion of the Ministry of Finance.

Financial assistance to the families of officers who lost their lives in the course of performance or due to the performance of interior affairs, to officers who were seriously injured in the course of performance or due to the performance of interior affairs, to a police officer who refused to carry out an illegal order, and in other situations directly related to performance of interior affairs that justifiably require financial or other appropriate assistance, shall be granted by the Minister.

The manner of awarding prizes, recognition certificates, merit badges, short-barrelled firearms and assistance, as well as the types of gifts, the design of the certificate of gratitude and the merit badge shall be prescribed by the Ministry.

4. Police Education, Training, and Professional Development of Police Officers

Police Education and Training Article 146

Police education and training shall mean the acquisition and improvement of knowledge and skills, i.e., of police competencies of police officers necessary for performing various levels and types of police duties, and it shall be implemented according to the principles of lifelong learning through:

- basic police education,
- higher police education,
- basic police training, and
- other police training.

Police education and training shall be conducted at educational and other institutions in the country and abroad, in accordance with the needs of the service and the provided financial resources.

A police officer shall have the right to be informed about the possibilities of police education and training, as well as the obligation to attend education and training programs.

The annual plan of education and training of police officers shall be published in a manner accessible to all police officers (announcement board, website of the Ministry, etc.).

Basic Police Education Article 147

Basic police education shall mean the regular schooling of V level of education qualifications.

Basic police education shall be conducted by an organiser of education of adults that possesses a work licence, in accordance with the regulations regulating the area of education.

Higher Police Education Article 148

Higher police education, in terms of this law, shall be considered to be the schooling of VI and VII1 levels of education qualifications conducted by a higher education institution specialized in the needs of the Police, in accordance with the publicly relevant study programs.

A person may also be referred abroad for the purpose of acquiring higher police education in the sense of paragraph 1 of this Article.

Persons who have completed higher police education from paragraph 1 and 2 of this Article, and whose studies are financed from the budget of Montenegro, shall enter employment without public announcement, with a previously obtained certificate on provided financial resources.

Persons who complete their studies at the institution referred to in paragraph 1 and 2 of this Article shall be obliged to remain employed in the police rank twice as long as the duration of the education.

In the event that the persons referred to in paragraph 4 of this Article fail to remain employed in the police rank twice as long as the duration of the education, they shall be obliged to reimburse the costs of education.

The manner of referral to education abroad referred to in paragraph 2 of this Article shall be prescribed by the Ministry.

Basic Police Training **Article 149**

The basic police training shall be considered to be the training of persons who enter employment for the first time in police rank and the training of persons referred to in Article 42, paragraph 2 of this Law who do not have a police rank.

The more detailed content and manner of conducting the police training referred to in paragraph 1 of this Article shall be prescribed by the Ministry.

Other Police Training **Article 150**

(Law on Amendments to the Law on Internal Affairs, Official Gazette of Montenegro 084/24 as of 6 September 2024, Article 8)

Other police training shall mean acquiring and improving knowledge, skills, attitudes and conducts in order to increase the efficiency and effectiveness in performing police duties and it shall include the training:

- 1) of police officers for promotion from one to another category of police ranks;
- 2) of police officers for the purpose of acquiring knowledge and skills for performing specialised police duties (criminal technique, acting of special purpose units, treatment of the persons referred to in Article 53 paragraph 1 of this Law etc.);
- 3) for the purpose of professional development and improvement of police officers in order to acquire new knowledge and upgrade the knowledge and skills acquired so far;
- 4) for additional professional development and police training organised and conducted in organizational units of the Police, and

5)under Article 40 paragraph 2 of this Law.

Special Professional Development and Improvement of Police Officers

Article 151

A police officer may also be sent to special professional development and improvement conducted in educational or other institutions in the country and abroad in accordance with the needs of the Ministry and the Police.

In the case referred to in paragraph 1 of this Article the rights and obligations of a police officer shall be regulated by a contract which the police officer signs with the Ministry.

A police officer after finishing the special professional development and improvement referred to in paragraph 1 above, shall be obliged to remain employed in police rank at the Ministry, i.e. in the Police, twice as long the time of duration of special professional development or improvement, unless otherwise stipulated by the contract.

A police officer who fails to remain employed in accordance with paragraph 3 of this Article, as well as the police officer who due to unjustified reasons fails to complete the special professional development i.e. improvement referred to in paragraph 1 of this Article, shall be obliged to reimburse the costs of the special professional development i.e. improvement.

Police officers shall have the right to be informed about the special professional development and improvement through publishing on the website or the notice board of the Ministry.

5. Rights and Duties of Police Officers

Prohibition of Discrimination and Respect for the Dignity of a Police Officer

Article 152

Police officers shall exercise the rights under this Law under the same conditions.

Police Director, Assistant Police Directors and are heads of Police internal organisational units shall be obliged to fairly and equally treat all police officers, regardless of their racial, gender or national affiliation, their particularity stemming from social origin, birth, religion, political or other belief or orientation, gender and gender orientation, sexual orientation, personal circumstances, age and mental or physical disability and they shall be obliged to provide them with equal opportunities for promotion, awarding and legal protection.

The Police Director, Assistant Police Directors and heads of Police internal organisational units shall be obliged to respect the dignity of a police officer.

Delay or Interruption of Annual Leave

Article 153

The use of annual leave of a police officer may be delayed or interrupted in order to perform urgent police duties.

A police officer in the case referred to in paragraph 1 of this Article shall be entitled to compensation of actual damage caused by delay i.e. interruption of annual leave.

A police officer whose use of annual leave has been interrupted or delayed in order to perform urgent police duties shall continue to use the remaining part of their annual leave after the completion of the police duty.

Trade Union, Professional and other Organisation and Action Article 154

A police officer shall have the right to exercise trade union, professional and other organization and action in accordance with the law.

A police officer cannot be a member of a political party, politically act, nor be a candidate in the general and local elections.

Activities aimed at improvement of the material position of police officers, creation of better conditions for the work of police officers, as well as providing financial assistance, sponsorships and donations shall be settled through agreement with a representative trade union.

In conducting the activities referred to in paragraph 3 of this Article, non-governmental organizations dealing with the rights of police officers may also be consulted.

Strike Article 155

A police officer shall have the right to strike in accordance with the law governing the conditions and manner of organising strikes.

A police officer who participates in a strike must not in any way violate the unity of command and subordination, nor interfere with and affect the operational activities and functioning of work or the performance of police duties.

The number of police officers who must to participate in the minimum work process shall be determined in accordance with the security assessment and the Minimum work process agreement for police officers during the strike between the Ministry and representative trade unions.

A police officer while in the strike cannot exercise police powers and carry means of coercion defined by this Law.

Additional Work

Article 156

A police officer may outside working hours and the with consent of the Minister or the person authorised by them, perform work or be a member of the managing body or supervisory body of educational, scientific, humanitarian and sports associations, perform duties of lecturer at trainings, professional development and professional consultations, as well as perform works or provide services to natural or legal persons, if the Ministry does not perform surveillance over these persons or if such work is not prohibited by a separate law or if it does not represent a conflict of interest or impediment for performing the duty, i.e. if it does not compromise the reputation of the Ministry.

Compensation in Case of Death of a Police Officer or Member of the Immediate Family **Article 157**

In case of death of a police officer, their immediate family shall be entitled to single financial assistance in the amount of 12 net salaries of a police officer earned in the last month.

In case of death of a police officer, the Ministry shall settle the housing needs of their spouse and children, in accordance with the regulation governing the procedure, manner and criteria for settling housing needs of civil servants and state employees.

In case of death of an immediate family member, a police officer shall be entitled to single financial assistance in the amount of nine coefficient accounting values.

In the event where two or more immediate family members are police officers, right to the assistance referred to in paragraph 3 of this Article, shall be exercised by only one police officer, or the amount of the financial assistance referred to in paragraph 3 shall be divided into equal parts.

In the event where two or more members of a police officer's immediate family make the request referred to in paragraph 1 of this Article, the amount of the single financial assistance shall be divided into equal parts.

Immediate family in the sense of this Article shall mean the parent, adoptive parent, guardian, spouse, children (born in marriage, extra-marital, adopted and step-children).

Costs of the Funeral of a Police Officer **Article 158**

If a police officer in the performance of police duties or due to the performance of police duties loses their life, the Ministry shall bear the costs of burial in the place chosen by their family and they shall be the following:

- 1) the costs of transportation of the remains to the place of burial;
- 2) travel expenses for two escorts; and

- 3) the costs of the funeral equipment and grave, if the family of the police officer has no grave.

In the case referred to in paragraph 1 of this Article, the family that the police officer supported shall have rights to a single financial assistance in the amount of 24 net salaries of the police officer, earned in the last month.

The Ministry may enable entering employment without an announcement, to the spouse or children of an officer who has lost their life or has been seriously injured or has fallen seriously ill in the performance or due to the performance of interior affairs i.e. of police duties, i.e. to a person providing assistance in the performance of interior affairs, i.e. of police duties and thereby losing their life or being severely injured or falling seriously ill, if they fulfil the conditions for working in a specific job position.

Rights of a Person who Assists the Police

Article 159

A person who at their own initiative or upon the request of a police officer provides assistance to the Police or a police officer and thereby becomes injured or falls ill due to which he becomes unable to work, and is not otherwise insured in the sense of the regulations governing health and pension and disability insurance, during treatment and in the event of disability and physical impairment caused by that injury and illness shall have all the rights arising from health and pension and disability insurance as the police officer.

The family of the person who in providing assistance to the Police or to a police officer loses their life shall be entitled to the financial assistance referred to in Article 157 paragraph 3 of this Law.

A person who while providing assistance in performance of police duties suffers damage, shall be entitled to compensation of material damage he incurred due to provision of assistance, in accordance with the law.

The Ministry shall be held responsible for damage the person causes to a third party while providing assistance in performing police duties, in accordance with the law.

The Ministry shall provide legal assistance to the person who provided assistance to the Police or police officer, if a criminal or misdemeanour procedure was instituted against them for acts committed in connection with providing assistance.

Health Care

Article 160

The Ministry shall organize provision of the primary level of health care, as well as specific health care, i.e. certain measures of specific health care for the employees in the Ministry, in accordance with the law regulating health care.

Police officers and officers of the Ministry shall have the right to psychological assistance within the specific health care referred to in paragraph 1 of this Article, and in particular police officers who, in the performance or due to the performance of police duties, directly or indirectly participated in a traumatic event or other highly stressful and crisis situation, whereby this assistance may also be provided to members of the immediate family members of those persons.

The rights, obligations and legal status of employees in the organizational unit of the Ministry referred to in paragraph 1 of this Article shall be governed by the regulations governing the rights of health care employees.

Checking General Health and Special Physical and Mental Abilities

Article 161

Check of general medical ability and special physical and mental abilities of police officers during the work shall be performed by the health commission, through regular annual examinations.

The police officer shall be obliged to undergo the examination referred to in paragraph 1 of this Article.

On the reasoned proposal of a doctor of medicine or of the immediate superior, a police officer shall be obliged to undergo an extraordinary medical examination in order to check their special physical and mental abilities.

The health commission shall draw up a report on determining the special mental and physical abilities referred to in Article 125, paragraph 1, item 3 of this Law, i.e. checking the general health and special mental and physical abilities referred to in par. 1 and 3 of this Article.

The report referred to in paragraph 4 above shall be delivered to the immediate superior of the police officer, the Police Director and to the Ministry.

If it is determined that the police officer does not meet the prescribed mental and physical abilities:

- 1) they shall be reassigned to another job position in the Police or the Ministry for which he meets the conditions;
- 2) they shall be made available to the human resources management authority for the needs of the internal labour market; or
- 3) they shall exercise the right to a disability pension, in accordance with a special law.

Health care institutions shall be obliged to, if they have information that a police officer fails to meet the prescribed mental and physical conditions for performing duties of the job position, without delay, inform the Ministry about the determined mental and physical obstacles for performing police duties.

The criteria and manner of determining the special mental and physical ability referred to in Article 125, paragraph 1, item 3 of this Law, as well as the criteria and manner of checking general health and special mental and physical ability under par. 1 and 3 of this Article shall be prescribed by the Ministry, with the consent of the state administration body competent for health affairs.

Security Impediments for Further Work Article 162

It shall be considered that there are security impediments for further work in police rank, i.e. for the continuation of internship, education, training, as well as of the special professional development or improvement in accordance with this law if, in addition to grounds for termination of employment by operation of law, in accordance with this law, a police officer, i.e. a person during internship, education, training, as well as special professional development or improvement:

- 1) becomes registered in the records of intoxicating drugs consumers kept by the competent authority; and
- 2) maintains connections with persons who without authorisation collect classified and other data, terrorists, saboteurs, members of organised criminal groups or persons for whom there are grounds for suspicion that they belong to such groups.

The proposal for determining the existence of a security impediment for further work in police rank shall be submitted by the immediate superior of the police officer, without the prior consent of the police officer for whom the security verification is conducted.

The checking of existence of a security impediment for further work in police rank shall be performed by the Commission for Checking the Security Impediments, formed by the Minister.

The checking of existence of a security impediment referred to in paragraph 1 item 1 of this Article, shall be performed by the Commission for Checking the Security Impediments by insight into relevant records.

The Commission for Checking the Security Impediments shall obtain the opinion of the National Security Agency on the existence of a security impediment referred to in paragraph 1, item 2 of this Article, in accordance with the law governing national security.

The National Security Agency shall deliver the opinion referred to in paragraph 5 above within 90 days.

If the National Security Agency fails to deliver an opinion within the period referred to in paragraph 6 of this Article, it shall be considered that there is no security impediment referred to in paragraph 1, item 2 of this Article.

The Commission for Checking the Security Impediments shall submit the report with an opinion on the existence or non-existence of a security impediment to the Minister, within 30 days from the day of the performed checks.

The report referred to in paragraph 8 of this Article shall be submitted by the Minister to the Committee for Security and Defence for the purposes of informing.

A police officer shall be notified of the existence of a security impediment, and there shall be no obligation to inform the police officer of the reasons on the basis of which the existence of a security impediment has been established.

Permanent Reassignment Article 163

For the purpose of a more expedient performance of police duties, as well as in the case when due to a change in the internal organization, a new one or an amendment of the existing act on internal organization and job description is adopted, unless it has been prescribed differently by a separate law, the reassignment of a police officer may be carried out to another job position whose duties are carried out:

- 1) in the same police rank; and
- 2) in a next lower police rank corresponding to their level of education qualifications and for which they fulfil other requirements prescribed by the act on internal organization and job description.

By way of exception of Article 144 of this Law, and in accordance with paragraph 1 of this Article, a police officer may be reassigned to another job position whose duties are performed in the next higher police rank, if he meets the conditions for obtaining the next higher police rank under Article 143 of this Law.

When reassigning the police officers referred to in paragraph 2 of this Article, the jobs they have previously worked on shall be taken into account, and priority shall be given to police officers who have had better work evaluations in the last two years.

In the case referred to in paragraph 1 item 1 and paragraph 2 of this Article, the consent of the police officer shall not be required, and in the case referred to in paragraph 1 item 2 of this Article the consent of the police officer shall be required.

Rights of Police Officers in Case of Permanent Reassignment Article 164

A police officer who has been permanently reassigned in accordance with Article 163 paragraph 1 item 2 of this Law shall retain the salary that they were entitled to according to the rank at the job position from which they were reassigned, if this is more favourable for them.

A police officer who has been permanently reassigned for work to another place, more than 50 km away from their place of residence i.e. to another municipality, shall be

entitled to travel and moving expenses according to the submitted invoice and to a monthly compensation for separate life.

Reassignment on Personal Request Article 165

A police officer may, on personal request, be reassigned permanently to another job position for which he meets the requirements as well as to a job position for which a lower level of professional education or a lower police rank is prescribed.

A police officer, who has been reassigned to a job position with a lower police rank, in accordance with paragraph 1 of this Article, shall be entitled to a salary in the amount of the salary that is calculated for the highest rank in job position to which they are reassigned, if this rank is identical to or lower than the police rank that the police officer had prior to reassignment.

A police officer who has been permanently reassigned on personal request for work to another place, more than 50 km away from their place of residence i.e. to another municipality, shall not be entitled to the expenses referred to in paragraph 2 above.

Temporary Reassignment Article 166

A police officer may for purposes of work be temporarily reassigned to a job position in the Police whose work is conducted in the same rank as the work of the job position from which a police officer is reassigned, unless otherwise prescribed by a separate law.

By way of exception of paragraph 1 of this Article, a police officer may also be temporarily reassigned to a job position whose work is performed in the next lower rank than the rank of that police officer, due to the organization of work or rationalization of costs.

Temporary reassignment under paragraph 1 and 2 above shall last for a maximum of one year, after which the police officer shall have the right to return to the job position where they have worked prior to reassignment and cannot be temporarily reassigned again within two years, unless they give their consent to be temporarily reassigned again prior to the expiration of the time limit of two years.

In the case of a temporary reassignment under paragraphs 1 and 2 of this Article, the consent of a police officer shall not be required.

Rights of Police Officers in Case of Temporary Reassignment Article 167

A police officer who has been temporarily reassigned in accordance with Article 166 of this Law shall retain the salary they were entitled to according to the rank at the job position from which they were reassigned, if this is more favourable for them.

A police officer who is temporarily reassigned to work in another place more than 50 km away from their place of residence, i.e. to a territory of another municipality, shall have a right to:

- 1) single monetary compensation in the amount of their average salary paid in the last three months before the reassignment;
- 2) salary in the amount of the salary that he earned before the temporary reassignment, if it is more favourable for them;
- 3) travel expenses for visiting the family twice a month; and
- 4) monthly compensation for separated family life.

During the temporary inability for work the police officer shall not be entitled to the compensation referred to in paragraph 2, items 3 and 4 of this Article.

A police officer who has been temporarily reassigned in accordance with Article 166, paragraph 2 of this Law, shall retain the salary that they were entitled to in accordance with the rank at the job position from which they were reassigned.

Deciding on Reassignment Article 168

The decision on reassignment in the Police shall be adopted by the Police Director, unless otherwise prescribed by a separate law.

An appeal may be lodged to the Minister against the decision referred to in paragraph 1 of this Article within eight days from the date of delivery.

The appeal regarding the decision referred to in paragraph 2 of this Article shall not postpone the execution of the decision, except regarding the decision on reassignment referred to in Article 144 paragraph 10 of this Law.

Records on the Property of Police Officers Article 169

(Law on Amendments to the Law on Internal Affairs, Official Gazette of Montenegro 084/24 as of 6 September 2024, Article 9)

Police officers in rank of the chief police inspector, first class senior police inspector, senior police inspector, independent police inspector, chief police advisor, first class senior police advisor, senior police advisor and independent police advisor, shall be required to submit a report on property and income, as well as the property and income of spouses and common-law spouses and children living in a joint household, in accordance with a separate law.

All police officers shall be obliged to submit a report on property and income, as well as property and income of spouses and common-law spouses and children living in a

joint household to the organizational unit referred to in Article 183, paragraph 1 of this Law.

The report on property and income, in the sense of this Law, shall also be submitted by police officers whose employment in a police rank has been terminated.

Police officers referred to in paragraph 2 of this Article shall additionally submit a separate report including the changes in ownership of their assets in the past five years.

The report on property and income, within the meaning of this Law, shall also be submitted by the persons whose employment, in terms of holding police ranks, has completed.

The report referred to in paragraph 4 of this Article shall be submitted within 30 days upon the completion of employment in the police rank and once a year, in the course of two years following the termination of employment in the police rank.

Persons referred to in paragraph 4 of this Article shall enter accurate and complete information within their reports.

The more detailed manner of submission and the form of the report from para. 2 and 3 of this Article shall be prescribed by the Ministry.

Announcement of Vacancies Article 170

A police officer shall have the right to be informed about vacancies in the Police.

The Ministry shall at least once a year publish vacancies in the Police on the webpage or on the notice board, in order to fill these job positions through reassignment in accordance with Article 163 and 166 of this Law, i.e. for the purpose of applying by police officers for promotion to the next higher police rank, in accordance with Article 143 and 144 of this Law.

6. Disciplinary Responsibility of Police Officers

Types of Violations of Official Duties Article 171

A police officer shall bear disciplinary responsibility for violations of official duties.

Violations of official duties may be minor violations and severe violations.

Minor Violations of Official Duties Article 172

Apart from minor violations of duties laid down by the law regulating the rights and duties of civil servants and state employees, minor violations of official duties of police officer shall include:

- 1) impolite conduct towards citizens and colleagues during work;
- 2) failure to wear or improper wearing of service uniform, weapons and equipment;
- 3) untidy personal appearance and failure to act in accordance with the rules of conduct referred to in Article 29 paragraph 3 of this Law;
- 4) failure to deliver to the Ministry the information and notifications in accordance with the law;
- 5) losing or damaging weapons, equipment or means that a police officer is entrusted with or is using when performing official tasks;
- 6) out of purpose use of entrusted means for work;
- 7) failing to undergo the regular, i.e. extraordinary medical examination;
- 8) refusing or avoiding obligations related to professional training and improvement;

Severe Violations of Official Duties

Article 173

(Law on Amendments to the Law on Internal Affairs, Official Gazette of Montenegro 084/24 as of 6 September 2024, Article 10)

Apart from the severe violations of official duties laid down by the law regulating the rights and duties of civil servants and state employees, severe violations of official duties of police officers shall include:

- 1) out of purpose use and disposal of the entrusted means for work, if material damage has occurred;
- 2) revealing false data regarding the Ministry or the Police;
- 3) taking or failing to take any action disabling or impairing the carrying out of police duties and performance of official tasks;
- 4) failing to take measures for protection of persons, property and entrusted items, which caused severe consequences;
- 5) failure to perform police duties, i.e. failure to take actions to provide assistance to a person in danger, failure to take measures and actions to prevent criminal offenses and actions that may disturb public order and endanger the safety of persons and property outside working hours, if a police officer was able to do so;
- 6) losing or damaging weapons, equipment or means with which the police officer was entrusted or uses them in the performance of official tasks which resulted in severe consequences;
- 7) refusing, delaying or failing to execute an official order, failing to execute an official order issued during or related to execution of police duties or showing disrespect towards an immediate or another superior, a state prosecutor or a person in charge of executing an official task;
- 8) failing to seize the official identification card, official badge, weapons, other equipment and tools for performance of police duties from a police officer in accordance with Article 59 of this Law;
- 9) arbitrarily leaving the job position or position appointed as stand-by position;

- 10) failing to undertake or insufficient undertaking of measures and actions by immediate superior to determine facts in regard to submitted complaint or objection of a citizen concerning the action taken by a police officer;
- 11) performing additional work, i.e. performing duties or providing services to a natural or legal person even outside working hours without consent;
- 12) giving or executing orders by which safety of persons or property is unlawfully threatened;
- 13) conduct that impairs relations between police officers i.e. other employees in the Ministry;
- 14) refusal of polygraph testing and of providing answers in the sense of Article 120 of this Law;
- 15) non-taking of measures or failure to provide assistance, within their official duties, to state authorities, state administration bodies, local self-government bodies and local administration bodies;
- 16) giving orders which, if executed, would constitute a criminal offence;
- 17) failing to submit a proposal for temporary suspension of a police officer;
- 18) failing to draw up a report on use of means of coercion;
- 19) concealing a commission of severe breach of duty, and failing to submit a proposal for initiating a disciplinary proceeding;
- 20) making statements and press releases in relation to or on the occasion of performance of police duties without the approval of the minister, or a person authorized by them;
- 21) failing to act upon the oral or written request of an officer authorized to carry out internal control duties of the Police and the officer for the work control within the Ministry or disabling or interfering with the performance of duties of internal control of the Police or performance of the work control affairs within the Ministry;
- 22) failing to take measures or undertaking measures for protection of persons, property and entrusted items;
- 23) composing a report on the use of means of coercion contrary to Article 96 para. 1 and 3 of this law;
- 24) failure to prepare or untimely, incomplete or irregular preparation of an official document on undertaking an official action or exercising police powers;
- 25) violation of the rules and standards established by the Code of Police Ethics;
- 26) entry of incorrect data in the records referred to in Article 181, paragraph 4 of this Law;
- 27) any form of corruption;
- 28) existence of a security impediment for further work and
- 29) failing to submit reports referred to in Article 169 paras. 2 and 3 of this Law, i.e. entering inaccurate information into the reports.

Disciplinary Measures **Article 174**

For minor breaches of official duty, the following disciplinary measures may be imposed:

- 1) written warning; or
- 2) fine in the amount of up to 20% of monthly salary paid for the month when a breach of official duty was committed, for the period of two months.

For severe breaches of official duty, the following disciplinary measures may be imposed:

- 1) fine in the amount from 20% to 40% of monthly salary paid for the month when the breach of the official duty was committed, for the period from two to six months;
- 2) impossibility to acquire a next higher rank during the period from 2 to 4 years;
- 3) reassignment to another job position prescribing a directly lower rank, for a period of one to two years;
- 4) conditional termination of employment; or
- 5) termination of employment.

The disciplinary measure referred to in paragraph 2, item 4 of this Article shall be imposed for a period from one to two years, where the measure shall not be executed if a police officer in this period does not commit another breach of official duty.

The disciplinary measure referred to in paragraph 2, item 5 of this Article shall be mandatorily imposed, if in the disciplinary proceedings the police officer is found responsible for severe violation of official duty with elements of corruption.

A police officer may be imposed only one disciplinary measure for one breach of official duty.

Disciplinary Proceedings Article 175

Disciplinary proceedings for determining the disciplinary responsibility of a police officer for a minor violation of official duty shall be initiated and conducted and disciplinary measures referred to in Article 172 paragraph 1 of this Law shall be imposed in accordance with the regulation governing the rights and obligations of civil servants and state employees.

The disciplinary procedure for determining the disciplinary responsibility of a police officer for a serious violation of official duty is initiated by a person authorized by the Minister (hereinafter referred to as: the disciplinary prosecutor), at the proposal of the immediate head of the organizational unit in which the police officer works.

The disciplinary procedure for determining the disciplinary responsibility of a police officer for a severe violation of official duty is conducted and proposed by the disciplinary commission appointed by the Minister.

Disciplinary measures for severe violation of official duty are imposed by the Minister.

An appeal may be submitted with the Appeals Commission against the decision on the imposed disciplinary measure referred to in paragraph 4 of this Article, within eight days from the day of receipt of the decision.

The disciplinary procedure for determining the disciplinary responsibility of a police officer for a severe violation of official duty, their organization, as well as the manner of keeping records of disciplinary measures imposed for a severe violation of official duty, shall be regulated in more detail by an act of the Ministry.

Temporary Suspension

Article 176

A police officer shall be temporarily suspended from work:

- 1) if they were caught committing a severe violation of official duty for which the mandatory imposing of the measure for termination of employment is defined, until the completion of disciplinary proceedings;
- 2) during period of detention; or
- 3) if criminal procedure was instituted against them for a criminal offence with elements of corruption referred to in Article 127 paragraph 2 of this Law or criminal offense committed at work or in connection with the work until the completion of criminal procedure.

A police officer may be temporarily suspended from work also when a criminal procedure was instituted against them for a criminal offence prosecuted ex officio, or a disciplinary proceeding for severe violation of official duty if their presence at work would harm the interests i.e. reputation of the Ministry and Police or disrupt the course of the disciplinary proceedings.

A police officer may be temporarily suspended from work even before the criminal proceedings are initiated when an order has been issued to carry out an investigation against them for a criminal offense prosecuted ex officio if their presence at work would harm the interest i.e. the reputation of the Ministry and Police.

Immediate superior shall submit a justified proposal for the temporary suspension from work of a police officer within five days if any of the conditions for temporary suspension from paragraph 1 and 3 of this Article were met and inform them thereof.

The Director of Police is obliged to, without delay, send the received proposal for temporary dismissal from work, with their opinion in relation to the proposal, to the Minister for decision-making.

A police officer who has been temporarily suspended from work shall be deprived of the official badge, official identification card, weapons, and other equipment entrusted to them for the performance of their duties, while the temporary suspension is in place.

Deciding on Temporary Suspension

Article 177

The decision on the temporary suspension of a police officer shall be made by the Minister.

An appeal may be lodged against the decision referred to in paragraph 1 above.

The appeal referred to in paragraph 2 of this Article shall not postpone the execution of the decision.

Salary Compensation and Reimbursement of Salary Compensation during Temporary Suspension Article 178

During the temporary suspension from work a police officer shall be entitled to compensation of salary in the amount of 70% of salary.

The unpaid part of the salary with default interest shall be returned to a police officer, if:

- 1) criminal i.e. disciplinary procedure was aborted; or
- 2) a final decision in the criminal i.e. in disciplinary proceedings acquitted them of responsibility

The salary compensation during detention shall be paid by the authority which ordered the detention.

The authority which issued a decision on detention shall be obliged to inform, within three days, the Ministry thereof.

The request for reimbursement, in the respect of the amount of salary compensation for the period during which the police officer is in detention and contributions and taxes calculated in that salary shall be submitted by the Ministry, to the authority that issued the decision on detention.

7. Termination of Employment of a Police Officer

Termination of Employment by Operation of Law Article 179

In addition to cases of termination of employment laid down in the regulations on the civil servants and state employees and the general labour legislation, the employment of a police officer shall be terminated by operation of law if:

- 1) in entering employment or in the course of work it was established that he gave false information about the fulfilment of the conditions referred to in Article 125 of this Law on the day of delivery of final decision;
- 2) they were convicted to a imprisonment sentence for a criminal offense which in the sense of this law represents a criminal offense with elements of corruption regardless of the duration of the sentence, on the date of delivery of the final judgment;
- 3) they were imposed three disciplinary measures for minor breaches of official duty i.e. two disciplinary measures for severe breaches of official duty, for a period of one calendar year on the date the decision determining the breach of official duty becomes enforceable;

- 4) they have unlawfully obtained personal or property gain for themselves or another person, in connection with the service; or
- 5) they have provided data and information, provided insight into data and information obtained in the course of or in connection with the performance of police duties to unauthorized persons.

Termination of Employment on Personal Request
Article 180

(Law on Amendments to the Law on Internal Affairs, Official Gazette of Montenegro 003/23as of 10 January 2023, Article 3)

(Law on Amendments to the Law on Internal Affairs, Official Gazette of Montenegro 084/24 as of 6 September 2024, Article 11)

Notwithstanding the conditions prescribed by the law governing pension and disability insurance, a police officer whose employment terminates, upon personal request and with the consent of the Police Director, shall have the right to a pension when they attain at least 50 years of age and 30 years of pensionable service, of which at least 10 years effectively spent on jobs in which years of service are calculated at an accelerated rate or when they attain 40 years of pensionable service and at least 50 years of age.

The pension of the police officer referred to in paragraph 1 of this Article shall be determined in the manner prescribed by the law governing pension and disability insurance, while in determining personal coefficient, if this is more favourable for them, the personal coefficient shall be determined on the basis of salary, i.e., salary compensation realized throughout the whole calendar year prior to the year of exercising the right to pension.

The amount of the pension determined in paragraph 2 of this Article shall be increased up to 20%, except that the amount of that pension cannot be higher than the highest amount of the old-age pension established in accordance with the law governing pension and disability insurance.

As regards the exercise, use and adjustment of the pension they are entitled to according to this Article, the provisions of the law governing pension and disability insurance shall apply.

The right to pension by applying this Article may be exercised starting from January 1, 2023 until December 31, 2028.

Provisions of this Law referring to the right to pension on this basis as well as all other rights, obligations, duties, responsibilities, official badge and official ID of police officers of the internal control of the work of the police, shall accordingly apply to police officers of the Ministry carrying out affairs directly related to police affairs referred to in Article

2 of this Law – affairs related to security surveillance and security protection of the Ministry.

VI. ORGANISATION OF WORK AND WORKING HOURS

Working Hours Schedule Article 181

Police shall be organized so that the police duties are conducted 24 hours a day without interruption.

The performance of police duties, in accordance with paragraph 1 of this Article, shall be ensured by work in shifts, tours and the introduction of overtime, on call, stand-by and redistribution of working hours.

The scheduling of working hours in the Police, in accordance with the regulations on state administration shall be determined by the Police Director.

The Ministry shall keep a central record on the work of a police officer in shifts, tours, overtime, standby, on-call and redistribution of working hours.

Record under paragraph 4 of this Article shall contain information on the police officer (name and surname, official identification card number), information on shifts, tours, concrete police duty, hours of overtime work, standby, on-call and redistribution of working hours.

Work organized in a special way Article 182

If the performance of police duties, due to their nature, requires a permanent presence at the workplace, and cannot be provided in any way prescribed by law, the work shall be organized in a special way.

Work organized in a special way shall imply the organization of work in which work is longer than 12 hours, taking into account that the average monthly fund of hours during a calendar year does not exceed the monthly fund of full-time hours prescribed by the general labour regulations.

In accordance with the general regulations on work, the daily rest of an employee who works in a special way in uninterrupted duration cannot be shorter than ten hours a day, and the weekly rest in uninterrupted duration cannot be shorter than 20 hours.

When performing the activities referred to in paragraph 1 of this Article, the employee must be provided with access to a bed for rest and enable alternative daily and weekly rest.

VII. CONTROL OF WORK

1. Control of work in the Ministry

Manner of performing control of work in the Ministry

Article 183

In addition to the supervision prescribed by the law governing public procurement and the law governing inspection supervision, as well as the law prescribing measures to prevent corruption, control the conduct of public procurement and supervision of the implementation of the law governing the protection of persons and property not provided by the state, as well as strengthening the integrity of employees in the Ministry (hereinafter referred to as: the work control affairs in the Ministry), is performed by a special organizational unit of the Ministry.

The head of the organizational unit referred to in paragraph 1 of this Article shall be responsible to the Minister for their work and the work of the officers in the unit.

Officer for the Control of Work in the Ministry

Article 184

Work control affairs in the Ministry are conducted by an officer authorized to control the employees of the Ministry who perform public procurement and supervision over the implementation of the law governing the protection of persons and property not provided by the state, as well as strengthening the integrity of employees in the Ministry (hereinafter referred to as: the officer for the control of work in the Ministry).

An official identification card and an official badge are issued to the officer for the control of work in the Ministry in order to prove their capacity.

The officer for the control of work in the Ministry is obliged to return the official identification card and the official badge if:

- they are temporarily suspended from service, on the day of delivery of the decision on temporary suspension,
- their employment is terminated on the day of termination of employment;
- they are reassigned to another position outside the organizational unit referred to in Article 183, paragraph 1 of this Law;
- during temporary inability to work.

If the officer for the control of work in the Ministry fails to act in accordance with paragraph 3 of this Article, their official identification card and official badge shall be revoked, which shall be taken care of by the immediate superior of the officer for the control of work in the Ministry.

The provisions of this Law shall be applied accordingly also to the head of the organizational unit referred to in Article 183, paragraph 2 of this Law and to the officer for the control of work in the Ministry, when entering employment, for determining security impediments when entering into employment in the Police and for further work in the police rank.

Tasks, powers, rights and duties of officer for the control of the Ministry

Article 185

The tasks of control of the work in the Ministry shall be: taking preventive and operational measures and actions to detect and suppress criminal offences with elements of corruption and other forms of corrupt behaviour of Ministry employees, committed at work or in connection with work, prevention of corruption and strengthening the integrity of employees in the Ministry.

The officer for the control of work in the Ministry in performing their duties, shall be authorized to:

- 1) have access to files, documents and data filing systems which are, in accordance with its competences, gathered, compiled or published by the Ministry;
- 2) temporarily seize documentation, items and other things created in the work or in connection with activities that are subject to control, which are necessary for the purpose of determining of material facts;
- 3) take statements from officers who perform tasks that are subject to control and from other persons;
- 4) request from the officers performing the tasks that are the subject of control to submit reports, other data and information within their competence that are necessary for performing the control of work in the Ministry within five days at the latest;
- 5) indicate the identified irregularities and set a deadline for their elimination;
- 6) order the undertaking of appropriate measures and actions within the time limit determined;
- 7) initiate starting of criminal, disciplinary or misdemeanour proceedings against officers who perform tasks that are subject to control; and
- 8) addresses the state prosecutor's office in order to obtain information regarding the suspect, i.e. the accused officer who performs the tasks that are the subject of control, in all phases of the criminal procedure.

The officer who performs the tasks that are the subject of control, shall be obliged to enable the officer for control of work in the Ministry to perform unhindered conducting of control of work in the Ministry, to provide information and documents, i.e. data necessary for performing those tasks, as well as to provide the necessary professional, technical and other assistance.

The officer who performs the tasks that are the subject of control, is obliged to provide the officer for the control of work in the Ministry with the conditions necessary for uninterrupted work and determination of the material facts.

The officer who performs the tasks that are the subject of control, shall be obliged, based on the request or order of the officer for the control of work in the Ministry, to submit or prepare accurate and complete data, documentation or other materials necessary to perform work control in the Ministry, within the deadline determined by the officer for control of work in the Ministry.

Acting of the officer for control of work in the Ministry

Article 186

The officer for control of work in the Ministry in performing control of work in the Ministry shall act upon:

- 1) own initiative;
- 2) gathered information and other sources;
- 3) proposals, complaints and remonstrance of legal and natural persons, as well as of officers of the Ministry, in connection with the performance of public procurements and supervision of the law governing the protection of persons and property not provided by the state.

All cases of undertaking or omission of actions and acting of officers who perform tasks that are subject to control, which in the procedure of control are determined to be contrary to the law, shall be promptly notified in writing to the Minister.

Written report upon conducted control of work in the Ministry

Article 187

In performing the tasks of control of work in the Ministry, the officer for control of work in the Ministry shall undertake the necessary actions, determine the material facts, collect evidence and prepare a written report on that.

In case of determining irregularities or illegalities by applying the authorization referred to in Article 185, paragraph 2 of this Law, when performing work control tasks in the Ministry, the report referred to in paragraph 1 of this Article shall also contain a proposal for elimination of identified irregularities, i.e., the initiative to set off appropriate procedures in order to determine the responsibility of the official who performs the tasks that are the subject of control.

Control of the property and lifestyle of police officers

Article 188

(Law on Amendments to the Law on Internal Affairs, Official Gazette of Montenegro 084/24 as of 6 September 2024, Article 12)

In addition to the control referred to in Article 183 of this Law, the officer for the control of work in the Ministry shall also control the property, income and lifestyle of police officers, their spouses and common-law spouses and children, as well as persons related to them.

The control referred to in paragraph 1 of this Article shall be performed by the officer for the control of work in the Ministry pursuant to Art. 184 to 187 of this Law, as well as by reviewing and analysing the report referred to in Article 169 para. 2 and 4 of this Law.

The Ministry shall prescribe a closer manner of control over the property, income and lifestyle of police officers, their spouses and common-law spouses and children, as well as persons related to them.

2. Control and Supervision over the Police Work

Types of Control and Supervision of Police Work Article 189

Control and supervision over the Police work shall be provided through parliamentary, civil, internal control and the control and supervision by the Protector of Human Rights and Freedoms of Montenegro, when performing the tasks of the national preventive mechanism for the protection of persons deprived of their liberty from torture and other forms of cruel, inhuman, or degrading treatment or punishment and acting on complaints about the work of police officers.

Parliamentary Control Article 190

Parliamentary control over the Police work shall be conducted in a manner laid down by a particular law.

Civil Control of the Police Article 191

Civil control over the Police shall be performed by the Council for Civil Control of the Police (hereinafter referred to as the "Council").

The Council is a body that shall assess exercise of police powers to protect human rights and freedoms.

The Council may be addressed by citizens and police officers.

The Council shall consist of five members one of each appointed by: Bar Association of Montenegro, Chamber of Physicians of Montenegro, Association of Jurists of

Montenegro, University of Montenegro and non-governmental organizations dealing with human rights.

The President of the Council shall be elected by the majority of votes of total number of members.

The President of the Parliament shall initiate a procedure of appointment of the Council members by summoning the entities authorized for appointments referred to in the paragraph 4 of this Article no later than three months prior to expiration of term of office.

The Parliament shall state the of appointment of the Council members.

Funds for the work of the Council shall be provided in the budget of Montenegro.

Term of Office and Work of the Council Members

Article 192

The term of office of the Council members shall last five years.

Members of the Council cannot be members of political parties, nor may they be active in activities of parties.

The work of the Council shall be public.

The Police shall, upon request of the Council, provide necessary information and notifications regarding exercise of police powers.

Expert activities for work of the Council shall be performed by the Service of the Parliament.

Technical and logistical support for the work and acting of the Council upon complaints and initiatives shall be provided by the Ministry.

Acts Adopted by the Council

Article 193

The Council shall make assessments, recommendations and conclusions which shall be submitted to the Ministry.

The Ministry takes care of implementation of assessments, recommendations and conclusions of the Council.

The Minister shall be obliged to inform the Council of the measures and actions taken in relation to paragraph 1 of this Article, no later than 20 days from the day of receiving assessment, recommendation or conclusion.

The Council shall adopt its rules of procedure, decision-making and other matters relevant to the work of the Council.

Internal Control of the Police

Article 194

Internal control of the Police shall be conducted by a special organisational unit of the Ministry.

In performing duties within its competence, internal control shall be operatively independent from the Ministry, the Police and other state administration bodies.

The head of the internal control shall account to the Minister for their work and the work of the internal control of the Police.

Police Internal Control Duties

Article 195

Internal control duties of the Police work shall include: undertaking preventive and operational measures and actions in accordance with the law on the detection and suppression of criminal offenses with elements of corruption and other forms of corrupt behaviour, as well as other criminal offenses of police officers, committed at work or in connection with work, control of lawfulness of performance of police duties, in particular in regard to respect and protection of human rights when carrying out police tasks and exercising police powers and other control relevant for lawful work of the Police.

Police Officer Authorized for Performing Internal Control

Article 196

Internal control shall be performed by a police officer authorized for performing internal control (hereinafter referred to as “the internal control police officer”).

The provisions of this Law relating to the rights, obligations, duties and responsibilities of police officers, the issuance and content of official badges and official identification cards shall accordingly apply to police officers of internal control.

An official identification card and an official badge are issued to an internal control police officer in order to prove their capacity.

The content and form of the official identification card and the appearance of the official badge of the police officer of internal control and the officer for control of work in the Ministry shall be prescribed by the Ministry.

Acting of Internal Control Police Officer

Article 197

When performing internal control duties, the internal control police officer shall act upon:

- 1) own initiative;
- 2) gathered information and other sources;
- 3) proposals, complaints and remonstrance of natural and legal persons and police officers, in relation to the exercise of police powers in performing police duties;
- 4) the request and the order of the competent state prosecutor's office;
- 5) the objection under the Article 32 paragraph 6 of this Law, if it refers to the response to the complaint on exercise of police powers in performing police duties;
- 6) a proposal and a conclusion of the Committee for Security and Defence;
- 7) recommendations of the Protector of Human Rights and Freedoms of Montenegro; and
- 8) analysis of assessment and recommendations of the Council.

Regarding all cases of taking or missing actions and activities of the Police, which in the internal control procedure are found to be contrary to the law, the Minister shall timely be informed thereof in writing.

State authorities, state administration bodies, local self-government bodies, local government bodies and services established in accordance with the law regulating local self-government, business entities, legal and natural persons cannot reveal information about the requests submitted by the internal control police officer.

Powers, Rights and Duties of the for Internal Control Police Officer Article 198

The internal control police officer, apart from the exercise of the police powers stipulated in this Law and other law, when performing internal control shall also have powers to:

- 1) gain insight into the records, documents and data filing systems which in accordance with its competence are collected, compiled or issued by the Police;
- 2) take statements from the police officers, officials of the Ministry, injured parties and citizens;
- 3) request from the Police and police officers to submit reports, other data and information within their competence, no later than five days, which are necessary for performing internal control;
- 4) inspect official premises used by the Police for its work and perform an examination of the means used by police officers in work;
- 5) order an urgent undertaking of measures and actions, if their postponement or failure to undertake would result in a violation of human rights and freedoms during the performance of police duties or the exercise of police powers;
- 6) order polygraph testing of a police officer from Article 120 paragraph 1 of this Law;

- 7) initiate set off of a criminal, disciplinary or misdemeanour procedure against a police officer;
- 8) addresses the state prosecutor's office in order to obtain information regarding the suspect, i.e. the accused police officer, in all phases of the criminal procedure

A police officer shall be obliged to enable the internal control police officer to conduct control, and provide necessary expert, technical and other assistance to them.

When conducting internal control, internal control police officer shall not affect the flow of certain police activities or in any other way disturb or jeopardize confidentiality of the police action.

A police officer may temporarily, until the Police Director's decision, i.e. head of the financial-intelligence unit, but not longer than 24 hours, refuse to provide documents for insight, i.e. disable inspection of premises and submission of certain data and information, if there is danger that execution of internal control of the Police would disable or significantly complicate the exercise of the police powers laid down by this or other law, or it would endanger the life and health of persons exercising them.

Written Report on Conducted Internal Control

Article 199

When performing internal control, the internal control police officer shall undertake necessary actions, establish the facts, gather evidence and draw up a written report thereof.

In the case of establishing irregularities or illegalities in the exercise of police powers during performance of police duties, the report referred to in paragraph 1 of this Article, shall also contain a proposal for removal of established irregularities, i.e. a proposal for instituting appropriate procedures to establish liability of police officers.

The Police shall act upon the proposal from the report referred to in paragraph 2 of this Article and inform the internal control about the undertaken activities, on short notice, which is objectively sufficient to act on that proposal.

The report referred to in paragraph 1 of this Article and the documentation made in the internal control procedure may be submitted to the Minister and to the Police Director aiming to initiate set off of procedure to determine disciplinary responsibility of police officer, competent state prosecutor, court or another authority, based upon authority stipulated by special law.

Protection of Data and Persons

Article 200

In order to protect data and persons, the police officer shall not submit data and information to the police officer of internal control on:

- 1) identity of a police associate;
- 2) members of police with undercover identity;
- 3) security and intelligence sources; and
- 4) financial intelligence collected from taxpayers and foreign financial intelligence services collected in accordance with the law governing the prevention of money laundering and terrorism financing.

Annual Report of Internal Control Article 201

An annual report on the internal control of the Police shall be drawn up.

The annual report referred to in paragraph 1 above shall be delivered to the Minister and Government no later than March 31 of the current year for the previous one.

Control of Police Work by Protector of Human Rights and Freedoms of Montenegro Article 202

Protector of Human Rights and Freedoms shall perform tasks of national prevention mechanism for the protection of persons deprived of liberty from torture and other cruel, inhuman or degrading treatment or punishment and acts on complaints about the work of police officers, in accordance with a law which regulates competence, authority, manner of work and acting of Protector of Human Rights and Freedoms of Montenegro.

VIII. INTERNATIONAL COOPERATION AND POLICE REPRESENTATIVES

International Cooperation Article 203

International cooperation, within the meaning of this Law, shall represent the cooperation of the Ministry and the Police with the competent authorities of other states and international organizations and institutions, in accordance with the law, ratified and published international agreements, as well as generally accepted rules of international law.

The Police at the operational and other level shall cooperate with the police services of other states and international police organizations, based on ratified international agreements and concluded special police cooperation agreements, while respecting the principle of reciprocity.

In the framework of cooperation referred to in paragraph 2 of this Article, the Police may, in accordance with the law i.e. international agreement, exchange existing data and criminal intelligence for the purpose of conducting investigations or collecting criminal intelligence on criminal offences, to exchange other data and information, undertake jointly established measures against terrorism, organized crime, illegal migration and other forms of international crime and violation of border security, search for persons and items at international level, as well as perform certain police duties abroad, in cooperation with the police of other states.

Ministry may establish joint working bodies, send the staff to training and education, as well as conduct training for officers of other states or international organizations, in cooperation with the authorities of other states.

At the request of an international organization or on the basis of an international agreement of which Montenegro is a member or signatory, the Ministry may participate in the execution of police or other peacekeeping tasks.

A police officer may be seconded to a diplomatic mission or consular post of Montenegro abroad or to an international organization in the capacity of a police attaché or liaison officer (hereinafter referred to as the police representative).

Police representatives shall be appointed by the Government upon the proposal of the minister with the previously obtained consent of the state administration body competent for foreign affairs.

The police representatives shall have diplomatic status, in accordance with the agreement concluded between the Minister and the minister competent foreign affairs and regulation governing foreign affairs and/or with the international agreement.

Conditions and manner of selection of the police representative and their rights and obligations shall be laid down by the Government.

IX. FINANCING

Funds Article 205

Resources for work, programmes and activities of the Ministry shall be determined in the budget of Montenegro.

Resources for Special Operational Needs Article 206

For the payment of expenses and awards to persons and police officers for acting and participating in the application of the measures and actions approved based on this Law and the law regulating criminal procedure, specific financial resources shall be defined within the budget of the Ministry.

Social security contributions and income tax of natural persons shall not be paid for the monetary resources referred to in paragraph 1 of this Article and the provisions of the relevant regulations regarding the obligation to calculate, pay and report to tax authority shall not apply.

Procurement of Special Means

Article 207

Procurement of special means, vehicles and equipment which is used in the work of the Ministry is of a confidential nature and the regulations governing public procurement do not apply to this procedure.

Under special means, vehicles and equipment referred to in paragraph 1 of this Article are considered:

- means, vehicles and equipment necessary for the implementation of secret surveillance measures and preparatory actions;
- means, vehicles and equipment required for the implementation of special police actions;
- means and equipment necessary for the implementation of measures and actions on the basis of the law governing criminal proceedings.

Taxes and and contributions shall not be paid for procurement of item referred to in paragraph 1 of this Article, therefore provisions of the relevant regulations regarding the obligation to calculate, pay and report to tax authority shall not apply.

Closer manner and procedure of conducting procurement referred to in paragraph 1 of this article shall be prescribed by the Government.

IXa PENAL PROVISIONS

Article 207a

(Law on Amendments to the Law on Internal Affairs, Official Gazette of Montenegro 084/24 as of 6 September 2024, Article 13)

A fine in the amount of EUR 1,000 to 2,000 shall be imposed on a person whose employment as police officer has terminated, if he:

- fails to submit a report on assets and income within 30 days upon the completion of employment in the police rank and once a year, in the course of two years following the termination of employment in the police rank. (Article 169 paragraph 5);
- fails to provide complete and accurate information in the report on income and assets (Article 169 paragraph 6);
- fails to submit a report on assets and income in accordance with Article 212a paragraph 2 of this Law for each year from the date of termination of employment in a police rank until the date of entry into force of this Law.

X. TRANSITIONAL AND FINAL PROVISIONS

Deadline for Adoption of Secondary Legislation Article 208

Secondary legislation for implementation of this Law shall be adopted by July 1 2022.

Until the legislation referred in paragraph 1 of this Article is adopted regulation set out by Law on Interior Affairs ("Official Gazette of Montenegro", No. 44/12, 36/13, 1/15 and 87/18) shall apply unless it is contrary to this Law.

Until the adoption of the act referred to in Article 132, paragraph 16 of this Law, the job positions of the heads of internal organizational units of the Police may be filled by reassigning police officers who meet the requirements for that job position, for a maximum of six months.

Article 208a

(Law on Amendments to the Law on Internal Affairs, Official Gazette of Montenegro 084/24 as of 6 September 2024, Article 14)

Secondary legislation for the adoption of this Law shall be adopted within 60 days from the date of entry into force of this Law.

Deadline for Adoption of Act on Internal Organization and Job Descriptions Article 209

The act on internal organization and job descriptions of the Ministry in accordance with this Law shall be adopted within 30 days from the day of beginning of entering into force of this Law.

Police officers reassigned to job positions with IV level of education qualifications who, at the date of beginning of application of this Law are working in the Police, shall retain the ranks and salaries according to previous regulations and may be promoted to the ranks referred to in Article 135, paragraph 1, item 3 of this Law, without obligation to complete the training referred to in Article 149 of this Law.

Article 210

The Government shall be obliged to, within six months from the day this law enters into force, perform an analysis of job positions, i.e. job positions in the Police where the length of pensionable service is calculated at an accelerated rate, at the proposal of the Ministry.

Retrieval of officers, jobs, equipment and official documentation

Article 211

On the day this Law enters into force, in accordance with the scope determined by this Law, the Ministry shall take over the police officers and civil servants and employees who performed the taken over tasks, equipment and official documentation of the Police Directorate.

Submission of the report on the property and income of police officers **Article 212**

The report on the property and income of police officers referred to in Article 169, paragraph 3 of this Law shall be submitted by police officers whose employment in police rank has been terminated starting from 2012 until the day this Law enters into force.

Article 212a

(Law on Amendments to the Law on Internal Affairs, Official Gazette of Montenegro 084/24 as of 6 September 2024, Article 15)

Police officers are obliged to submit the separate report referred to in Article 169 paragraph 3 of this Law within 90 days from the date of entry into force of the secondary legislation regulating the manner of submission and the template of that report.

The report on assets and income referred to in Article 169 paragraph 4 of this Law must also be submitted by persons whose employment in a police rank was terminated between 3 July 2021 and the date of entry into force of this Law.

Article 213

The provisions of Article 16, paragraph 4 of this Law shall apply from the report submitted by December 1, 2021 in accordance with this Law.

Initiated proceedings **Article 214**

Proceedings that have not been finalized by the date of entry into force of this Law shall be terminated in accordance with the Law on Interior Affairs ("Official Gazette of Montenegro" No. 44/12, 36/13, 1/15 and 87/18).

The procedure under the competition for the election of the Police Director initiated in accordance with the Law on Interior Affairs ("Official Gazette of Montenegro", No. 36/13, 1/15 and 87/18) will be completed in accordance with that law.

Recognition of Volunteer Work **Article 215**

Volunteer work, commenced by a police officer in accordance with Article 90a of the Law on Interior Affairs ("Official Gazette of Montenegro", No. 44/12, 36/13, 1/15 and 87/18), until entering into force of this Law, upon completion shall be recognized as the work experience necessary to obtain a corresponding higher rank.

Conclusion of the Collective Bargain Agreement Article 216

The collective bargain agreement for employees in the Ministry and the Police, in accordance with the labour regulations, will be concluded by December 31, 2021 at the latest.

Continuity of Work of the Council Article 217

The Council elected in accordance with the Law on Interior Affairs ("Official Gazette of Montenegro", No. 44/12, 36/13, 1/15 and 87/18) shall work until the end of the term of office.

Article 217a

(Law on Amendments to the Law on Internal Affairs, Official Gazette of Montenegro 084/24 as of 6 September 2024, Article 16)

Provisions of Articles 133a to 133d of this Law shall apply until 31 December 2025.

Notwithstanding Article 133a of this Law, the Ministry may also conduct a special recruitment procedure for the purpose of filling positions within the organisational unit responsible for information technology, in accordance with the provisions of Articles 133b to 133d of this Law and this shall also apply until 31 December 2025.

Repealing Article 218

On the day this Law enters into force, the Law on Interior Affairs (Official Gazette of Montenegro No. 44/12, 36/13, 1/15 and 87/18) is hereby repealed.

Entry into force Article 219

This Law shall enter into force on the eighth day following the day of its publication in the "Official Gazette of Montenegro".