

**LAW No. 04/L-076 ON POLICE**

**Assembly of Republic of Kosovo,**

Based on Article 65 (1) of the Constitution of the Republic of Kosovo;

Approves:

**LAW ON POLICE**

**CHAPTER I  
GENERAL PROVISIONS**

**Article 1  
Objective**

This law regulates the authorizations and duties of Police of the Republic of Kosovo, its organization and other issues related to activities and actions of the Police of the Republic of Kosovo.

**Article 2  
Guiding Principles**

1. The actions of the Kosovo Republic Police shall be guided by the following principles:

- 1.1. fair and equal treatment of all persons;
- 1.2. respect for human rights and fundamental freedoms;
- 1.3. neutrality and impartiality regarding persons' political views and affiliations;
- 1.4. integrity, honesty and accountability in public service;
- 1.5. transparency - providing information to the public and being open to public;
- 1.6. legitimacy, suitability and proportionality;
- 1.7. commitment to employment, advancement and assignment of duties in comprehensive, merit-based and non-discriminatory manner, by reflecting the multi-ethnic character of Republic of Kosovo and by recognizing the principles of gender equality and human rights foreseen by the Constitution.

2. Police officers shall exercise their authorizations and perform their duties in a lawful manner, based on the Constitution, on other applicable laws, and in the Code of Ethics compiled by the Police of Republic of Kosovo and approved by the Ministry of Internal Affairs.

3. The Code of Ethics should be in accordance with the above mentioned principles and with the European Code of Police Ethics.

### **Article 3 Definitions**

1. Terms used in this Law shall have the following meaning:

1.1. **Commission** – commission established by the Minister of Internal Affairs for selection of General Director of Police and Deputy General Directors of Police;

1.2. **Civilian Staff** – police staff members who are employed to perform administrative or support services, but who do not have police authorizations;

1.3. **Directors of Departments** – Directors of Departments who lead one of the certain fields on the central level of Police of the Republic of Kosovo;

1.4. **Deputy General Directors** - the Deputy General Directors of Police of the Republic of Kosovo;

1.5. **General Director**- the General Director of the Police of the Republic of Kosovo;

1.6. **Inspectorate** - the Police Inspectorate of the Republic of Kosovo established by the Law on the Police Inspectorate;

1.7. **Legitimate Police Objective** - an objective that the Police shall pursue in the performance of its functions and which is consistent with constitution and with the applicable law;

1.8. **Minister** - the Minister of the Ministry of Internal Affairs;

1.9. **Ministry** - the Ministry of Internal Affairs;

1.10. **Police** - the Police of the Republic of Kosovo;

1.11. **Police Officer** - an officer under oath of the Police of the Republic of Kosovo to whom it is given the authority to exercise Police Powers in the performance of his/ her duties;

1.12. **Police Powers** - the power of a Police Officer to impose reasonable control over people and property within his/her jurisdiction to protect the public order and safety;

1.13. **Regional Director** - any Regional Director of the Police of the Republic of Kosovo including the Regional Director of Border Police;

1.14. **Municipal Safety Council** - a Municipal Community Safety Council established in each municipality of the Republic of Kosovo; and

1.15. **Local Safety Committee** - a Local Public Safety Committee established by the General Director in a local community within a municipality of the Republic of Kosovo.

### **Article 4 Police Status**

1. With this law, Police of the Republic of Kosovo is public service within the scope of the Ministry of Internal Affairs.

2. The Police is a legal entity.
3. The Police shall operate through unified chain of command throughout the territory of the Republic of Kosovo.
4. The Police have its own uniform, flag and symbol, which shall be approved by the Government with the proposal of the Minister.

**Article 5**  
**Relationship between the Police and the Ministry**

1. The Police shall function under the authority of the Minister of the Ministry of Internal Affairs and under the control and supervision of the General Director of the Police. The Minister's authority does not include the operational management of the Police. The General Director shall report and shall be directly accountable to the Minister for Administration and Management of the Police. The General Director cooperates with the Minister and provides him/her with information and reports according to the manner determined by the law.

2. In the field of public order and safety, the Minister has the following rights;

- 2.1. to develop policies and to support the preparation and implementation of legislation;
- 2.2. to oversee coordination between the Police and other public authorities with respect to border crossing control;
- 2.3. to oversee coordination between the Police and other agencies, international responsible organizations in the field of public order and safety;
- 2.4. to develop and implement strategies on public relations and relations with other responsible public bodies in the field of public order and safety;
- 2.5. to collect, maintain and analyze statistical data and information; and
- 2.6. to perform functions related to preparations for emergency cases, as it is defined by this law and applicable laws.

**Article 6**  
**Relationship between Police, Public Prosecutors and the Court**

1. The Police shall apply the orders and instructions lawfully issued by a public prosecutor or competent judge.
2. The Police shall cooperate and report to the competent public prosecutor's office for information related to alleged criminal activity, for which the Police is notified, in accordance with the applicable law.

**Article 7**  
**Cooperation with Community**

1. The Police shall communicate and cooperate with local governmental authorities, civic organizations, and local communities for the purpose of preventing and combating crime and enhancing the safety of all communities in Republic of Kosova.
2. The Police shall cooperate with community, whereas the station commander and other police representatives shall participate on the Municipal Council for Community Safety, established in each municipality.

3. The Safety Council is an advisory body chaired by the Municipal major and with membership representing all communities within the municipality.

4. The purpose of the Safety Council is to develop awareness related to the nature of crime, disorder and violent behaviour in the local community, to identify the concerns regarding public safety and security and to recommend action plans, to address those concerns through the cooperative efforts of municipal authorities, local communities and the Police.

5. The General Director is authorised to establish a Public Safety Community, as an advisory body within any specific area in each municipality which is in the best interests for effective work of community Police.

### **Article 8 Cooperation with Central and Local Government Institutions**

1. The Police shall cooperate with institutions of the central government of Republic of Kosova that are responsible in the security field. Such cooperation may be regulated with sub-legal acts of the Government and understanding memorandums approved by the Minister.

2. Upon the request of central or local governmental institutions, the Police is authorized to provide assistance to them in the performance of their public duties when there is a reason to believe that the safety of the person or persons performing the public duties could be at risk because of possible resistance to their actions.

### **Article 9 International Cooperation**

1. The Police shall cooperate with international police organizations and other foreign institutions, in accordance with applicable law or with international agreements.

2. The Police may deploy Police Officers for an interim service period to another international police organization for the purpose of performing police duties abroad, in accordance with the applicable law or by international agreements.

## **CHAPTER II POLICE DUTIES AND POWERS**

### **Article 10 General Duties and Powers of the Police**

1. The Police shall have the following general duties:

- 1.1. to protect the life, property and offer safety for all people;
- 1.2. to protect the human rights and fundamental freedoms of all citizens;
- 1.3. to prevent the risk to citizens and maintain the public order and safety;
- 1.4. detect and prevent criminal acts and offenders;
- 1.5. to investigate criminal acts and offenders;
- 1.6. to supervise and control for traffic safety;

- 1.7. to manage and control the state border;
- 1.8. to provide assistance during natural disasters and other emergencies; and
- 1.9. to perform other duties as assigned by applicable law.

### **Article 11 Police Powers**

1. During the performance of police duties, a Police Officer has power to impose reasonable control on people and property within his/her jurisdiction and power to issue and enforce lawful orders and instructions for members of society in general to achieve legitimate police objectives.
2. The powers mentioned in this law describe the general powers and limitations of a police officer when performing duties related to prevention of the risk and maintenance of public order and safety. The powers and limitations of a Police Officer during performance of duties related to criminal investigation generally are described by other laws including, but not limited to, the Criminal Procedure Code of Republic of Kosova.
3. In fulfilling their police duties, Police Officers have power to patrol the border, control transborder traffic, examine border crossing documents, enter onto private property along the border, except that they may not enter into private residences but may enter into railway stations, airports, trains and airplanes. The Police has the right to meet a property owner or require a property owner along the border to have a boundary path and to have gates in fences to provide access to the property for Police Officers on patrol.
4. The Police shall provide security and protection to religious and cultural heritage sites in Republic of Kosova.
5. Police officer exercises police powers off duty in accordance with the law.

### **Article 12 Suitability and Proportionality**

1. A Police Officer shall apply the principles of suitability and proportionality as a limitation on the exercise of police powers.
2. When preventive measures are taken to restrict a person's freedom, a Police Officer should use discretion, taking into account the degree of danger and the seriousness of any criminal conduct in the situation, to determine the degree to which a person's freedom will be restricted, in accordance with the law.
3. Police Powers shall be exercised only when it is necessary and only to the extent required to achieve legitimate police objectives with the least harmful consequences in the shortest possible time.

### **Article 13 Police Officer's Duty to Obey Lawful Orders and Refuse Unlawful Orders**

1. A Police Officer has as a duty to obey lawful orders issued by his/her superior.
2. A Police Officer shall have a duty to refuse orders when they are unlawful and to report such orders immediately, in accordance with sub-legal acts.
3. A Police Officer shall not inflict, instigate, support or tolerate any torture act or inhuman or degrading treatment under any circumstances, and no issued order can justify any such action.

**Article 14**  
**Police Officer Introduction**

1. Prior to exercising police powers, a police officer shall inform persons of his/her status as a Police Officer, and, if not in uniform, should present his/her police identification card or badge.
2. A Police Officer will be introduced later in cases of life risk, property or the achievement of a legitimate police objective.

**Article 15**  
**Receiving Information on Criminal Acts and Other Violations of Law**

1. A Police Officer has a duty to receive data offered by persons about the commission of any criminal act or of any other violation of the law that is relevant to the work and the competences of the Police.
2. When the Police determines that the reported act does not constitute a criminal act or if it is a criminal act which is subject only to private prosecution, the police officer should notify the person who made the report and the injured party, if any.
3. Information on criminal acts shall be transmitted to the office of the competent Public Prosecutor in compliance to the Criminal Procedure Code.

**Article 16**  
**Identification of Persons and Items**

1. A Police Officer has power to identify other person only when:
  - 1.1. there is a reasonable suspicion that the person has committed, is committing, or will commit a criminal act;
  - 1.2. there is a reasonable suspicion that the person poses a danger to persons or property or is causing a disturbance;
  - 1.3. the person is in an area where a criminal act was committed, is being committed or it will be committed, or in an area where the suspect is hiding;
  - 1.4. the person is in a prohibited location according to the applicable law;
  - 1.5. the person is at the scene of a criminal act, in a restricted area, or at the border;
  - 1.6. the person should be arrested or detained;
  - 1.7. it is authorized to undertake such an action according to any applicable law.
2. In accordance with paragraph 1. of this Article, a Police Officer has power to stop a person, inquire about his/her identity and demand some form of valid identification document with a photo. The Police Officer shall indicate to the person the reason for establishing his/her identity. When a person is uncooperative and other measures fail to establish identity, the Police Officer may take the person into custody, following procedures set forth in applicable law, in order to establish the person's identity.
3. Such custody shall last only for the time strictly necessary to complete the identification, and in no event shall exceed six (6) hours. The Police Officer shall write a report on the identification

procedure, and shall give a copy of the report to the person taken into custody, if he/she is requested to do so.

4. A Police Officer has power to establish or verify the identity of an item. This power may be exercised when it is necessary to determine the item's value, characteristics or ownership or to establish a link between the item and a particular person, event or action. The Police has power to publish a photograph, sketch, recording, or description of an item, if there is reasonable belief that it will aid in the establishment of identification item.

#### **Article 17 Police calls**

1. A Police Officer may summon a person to provide information if there is reasonable justification to believe that a certain person possesses information necessary for the achievement of a legitimate police objective. Response to such inquiries is voluntary on the part of the person receiving the summon.

2. A Police Officer has power to call verbally a certain person for a police interview if there is reasonable justification to believe that the person possesses information necessary for the achievement of a legitimate police objective.

3. The Police officer should notify the person related to the reason for the summons and if the person consents, the Police Officer may escort the person to the police facilities. In urgent cases, when a delay would pose a danger or if many people are being summoned, a summons can be issued by means of public media.

4. A Police Officer has power to issue a written police summon to a person for a police interview if there is reasonable justification to believe that the person possesses information necessary for the achievement of a legitimate police objective. The summons shall include the title, the place and address of the Police organization requesting the person's presence, the reason for the summons, the place and time where the summoned person should appear.

5. A police interview of a minor in response to a summons shall be conducted only after a parent or guardian has signed the summons to give permission and only in the presence of a parent or guardian. Response to a written police summons is voluntary on the part of the person summoned.

6. A Police Officer shall issue a summons to appear for a police interview only during daily working hours, except when any delay in issuing the summons would endanger persons, property, or the achievement of a legitimate police objective.

7. Only when there is a court order and only in accordance with the applicable law, a Police Officer may use force to take a summoned person into custody and bring the person to the police station or any other location. If force is used in such cases, the person summoned shall be informed, in a language he or she understands, of the rights to remain silent, to consult a lawyer and to contact a family member or other trusted person, as provided in the Code of Criminal Procedure.

#### **Article 18 Temporary restriction of freedom of movement**

1. A Police Officer has the power to restrict temporarily a person's freedom of movement within a specific area or to redirect a person's movements away from a specific area, in order to secure the specific area for a legitimate police objective or to protect persons from a temporary danger.

2. Legitimate police objectives include, but are not limited to, protecting persons from disasters, epidemics, and other cases of imminent danger.
3. The temporary restriction of a person's freedom of movement shall conclude immediately when the legitimate police objective of the temporary restriction has been achieved.

### **Article 19 Warnings and Orders**

1. A Police Officer has power to issue verbal, written, visual or other warnings to any person who is posing a danger to personal or public safety, posing a danger to public or private property, disturbing the public law and order, posing a danger to traffic safety, or is reasonably suspected to be committing or preparing to commit a criminal act or to be forcing another person to commit a criminal act.
2. A Police Officer also has power to issue orders to such persons either to stop their actions or to take such other actions as the Police Officer may reasonably require.
3. Warnings and orders may be issued in order to achieve any legitimate police objective including, but not limited to the terms of Article 11 of this law.

### **Article 20 Temporary Police Custody**

1. A Police Officer has power to take a person into temporary custody when it is necessary to:
  - 1.1. protect the person from harm or danger, especially when the person is in a helpless condition; or
  - 1.2. to identify the person or to restrict the movement of the person as authorized by law, when the person is uncooperative with lesser measures.
2. Temporary police custody shall continue as long as necessary for the achievement of the legitimate police objective, but no longer than six (6) hours, excluding circumstances when the person is still in a helpless condition, but no longer than additional six (6) hours.
3. Temporary police custody, in accordance with subparagraph 1. 2. of paragraph 1 of this Article, may last up to twenty four (24) hours, within this time the police is obliged to inform a competent Public Prosecutor, in accordance with the Penal Procedure Code.
4. A person in temporary police custody pursuant to this Article shall not be held together with prisoners or persons arrested and detained, or shall not be held together with persons of opposite gender, minors, unless if he/she is a minor.
5. The person taken into temporary custody shall be informed of the reason for custody, and shall be given an opportunity to notify any family member, protector, any respective institution, or other trusted person.
6. If the person taken into custody is incapable to act, the Police Officer shall attempt to notify a family member or other trusted person, unless such notification would be against the interests of the person in custody.

**Article 21**  
**Temporary Sequestration of Items**

1. A Police Officer has power to temporarily sequester an item in order to prevent an imminent danger to persons or property, to protect the owner or lawful possessor from loss or damage of the item, or, in accordance with applicable law, to maintain the item in safekeeping for a person taken into police custody. If known, the owner or lawful possessor of the item shall be informed of the purpose of the temporary sequestration, and shall be given a receipt for the item.
2. The sequestered item shall be held by the Police only as long as necessary for the achievement of the legitimate police objective for which it was seized and, in any event, but not more than ten (10) days, and thereafter shall be returned to the owner or lawful possessor as soon as possible.
3. The limitations set forth in the Criminal Procedure Code of Republic of Kosovo shall apply to temporary sequestration in accordance with this Article.

**Article 22**  
**Preventive Search**

1. A Police Officer is authorized to perform a search by his/her own initiative in order to prevent immediate risk against public order, life and property, preventive search of persons, objects, premises and certain spaces, when there is a grounded suspicion that committed activities may endanger life or property in accordance with the limitations within the Criminal Procedure Code of Republic of Kosovo.
2. The preventive search, within the meaning of this Article, is implemented in order to remove weapons, or other items that may represent inevitable risk for life or property, or to prevent activities that may represent an inevitable risk for life or property. The search may include the use of technical or other equipments to discover explosive, chemical, biological or radioactive materials.
3. After the search exercising, the Police Officer shall compile a report and within forty eight (48) hours to forward it to the Public Prosecutor, competent to the searched area. A copy of the report should be delivered to the owner, property possessor or searched person. The persons searched by Police have the right to make an appeal to the competent court, of jurisdiction where Police organization is situated, if they feel that they have been searched unfairly by Police and in contradiction to the law.

**Article 23**  
**Stopping and Control Conveyance**

1. While performing his/her duties that are foreseen with the laws in force, a police officer is authorized to give orders, stop and control vehicles, in compliance with the Criminal Procedure Code of Kosovo.
2. Based on reasonable suspicion, a police officer is authorized to control a vehicle if:
  - 2.1. a motor vehicle was used in a commission of a criminal act, or the vehicle is related to a criminal act;
  - 2.2. searching for wanted persons, firearms, ammunition, explosives, drugs or precursors, dangerous material or Articles connected with criminal activities.

**Article 24**  
**Security and crime scene or accident investigation**

1. A Police Officer has the power to secure and inspect the scene of a criminal act or accident awaiting the arrival of a competent authority in order to find and secure evidence, find the perpetrator, and gather information about the criminal act or accident.
2. In order to protect the victims of a criminal act or an accident, a Police Officer has power to prohibit the video or audio recording, within the perimeter of security, of the scene of a criminal act or accidents.

**Article 25**  
**Preventive Surveillance of a Public Place**

1. The Police has power to set-up preventive surveillance of a public place, using video and audio recording equipment and photographic equipment to survey public places where criminal acts have been committed often in the past, or where there is reasonable justification to believe that public surveillance will reduce the risk of criminal acts and improve public safety in the future, in accordance with Penal Procedure Code.
2. The Police have power to use video and audio recording and photography to observe and collect information at a public gathering when there is reasonable justification to believe that the public gathering will endanger persons or property.
3. Before undertaking preventive surveillance pursuant to this Article, the Police shall inform the public of its intent and its reasons for doing so, unless this might compromise the purpose and the outcome of the surveillance.
4. Video and audio recordings resulting from preventive surveillance shall be retained no longer than thirty (30) days after the date of recording except when it is determined after inspection that the recordings contain evidence of criminal activities. Such recordings may be retained longer only in specific cases, as provided by applicable law.

**Article 26**  
**Use of Force**

1. A Police Officer has the power to exercise the use of force only when strictly necessary and only to the extent required to achieve a legitimate police objective.
2. A Police Officer may use force to protect a person's life, to prevent an attack, to prevent a criminal act, to prevent the flight of a perpetrator, or, when other measures are not successful, to achieve another legitimate police objective.
3. The Police Officer shall use his/her discretion to determine the type of force suitable and the limits on the use of force. The Police Officer shall take into account the specific circumstances, the nature of the criminal act, the degree of danger to other persons who are present and the physical, mental and emotional condition of the person against whom the force is to be used.
4. When using force, the Police Officer shall attempt to minimize the intrusion into a person's rights and freedoms and to minimize any detrimental consequences.
5. Use of force, as the term is used in this law, includes, but is not limited to the use of: physical force, a baton, pepper spray, handcuffing, means for stopping a motor vehicle, a police dog, chemical repellents for temporal disability, a police horse, firearms, water cannons, special vehicles and special types of weapons and explosive devices.

**Article 27**  
**Use of Firearms**

1. A Police Officer is authorized to possess and carry an official firearm issued by the Police. A Police Officer is authorized to use a firearm only when strictly necessary and only up to the level intended to achieve the legitimate police objective, and only when its use is proportional to the degree of danger and to the seriousness of the offence in the situation and only if it is considered that with the use of smaller force means the legitimate police objective shall not be achieved.
2. A Police Officer is authorized to use a firearm against a person only when less extreme means are insufficient to:
  - 2.1. defend the Police Officer's own life or the life of another person from an imminent attack;
  - 2.2. prevent the imminent commission or continuation of a criminal offense involving grave threat to life;
  - 2.3. arrest a person presenting an imminent threat to the life of other persons and who is resisting orders lawfully issued by the Police Officer; and
  - 2.4. prevent the escape of a person presenting an imminent threat to the life of other persons and who is resisting orders lawfully issued by the Police Officer.
3. Before using a firearm, a Police Officer shall issue a verbal warning, identifies himself/ herself as a Police Officer, ordering the person to stop, and warning that he/she will shoot if the person does not stop.
4. As an exceptional measure in exigent circumstances, a Police Officer may withhold the warning if issuing it would place the Police Officer or other persons in imminent danger of serious harm.
5. A Police Officer is authorized to use a firearm against animals when they pose a danger to the health or safety of any person or because of the risk of the attack.

**Article 28**  
**The use of a third person's property in urgent circumstances**

1. A Police Officer has power to temporarily take or use any property, including, but not limited to, means of transportation or communication or protection, in the possession of any citizen, but only when it is necessary to prevent imminent danger to persons or property or to achieve another urgent police objective that requires immediate action.
2. Property taken must be returned to the person from whom it was taken as soon as it is no longer needed to achieve the urgent police objective for which it was taken and, in any event, no later than twenty four (24) hours after it was taken. The Police shall reimburse the owner or possessor for any expenses or damages incurred while using the property.

**Article 29**  
**Confidential Sources of Information**

1. A Police Officer shall receive and evaluate all information received from anonymous individuals that is relevant to performing police duties and achieving legitimate police objectives.
2. A Police Officer may establish confidential, cooperative relationships with persons in order to receive information that are relevant in performing police duties and achieving legitimate police objectives.

3. A Police Officer shall protect the confidentiality of such cooperative relationships and the information received until the legal obligation to maintain confidentiality is fulfilled.

### **Article 30 Public Announcement of Reward**

1. The Police have power to offer rewards for relevant given information to perform police duties and achieve legitimate police objectives. Such offers of reward shall be announced publicly in newspapers, radio, television or other appropriate media or other means.

2. Such a reward may be paid only if the information received was not already in the possession of the Police and only if receipt of the information leads to the achievement of the legitimate police objective for which the information was sought.

### **Article 31 Collection, Retention, Processing, Analysis, Use and Deletion of Data**

1. The Police have power to collect and retain personal data, crime data and other data. Personal data are data relating to an identified or identifiable natural person including, but not limited to, name, birth date, birth place, and places of residence. Crime data are data relating to specific criminal acts including, but not limited to, the type of criminal act, the time and location of its commission, the methods and means used in its commission, any injuries to persons or damage to property resulting from the criminal act, and the motive for the criminal act.

2. The collection, retention, use and transfer of personal data shall be performed in accordance with the Law on Protection of personal Data.

3. The Police shall collect and retain personal data and crime data only for analysis and use in protecting public order and safety, in the detection and prevention of criminal acts, in identifying, locating and catching the perpetrators of criminal acts, and in achieving other legitimate police objectives.

4. The Police shall retain personal data only to the extent that there is reasonable justification to believe that the retention of the information will aid in achieving legitimate police objectives. Reasonable limits on the types of information retained, the length of time personal data may be retained in Police records, and other matters related to the collection, retention and use of data shall be established by subsidiary legal acts issued in accordance to the applicable law or international agreements.

5. The Police shall not collect and retain information and personal data about persons for the purpose of maintaining records regarding political, religious or philosophical beliefs or affiliations.

6. A Police Officer shall have the duty to maintain the confidentiality of all personal data and crime data that he or she obtains in the performance of police duties except when release of data is authorized by law and necessary to achieve a legitimate police objective.

7. The Police shall provide competent supervision of the information systems where Police records are retained for the purpose of protecting the personal data in conformity with the applicable law that regulates the protection of personal data.

8. Numerical data regarding criminal acts, perpetrators, victims or other crime-related or public safety-related categories may be used for statistical and analytical purposes by the Police or the Ministry. Such data may also be made available for use by competent professional or academic research authorities.

9. Personal data may be submitted to foreign or international police organizations based on the law in force.

10. The Police shall provide, at the request of any person, any personal data retained by the Police regarding the person making the request, except when providing the data could harm a pending investigation or when the interests for confidentiality of another person or the public outweigh the interests for disclosure of the person making the request. Upon discovery that personal data retained in its records is incorrect, the Police shall either correct or remove the personal data.

### **CHAPTER III ORGANIZATION OF POLICE OF THE REPUBLIC OF KOSOVA**

#### **Article 32 Organization of the Police of Republic of Kosova**

1. Police shall be organized in central and local levels. The General Police Directorate shall be the central headquarters responsible for all of Kosova. The local level shall include the Regional Police Directorates, responsible for regions comprising specified municipalities, Police Stations, which shall be responsible for local policing within each municipality, and police substations, if any, responsible for local policing within specific areas of a municipality.

2. The territorial jurisdiction of each Regional Directorate shall be established by the General Director. The territorial jurisdiction of each Police Station shall be coterminous with the municipality in which it is located. The territorial jurisdiction of any Police substation shall be established by the General Director.

3. The internal organizational structure of Police of the Republic of Kosova shall be established by the General Director, subject to approval by the Minister. The General Director may also establish, subject to the approval of the Minister, police units to perform specific, temporary duties.

4. With the purpose of border management and control, besides police stations located in each municipality, there shall also be established border police stations under the authority and jurisdiction of Regional Directorate of Border Police.

#### **Article 33 The General Police Directorate**

1. The General Police Directorate shall be directed by the General Director and is comprised of departments, according to the specific fields.

2. The General Police Directorate shall have the following duties and responsibilities:

2.1. to support the General Director in the performance of his/her duties;

2.2. to supervise effectiveness of the Regional Police Directorates;

2.3. to manage, observe, analyze and evaluate the overall security situation;

2.4. to lead police operations in extraordinary or exigent circumstances;

2.5. to coordinate development and implementation of strategies for prevention and reduction of crime, for restoration and maintenance of public order and safety, and to secure and control the border;

2.6. to coordinate administrative functions of the Police, including, but not limited to, maintenance of police data and telecommunications systems, recruitment, training and

education of police personnel, management of budget and financial matters, procurement and management of police assets and facilities;

2.7. to cooperate with international organizations and to coordinate implementation of international agreements related to police activities; and

2.8. to perform other functions as assigned by law, or by lawful rule, instructions or orders.

3. The General Police Directorate of the Republic of Kosova shall be located in Prishtina.

#### **Article 34 The Regional Police Directorates**

1. In order to manage police operations effectively, the Police of Republic of Kosova shall be divided into regions which, wherever possible, shall be coterminous with the boundaries of judicial districts.

2. In establishing the territorial jurisdictions of the Regional Directorates, consideration shall be given to factors such as, but not limited to, the size of the region, the number of inhabitants, the level of crime, geographical position, and significant buildings, roads and other infrastructure.

3. Regional Directorate's functions shall include, but not be limited to, the following:

3.1. to perform functions and duties assigned by law, instruction or order of the General Police Directorate;

3.2. to support and supervise police effectiveness within the region where they serve; and

3.3. to coordinate various duties that may be assigned by the General Directorate, such as professional education and training for Police Officers and staff or administrative duties related to finances, facilities and equipment.

#### **Article 35 The Local Police Stations**

1. Police Stations shall be established in every municipality, and the territorial jurisdiction of the Police Station shall be coterminous with the municipal boundaries, as determined by law.

2. Police Stations shall perform police duties within their municipal jurisdictions. Each Police Station shall be headed by a Station Commander.

3. The Regional Director may propose for approval to the General Director, the establishment of police substations, other organizational units within Police Stations.

4. The ethnic composition of the Police Officers assigned within a municipality shall, to the extent possible, reflect the ethnic composition of the population within the municipality.

5. Before any operations conducted by central or special police forces within the territorial jurisdiction of a Police Station, the Station Commander shall be informed by the General Director, the Regional Police Director, or other Police officer conducting the special operations, unless operational conditions require otherwise.

**Article 36**  
**Establishment of Police Reserves**

1. The General Police Director may establish, subject to the approval of the Minister, police reserves to assist the Police with special security operations. The police reserves shall consist of volunteers who have signed a contract with the Police to be a member of the reserves and are qualified and trained to perform police duties.
2. Members of the police reserves may be engaged by the General Director, subject to the approval of the Minister. Operational management of Police reserves is exclusive right of the General Police Director. Police reserves may be engaged in combination with regular Police Officers in extraordinary or exigent circumstances such as: a significant public emergency, an emergency response to terrorist attack, a major public disturbance or disorder, an emergency response to danger caused by natural and other disasters.

**CHAPTER IV**  
**SENIOR MANAGEMENT OF THE POLICE**

**Article 37**  
**Commission for selection of the General Director and the Deputy General Directors of Police**

1. Candidates for the position of the General Director and Deputy General Director/s of the Police will be selected and nominated by the Commission which will be established by the Minister.
2. The General Director of the Police and the Deputy General Directors of the Police, shall be appointed for a period of five (5) years, with the possibility of renewal after every five (5) years, from the appointing authority.
3. If the mandate of the General Director and Deputy General Directors of Police ends in the calendar year of general elections, then his/her mandate will be extended automatically for one (1) year after certification of the elections.
4. The Commission proposes to the Minister the candidates for appointment in the position of General Director of Police, whereas the Minister in one of the Government's meetings proposes to the Government the candidate for this position whereas the Government recommends to the Prime Minister the candidate for General Director of Police. The General Director of Police is appointed by the Prime Minister.
5. The Commission shall propose to the General Director of Police, the candidates for appointment in the position of Deputy General Directors of Police, whereas the General Director of Police recommends to the Minister candidates for Deputy General Directors. The Deputy General Directors are appointed by the Minister.
6. Directors of Departments should be selected by General Director based on internal procedures of Police of the Republic of Kosovo.
7. The General Director of Police is responsible to lead, control and supervise the Police, to manage and to allocate the budget of the Police in compliance with the strategic objectives and aims set by the Minister.
8. Establishment, composition and procedure of commission is regulated by a sub legal act issued by the Minister.

**Article 38**  
**Criteria for Selection and Appointment of the General Director and the Deputy General Directors**

1. The criteria for selecting and appointing the General Director and the Deputy General Directors are:

- 1.1. to hold the citizenship of the Republic of Kosovo;
- 1.2. to be graduated from one of the accepted universities or to have a nostrificated diploma in fields related to police, justice or public administration;
- 1.3. to have the police rank colonel, lieutenant colonel or major, at least five (5) years;
- 1.4. not to have been convicted of a criminal offence by a final decision;
- 1.5. not to have been punished for serious discipline violations according to the discipline regulation of police or the regulation of other state institutions within last ten (10) years period that is equivalent with the violations that are defined in the disciplinary regulation of the Kosovo Police;
- 1.6. not to have a conflict of interest with the position or as foreseen in the Law on Preventing Conflict of Interest in Exercising Public Function.

2. Every candidate who applies for the position of the General Director or Deputy General Directors will be subject to security verification according to the applicable law.

**Article 39**  
**Release or dismissal from duty of the General Director and of Deputy General Directors**

1. General Director or Deputy Directors are released or dismissed from the duty by the appointing authority, for one of the following reasons:

- 1.1. is convicted of a criminal offence;
- 1.2. reaches retirement age;
- 1.3. resigns;
- 1.4. due to the incapability to exercise the duty for a period of time no longer than six (6) months;
- 1.5. due to termination of his mandate;
- 1.6. due to poor documented performance.

2. When there is a reasonable suspicion to believe that the General Director of Police, has committed a criminal act or for any reason set forth in paragraph 1. of this Article, the Minister may immediately suspend the General Director and present the facts for the suspension to the Prime Minister. The Prime Minister shall decide on extending or terminating the suspension.

3. In case of release, dismissal or suspension of General Director, Prime Minister shall immediately appoint one of the Deputy General Directors as acting General Director.

**Article 40**  
**Regional Police Directors**

Regional Police Directors shall be appointed by the General Director based on the standard of ranks, positions and description of working places in Police.

**Article 41**  
**Police Station Commanders**

Police Station Commanders shall be appointed from the General Director based on the internal procedures of the Police.

**Article 42**  
**Special Selection of Station Commanders**

1. In municipalities where Serbian community is the largest ethnic community, Commanders of Police Stations and Commanders of substations shall be appointed by the Ministry of Internal Affairs with the proposal of Municipal Assembly and the General Director pursuant to provisions of this Article.

2. When the position of the Station Commander or of the substation commander becomes vacant, the General Director will send a written request to the Municipal Assembly of the municipality in which is located the Police Station or substation in question. Along with the request, General Director will submit also a list with all candidates eligible for the post. The General Director will require from the Municipal Assembly to recommend at least two (2) candidates who meet the minimum criteria for position from the list. Within fifteen (15) days of receiving the request the Municipal Assembly will recommend at least two (2) candidates from this list to the General Director and may rank them in order of preference. Within fifteen (15) days after receiving the recommendations, the General Director will forward the names of all candidates recommended by the Municipal Assembly to the Ministry of Internal Affairs. The General Director may indicate his preference for the names recommended by the Municipal Assembly. The Ministry of Internal Affairs will appoint a candidate from the recommended names within fifteen (15) days upon receipt of the list, unless the provisions of paragraph 3. of this Article apply.

3. If none of the recommended candidates is acceptable to the Ministry of Internal Affairs, it will inform the General Director without delay. Within seven (7) days after the notification for this rejection the General Director will notify the Municipal Assembly in writing and will require from them at least two (2) additional recommendations for the position. Within fifteen (15) days after receiving this request the Municipal Assembly will recommend at least two (2) new names from the list of all eligible candidates provided by the General Director. The Municipal Assembly may rank the recommended candidates in order of preference. Within fifteen (15) days of receipt of recommendations, the General Director will forward names of all candidates recommended by the Municipal Assembly to the Ministry of Internal Affairs. The General Director may indicate his preference from the names recommended by the Municipal Assembly. Ministry of Internal Affairs should appoint one candidate from the recommended names within fifteen (15) days from the day of the receipt of the list.

4. If within fifteen (15) days after receipt of the written request by the General Director, the Municipal Assembly does not provide recommendations as required by this Article, the General Director is authorized to submit to the Ministry the list of all candidates eligible for the position of the Station Commander or substation commander without recommendations of the Municipal Assembly. Within fifteen (15) days from the day of submission of the list to the Ministry, the General Director will inform the Municipal Assembly that the complete list has been submitted to the Ministry for appointment of the candidate. The Ministry shall appoint one of the candidates

from this list. During the appointment process the Ministry must have into consideration the needs and concerns of the local communities regarding the police services.

5. Except the procedure of appointment of Station and Substation commanders provided in this Article, for all other issues shall be applied regular provisions foreseen by this law and other sub legal acts.

**Article 43**  
**Disciplinary Procedures for police personnel**

1. All disciplinary offences involving Kosovo Police personnel, except the cases foreseen by the Law on Police Inspectorate shall be investigated and decided by the Kosovo Police.
2. Disciplinary violations, measures and procedures are regulated by a sub legal act.

**CHAPTER V**  
**THE EMPLOYMENT RELATIONSHIP**

**Article 44**  
**Employment of Police Personnel**

1. The Police of the Republic of Kosovo shall employ three (3) categories of police personnel:
  - 1.1. police officers who take an oath and have authority to exercise and to perform authorizations and police duties;
  - 1.2. civil personnel that is employed to perform administrative and support services, but who do not have authority to exercise police authorizations.
  - 1.3. police cadet
2. Work relation for Police personnel is regulated by a sub legal act.

**Article 45**  
**Ranks and Assignments of Police Officers**

1. The ranking system for police officers is in accordance to the following ranks:
  - 1.1. junior police officer;
  - 1.2. police officer;
  - 1.3. senior police officer;
  - 1.4. sergeant;
  - 1.5. lieutenant;
  - 1.6. captain;
  - 1.7. major;
  - 1.8. lieutenant colonel;
  - 1.9. colonel;

2. Police officers appointed in the position of General Director and Deputy General Director/s upon completion of the mandate shall regain the previous rank that they had before their appointment in such positions.

#### **Article 46**

##### **The Rights and restrictions of police personnel**

1. Police officers shall enjoy the same civil and political rights as other citizens, being subject only to restrictions in this Law deemed necessary for the effective exercise of their police powers and duties in the democratic society.

2. Police officers shall enjoy the same social and economic rights as other public servants, such as the rights to organize or to participate in representative organizations and to receive appropriate remuneration, social insurance, legal aid, health and other benefits for their work.

3. Police officers shall not have the right to strike, but are entitled to express their dissatisfaction through protests organized and lead by their representative bodies.

#### **Article 47**

##### **Salary and Compensation for police personnel**

1. The compensation for police officers has into consideration special conditions under which they perform their duties. Basic salary of police officers shall vary based on including factors, but is not limited only to the rank and the length of service.

2. In addition to basic salary, police officers may lawfully receive various types of salary supplements, compensations and benefits. Such supplemental payments are based on factors including, but not limited to, only in hazardous duties, work under pressure, overtime work, work with shifts, work during holidays or other days that are days on leave, assignment in special works and for special skills.

3. Supplemental payments may include, but are not limited in compensation work hazardous work, work under pressure, compensation work schedule with shifts, and payments for assignment in special works. Benefits may include, but are not limited to, medical and health expenses, expenses for professional and technical training, living expenses for temporary transfer, paid leave, compensation in cases of death, and pension benefits.

4. The basic salaries and any authorized supplemental payment shall be determined and paid in accordance with procedures defined in relevant applicable law and sub legal acts. The General Director, with the approval of the Minister may include in the annual budget of the Police the proposal for the amounts that are needed to be used for the payment of any supplemental payments authorized by law.

5. Except invalid pension enjoyed based on the applicable law, police officers who become invalid while performing their duty or in the line of duty shall be eligible to invalid pension with 20% of gross salary.

#### **Article 48**

##### **Compensation for Death in the Line of Duty**

1. The Police shall pay the expenses for the funeral ceremony for the police officer who dies in the line of duty. The burial place shall be determined by the family members of the police officer. The Police shall pay the following expenses:

1.1. transportation to move the body;

- 1.2. travel expenses for two (2) accompanying persons;
- 1.3. funeral expenses that have not been otherwise paid;
- 1.4. other expenses with the approval of the Minister.

2. The Police shall pay the spouse or children under age of eighteen (18) of a Police Officer who dies in duty or in the line of duty with immediate financial assistance in an amount equal to the police officer's gross monthly salary multiplied by six (6). Such payment shall be made only after it is determined that the spouse or children were supported by the police officer prior to his/her death. In certain cases according to the assessment, the Government shall allocate an immediate higher financial amount for the Police officer who died in the line of duty.

3. The spouse who considered to be supported by the police officer and children under age of eighteen (18) of a police officer who dies in the line of duty shall be eligible to receive a family pension, but only up to the amount of 80 % of gross salary.

4. The spouse who considered to be supported by the police officer and children under age of eighteen (18) of a police officer who dies in the line of duty shall be eligible to receive a family pension, but only up to the amount of 60 % of gross salary.

5. With the proposal of the relevant Ministry of Internal Affairs, the Government shall issue the secondary legislation for determining the incidence of police officers who dies in duty or in the line of duty.

#### **Article 49 Conflict of Interest**

1. The Police officer shall not accept a position or obligation, and shall not participate in any function or activity, that creates a conflict of interest with the official police duties. Positions and activities that constitute conflict of interest include, but are not limited to, the following:

- 1.1. appointment or election to public duty or other government position;
- 1.2. participation in electoral campaigns for selection in a public duty;
- 1.3. employment, or participation in any business activity for compensation, except with permission granted by the General Director;
- 1.4. active participation in any political party; following instructions of any political party in performance of police duties; appearing in police uniform at any political gathering, except when there is on official police duty (mere membership in a political party is not a conflict of interest); and
- 1.5. issuance of public statements or comments regarding the work of Police, except in cases when it is allowed by the superior with appropriate authorization.

#### **Article 50 Assignment of Police Officer in Duty Abroad**

1. A Police officer may be assigned in duty abroad as part of his/her regular duty in order to support the cooperation with the competent international authorities or international organizations.

2. Assignment in duty abroad may be carried out only with the consent of the police officer.

3. Assignment abroad shall be implemented as it is set forth in the international agreement, to which signatory is the Republic of Kosovo.

## **CHAPTER VI FINANCING**

### **Article 51 Police Budget and Financial Management**

1. The Police shall have its own budget, which is a separate budget within the Ministry, subject to approval in accordance with the Law on Management of Public Finances.
2. The General Director shall prepare the budget of Police, and shall submit it to the Minister for review and further processing in accordance with the procedures established by law.
3. The Police shall be responsible for the implementation and management of the budget.

### **Article 52 Police Special Funds**

1. The Police budget shall have a certain amount for special funds to be used for payment of rewards, payment of informants, payment for witness protection, and payment for other special police operations.
2. Funds described in paragraph 1. of this Article shall be administered by the General Director in conformity with sub-legal acts issued by the Minister for governance, management and spending such funds.

### **Article 53 Accountability for Damage or Injury**

1. The police officer shall report to his/her supervisor any damage or injury that he/she may have caused during the performance of his/her police duties.
2. In accordance with applicable law, the Government of the Republic of Kosovo shall be accountable for the damage or injury caused to natural and legal persons as a result of the actions of police officers in the execution or in conjunction with the execution of police duties.

### **Article 54 Medals, Commendations, Awards and Gratitude**

1. The Prime Minister, Minister and General Director are authorized to award medals, commendations, awards and gratitudes to police officers, other police employees, local and foreign natural and legal persons who have distinguished themselves for their merits.
2. The Prime Minister shall award the following medal:
  - 2.1. medal of honour.
3. The Minister shall award the following medals:
  - 3.1. medal for merits;
  - 3.2. medal of valour; and
  - 3.3. life saving medal.
4. The General Director shall award the following medals:

- 4.1. police shield medal;
- 4.2. distinguished service medal;
- 4.3. police commendation medal; and
- 4.4. faithful service medal.

## **CHAPTER VII TRANSITIONAL AND FINAL PROVISIONS**

### **Article 55 Issuance of sub legal acts**

1. General Director issues sub legal acts, for the:
  - 1.1. manner of performing duties and police authorizations as described in Articles 10 and 11 of this Law;
  - 1.2. use of force by police officers, as described in Article 26 of this Law;
  - 1.3. use of firearms by police officers, as described in Article 27 of this Law;
  - 1.4. standards and methods on collection, preservation, usage and deletion of personal data kept by police, as described in Article 31 of this Law;
  - 1.5. needed qualifications and engagement of reserve police, as described in Article 36 of this Law;
  - 1.6. disciplinary violations, measures and procedures, as described in paragraph 2. Article 43 of this Law
  - 1.7. work relation; as described in paragraph 2. Article 44 of this Law;
  - 1.8. grading procedure for police staff;
  - 1.9. types of commendations, awards and graditutes, as described in paragraph 3. Article 54 of this Law; and
  - 1.10. General Director shall issue sub-legal acts in order to support the cooperation between the municipal assembly and community in accordance with this Article, and will support the entire functionality of Safety Committees and Boards.
2. The Minister issues sub-legal acts for:
  - 2.1. establishment, composition and procedure of the commission under paragraph 8. of Article 37 of this law;
  - 2.2. management and expenditure of special police funds; and
  - 2.3. criteria and procedure of rewarding medals, under paragraph 2. of Article 54 of this law.

3. The Government with the proposal of the relevant Ministry of Internal Affairs shall issue a sub-legal act to provide assistance to the Government Authorities, as specified in Articles 7, 8 and 9 of this law.

**Article 56**  
**Applicable provisions**

All issues which are not regulated by this law and sub-legal acts that are into force, continue to remain into force until the issuance of sub-legal acts that derive from this law.

**Article 57**  
**The deadline for issuing sub-legal acts**

Sub-legal acts for implementation of this law, shall be issued six (6) months after the entry into force of this law.

**Article 58**  
**Repeal**

With the entry into force of this law shall be repealed the Law no.03/L-035 on Police and all sub-legal acts deriving from it, unless it is stated otherwise in this law.

**Article 59**  
**Entry into force**

This law enters into force fifteen (15) days after the publication in the Official Gazette of the Republic of Kosovo.

**Law No. 04/L-076**  
**2 March 2012**

**Pursuant to the article 80, paragraph 4 of the Constitution of the Republic of Kosovo, Law shall be published in the Official Gazette of the Republic of Kosovo.**