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Assistant Police Officer Act

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RT I, 20.12.2010, 1
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Amended by the following acts

Passed	Published	Entry into force
08.12.2011	RT I, 29.12.2011, 1	01.01.2012
19.02.2014	RT I, 13.03.2014, 4	01.07.2014
19.06.2014	RT I, 12.07.2014, 1	01.01.2015
19.06.2014	RT I, 29.06.2014, 109	01.07.2014, titles of ministers replaced on the basis of § 107 ³ (4) of the Government of the Republic Act
19.11.2014	RT I, 13.12.2014, 1	01.01.2016
18.02.2015	RT I, 12.03.2015, 6	22.03.2015

Chapter 1 General Provisions

§ 1. Scope of application of Act

(1) This Act provides the rights, obligations and area of activity of an assistant police officer with the aim of involving persons in the activity of the police for the protection of public order and for ensuring a safe society.

(2) The provisions of the Administrative Procedure Act apply to administrative proceedings prescribed in this Act, taking account of the specifications of this Act.

(3) When applying state supervision measures on the basis of another Act, an assistant police officer shall adhere to the provisions of the other Act, taking into account the specifications of this Act.
[RT I, 12.03.2015, 6 – entry into force 22.03.2015]

§ 2. Assistant police officer

(1) An assistant police officer is a person who, on a voluntary basis, participates in his or her own spare time in the activity of the police on the bases of and pursuant to the procedure provided by law. An assistant police officer is not a member of the police.

(2) For the purposes of this Act, participation in the activity of the police means fulfilment of a duty within the competence of an assistant police officer by an assistant police officer together with a police officer, or fulfilment of the duty provided for in subsection 3 (2) of this Act independently on the assignment of the police.

(3) While participating in the activity of the police, an assistant police officer is a representative of state powers whose lawful orders have obligatory force.

(3¹) During participation in the activity of the police, including when an assistant police officer is applying measures or direct coercion, the assistant police officer is acting on behalf of the Police and Border Guard Board.
[RT I, 12.03.2015, 6 – entry into force 22.03.2015]

(4) An assistant police officer shall follow the principles provided for in the Code of Ethics for Officials.
[RT I, 12.03.2015, 6 – entry into force 22.03.2015]

§ 3. Competence of assistant police officer

(1) An assistant police officer is competent to assist the police in preventing, ascertaining and countering a threat endangering public order and in eliminating a breach of public order as well as to assist the police in ensuring road safety and exercising traffic supervision.

(2) On the assignment of the police an assistant police officer may independently exercise supervision over the requirements for conduct in a public place and on the assignment of the police independently perform a duty for countering an immediate serious threat endangering public order.

(3) The competence of an assistant police officer may, if he or she so requests, be limited to assisting the police in offence prevention on the bases provided for in § 18 of the Law Enforcement Act.
[RT I, 12.03.2015, 6 – entry into force 22.03.2015]

Chapter 2

Applying for Assistant Police Officer

§ 4. Requirements set for assistant police officer

(1) An Estonian citizen who has attained 18 years of age, has at least basic education, is proficient in Estonian at least at the language proficiency level B2, and meets the requirements for professional qualification of an assistant police officer may be appointed an assistant police officer.
[RT I, 12.03.2015, 6 – entry into force 22.03.2015]

(1¹) An assistant police officer who is independently performing on the assignment of the police the duties provided for in subsection 3 (2) of this Act must have at least secondary education and be proficient in Estonian at least at the language proficiency level C1.
[RT I, 12.03.2015, 6 – entry into force 22.03.2015]

(2) A judge and a prosecutor may not be appointed an assistant police officer.

(3) The requirements for the professional qualification of an assistant police officer shall be established by the minister responsible for the field by a regulation.

§ 5. Persons who are accepted as assistant police officer

The following shall be accepted as a candidate for assistant police officer and as an assistant police officer:

- 1) a person who has active legal capacity;
- 2) a person who has not been punished for an intentionally committed criminal offence in the first degree;
- 3) a person who has not been punished for an intentionally committed criminal offence;
- 4) a person who is not a suspect or accused in criminal proceedings;
- 5) a person who has not been deprived of the right to be employed as a police officer by a court judgment which has entered into force;
- 6) a person who is not addicted to alcohol, narcotic drugs or psychotropic substances, or who does not have a mental disorder or a severe personality or behaviour disorder;
- 7) a person who does not have such a health disorder which prevents him or her from performing the duties of an assistant police officer;
- 8) a person who, by his or her behaviour, is suitable for performing the duties of an assistant police officer and whose behaviour or way of life does not endanger the safety of himself or herself or that of another person.

§ 6. Medical examination of assistant police officer and of person wishing to become assistant police officer

(1) An assistant police officer shall, at regular intervals, pass a medical examination and a person wishing to become an assistant police officer shall, before applying for an assistant police officer, pass a prior medical examination during which it is determined that he or she does not have medical disorders specified in clauses 5 (6) and 7) of this Act or a physical disability which precludes carrying a firearm in the performance of a duty of an assistant police officer.

(1¹) A person wishing to become an assistant police officer need not undergo a medical examination if he or she has a right to drive power-driven vehicles as well as a valid weapons permit.
[RT I, 12.03.2015, 6 – entry into force 22.03.2015]

(1²) A person wishing to become an assistant police officer who wishes to participate only in assisting the police in offence prevention on the bases provided for in § 18 of the Law Enforcement Act need not undergo a medical examination before applying for an assistant police officer.
[RT I, 12.03.2015, 6 – entry into force 22.03.2015]

(1³) An assistant police officer who participates only in assisting the police in offence prevention on the bases provided for in § 18 of the Law Enforcement Act need not undergo periodic medical examinations.
[RT I, 12.03.2015, 6 – entry into force 22.03.2015]

(2) A medical examination is arranged and a medical certificate is issued by a family doctor, involving medical specialists.

(3) A medical examination shall be performed at the expense of the assistant police officer and the person wishing to become an assistant police officer.

(4) The requirements and procedure for a medical examination of an assistant police officer and a person wishing to become an assistant police officer, the list of medical disorders which preclude becoming an assistant police officer and of physical disabilities which preclude carrying a firearm in the performance of a duty of an assistant police officer, and the requirements of the content and form of the medical certificate shall be established by the Government of the Republic by a regulation.

§ 7. Applying for assistant police officer

(1) A person wishing to become an assistant police officer shall present to the Police and Border Guard Board:
[RT I, 29.12.2011, 1 – entry into force 01.01.2012]

- 1) a written application;
[RT I, 12.03.2015, 6 – entry into force 22.03.2015]
- 2) a copy of his or her identity document;
- 3) a copy of a document certifying education;
- 4) a medical certificate, except in the cases provided for in subsections 6 (1¹) and (1²) of this Act;
[RT I, 12.03.2015, 6 – entry into force 22.03.2015]
- 5) a form concerning assistant police officer;
- 6) two photos with the dimensions of 4 × 5 cm;
- 7) a character reference from his or her employer or educational institution, or a reference from a police officer;
- 8) a copy of a certificate in proof of proficiency in Estonian if the education has not been acquired in Estonian;
- 9) if necessary, a copy of a document certifying his or her right to drive power-driven vehicles;
[RT I, 12.03.2015, 6 – entry into force 22.03.2015]
- 10) if necessary, a copy of his or her weapons permit.
[RT I, 12.03.2015, 6 – entry into force 22.03.2015]

(2) The form concerning assistant police officer requires data which enables the assessment of the person's suitability for participating in the activity of the police as an assistant police officer. In addition, the form shall set out data concerning the relatives and relatives by marriage (parents, sister, brother, children, spouse) of the person applying for an assistant police officer, and also the given name and surname, personal identification code (in the absence of a personal identification code, date and place of birth) and contact information of his or her partner with whom he or she has a relationship resembling marriage. The format of the form concerning assistant police officer shall be established by the minister responsible for the field by a regulation.
[RT I, 12.03.2015, 6 – entry into force 22.03.2015]

(3) To verify the data presented in the form and to determine the moral character and other personal characteristics of the person wishing to become an assistant police officer, the Director General of the Police and Border Guard Board or an official authorised thereby must talk to the person specified in the form and, if necessary and with the consent of the person being questioned, take his or her statement in writing. If necessary, other relevant officials of the Police and Border Guard Board and the assistant police officer may be involved in the talk.
[RT I, 12.03.2015, 6 – entry into force 22.03.2015]

(3¹) By the written application the person confirms that he or she undertakes to meet the requirements arising from the Assistant Police Officer Act, and if he or she so wishes, he or she expresses his or her wish to participate in the activity of the police only in the extent provided for in subsection 3 (3) of this Act.
[RT I, 12.03.2015, 6 – entry into force 22.03.2015]

(4) An application shall be reviewed within 30 days as of the receipt thereof. During this time it is verified whether the documents required in subsection (1) of this section have been submitted and whether the person wishing to become an assistant police officer meets the requirements set for an assistant police officer.
[RT I, 29.12.2011, 1 – entry into force 01.01.2012]

(5) Satisfaction or non-satisfaction of an application shall be decided by the Director General of the Police and Border Guard Board or an official authorised thereby. The decision shall be delivered to the applicant in the manner specified in his or her application.
[RT I, 29.12.2011, 1 – entry into force 01.01.2012]

(6) In case of satisfaction of an application, the person wishing to become an assistant police officer shall be accepted as a candidate for assistant police officer by a decision of the Director General of the Police and Border Guard Board or an official authorised thereby.

[RT I, 29.12.2011, 1 – entry into force 01.01.2012]

Chapter 3

Appointment as Assistant Police Officer, Training and Work Organisation of Assistant Police Officer

§ 8. Training of assistant police officer and candidate for assistant police officer

(1) A candidate for assistant police officer shall complete first stage training. Basic knowledge and skills necessary for the work of an assistant police officer are acquired in the course of first stage training. First stage training lasts for at least 40 hours and ends with an evaluation. An assistant police officer who has completed first stage training and passed the evaluation may participate in the activity of the police together with a police officer.

[RT I, 12.03.2015, 6 – entry into force 22.03.2015]

(2) The duty provided for in subsection 3 (2) of this Act may be performed independently by an assistant police officer who has completed second stage training and passed an evaluation. A precondition for second stage training is successful completion of first stage training and participation in the activity of the police in the extent of at least 100 hours. Second stage training lasts for at least 40 hours and knowledge and skills necessary for independently performing a duty are acquired in the course of the training. Second stage training ends with an evaluation.

[RT I, 12.03.2015, 6 – entry into force 22.03.2015]

(3) The requirement provided for in subsections (1) and (2) of this section for the completion of first and second stage training does not extend to a person who has been employed as a police officer or a border guard official, to an official of a security authority and a person with the qualification of a security guard who has completed the basic training of a security guard.

[RT I, 12.03.2015, 6 – entry into force 22.03.2015]

(4) For ensuring qualification, an assistant police officer shall complete in-service training and pass an evaluation at least once per calendar year.

(5) An assistant police officer who needs to carry a firearm in the performance of a duty of an assistant police officer shall complete training in firearms in addition to primary training. Training in firearms lasts for at least 40 hours and ends with an evaluation. In the evaluation, an examination on knowledge of weapons and legislation governing the use of weapons and a practical test on handling a weapon shall be passed.

(5¹) If a person applying for an assistant police officer is a person who has been employed as a police officer, a border guard official or an official of a security authority, he or she may, if he or she so wishes, complete training in firearms or take the evaluation specified in subsection (5) of this section right away.

[RT I, 12.03.2015, 6 – entry into force 22.03.2015]

(6) An assistant police officer who needs to carry a firearm in the performance of a duty of an assistant police officer shall, in addition to the in-service training and evaluation specified in subsection (4) of this section, pass a shooting test at least once per calendar year.

(7) The training of a candidate for assistant police officer and of an assistant police officer shall be organised by the Police and Border Guard Board. The training may be carried out by a person holding a permit to that effect, by the Police and Border Guard Board or an institution of professional higher education for public defence.

[RT I, 29.12.2011, 1 – entry into force 01.01.2012]

(8) The requirements for training of a candidate for assistant police officer and of an assistant police officer and the procedure for passing of evaluations shall be established by the minister responsible for the field by a regulation.

(9) Assistant police officers training programmes shall be approved by a decree of the Director General of the Police and Border Guard Board.

[RT I, 12.03.2015, 6 – entry into force 22.03.2015]

§ 9. Appointment as assistant police officer

A candidate for assistant police officer who meets the requirements set for an assistant police officer and who has completed primary training and passed an evaluation shall be appointed as an assistant police officer by a decision of the Director General of the Police and Border Guard Board or an official authorised thereby.

[RT I, 12.03.2015, 6 – entry into force 22.03.2015]

§ 10. Awarding assistant police officer competence to independently perform duty

(1) Awarding an assistant police officer who has completed the training and passed the evaluation provided for in subsection 8 (2) of this Act the competence to independently perform the duty specified in subsection 3 (2) of this Act shall be decided by the Director General of the Police and Border Guard Board or an official authorised thereby by a decree.

[RT I, 12.03.2015, 6 – entry into force 22.03.2015]

(2) Upon awarding an assistant police officer the competence to independently perform a duty, the territory where the assistant police officer shall independently perform the duty shall be determined.

[RT I, 29.12.2011, 1 – entry into force 01.01.2012]

§ 11. Involvement of non-profit association in activity of the police

(1) On the proposal of the Director General of the Police and Border Guard Board the minister responsible for the field may conclude with a non-profit association a civil law contract (hereinafter *law enforcement contract*) for organising the activity of an assistant police officer who is participating in the activity of the police and who is competent to independently perform a duty.

(2) A law enforcement contract concluded with a non-profit association together with Annexes thereto shall be published on the website of the Police and Border Guard Board.

§ 12. Grant, suspension and revocation of right of assistant police officer to carry firearm

(1) An assistant police officer is granted permission to carry a firearm specified in clause 32 (3) 3) of this Act in the performance of a duty of an assistant police officer by a decision of the Director General of the Police and Border Guard Board or an official authorised thereby if:

[RT I, 29.12.2011, 1 – entry into force 01.01.2012]

- 1) the assistant police officer does not have a physical disability which precludes the right to carry a firearm;
- 2) the assistant police officer has successfully completed the training in firearms specified in subsection 8 (5) of this Act.

(2) The right of an assistant police officer to carry a firearm in the performance of a duty of an assistant police officer shall be suspended by a decision of the Director General of the Police and Border Guard Board or an official authorised thereby if:

[RT I, 29.12.2011, 1 – entry into force 01.01.2012]

- 1) during a medical examination it is discovered that the assistant police officer has a temporary physical disability which precludes the right to carry a firearm;
- 2) the assistant police officer fails the shooting test specified in subsection 8 (6) of this Act; or
- 3) use of a firearm by the assistant police officer has caused the death of a person or health damage to a person or proprietary damage or a violation of the requirements for handling a firearm.

(3) The right of an assistant police officer to carry a firearm in the performance of a duty of an assistant police officer shall be suspended until the circumstance which served as the basis for the suspension has ceased to exist or until the lawful use or handling of a firearm has been established.

(4) The right of an assistant police officer to carry a firearm in the performance of the duties of an assistant police officer shall be revoked by a decision of the Director General of the Police and Border Guard Board or an official authorised thereby if:

[RT I, 29.12.2011, 1 – entry into force 01.01.2012]

- 1) during a medical examination it is discovered that the assistant police officer has a physical disability which precludes the right to carry a firearm, or
- 2) the unjustified use of a firearm or a significant violation of the requirements for handling a firearm by the assistant police officer has been established.

§ 13. Work organisation of assistant police officer

(1) An assistant police officer shall be involved in the activity of the police in the territorial jurisdiction of that prefecture where he or she was approved as an assistant police officer. With the consent of the assistant police officer he or she may be involved in the activity of the police also in another jurisdiction.

[RT I, 29.12.2011, 1 – entry into force 01.01.2012]

(2) For better organising the activity of assistant police officers, a prefect may form by a decree an assistant police officers unit and establish its work organisation.

[RT I, 29.12.2011, 1 – entry into force 01.01.2012]

§ 14. Independent performance of duty of assistant police officer

(1) An assistant police officer may commence the performance of the duty provided for in subsection 3 (2) of this Act only on the basis of a written assignment issued by the head of a police authority or a police officer designated thereby.

[RT I, 29.12.2011, 1 – entry into force 01.01.2012]

(2) An assignment necessary for countering an immediate serious threat may be issued orally by a person specified in subsection (1) of this section or by the police control centre.

[RT I, 29.12.2011, 1 – entry into force 01.01.2012]

(3) The police shall give to an assistant police officer information necessary for performing a duty, inform the assistant police officer of the procedure for performing the duty and of ways of communication, and caution against possible threats.

§ 15. Overview of activity of assistant police officers

The Director General of the Police and Border Guard Board shall submit twice per calendar year to the minister responsible for the field an overview of the activity of assistant police officers.

Chapter 4 Measures Implemented by Assistant Police Officer and Direct Coercion

Division 1 Measures Implemented by Assistant Police Officer

§ 16. State supervision and measures

[RT I, 12.03.2015, 6 – entry into force 22.03.2015]

(1) An assistant police officer may implement the measures provided for in sections 28 and 30, subsections 32 (1) through (3), sections 38 and 42, subsection 45 (1) and sections 46 through 52 of the Law Enforcement Act if he or she has been involved in the application of the measure on the order of a police officer.

(2) An assistant police officer may implement the measures provided for in sections 28 and 30, subsections 32 (1) through (3) and sections 38, 46 through 49 and 52 of the Law Enforcement Act if he or she, on the assignment of the police, independently exercises supervision over the requirements for conduct in a public place or performs a duty for countering an immediate serious threat endangering public order.

(3) If an assistant police officer participates in the activity of the police on the basis of subsection 3 (3) of this Act, he or she has no right to apply any measures or direct coercion.

[RT I, 12.03.2015, 6 – entry into force 22.03.2015]

§ 16¹. Specifications of state supervision

(1) In applying the measure provided for in section 38 of the Law Enforcement Act, an assistant police officer may only check the alcohol content in the breath exhaled by a person by means of an indicator device. An assistant police officer is required to immediately hand a person over to the police:

- 1) if the reading of the indicator device is positive; or
- 2) if the person refuses the checking of intoxication by alcohol by means of an indicator device.

(2) An assistant police officer may apply the measure provided for in subsection 45 (1) of the Law Enforcement Act if he or she is wearing a police safety jacket with the word “*ABIPOLITSEINIK*” (assistant police officer).

(3) An assistant police officer may apply the measure provided for in section 46 of the Law Enforcement Act if:

- 1) it is unavoidable for preventing the commission of an imminent criminal offence;
- 2) it is unavoidable for countering an immediate threat endangering a person's life or physical inviolability;
- 3) the person has caused a disturbance in a public place and his or her identity has not been established or direct coercion has been applied for eliminating the disturbance and there is sufficient reason to presume that when the application of direct coercion is ceased, the person will continue to cause a disturbance.

(4) If a person detained by an assistant police officer under subsection (3) of this section is in a state due to which he or she is not able to notify a person close to him or her of his or her detention, the assistant police officer shall immediately notify the police who shall, if possible, immediately notify a person close to the person detained. If a person detained is a minor or another person with restricted active legal capacity, the assistant police officer shall immediately notify the police who shall notify the person's legal representative of the detention at the first opportunity.

(5) An assistant police officer shall immediately hand a person detained under subsection (3) of this section over to the police.

(6) An assistant police officer who, on the assignment of the police, independently exercises supervision over the requirements for conduct in a public place or performs a duty for countering an immediate serious threat endangering public order may, in applying the measure provided for in section 47 of the Law Enforcement Act, check a person or his or her clothing only by way of observation or feeling or by means of a technical device if:

- 1) it is necessary for countering an immediate serious threat or
- 2) the person may be deprived of liberty pursuant to law.

(7) In applying the measure provided for in section 48 of the Law Enforcement Act, an assistant police officer may examine a person, including the person's body or clothes or an item inside the clothes or worn on the body if:

- 1) there is reason to believe that the person carries on him or her an item or a substance which may be taken into storage, occupied or confiscated pursuant to law; or
- 2) it is necessary for the ascertainment of a serious threat if the person is in a building important for the functioning of public authority or in the near vicinity thereof.

(8) The measure provided for in section 48 of the Law Enforcement Act may be applied by an assistant police officer of the same sex as the person. If it is necessary for countering an immediate serious threat, the person may be examined by an assistant police officer not of the same sex as the person.

(9) An assistant police officer who, on the assignment of the police, independently exercises supervision over the requirements for conduct in a public place or performs a duty for countering an immediate serious threat endangering public order may, in applying the measure provided for in section 49 of the Law Enforcement Act, check without the consent of the possessor a movable sensuously or by means of a technical device if it is carried by a person who may be subjected to a security check pursuant to law or who may be examined pursuant to law.

(10) In applying the measure provided for in section 52 of the Law Enforcement Act, an assistant police officer may take into storage a movable detected in the course of a security check or an examination of a person by which a person may endanger himself or herself or another person or the possession of which is prohibited by law for the person. An assistant police officer shall immediately hand an item taken into storage over to the police.

[RT I, 12.03.2015, 6 – entry into force 22.03.2015]

§ 17.–§ 26.[Repealed – RT I, 13.03.2014, 4 – entry into force 01.07.2014]

Division 2

Direct Coercion

§ 27. Direct coercion

[Repealed – RT I, 13.03.2014, 4 – entry into force 01.07.2014]

§ 28. Application of direct coercion

[RT I, 12.03.2015, 6 – entry into force 22.03.2015]

(1) An assistant police officer may use physical force, special equipment or a weapon on the bases and pursuant to the procedure provided for in the Law Enforcement Act, taking into account the specifications of this Act.

(2) An assistant police officer has the right to apply direct coercion on the order of a police officer if it is unavoidably necessary for achieving the objective of the application of a state supervision measure by the police officer.

[RT I, 12.03.2015, 6 – entry into force 22.03.2015]

§ 29. Admissibility of application of direct coercion

[Repealed – RT I, 13.03.2014, 4 – entry into force 01.07.2014]

§ 30. Caution against direct coercion

[Repealed – RT I, 13.03.2014, 4 – entry into force 01.07.2014]

§ 31. Aid to injured person

[Repealed – RT I, 13.03.2014, 4 – entry into force 01.07.2014]

§ 32. Weapons and special equipment allowed for assistant police officer

(1) Special equipment allowed for an assistant police officer is handcuffs and binding means issued by the Police and Border Guard Board.

[RT I, 29.12.2011, 1 – entry into force 01.01.2012]

(2) Weapons allowed for an assistant police officer are a gas weapon, a cut-and-thrust weapon and a firearm issued by the Police and Border Guard Board.

[RT I, 29.12.2011, 1 – entry into force 01.01.2012]

(3) The following subtypes of gas weapon, cut-and-thrust weapon and firearm are allowed for an assistant police officer:

- 1) gas weapon – gas spray;
- 2) cut-and-thrust weapon – truncheon, telescope truncheon;
- 3) firearm – pistol, revolver.

(4) Special equipment or a weapon specified in subsections (1) through (3) of this section is issued to an assistant police officer only for the duration of the performance of a duty imposed on him or her. As an exception, the Director General of the Police and Border Guard Board or an official authorised thereby may permit special equipment or a weapon issued to an assistant police officer be stored in the assistant police officer's place of residence on a permanent basis. Such permit is issued as a decree of the Director General of the Police and Border Guard Board or a written decision of an official authorised thereby.

[RT I, 12.03.2015, 6 – entry into force 22.03.2015]

(5) The procedure for issuing, storing and returning special equipment and weapons issued to an assistant police officer and for carrying a weapon shall be established by the minister responsible for the field by a regulation.

[RT I, 12.03.2015, 6 – entry into force 22.03.2015]

§ 33. [Repealed – RT I, 13.03.2014, 4 – entry into force 01.07.2014]

§ 33¹. Use of handcuffs and binding means

(1) An assistant police officer may use handcuffs on a person if there is reason to believe that the person may:

- 1) attack another person, offer physical resistance to an official of a law enforcement agency or damage a proprietary benefit of great value;
- 2) escape or he or she may be released unlawfully if he or she has been deprived of liberty pursuant to law; or
- 3) injure or kill himself or herself.

(2) If the use of handcuffs is not possible, an assistant police officer may use a binding means on the basis specified in subsection (1) of this section if this does not jeopardise the person's life, does not cause him or her bodily injury or constant physical pain. The use of a binding means shall not last for more than one hour at a time.

[RT I, 12.03.2015, 6 – entry into force 22.03.2015]

§ 34. Use of gas spray, truncheon, telescope truncheon

An assistant police officer may use a gas spray, truncheon or telescope truncheon with regard to a person only to make him or her incapable of attacking, offering resistance or escaping if it is not possible to achieve this objective by another measure of direct coercion, except for a firearm, and if it is also necessary in order to:

- 1) counter an immediate threat to life or physical inviolability or
- 2) obstruct the commission of an imminent or already on-going violent criminal offence in the first degree.

§ 35. Use of firearm

(1) Upon the performance of a duty of an assistant police officer, an assistant police officer may only use a firearm for self-defence; whereas, without exceeding the limits of self-defence.

[RT I, 12.03.2015, 6 – entry into force 22.03.2015]

(2) An assistant police officer may only use a firearm against an animal to make the animal incapable of attacking if it is not possible to achieve this objective by another coercive measure.

[RT I, 12.03.2015, 6 – entry into force 22.03.2015]

§ 36. Notifying of use of firearm

An assistant police officer shall be required to immediately notify the police control centre of the use of a firearm upon the performance of a duty of an assistant police officer.

[RT I, 29.12.2011, 1 – entry into force 01.01.2012]

Chapter 5

Benefits and Guarantees of Assistant Police Officer

§ 37. Certificate, special signs and uniform of assistant police officer

(1) An assistant police officer shall be given a certificate and special signs of assistant police officer. The special signs of assistant police officer are a symbol worn on the sleeve and the word “*ABIPOLITSEINIK*” (assistant police officer). The description of the certificate and special signs shall be established by the minister responsible for the field by a regulation.
[RT I, 12.03.2015, 6 – entry into force 22.03.2015]

(2) Upon the performance of a duty of an assistant police officer, an assistant police officer shall wear a police safety jacket with the word “*ABIPOLITSEINIK*” (assistant police officer). With the authorisation of the Director General of the Police and Border Guard Board or an official authorised thereby and under exceptional circumstances if it arises from the nature of the duty, a safety jacket need not be worn upon the performance of a duty of an assistant police officer. An assistant police officer shall present to a person on the person’s demand his or her certificate of assistant police officer.
[RT I, 12.03.2015, 6 – entry into force 22.03.2015]

(3) An assistant police officer may wear a uniform of a police officer with the special signs of assistant police officer.

(4) An assistant police officer shall wear a uniform of a police officer with the special signs of assistant police officer if he or she:

- 1) is carrying a firearm upon the performance of a duty of an assistant police officer or
- 2) is independently performing the duty provided for in subsection 3 (2) of this Act on the assignment of the police.

(5) An assistant police officer is prohibited from wearing during the performance of a duty of an assistant police officer:

- 1) a uniform of an official, except for a uniform of a police officer;
- 2) a uniform of a security guard;
- 3) clothing with the distinguishing marks of the Defence Forces or the Defence League.

(6) Special signs and a uniform issued to an assistant police officer shall be returned upon release from the status of an assistant police officer.

(7) The procedure for giving and wearing special signs and a uniform issued to an assistant police officer shall be established by the Director General of the Police and Border Guard Board.
[RT I, 29.12.2011, 1 – entry into force 01.01.2012]

§ 38. Compensation in case assistant police officer is killed or incapacitated for work in connection with performance of duty of assistant police officer

(1) If an assistant police officer is killed as a result of an accident or use of violence with regard to him or her in connection with the performance of a duty of an assistant police officer, the state shall pay his or her children, parents, widow or widower and other persons who were maintained by him or her pursuant to the Family Law Act a lump-sum compensation in a total amount equal to 120 times the salary rate corresponding to the lowest salary grade of a police officer.

(2) If an assistant police officer is declared permanently incapacitated for work on the basis of the State Pension Insurance Act due to an injury or illness as a result of an accident or use of violence with regard to him or her in connection with the performance of a duty of an assistant police officer, the state shall pay a benefit to him or her. A benefit shall be paid, based on the extent of incapacity for work established by a first expert analysis of permanent incapacity for work carried out by the Social Insurance Board as follows (hereinafter *maximum benefit*):

- 1) in case of partial loss of capacity for work – to the extent of 12 times the salary rate corresponding to the lowest salary grade of a police officer;
- 2) in case of total loss of capacity for work – to the extent of 60 times the salary rate corresponding to the lowest salary grade of a police officer.

(3) The benefit laid down in subsection (2) of this section shall be paid in parts. The amount of a part depends on the period of permanent loss of capacity for work determined in the decision of the first or repeated expert analysis.

(4) The total benefit shall not exceed the maximum benefit corresponding to the extent of the first permanent loss of capacity for work.

(5) If the extent of a person's loss of capacity for work changes, the further payment of the benefit shall be based on the benefit laid down in subsection (2) of this section corresponding to the permanent loss of capacity for work determined by a repeated expert analysis, taking account of the already paid benefit.

(6) If as a result of a repeated expert analysis a person is entitled to a benefit in a lesser amount than has been paid to him or her, the overpaid sum shall not be reclaimed from the person.

(7) If a person was no longer paid a benefit in connection with decrease in the permanent loss of capacity for work but his or her permanent loss of capacity for work has increased based on the decision of a repeated expert analysis, the period of payment of the benefit together with the period for which the benefit was not paid shall not be in total longer than the period which serves as the basis for the calculation of his or her maximum benefit.

(8) If the period of permanent loss of capacity for work determined by a repeated expert analysis begins in the calendar year following the first expert analysis, the amount which serves as the basis for the calculation of the benefit shall be adjusted by the consumer price index of the year when the loss of capacity for work was first determined. If the period of loss of capacity for work determined by a repeated expert analysis begins later, the amount which serves as the basis for the calculation of the benefit shall be adjusted by the consumer price indexes as of the year when the permanent loss of capacity for work was first determined until the year preceding the last expert analysis.

(9) An assistant police officer who has suffered a bodily injury, which is accompanied by temporary loss of capacity for work, as a result of an accident or use of violence with regard to him or her in connection with the performance of a duty of an assistant police officer shall be paid by the state a lump-sum benefit in the amount of the salary rate corresponding to the lowest salary grade of a police officer.

(10) If an assistant police officer has been injured or become ill as a result of an accident or use of violence with regard to him or her in connection with the performance of a duty of an assistant police officer, his or her medical treatment expenses and costs of medicinal products shall be borne by the state.

(11) The expenses specified in this section shall be covered by the state budget through the budget of the Ministry of the Interior.

(12) The procedure for the calculation and payment of the benefits and expenses provided for in this section and the extent thereof shall be established by the Government of the Republic by a regulation.

(13) The provisions of this section shall not be applied if an assistant police officer, upon becoming injured in connection with an accident or use of violence with regard to him or her in the performance of a duty of an assistant police officer:

- 1) has committed an offence which is in a cause-and-effect relationship with the accident or use of violence with regard to the assistant police officer;
- 2) has committed suicide or attempted suicide;
- 3) has caused bodily harm to himself or herself which is not in a cause-and-effect relationship with the medical condition and does not result from unlawful behaviour of other persons;
- 4) is intoxicated by alcohol, a narcotic drug or a psychotropic substance.

(14) After the payment of benefit under this section, the state shall have the right of recourse in the amount paid as benefit with regard to the person at fault. In matters of recourse actions the state shall be represented by the minister responsible for the field or a person authorised by him or her.

§ 39. Compensation for proprietary damage

(1) Direct proprietary damage caused to an assistant police officer or his or her family members due to the performance of a duty of an assistant police officer shall be compensated for by the state. The damages shall be claimed from the person at fault by way of recourse.

(2) The terms and conditions of and the procedure for compensating for proprietary damage shall be established by the Government of the Republic by a regulation.

(3) The provisions of this section shall not be applied if an assistant police officer, upon suffering direct proprietary damage specified in subsection (1) of this section in the performance of a duty of an assistant police officer:

- 1) has committed an offence which is in a cause-and-effect relationship with suffering the direct proprietary damage;
- 2) has committed suicide or attempted suicide;
- 3) has caused bodily harm to himself or herself which is not in a cause-and-effect relationship with the medical condition and did not result from unlawful behaviour of other persons;
- 4) is intoxicated by alcohol, a narcotic drug or a psychotropic substance.

§ 40. Compensation for expenses

(1) An assistant police officer's transport and communication expenses and other expenses prescribed by the Police and Border Guard Board and necessary for him or her to perform a duty shall be compensated by the Police and Border Guard Board.

(2) The Police and Border Guard Board shall have the right to compensate for the expenses of an assistant police officer's medical examination.

(3) The maximum limit of and the procedure for compensation for expenses specified in subsection (1) of this section shall be established by the Director General of the Police and Border Guard Board by a decree.

(4) In agreement with the Police and Border Guard Board the expenses specified in subsection (1) of this section may be compensated by the local government.

[RT I, 29.12.2011, 1 – entry into force 01.01.2012]

§ 41. Incitement of assistant police officer

For outstanding services an assistant police officer may be incited pursuant to the procedure provided for in Division 8 of Chapter 5 of the Police and Border Guard Act.

Chapter 6 Release from Status of Assistant Police Officer

§ 42. Release from status of assistant police officer

An assistant police officer shall be released from the status of an assistant police officer by a decision of the Director General of the Police and Border Guard Board or of an official authorised thereby:

[RT I, 29.12.2011, 1 – entry into force 01.01.2012]

- 1) on the initiative of the assistant police officer;
- 2) in case the assistant police officer does not meet the requirements provided for in sections 4 and 5 and in subsection 8 (4) of this Act or
- 3) in connection with behaviour inappropriate for an assistant police officer, including if the assistant police officer violates the requirements for conduct in a public place or behaves otherwise unlawfully;
- 4) in the event of the assistant police officer's death.

[RT I, 12.03.2015, 6 – entry into force 22.03.2015]

Chapter 7 Liability

§ 43. Illegal use of certificate and special sign of assistant police officer

(1) Illegal use of certificate or special sign of assistant police officer – is punishable by a fine of up to three hundred fine units or detention.

(2) A court or a body conducting extra-judicial proceedings may apply confiscation of the object which was the direct object of the commission of an offence provided for in this section pursuant to section 83 of the Penal Code.

§ 44. Proceedings

(1) [Repealed – RT I, 12.07.2014, 1 – entry into force 01.01.2015]

(2) The body conducting extra-judicial proceedings pertaining to the misdemeanour provided for in section 43 of this Act is the Police and Border Guard Board.

[RT I, 29.12.2011, 1 – entry into force 01.01.2012]

Chapter 8

Implementing Provisions

§ 45. Transitional provisions

(1) Persons who have been counted as an assistant police officer before the entry into force of this Act and who wish to continue participation in the activity of the police as an assistant police officer but who do not meet the requirements provided for in section 4 of this Act are obligated to bring their:

- 1) level of language proficiency into conformity with the requirements of this Act by no later than 1 July 2012;
- 2) level of education into conformity with the requirements of this Act by no later than 1 July 2014.

(2) Persons who have been counted as an assistant police officer before the entry into force of this Act and who wish to continue participation in the activity of the police as an assistant police officer are obligated to pass a due medical examination and fulfil the requirements for professional qualification by no later than 1 January 2012.

(3) The requirement for training in firearms does not extend to persons who have been counted as an assistant police officer before the entry into force of this Act and who have been granted, before the entry into force of this Act, by a police authority the right to carry a firearm of the police and who wish to continue participation in the activity of the police as an assistant police officer and who need to carry a firearm in the performance of a duty of an assistant police officer if the person passes an examination on knowledge of legislation governing the use of firearms and a practical test on handling a weapon by no later than 1 July 2011.

§ 46.–§ 49.[Omitted from this text.]

§ 50. Entry into force of Act

This Act shall enter into force on 1 January 2011.