

# **Official Gazette of Bosnia and Herzegovina, 27/04**

Pursuant to Article IV.4.a) of the Constitution of Bosnia and Herzegovina, the Parliamentary Assembly of Bosnia and Herzegovina at the session of the House of Representatives held on 28 May, 2004, and at the session of the House of Peoples held on 21 May 2004, adopted the

## **LAW ON POLICE OFFICIALS OF BOSNIA AND HERZEGOVINA**

### **PART ONE INTRODUCTORY PROVISIONS**

#### **CHAPTER I GENERAL PROVISIONS**

##### **Article 1 Scope of the Law**

This Law regulates police powers and the working legal status (labour relations, including: obligations and rights, recruitment, education and in-service training, deployment, ranks, performance evaluation and promotion, remuneration, working conditions, disciplinary responsibility, responsibility for damage and termination of employment) of police officials of Bosnia and Herzegovina (hereinafter: BiH).

##### **Article 2 Police Officials**

- (1) This law applies to police officials employed within the State Investigation and Protection Agency (SIPA) and the State Border Service (SBS) - (hereinafter and for the purposes of this Law: police bodies).
- (2) Provisions of this Law also apply to the police officials working in the Office for Co-operation with Interpol.
- (3) Police officials are those members of the police bodies referred to in Paragraph 1 of this Article who apply the police powers envisaged under this law and act as authorised official persons under Criminal Procedure Codes in BiH (hereinafter: Criminal Procedure Code).
- (4) The positions of police officials are defined in accordance with the Law establishing each of the police body.

##### **Article 3 Basis of the Work**

- (1) The work of police officials shall be based on the Constitution of Bosnia and Herzegovina, the law and other regulations in force in BiH.
- (2) In performing his/her duties, a police official shall act in an impartial and legal manner, guided by the public interest to serve and assist the public, promoting the development and preservation of democratic practices consistent with the protection of human rights and fundamental freedoms.

##### **Article 4 National Balance**

The structure of police officials within the police body shall generally reflect the ethnic structure of the population of BiH in accordance with the 1991 census.

##### **Article 5 Police Insignia**

- (1) A police official is issued a police identification card and a police badge by the Head of the police body (hereinafter: the Head).

- (2) A police official wears a police uniform pursuant to the rulebook of a police body and relevant regulations.
- (3) The Council of Ministers of Bosnia and Herzegovina (hereinafter: the Council of Ministers) prescribes the form of the police identification card and the police badge, the latter of which must be clearly recognizable to the public as a police insignia, and issues regulations on design of a police uniform.

## **Article 6** **Right and Duty to Carry Weapons**

A police official holds and carries weapons and ammunition in accordance with the rulebook issued by a Minister of a Ministry within which a police body is established (hereinafter: the Minister or the Ministry).

## **PART TWO** **POLICE POWERS**

### **CHAPTER II** **BASIC PRINCIPLES**

#### **Article 7** **Obligation of Identification**

- (1) Before a police official starts applying police powers, he/she is obliged to identify himself/herself by presenting the police identification card or police badge.
- (2) In exceptional cases, when the identification as prescribed in Paragraph 1 of this Article may endanger the safety of the police official or another person, or it may compromise the achievement of the legitimate aim that justifies the use of police powers, a police official can use other means of identification or postpone the identification.
- (3) As soon as the circumstances referred to in Paragraph 2 of this Article cease to exist, a police official shall identify himself/herself in the way referred to in Paragraph 1 of this Article.

#### **Article 8** **Propriety and Proportionality of the Application of Police Powers**

- (1) The application of police powers must be appropriate and proportional with the need for which it is undertaken.
- (2) Police power shall be applied by the means of which the lawful aim may be achieved with the least harmful consequences and within the shortest possible time.

#### **Article 9** **Decision and Orders to Apply Police Powers**

- (1) A police official shall apply police powers according to his/her own decision in accordance with the law, as well as upon a lawful order received from a superior officer or from the competent authority.
- (2) A police official shall not enforce orders if he/she would thereby perpetrate a criminal offence under criminal legislation in BiH. In this case, the police official shall immediately submit a report on failure to enforce the order to the immediate superior, or to the higher ranking superior in case that the order came directly from the immediate superior.
- (3) In case that the order is repeated regardless of the submitted report on failure to enforce the order, a police official shall submit the report in question to the Internal Control Department of a police body in which a police officer is employed (hereinafter: Internal Control Department).

## **CHAPTER III** **PARTICULAR POLICE POWERS**

#### **Article 10** **Police Powers prescribed by this Law**

- (1) In addition to the duties, responsibilities and tasks prescribed by the CPC, this Law grants to police officials or police bodies the following police powers in order to prevent crime and to maintain public order and security:
  1. To verify and establish the identity of persons and objects;
  2. To conduct enquiries;
  3. To bring in;
  4. To search for persons and objects;
  5. To temporarily restrict the freedom of movement;
  6. To give warnings and orders;
  7. To seize objects;
  8. To use another's vehicle and means of communication;
  9. To inspect persons, objects and means of transportation;
  10. To record in public places;
  11. To use force;
  12. To process personal data and keep records;
  13. To register reports.
- (2) The powers given to police officials or police bodies under this Law, may be restricted by the law establishing the body or Institution.

### **Section 1 - Verifying and establishing the identity of persons and objects**

#### **Article 11 Power to Verify Identity of Persons**

- (1) A police official is empowered to verify the identity of a person:
  1. Who represents a threat to another person or public order and security required by police action;
  2. Who is subject to inspection, or against whom other measures and activities prescribed by law are undertaken;
  3. Who is caught in a building or other premises, or in a vehicle subject to inspection, if the verification of identity is necessary;
  4. Who is caught in an area or a building in which the freedom of movement is temporarily restricted, if the verification of identity is necessary;
  5. Who, by the way in which he/she behaves, raises suspicion that he/she is a perpetrator of an offence, or that he/she intends to perpetrate it, or who, by his/her physical appearance, resembles a person searched for;
  6. Who is found in a place where it is necessary, for security reasons, to establish the identity of all or a particular person.
- (2) A police official shall inform the person about the reason for which the verification of his/her identity is necessary.

#### **Article 12 Means of Verification of Identity**

- (1) The verification of a person's identity shall be performed by the means of inspection of his/her identity card or any other public document, containing his/her photograph and his/her signature.
- (2) In exceptional cases from Paragraph 1 of this Article, the verification of identity may be performed based on a statement given by another person whose identity has been verified.
- (3) When necessary, the verification of identity may include the verification of temporary or permanent residence.

#### **Article 13 Power to Establish Identity**

- (1) The power to establish the identity shall be applied towards a person who either does not possess a document referred to in Article 12, Paragraph 1 of this Law, or if there is doubt in regard to the

authenticity of that document. The identity shall be established by methods and means of crime-detection technique.

- (2) In order for the identity of a person to be established, a police body is authorised to publicly release a composite picture, drawing, recording or description of the person.
- (3) When there is no possibility for the identity to be established in another way, a police body is authorized to release a photograph either of a person who is not able to give his/her personal data, or of the dead body of an unknown person.

#### **Article 14 Identification of an Object**

- (1) The power to establish and verify the identity of an object shall be applied when it is necessary to establish the characteristics and distinctive features of the object as well as the correlation between a person or an event and the object.
- (2) A police body is authorised to publicly release a picture, drawing, recording or a description of an object if it is of significance for a successful conducting of the procedure of establishing the identity of the object.

#### **Section 2 - Conducting enquiries**

#### **Article 15 Enquiries**

- (1) Whenever there is a lawful reason, a police official may request a person, to appear at the official premises of the police body for an enquiry.
- (2) The enquiries may be conducted from 6 A.M to 9 P.M. and may not last longer than six hours.
- (3) The convocation for enquiries must contain the first and last name of the person requested to appear, the title of the Department of the police body requesting the enquiry as well as the venue, date, time and the reason for enquiring, and a warning that the enquired person will be forcibly brought in, if he/she does not respond appropriately to the request.
- (4) In exceptional cases, a police official is empowered to enquire a person verbally or by using appropriate telecommunications means, and is obliged to inform him/her on that occasion of the reason for the enquiring as well as warn him/her of the possibility to use force to ensure his/her appearance. With the person's consent, the police official may drive the person to the official premises.
- (5) A delivery note shall be written on the delivery carried out.

#### **Section 3 - Bringing in**

#### **Article 16 Bringing in without an Order**

- (1) Without a written order from the competent authority, a police official may bring in a person in official premises of the police body:
  1. Whose identity has to be established, if there is no other way;
  2. For whom search has been officially initiated;
  3. When the person does not adhere to convocation for inquiry referred to in Article 15 of this Law.
- (2) The act of referred to in Paragraph 1 of this Article may last as long as it is necessary to carry out a police task but it shall not exceed six hours.

#### **Section 4 - Search for persons and objects**

#### **Article 17 Search and Announcement**

- (1) Police officials are empowered to conduct the measures of search for persons and objects.
- (2) A search is initiated for a person who is missing or declared wanted in accordance with a law.

- (3) A police body officially makes an announcement:
1. To establish the permanent or temporary residence of a person, in accordance with law;
  2. To establish the identity of a person, who is not capable of giving his/her personal data, or of a dead body of a person, whose personal data cannot be established;
  3. To locate a certain object.

### **Section 5 - Temporary restriction of the freedom of movement**

#### **Article 18 Conditions for Restriction of Movement**

- (1) A police official may temporarily restrict the movement of a person in a particular area or building when really necessary, in order to prevent the perpetration of criminal offence, minor offence or other forbidden behaviour, or to prevent risk or violation of a public order and security.
- (2) The temporary restriction of the freedom of movement may not continue after the aim due to which it was applied has been achieved, but in any case may not last longer than six hours without official permission.

#### **Article 19 Manner of Search and Restriction of Movement**

The measures of search referred to in Article 17 of this Law, and the temporary restriction of the freedom of movement referred to in Article 18 of this Law, shall be conducted through criminal-tactical actions, such as search, inspection of particular buildings and premises, ambush, raid, partial and complete blockade of traffic and other areas.

### **Section 6 - Giving warnings and orders**

#### **Article 20 Giving Warnings**

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

#### **Article 21 Conditions for Giving Orders**

- (1) Orders are given:
  1. To eliminate danger to life and personal safety of citizens;
  2. To eliminate danger to property;
  3. To prevent the perpetration of criminal offence, to capture their perpetrators, and to find and secure traces of criminal offences, which may serve as evidence;
  4. To maintain law and order or to re-establish law and order;
  5. To deny access or stay in an area or building, in which it is not permitted.
- (2) Orders are given by the Head or by a police official authorized by the Head. A police official can give orders on his/her own only in urgent cases.
- (3) Warnings and orders shall be given verbally, in writing or in some other appropriate way (by optical and sound signals, by hand, etc.)

### **Section 7 - Seizure of objects**

#### **Article 22 Conditions for Seizure**

- (1) A police official shall temporarily seize an object:
  1. When it is necessary for the protection of public safety;
  2. Which is in the possession of a person, who has been deprived of freedom, and who might use it for self-injuring, assault or escape.
- (2) A police official is obliged to issue a receipt on the temporary seizure of an object. The receipt must contain the characteristics of the seized object that make it different from other objects, the data on the person from whom the object had been seized and the name, police badge and signature of the police official who conducted the seizure.

**Article 23**  
**Handling seized Objects**

- (1) When, due to the features of the objects, the custody of temporarily seized objects in police body premises is either not possible, or poses significant difficulties, the temporarily seized objects may be deposited or secured in an appropriate way until a decision is rendered by the competent authority.
- (2) When the reasons for the seizure of an object cease to exist, the temporarily seized object shall be returned to the person from whom it was seized, unless otherwise determined by law or a decision of the competent authority.

**Section 8 - Use of another's vehicle or means of communication**

**Article 24**  
**Right to Use Vehicles and Means of Communication**

- (1) While pursuing or arresting the perpetrator of a criminal offence a police official may use another's appropriate vehicles and means of communication, of which he/she issues a receipt. The police official may only use the vehicle or means of communication for the period necessary to complete pursuit or arrest.
- (2) The owner or user of the vehicle or means of communication referred to in Paragraph 1 of this Article has a right to compensation for actual damage caused by the use of his/her property.
- (3) Damage referred to in Paragraph 2 of this Article shall be compensated by a police body in accordance with law and rulebook.
- (4) While performing the official duties, a police official has a right to free public transportation and insurance of passengers in public transport.

**Section 9 - Inspection of persons, objects and means of transportation**

**Article 25**  
**Conditions for Inspection**

- (1) A police official is empowered to inspect a person, an object carried on the person and a means of transportation, when it is necessary in order to find devices that are not allowed in an area or a building, or might be used for an assault or for self-injuring.
- (2) The inspection of a person for the purposes of Paragraph 1 of this Article consists of the examination of the contents of his/her clothes and footwear.
- (3) The inspection of a means of transportation for the purposes of Paragraph 1 of this Article consists of the examination of all open or closed spaces of the means of transportation or of the objects transported on them.
- (4) The inspection of objects carried on a person consists of the examination of the object the person has on him/her, or which is in his/her immediate vicinity, or the objects of the person, upon whose order and accompanied by whom, it is being transported.
- (5) The inspection of a person shall be performed by a person of the same sex, except in the cases when an urgent examination of a person is necessary in order to dispossess him/her of a weapon or other objects adequate for an assault or self-injuring.
- (6) While conducting the inspection, a police official may use technical devices and service dogs.

## **Section 10 - Recording in public places**

### **Article 26 Audio and Video Recording in Public Places**

- (1) In order to prevent criminal offences or to preserve public order and security, the police body may make audio and video recording of the person or group of people, the environment and any other circumstance or object.
- (2) Devices for audio and video recording in public places shall be placed in a manner which makes them easily noticed by public.

## **Section 11 - Use of Force**

### **Article 27 The Conditions for the Use of Force**

- (1) The police official may use force only when strictly necessary and only to the extent required in order to achieve a legitimate objective.
- (2) Except otherwise provided by this Law, means of Force, such as bodily force including martial arts, baton, tying devices, device for coercive stopping of vehicles, chemical agents, firearms, water cannon, special vehicles, special types of weapons and explosive devices may be used when necessary to protect human lives, to repel an attack, to surmount resistance, to prevent escape.
- (3) Before using any means of force, the police official shall make a warning, unless it may endanger the safety of the police officials or another person or would be clearly inappropriate or pointless in the circumstances of the incident.
- (4) Detailed regulations on the use of force shall be issued by the Minister on the proposal of the Head.

### **Article 28 Exclusion of Use of Certain Means of Force**

- (1) The bodily force and baton shall not be used against children, elderly persons, incapacitated persons including persons who are apparently seriously ill and women whose pregnancy is obvious, unless these persons directly endanger the life of a police official or other persons.
- (2) Firearms and special weapons may not be used only for the purpose of preventing a person from escape, except if that is the only way to divert the direct attack or danger or in the case of the escape of an apprehended person or a convicted person escaping from an institution for the execution of sanctions.
- (3) Explosive devices may not be used for the purpose of preventing a person to escape.

### **Article 29 Use of Firearms**

- (1) Subject to Article 8 of this Law, a police official may use firearms if other force already used was inefficient or if use of other force does not guarantee success.
- (2) A police official may use firearms when there is no other way to:
  1. Protect himself/herself or others against an imminent threat of death or serious injury;
  2. Prevent the perpetration of a criminal offence involving grave threat to life or integrity, arrest a person presenting such a danger and resisting police authority.
- (3) A police official shall allow for sufficient time for the warning to be obeyed, except if this would create a risk to him/her or create a threat of serious injury or death to others, and circumstances dictate the need for immediate action.
- (4) In any case, the warning referred to in Paragraph 3 of this Article shall not be given if this would jeopardise the performing of a police task.
- (5) A police official shall not fire warning shots.

### **Article 30 Exclusion of Use of Firearms**

- (1) The use of firearms is not allowed when it would jeopardise other persons' lives, unless the use of firearms is the only means of defence from a direct assault or danger.
- (2) The use of firearms is not allowed against a juvenile, unless the use of firearms is the only way of defence from an assault or danger.

### **Article 31** **Use of Firearms towards Vehicles and Vessels**

- (1) A police official may not use firearms towards a moving vehicle unless the vehicle in question is used as a means to inflict injuries on police officials or others, or if it is necessary to prevent serious injuries or death caused by shooting with weapons at police officials or others.
- (2) In performing police tasks at sea and on inland navigation routes, a police official has the right to use firearms if a chased vessel does not stop after having been given a visible or an audible signal to stop from a distance that, undoubtedly, makes the receipt and understanding of the signal possible.

### **Article 32** **Use of Force Reports**

- (1) A police official who has used force in the course of duty must complete and sign a use of force reports before the end of the shift during which the use of force was made, and send a copy of the report to the Internal Control Department within 24 hours from the end of the said shift.
- (2) If the police official himself/herself is unable to submit a use of force report, the official's immediate supervisor shall submit it within the time limits referred to in Paragraph 1 of this Article.
- (3) The immediate supervisor shall submit to the Head and to the Internal Control Department an opinion about justifiability of the use of force within three days from the receipt of the report referred to in Paragraph 1 of this Article.
- (4) The legality and regularity of the use of force by a police official shall be determined by the Internal Control Department within eight days from the receipt of the report.
- (5) Should the Internal Control Department determine that a police official has used force illegally or irregularly, the Head has a duty to immediately undertake appropriate measures to determine the responsibility of the police official.
- (6) If a police official uses force within the limits of his/her powers, he/she is excluded from the responsibility.

### **Section 12 - Processing of personal data and keeping records**

### **Article 33** **Data Processing**

The processing of data on an identified or identifiable person (personal data), which are collected, processed, used and stored in accordance with this law, shall be conducted pursuant to the Law of BiH on the Protection of Personal Data.

### **Article 34** **Records Kept**

- (1) A police body keeps records on the following:
  1. Persons, who are deprived of liberty on any grounds (arrest, detention, etc.);
  2. Persons, for whom reasonable doubt exists that they had perpetrated criminal offences;
  3. Perpetrated criminal offences as well as persons damaged by criminal offences;
  4. Criminal offences perpetrated by unknown perpetrators;
  5. Criminal and minor offences charges filed;
  6. Persons and objects searched for;
  7. Verification of identity;
  8. Persons, who were subject to the establishing of identity;

9. Operational reports, operational sources of information and protected persons;
10. Events;
11. Force used;
12. Citizen complaints.

(2) Besides the records referred to in Paragraph 1 of this Article, a police body may, for the purpose of effectiveness, keep other records that do not include personal data pursuant to Article 33 of this Law.

### **Section 13- Registering reports**

#### **Article 35 Duty to Register Reports**

A police official is obliged and empowered to receive and register reports on perpetrated criminal offences.

### **PART THREE EMPLOYMENT RELATIONS OF POLICE OFFICIALS**

#### **CHAPTER IV DUTIES AND RIGHTS OF POLICE OFFICIALS**

##### **Section 1- Duties**

#### **Article 36 Duties of Police Officials**

- (1) A police official shall be guided by the public interest in the performance of his/her duties and in particular serve and assist the public;
- (2) A police official shall be impartial and refrain from any action or omission, which is incompatible with or infringes duties as established by this Law;
- (3) A police official shall always refrain from publicly manifesting his/her political beliefs, and from publicly manifesting religious beliefs while on duty;
- (4) A police official shall not pursue nor accept any gain, benefit and services of any kind for himself/herself or for his/her relatives other than those authorized by this Law;
- (5) A police official shall not occupy real estate property, which is owned by a refugee or displaced person, nor occupy an apartment where a refugee or displaced person has rightfully claimed an occupancy right, nor occupy an apartment under the administration of the competent authority responsible for housing affairs for use as alternative accommodation;
- (6) A police official shall act in the interest and reputation of the police body during and after working hours;
- (7) A police official shall abide by all other duties as provided in this Law and the by-laws.

#### **Article 37 Obligation of Confidentiality**

- (1) A police official shall keep secret all matters of confidential nature coming to his/her attention, unless the performance of duty or legal provisions require otherwise.
- (2) The Head shall pass regulations governing the handling of confidential information and official secrets that are dealt with within the police body and that are not classified as military or state secrets. The said regulation shall stipulate the criteria for determining what constitutes confidential information.
- (3) The Minister may, with well-founded reasons and upon the request of the competent authority, relieve a police official or a former police official of the obligation to keep an official secret.
- (4) The obligation to keep official secrets referred to in Paragraphs 1 and 3 of this Article continues to have effect after the termination of employment of a police official.

#### **Article 38**

## **Incompatibilities**

- (1) A police official shall not exercise a function, an activity or hold a position, which is in conflict with his/her official duties and in particular:
  - a) Shall not hold any public function;
  - b) Shall not perform any other additional remunerative activity, unless authorized by the Head
  - c) Shall not be a member of a political party, shall not follow political parties' instructions and shall not attend neither party nor other political gatherings in a police uniform, unless on duty;
  - d) Shall not give public statements or otherwise comment on the work of the police body without the approval of the Head.
- (2) Police official shall resign from the moment he/she applies to be a candidate for an elective public office or from the moment he/she is appointed to a position within any body of authority at any level of government in BiH;
- (3) Police official shall disclose, in accordance with this Law, all information on properties at his/her disposal and at the disposal of the members of the close family as well as activities and functions performed by him/her and the members of the close family, when appointed as a police official. Close family members in terms of this Law mean a marital or extramarital partner of the police official concerned, his/her relatives by blood in a direct line, adoptive parent and adopted child, guardian or a person under tutelage and marital partner's child (stepchild).
- (4) All data referred to in this Article shall be kept recorded in the Personnel Register of the police body in accordance with regulations of BiH on data protection.

## **Section 2 - Rights**

### **Article 39 Rights of Police Officials**

A police official shall have the right to:

- a) A permanent tenure of office until such time as the requirements for retirement are met, unless otherwise provided in this Law;
- b) Leave as established by this Law,
- c) Be rewarded for duties and performance as established by this Law and relevant regulations;
- d) Receive salary and compensation in accordance with this Law and relevant regulations;
- e) Advance his/her career and professional development through training and other means;
- f) Form and join a trade union or a professional association in accordance with the law;
- g) Receive fair and equitable treatment without regard to gender, race, ethnic or social origin, religion, Entity citizenship, residency, political or other opinion, age, property, marital or other status;
- h) Be treated by superiors and subordinates with respect for human dignity and not to be placed in unnecessary physical peril.

## **Section 3 - Protection of Police Officials**

### **Article 40 Prohibited or Unjustified Basis of Dismissal or of Diminishing Rights**

- (1) The police body shall not dismiss a police official based on his/her temporary inability to work following a work related injury or disease. An injury which occurred while going to work or while leaving work shall be considered as a work related injury.
- (2) The realization of the rights of police officials shall not be affected by a temporary inability to work following a work related injury or disease.

### **Article 41 Right to Legal Aid**

- (1) If criminal proceedings are initiated against a police official on the grounds of having used force or

- (2) Under the conditions referred to in Paragraph 1 of this Article, the Ministry shall also provide a police official with legal aid after the termination of his/her employment, unless he/she is otherwise entitled to equivalent legal aid.
- (3) The Ministry shall also provide legal aid to a citizen who helped a police official, in the event that criminal proceedings are initiated against the said citizen in relation to acts that he/she took while helping a police official.

## **CHAPTER V** **VACANCIES AND RECRUITMENT**

### **Section 1 - Vacancies**

#### **Article 42** **Levels of Entry of Police Officials**

- (1) A police official enters into a police body:
  1. In the rank of Police Officer, as the first level of entry for candidates with a minimum level IV of education; or
  2. In the rank of Junior Inspector, as the second level of entry for candidates with minimum level VI of education.
- (2) The recruitment of police officials to the entry ranks referred to in Paragraph 1 of this Article shall be based upon an open competition.

#### **Article 43** **Establishment of Police Official Vacancies**

- (1) The Head shall identify the vacancies for the recruitment of Police Officers and Junior Inspectors.
- (2) Vacancies shall be established to periodically recruit new police officials in order to keep the maximum authorised strength and maintain the operational capability of the police body.

#### **Article 44** **Vacancies at the rank of Junior Inspector**

Two thirds of the vacancies at the rank of Junior Inspector shall be filled by the recruitment of new police officials and one third by promoting lower ranked police officials.

#### **Article 45** **General Grounds for Recruitment**

- (1) The police body shall recruit the best candidates available, and ensure that ineligible applicants are excluded.
- (2) Recruitment of police officials shall be based upon:
  - The availability of vacancies;
  - Widely advertised recruitment campaign;
  - Open competition;
  - Prior verification of requirements;
  - Transparent selection process.

### **Section 2 - Requirements**

#### **Article 46** **General Requirements for Applicants**

To be recruited as a police official, a person must meet the following general requirements:

- a) To be a citizen of BiH;
- b) To be more than eighteen and less than thirty-five years of age;
- c) To hold a minimum level IV of education for Police Officer and a minimum level VI of education for Junior Inspector;
- d) To submit a medical statement, issued not more than three months prior to submission, stating that he/she is physically fit to work;
- e) To have completed military service;
- f) Not to have been dismissed from any position within the public administration or the military service in BiH as a consequence of a disciplinary sanction.
- g) Not to have criminal proceedings initiated against him/her and not to have been pronounced a final sentence of imprisonment for a criminal offence with the exception of criminal offences against traffic, in accordance with the criminal legislation;
- h) Not to have failed to comply with an order to appear before the International Criminal Tribunal for Former Yugoslavia as a person indicted by that Tribunal;
- i) Not to have been denied certification or to have had provisional authorization to apply police powers removed by the International Police Task Force.

### **Article 47 Special Requirements**

In addition to the general requirements, the Head may establish additional special requirements that are deemed necessary due to the nature of the work and in accordance with the Book of Rules on Internal Organisation of the police body.

### **Section 3 - Recruitment**

### **Article 48 Selection Commission**

- (1) Each police body shall establish a Selection Commission to ensure fairness and transparency in the recruitment process. The Selection Commission shall be composed of:
  - three police officials with the minimum rank of Independent Inspector appointed by the Head;
  - two civil servants employed in the Ministry with the minimum position of senior advisor appointed by the Minister.
- (2) The most senior ranking police official shall chair the Selection Commission.
- (3) The Selection Commission shall adopt decisions by majority of votes of all members.

### **Article 49 Advertising**

- (1) The advertising of the vacancies shall be done by the Selection Commission of the police body.
- (2) The advertisement shall be published, at least one month before the application deadline in at least three daily newspapers whose distribution covers the whole territory of BiH.
- (3) The vacancy announcement shall contain:
  - a) The exact number of vacant positions at each of the two levels of entry;
  - b) The general and special requirements for the recruitment;
  - c) The list of required documents, deadline and place for their submission;
  - d) The type of the tests that candidates have to take;
  - e) The duration of the training course;
  - f) The duration of the probation period;
  - g) Any other requirement, which might be deemed appropriate.
- (4) An open competition shall take place at least 30 days after the application deadline.
- (5) The scores of the selection tests shall be published on the notice board of the police body 30 days after

they were taken.

### **Article 50** **Selection tests**

The manner in which the tests will be taken and the schedule of such tests shall be determined by a decision of the Head. The said decision shall also include a system providing for the allocation of scores for each test.

### **Article 51** **Rules of the Selection Procedure**

- (1) Only applicants who meet the general and special requirements and who have submitted all required documentation shall be entitled to take the selection tests.
- (2) Applicants who fulfil the conditions referred to in Paragraph 1 of this Article shall take the tests in the following order:
  - a) General knowledge test, including essay test;
  - b) Physical endurance test;
  - c) Medical examination;
  - d) Psychological examination, including test and interview;
  - e) Any other test, which is deemed necessary or justified by the police body.
- (3) An applicant who fails to pass any of the tests referred to in Paragraph 2 of this Article shall be excluded from the competition.
- (4) The Selection Commission shall:
  - a) Determine the contents of the tests referred to in Paragraph 2 of this Article, with the approval of the Head;
  - b) Determine the final score for each applicant based on the sum of the results to each test;
  - c) Issue by decision the list of all applicants who completed the selection tests;
  - d) Nominate from the list referred to in item c) of this Paragraph the applicants who obtained the highest final score for recruitment in accordance with the number of vacancies announced.

### **Article 52** **Publication of Final Scores**

- (1) A police body shall publicise on its notice board a table with the final scores of all applicants who took the tests, not later than three days from the decision referred to in Paragraph 4 item d) of Article 51 of this Law. Within this table it shall be indicated the applicants who successfully completed the selection tests and those who have been nominated for recruitment.
- (2) An applicant who took the test referred to in Paragraph 2 of Article 51 of this Law shall have unrestricted access to the copies of his/her tests.

### **Article 53** **Complaint against the Decisions of the Selection Commission**

- (1) An applicant may lodge a complaint to the Police Board referred to in Article 121 of this Law within 8 days following the publication of the list referred to in Paragraph 1 of Article 52 of this Law.
- (2) When the complaint referred to in Paragraph 1 of this Article is submitted, the selection procedure shall be suspended.
- (3) Only after the Police Board has decided upon all complaints submitted to it, the Head shall approve the final list of all applicants nominated for recruitment.
- (4) The Selection Commission shall publish on the notice board of the police body the final list of the applicants nominated for recruitment.

### **Article 54** **Employment Contract**

On the basis of the final list referred to in Article 53, Paragraph 3 of this Law, the Head shall sign employment contracts.

The form and the content of the employment contract shall be defined in a by-law issued by the Minister.

## **CHAPTER VI** **POLICE EDUCATION**

### **Section 1 -Basic Training**

#### **Article 55** **Basic Training of Cadets**

- (1) The applicants who have been selected shall attend a basic training as cadets at the Police Academies or other suitable schools and forms of police education.
- (2) The police body shall adopt a rulebook regulating the duration and the curriculum of the basic training and the obligations of the cadets during this training.
- (3) Cadets for the rank of Junior Inspector shall have different curriculum during the training period than those cadets for the rank of Police Officer.

#### **Article 56** **Dismissal and Voluntarily Leave of the Cadets**

A cadet enrolled in the basic training pursuant to this Law, who voluntarily leaves the training, or is expelled from the training through his/her own fault, shall reimburse the cost of the training to the police body.

### **Section 2 - Advance Training**

#### **Article 57** **Advanced Training**

- (1) Police officials have the duty to make permanent efforts with regard to their on-the-job and further training as well as study and research.
- (2) The Minister shall, based upon the recommendation of the Head, determine in a by-law the content and the form of the advanced professional training.
- (3) Police officials shall participate in advanced training, educational activities and seminars.

## **CHAPTER VII** **APPOINTMENT AND DEPLOYMENT**

### **Section 1 - Appointment of the cadets**

#### **Article 58** **Appointment**

- (1) Upon successful completion of the basic training, the appointment of a cadet as Police Officer or Junior Inspector shall be carried out by the Head, and shall be published on the notice board of the police body. An appointed cadet shall take office by swearing an oath of allegiance.
- (1) (2) The Council of Ministers shall prescribe the unique text of the oath as well as the manner in which it is to be taken.

### **Section 2 - Appointment and Removal of the Head and Deputy Head of Police Body**

#### **Article 59** **Conditions for Appointment**

- (1) Candidates for the position of the Head and Deputy Head shall have level VII of education, at least the

rank of Chief Inspector and at least three years in the rank.

- (2) In addition to the conditions referred to in this Law, candidates for the positions of Head and Deputy Head must fulfil other conditions established by law.

### **Article 60 Selection and Appointment Procedure**

- (1) The Law establishing a police body shall determine the competent authority to select and appoint the Head and Deputy Head.
- (2) For the procedure to select and appoint the Head and Deputy Head, the Law on Ministerial, Council of Ministers and other Appointments of Bosnia and Herzegovina shall apply.

### **Article 61 Mandate Duration**

The mandate of the Head and the Deputy Head of a police body shall last for a period of four years and shall be renewable only for a second consecutive term.

### **Article 62 Conditions for Removal**

The competent authority to appoint the Head and Deputy Head may dismiss him/her before the expiration of the mandate:

- a) Upon his/her own request;
- b) If he/she permanently loses the capacity to execute his/her duties and responsibilities;
- c) If he/she fails to implement measures for supervision of the police body or for control of police powers;
- d) If he/she has been held disciplinarily responsible by a final decision; or
- e) If he/she has been pronounced a final sentence of imprisonment for a criminal offence.

### **Section 3 - Probation Period**

#### **Article 63 Probation period**

- (1) Upon taking office, a police official shall undergo a probation period. The probation period of police officials shall include both an induction and a performance period and shall have an overall duration of twelve months unless otherwise provided in this Law.
- (2) The immediate superior of a police official shall be designated as a supervisor and shall be responsible for carrying out a performance evaluation at the end of the probation period. During the probation period, the police official shall perform regular police duties and responsibilities.
- (3) Should the performance evaluation be:
  - a) "Satisfactory" or higher - the police body shall confirm the appointment of the police official;
  - b) "Unsatisfactory" - the police body shall dismiss the police official, which shall in consequence lose his/her status without receiving any dismissal due compensation. A dismissed police official may lodge a complaint to the Police Board referred to in Article 121 of this Law within eight days after the receipt of the decision on dismissal.

### **Section 4 - Internal Transfer and Deployment**

#### **Article 64 Internal Transfer**

- (1) A police official may be transferred to a different position within his/her rank within the police body. Such a transfer may include a transfer to another location outside his/her current work place.
- (2) A transfer referred to in Paragraph 1 of this Article to another location which is 80 or more kilometres away from his/her current work place may occur when:

- a) A police official is selected by the Head after having applied to an internally advertised vacancy; or
  - b) A police official receives an internal transfer order.
- (3) An internal transfer order may only be issued by the Head when required in the interest of the police body and only if no police official could be selected in accordance with item a) Paragraph 2 of this Article.
  - (4) The transfer of a police official in accordance with item b) Paragraph 2 of this Article shall not exceed a period of one year and shall not be renewable.
  - (5) A police official who receives an internal transfer order may lodge a complaint to the Police Board referred to in Article 121 of this Law within 8 days following the day upon which he/she receives the notification of the said order. The complaint before the Police Board shall not suspend the execution of the said internal transfer order.
  - (6) A police official is obliged to comply with an internal transfer order.
  - (7) The procedure related to internal transfer shall be further defined in a by-law issued by the Minister upon the proposal of the Head.

### **Article 65 Temporary External Transfer**

- (1) A police official may be temporary transferred to another police body, office or state institution for a maximum period of four years. A temporary external transfer shall be renewable only for a second consecutive term.
- (2) A police official must consent to the temporary external transfer.
- (3) During the period of the temporary external transfer the police official shall retain his/her rank and rights unless he/she consents otherwise.
- (4) The modalities of the temporary external transfer shall be regulated in a by-law issued by the Council of Ministers.

### **Article 66 Deployment Abroad**

- (1) When required in the interest of the police body, a police official may be deployed outside of the territory of BiH as part of his/her regular duties or as part of cooperation with foreign competent bodies or international organizations.
- (2) **A police official must consent to the deployment.**
- (3) The Council of Ministers shall regulate in a by-law the rights, duties, and responsibilities of police officials transferred to work outside of the territory of BiH.

### **Article 67 Assignment to the Lower Rank Position**

- (1) The Head may assign a police official, with his/her consent, to a position that requires one rank lower than that of the said police official.
- (2) Under the following exceptional circumstances, the Head may assign a police official to a position that requires one rank lower than that of the said police official without his/her consent:
  - a) when the needs of the police body demand the discharge of urgent jobs and tasks within a certain deadline; or
  - b) when it is necessary to assist a police official performing other jobs and tasks or to replace an absent official temporarily.
- (3) The maximum period of assignment referred to in Paragraphs 1 and 2 of this Article shall be less than six months and such an assignment shall not occur more than once every four years.
- (4) During the period of the assignment referred to in Paragraphs 1 and 2 of this Article, the police official shall retain his/her rank, salary, increment and allowances in accordance with the law.

### **Article 68 Redundancies**

- (1) Redundancy may occur exclusively in the case of reorganization or a reduction in scope of work of a police body.
- (2) The Head may declare a police official redundant only if he/she may not be internally transferred in accordance with Article 64 of this Law.
- (3) A redundant police official may be reallocated to a vacant position with the same rank in another police body, unless regulated otherwise.
- (4) Should the reallocation not be possible, the redundant police official shall be offered an early retirement in accordance with the law.
- (5) Should an early retirement not be possible, the redundant police official shall be dismissed by the police body. A police official who has been dismissed may lodge a complaint to the Police Board referred to in Article 121 of this Law within 8 days following the day upon which he/she receives the notification of the decision of dismissal.
- (6) The Council of Ministers shall establish in a by-law the procedure to be followed in case of redundancies including the procedure to be followed by the police bodies in the case of the redeployment referred to in Paragraph 3 of this Article.

## **CHAPTER VIII**

### **RANKS, PERFORMANCE EVALUATION AND PROMOTION OF POLICE OFFICIALS**

#### **Section 1 - Ranks**

##### **Article 69**

###### **Ranks of Police Officials**

- (1) Police officials gain their initial rank depending on the level of entry in the police body as referred to in Article 42 and 70 of this Law.
- (2) A police official shall gain subsequent ranks through promotions in accordance with this Law.
- (3) Police officials shall have one of the following ranks:
  1. Police Officer;
  2. Senior Police Officer;
  3. Sergeant;
  4. Senior Sergeant;
  5. Junior Inspector;
  6. Inspector;
  7. Senior Inspector;
  8. Independent Inspector;
  9. Chief Inspector;
  10. Inspector General of Police;
  11. Chief Inspector General of Police.
- (4) Candidates who are undergoing basic training in order to work in the police body shall not have ranks, but shall have the title of cadets during their training.
- (5) The Council of Ministers shall further define in a by-law the manner in which these ranks are awarded and lost.
- (6) A police official shall hold a position, which corresponds to his/her rank, as prescribed in the by-law referred to in Paragraph 5 of this Article and shall be reflected accordingly in the Book of Rules on Internal Organisation of the police body.

##### **Article 70**

###### **Initial Ranks of Police Officials**

- (1) A police official who has a minimum level IV of education shall gain the initial rank of a Police Officer.
- (2) A police official with a minimum level VI of education shall gain the initial rank of Junior Inspector.
- (3) Assignment to the initial rank of Police Officer or Junior Inspector shall be confirmed after the successful completion of the probation period referred to in Article 63 of this Law.

## **Article 71**

### **Ranks of Chief Inspector General of Police and Inspector General of Police**

- (1) The rank of Chief Inspector General of Police shall be exclusively awarded to the Chief Inspector who is appointed to the position of Head of a police body in accordance with Article 59 of this Law.
- (2) The rank of Inspector General of Police shall be exclusively awarded to the Chief Inspector who is appointed to the position of Deputy Head of a police body in accordance with Article 59 of this Law.
- (3) Upon the termination of their mandate, the Head and Deputy Head of the police body shall lose the ranks referred to in Paragraphs 1 and 2 of this Article and shall return to the rank of Chief Inspector.
- (4) Upon termination of his/her mandate as Head or Deputy Head of the police body, the police official shall return to the police body where he/she was previously working prior to his/her appointment and be assigned to a position which corresponds to his/her rank.
- (5) If the Head or the Deputy Head was, prior to his/her appointment, working in a police body to which this law does not apply, the working relation of the said police official shall be determined in accordance with applicable laws.

## **Article 72**

### **Protection of the Ranks**

- (1) An awarded rank cannot be lost except in the circumstances referred to in Paragraph 3 of Article 71 of this Law or upon termination of employment in accordance with this Law.
- (2) Exceptionally, the rank that was held at the time of retirement can be kept by police official on an honorary basis by decision of the Minister.

## **Article 73**

### **Rank Insignia**

- (1) The shape of the Ranks is as follows:
  1. Police Officer: One yellow stripe 8 mm thick, sewn parallel to, and 20 mm away from the outer edge of the shoulder strap;
  2. Senior Police Officer: Two yellow stripes, 8 mm thick, 5 mm away from one another, and sewn parallel to the outer edge of the shoulder strap, the first one being 20 mm away from the shoulder strap edge;
  3. Sergeant: Two parallel yellow stripes, 15 mm thick, and 5 mm away from one another, in the shape of a blunt angle of 140 degrees, sewn on the shoulder strap. Sides of the angle are turned toward the inner edge of the shoulder strap, the first angle being 20 mm from the edge;
  4. Senior Sergeant: Three parallel yellow stripes, 15 mm thick, being 5 mm apart from one another, resembling a blunt angle of 140 degree, sewn on the shoulder strap. Their sides turned toward the inner side of the shoulder strap, the angle of the first stripe being 20 mm away from the edge;
  5. Junior Inspector: One star, placed in the middle of the shoulder strap, being 20 mm from the outer edge;
  6. Inspector: Two stars, placed in the middle of the shoulder strap, 5 mm apart from one another, the first one being 20 mm from the outer edge;
  7. Senior Inspector: Three stars placed in the middle of the shoulder strap, being 5 mm apart from one another, the first one 20 mm from the outer edge;
  8. Independent Inspector: Four stars, placed in the middle of the shoulder strap, being 5 mm apart from one another, the first one being 20 mm from the outer edge;
  9. Chief Inspector: The coat of arms of police body and one star, 5 mm separated from one another. The coat of arms is placed 20 mm from the outer edge of shoulder strap;
  10. Inspector General of Police: The coat of arms of the police body and two stars placed in the middle part of the shoulder strap, 5 mm distant from one another. The coat of arms is placed 20 mm from the outer edge of the shoulder strap;
  11. Chief Inspector General of Police: The coat of arms of the police body and three stars placed in the middle part of the shoulder strap, 5 mm distant from one another. The coat of arms is placed 20 mm from the outer edge of shoulder strap.
- (2) The strap referred to in Paragraph 1 of this Article is of dark blue colour, while its length is 100 mm and

its width is 45 mm.

## **Section 2 - Promotions of Police Officials**

### **Article 74 Promotion**

- (1) The promotion of a police official to a higher rank shall exclusively take place based on the principles and procedures described in this Law and the Book of Rules on Professional Improvement and Promotion of the Police Body.
- (2) Police officials who apply for promotion from the rank of Senior Police Officer to the rank of Sergeant, from the rank of Senior Sergeant to the rank of Junior Inspector and from the rank of Senior Inspector to the rank of Independent Inspector are obliged to take internal exams for promotion in the police body according to the Book of Rules referred to in Paragraph 1 of this Article.
- (3) If a police official who have spent three years in the police body obtains a higher level of education while serving in the police body, and fulfils the eligibility criteria referred to in item 2 and 3 of Paragraph 2 of Article 75 of this Law, he/she can apply to the initial rank which corresponds to his/her new educational level, provided that there is a vacancy available.

### **Article 75 Promotion Conditions and Criteria**

- (1) A police official gains the next higher rank when the following cumulative conditions are met:
  1. When there is a vacancy within the rank to which he/she may be promoted in accordance with this Law and that the said vacancy is internally advertised;
  2. When he/she has applied to the vacancy referred to in item 1 of this Paragraph;
  3. When he/she is recommended by the Commission for Promotions established in accordance with Paragraph 3 of Article 77 of this Law;
- (2) When making a recommendation in accordance with item 3 of Paragraph 1 of this Article, the Commission for Promotions shall ensure that the police official meets the following cumulative eligibility criteria:
  1. That he/she has spent the time prescribed by this Law holding the previous rank;
  2. That he/she has been evaluated in the last three years with good or better grade;
  3. That there are no pending criminal procedures or disciplinary procedures for serious violation of official duties against him/her;
  4. That he/she has successfully passed the internal exams referred to in Paragraph 2 of Article 74 of this Law;
  5. That he/she has not been suspended for promotion in accordance with Paragraph 4 of Article 110 of this Law.
- (3) When making a recommendation in accordance with item 3 of Paragraph 1 of this Article, the Commission for Promotions shall take into account disciplinary sanctions of the police officials considered for promotion.
- (4) The internal advertisement referred to in item 1 of Paragraph 1 of this Article shall be further defined in a by-law issued by the Minister, upon the proposal of the Head.

### **Article 76 Required period in the previous rank**

- (1) The minimum period required for a police official to meet the promotion criteria referred to in item 1 of Paragraph 2 of Article 75 of this Law shall be as follows for the following promotions:
  - 1) From Police Officer to Senior Police Officer - three years;
  - 2) From Senior Police Officer up to Junior Inspector - four years in each rank;
  - 3) From Junior Inspector up to Senior Inspector - four years in each rank for police officials with levels IV and VI of education and two years in each rank for police officials with level VII of education;
  - 4) From High Inspector up to Chief Inspector - three years in each rank.

- (2) In addition to the minimum period required for promotion referred to in item 4, Paragraph 1 of this Article, the police official who apply to be promoted from the rank of Senior Inspector to the rank of Independent Inspector and from the rank of Independent Inspector to the rank of Chief Inspector shall at least have a minimum level VI of education.
- (3) For the calculation of the period referred to in Paragraph 1 of this Article only real duty-time in the police body shall be taken into consideration.
- (4) As an exception to Paragraph 2 of this Article, the period during which a police official is externally transferred in accordance with Article 65 of this Law or is deployed abroad in accordance with Article 66 of this Law or is assigned to police body training institution shall be calculated as real duty-time.

### **Article 77 Promotion Procedures**

- (1) The Personnel Department of the police body shall prepare an annual list of vacancies for all ranks for promotions with the exception of the initial ranks.
- (2) The lists referred to in Paragraph 1 of this Article shall be submitted to the Head who will decide on the initiation of the promotion procedure.
- (3) On the basis of the decision taken pursuant to Paragraph 2 of this Article, the Head shall establish the Commission for Promotions and shall appoint three members whose ranks are equal or superior to those that are required for the positions for which the candidates are being considered for promotion and who shall at least have the rank of High Inspector.
- (4) Before advertising the vacancies referred to in item 1 of Paragraph 1 of Article 75 of this Law, the Commission for Promotion shall consider all cases of extraordinary promotion in accordance with Article 78 of this Law.
- (5) The Commission for Promotions shall recommend for promotion to the Head the applicants who obtained the highest score in the internal exams referred to in Paragraph 2 of Article 74 of this Law in accordance with the number of vacancies internally advertised.
- (6) For Police Officials who are not required to take the internal exams referred to in Paragraph 2 of Article 74 of this Law, the performance evaluation form is to be considered as the main indicator for promotion and has to be referred to in the decision promoting a police official.

### **Article 78 Extraordinary Promotion**

- (1) A police official whose performance during the past three years was evaluated with the best possible grade, who has achieved extraordinary results and who has contributed significantly to an increase in security in BiH and for its citizens, and who has spent at least half of the time prescribed for gaining the next higher rank in his/her current rank and who meets the other requirements referred to in Article 75 of this Law may be promoted to the next higher rank.
- (2) A police official may be promoted in the manner referred to in Paragraph 1 of this Article maximum twice during his/her professional career.
- (3) A police official shall not be promoted in the manner referred to in Paragraph 1 of this Article to the rank of High Inspector and above.
- (4) All the cases of extraordinary promotions shall be considered by the Commission for Promotions established under Article 77, Paragraph 3 of this Law.
- (5) The decision on extraordinary promotion as referred to in Paragraph 1 of this Article shall be approved by the Head, upon proposal of the Commission for Promotions.

### **Article 79 Decisions on Promotions**

- (1) The decisions on promotion to higher rank, extraordinary promotions and promotions awarded in accordance with Paragraph 3 of Article 74 of this Law shall be explained in writing.
- (2) The list of promoted police officials shall be publicised on the notice board of the police body.
- (3) A police official who applied for promotion may lodge a complaint to the Police Board referred to in Article 121 of this Law within 8 days following the day in which the list referred to in Paragraph 2 of

this Article was published. The complaint before the Police Board shall suspend the execution of the promotion procedure.

- (4) The Selection Commission shall publish on the notice board of the police body the final list of all applicants nominated for promotion only after the Police Board referred to in Article 121 of this Law has decided upon all complaints submitted to it.
- (5) Once promoted to a given rank, a police official shall be assigned by the Head to a vacant position within his/her new rank. The assignment shall take into account the preferences expressed by the promoted police official and priority shall be given to the preferences expressed by police officials who were given the highest score by the Commission for Promotion.
- (6) A police official shall comply with the assignment referred to in Paragraph 5 of this Article.
- (7) The manner in which the scores will be attributed to promote police officials by the Commission for Promotions shall be determined by the Rulebook referred to in paragraph 1 of Article 74 of this Law.

### **Section 3 - Evaluating the Performance of Police Officials**

#### **Article 80 Performance Evaluation**

- (1) A police body shall at least once a year evaluate the performance of police officials to ensure that they are responsible to calls for service and orders received from supervisors and meet professional standards required for carrying out police tasks.
- (2) Performance evaluation is being undertaken for:
  - a) Providing an effective mean for evaluating the work performance of police officials;
  - b) Encouraging officials to work to the maximum of their abilities;
  - c) Identifying any weaknesses in performance as well as problematic aspects of work that need improvement;
  - d) Acknowledging outstanding performance and establishing incentives to increase performance and to communicate performance expectations.
- (3) The immediate hierarchical supervisor of a police official shall issue and sign the performance evaluation.
- (4) The Head of the police body shall sign the performance evaluation conducted by the Deputy Head for the police official working at the management level of the police body.
- (5) The Minister, upon proposal of the Head shall further define in a rulebook the performance evaluation procedure and criteria of police officials.

#### **Article 81 Manner of Evaluating**

- (1) A police official shall be evaluated by reference to the following grades:
  - 1. Unsatisfactory;
  - 2. Satisfactory;
  - 3. Good;
  - 4. Very Good;
  - 5. Excellent.
- (2) The most immediate supervisor, who is at least one rank higher than the police official being evaluated and who has at least the rank of Senior Sergeant, shall conduct the performance evaluation. Grades shall be approved by the organizational unit supervisor of a police official, who has at least the rank of an Inspector.
- (3) A police official shall receive a copy of his/her performance evaluation and shall sign it.
- (4) A police official who disagrees with his/her performance evaluation may lodge a complaint to the Police Board referred to in Article 121 of this Law within 8 days following the day upon which he/she received a copy of the said performance evaluation.

#### **Article 82 Effects of the Performance**

- (1) In case of performance evaluation being “unsatisfactory”, the police official shall be re-evaluated three months after the annual evaluation. During these three months, the police official shall be closely supervised. After this period of time, if the performance has not been improved to the grade of satisfactory, the following measures can be taken:
  1. Internal transfer in the police body within the rank of the police official;
  2. Termination of employment.
- (2) The re-evaluation process does not preclude disciplinary actions based on poor performance.

**Article 83**  
**Performance Evaluation Records**

- (1) Completed and signed performance evaluations forms shall be registered by the Personnel Department and kept in the police official’s file.
- (2) A police official shall have unrestricted access to his/her performance evaluation.
- (3) Evaluation forms shall remain in the official’s file and shall be archived when the police official leaves the department due to retirement, resignation or other termination of employment.

**CHAPTER IX**  
**REMUNERATION (SALARIES, INCREMENTS AND BENEFITS)**

**Section 1 - Remuneration**

**Article 84**  
**Determination of remuneration**

- (1) The remuneration of a police official comprises his/her salary, increments and benefits as established by this Law.
- (2) The salary of a police official is linked to his/her rank.

**Section 2 - Salary**

**Article 85**  
**Salary Base and Rank Coefficients**

- (1) The remuneration of salaries of police officials is calculated on the basis of the common salary base for employees in the institutions of BiH and shall be determined by the Council of Ministers.
- (2) Police officials shall be categorized in eleven rank coefficients, in a way that every rank shall have a coefficient, belonging to a specific grade, which shall be the same in all police bodies.
- (3) The highest rank coefficient, which shall correspond to the rank of Chief Inspector General, shall be equal to the coefficient attributed to the position of Deputy Minister. The relationship between the highest and the lowest rank is 3.5 times. The lowest rank coefficient shall correspond to the rank of Police Officer.
- (4) The Council of Ministers shall determine by special regulations the remaining rank coefficients that correspond to the remaining ranks, in line with Paragraphs 2 and 3 of this Article.

**Article 86**  
**Calculation of Salary**

The salary items and the manner in which salaries are calculated shall be the following:

1. Basic salary: The basic salary shall be determined by multiplying the salary base determined in accordance with Paragraph 1 of Article 85 of this Law by the rank coefficient determined by the special regulation referred to in Paragraph 4 of Article 85 of this Law.
2. Length of service: The salary shall be increased by 0.5% for each full year of service, but the total increase shall not exceed 20%.

**Section 3 - Increments**

**Article 87**  
**Special Work Conditions Increment**

- (1) According to the level of risk, responsibility, difficulty or special working conditions of certain positions, the Head shall establish a permanent increment for these positions.
- (2) Special work conditions increment shall be permanently linked to the positions referred to in Paragraph 1 of this Article and shall not be revised unless new special work conditions arises.
- (3) Special work conditions increment shall be up to 30% of the basic salary.
- (4) In addition to the increment referred to in Paragraph 3 of this Article and in special circumstances and upon proposal of the Head, the Minister may establish a higher permanent increment for certain positions. This increment shall be up to 10% of the basic salary.

**Article 88**  
**Outstanding Working Results Increment**

- (1) Based on the outstanding and objectively measured working results of a police official, the Head may decide on single increment to the salary of the police official up to the amount of 30% of the basic salary.
- (2) The increment for outstanding working results can only be paid to the same police official once a year for one month period.
- (3) The decision referred to in Paragraph 1 of this Article shall be publicised on the notice board of the police body.

**Section 4 - Benefits**

**Article 89**  
**Paid absence**

The police official shall be entitled to full salary and increments over the period of annual leave, paid annual leave and for the first period of absence from work due to sickness or disability in the period of up to 30 days which according to the Health Insurance regulations has to be paid by the police body.

**Article 90**  
**Compensations for Temporary Internal Transfers**

- (1) A police official, who, in accordance with Article 64 of this Law, is transferred to a different workplace which is 80 or more kilometres away from his/her current work place shall be entitled to compensation for temporary internal transfer.
- (2) Besides the basic salary in accordance with the rank of police official, the compensation referred to in Paragraph 1 of this Article shall include:
  - a) The compensation for living away;
  - b) The compensation for accommodation.
- (3) The police official, who is transferred at his/her own request, shall not be entitled to the compensation for internal transfer.
- (4) The provision of Paragraph 1 of this Article does not apply to police official on his/her first assignment.

**Article 91**  
**Rights in Case of Redundancies**

- (1) In case of dismissal due to redundancies as provided under this Law, the dismissed police official shall be entitled to a severance package in the amount of at least six months' salary.
- (2) The amount of severance package referred to in Paragraph 1 of this Article shall be extended to twelve months for police officials, who have at least fifteen years of working experience.

**Article 92**

## **Death of a Police Official**

- (1) A police official who loses his/her life on duty shall be buried in the place determined by the family referred to in Paragraph 3 of Article 38 of this Law at the expense of the police body.
- (2) A police body shall cover the following burial expenses:
  - a) Expenses for the transportation of the corpse to the place of burial;
  - b) Travel expenses for two escorting persons;
  - c) Cost of the grave unless one is secured otherwise;
  - d) Other usual expenses, the amount of which shall be determined by the Minister.
- (3) The family supported by the deceased police official shall be entitled to a single financial assistance of six times the amount of the last net salary received by the deceased official.

## **Article 93 Other Forms of Benefits**

Police officials shall also be entitled to:

- a) Compensation of costs of public transport to and from work;
- b) Compensation for food rations (luncheon vouchers);
- c) Holiday cash grant;
- d) Compensation in case of death of one of his/her close family members;
- e) Compensation for advanced education expenses (training and education allowance, extension of the flying licence - fees and medical expenses);
- f) Severance pay;
- g) Compensation for official trips which shall include travel costs and per diem.

## **Article 94 By-law on Benefits**

The Council of Ministers shall establish in a by-law the criteria, conditions and amounts concerning the benefits referred to in this Section of this Law.

## **CHAPTER X WORKING CONDITIONS**

### **Article 95 Labour and Social Regulations**

The Law on Labour Relations and other Laws regulating rights and obligations deriving from employment shall apply to police officials and cadets unless otherwise provided in this Law.

### **Article 96 Working Hours**

- (1) The average duration of work of police officials is 40 hours per week.
- (2) The normal duration of duty hours shall be eight hours per day. In the following cases the Head may decide to provide for different working hours:
  - a) in case it is necessary to have the continuity of work;
  - b) in case of certain tasks to be carried out within certain deadlines or within planned period of time.

### **Article 97 Work under Special Conditions**

- (1) Police officials are required to work under special conditions when such conditions are necessary for carrying out the tasks of the police body.
- (2) Special conditions are considered to be: working on an irregular work schedule, working on a split schedule, working in shifts, working on Saturdays, Sundays, holidays and other free days, working at

night and working at particular locations.

- (3) Other forms of work under special conditions may be ordered if security circumstances so require, or if they are the only way to complete certain assignments that may not be postponed or must be completed in an established deadline.
- (4) The Head defines the reasons for which the forms of work referred to in Paragraph 3 of this Article may be ordered and may authorise other supervisors to order them.
- (5) For the work referred to in Paragraph 2 of this Article, police officials are entitled to reimbursement in money or time. The Minister, upon proposal of the Head shall define in a by-law the manner and amount for the said reimbursement.

### **Article 98** **Limit for Working Overtime**

- (1) In case it is needed to complete an urgent job or task till a set deadline or within a certain period of time, an order shall be issued to oblige the police official to work overtime.
- (2) Overtime work referred to in Paragraph 1 of this Article may last up to four hours per day and shall not exceed 20 hours per week.

### **Article 99** **Paid Annual Leave**

- (1) Police officials are entitled up to 30 days and not less than 18 days of paid annual leave, depending on the length of service.
- (2) The paid annual leave that police officials are entitled to is specified in the table below:

Years of insurance of years of service:	Working days:
- from 6 months to 3 years	18
- from 3 to 5 years	20
- from 5 to 7 years	22
- from 7 to 10 years	23
- from 10 to 12 years	24
- from 12 to 15 years	25
- from 15 to 20 years	27
- from 20 to 25 years	29
- over 25 years	30

- (3) For the purposes of this Law, Saturdays, Sundays, holidays and other non-working days shall not be counted in the days of annual leave.
- (4) Upon a decision of the Head and as a reward for outstanding performance a police official shall be entitled to take two extra working days off.
- (5) A police official may only use his/her annual leave in one or two parts. The first part shall be used without interruption in the duration of at least twelve working days in the course of a calendar year. The second part shall be used not later than 30 June of the next year.
- (6) Duration and schedule of the annual leave shall be established before the end of the year for the next year.
- (7) Notwithstanding Paragraph 5 of this Article, the Head, due to extremely important operational reasons, may change the annual leave schedule.

### **Article 100** **Paid Leave**

- (1) A police official has the right to be absent from work up to five working days in one calendar year with payment, in following cases:

- death of a close family member:	up to 3 working days;
- death of relatives:	up to 1 working day;
- nursing close family member:	up to 3 working days;

- wife giving birth:	up to 3 working days;
- marriage:	up to 5 working days;
- moving away:	up to 2 working days.

(2) The paid leave referred to in Paragraph 1 of this Article shall be approved by the Head.

### **Article 101 Unpaid Leave**

Upon request of the police official, the Head may approve leave without pay for no longer than 30 days in one calendar year.

### **Article 102 Accelerated Retirement Plan**

Police officials shall be entitled to an accelerated retirement plan, whereby each twelve months spent on duty shall be calculated as sixteen months of service.

## **CHAPTER XI DISCIPLINARY RESPONSIBILITY**

### **Article 103 Disciplinary Responsibility of a Police Official**

- (1) A police official shall be held disciplinarily accountable for the violations of official duty prescribed by this Law, which occurred as a result of his/her own fault.
- (2) The criminal responsibility for a criminal offence shall not exclude the disciplinary responsibility of police officials, provided that the act also constitutes a violation of official duty.
- (3) Release from criminal responsibility shall not be regarded as a release from disciplinary responsibility.
- (4) The disciplinary procedure shall be further defined in a by-law to be adopted by the Minister, upon consultations with the Heads of the police bodies.
- (5) All disciplinary procedures must be fair and transparent. Throughout the disciplinary procedure, police officials shall be entitled to the following rights which shall be guaranteed in the by-law adopted pursuant to Paragraph 4 of this Article:
  1. The right to be duly notified of the allegations of the violation of official duty and the supporting evidence, along with the right to respond in writing or to have a verbal statement recorded in writing;
  2. The right to a fair and public hearing within a reasonable time by the bodies established by this Law. The public may be excluded from all or part of the hearing in the interests of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in special circumstances where publicity would prejudice the interests of justice according to opinion of the bodies established by this Law;
  3. The right to assert the privilege against self-incrimination and the right to appear at any hearing and defend against the allegations either unaided by legal counsel or with legal counsel of choice;
  4. The right that decisions shall be pronounced publicly;
  5. The right to lodge a complaint against a decision of the Disciplinary Commission established by this Law.

### **Article 104 Minor Violations of Official Duty**

The minor violations of official duty are as follows:

1. Not wearing or irregular wearing of uniform, weapon or equipment;
2. Non-appearance at work at prescribed time or leaving work before the end of working time;
3. Careless or untidy maintenance of documents and information;
4. Unjustified absence from duty for one working day in a month;
5. Causing a quarrel at work and disturbing interpersonal relations at work;
6. Unfriendly and impolite attitude towards other colleagues, employees or visitors;

7. The consumption of alcohol during working time;
8. Sleeping on duty.

## **Article 105**

### **Serious Violations of Official Duty**

- (1) Serious violations of official duties are as follows:
  1. Failure to or unconscious, untimely or careless carrying out of official tasks;
  2. Evasion of obligations concerning professional training and advanced training;
  3. Four or more minor violations of official duty;
  4. Unjustified absence from duty, for more than one but less than three days during one month;
  5. Unauthorised use of the means assigned for the purpose of execution of the tasks and duties;
  6. Performance of activities that are in contravention of the interests of the police body or without prior approval from the Head;
  7. Behaviour that renders impossible, hinders or makes difficult the performance of official tasks by others;
  8. Failure to render professional assistance to the citizens in exercising their legal rights;
  9. Behaviour that damages the reputation of the police body;
  10. Failure to undertake or insufficient undertaking of the measures within ones own duty, necessary for the security of facilities, means, persons and entrusted items;
  11. Preventing citizens or legal persons from exercising their right to submit requests, complaints, appeals, and other petitions, or failure to decide about those submissions within the legal deadlines;
  12. Failure to assist another police official seeking assistance when such assistance is necessary for him/her in the execution of his/her official tasks;
  13. Concealing facts pertaining to the manner of the execution of official actions or use of force by another police official who has committed a serious violation of official duty by the execution of official action or the use of such means of force;
  14. Act of commission or omission leading to the disclosure of official secret;
  15. Arbitrarily leaving the duty or the place of safeguarding certain facilities or persons, that might have harmful consequences for the police body;
  16. Being drunk or affected by alcohol or use narcotics or opiates at arrival to duty or during working hours;
  17. Preventing, avoiding or delaying an internal proceeding against him/her by refusing to undergo a test, psychological or physical examination;
  18. Provoking public peace and order disturbance, especially by rude behaviour, fighting in a public place or by any other activity that disturbs public peace and order or by bringing the police body into disrepute regardless of the time or place of that event;
  19. Providing incorrect data that affects the making of the decision of the competent bodies or causes other damaging consequences;
  20. Unjustified absence from duty for three consecutive days or five days in total within one calendar year;
  21. Abuse of sick leave;
  22. Use of force and/or firearms contrary to this Law;
  23. Abuse of official position;
  24. Refusal to execute lawful order issued for the purpose of execution of the official tasks and duties;
  25. Engaging in political activities that are incompatible with his/her functions as a police official, whether on or off of duty;
  26. Performing his/her duty practising discrimination on the following grounds: race, colour, sex, language, religion, political or other opinion, national or social origin, or any other grounds.
- (2) The serious violations of official duty referred to in Paragraph 1 of this Article shall be graded with the points in the following way:
  - the violations referred to in items 1 through 3 - 5 points; – the
  - violations referred to in items 4 through 6 - 10 points; – the
  - violations referred to in items 7 through 11 - 15 points; – the
  - violation referred to in item 12 - 20 points;

- the violations referred to in items 13 through 19 - 25 points;
- the violations referred to in items 20 through 26 - 30 points.

**Article 106**  
**Initiation of the Internal Proceedings**

- (1) Internal proceedings for a violation of official duty shall be initiated on the basis of:
  - a) Citizen's complaint;
  - b) Request from an employee or employees of the police body;
  - c) Request from immediate supervisor of the police official; or
  - d) Request from the Head of the Public Complaints Bureau of the Ministry.
- (2) Internal proceedings shall be conducted by the Internal Control Department.
- (3) Whoever receives information or complaint against a police official shall submit the said information or complaint to the Internal Control Department within the following 24 hours.
- (4) The internal proceedings for a minor violation of official duty shall be completed within 30 days from the date on which it was reported to the Internal Control Department.
- (5) The internal proceedings for a serious violation of official duty shall be completed within three months from the date on which it was reported to the Internal Control Department and it can be extended for two more months based on the complexity of the case.

**Article 107**  
**Pronouncement of Disciplinary Sanction**

- (1) Disciplinary sanctions for minor violations of official duty shall be pronounced by the Head, after the internal proceedings referred to in Article 106 of this Law have been completed.
- (2) Disciplinary sanctions for serious violations of official duty shall be pronounced by the Disciplinary Commission, after the disciplinary proceedings referred to in Article 109 of this Law have been completed.
- (3) The decision on disciplinary responsibility shall be delivered to a police official.

**Article 108**  
**The Disciplinary Commission**

- (1) (1) The Disciplinary Commission shall be established by the Head, and shall be composed of a chair, two members and the same number of deputies. Two of the members and one deputy shall be police officials with the minimum rank of Independent Inspector, while other member and the deputy shall be civil servants of the police body. At least two members of the Disciplinary Commission must have the university degree in law.
- (2) (2) The Chair of the Disciplinary Commission shall be the most senior ranking police official who has the university degree in law.
- (3) The manner of working, voting and decision making of the Disciplinary Commission shall be defined in the by-law referred to in Paragraph 4 of Article 103 of this Law.

**Article 109**  
**Initiation of the Disciplinary Procedure**

- (1) For serious violations of official duty, the Internal Control Department shall submit to the Disciplinary Commission within seven days after the completion of the internal proceedings referred to in Article 106 of this Law the request to start the disciplinary procedure.
- (2) The Disciplinary Commission shall start the disciplinary procedure, by the decision, within seven days after the reception of initiative from Internal Control Department.
- (3) The request and the decision on initiation of disciplinary procedure for a serious violation of official duty shall be delivered to the police official.
- (4) The Disciplinary Commission shall issue a decision on disciplinary responsibility within 60 days after receiving the request referred to in Paragraph 1 of this Article.

## **Article 110** **Disciplinary sanctions**

- (1) For a minor violation of official duty referred to in Article 104 of this Law, the following disciplinary sanctions may be pronounced:
- Written warning;
  - Fine in the amount of 15 % of one month basic salary of the police official.
- (2) For a serious violation of official duty referred to in Article 105 of this Law, the following disciplinary sanctions may be pronounced:
- fine;
  - suspension of promotion to a higher rank;
  - termination of employment.
- (3) A fine for serious violations of official duty and termination of employment shall be pronounced in accordance with the following table:

Points	Minimum discipline based on % of 1 month's basic salary	Maximum discipline based on % of 1 month's basic salary
5 to 9	Fine of 15 % for 2months	Fine of 15% for 3-months
10 to 14	Fine of 15 % for 3-months	Fine of 20% for 4-months
14 to 19	Fine of 20% for 4-months	Fine of 30% for 5-months
20 to 24	Fine of 20% for 5-months	Fine of 30% for 6-months
25 or more	Fine of 20% for 6-months	Termination of employment

- (4) With 20 points or more, a disciplinary sanction of suspension of promotion to a higher rank for a term between 12 months and three years shall also be pronounced.
- (5) Where a police official is charged with two or more violations arising from the same event, disciplinary liability shall be determined for each separate charge, but compound disciplinary sanction for all the violations shall be pronounced. The Disciplinary Commission shall base the decision on compound disciplinary sanction upon the violation of greatest point value awarded, and the remaining violations shall be considered as aggravating factors when meting out the range of disciplinary sanction under Paragraph 3 of this Article.
- (6) When deciding on disciplinary sanction, the total Points earned for any previous violation during the last five years shall be multiplied by a factor of 0.2 and added to the points for the disciplinary violation in question.
- (7) All minor violations of official duty shall be awarded one point each and shall be retained for two years from the date the discipline is rendered, and applied to future violations of official duty within the time frame.
- (8) A mandatory disciplinary sanction of termination of employment shall be pronounced for the serious violations of official duty referred to in Paragraph 1, items 13 through 26 of Article 105, if the violation has been committed with intent or out of gross negligence, and whereby no mitigating circumstances have been established for the police official.
- (9) A mandatory disciplinary sanction of termination of employment shall be pronounced when a police official has accumulated 60 points or more from current and previous violations of official duty, during the previous five years.
- (10) A mandatory disciplinary sanction of termination of employment shall be pronounced if a final sentence of imprisonment for six months or longer for a criminal offence perpetrated was pronounced to a police official.
- (11) All disciplinary sanctions pronounced for violations of official duties shall be included in the personal file of the police official.

## **Article 111** **Right of Complaint against the Decision on Disciplinary Responsibility**

- (1) A complaint against a decision on disciplinary responsibility may be lodged before the Police Board

- referred to in Article 121 of this Law within 15 days following the day of receipt of the decision.
- (2) The Police Board shall decide on the complaint within 30 days after receiving the complaint.

### **Article 112 Suspension**

- (1) A police official may be temporarily suspended from tasks and duties that he/she performs or from the police body if criminal or disciplinary proceedings have been initiated against him/her and if, considering the nature of criminal offence or the nature of serious violation of official duty as well as the circumstances under which a criminal offence or a violation was committed, there are grounds to believe that otherwise it would be damaging to the interest of the service or internal proceedings.
- (2) The Head shall issue a decision on temporary suspension in accordance with Paragraph 1 of this Article.
- (3) A suspension of a police official issued in accordance with Paragraph 1 of this Article may last until the end of the disciplinary procedure or the criminal trial.
- (4) During suspension the official weapon and official identification card are seized from the police official and he/she is forbidden to wear official uniform.
- (5) A police official who receives a decision on suspension referred to in Paragraph 1 of this Article may lodge a complaint to the Police Board referred to in Article 121 of this Law within 3 days following the day upon which he/she receives the said decision. The complaint shall not suspend the execution of the decision.

### **Article 113 Payment of salary during suspension**

- (1) During the period of suspension from the police body, a police official has the right to receive 55 % of his/her salary. In exceptional cases, when the police official has a family to support, he/she has the right to receive up to 65 % of his/her salary.
- (2) A police official is entitled to full compensation of his/her salary and other rights on the basis of work in the case when he/she is found not responsible for the serious violation of official duty or of perpetrating a criminal offence.

### **Article 114 Duration of Proceedings**

- (1) The internal proceedings and the determination of sanctions by the Head for a minor violation of an official duty must be completed within 60 days from the date on which the violation was committed or reported to the Internal Control Department.
- (2) The internal proceedings and the disciplinary proceedings for a serious violation of an official duty must be completed within nine months from the date on which the violation was reported to the Internal Control Department.
- (3) As an exception to Paragraph 2 of this Article, whenever a police official is under criminal investigation, a disciplinary procedure shall be initiated and the police official shall be suspended until the criminal trial is concluded or the criminal investigation is closed.

### **Article 115 Disciplinary Records**

- (1) The police body shall keep records on disciplinary sanctions pronounced against police officials.
- (2) A copy of the decision on disciplinary responsibility is filed in the police official's file.

## **CHAPTER XII RESPONSIBILITY FOR DAMAGE**

### **Article 116 Responsibility of a police official**

- (1) A police official is obliged to compensate the police body for material damage on the property of the

police body caused on purpose or due to gross negligence while on duty.

- (2) A police official is obliged to compensate the police body for the damage that the police body had to compensate citizens and legal persons, when they suffered damage caused on purpose or due to gross negligence of the police official while on duty.
- (3) Each police official of the police body is under an obligation to report the occurrence of damage as soon as he/she learns about it.

### **Article 117** **Determination and Compensation of Damage**

- (1) A Commission established by the Head shall determine the damage, amount and circumstances, under which damage was caused.
- (2) The Head and police official can make a written agreement on amount and method of damage compensation.
- (3) Based upon the Commission's report and agreement, the Head shall issue a decision on damage compensation, amount, deadline and method of compensation. According to the amount of the compensation and based on the request of the police official, the Head may allow the payment in instalments.
- (4) If the damage was made on property, upon the request of the police official the Head may decide that the damage may be compensated by establishment of previous condition of the object on the expenses of the police official in determined deadline.

### **Article 118** **Responsibility of the State for the Damage**

- (1) BiH shall be responsible in accordance with law for damage inflicted upon legal and natural persons by acts of police officials committed in the performance or in relation to the performance of the tasks of police bodies.
- (2) BiH shall be entitled to request the police official, who is found to be responsible for the damage referred to in Paragraph 1 of this Article to reimburse the amount paid to third persons, if resulting from gross negligence, intentional or an unauthorized act of the police official.

## **CHAPTER XIII**

### **TERMINATION OF EMPLOYMENT**

#### **Article 119** **Grounds for the Termination of employment**

- (1) A police official shall terminate his/her employment and automatically lose the police official status in the following cases:
  1. Voluntary resignation;
  2. Performance evaluation “unsatisfactory” at the end of probation period;
  3. Reaching sixty five (65) years of age and legally prescribed number of years of contribution to the pension fund, or forty (40) years of contribution to the pension fund;
  4. Permanent inability to fulfil official duties due to health conditions, provided that the police official is not eligible to be transferred to other suitable positions within the police body;
  5. Two consecutive negative performance evaluation (Article 82);
  6. Loss of citizenship of BiH;
  7. Acquisition of the citizenship of another country in violation of the laws of BiH;
  8. Redundancy;
  9. When he/she was pronounced for a criminal offence a final sentence of imprisonment for a term of six months or a more severe punishment;
  10. When he/she was pronounced a disciplinary sanction of termination of employment;
  11. Upon the expiration of his/her mandate as the Head or Deputy Head of a police body referred to in Article 2, Paragraph 1 of this Law if he/she was working for a police body to which this Law does not apply prior to his/her appointment to one of the aforesaid positions.

**Article 120**  
**Obligation to Handover Official Means**

- (1) A police official, whose work with the police body is terminated, is obliged to hand over all means, devices and equipment he/she received within seven days following the day of the termination of employment.
- (2) On the day of the termination of employment, the police official shall immediately return the officials weapons and police identification card and he/she shall be prohibited to wear the police uniform.

**CHAPTER XIV**

**POLICE BOARD**

**Article 121**  
**Establishing and Role of the Police Board**

- (1) The Council of Ministers shall establish the Police Board.
- (2) The Police Board shall be responsible for reviewing all decisions undertaken or non-undertaken by the police body pertaining to the status of police officials in accordance with this Law and its by-laws, upon request of:
  - a) The police official who considers himself/herself affected by the disputed undertaken or non-undertaken decision;
  - b) The police body within which the affected police official is employed; or
  - c) The Ministry.
- (3) The Police Board shall:
  - a) Hear the police official, if appropriate;
  - b) Call witnesses and experts when deemed necessary;
  - c) Ask and obtain from the authorities concerned all relevant information;
  - d) Adopt rules of procedure, which shall be published in the “Official Gazette of Bosnia and Herzegovina”.
- (4) Decisions of the Police Board shall be reasoned on legal grounds and on facts properly and fully established. The Decisions of the Police Board shall be final, subject to any judicial review pursuant to the laws of BiH, and delivered to the appellant within eight days of their issuance.
- (5) The Police Board shall decide on the complaint within 20 days after receiving the said complaint, unless otherwise prescribed by this Law.
- (6) The complaint lodged before the Police Board shall not suspend the execution of the decision, unless otherwise prescribed by this Law.
- (7) When deciding upon a complaint lodged against a decision from the Disciplinary Commission, the Police Board shall follow the procedure established pursuant to Paragraph 4 of Article 103 of this Law.

**Article 122**  
**Composition of the Police Board**

- (1) The Police Board shall be composed of three police officials with the rank of Chief Inspector representing different police bodies of BiH and two civil servants from different police bodies of BiH.
- (2) At least three members of the Police Board shall have the university degree in law, and the President of the Police Board shall be the most senior ranking police official.
- (3) Each Police Body shall propose to the Council of Ministers three candidates for the member of the Police Board. The Council of Ministers shall appoint the members of the Police Board for the mandate of two (2) years, without the possibility of renewal.
- (4) A member of the Police Board shall be independent in his/her work and impartial.
- (5) A member of the Police Board may be removed before the end of their mandate only by the decision of the Council of Ministers under exceptional circumstances and with prior consensus of the other members of the Police Board.

## **PART FOUR** **TRANSITIONAL AND FINAL PROVISIONS**

### **Article 123** **Transitional Provision on Employment**

- (1) Within six months upon the entry into force of this Law, provisions of Chapter V (Vacancies and Recruitment) of this Law shall not be applicable. During this period the recruitment and selection process shall be based on open competition from active members of police at all levels in BiH.
- (2) Within 30 days upon the day of the entry into force of this Law, the Head shall issue a Book of Rules for the recruitment and selection process of police officials during the transitional period referred to in Paragraph 1 of this Article.

### **Article 124** **Transitional provision on appointment**

- (1) The first appointment of the Head and the Deputy Head of the police body in accordance with this Law shall be done within the period of six months upon the entry into force of this Law.
- (2) As an exception to Article 59 of this Law, for the first appointment of the Head and Deputy Head of the police body, candidates for these positions shall be exempted from having accumulated three years in the rank of Chief Inspector.

### **Article 125** **Book of Rules on Salaries**

- (1) Within three months upon the entry into force of this Law, the Council of Ministers shall adopt a Book of Rules on Salaries and Benefits for Police Officials upon proposal of the Ministers based on the proposal of the Head and in accordance with the provisions of this Law.
- (2) Within one month upon the entry into force of this Law, the Council of Ministers shall adopt new basis for calculation of the salaries of police officials in accordance with Article 85 of this Law.
- (3) Those police officials who according to the new salary structure might earn a lower basic salary shall be entitled to earn a personal and transitional sum, which shall be absorbed by any future general salary increase.

### **Article 126** **Attribution of Ranks**

- (1) Police officials who are, on the day of coming into force of this Law, employees of the police body shall be granted the rank in accordance with the provisions of this Law and with the total years of experience as well as fulfilment of the minimum requirements related to the education prescribed for the rank.
- (2) The conditions for attribution of ranks shall be as follows:
  - a) The number of years of working experience together with the nature of the position;
  - b) The number of years in the current position;
  - c) Education;
  - d) Discipline Records.
- (3) The number of years for police officials with level of education VI and VII shall be considered from the date when those levels were obtained.

### **Article 127** **Appointment of the Police Board**

Within one month from the entry into force of this Law, the Council of Ministers shall establish the Police Board as an independent administrative body and shall appoint the members of the Police Board referred to in Article 122 of this Law.

### **Article 128**

## **Regulations by the Council of Ministers**

Within three months upon the entry into force of this Law, the Council of Ministers shall pass the regulations on the following:

- On the form of the police identification card and the police badge, as well as on the design of police uniform (Article 5, Paragraph 3);
- On the use of force (Article 27, Paragraph 4);
- On the text of the oath (Article 58, Paragraph 2);
- On the principles of temporary external transfer (Article 65, Paragraph 4);
- On rights, duties and responsibilities of police officials transferred to work outside of the territory of BiH (Article 66, Paragraph 3);
- On the ranks of police officials (Article 69, Paragraph 5); –
- On other forms of benefits (Article 94);
- Book of Rules on Salaries (Article 125, Paragraph 1).

## **Article 129 Regulations by the Minister**

Within three months upon the entry into force of this Law, the Minister shall pass the regulations on the following:

- On the way of holding and carrying weapons and ammunition (Article 6);
- On manner and schedules of selection tests (Article 50);
- On advanced training of police officials (Article 57, Paragraph 2);
- On the procedure related to internal transfer of police officials (Article 64, Paragraph 7); –
- On the procedure for promotion of police officials (Article 74);
- On internal advertisement of a vacancy (Article 75, Paragraph 4); –
- On performance evaluation (Article 80, Paragraph 5);
- On manner and amount of special work conditions increments (Article 97, Paragraph 5); –
- On disciplinary procedure (Article 103, Paragraph 4);
- Book of Rules on Awards.

## **Article 130 Interim Provisions on Termination of Employment**

- (1) In accordance with Bosnia and Herzegovina's international obligations, an individual shall not, under any circumstances, be employed pursuant to this Law if he/she was denied certification by the United Nations International Police Task Force or if his/her authorization to exercise police powers has been removed by the United Nations International Police Task Force.
- (2) In accordance with Bosnia and Herzegovina's international obligations and in addition to the grounds prescribed by this Law to terminate the employment of a police official, the employment of a police official shall be terminated and shall not be renewed under any form or manner and under any circumstances, if he/she was denied certification by the United Nations International Police Task Force or if his/her authorization to exercise police powers has been removed by the United Nations International Police Task Force.

## **Article 131 Regulations by the Head**

Within three months upon the entry into force of this Law, the Head shall pass the regulations on the following:

- On wearing of the police uniform (Article 5, Paragraph 2);
- On confidential information of the police body (Article 37, Paragraph 2); –
- On the duration of the basic training (Article 55, Paragraph 2);
- On recruitment and selection process of police officials during the transitional period (Article 123, Paragraph 2).

**Article 132**  
**Cessation of the Previous Legislation**

- (1) On the date of entry into force of this Law, legislation of the police body regulating the issues prescribed in this Law shall cease to apply.
- (2) Pending the adoption of appropriate regulations referred to in this Law, the police body shall apply regulations referred to in Paragraph 1 of this Article, to the extent that such regulations are not inconsistent with this Law.

**Article 133**  
**Entry into Force**

This Law shall enter into force on the eighth day after its publication in the “Official Gazette of Bosnia and Herzegovina”.

PSBiH number 40/04

28. May 2004

Sarajevo

Chair  
House of Representatives  
Parliament of Bosnia and Herzegovina  
**Martin Raguz**

Chair  
House of Nations  
Parliament of Bosnia and Herzegovina  
**Mustafa Pamuk**