

OFFICIAL TRANSLATION

REPUBLIC OF LITHUANIA

LAW ON THE PUBLIC SECURITY SERVICE

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Vilnius

CHAPTER I GENERAL PROVISIONS

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Article 1. Purpose of the Law

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This Law shall establish the purpose of the Public Security Service under the Republic of Lithuania Ministry of the Interior (hereinafter referred to as the “Service”), the legal basis and principles of its activities, the tasks, functions, structure and funding of the Service, control of its activities, the general framework for co-operation with state or municipal institutions and agencies as well as other legal or natural persons, powers, rights, duties and liability of Service officers as well as conditions of lawfulness of the use of coercion.

Article 2. Definitions

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1. “Emergency” shall mean a situation caused by natural, technical, ecological or social factors or military actions and posing a sudden and grave hazard to human life or to health, property, nature or causing death and mutilation of people or significant property losses.

2. "Extraordinary situation" shall mean riots, mass disturbances, group actions violating public order or resisting law officers, riots at imprisonment institutions or group resistance to the administration of an imprisonment institution, where these actions are accompanied by pogroms, fire-raising, hostage taking and other intentional actions, also escape of the persons held at imprisonment institutions, taking of hostages or other intentional actions constituting a grave violation of internal procedures of the imprisonment institutions.
3. "Mental coercion" shall mean a warning of the intention to use physical coercion, special means, a firearm or explosives. Warning shots shall be held equal to mental coercion.
4. "Physical coercion" shall mean the use of physical force, methods of combat wrestling and military working dogs.
5. "Special means" shall mean sticks, handcuffs, restraining devices as are in the inventory of the Service, gas, military working dogs, means for the stopping of vehicles by force as well as other means permitted by law and approved by an order of the Minister of the Interior.
6. "Detention" shall mean the actions of a Service officer performing functions of the Service which physically restrict the freedom of a person who is suspected of a criminal act or who has committed it, a person who has escaped from an imprisonment institution or during a convoy operation, also a person who is refusing to comply with a lawful demand to put down a weapon or another item which could be used to injure a person in order to discontinue illegal actions and give the person over to the police or officers of other competent agencies.

Article 3. Legal Status of the Service and Legal Framework for its Activities

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1. The Service shall be a state agency in the state of constant special readiness and accountable to the Republic of Lithuania Minister of the Interior whose purpose shall be to restore and/or ensure public order in cases of extraordinary situations and emergencies and to defend the State as a part of the armed forces in wartime, also to perform other functions established by this Law and other laws.

2. The Service shall be a public legal entity having a seal with the Lithuanian state emblem and its name inscribed therein.

3. The Service shall act in conformity with the Constitution of the Republic of Lithuania, international treaties of the Republic of Lithuania, this Law, the Statute of the Internal Service and other laws of the Republic of Lithuania as well as other legal acts.

Article 4. Principles of Activities of the Service

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Activities of the Service shall be governed by the principles of the rule of law, lawfulness, respect for human rights and freedoms, equality of persons before law, political neutrality, co-ordination of publicity and confidentiality of activities, professionalism, co-ordination of personal initiative and official discipline, official subordination, and proportionality in using coercion.

Article 5. Co-operation of the Service with Other State and Municipal Institutions and Agencies, the Media and the Public

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1. The Service shall co-operate with state and municipal institutions and agencies, public organisations, natural and legal persons and the media in accordance with the procedure laid down by laws and other legal acts.

2. The Service shall make public information about its functions, structure, the issues under consideration and other information related to activities of the Service by issuing non-periodical information publications or otherwise.

CHAPTER II TASKS AND FUNCTIONS ASSIGNED

TO THE SERVICE

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Article 6. Tasks of the Service

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The tasks of the Service shall be as follows:

- 1) to restore and/or ensure public order in cases of extraordinary situations and emergencies;
- 2) within its sphere of competence, to eliminate the hazards posed to human life or health and property in cases of extraordinary situations and emergencies;
- 3) to ensure the organisation and carrying out of convoy operations of the persons detained, arrested and convicted;
- 4) to ensure the protection of important state objects;
- 5) to search for persons;
- 6) to strengthen forces of the Lithuanian police, the State Border Guard Service under the Ministry of the Interior, the Fire and Rescue Department under the Ministry of the Interior, the VIP Security Department under the Ministry of the Interior, the Financial Crime Investigation Service under the Ministry of the Interior and to assist these institutions in implementing the functions assigned to them;
- 7) to defend the State in the event of war;
- 8) to perform other tasks assigned to the Service by law.

Article 7. Functions of the Service

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In performing the tasks assigned to it, the Service shall:

- 1) suppress riots, mass disturbances, group actions violating public order or resisting law enforcement officers, riots at imprisonment institutions or group resistance to the administration of imprisonment institutions, also other intentional actions constituting a grave violation of internal procedures of the imprisonment institutions, free hostages;
- 2) in cases of extraordinary situations and emergencies, prevent the actions posing a hazard to human life or health, property, nature or constituting a grave violation of public order or of internal procedures of an imprisonment institution;
- 3) convoy the persons arrested and convicted to imprisonment institutions or from one imprisonment institution to another;
- 4) in accordance with the procedure laid down by laws, convoy the persons detained, arrested and convicted from imprisonment institutions to the Supreme Court of the Republic of Lithuania, the Court of Appeal, regional courts, the Supreme Administrative Court of the Republic of Lithuania and regional administrative courts, and in cases of especial convoy (when conveying the persons in respect whereof there is an effective court judgement of life imprisonment, also in other cases established by law) also to local courts of cities and districts and back to imprisonment institutions, guard them during court hearings;
- 5) convoy the persons detained, arrested and convicted in cases of their extradition and deportation, transfer to the International Criminal Court, surrender under a European arrest warrant, also transfer of the convicts for the continued serving of the sentence;
- 6) in accordance with the procedure laid down by legal acts, participate in search for the persons who have escaped from imprisonment institutions or who escaped during a convoy operation and detain them;
- 7) guard important state objects according to a list approved by the Government;
- 8) upon a request of heads of central agencies of the Interior, assist the Lithuanian police, the State Border Guard Service under the Ministry of the Interior, the Fire and Rescue Department under the Ministry of the Interior, the VIP Security Department under the Ministry of the Interior, the Financial Crime Investigation Service under the Ministry of the Interior in implementing the functions assigned to them. The procedure for mobilising forces of the Services and specific tasks for the forces of the Service to be mobilised shall be established by the Minister of the Interior;

- 9) as a part of the armed forces, defend the State in wartime;
- 10) assist in responding to emergencies and effects thereof;
- 11) participate in missions of forces of the United Nations and other international organisations;
- 12) co-operate with law enforcement and other institutions and agencies of the Republic of Lithuania and foreign states, international organisations on issues within the sphere of competence of the Service;
- 13) collect, store and analyse the information required for the performance of tasks of the Service;
- 14) implement other functions established by law.

CHAPTER III STRUCTURE AND MANAGEMENT OF THE SERVICE

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Article 8. Establishment, Reorganisation, Transformation and Liquidation of the Service and Subdivisions Thereof

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1. The Service shall be established and regulations thereof shall be approved by the Government. The Service shall be reorganised, transformed or liquidated in accordance with the procedure laid down by laws and other legal acts.

2. The structure of the Service shall be specified by the Minister of the Interior on the recommendation of the head of the Service. The structure of the Service must be such as to ensure a prompt and exact performance of the functions assigned to the Service.

3. Subdivisions of the Service shall be established, reorganised, transformed or liquidated by the Minister of the Interior on the recommendation of the head of the Service. The subdivisions of the Service must be located so as to

ensure the arrival of Service officers to the site of an extraordinary situation or emergency not later than within 2 hours of the issuing of an order of the Minister of the Interior on the use of the Service officers for responding to the extraordinary situation or emergency.

Article 9. Heads of the Service

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1. The Service shall be headed and activities thereof shall be directed by the head of the Service.
2. The Minister of the Interior shall, upon co-ordination with the Prime Minister, appoint the head of the Service for a term of five years. The head of the Service shall be directly subordinate and accountable to the Minister of the Interior.
3. The Minister of the Interior shall, on the recommendation of the head of the Service and in accordance with the procedure laid down by the Statute of the Internal Service, appoint and dismiss deputy heads of the Service.

CHAPTER IV RIGHTS AND DUTIES OF SERVICE OFFICERS

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Article 10. Rights of Service Officers

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1. In performing the functions of the Service established in Article 7 of this Law, a Service officer shall have the right:
 - 1) to require that natural and legal persons take immediate action to promptly eliminate the obstacles preventing the Service officer from performing his immediate tasks. The lawful demands of the Service officer must be complied with unconditionally and immediately;

- 2) in the cases and in accordance with the procedure laid down by this Law, to use physical and mental coercion, special means, firearms and explosives;
- 3) to temporarily restrict access to a territory or premises, suspend works, restrict or prohibit traffic where a hazard is posed to public order, property, personal or national security;
- 4) in accordance with the procedure and in the cases established by legal acts, use the special light and sound signals equipped in vehicles;
- 5) in accordance with the procedure laid down by laws, obtain from state and municipal institutions and agencies, other legal and natural persons the information necessary for the implementation of tasks of the Service;
- 6) make photographs, audio or video records without violating a person's right to private and family life;
- 7) having a ground to believe that an administrative offence or a criminal act has been committed and in other cases established by laws, to check personal documents, documents of a vehicle, goods, weapons or other items and to temporarily seize them and keep until a decision of the competent authority is taken;
- 8) to bring a person who has committed an administrative offence to the police or to premises of a municipal ward in a rural area;
- 9) to visually inspect a person where he has a ground to believe that the person holds the items which he may use to injure himself, another person or the Service officer;
- 10) when persecuting a person who escaped during a convoy operation or from an imprisonment institution or a person who is suspected of a criminal act, also when seeking to prevent a criminal act being committed, to enter at any time of day and night the residential or non-residential premises, territories belonging to natural and legal persons, to stop and enter vehicles. In the event of a refusal to comply, the Service officer shall have the right to enter the premises and vehicles by all possible means. This right shall also be granted in cases of emergencies. A prosecutor must be notified of such actions within 24 hours;
- 11) when persecuting a person who escaped during a convoy operation or from an imprisonment institution or a person who is suspected of an administrative offence or a criminal act or when carrying a person in need of immediate medical aid to a health care establishment or in other urgent cases, to have unrestricted access to all vehicles belonging to natural or legal persons,

with the exception of the vehicles belonging to diplomatic missions and consular posts;

12) to check and visually inspect the vehicles entering and leaving the territory of guarded objects, the goods and items kept in the vehicles belonging to natural or legal persons, also to check and visually inspect the persons and their luggage at control posts.

2. Service officers shall also have other rights granted to them by law.

Article 11. Duties of Service Officers

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1. A Service officer, in performing the functions of the Service established in Article 7 of this Law, must:

1) respect and defend human dignity, ensure and protect human rights and freedoms;

2) upon receiving a notification of a criminal act being committed or another offence or when being a witness to an accident, take immediate measures to prevent the criminal act being committed or another offence, protect the place of the accident and evidence, establish witnesses, detain a person who has committed the criminal act and notify thereof a police establishment. The requirements of this subparagraph (with the exception of the requirement to notify the police establishment thereof) shall not apply to a Service officer when the performance of the duty would interfere with the performance of tasks of the Service;

3) provide immediate medical or other necessary aid to a victim or a helpless person;

4) take all possible measures to rescue people, property and nature in cases of extraordinary situations and emergencies;

5) keep confidential information secret, unless official duties require otherwise.

2. A Service officer must perform other duties established for him by law.

3. A Service officer must wear a uniform while in discharge of his duty.

CHAPTER V USE OF FIREARMS AND COERCION

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Article 12. Types of Coercion and Cases of Use Thereof

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1. A Service officer may, in the cases and in accordance with the procedure laid down by this Law and other laws, use physical or mental coercion, special means, a firearm and explosives.
2. Mental coercion may only be used in the cases established in paragraphs 1 and 4 of Article 13 and paragraph 2 of Article 14 of this Law.
3. A Service officer shall have the right to use coercion only as the needs of the service require and only to the extent required to perform an official duty as well as only after all possible means of persuasion prove to be ineffective or impossible. The type of coercion and limits of use thereof shall be selected by a Service officer taking account of a specific situation, nature of a violation of law as well as individual characteristics of the offender. In using coercion, a Service officer must attempt to avoid serious consequences in respect of people and property.
4. Prior to using coercion, a Service officer must warn of such an intention and provide a person with an opportunity to comply with lawful demands, with the exception of the cases when a delay poses a threat to the life or health of the officer or another person or when such a warning is impossible.
5. Where a Service officer does not carry special means or a firearm with him, he may make use of any means necessary to perform an official duty.
6. A prosecutor shall be immediately notified of the coercion used by a Service officer and leading to a person's death or mutilation.

Article 13. Grounds for Using Physical Coercion and Special Means

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1. A Service officer shall have the right to use physical coercion and special means:

- 1) when seeking to protect himself or to protect other persons from the imminent threat to life or health or to save a person from mutilation or suicide;
- 2) when securing compliance with a lawful demand of the Service officer when a person is avoiding the compliance;
- 3) when detaining a person who has committed a violation of law and who is actively avoiding detention;
- 4) where an attempt is made against an object guarded by the Service, a vehicle, a firearm, explosives, special communication means, special means or other property of the Service;
- 5) in extraordinary situations;
- 6) against a vehicle, where its driver has not complied with a lawful demand stated explicitly by a Service officer.

2. A Service officer shall also have the right to use handcuffs or restraining devices when bringing or conveying a person to premises of the police or other state or municipal institutions or agencies.

3. The use of physical coercion and special means (with the exception of handcuffs and restraining devices) shall be prohibited in respect of women, minors and disabled persons, where their disability is evident, with the exception of the cases when they attack themselves or offer resistance by using force or a weapon.

4. A Service officer shall have the right to use explosives to destroy explosive devices, enter the premises (place) where hostages are kept or other actions posing a threat to human life or health are being carried out.

5. Special riot-control equipment may be used in the following cases:

- 1) in extraordinary situations;
- 2) when repelling an attack on guarded objects, where an immediate hazard is posed to an officer's or another person's life;

3) when it is necessary to free hostages or to prevent an act of terrorism.

Article 14. Use of a Firearm

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1. Where other means of coercion prove to be inefficient, a Service officer shall have the right to use, as an exceptional means, a firearm, with the exception of the cases when the firearm is used as a special means (to fire rounds or grenades containing chemical substances or preparations (which do not produce a destructive effect) or pain-causing elements).

2. A Service officer shall have the right to use a firearm against a person in the following cases:

1) when defending himself or other persons against a criminal encroachment initiated or posing an immediate threat to life or health;

2) in extraordinary situations;

3) when detaining a person suspected of a criminal act or having committed a criminal act who actively resists detention, a person who escaped from an imprisonment institution or during a convoy operation, also a person refusing to comply with a lawful demand to put down a weapon or another item which can be used to injure a person;

4) when repelling an attack on guarded objects, where an immediate hazard is posed to the officer' s or another person' s life;

5) when it is necessary to free hostages or to prevent an act of terrorism.

3. A Service officer shall have the right to use a firearm against a vehicle when detaining a person who escaped from an imprisonment institution or during a convoy operation, also when detaining a person suspected of a criminal act or having committed a criminal act who refuses to comply with the demand to stop as stated explicitly by the Service officer, where the continued driving of the vehicle by that person poses a threat to the Service officer' s or other persons' life or health.

4. A Service officer shall have the right to use a firearm against an animal where it poses a threat to the Service officer' s or other persons' life or health.

5. A Service officer shall have the right to use a firearm when entering premises and seeking to detain a person who escaped from an imprisonment institution or during a convoy operation or a person who is suspected of a criminal act or has committed it.

6. It shall be prohibited to use a firearm in public gathering places, where this may cause injuries in respect of accidental persons, also against women, minors and disabled persons, where their disability is evident, with the exception of the cases when such persons attack or offer armed resistance.

Article 15. Liability of a Service Officer

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1. A Service officer shall be personally liable for his actions, decisions and consequences thereof.

2. A Service officer who violate requirements of law in performing the duties assigned to him shall, depending on the nature of the violation and in accordance with the procedure laid down by laws and other legal acts, be subject to disciplinary, administrative, material or criminal liability.

3. A Service officer shall not be relieved of liability in execution of the knowingly unlawful order or instruction.

4. The damage caused to a natural or legal person by an unlawful act of a Service officer shall be compensated by the State in accordance with the procedure laid down by legal acts.

5. A Service officer who acted according to the powers granted to him by laws and other legal acts shall not be held liable for the damage caused when acting according to the powers granted by laws and other legal acts.

Article 16. Personal Security Guarantees of an Armed Service Officer

Article 16. Personal Security Guarantees of an Armed Service Officer

1. A Service officer shall have the right to take out a firearm from the

holster and to prepare it for use, where he believes that he may be forced to use it under specific circumstances.

2. A Service officer shall have the right to fire from a firearm not posing a threat to the valuables protected by law, where it is necessary to give an alarm signal, to call for help or to warn about a possible use of the firearm.

3. A Service officer shall have the right to use mental or physical coercion, special means, where a person being detained or detained is attempting to use coercion or is approaching the Service officer and does not comply with his demand to keep a specified distance or is attempting to seize the Service officer's firearm. Where the used means of coercion prove to be inefficient or it is impossible to use them because of the actions actively carried out by the person, whereas a delay poses a threat to the Service officer's life, the Service officer may use a firearm.

CHAPTER VI ORGANISATION OF ACTIVITIES OF THE SERVICE IN EXTRAORDINARY SITUATIONS AND EMERGENCIES

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Article 17. Organisation of Activities of the Service in Extraordinary Situations and Emergencies

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1. Service officers may be assigned to respond to an extraordinary situation or emergency only upon an order of the Minister of the Interior.

2. In an extraordinary situation or emergency, the Service officers assigned to the spot of the extraordinary situation or emergency (hereinafter referred to as "Service forces") shall be under immediate command of the head of the Service or a Service officer authorised by him (hereinafter referred to as the "commander of an operation").

Article 18. Command of Response to an Extraordinary Situation

Article 18. Command of Response to an Extraordinary Situation

1. The commander of an operation shall be in immediate command of the Service forces participating in response to an extraordinary situation. The commander of the operation shall establish the procedure for responding to the extraordinary situation, ways and means of the response as well as extent of action.
2. Instructions of the commander of an operation and other Service officers in an extraordinary situation shall be binding. When issuing instructions, the commander of the operation must take account of the sphere of competence and specific features of activities of the forces under his command. In the extraordinary situation, nobody may interfere with actions of the commander of the operation or other Service officers. Instructions of the commander of the operation may be cancelled only by the commander of the operation himself, the head of the Service or the Minister of the Interior.
3. Where in an extraordinary situation an immediate hazard is posed to people's health, life, property or environment, the commander of an operation may impose a temporary restriction on entry into a certain territory or premises, issue an instruction on the evacuation of the people present therein, suspension of works, disconnecting of electrical or other equipment and restriction or prohibition of vehicle traffic.
4. The commander of an operation shall be responsible for response to an extraordinary situation and for security of Service officers.

Article 19. Mobilisation of Service Forces in Emergencies

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Mobilisation of Service forces in emergencies shall be regulated by laws and other legal acts.

CHAPTER VII FINANCING, LOGISTICAL SUPPORT AND CONTROL OF ACTIVITIES OF THE SERVICE

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Article 20. Financing of the Service

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1. The Service shall be financed from the State budget of the Republic of Lithuania.
2. The Service may be also financed from other funds received in accordance with the procedure laid down by the legal acts.

Article 21. Control of Activities of the Service

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1. The activities of the Service shall be controlled by the Minister of the Interior and other state institutions and agencies in accordance with the procedure laid down by laws and other legal acts.
2. The rules of procedure of the Service shall be established by the head of the Service.
3. The internal control and internal audit of the Service shall be conducted in accordance with the procedure laid down by the Law on Internal Control and Internal Audit.

CHAPTER VIII FINAL PROVISIONS

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Article 22. Uniforms, Distinctive Insignia of Service Officers, Official Grades, Certificates of the Officers and Social Guarantees of the Officers

Article 22. Uniforms, Distinctive Insignia of Service Officers, Official Grades, Certificates of the Officers and Social Guarantees of the Officers

1. Upon the entry into force of this Law, Service officers shall wear the uniforms of internal service officers with distinctive insignia until a new uniform and distinctive insignia of Service officers as approved by the Government or an institution authorised by it is issued to them.
2. Service officers shall retain the grades granted to them prior to reorganisation of internal service units of the Ministry of the Interior.
3. Upon the entry into force of this Law, the internal service certificates of Service officers shall remain valid until their expiry date, but not longer than for one year.
4. Service officers shall be granted the social guarantees established by the Statute of the Internal Service.

Article 23. Recommendations to the Government

Article 23. Recommendations to the Government

Within 6 months of the entry into force of this Law, the Government shall:

- 1) reorganise the internal service units of the Ministry of the Interior into the Public Security Service under the Ministry of the Interior of the Republic of Lithuania;
- 2) approve or amend other legal acts required for the implementation of provisions of this Law.

I promulgate this Law passed by the Seimas of the Republic of Lithuania.

PRESIDENT OF THE REPUBLIC VALDAS ADAMKUS