

Pregled besedila opravila Služba za prevajanje in lektoriranje, september 2007. Besedilo vsebuje spremembe in dopolnitve Zakona o policiji, in sicer novele ZPol-C (50/2004), ZPol-D (53/2005), ZPol-E (98/2005) in ZPol-F (78/2006).

MINISTRY OF THE INTERIOR

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POLICE ACT OF THE REPUBLIC OF SLOVENIA

I. GENERAL PROVISIONS

Article 1

The police shall be a body attached to the Ministry of the Interior (hereinafter referred to as the Ministry), which shall perform the duties set forth in the present Act, other acts and implementing regulations.

Article 2

The Ministry of the Interior shall have the following responsibilities towards the police:

- to set developmental, organisational, personnel, and other fundamental guidelines for the operation of the police;
- to prepare annual purchasing plans of the police, supervise their execution and carry out financial operations of the police;
- to carry out investment activities and investment maintenance of real estate used by the police and execute purchasing plans;
- to coordinate and adjust the planning, construction, and maintenance of police information and telecommunications systems and ensure that they are compatible with those of other state bodies;
- to coordinate and supervise the performance of police duties, and
- to attend to other duties in accordance with the law.

The Minister of the Interior (hereinafter referred to as the Minister) shall prescribe the methods and form in which the Ministry shall exercise powers in relation to the police.

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The Ministry may perform all or individual tasks to professionally assist the director of the body attached to the Ministry in managing personnel, financial, informational and other resources for the body attached to the Ministry regardless of the provisions of the present Act.

Article 2a

The Minister may request reports, information and other documents relating to the performance of police work. The director of the police shall report to the Minister, on a regular basis and at the latter's special request, on the work of the police and on all issues of importance in the field of police tasks.

The Minister shall give the police guidelines and mandatory instructions for work. The Minister may order the police to perform certain tasks within their powers, and to adopt certain measures and report to the Minister thereon.

The competences of the Minister from the preceding paragraph shall not apply to police procedures where direction has been assumed by the competent state prosecutor pursuant to the law regulating the criminal procedure. It shall be deemed that the state prosecutor has assumed direction of the work of the police in the pre-criminal procedure from the moment he is informed of the criminal offence.

Article 2b

Supervision of the police shall be carried out by employees of the Ministry who have police powers to do so. Their rights and obligations shall be equal to those of police officers.

Article 2c

In addition to police powers pursuant to the legislation in force, employees of the Ministry who carry out supervision of the police shall also have the following authorisations that allow them to carry out supervision uninterrupted and in an effective manner:

1. to request information from the records kept and maintained by the police;
2. to request to see documents, papers, orders, minutes, decisions and resolutions obtained, compiled and issued by the police in accordance with their competences, and to request that they be submitted to them in the original or as copies;
3. to hold discussions with the police personnel;
4. to enter any premises used by the police in the course of their work;
5. to request certificates and technical and other information on the technical resources used by the police, and to request proof of the qualifications of police officers to use the technical and other resources they used in the course of their work;
6. to be present when the police are carrying out certain tasks;
7. to request from the police and the police personnel that they communicate other data and information within their competence which is of importance for the successful performance of supervision.

The Minister may oblige individual police officers employed within the police force or other employees of the Ministry to carry out certain police supervision tasks.

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Article 2č

If there is a reasonable danger that the exercise of authorisations specified in Article 2c of this Act in the course of supervision of the implementation of the measures specified in Article 49 of this Act and the measures specified in Articles 150, 151 and 155 of the Criminal Procedure Act (The Official Gazette of the RS, 63/94, 70/94 – amendment, 25/96 – Constitutional Court decision, 39/96 – Constitutional Court decision, 5/98 – Constitutional Court decision, 49/98 – ZPol, 72/98, 6/99, 66/2000, 111/2001, 32/2002 – Constitutional Court decision, 44/2003 – Constitutional Court decision, and 56/2003) might prevent the implementation of these measures or make it considerably more difficult or endanger the life and health of the people carrying them out, the police may temporarily deny access to documents, inspection of premises and communication of certain data or information until the Minister has taken a decision thereon.

Documents relating to the implementation of measures from the preceding paragraph and marked confidential may be inspected by employees of the Ministry that carry out supervision of the police only in the presence of the responsible person who determined the level of confidentiality or by a person authorised by that responsible person.

II. POLICE ORGANISATION AND RESPONSIBILITIES

Article 3

The responsibilities of the police shall be as follows:

1. to protect people's lives, their personal safety and property;
2. to prevent, detect and investigate criminal offences and misdemeanours, to detect and arrest perpetrators of criminal offences and misdemeanours and of other wanted persons and their hand-over to competent authorities, as well as to collect evidence and investigate the circumstances that are important for the establishment of property benefit resulting from criminal offences and misdemeanours;
3. to maintain public order;
4. to supervise and direct traffic on public roads and on unclassified roads currently in use for traffic;
5. to protect state borders and perform border control;
6. to implement duties set forth in the aliens legislation;
7. to protect particular individuals, bodies, buildings and districts;
8. to protect particular work premises and classified information of the state bodies unless otherwise prescribed by law;
9. to carry out the tasks set forth in this Act, other acts and implementing regulations.

The tasks from the preceding paragraph shall be carried out by uniformed and criminal police officers and by specialist police units organised within the General Police Directorate, police directorates and police stations.

The tasks of the police relating to the management and decision-making within misdemeanour proceedings regulated by the law governing misdemeanours shall be carried out by police stations, internal police organisational units of the General Police Directorate and regional police directorates whose authorised officers shall make decisions in and conduct summary procedures before the misdemeanour authority.

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The internal organisation of the police referred to in the second and third paragraphs of this Article shall be laid down by an organisation and job classification act.

Article 4

The police shall consist of the General Police Directorate, police directorates and police stations. The police headquarters shall be located in Ljubljana.

Article 5

The police shall be run by the Director General of the Police, who shall also be in charge of the General Police Directorate.

Article 6

The tasks of the General Police Directorate shall be as follows:

1. to keep track of, analyse and evaluate the security situation, assess the situation regarding the implementation of police tasks, run, direct and coordinate the work of the police directorates, provide professional and technical support, supervise their work, assure continual improvements of the system organisation and work methods, be in charge of police activities in a state of emergency or war, assure that the police carry out their responsibilities in a law-abiding manner and take necessary measures to ensure police efficiency;
2. to take action in the field of crime prevention, traffic safety, border issues, aliens and public order when coordinated action is required in a larger area, as well as make decisions at the second instance in matters concerning movements across state borders;
3. to organise, run and implement the protection of particular individuals, bodies, objects, districts, work premises and classified data;
4. to perform forensic and laboratory research and provide professional expertise in this field;
5. to assure the implementation of international agreements in the field of police tasks;
6. to cooperate with police forces of other countries and international organisations in the field of police tasks;
7. to collect, process, communicate and store data from the police field and manage the police information and telecommunication system;
8. to make sure that the competent state bodies and the public are informed of police work, of the relevant security matters and the security situation;
9. to deal with the employment of police officers and other police employees and organise professional education, training and advanced training;
10. to propose and implement financial plans and propose purchasing plans of the police, manage and handle the maintenance of buildings, instruments and equipment, provide supplies for police units, make decisions on housing solutions for the police employees and carry out secretarial tasks;
11. to determine the classification, standardisation and codification of technical police material and equipment, including business and other premises and their equipment;
12. within the funds available, to plan and organise rational and purposeful spending;

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13. to perform other police tasks prescribed by law or other regulations elaborated on the basis of the law;

The tasks of the General Police Directorate shall be carried out by internal organisational units. The heads of internal organisational units shall be accountable to the Director General of the Police for their performance, the situation in the unit and the performance of the internal organisational unit.

If the General Police Directorate establishes that a police directorate failed to carry out its tasks, was slow to carry them out or carry them out properly, it must notify the head of such directorate about this and order him/her to ensure the implementation of those tasks and/or rectify what was determined as the cause of the problem by a given deadline.

The General Police Directorate may directly take over a task or a series of tasks within the competence of a police directorate when it finds such action necessary.

Article 7

A police directorate shall be a regional police organisational unit, established in a particular region of the state.

The police directorates, the regions they cover and their headquarters shall be defined by the Government.

Article 8

A police directorate shall be headed by a director.

The director of a police directorate shall be accountable to the Director General of the Police for his/her performance and the performance of his/her police directorate.

Article 9

The tasks of a police directorate shall be as follows:

1. to co-ordinate and direct the work of police stations, provide professional instruction, carry out supervision of their performance and provide professional assistance;
2. to detect and investigate particular criminal offences, detect and arrest perpetrators of such criminal offences and hand them over to the competent authorities;
3. to guarantee that public order tasks are performed, when coordinated action in the directorate territory is required or in cases of severe public order violations;
4. to guarantee that specific tasks relating to traffic regulation and traffic safety are performed, when coordinated action in a larger directorate territory is required;
5. to perform specific tasks to protect particular persons and objects;
6. to guarantee and perform specific border control and state border protection tasks;
7. to perform procedures with aliens;
8. to cooperate with border police bodies of the neighbouring states;
9. to issue decisions at the first instance on matters concerning movement across the state borders;
10. to perform specific police tasks in a state of emergency or war;

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11. to perform specific tasks to maintain the police information and telecommunication system;
12. to perform specific tasks in the field of employment relationships, professional education and training, financial and material matters and maintenance of buildings and technical equipment;
13. to perform other police tasks prescribed by law or other regulations elaborated on the basis of the law.

The tasks of a police directorate shall be carried out by internal organisational units. The heads of internal organisational units shall be accountable to the director the police directorate for their performance, the situation in the unit and the performance of the internal organisational unit.

If a police directorate establishes that a police station failed to carry out its tasks, was slow to carry them out or failed to carry them out properly, it must notify the police station commander and order him/her to ensure the implementation of those tasks and/or rectify what was determined to be the cause of a problem by a given deadline.

A police directorate may take over a task or a series of tasks within the competence of a police station when it finds such action necessary.

Article 10

A police station shall be a local organisational police unit, established in order to directly carry out police tasks within a particular area or some tasks within the range of responsibilities of a police directorate.

The area a police station covers and its headquarters shall be determined by the Minister.

Article 11

A police station shall be headed by a commander.

A police station commander shall be accountable to the director of the police directorate for his/her performance, the state of affairs at the police station and the performance of the police station.

Article 12 (ceased to be in force)

Article 13

The Director General of the Police may establish a special police unit for the occasional performance of certain tasks or for the performance of individual police tasks and define its tasks, mode of operation and duties.

Article 14

For the performance of the tasks defined in the law the police shall use vehicles, vessels, weapons and special equipment.

The colour, special equipment and markings on police vehicles, vessels and weapons shall be defined by the Government.

Article 15

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Upon the recommendation of the Director General of the Police, the Minister shall determine the buildings and their immediate surroundings that shall be used by the police and shall be of special importance for the performance of police tasks. The Minister shall also prescribe the measures to be taken in order to protect those premises.

The immediate surroundings referred to in the preceding paragraph shall consist of the piece of land on which the police building is located, surrounded by a fence or not, which is of special importance for the performance of police tasks and needed so that the building can be made use of.

Article 16

The police shall take special measures in order to ensure police officer safety and protect technical instruments and equipment.

The types of measures referred to in the preceding paragraph and the manner in which they are taken shall be prescribed by the Minister, upon the proposal of the Director General of Police.

Article 17

Within the range of its legally defined activities, the police shall also prepare to act in a state of emergency or war.

In a state of emergency or war, the police shall perform their tasks in such a manner as to adapt their organisation, types and methods of operation to the conditions that have arisen.

The National Assembly shall decide upon any different deployment of the police in a state of emergency or war, upon the proposal of the Government. If the National Assembly cannot convene due to the state of emergency or war, different deployment of the police shall be decided upon by the President of the Republic, upon the proposal of the Government.

The use of material and technical instruments, infrastructure, land and police buildings in a state of emergency or war shall be planned by the police.

For the performance of certain police tasks in a state of emergency or war resources and equipment may be allocated on the basis of material duty.

Article 18

If the Government judges that public order cannot be protected in any other way, it may instruct the Minister to issue an order in which he/she:

- restricts or prohibits movement in particular areas, on particular locations or in public places;
- prohibits taking residence in or leaving a specific location.

The measures set forth in the preceding paragraph may only be in force as long as the reasons for which they were ordered exist.

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Article 19

The police may, upon the request of international organisations or based on international agreements whose signatory is the Republic of Slovenia, participate in the performance of police or other non-military tasks abroad.

The deployment of the police for the tasks referred to in the preceding paragraph shall be decided on by the Government upon the proposal of the Minister.

Article 20

The police must, within the regulations and even without a specific authorisation defined in this Act or other acts, do everything necessary to avert danger threatening a community or an individual or prevent actions that threaten security, order and peace.

The deployment of the police referred to in the preceding paragraph shall be decided upon by the Minister.

State bodies, companies and sole proprietors must make available to the police technical instruments, together with persons trained to handle them, necessary for the performance of the tasks referred to in the first paragraph of this Article.

The costs arisen from the use of technical instruments and equipment referred to in the preceding paragraph shall be budget costs.

Legal entities or sole proprietors who act contrary to the third paragraph of this Article shall be liable to a fine of not less than 1,000,000.00 SIT for the misdemeanour. The accountable person of a legal entity shall be liable to a fine of not less than 200,000.00 tolar.

Article 21

Police stations and police directorates shall cooperate, within the scope of their competencies, with local community bodies in the fields relating to increased safety in the local community.

Police stations and police directorates shall also cooperate with other bodies, organisations and institutions whose actions are aimed at providing greater security and encouraging citizens to organise their own protection, and provide them with assistance within the scope of their powers and ability.

For this purpose, police stations and police directorates, together with the bodies, organisations and institutions referred to in the preceding paragraph, shall agree to establish councils, advisory committees, commissions and other agreed upon forms of partner cooperation.

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Article 22

The police shall inform the public of matters they are dealing with, unless doing so would be detrimental to either police performance or legitimate benefits of others.

The data and notifications on the performance of police tasks referred to in the preceding paragraph shall be released by the Minister, Director General of Police and persons authorised to do so by the Minister or Director General of Police.

Article 23

The police shall provide assistance to state bodies, local government communities, institutions, organisations, companies and sole proprietors and individuals who on the basis of the law have the public authorisation to perform certain administration duties (hereinafter referred to as the parties entitled), if they encounter opposition or threats while performing their duties or have reasonable grounds to expect such occurrences.

Article 24

The police shall guarantee the assistance referred to in the preceding article of this Act upon receiving a written request submitted by the party entitled when circumstances allow for the time necessary to write such a request.

The party entitled must send the request referred to in the preceding paragraph to the competent police station at least three days before the tasks are to be performed. The request must indicate the reasons for which police assistance is necessary and provide the legal basis for such a request.

Article 25

Before they begin performing the tasks requested by the party entitled, the police must notify the party under obligation or other persons that instruments of restraint will be used against them if they obstruct the performance of the tasks by the party entitled.

Police officers themselves may not perform the actions which are the competence of the party entitled.

Article 26

When police officers, while providing the assistance referred to in the preceding article, anticipate opposition or threats by a larger number of persons, they may, until the task has been completed by the party entitled, prohibit movement and stay in a particular area or a particular building.

The police may remove the persons who obstruct or attempt to obstruct the performance of the administrative tasks by the party entitled or threaten people's lives and take measures pursuant to the law.

Article 27

It shall be an individual's right to help the police in the performance of their tasks defined in the law.

An individual who, while assisting the police, suffers an injury, becomes ill or loses his/her ability to work, shall be eligible for all the rights and benefits from health, retirement and disability insurance to which a police officer is entitled in the case of an occupational accident.

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The basis for estimating the amount of the benefit referred to in the preceding paragraph shall be the individual's average salary or a police officer average salary in the year prior to the injury, if this is more favourable to the individual or if the individual is not employed.

If an individual loses his/her life while assisting the police, his/her family members shall be entitled to a family pension.

The family members of the individual referred to in the preceding paragraph shall also be entitled to a lump sum equal to the individual's six average monthly salaries or a police officer's average annual salary, if this is more favourable to the family members.

An individual who assists the police shall be entitled to compensation for any damage caused to him/her while assisting the police.

If criminal or compensation proceedings in relation to his/her assistance to the police are initiated against the individual, the police shall provide professional legal assistance to this individual in such proceedings.

The funds required to exercise the rights referred to in the preceding paragraphs of this Act shall be provided by the State.

Article 28

If an individual believes that the actions of a police officer, or a police officer's failure to act, have violated his/her rights or freedoms, he/she may file a complaint with the Ministry or the police within 30 days from the moment he/she became aware of the violation.

With every complaint against a police officer, the head of the police organisational unit in which the police officer to whom the complaint relates works, or a police officer authorised by him/her (hereinafter referred to as head of the police organisational unit), must first examine the complaint and check all facts relating to it. The complainant shall be acquainted with the findings, and may decide to bring an end to the complaints procedure if he agrees with the findings of the head of the police organisational unit. This shall be entered in the record of the complaints procedure, which contains the main findings of the head of the police organisational unit and is signed by the complainant. This procedure must be completed within 15 days of the receipt of the complaint.

If the complainant, duly summoned, does not respond to the invitation to attend the interview and does not notify the police in writing that he/she will continue the procedure, his/her silence shall be considered as dropping the complaint and shall be entered in the record of the complaints procedure.

If the complainant does not agree with the findings of the head of the police organisational unit or if the complaint gives rise to a suspicion that a criminal offence has been committed which is prosecuted *ex officio*, the head of the police organisational unit shall immediately submit the whole file to the Ministry, which conducts further complaints procedure.

The procedure for resolving complaints at the Ministry shall be conducted by panels made up of three members: an authorised person from the Ministry and two representatives of the public. The Minister shall appoint and dismiss the representatives of the public who take part in procedures for resolving complaints related to police work at the regional level, upon the proposal of the local communities in the area covered by the police directorate in question. The Minister shall appoint and dismiss the representatives of the public who take part in procedures for resolving complaints related to police work at the general police directorate, upon the proposal of civil society organisations, professional organisations and non-governmental organisations. The representatives of the public shall be appointed for a four-year term, with the possibility of re-appointment once that term expires.

The procedure for resolving a complaint at the Ministry shall come to a close with the sending of a reply by the head of the police organisational unit to the complainant within 30 days of the conclusion of the procedure. Submission of the reply to the complainant shall bring the complaints procedure to a

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close. The complainant shall still have at his/her disposal all legal and other means for safeguarding his rights and freedoms.

The Minister shall lay down the procedure for resolving complaints in more detail.

III. POLICE POWERS

Article 29

In the performance of police duties, police officers shall be granted the powers defined in this Act and other acts (hereinafter referred to as police powers).

Police officers may perform tasks and exercise powers in the territory of the entire state.

The manner of exercising police powers shall be prescribed by the Minister upon the proposal of the Director General of Police.

Article 30

In the performance of their duties, police officers shall be obliged to act in accordance with the constitution and the law and to respect and protect human rights and basic freedoms.

Police officers may limit human rights and basic freedoms only in instances specified by the constitution and the law.

The police shall have their code of ethics.

Police officers shall be obliged to prevent unlawful acts at all times and take measures and exercise their powers defined by the law if an unlawful act or general danger directly threatens human life, personal safety or people's property.

Article 31

Uniformed police officers shall have the right and duty to wear their uniform in accordance with regulations issued by the Minister.

Retired police officers may wear a ceremonial uniform at state events, meetings of professional, expert and veterans' associations, and at the funerals of serving and retired police officers, in accordance with rules issued by the Minister.

The uniform, rank insignia and other police symbols shall be defined by the Government.

When police officers perform their duties in civilian clothes, they must prove their identity with a police badge. If circumstances do not allow for such identification, they must orally identify themselves as police officers and prove their identity with a police badge as soon as possible.

Article 32

Police officers shall have the right and duty to carry a weapon with ammunition in accordance with regulations issued by the Minister.

Article 33

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While performing their duties, police officers may warn, give orders, establish a person's identity and carry out an identification procedure, carry out an identification procedure by means of photographs, conduct a security background check on a person, carry out discreet surveillance or specific checks, invite, conduct a security check, prohibit movement, issue a restraining order prohibiting a person from approaching a particular person, location or area, conduct an anti-terrorist search of premises, buildings, instruments and areas, apprehend and bring in a person, detain a person, order strict police surveillance, confiscate items, enter a private residence and private premises, make use of transportation and communication means, use instruments of restraint and exercise other powers provided for in the law.

In communications forming part of the actions from the preceding paragraph, police officers shall be bound by provisions governing the status of the Slovene language as the official language and on the use of Italian and Hungarian as additional official languages in the territory of municipalities in which members of the Italian and Hungarian minorities reside; in verbal communications with foreign persons who do not speak Slovene, police officers may, in urgent cases, also use another language that the foreign person understands.

Article 34

By means of a warning, police officers shall warn individuals, state bodies, companies, sole proprietors, bodies, organisations and local government communities of any circumstances or conduct that poses a threat to human life, personal safety or people's property, or of general dangers.

By means of an order, police officers shall give individuals, state bodies, companies, sole proprietors, bodies, organisations and local government communities instructions and demands to take or not take measures and actions in order to protect human life and property against damage, destruction, theft and other forms of destructive behaviour, to guarantee traffic safety, prevent public unrest, riots and other forms of public order violations or to avert damage caused by natural and other disasters in accordance with decisions made by bodies competent for protection from natural and other disasters.

Orders may only be given to take such measures and actions that upon which the successful performance of police duties directly depends, and for the length of time required for those tasks to be performed.

Article 35

Police officers may establish the identity of a person who:

- has to be apprehended, brought in, arrested or detained;
- is in a prohibited or restricted area;
- is in an area, place or building where measures are being undertaken for searching or tracing a perpetrator of a criminal offences or a misdemeanour or objects and traces relevant for a criminal or misdemeanour procedure;
- by his/her behaviour, actions and loitering at a particular location or at a particular time gives reason for suspicion that he/she might commit, is committing or has committed a criminal offence or a misdemeanour;
- is similar in appearance to a person sought by the police;
- is clearly helpless and establishing his/her identity is necessary in order to provide the assistance;
- might be able to give data useful for the performance of official police tasks.

Police officers may also carry out a procedure to establish the identity of a person and communicate his/her data upon justified request by state body officials and entities with public authorisation.

Police officers may also carry out a procedure to establish the identity of a person upon a justified request by another person who is able to demonstrate that he/she has suffered material or non-material damage or physical injury, who suspects that a criminal offence or misdemeanour has been

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committed, and in similar cases, and communicate data thus established to a person entitled who is able to demonstrate a legal interest in exercising his/her rights before judicial or state bodies.

If in cases referred to in the first paragraph a police officer is unable to establish a person's identity in any other way, he/she may bring the person in question to the police premises in order to carry out a procedure to establish his/her identity.

Police officers may take the fingerprints and palm prints of a person who has attempted to illegally cross the state border, or has done so, and of a person whose identity cannot be established in any other way.

Police officers may photograph a person referred to in the preceding paragraph, make a record of his/her personal description and also publish the photographs of such a person and of a missing person.

The provisions of the fourth and fifth paragraphs shall also apply to the identification of a dead body.

Article 35a

Police officers may carry out a procedure to identify persons by means of photographs in order to discover the perpetrator of a criminal offence or misdemeanour, or in order to establish the identity of an unknown person.

In the procedure of identifying persons by means of photographs, when police officers are attempting to detect the perpetrator of a criminal offence, they must first ask the person who will be making the identification to describe and state the physical characteristics that distinguish this person from other persons; only then may they show that person a photograph of the person, together with other photographs depicting unknown persons. The police officer who is conducting the identification procedure by means of photographs must make sure that the person who is making the identification does not see the photograph or the person in question himself/herself before the identification procedure begins. A record shall be drawn up of the identification procedure; in this record the police officer must state which photographs the person saw.

Police officers may use photographs from the records kept of persons photographed or photographs of persons acquired in some other legal way.

Article 35b

The police must communicate the data collected when dealing with an incident or while performing police tasks to any person who requires it in order to exercise his/her legal rights, upon his/her written request containing an explanation, which must meet the conditions specified in the third paragraph of Article 35 of this Act.

In the written request this person entitled must define precisely the type of information and the purpose for which he/she requires it.

Article 36

Police officers may, in order to protect particular persons, bodies, buildings, districts, work premises and classified data and in other cases specified by law, conduct security background checks on persons.

A security background check of a person shall mean the investigation of possible obstacles to that person's work for a protected person, a protected body, in a particular building or district, on particular work premises, in dealing with classified data or in other cases specified by law.

A security background check shall only be conducted with his/her signed consent.

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The Government shall issue regulations on the protection of particular persons, bodies, buildings, districts, regulations on the protection of particular work premises and classified data of state bodies, and regulations on the criteria and methods to be utilised while conducting security background checks.

Article 36a

Discreet surveillance or specific check shall be carried out as part of border checks and police and customs checks in the interior of the country on the basis of an alert on persons or vehicles issued by countries and entered in the Schengen Information System in accordance with the provisions of the Convention Implementing the Schengen Agreement.

Discreet surveillance shall mean the tracing of a person or a vehicle under alert and gathering of information under the fourth paragraph of this Article.

Specific check shall mean a search of a person or vehicle on the basis of the State Border Control Act, Criminal Procedure Act, Minor Offences Act or on the basis of other laws governing the search procedure. If the legal requirements for a search are not met the measure of specific check shall be replaced by discreet surveillance.

The authority issuing the alert shall be sent the information on the tracing of the person or vehicle under alert, the time, place, time or reason for check, route and the destination of the journey, persons accompanying the person or passengers in the vehicle, vehicle used, things the person has on them, and the circumstances in which the person or vehicle were found.

Discreet surveillance and specific check must be performed in a way that the interference with the rights of persons under alert and accompanying persons is kept to the minimum.

Article 36b

If there are reasonable grounds to suspect that a person is committing or preparing a criminal offence under the second paragraph of this Article or when on the basis of a comprehensive evaluation of the person based on legally obtained information, especially operational information from the police, crime reports filed, criminal proceedings introduced but not finally completed and final criminal convictions that have not been deleted, there is a reasonable ground to suspect that the person will continue to commit criminal offences under the second and sixth paragraph of this Article, discreet surveillance or specific check may be ordered against this person or vehicle and entered in the Schengen Information System.

These measures may be ordered for the criminal offence of Murder under Article 127, Kidnapping under Article 144, Rape under Article 180, Abuse of Prostitution under Article 185, Presentation, Manufacturing, Possession and Transmission of Pornographic Material under Article 187, Unlawful Manufacture and Trade of Narcotic Drugs under Article 196, Grand Larceny under Article 212, Robbery under Article 213, Fraud under Article 217, Extortion and Blackmail under Article 218, Illegal Export and Import of Goods of Special Cultural or Historical Significance or Natural Curiosities under Article 222, Business Fraud under Article 234 a, Breaking into the Computer System under Article 242, Counterfeiting Money under Article 249, Fabrication and Use of Counterfeit Stamps of Value or Securities under Article 250, Money Laundering under Article 252, Smuggling under Article 255, Criminal Association under Article 297, Illicit Manufacture and Trade in Weapons or Explosives under Article 310, Illicit Crossing of the State Border or Territory under Third Paragraph of Article 311, Causing Danger Through Nuclear Materials under Article 319, Hijacking under Article 330, Placing Air Traffic in Jeopardy under Article 331, Bringing Dangerous Substances into the Country under Article 335, Terrorism under Article 355, Diversion under Article 356, Trafficking in Human Beings under Article 387 a, International Terrorism under Article 388, Financing of Terrorist Acts under Article 388 a, Endangering Persons under International Protection under Article 389 and Taking of Hostages under Article 390 of the Penal Code.

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The issuing of discreet surveillance or specific check by a written order shall be allowed by a state prosecutor upon a written proposal by the police. The proposal and order must contain data determining the person or vehicle, the reason and grounds for discreet surveillance or specific check.

If a written order cannot be obtained in time and it is dangerous to put it off, a state prosecutor may, by way of an exception, upon an oral proposal by the police, allow that a measure begins to be implemented on an oral order. The authority issuing the oral order shall make an official note on the oral proposal. The written order, which must contain the grounds for early implementation, must be issued no later than within 12 hours from the issuing of oral order.

The implementation of the measure may last up to three months; however, if there are substantial reasons it can be extended on the basis of a written order for another three months each time. In total the measure may last up to 24 months. The police shall cease to implement the measure as soon as the reasons for which it was ordered cease. They shall immediately inform the authority that ordered the measure in writing on the cessation of the measure.

These measures may also be ordered for the criminal offence of Disclosure of Official Secret under Article 266, Disclosure of Military Secret under Article 282, Treason under Article 348, Attack on Territorial Integrity under Article 349, Assassination of the Highest Representatives of the State under Article 352, Violence Against the Highest Representatives of the State under Article 353, Armed Rebellion under Article 354, Espionage under Article 358, Imparting State under Article 359, Genocide under Article 373, War Crimes Against Civil Population under Article 374, War Crimes Against the Wounded and the Sick under Article 375 of the Penal Code, but only on the basis of the written order of the State Prosecutor General of the Republic of Slovenia or Supreme State Prosecutor specially authorised to do so by the State Prosecutor General in writing. The provisions of the third, fourth and fifth paragraphs of these Articles shall be used for the conditions of ordering these measures and their duration under this paragraph. The authority proposing the alert shall be obliged, before the issuing of the alert, to consult other countries that would have to carry out this alert, about the reasons for the issuing of the alert.

Article 37

Police officers may invite a person to appear at the police premises in order to obtain from him/her the information necessary to perform tasks defined by law provided that such invitation is not possible pursuant to other acts.

An invitation to appear must include the name and surname of the person requested to appear, the time, location and the reason for which the person is requested to appear and the his/her role, as well as a warning that the person will be brought by force if he/she does not comply with the invitation.

The police may verbally invite a person to appear and they must state the reason for which he/she is being requested to appear, and warn him/her of the possibility of being brought by force.

Invitations to appear may not entail unnecessary problems for the person with regard to their regular work.

The person invited shall be refunded the actual costs of travel by cheapest public transport from his/her place of residence to the location where he/she has been invited and back.

The procedure of refunding travel costs to the person invited shall be prescribed by the Minister.

Article 38

In the performance of the tasks defined by law, police officers may conduct a security search of a person if there is reason to believe that the person in question might attack someone or harm himself/herself.

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The security check shall consist of a body search of the person, his/her belongings and vehicle in order to establish whether the person is armed or carries other dangerous objects.

The security search shall be conducted with or without technical instruments.

Article 39

If there is reason to expect that people's lives, personal safety or property of great value might become threatened in a particular area or building or this has already happened, or in order to ensure the safety of specific persons or buildings, police officers may empty such an area or building, deny people entry, search it and limit movement in its immediate surroundings.

Article 39a

If there is a reasonable suspicion that a person has committed a criminal offence or a misdemeanour involving violence or if a person has been caught in the committing of such a criminal offence or a misdemeanour and there are reasons for suspecting that this person is about to endanger the life, personal safety or freedom of a person with whom he/she is or was in a close relationship within the meaning of the provisions of Article 230 of the Penal Code (The Official Gazette of the RS, 63/94, 70/94 – amendment, 23/99), including his common law partner, which shall be established by the police officers chiefly on the basis of prior abusive behaviour on the part of the offender and from circumstances that the police officers became directly aware of upon arrival at the scene of the incident, statements collected from the victim or witnesses, or information by the social work centre, police officers may order a restraining order prohibiting the person in question from approaching a particular place or person (hereinafter: the victim); the offender may not intentionally breach this order. The place where the victim lives, works, studies, is under protection or moves about on a daily basis shall be deemed to be such a place. The restraining order prohibiting the person in question from approaching a particular place or person shall also include a prohibition of harassment through means of communication, to which the offender's special attention shall be drawn.

A police officer shall issue the restraining order prohibiting the person in question from approaching a particular place or person by issuing an on-the-spot verbal order to the offender to whom the measure relates, and later, within not more than six hours, by serving a written order relating to the measure ordered. The written order must contain information on the offender against whom the measure has been ordered (name, personal registration number or, for a foreign person, birth details, nationality, permanent or temporary place of residence), the measure ordered (the measure shall also include the determination of the distance from the place or person within which the offender may not move, which shall be determined by the police officer and may be between 50 and 200 metres), a description of the threat (manner, scope, duration), justification of the reasons for the measure ordered (previous measures taken by the police, long-standing or prior abusive behaviour, etc.) and a statement in which he/she shall be informed that the order will be sent for judicial review *ex officio*. The police officer shall call upon the offender to furnish him with the address at which the written order may be served. Should the offender not be found at the address given, or if he refuses to supply the address, the order shall be served by affixing the decision to the bulletin board of the competent police station, to which the offender's special attention shall be drawn.

The offender against whom the restraining order has been issued must immediately vacate the place or area in question and hand the keys of the residence which he shares with the victim to a police officer. The police officer must remove the offender immediately if he fails to comply with the order. The police shall inform of their measure the local competent social work centre, which must provide the victim with details of the organisations available for material and non-material assistance, and assist that person in contacting such an organisation if he/she so requests.

By means of the restraining order specified in the second paragraph of this Article, the police shall prohibit the offender from approaching a particular place or person for 48 hours and immediately send the order for review to the district court investigating judge, who may uphold, amend or annul the restraining order. The investigating judge must decide on the measure within 24 hours. Should the restraining order be upheld, the investigating judge may pronounce the measure for up to ten days,

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where the validity of the measure commences at the moment when the police pronounced the measure. An appeal against the decision of the investigating judge may be made to the non-trial panel of the district court within three days; the panel must decide on the appeal within three days of receiving it. The investigating judge shall attempt to serve the decision on the offender at the address he gave to the police; if it is not possible to serve the decision at this address, the order shall be served by affixing the decision to the bulletin board of the local court. The appeal against the investigating judge's decision shall not stay execution. Provisions on the serving of the decision by the investigating judge shall also apply to the serving of the decision of the non-trial panel.

The procedure for implementing a restraining order shall be prescribed by the Minister, in agreement with the minister responsible for justice and the minister responsible for labour, family and social affairs.

Supervision of compliance with the restraining order shall be carried out by the police; they shall immediately remove the offender if he is apprehended in the area covered by the restraining order. If the offender does not stop violating the restraining order, he shall be taken to the competent misdemeanours court and subjected to proceedings without delay.

An offender who does not comply with a restraining order, or who harasses the victim through means of communication while the measure is in place, shall be liable to a fine of at least SIT 100,000 for the misdemeanour.

Article 39b

If there are reasonable grounds for suspecting that the violator will continue to pose a threat also after the expiry of ten-day period for which a restraining order prohibiting the person from approaching a particular place or person has been issued, the victim may, three days before the expiry of the measure, appeal to the investigating judge to extend the measure from the preceding Article to 60 days. If the legal requirements are fulfilled, the investigating judge shall issue a decision on the extension of the measure prohibiting the person from approaching a particular place or person prior to the expiry of the ten-day period of the measure. An appeal against the decision may be filed with the non-trial panel of the district court within three days; the panel must decide on the appeal within three days after its receipt. The investigating judge shall serve the decision on the violator at the address he/she has indicated to the police; if it is not possible to serve the decision at this address, the order shall be served by affixing the decision to the bulletin board of the local court.

Article 40

Police officers shall conduct an anti-terrorist search of premises, buildings, facilities and areas in order to ensure the general safety of persons and property on particular premises, in buildings and facilities. They shall also do so in particular areas and in traffic in order to secure particular persons, buildings and classified information or ensure safety at public gatherings and events.

An anti-terrorist search shall comprise of an anti-bomb search, a chemical-bacteriological-radiological search and an anti-bug search.

If it is likely to expect that the general safety of the public or property on particular premises or in a building, facility, area or in traffic will be threatened with highly dangerous means or devices, or if such an event has already occurred, police officers may empty particular premises or a building, area or vehicle, search it directly or with technical instruments and ban anyone from approaching it. In these instances, police officers may also conduct a security check.

In the exercise of the powers under this Article, police officers may also ask a competent inspection body to perform inspection and supervision.

Article 41

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Upon making an arrest police officers shall temporarily restrict the movement of a given person in order to produce or detain him/her or perform some other act in accordance with the law.

If a military person is arrested, the military police must be notified immediately.

An arrest shall also include a security check.

Article 42

Upon production of the person, police officers shall either bring him/her onto their official premises, the official premises of another body, or to a particular place.

The production of the person can be executed on the basis of an order issued by a competent body. Without such an order, a person may be produced under the provisions of Article 37 of this Act, or if he/she has already been arrested, or in other instances set forth by the law.

Prior to the execution of production police officers shall inform the person of the reasons for having done so and warn him/her of the consequences of resistance or an attempt to escape.

If a person resists production, the police shall use force to bring him/her in.

Article 43

Police officers shall detain a person who disrupts or threatens public order provided that it cannot be restored otherwise and/or if disruption cannot be prevented otherwise. Detention may last up to a maximum of 24 hours.

A person who has to be handed over to foreign law enforcement authorities or has been taken over from them and needs to be transferred to the competent body may not be detained for more than 48 hours.

A person who has been handed over by foreign law enforcement authorities and to be produced to a competent body may be detained for up to a maximum of 48 hours.

Detention shall be instructed with a decision which shall be issued and handed in to the detained person within 6 hours following the arrest. During the detention period the detained person shall have the right to file an appeal against the decision. The appeal must be processed by a competent district court within 48 hours.

The appeal shall not suspend the execution of detention.

Detention shall terminate as soon as the grounds for it cease to exist.

If a military person is detained, the military police must be notified immediately.

Article 44

Upon detention executed pursuant to the provisions of the Police Act or retention executed pursuant to the State Border Control Act, the person concerned must be notified immediately, in his/her own language or in a language he/she understands, that he/she is has been detained or retained and of the grounds for the detention or retention, and advised that he/she is under no obligation to say anything and that he/she has the right to the immediate legal assistance of a defence counsel freely chosen by him/her and to have his/her immediate family notified of his/her detention or retention, if he/she requests so.

If the person from the preceding paragraph is an alien, he/she must be advised in his/her own language or in a language he/she understands that, if he/she requests so, the diplomatic and consular

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representative office of the country whose citizen he/she is may be informed of his/her detention or retention.

A police officer must delay all further acts until a defence counsel has arrived, but not beyond the period of 2 hours from the point when the person has been rendered the possibility to contact a defence counsel.

A police officer may immediately produce or detain a person and/or take other acts prescribed by the law if the delay might prevent or hinder the exercise of police officer's duty.

Article 44a

If a detainee needs emergency medical service, the latter shall be guaranteed to the person in accordance with the regulations governing emergency medical service. The detainee shall have the right to be examined, at his/her own expense, by a doctor of his/her choice.

The medical examination shall take place in the absence of police officers unless the doctor requests otherwise.

Article 45

An alien who has been refused to enter the country or for whom deportation and/or removal from the country has been ordered, but who cannot be removed from the country immediately, may be permitted to stay – in compliance with the law - under strict police supervision in a facility designated for this purpose for a period of time absolutely necessary to remove the alien from the country.

Article 46

Police officers shall confiscate items on the basis of an order issued by a competent body or on legal grounds.

When exercising other police tasks prescribed by the law, police officers shall confiscate items intended for assault or self-infliction, as well as items that can seriously endanger public order or the general safety of the people or property, or items which were used, acquired and/or came into existence through the commission of a misdemeanour or criminal offence.

Police officers shall have the duty to hand over the items under this Article to a competent body. In the event that no proceedings have been initiated before a competent body against the person whose items have been confiscated, the items must be returned to the person unless they hazardous objects.

Article 47

Police officers may enter a residence or other premises without a court decision if this is necessary to prevent a suicide, or if there is an ongoing investigation of the circumstances pointing to the death of a person in such a place, or if this is necessary to protect individuals and/or property from immediate danger.

Article 48

If the perpetrator of a criminal offence needs to be arrested, or if a person in need of immediate medical attention must be taken to a medical institution, or if the police need to handle another type of emergency, police officers shall have the right to use the closest vehicle or means of communication available, except those owned by the Slovene Army.

The owner of the means defined in the preceding paragraph shall have the right to be reimbursed any costs or possible damage resulting from this use.

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While enforcing the law, police officers shall have the right to use free public means of transportation and shall be entitled to compulsory insurance for public transport passengers.

Article 49

If there are grounds for suspecting that a person has committed a criminal offence which must be prosecuted *ex officio*, or if such a person is in the act of committing the crime, or organising or planning to commit it, and police officers cannot detect, prevent or prove it otherwise, or this would involve non-proportional difficulties, they may take the following measures:

- covert surveillance and tailing with the use of technical equipment for the purposes of documentation;
- undercover police operation;
- covert police cooperation;
- altered documents and identification insignia.

The performance of the measures described in the preceding paragraph shall be authorised by the Director General of the Police or his/her deputy, except in cases when police officers and/or other persons performing undercover police operation or covert police cooperation use altered documents and identification insignia in which case the authorisation is issued by a competent state prosecutor. Such authorisation must be issued in writing and must include personal data about the person against whom the measures are being taken, a description of the act, method, scope, term of measure and the reasons for it.

The implementation of the measures described in the preceding paragraph may last for a maximum of up to three months with a possible extension of three months from time to time if well-founded reasons exist. Each extension of term must be approved in writing and shall also provide the reasons for the extension.

(Note: Cf. Decision of the Constitutional Court of the Republic of Slovenia, Official Gazette of the Republic of Slovenia, no. 48/2003, as a reference to the first, second and third paragraphs.)

Such measures must cease to be implemented as soon as the reasons for its introduction cease to exist.

If the measures from the first paragraph of the present Article have not been taken in accordance with the provisions of the second and third paragraphs of this Article, the court shall not base its decisions on any of the information, messages, recordings or proofs acquired through the use of such measures.

If a crime report has not been filed within six months after the implementation of the measures under this Article, all information gathered on the basis of this Article must be destroyed, irrespective of the provisions under Articles 62, 63 and 64, whereas the person about whom such evidence was gathered must be notified of this.

Exceptionally, the term from the preceding paragraph may be extended for as long as the reasons defined in Article 159 of the Criminal Proceedings Act (Official Gazette of the Republic of Slovenia, no. 63/94) still exist.

Article 49a

Funds shall be earmarked in the budget, as part of the financial plan of the police, for the payment of costs and awards to persons for undercover police operation and covert police cooperation in the implementation of measures approved pursuant to this Act and the act governing the criminal procedure, and for payment for useful information connected with criminal offences or perpetrators (hereinafter referred to as funds for special operational purposes). Information on payments shall be kept in separate records in accordance with the regulations governing individual areas. The Minister shall lay down the instructions for managing the funds for special operational purposes.

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Monetary receipts from the preceding paragraph shall not be subject to taxes, social security contributions or other levies laid down in the regulations.

Article 50

While implementing their tasks, police officers shall be entitled to use the following instruments of restraint:

- instruments of constraint such as handcuffs and other mechanical restraints;
- gas spray;
- physical force;
- baton;
- gas and other instruments of temporary incapacitation;
- water cannons;
- mounted police units;
- special motor vehicles;
- service dogs;
- means for halting vehicles by force;
- firearms.

It shall be deemed that instruments of restraint are used when police officers, while discharging police duties, employ any of the restraints defined in the preceding paragraph in order to exercise direct control over individuals.

Article 51

Police officers may use only the instruments of restraint that shall enable them to perform the tasks by inflicting the least amount of harm to the person against whom such measures have been applied. While using such instruments of restraint, police officers must respect one's personal integrity and dignity.

Police officers must immediately cease using instruments of restraint when the reasons for their use cease to exist.

Article 51a

Instruments of restraint may be used by a police officer if there is suspicion that a person will resist or inflict harm upon himself/herself, or if there is suspicion that the person will commit an assault or escape.

Article 51b

A police officer may use gas spray, physical force and a baton if he/she is unable to control - in any other manner - the resistance on the part of the person who has failed to obey legitimate orders or has disturbed public order, or the resistance on the part of a person who needs to be arrested, produced or deprived of freedom, and also if the police officer has to avert an assault on a person or the premises under his/her protection, or an assault on himself/herself or another person.

Article 51c

In order to restore public order when it is violated seriously or *en masse*, police officers may, in addition to the instruments of restraint from the preceding paragraph, use gas and other means of incapacitation, water cannons, mounted police units, and special motor vehicles.

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Gas and other means of incapacitation may also be used in the event of terrorist acts and hijacking, or for the arrest of a person who is resisting, carrying out an assault or otherwise obstructing the implementation of tasks, or directly threatening the life of a police officer or another person.

Article 51č

A police officer may use a muzzled or unmuzzled service dog on a lead or off the lead as an instrument of restraint.

A police officer may use a muzzled service dog on a lead in all cases where the use of gas spray, physical force or a baton is permitted.

A police officer may use a muzzled service dog off the lead to prevent escape and to arrest the perpetrator of a criminal offence that is prosecuted *ex officio*, to prevent the escape of a person who has committed a public order offence, to avert an assault upon himself, on another person or on the premises he/she is protecting, and to restore public order.

A police officer may use an unmuzzled police dog on a lead to restore public order if people's lives or their personal safety or property of higher value has been threatened by actions of a group, and to arrest the perpetrator of a criminal offence that is prosecuted *ex officio*.

A police officer may use an unmuzzled service dog off the lead if he/she is otherwise unable to:

- protect human life;
- prevent the escape of a person who has been caught while committing a criminal offence punishable with a prison sentence of three or more years according to the law;
- prevent the escape of a person who has been deprived of his/her liberty or of a person against whom an arrest warrant has been issued because he/she committed a criminal offence punishable with a prison sentence of three or more years according to the law;
- avert an assault on a protected person or premises;
- prevent a direct unlawful assault directed against himself/herself which puts his/her life in jeopardy.

Article 51d

A police officer may use means for halting vehicles by force:

- to prevent escape by vehicle of a person apprehended while committing a criminal offence that is prosecuted *ex officio*;
- to prevent escape by vehicle of a person deprived of liberty against whom an arrest warrant has been issued;
- to prevent the illegal crossing of the state border using a vehicle;
- to prevent a person from continuing further in a vehicle who, prior to that, had been stopped in the correct manner at least twice but failed to obey a lawful order of a police officer;
- to prevent unlawful access with a vehicle to premises or an area where a protected person is being detained or is residing;
- to prevent a person who is passively resisting or failing to comply with the lawful order of a police officer, or is attempting to continue his journey or is being unfit for driving from continuing further in a vehicle.

Article 52

While discharging his/her tasks, a police officer may use firearms only if there is no other way to:

- protect human life;
- prevent a person who has been caught while committing a crime for which the law prescribes a sentence of over ten years of imprisonment from escaping;
- prevent a person who has been deprived of liberty, or for whom an arrest warrant has been issued because he or she has committed a crime defined in the preceding indent, from escaping, provided

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- that the arrest warrant or the production warrant and/or the escort warrant for this person explicitly authorizes the use of firearms by a police officer should this person attempt to escape;
- avert an attack on the person or facility under protection;
 - avert a direct, disproportionate, unlawful attack on himself/herself which puts his/her life in jeopardy.

Before a police officer uses his/her firearms, he or she must, circumstances allowing, caution the person against whom the weapon is to be used by calling out, "Police! Freeze or I will shoot!" and fire a warning shot.

Article 53

When exercising policing on water, the police shall have the right to:

- verify the flag of a vessel;
- stop a vessel, examine and search it;
- check the vessel's, crew members' and passengers' documents;
- or apply other police powers if necessary.

Police officers may pursue, capture and take a vessel with its crew members to a competent body provided that there is suspicion that the laws of the Republic of Slovenia, international treaties or international laws have been violated.

IV. GATHERING, PROTECTION AND SECURING OF DATA

Article 54

The police shall gather personal and other data in order to perform tasks prescribed by law.

Police officers shall gather personal and other data directly from the person to whom the information refers and from others who may have such information, or from the existing data collections.

The police may, if this is necessary in order to carry out legally determined police tasks, communicate collected personal and other data to foreign authorities or international organisations at their request or upon their own initiative, provided that the principle of reciprocity exists.

Before personal data are communicated to the authorities from the preceding paragraph, the police must be assured that the country to which the data are being sent has a regulated personal data protection system and that the body of a foreign country or international organisation will use personal data only for the purposes set forth in this Act.

The police must ensure that the record from which the data was sent contains a note as to when the data were sent and for what purpose.

While gathering personal and other data from an individual in the course of detecting and investigating a criminal offence, police officers may, upon the individual's written consent, use polygraph testing.

While gathering personal and other data intended to prove the commission of misdemeanour or criminal offence, or to identify violators and/or perpetrators, police officers may use technical devices for taking photographs and/or video and audio recording.

When gathering personal and other data from other persons or from the existing data collections as stipulated in the preceding paragraph, police officers shall not be required to disclose such activities to the person whom this data concern if this could inhibit the implementation of a particular task or make it difficult.

Article 55

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If, as part of their assignment, police officers collect personal and other data about individuals from the existing data collections, the authorities, organisations and other subjects who administer these collections on a legal basis and as part of their operation or in connection to it, shall be required to disclose personal and other data to police officers free of charge when requested so.

The Minister may decide that, in cases provided for in the preceding paragraph, bodies, organisations and other subjects may notify the individuals whom the data concern but only after a specified term which shall not exceed five years.

The provision from the preceding paragraph shall also apply to the presentation to the person of a list of subjects which have been furnished with personal and other data in a particular period of time.

Article 56

A police officer must keep state, official or other classified information he/she encounters while performing secret duties. The obligation to keep state, official and other secrets confidential may remain in effect also after the police officer is no longer a member of the police service.

A police officer shall be obliged to safeguard the identity of the source that has filed a report, provided information or filed a complaint.

The Minister may, with well-founded reasons, when this is in the interest of the criminal proceedings and does not endanger the life or personal safety of an individual, relieve a police officer or an individual who has helped the police to conduct their legally determined tasks of the obligation to keep a secret confidential, at the request of competent bodies.

Article 57

The Minister shall determine the organisational, logistical and technical procedures and measures to be taken in order to protect personal and classified police information, as well as the criteria and procedures for defining the level of secrecy of data administered by the police.

Article 58

Collection, processing, storing, forwarding and use of data from police records shall be subject to the provisions of the Personal Data Protection Act.

Article 59

The police shall administer personal data collections (hereinafter referred to as the records). The data shall be collected, processed, stored, forwarded and used by police officers as part of their tasks.

In the exercise of police powers, the police keep and maintain the following records:

1. record of criminal offences;
2. record of violators and misdemeanours;
3. record of persons sought by the police;
4. record of identifications;
5. (deleted);
6. record of operational data;
7. record of persons against whom covert investigation measures set forth in the act governing the criminal procedure have been taken;
8. record of DNA tests;
9. record of incidents;
10. record of detained and retained persons;
11. record of persons subjected to security vetting;

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12. record of complaints;
13. record of use of instruments of restraint;
14. record of fingerprinted persons;
15. record of photographed persons;
16. record of items searched for and retrieved items;
17. record of purpose-specific gathering of information related to terrorism and international organised crime;
18. record of entry and movement of persons in protected police premises and their surrounding areas;
19. record of restraining orders;
20. record of discreet surveillance and specific checks.

The Minister shall prescribe in detail the method of keeping police records.

Article 60

The records from the preceding paragraph shall contain the following personal data:

- name and surname;
- birth data (day, month, year and place of birth);
- personal registration number;
- sex;
- address of permanent or temporary residence;
- nationality.

Article 61

In addition to the personal data, the records shall contain the following data:

1. Record of criminal offences shall contain: nickname or false name, description of personal identifiers, nationality of the reported person or the suspect, the administrative unit of his/her place of birth, family background and financial situation, educational background, profession and employment, personal data of the victims, reporting persons or other persons who gave information on the criminal offence, and information on the criminal offence (type, place, time, modus operandi, motive, description of items involved in the commission of the offence, damage and other circumstances of commission);
2. Record of violators and misdemeanours shall contain: violator's profession and employment, the post he/she occupies (if he/she is an accountable person of a legal entity), personal information on the victim and information on the misdemeanour (type, place, time, method of operation, motive, participants and damage);
3. Record of persons sought by the police shall contain: nickname or false name of the person sought by the police, photograph and description of personal identifiers, family background and financial situation, education background, profession and employment;
4. Record of identifications shall contain: grounds, place, time and means of transportation of the person whose identity was established, and other circumstances of establishing the person's identity;
5. (deleted);
6. Record of operational data shall contain: information on police findings and policing operations relevant for the prevention and investigation of criminal conduct;
7. Record of persons against whom covert investigation measures set forth in the act governing the criminal procedure have been taken shall contain: nickname or false name of the person, family background and financial situation, education background, profession and employment, number of the written order issued by the state prosecutor or investigating judge, and information on the method, extent and duration of the measures taken;
8. Record of DNA tests shall contain: place, time and grounds for taking a DNA sample, name and surname of the person who took the sample, profile of the DNA sample taken;
9. Record of incidents shall contain: information about the incident (type, place, time, persons involved, damage and other circumstances);
10. Record of detained and retained persons shall contain: information on detention or retention (place, time and grounds for detention, and a video recording of the detention or retention);

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11. Record of persons subjected to security vetting shall contain: educational background, profession, employment, previous offences, and reasons for the initiation of security vetting and the findings of thereof;
12. Record of complaints shall contain: data about the police officer against whom a complaint has been filed, data about the complainant, information on police measures, conduct and procedures being the subject of the complaint;
13. Record of use of instruments of restraint shall contain: data about the police officer who has used an instrument of restraint, personal data about the person against whom the instrument of restraint was used, information about the incident in which the instrument of restraint was used, an assessment report on the use of the instrument of restraint and any revisions of that report;
14. Record of fingerprinted persons: nickname or false name, place, time and reason for the taking of fingerprints, the grounds on which the identity of the person from whom fingerprints were taken was confirmed, the name and surname of the person who took the prints, as well as fingerprints and palm prints;
15. Record of photographed persons shall contain: nickname or false name, photograph, description of personal identifiers, place, time and grounds for taking the photograph, name and surname of the person who took the photograph;
16. Record of items searched for and retrieved items: personal data of the injured party, photograph and/or description of the item;
17. Record of purpose-specific gathering of information related to terrorism and international organised crime: nickname or false name of the person, family background and financial situation, educational background, profession and employment, data about the criminal offence with reference to which the information is collected, findings of the purpose-specific gathering of information, methods of communicating such findings, the time and scope of the purpose-specific gathering of information, and data about the organisational unit or police officer who has collected such information;
18. Record of entry and movement of persons in protected police premises and their surrounding areas: information on entry into the premises, time and date of entry and exit, video recording and other recordings made by technical security systems on police premises and the areas surrounding them;
19. Record of restraining orders: date and time of issuing an order, a summary of its contents, the name of the court to which the order was sent for decision, data from the court order including the information about the term of the measure, the victim's personal data about and any of his/her legal representative, indication of the measures ordered and violations of these measure(s), information from social security centres and other organisations engaged in resolving domestic violence issues;
20. Record of discreet surveillance and specific checks: data on the tracing of the person or vehicle under alert, the time, place, time or reason for check, route and the destination of the journey, persons accompanying the person or passengers in the vehicle, vehicle used, things the person has on them, and the circumstances in which the person or vehicle were found.

Article 62

An individual has the right to access the data relating to himself/herself which is contained in the records:

- under points 3, 4, 8, 9, 10, 12, 13, 14, 15, 16, 18 and 19 of Article 59, of the present Act immediately after the entry has been made;
- under points 1 and 2 of Article 59 of this Act – after a final ruling to initiate criminal or misdemeanour proceedings or, if proceedings are not initiated, after prosecution has become statute-barred;
- under points 7, 17 and 20 of Article 59 of this Act – after police investigation has been terminated or a final ruling to initiate criminal proceedings; if proceedings are not initiated, access is allowed after prosecution has become statute-barred;
- under point 11 of Article 59 of this Act – after the employment procedure to enter the police service has been closed and/or after the procedure of assigning the tasks to protect particular persons, buildings, facilities and work premises of state bodies has been completed, or after access or discharge of duties has been granted to work with a protected person, body, or on the premises, or in the area or work premises.
- under point 6 of Article 59 of this Act – after the data have been filed.

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An individual whose personal data has been collected without his/her knowledge and have not been deleted shall be notified of this when the nature of policing allows so.

Article 63

Data shall be kept:

- in the records under point 1, 6, 7, 8, 14, 15, 17 and 20 of Article 59 of this Act – until police investigation or protection activity has closed, or after a final ruling to initiate criminal or misdemeanour proceedings has been issued; if proceedings are not initiated, after prosecution becomes statute-barred;
- in the record from point 3 of Article 59 of this Act – for as long as the grounds on which an investigation or other legal measure was initiated still exist, but no longer than to the point when prosecution becomes statute-barred;
- in the records from point 4 and 19 of Article 59 of this Act – one year after the data were filed;
- in the records from point 9 and 11 of Article 59 of this Act – three years after the data were filed;
- in the records from point 2, 10, 12 and 13 of Article 59 – two years after the data were filed;
- in the record from point 16 of Article 59 of this Act – for as long as the reasons for which a search was initiated still exist;
- in the record from point 18 of Article 59 of this Act – two months after the data were filed.

The state prosecutor's office that receives the crime report from the police shall be obliged to submit the decision on the final initiation of criminal proceedings to the competent police unit, on the basis of which the police shall set the deadlines for storage in the record of criminal offences.

Article 64

After the deadlines from the preceding article have expired, the data from the police records shall be handled in accordance with the regulations governing the operation of public administration bodies involving the permanent collection of documentary material or the handling of public archive material. Police officers and competent persons from other state bodies shall only be allowed to access these data in the course of an investigation based on a suspicion that a criminal offence for which the perpetrator is prosecuted *ex officio* has been committed, or in other cases determined by the law.

V. EMPLOYMENT AND SPECIAL ARRANGEMENTS CONCERNING HEALTH, RETIREMENT AND DISABILITY INSURANCE

Article 65

Police personnel shall be subject to general and special regulations governing employment relationships, health, retirement and disability insurance, unless otherwise specified by this Act.

Police personnel shall be police officers and other workers employed by the police.

Article 66

Police officers shall be uniformed or non-uniformed police personnel who discharge police tasks and have the right and duty to enforce police powers.

A police officer shall be required to have at least secondary vocational education.

The police profession shall be defined in the profession nomenclature which shall serve as a basis for the formulation of educational programs.

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Police officers shall carry a police badge which shall be evidence of their authorisation to exercise police powers.

The police badge shall be issued by the Director General of the Police.

The form of the police badge and the procedure for issuing the badge shall be prescribed by the Minister.

Article 67

An employment relationship to perform tasks within the police service may be entered by a person who, in addition to the criteria set forth in the regulations on the employment of civil servants, fulfils the following requirements:

1. he/she has appropriate psychological and physical abilities;
2. he/she has not been finally convicted of a premeditated criminal offence that is prosecuted *ex officio* and has never been sentenced to imprisonment for more than three months;
3. he/she is not undergoing proceedings for a criminal offence from the preceding point;
4. he/she is a citizen of the Republic of Slovenia with permanent residence in the Republic of Slovenia;
5. he/she has undergone a security vetting procedure and there are no security reservations regarding his/her appointment;
6. he/she has not exercised the right to conscientious objection to military service or is not doing so;
7. he/she does not have dual nationality.

The criteria under items 1, 6 and 7 of the preceding paragraph shall apply only when a police officer is being employed.

The psychological and physical abilities from item 1 of the first paragraph of this Article shall be set forth by the job classification act.

Article 67a

Upon written permission of the person who is to be employed by the police, the police may collect additional information, needed for establishing any security reservations regarding the discharge of police duties.

Security vetting from the preceding paragraph shall include checks of data as set forth in the regulations governing the qualifications for a security clearance, whereas for candidate police officers the regulations on the criteria for the acquisition of weapons documents shall apply as well. The police shall also check other information the candidate has submitted during the procedure of entering an employment relationship.

If a security reservation is established in the course of security vetting, that person may not undertake employment to perform police tasks. It is deemed that a person who does not consent to security vetting shall not fulfil the security criteria for the performance of police work and tasks.

Article 67b

In order to perform the surveillance of the external border of the European Union or protect the facilities for which the police provide protection in accordance with the regulations, an employment contract of limited duration may be concluded with a person for not more than 5 years and may be extended for the same period. The person concerned must pass the police powers examination within one year of the conclusion of the contract, otherwise his/her employment shall be terminated.

If the person referred to in the previous paragraph has completed the education programme for police officers, he/she may be employed for an indefinite period based on an open competition.

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The employment contract with regard to the performance of tasks of a police employee referred to in the first paragraph shall be concluded in writing and must contain the data of the contracting parties, the date of commencement of his/her duty, the employment period, the location of work, the job title and job description, a provision concerning salary, working hours, the manner of defining annual leave and length of notice. The contract may include other rights and duties of the employee or may refer to other statutes or general acts of the Ministry or the Police.

Article 68

If a police employee is convicted of a criminal offence defined in point 2 of the first paragraph of the preceding Article, the court must send its final judgement to the General Police Directorate.

A police employee's employment shall terminate when the General Police Directorate has issued a decision to terminate the employment based on a final court judgement.

Article 69

A person who has entered an employment relationship as a police officer must, within the timeframe set out in the organisation and job classification act, pass a police powers examination.

The contents and method of conducting the examination defined in the preceding paragraph shall be prescribed by the Minister upon the recommendation of the Director General of the Police.

A person who has failed to pass the examination mentioned in the preceding paragraph shall be terminated from his/her position of employment.

A person who has successfully completed either the training programme for police profession or the basic training on criminal investigation shall not be obliged to take the examination.

Article 69a

Irrespective of the provisions of Article 89 of the Civil Servants Act (Official Gazette of the Republic of Slovenia, no. 56/02 110/02 – ZDT-B and 2/04 – ZDSS-1), a police employee may exceptionally acquire a police or criminal police rank provided that they pass the required professional examination within two years after the acquisition of the rank.

The provision of the first paragraph shall only apply upon the first acquisition of a rank.

Article 70

Having passed the examination from Article 69, a police officer must take an oath before the Director General of the Police.

The oath shall read as follows:

"I solemnly declare that I will discharge my police duties in a faithful, responsible and humane manner and according to law, and with respect to human rights and fundamental freedoms."

The oath from the preceding paragraph shall also be taken by auxiliary police officers.

Article 71

At least every three years, a police officer must take a professional and psychophysical competency test (hereinafter referred to as the test).

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A police officer shall take the test before a commission appointed by the Director General of the Police.

A police officer may take the test again for maximum two consecutive times.

If a police officer fails the test at his/her first attempt, he or she shall have the right to take the test again within a period of three months after the first failed attempt. He or she shall have the right to take the test for the third time within a period of three months after the second failed attempt.

The content and criteria for establishing professional competency and physical and psychological abilities of a police officer, as well as the details and procedures for administering the test, shall be prescribed by the Minister upon the proposal of the Director General of the Police.

Article 72

The Director General of the Police may issue a decision to withdraw a police officer's right to exercise police powers:

- if the latter exercises police powers counter to the law;
- if the latter fails to act in accordance with the provision under the fourth paragraph of Article 30 of this Act;
- if the latter fails the Test mentioned in the preceding Article in his/her third attempt;
- if the latter conducts the activity defined in Article 83 of this Act.

The Director General of the Police shall issue a decision to take away a police officer's right to exercise police powers if he or she discovers that such a police officer holds membership in a political party.

The decision under the first and second paragraphs of this Article may be appealed. An appeal shall be decided on by the Minister.

A police officer referred to in the first and second paragraphs of this Article shall be assigned to another post appropriate to his/her professional qualifications by the Director General of the Police.

The decision on the new assignment shall be final.

A police officer referred to in the first and second paragraphs of this Article must turn in his/her police identification card, weapons and uniform.

Article 73

The police shall offer legal aid to a police officer against whom criminal proceedings have been initiated or from whom damages have been claimed for the exercise of official duties, if the police determine that they were performed in accordance with the regulations.

The evaluation is conducted by a commission appointed by the Director General of the Police for the General Police Directorate or by the director of a police directorate for a police directorate.

Article 73a *(ceased to be in force)*

Article 74

A person over the age of 18 who meets the requirements set forth in Article 67 of this Act, other than the military service requirement, may be engaged to conduct temporary or periodical traffic regulation on public roads and non-categorised roads used in road traffic, and to handle border control issues.

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Article 75

Persons referred to in Article 67 of this Act may be employed without a public announcement or an open competition.

Article 76

If a candidate's application for employment is turned down, the police shall not be required to inform him/her of the reasons for their decision.

Article 77

For the purposes of uninterrupted police operation, the Director General of the Police may temporarily transfer or second a police officer to a certain region or professional area but for no longer than six months.

For the purposes of uninterrupted police operation, the director of a police directorate may temporarily transfer a police officer from one organisational unit to another, within the territory of a police directorate, for a period of no longer than six months.

The decision to temporarily transfer or second an officer must be handed to the police officer at least seven days prior to the assumption of duties. The decision shall be final.

Article 78

In the event of the transfer of a police officer to a lower-paid post for service reasons, he or she shall keep the same salary quotient as at the previous post.

Article 79

A police officer who is transferred or seconded for service requirements shall have the right to reimbursement for travel expenses, or for separated living and moving expenses if he or she relocates.

The police shall be responsible for proper living arrangements for a police officer who is transferred or seconded for service requirements and has to relocate.

Article 80

A police officer may, in order to supervise the work of the police or protect certain persons or premises, be transferred to work at another state body, with his/her written consent.

A police officer who is, during a certain period, in an employment relationship with another state body shall be responsible to the head of the body concerned for his or her work. During his/her temporary transfer, he or she shall have the rights and duties prescribed by this Act within the limits of the agreement between the state body concerned and the police.

At the end of the temporary assignment, the officer shall have the right to return to work in the police and to a post appropriate to his/her professional qualifications.

Article 81

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Police personnel shall be required to work under special conditions when this is necessary for the performance of tasks as defined by the law.

Special working conditions shall be:

- working on an irregular work schedule;
- working in shifts;
- working on Saturdays, Sundays, holidays and other work-free days;
- working overtime;
- working in the afternoon and at night;
- being on call in official premises, at particular locations or at home;
- working on a split schedule.

Working on an irregular schedule or in shifts shall include working on Saturdays, Sundays, national and other holidays, as well as working in the afternoon and at night, with a re-arranged work schedule within the framework of an established monthly or annual work requirement.

Posts which require work as stated in the preceding paragraph shall be defined in the job classification act.

Other forms of work under special conditions may be decided on if security circumstances call for them or if they are the only way to perform certain tasks which may not be postponed or must be completed by an established deadline.

The Director General of the Police shall define the reasons for which the forms of work from the preceding paragraph may be ordered and the persons who may order them.

Article 82

On-call duty shall be a special working condition meaning that a police officer must be on call to perform his/her duties in the workplace, at a certain location or from home.

On-call duty shall not be included in the number of hours of work requirement.

If a police officer works while on call, the number of hours worked shall be included in the number of hours that must be put in as part of the work requirement of a police officer.

In the event that the number of working hours completed by a police officer exceeds the number of hours of his/her monthly or yearly work requirement, the difference in hours shall be considered overtime.

Article 83

A police officer may not take on any task that would interfere with his/her police duties.

The tasks to be avoided by police officers shall be defined by the Minister.

In order to compensate for the special restrictions and limitations of this Article, the Government shall provide a benefit to the basic salaries of police officers.

Article 84

During a strike, police officers shall be under the obligation to continue to:

- protect people's lives, personal safety and property;
- prevent, detect and investigate criminal offences;
- detect and apprehend criminal offenders and other wanted persons, and hand them over to competent authorities;

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- protect certain persons, bodies, buildings, neighbourhoods, work premises and classified information of state agencies;
- maintain public order;
- monitor and direct traffic on public roads;
- protect the state border and conduct border checks;
- implement the tasks set in the regulations on aliens;

Police officers shall be required to implement the tasks referred to in the preceding paragraph in a timely and efficient manner according to the instructions given by their superior officers.

During a strike, police personnel shall be required to ensure uninterrupted implementation of tasks defined in the first paragraph of this Article.

In order to compensate for the special limitations of this Article, the Government shall provide a benefit to basic salaries of police personnel.

Article 85

Work on official premises, except on premises where weaponry and other technical equipment are either used or stored shall be done in accordance with the general fire safety and workplace health and safety regulations.

The Director General of the Police shall lay down the fire safety regulations and procedures, and the workplace health and safety regulations to be applied in locations where general regulations are not applied.

The Director General of the Police shall also determine the organisation and implementation of safety measures in the workplace, and shall name individuals responsible for ensuring workplace health and safety.

Article 85a

If a police officer is under the influence of alcohol or narcotic substances or is in a psychological and physical state that directly endangers his/her own safety and that of others, that person shall be prevented from taking up his tasks or prohibited from continuing them. The person shall be prohibited verbally from taking up or continuing his tasks by the head of a police unit; this shall be marked in the work programme. If a work programme is not kept at the unit, an official note shall be drawn up about it.

Article 86

For every year of service in the police beyond the first five years, a police officer shall be entitled to a 0.5 % of basic salary bonus for the length of service.

The years of service shall also include the years of service performed with the status of an authorised officer under Internal Affairs Act (Official Gazette of the Socialist Republic of Slovenia, no. 28/80, 38/88, 27/89, and Official Gazette of the Republic of Slovenia, no. 19/91, 4/92, 58/93).

The provisions of this Article shall be effective as of January 1, 1999.

Article 86a

When defining the bonus for the length of service under the first paragraph of Article 86 to a civil servant who has been transferred to work within the police force, his/her years of service with the previous body shall be included in the bonus provided that, based on the regulations and conditions in

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force in the body from which he/she has been transferred, he/she was entitled to the bonus for the length of service.

Article 87

A police employee with a minimum of 30 (male) or 25 (female) years of pensionable service, including at least 15 years of service with the status of an authorised officer under Internal Affairs Act, or with the status of a police officer, who is at least 45 (male) or 40 (female) years of age, shall have the right to retire six months after submitting a request to retire.

His/her pension shall be determined at 65% of pensionable earning. Every year worked beyond 30 years (males) or 25 years (females) shall increase the pension by 2% of pensionable earning but shall not exceed 85% of pensionable earning.

Article 88

The police shall have a medical board to evaluate a police officer's ability to work.

The medical board shall be named by the Director General of the Police and shall consist of five members, at least three of whom are physicians.

When the board mentioned in the first paragraph of this Article considers a police officer unable to perform his or her work, but capable of serving in another capacity within the police, the officer shall be transferred to a post corresponding to the level of his/her qualifications and health condition.

If the decrease in ability to perform work is a result of performing tasks prescribed by law, the police officer shall keep the salary from his/her previous post if this is more favourable for him/her.

After the transfer mentioned in the third paragraph has been completed, the matter shall be assigned for further processing to the competent unit of the Institute of Pension and Disability Insurance so that the disability insurance benefits can be granted.

If the board under the first paragraph of this Article determines a police officer unable to perform work at his/her current or any other post in the police, the matter shall be assigned for further processing to the competent unit of the Institute of Pension and Disability Insurance so that the disability insurance benefits can be granted.

Article 89

The police shall insure a police officer against an occupational accident which results in death or a permanent loss of general ability to perform work, if the police officer performs tasks with a high degree of risk to his/her life or health.

The posts which require insurance for police officers shall be listed in the job classification act.

Article 90

A police officer who is not insured under the provisions of the preceding Article shall have the right to special compensation, in addition to the disability pension benefits in case of an occupational accident the result of which is death or a permanent loss of general ability to work.

Special compensation shall amount to a maximum of 100% of the sum insured set on the basis of the preceding Article. In the case of death, special compensation shall amount to 100% of the sum insured referred to in the preceding Article. In the case of a permanent loss of general ability to perform work, the amount of special compensation shall depend on the percentage of the permanent

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loss of general ability to work. If a police officer dies, his/her family or spouse shall receive the special compensation.

The amount and method of special compensation payment mentioned in the preceding paragraph shall be determined by the Director General of the Police.

Article 91

The police shall cover the expenses arising from the funeral, at a location chosen by the family, of a police officer who died on duty.

In all instances under the preceding paragraph, the family or spouse of the deceased police officer shall be entitled to lump-sum financial assistance, the minimum of which is the sum of all salaries received by the police officer within the last six months prior to death, and the maximum of which is the sum of all salaries received by the police officer in the last ten months. The amount of the lump-sum financial assistance is decided by the Director General of the Police.

Financial assistance shall be paid in addition to severance pay.

Article 92 (deleted)

Article 93

Police officers with special knowledge and skills which require additional training and are needed for the performance of police tasks, and police officers performing tasks with a high degree of risk involved, shall be entitled to a bonus for special knowledge and skills and for risk.

The type of special knowledge and skills, and the tasks mentioned in the preceding paragraph, shall be defined by the Minister.

Rises to the basic salary for individual posts shall be determined by the Minister based on the job classification act.

Article 94

Certain posts which require specific professional knowledge or special training and are of special importance in terms of police efficiency may be categorised by the Government in a higher salary bracket than prescribed by general regulations as an exception.

Article 94a

The opinions of a trade union that relate to the organisation of the police, its equipment, operations, readiness and management acts shall not be binding on the Director General of the Police or the heads of internal police organisational units.

Notwithstanding the preceding paragraph, the union shall give its opinion on elements that form the basis for determination of the salary of police employees and on comparability with public sector salaries.

If it is determined by law or by a contract between the police and the representative trade union that the Director General of the Police must, before reaching a decision, obtain the opinion of the representative trade union, and this does not involve cases listed in the first paragraph of this Article, the Director General of the Police must send the proposed decision or act to the trade union so that it may give an opinion thereon, and set a reasonable deadline for the formulation of an opinion that may, as a rule, not be longer than eight days. The Director General may decide on the matter and adopt the proposed decision without bringing it in line with the opinion of the trade union; however, he/she must

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explain the reasons why the opinion of the trade union was not taken into account in writing, and inform the trade union thereof. The Director General of the Police also acts in the same manner when he proposes an act for adoption to the Minister.

Conditions for operations of the trade union and trade union organisers within the police shall be regulated by a contract concluded between the police and the representative trade union.

According to this Act, a representative trade union shall be a union within the police of which at least 15% of those employed in the police are members, unless otherwise determined by law.

While he/she is performing professional functions within a union, a police officer shall have no rights ensuing from police officer status. During this time he shall receive earnings equivalent to the level of basic salary for the job which he performed before he took up his professional position within the trade union, as well as the bonus for the length of service.

VI. DISCIPLINARY RESPONSIBILITY AND LIABILITY FOR DAMAGES

Article 95

A police officer may temporarily be suspended from work or his/her post if he/she is caught in severe violation of his/her professional duties and responsibilities, or if criminal proceedings have been initiated against him/her for criminal offences listed in Article 67 of this Act, or if proceedings against him/her are ordered due to his/her severe violations of professional duties and responsibilities that may result in termination of employment.

Temporary suspension from work or post shall be decided upon by the Director General of the Police or by a police employee authorised by the Director General of the Police.

A police officer who is temporarily suspended from work or his/her post must, for the duration of the temporary suspension, turn in his/her service identification card and weapon.

Article 96 (deleted)

Article 97 (deleted)

Article 98 (deleted)

Article 99 (deleted)

Article 100 (ceased to be in force)

VII. EDUCATION, TRAINING AND DEVELOPMENT

Article 101

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The General Police Directorate shall be in charge of the planning and implementation of education, training and advanced training for police purposes.

External participants may also take part in education, training and advanced training programmes on the basis of a signed contract.

Article 102

The provisions of education legislation shall be used *mutatis mutandis*, unless this Act otherwise determines.

Article 103

Education shall be carried out through publicly accredited adult vocational education programmes, publicly accredited two-year professional education programmes, and vocational training, advanced training and specialist programmes.

Article 104

Education under the preceding Article shall be carried out at the police academy.

Organisational units shall be formed to carry out individual police academy education programmes:

- a secondary vocational school;
- a two-year professional school.

Article 105

The police academy shall be an internal organisational unit of the general police directorate.

Article 106 *(deleted)*

Article 107

Education programmes referred to in Article 102 of this Act shall be adopted by the Minister, at the recommendation of the expert council.

The education programmes shall become publicly valid the day they are published in a special publication.

Article 108 *(deleted)*

Article 109

Training and advanced training of police officers may be performed by other police organisational units following the programmes set by the Director General of the Police.

Police personnel may enrol into other organised forms of education carried out by external institutions.

Article 110

Pregled besedila opravila Služba za prevajanje in lektoriranje, september 2007. Besedilo vsebuje spremembe in dopolnitve Zakona o policiji, in sicer novele ZPol-C (50/2004), ZPol-D (53/2005), ZPol-E (98/2005) in ZPol-F (78/2006).

The General Police Directorate shall sign contracts with all candidates for education defining the rights and obligations of both parties.

Rights and obligations pertaining to the participants of training and advanced training programs shall be specified in the referral decision.

Article 111

The implementation of education shall be supervised by the school inspectorate.

Article 112

A higher education institution shall be established in order to carry out a publicly valid study programme leading to a degree in higher professional education.

The charter of the public institution of higher education shall be adopted by the Parliament of the Republic of Slovenia.

VIII. AUXILIARY POLICE

Article 113

The auxiliary police force shall be composed of citizens who have signed a contract on voluntary service within the auxiliary police force and who are qualified to carry out police tasks. They have all police powers while serving in the auxiliary police force.

A person undergoing basic training shall be an auxiliary police officer.

Men and women may serve in the auxiliary police force from the age of 18 until the end of the calendar year in which they turn 40 (women) and 50 (men), if they fulfil the conditions from Article 66 of this Act and have completed at least three-year vocational education studies.

Article 114 (deleted)

Article 115

Training for work in the auxiliary police force shall take the form of basic, further and advanced training.

The choice of candidates for basic training shall be made on the basis of the needs of the police.

The duration of basic training may not be less than four months. A candidate for the auxiliary police force shall sign a temporary contract for the duration of basic training.

As a rule, candidates for the auxiliary police force who pass basic training shall sign a contract on voluntary service within the auxiliary police force for a minimum period of five years.

During basic training, candidates may not independently exercise police powers.

Further and advanced training shall be organised for auxiliary police officers who have signed a contract on voluntary service within the auxiliary police force.

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The Director General of the Police shall lay down the training programmes under the first paragraph of this Article and set out other training requirements.

Article 116

During training and the performance of police tasks, a candidate and auxiliary police officer shall have the right to income, allowances, absence from work, and other rights and duties laid down for police officers by this Act. During the period of validity of their contract, auxiliary police officers shall receive payment for being on call.

The employment contract of a candidate and auxiliary police officer may not be terminated while that person is undergoing training or implementing tasks under the first paragraph of this Article, and his/her employer may not give him/her notice.

After the completion of training and police tasks, a candidate and auxiliary police officer shall return, at the latest within two working days, to the employer with whom they have signed an employment contract.

The regulation of contractual relations between candidates and auxiliary police officers and the police shall not be conditional upon the agreement of employers. The police shall inform the employer in question by 31 March of the current year of the training plan for a candidate and auxiliary police officer.

The Government shall lay down in greater detail the general conditions for the conclusion of a contract on voluntary service within the auxiliary police force, the methods of implementing tasks, the criteria for the selection of candidates, allowances, other income, absence from work and reimbursement of expenses, and the rights and duties of auxiliary police officers and candidate auxiliary police officers, the level of payment for being on call, and the reasons for termination of a contract and the giving of notice.

Article 117 (deleted)

Article 118

Auxiliary police officers shall sign a contract on voluntary service in accordance with the act on the organisation of the auxiliary police.

Auxiliary police officers undergoing training and implementing police tasks shall wear a police uniform and have the same rights, duties and powers as police officers.

Article 119

Auxiliary police officers must respond to the call to undertake police tasks in the following cases:

- natural or other disasters;
- protection of the state border;
- in other cases where domestic security is severely threatened;
- when it is necessary to cover for large numbers of regular serving police officers carrying out high security tasks;
- in cases under Article 17 of this Act.

The Minister shall decide on the deployment of auxiliary police officers in the cases referred to in the preceding paragraph, at the recommendation of the Director General of the Police.

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An auxiliary police officer may be ordered to appear for training or the performance of police tasks for a period of up to a month in one calendar year, except in cases listed in the fifth indent of the first paragraph of this Article.

In cases mentioned in the first paragraph of this Article, the Minister may also decide on the handing-over of motor vehicles, machinery, buildings and other resources on the basis of material duty.

*Article 120
(deleted)*

*Article 121
(deleted)*

*Article 122
(deleted)*

*Article 123
(deleted)*

Article 124

The police shall keep records of auxiliary police officers and a record of those obliged to provide material duty.

The records under the preceding paragraph shall include the following information: name and surname, uniform identification number, date and place of birth, permanent and temporary residence, medical condition, educational background, employment, profession, professional qualifications to perform tasks within the auxiliary police force, knowledge that has a bearing on the conclusion of the contract and allocation to a post in accordance with the organisation and job classification of the police, the conclusion and cessation of the contract, work as a reserve police officer, promotions and certificates of merit received, and any residence abroad for a period exceeding three months.

A candidate or auxiliary police officer must inform the police within 15 days of any change to the information set forth in the preceding paragraph that has a bearing on the regulation of their status or which could affect the rights and duties of the contractual parties.

The records of those obliged to provide material duty shall be kept in accordance with regulations governing the performance of material duty.

Everyone shall have the right to inspect the personal information kept by the police on the basis of the preceding paragraphs.

The administrative body responsible for defence matters that keeps collections of personal information on those undertaking military service shall be required to provide the police with personal information on those undertaking military service who are candidates for the signing of a contract on voluntary service in the auxiliary police.

IX. CERTIFICATES OF MERIT

Article 125

Certificates of merit shall be awarded to police officers, other police personnel, organisational units of the police, auxiliary police officers and students for promoting safety culture, for merits and contribution to the development and reinforcement of safety, for helping the police, or taking part and assisting with certain security operations.

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Certificates of merit listed in the preceding paragraph shall also be awarded to state bodies, local communities, companies, sole traders and other legal persons, associations and individuals.

Types of certificates and the awarding procedure shall be defined by the Minister upon a proposal of the Director General of the Police.

X. PROTECTION OF THE UNIFORM, RANK DESIGNATIONS AND SYMBOLS

Article 126

State bodies, companies, sole traders, associations and other legal or natural persons may not reproduce or utilise uniforms and insignia which, in colour, shape, title or special labels, bear a resemblance or look identical to the uniform, rank insignia or symbols used by the police, or reproduce or drive vehicles that bear the same or similar graphic images as police vehicles and other means of transport.

A legal person or sole trader who disregards the preceding paragraph shall be fined a minimum of 500,000 tolar for this misdemeanour.

The responsible person of a legal person or state body and/or an individual who commits the offence under the first paragraph of this Article shall be fined a minimum of 100,000 tolar.

Items made or used in violation of the first paragraph of this Article may be seized by the police officer on the spot.

Article 126a (ceased to be in force)

XI. TRANSITIONAL AND FINAL PROVISIONS

Article 127

The Ministry must conform its organisation and operation to the provisions of this Act within one year after the Act has been put into effect at the latest.

Article 128

Until the provisions regulating augmented retirement benefits are adopted, police officers, as defined in the planning and job classification act, shall be employed in accordance with Article 99 of the Internal Affairs Act and the Retirement and Disability Insurance Act (Official Gazette of the Republic of Slovenia, no. 12/92, 5/94 and 7/96).

Article 129

An employee of the Ministry who, on the day this Act is put into force, meets the requirements set forth in Article 87 of this Act, shall be entitled to retire six months after this Act has been put into force, according to Article 87 of this Act.

Employees of the Ministry shall be police officers, police personnel and other persons employed by the Ministry.

Article 130

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Until a regulation governing the status of public administration employees is adopted, police employees shall be employed in accordance with the provisions of Article 136 of the Internal Affairs Act.

Article 131

The charter of the public institution of higher education specified in Article 112 of this Act shall be adopted by the National Assembly of the Republic of Slovenia within two years after this Act was put into force.

Until the charter specified in the preceding paragraph has been adopted, the College for Police and Security Studies shall offer an educational program leading to a higher professional education degree in the field of security and internal affairs.

Article 132

Contracts signed with students who attend the Police High School in accordance with the Internal Affairs Act, shall remain in effect even after this Act has been put into force.

Article 133

The police unit in charge of providing security for the National Assembly of the Republic of Slovenia shall carry out its duties in accordance with internal acts of the National Assembly and with the police code until a special agency intended for the protection of the National Assembly has been created.

Article 134 (deleted)

Article 135

The Republic of Slovenia shall lay down a national programme for the prevention and suppression of crime in the Republic of Slovenia.

Article 136

On the day this Act enters into force, the Public Safety Records Act (Official Gazette of the Republic of Slovenia, no. 8/93) shall no longer be in force.

Article 137

Until the adoption of new regulations, the following regulations, passed on the basis of the Internal Affairs Act, shall remain in effect unless they contradict the provisions of this Act:

- the regulation on titles, rank insignia, colours and emblems on police vehicles, and on armament and special equipment of police personnel (Official Gazette of the Socialist Republic of Slovenia, no. 9/87, 29/88 and Official Gazette of the Republic of Slovenia, no. 8/90, 27/91 and 36/92);
- the regulation on the recognition of internal affairs bodies (Official Gazette of the Republic of Slovenia, no. 11/91);
- the regulation on the designation of persons and buildings to be protected by internal affairs bodies, and on the performance of protection (Official Gazette of the Republic of Slovenia, no. 38/92, 48/93 and 68/96);
- the decree on the creation of public safety administrations in the Republic of Slovenia (Official Gazette of the Republic of Slovenia, no. 3/91);
- instructions on the use of instruments of restraint (Official Gazette of the Socialist Republic of Slovenia, no. 25/81 and Official Gazette of the Republic of Slovenia, no. 79/94, 3/95 and 22/98);

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- the rules pertaining to the official identification card carried by authorised officers of internal affairs bodies (Official Gazette of the Republic of Slovenia, no. 36/92 and 47/97);
- the order pertaining to activities which are not compatible with the mission statement internal of affairs bodies (Official Gazette of the Republic of Slovenia, no. 35/95);
- the resolution setting the date for Slovenian Police Day (Official Gazette of the Republic of Slovenia, no. 28/92);
- the rules regarding the definition of classified information and the protection of classified and personal information (Official Gazette of the Republic of Slovenia, no. 8/93).

Employees of the Ministry who carry out the duties listed in Article 3, 6 and 9 of this Act shall become the employees of the police on the day the job classification act is put into effect.

Provisions of Article 95, 96, 97, 98, 99 and 100 of this Act shall be effective the day the job classification act is put into effect. Disciplinary proceedings which were initiated before the job classification act came into effect shall be completed in accordance with the procedure effective before the Police Act entered into effect.

The day this Act enters into effect, point 2 of the first paragraph of Article 150 of the Criminal Procedure Act shall no longer be in force.

Article 138

The day this Act is put into effect, the Internal Affairs Act shall no longer be in force, except for Articles 99 and 136, both of which shall no longer be in force when the provisions regulating augmented retirement benefits and provisions regulating the status of public administration employees are put into effect.

Article 139

For the Slovenian Intelligence Agency and the Intelligence Service of the Ministry of Defence the provisions of the Internal Affairs Act shall apply until an appropriate law has been passed, unless such provisions are in disagreement with this Act.

Article 140

This Act shall enter into force 15 days after its publication in the Official Gazette of the Republic of Slovenia.