

*New version since 01/01/2018:*

No. [XIII-938](#), 19/12/2017, published in the Register of Legal Acts 29/12/2017, i. k. 2017-21647

## REPUBLIC OF LITHUANIA

### LAW ON THE SPECIAL INVESTIGATIONS SERVICE

2 May 2000, No. VIII-1649

Vilnius

#### CHAPTER I

#### GENERAL PROVISIONS

##### **Article 1. Purpose and objectives of the Law**

This Law lays down the status of the Special Investigations Service of the Republic of Lithuania (hereinafter referred to as the Special Investigations Service or the Service), the key principles and legal basis of its activities, its tasks and functions, the procedure of organisation and financing of the Service, ways of control of its activities, and the status, rights and duties of its officers, as well as the course of service, conditions of incentives and official responsibility, social guarantees, wages and other peculiarities of their status and service.

##### **Article 2. Key definitions of the Law**

1. **Person** means a natural person, legal entity or any person or entity having other legal status established by the state where such person or entity was registered.

2. **Corruption** means a direct or indirect pursuit, demand or acceptance of pecuniary or other personal benefit (such as gift, service, promise or privilege) by a civil servant or a person equivalent thereto meant for him- or herself or another person for performance or non-performance of certain actions in accordance with one's official duties, as well as actions or omission of a civil servant or a person equivalent thereto for the purpose of pursuing or demanding pecuniary or other personal benefit for him- or herself or another person or accepting such benefit; also, offering or granting – directly or indirectly – a civil servant or a person equivalent thereto pecuniary or other personal benefit (such as gift, service, promise or privilege) for performance or non-performance of certain actions under the civil servant's or equivalent individual's official duties, and mediation in the activities listed in this paragraph.

3. **Corruption-related crimes** refer to bribery, trading in influence, graft and other offences committed in the public administration sector or while providing public services for the purpose of obtaining benefits for oneself or other persons: abuse of authority or misuse of powers, abuse of official authority, tampering with documents and measuring devices, fraud, misappropriation or embezzlement of property, disclosure of an official secret, disclosure of a commercial secret, misrepresentation of information about income, profit or property, legitimisation of the proceeds of crime, interference with the activities of a civil servant or a person discharging public administration functions, or other criminal acts, if those are committed with the

aim of seeking or demanding a bribe, offering a bribe and concealing or covering up the act of taking or offering a bribe.

4. **Discredit to the name of the officer** means a guilty act or omission of an officer related or unrelated to the performance of official duties, however apparently discrediting the authority of the Special Investigations Service, destroying the confidence or compromising it.

5. **Coercion** is a method of operation of the Special Investigations Service that is applied to detecting, investigating and preventing criminal acts and administrative offences when the legitimate requirements or instructions of an officer are not followed, or to prevent danger. Coercion may be psychological and physical.

6. **The Special Investigations Service** is a main anti-corruption law enforcement agency of the Republic of Lithuania accountable to the President of the Republic and the Seimas.

7. **Officer of the Special Investigations Service** (hereinafter referred to as the officer) means a civil servant appointed to discharge official duties at the Special Investigations Service in accordance with the procedure prescribed in this Law.

8. **Misconduct in office** means a violation of official procedure established by this Law and other legal acts, or failure to perform or adequately perform the officer's duties due to the officer's fault.

9. The definition of “a civil servant or a person equivalent thereto” used in this Article shall comply with the interpretation of the definition provided in the Criminal Code of the Republic of Lithuania.

10. Other definitions used in Articles 67 and 68 of this Law shall be interpreted as they are defined in the Law on the Control of Arms and Ammunition and the Law on Police Activities of the Republic of Lithuania.

### **Article 3. Basis for the Activities of the Special Investigations Service**

1. The Special Investigations Service shall be guided by the Constitution of the Republic of Lithuania, the laws of the Republic of Lithuania, international treaties of the Republic of Lithuania and other legal acts.

2. The Special Investigations Service is a legal entity having its own settlement account with a bank, its seal with the national emblem of Lithuania and the name “The Special Investigations Service of the Republic of Lithuania”, its own flag and insignia.

### **Article 4. The Principles of the Activities of the Special Investigations Service**

The activities of the Special Investigations Service shall be based on the rule of law, lawfulness, respect for human rights and freedoms, the principles of equality before the law, openness and confidentiality, as well as on the principle of balance between personal initiative of the officers and the institutional discipline.

### **Article 5. Professional Links of the Special Investigations Service**

While performing the tasks assigned to it, the Special Investigations Service shall maintain professional links and co-operate with other institutions of the Republic of Lithuania, also with various agencies, organisations and enterprises, and shall encourage personal initiative of natural and legal persons in implementing anti-corruption measures. Through the mass media and other channels the Special Investigations Service shall inform the public about the enforcement of corruption control and prevention programmes and measures, and the anti-corruption activities carried out by central and local government institutions and agencies.

## **CHAPTER II**

### **OBJECTIVE, TASKS, RIGHTS AND DUTIES OF THE SPECIAL INVESTIGATIONS SERVICE**

#### **Article 6. The Objective of the Special Investigations Service**

The objective of the Special Investigations Service is to reduce corruption as a threat to human rights and freedoms, the principles of the rule of law and economic development.

#### **Article 7. The Tasks of the Special Investigations Service**

The tasks of the Special Investigations Service are to perform, in accordance with the procedure established in the laws of the Republic of Lithuania and other legal acts, criminal persecution due to corruption-related crimes, criminal intelligence, corruption prevention, anti-corruption education of the public and public awareness raising, analytical anti-corruption intelligence and other tasks assigned to the Special Investigations Service in the laws and other legal acts.

#### **Article 8. Rights and Duties of the Special Investigations Service**

1. Pursuing its activity objective and implementing tasks assigned to it, the Special Investigations Service shall have the following rights:

1) receive free of charge data of the state information resources and documents as well as other information necessary to carry out the functions of the Special Investigations Service from government and municipal authorities, institutions and enterprises, the State- and municipality-managed enterprises, enterprises whose shareholder is the State or a municipality, public institutions that are established, owned or co-owned by the State or a municipality;

2) receive free of charge and in accordance with the procedure set forth by the Director of the Special Investigations Service, information on the legal person's economic and financial operations and use of financial and/or payment measures, necessary to carry out the functions of the Special Investigations Service, from banks, financial and credit companies, credit institutions and other legal entities;

3) obtain explanations and other information from persons necessary to implement the tasks of the Special Investigations Service;

4) in accordance with the procedure set forth by the Director of the Special Investigations Service, analyse statements of persons having applied to the Special Investigations Service, and having determined a potential legal violation assigned to the remit of another law enforcement agency or a public administration entity, transfer the potential legal violation to the agency or entity based on the remit;

5) not to disclose the identity of applicants to the Special Investigations Service to any third parties or circumstances of applying that allow the direct or indirect identification of such an applicant;

6) check personal identification documents whenever it is needed to implement at least one task of the Special Investigations Service, and deliver persons suspected of having committed a criminal act to the Special Investigations Service and police agencies;

7) on the way to the crime scene or in pursuit of a person suspected of a criminal act, and when transporting a person needing emergency medical assistance to a medical institution, use, in accordance with the prescribed procedure, the blue flash lights and sound signals of the cars, use, without restriction, all types of vehicles and means of communication owned by companies, institutions, organisations or natural persons, except foreign diplomatic or consular missions. Upon request of an owner or holder of a vehicle or means of communication, issue a certificate of a form prescribed by the Director of Special Investigations Service, based on which losses and pecuniary damage incurred shall be compensated from the funds of the Special Investigations Service;

8) when in pursuit of a person suspected of a criminal act hiding from law enforcement agencies, as well as to prevent a crime being committed, stop road vehicles and check documents of the driver, passengers or the vehicle, inspect cargo and effects contained in the vehicle;

9) cooperate with other Lithuanian and foreign law enforcement agencies in accordance with the procedure prescribed by legal acts;

10) possess, hold and use an official firearm, explosives, explosive substances and special measures in accordance with the procedure prescribed by this Law and other legal acts;

11) carry out other actions which the Special Investigations Service or an officer is authorised to carry out by law.

2. The Special Investigations Service has the following duties:

1) within its remit, participate in implementing the National Security Strategy, the National Anti-Corruption Programme and other crime control and prevention programmes;

2) monitor, summarise and participate in coordination of actions of other government, municipal and non-governmental institutions to implement the National Anti-Corruption Programme and other corruption control and prevention programmes;

3) report in writing, at least once a year, to the President of the Republic of Lithuania and the Seimas about the results of the Special Investigations Service activities, changes significant in terms of reducing the spread of corruption in the Republic of Lithuania, and submit its proposals on the formation of anti-corruption environment;

4) provide public information on the Special Investigations Service activities to the society;

5) Perform other obligations prescribed by the laws to the Special Investigations Service or the officers.

### **Article 9. Analytical Anti-Corruption Intelligence**

1. Analytical anti-corruption intelligence means analytical activity carried out by the Special Investigations Service that includes collection, processing and collation of information on corruption and the related phenomena with other public or classified information available to the Special Investigations Service, as well as receiving, using and providing of qualitatively new data that is the result of processing this information to the Government and municipal agencies and officers authorised to make decisions significant in terms of reduction of the spread of corruption.

2. Priorities of the analytical anti-corruption intelligence shall be set forth by the Director of the Special Investigations Service, taking into account proposals of the President of the Republic, the Speaker of the Seimas, the Prime Minister and the Seimas Committee carrying out the parliamentary control of the Special Investigations Service under the Statute of the Seimas of the Republic of Lithuania.

3. The purpose of information collected and processed and data received during the analytical anti-corruption intelligence activities is to neutralise threats and risks caused by corruption before they develop into corruption-related crimes. Moreover, the information may be used for other lawful objectives of collecting information in line with the remit of the Special Investigations Service defined in this Law and other laws.

4. When having data providing which may contribute to implementing the objectives provided for in Article 9.3 herein, the Special Investigations Service shall be entitled to provide this data to the Government and municipal agencies or officers competent to pass relevant decisions in accordance with the procedure prescribed by the Director of the Special Investigations Service.

5. Information collected and processed during the analytical anti-corruption intelligence activities may be provided for information of the President of the Republic, the Speaker of the Seimas, the Prime Minister and the Seimas Committee carrying out the parliamentary control of the Special Investigations Service under the Statute of the Seimas of the Republic of Lithuania, if such information is needed by them to carry out functions established by legal acts or to make decisions.

**CHAPTER III**  
**THE STRUCTURE AND ADMINISTRATION OF THE SPECIAL INVESTIGATIONS SERVICE**

**Article 10. The Structure and Internal Rules of Procedure of the Special Investigations Service**

1. The Special Investigations Service shall be established and abolished by a separate law.
2. The Special Investigations Service may consist of boards, divisions, subdivisions and other units.
3. The structure of the Special Investigations Service shall be approved by the Director of the Special Investigations Service.
4. The Internal Rules of Procedure of the Special Investigations Service shall be approved by the Director of the Special Investigations Service.

**Article 11. The Staff of the Special Investigations Service**

1. The staff of the Special Investigations Service shall be officers and other civil servants employed based on their employment contracts (hereinafter referred to as the employees).
2. The status of the officers of the Special Investigations Service shall be regulated by this Law and other legal acts to the extent their status and social guarantees are not regulated by this Law. The status of the employees shall be established by the Labour Code and other legal acts.
3. The largest permissible number of positions of officers and employees shall be determined by the Board of the Seimas. The list of positions of the Special Investigations Service and job descriptions of officers and employees shall be approved by the Director of the Special Investigations Service

**Article 12. The Management of the Special Investigations Service**

1. A candidate to the position of the Director of the Special Investigations Service shall be nominated to the Seimas by the President of the Republic who shall also appoint and dismiss the Director of the Service, by and with the consent of the Seimas. The Director of the Special Investigations Service shall be appointed for a term of five years but he may hold this position no longer than for two terms in succession.
2. The first Deputy Director of the Special Investigations Service and deputies shall be appointed and removed from office by the President of the Republic at the proposal of the Director of the Special Investigations Service. The term of office of the first Deputy Director of the Special Investigations Service and deputies is linked to the term of office of the Director of the Special Investigations Service. The appointment of the next Director of the Special Investigations Service in accordance with the procedure established by law shall be equivalent to the end of the term of office of the first Deputy Director of the Special Investigations Service and deputies.
3. When the Director of the Special Investigations Service is absent (due to sick leave, leave or a business trip as well as in other cases when the Director is absent and/or unable to perform his duties, and when the Director's position is vacant), his responsibilities shall be temporarily transferred to the first Deputy Director of the Special Investigations Service or other authorized deputy of the Director of the Special Investigations Service.

**Article 13. Grounds for Dismissing the Director and Deputy Directors of the Special Investigations Service**

1. The Director and Deputy Directors of the Special Investigations Service shall be dismissed on the following grounds:

- 1) resignation;
- 2) breach of the oath;
- 3) coming into effect of a conviction;
- 4) ill health certified by an opinion of an appropriate medical examining commission;
- 5) transfer by his own consent to another position;
- 6) establishing of the circumstances referred to in Article 23 of this Law;
- 7) termination of his term in office;
- 8) loss of the citizenship of the Republic of Lithuania.

2. The Director of the Special Investigations Service and his deputies, upon reaching the age when, under law, officers and servicemen become eligible for the state pension, may also be dismissed from office at their own request due to retirement.

3. Disputes regarding the dismissal shall be settled in accordance with the procedure established in the Law on Administrative Proceedings.

#### **CHAPTER IV**

### **FINANCING OF THE SPECIAL INVESTIGATIONS SERVICE, MATERIAL PROVISIONING AND CONTROL OF ITS ACTIVITIES**

#### **Article 14. Financing of the Special Investigations Service**

1. The Special Investigations Service shall be financed from the state budget of Lithuania. The Director of the Special Investigations Service shall be the manager of the budget appropriations.

2. The Special Investigations Service may have other funds to ensure criminal intelligence activities.

3. To fulfil the tasks and functions established by this Law, the Special Investigations Service shall have the right, in accordance with the procedure established by law, to receive support from foreign institutions and establishments, international organisations and other lawful sources of funds.

#### **Article 15. Material and Technical Provisioning of the Special Investigations Service**

1. Material and technical provisioning for the Special Investigations Service shall be provided from the funds assigned to it.

2. The assets assigned to the Special Investigations Service shall be managed, used and disposed by it in trust.

#### **Article 16. Parliamentary Control of the Activities of the Special Investigations Service**

1. The parliamentary control of the Special Investigation Service shall be carried out by the committee of the Seimas in accordance with the procedure prescribed by the Statute of the Seimas of the Republic of Lithuania.

2. The committee of the Seimas shall draft and submit proposals on improvement of legal acts related to activities of the Special Investigations Service, areas of the analytical anti-corruption intelligence, as well as recommendations on improvement of activities of the Special Investigations Service.

3. The committee of the Seimas shall be entitled to receive and discuss activity reports of the Special Investigations Service, data on the needs and use of the budget funds of the Special Investigations Service, explanations and reports of the Special Investigations Service on the enforcement of laws and other legal acts of the Republic of Lithuania (except information on specific pre-trial investigations and criminal intelligence investigations), information collected and processed during analytical anti-corruption intelligence activities in accordance with the procedure

and on the grounds prescribed by Article 9.5 of this Law, as well as other information on activities of the Special Investigations Service.

## **CHAPTER V APPOINTMENT TO THE OFFICE OF THE SPECIAL INVESTIGATIONS SERVICE**

### **Article 17. Requirements to the Appointees**

1. Citizens of the Republic of Lithuania of good repute, aged between 18 and 60, proficient in the Lithuanian language, as well as suitable to the specific position based on their education, intellectual, personal characteristics and morale, professional preparedness and health status may be appointed as officers.

2. Only persons of good repute, no more than 65 years of age, with higher university or equivalent education, and no less than 5 years of service at the Special Investigations Service, or no less than 5 years of service as civil servants, or no less than 5 years of service as a judge or a prosecutor, may be appointed as the Director or Deputy Directors of the Special Investigations Service.

3. Persons with the following educational may be appointed as officers:

1) of pre-trial investigation, senior specialists and higher-ranking positions, shall have higher university or equivalent education;

2) in other positions, shall have no less than higher non-university or post-secondary education, or special secondary education graduated from by 1995.

4. Additional (special) requirements (concerning education, professional activities, length of service, foreign language knowledge or other professional capacities) for specific positions shall be set forth by the Director of Special Investigations Service.

### **Article 18. Restrictions Applicable to Appointment to the Special Investigations Service**

1. A person shall not be considered of good repute and may not be appointed to the Special Investigations Service, if the person:

1) has been found guilty in accordance with the procedure prescribed by law of committing a serious or grave crime or committing an intentional criminal act against the civil service or public interests, irrespective of whether the conviction has expired or was repealed, or that there is no conviction;

2) has been found guilty in accordance with the procedure prescribed by law of committing a less serious crime (except criminal acts specified in Article 18.1.1 herein) and less than 9 years have elapsed from the entry into force of the judicial conviction;

3) has been found guilty in accordance with the procedure prescribed by law of committing a crime of negligence against the civil service or public interests, and less than 7 years have elapsed from the entry into force of the judicial conviction;

4) has been found guilty in accordance with the procedure prescribed by law of committing a crime (except crimes specified in Article 18.1.1, 18.1.2, 8.1.3 herein), and less than 5 years have elapsed from the entry into force of the judicial conviction, or if the person has an existing criminal record due to another committed crime;

5) has been found guilty in accordance with the procedure prescribed by law of committing a misdemeanour (except crimes specified in Article 18.1.1 herein) or has been released from criminal liability for the misdemeanour or other committed criminal acts established in Article 18.1.1-4 herein, and the assigned penal sanctions have not been imposed on the person, or the deadline for assigning of the penal sanction has not expired;

6) is a member of an organisation prohibited in accordance with the procedure established by law;

7) has been dismissed from the civil service position based on a disciplinary sanction of dismissal, or in accordance with the procedure established by the Law on Civil Service of the Republic of Lithuania has been declared to have committed the misconduct in office for which a disciplinary sanction of dismissal should be imposed, or dismissed from the position of the statutory civil servant based on a disciplinary sanction of dismissal in accordance with the procedure specified in the statutes, or dismissed from the appointed or elected position due to the breached oath or commitment, or discredit to the name of the officer, or has been dismissed or has lost the right to engage in a respective activity for non-compliance with the legal good repute requirements and standards of ethics established in legal acts, for professional conduct violations, and if less than 3 years have elapsed from the date of the dismissal, or the date of declaration of commitment of the misconduct in office, or the date of dismissal or loss of the right to engage in respective activity;

8) based on information provided: in cases and in accordance with the procedure prescribed by the Law on Prevention of Corruption of the Republic of Lithuania, on information on persons dismissed from the position of a civil servant for the grave misconduct in office or for the declaration of having committed misconduct in office for which a disciplinary sanction of dismissal should be imposed, as provided by an institution performing functions of the civil service management, or on information or other data provided by the person having applied to serve at the Special Investigations Service, the Director of the Special Investigations Service draws the conclusion that the person is non-compliant with the good repute requirements;

9) is non-compliant with legal requirements necessary to issue a permit to use or familiarise with classified information, if the position is related to the use of classified information;

10) personal characteristics, relations or other circumstances or facts related to the person or his environment are determined during the selection, based on which the Director of the Special Investigations Service draws the conclusion that the person's conduct or activities are incompatible with the Code of Conduct of the Officers of the Special Investigations Service.

2. A person shall not be appointed to the Special Investigations Service, if:

1) the person's spouse, partner (when the partnership is registered in accordance with the procedure established by law), close relative, or relative by marriage is an officer, provided that according to their positions held they would be related by direct subordination relations;

2) the person is declared incapable in accordance with the procedure established by law in the area related the functions to be performed by the person;

3) the person has provided knowingly wrong data on himself, his relations;

4) in other cases prescribed by law.

### **Article 19. Procedure of Appointing to Service**

1. Applicants to serve at the Special Investigations Service shall be referred to the Central Medical Expert Examination Commission of the personal health care institution, the rights and duties of the owner of which shall be discharged by the Ministry of the Interior of the Republic of Lithuania. Having performed a specialised medical expertise, this Commission shall in the established manner submit findings concerning the health status of the applicant to serve at the Special Investigations Service and his suitability to the service. Health status requirements established for candidates to the internal service and officers of the internal service system shall apply to applicants to serve and persons serving at the Special Investigations Service. The Director of the Special Investigations Service shall establish health care requirements for officers based on officer positions, with respect to functions specified in officer job descriptions, potential occupational risk factors and the classification of health care requirements applicable to officers of the internal service system established by legal acts.

2. Applicants to serve at the Special Investigations Service, as well as their parents, children, spouse or partner (when the partnership is registered in accordance with the procedure established by law) shall be checked in accordance with the procedure set forth by the Director of the Special Investigations Service in state registers (cadasters), agency registers, state information



systems, classifications, data banks and other information or data management systems in order to determine, if the applicants to serve at the Special Investigations Service may be appointed to the service. The Special Investigations Service shall be entitled to manage personal data and special personal data of the applicant to serve at the Special Investigations Service.

3. The Director of the Special Investigations Service shall appoint persons to positions at the Special Investigations Service and dismiss them, except the persons appointed by the President of the Republic.

4. Persons shall be appointed to officer positions at the Special Investigations Service by way of selection, except the persons appointed by the President of the Republic.

5. The Selection Commission of Candidates to Officer Positions of the Special Investigations Service (hereinafter referred to as the Selection Commission) shall be formed by the Special Investigations Service. The Selection Commission shall assess personal and business characteristics of applicants to serve at the Special Investigations Service, and submit findings on their suitability to serve to the Director of the Special Investigations Service.

6. The selection shall be conducted in accordance with the procedure set forth by the Director of the Special Investigations Service in order to establish, if the applicant is suitable for the position.

7. Persons shall be employed by the Special Investigations Service in accordance with the procedure set forth by the Director of the Special Investigations Service. The Special Investigations Service shall check the applicant to the Special Investigations Service and shall be entitled to manage personal data and special personal data of the applicant to the Special Investigations Service.

8. In exceptional cases and by a motivated decision of the Director of the Special Investigations Service, a person may be appointed to serve at the Special Investigations Service or allowed to continue to serve in case of negative health examination results, if due to important reasons recognised by the Director of the Special Investigations Service it is required to ensure interests of the Service.

#### **Article 20. Periods of Appointing to Service and Probation**

1. Persons shall be appointed as heads and deputies of structural units of the Special Investigations Service outside another structural unit for a five-year period in accordance with the procedure established by the Director of the Special Investigations Service. If the person's activities are assessed as excellent, he may be re-appointed to the same position for another five-year period. Heads and deputies of structural units outside another structural unit cannot hold the same position longer than ten years in a row.

2. A probation period up to six months may be established for a person appointed to the service. The probation period shall not include leave and sickness leave periods. Before the end of the officer's probation period the officer shall be certified and a decision on whether the person is suitable for the position shall be made in accordance with the procedure established by the Director of the Special Investigations Service. No probation period shall be established for the persons appointed by the President of the Republic.

#### **Article 21. Oath of an Officer**

1. A person appointed to the service shall take an oath to the State of Lithuania before he starts his official duties. The person giving an oath shall be entitled to choose one of the oath texts set forth in Article 21.1 herein. The following oath texts shall be prescribed:

1) "I (forename, surname), the officer of the Special Investigations Service, swear to be faithful to the Republic of Lithuania, to observe its Constitution and other laws, to respect and protect human rights and freedoms, public and state interests, to fight corruption and crime, to safeguard state and official secrets; I commit to conscientiously perform the duties entrusted to me, and to always preserve the good reputation of the officer of the Special Investigations Service.

So help me God!"

2) "I (forename, surname), the officer of the Special Investigations Service, swear to be faithful to the Republic of Lithuania, to observe its Constitution and other laws, to respect and protect human rights and freedoms, public and state interests, to fight corruption and crime, to safeguard state and official secrets; I commit to conscientiously perform the duties entrusted to me, and to always preserve the good reputation of the officer of the Special Investigations Service."

2. The oath of the Director and Deputy Directors of the Special Investigations Service shall be administered by the President of the Republic, and oaths of other officers - by Director of the Special Investigations Service.

3. The sheets with the text of the oath signed by the oath-giving officers shall be retained in the service record of the officers.

4. No person can serve as an officer of the Special Investigations Service without giving an oath.

## **CHAPTER VI CONDITIONS OF SERVICE OF THE OFFICERS**

### **Article 22. Duties of the Officers**

An officer must:

- 1) adhere to the Constitution, laws and other legal acts;
- 2) be loyal to the State of Lithuania and its constitutional structure;
- 3) have respect for human rights and freedoms, and serve the public interest;
- 4) honour his oath;
- 5) properly fulfil the functions set forth in the job description and perform the tasks assigned in a timely manner; comply with Internal Rules of Procedure of the Special Investigations Service;
- 6) improve his or her qualification;
- 7) upon receiving a report or a statement about a crime which is being planned or committed or any other violation of law, or when witnessing an incident, take all immediate measures to prevent the crime which is being planned or committed or any other violation of law, to seal off the crime scene, to identify the witnesses, or to report the incident to the police;
- 8) comply with the principles of conduct, rules and requirements of professional ethics established by this Law, the Code of Conduct of Officers of the Special Investigations Service; avoid the conflict of public and private interests; declare private interests in accordance with the procedure established by legal acts; not abuse his position of authority; not use the property of the Special Investigations Service for non-service related activities;
- 9) safeguard state and official secrets, not use and refuse access to official or service-related information in ways other than those prescribed by laws or other legal acts;
- 10) guarantee the rights and lawful interests of the detained persons, provide first aid and any other necessary assistance to the victims of crimes or other violations of law and to the persons who are in a helpless state.

### **Article 23. Restrictions Applicable to the Officers**

1. The officers shall be prohibited to:
  - 1) be members of political parties or political organisations, to take part in political activities;
  - 2) be members of administrative bodies of enterprises, agencies or organisations, to receive remuneration for work at such bodies, except where it is necessary for intelligence activities carried out by the Service and for a period not longer than is necessary for attaining the objective of the assignment; or in cases when in accordance with the established procedure an officer is delegated to international, European Union or foreign government institutions, participates in support

projects funded by the European Union, international organisations, foreign states or Lithuanian development cooperation and democracy support projects, which are engaged in activities related to the functions and assignments of the Service;

3) conclude contracts on behalf of the Special Investigations Service with enterprises where members of their families are owners or co-owners or to hold by proxy shares owned by third parties;

4) represent the interests of national or foreign enterprises;

5) be employed on an employment contract basis, to work in the capacity of an advisor, expert or consultant at enterprises, agencies, organisations and other institutions, also to get remuneration other than laid down by this Law, with the exception of cases when this is necessary for intelligence activities carried out by the Service and for a period not longer than is necessary to attain the objective set by the assignment, also except remuneration for teaching, creative work and volunteer military service, as well as cases when in accordance with the established procedure an officer is delegated to international, European Union or foreign government institutions, participates in support projects funded by the European Union, international organisations, foreign states or Lithuanian development cooperation and democracy support projects, which are engaged in activities related to the functions and assignments of the Service;

6) take part in strikes, pickets or rallies which might directly obstruct the activities of the Special Investigations Service or the performance of duties by an officer of the Special Investigations Service, to be a member of a trade union;

7) accept gifts or services directly or indirectly related to his office, except in cases provided by law.

2. An officer shall also be subject to other restrictions established by the Law on the State and Official Secrets of the Republic of Lithuania.

#### **Article 24. Implementation of the right to have another job or position**

1. Based on an officer's application, the Director of the Special Investigations Service shall make a decision on permitting the officer to have another job compliant with the activity limitations established in Article 23.1.5 of this Law. Applications for permissions to have another job shall be considered in accordance with the procedure set forth by the Director of the Special Investigations Service.

2. A decision on permitting the officer to have another job shall be valid for one year since the date of the decision. If the officer is transferred to another position or upon modification of functions established in his job description, the officer must submit a new application for permission to have another job.

3. A decision on permitting the officer to have another job may be revoked, if new circumstances arise or are established, that preclude issuing such permission.

4. An officer aiming to be transferred to another position in cases specified in Article 37.5 and 37.6 of this Law shall also get a permission to have another job. If a decision on the permission to have another job was made due to transferring an officer to another position in cases specified in Article 24.4 herein, the permission shall be valid for the time period of the transfer to another position.

5. The permission specified in this Article shall not be required in cases, when in accordance with the established procedure an officer is delegated to international, European Union or foreign government institutions, participates in support projects funded by the European Union, international organisations, foreign states or Lithuanian development cooperation and democracy support projects, which are engaged in activities related to the functions and assignments of the Service, and an order on the delegation of such officer is passed by the Director of the Special Investigations Service.

## **CHAPTER VII**

## LEGAL PROTECTION OF THE OFFICERS

### Article 25. Independence of the Officers

1. While discharging their official duties and carrying out assignments of their superiors, the officers of the Special Investigations Service shall be guided by laws and other legal acts.

2. State institutions and agencies or their employees, political parties, non-governmental organisations and movements, the mass media, other natural or legal persons shall be prohibited from interfering with criminal intelligence and other activities carried out by the officers of the Special Investigations Service.

3. Meetings, pickets and other actions on the premises of the Special Investigations Service, and within the distance of 25 metres from the buildings of the Special Investigations Service, shall be prohibited.

4. The procedure of filming, taking photos, making audio or video recordings on the premises of the Special Investigations Service shall be established by the Director of the Special Investigations Service.

### Article 26. Guarantees of the Activities of the Special Investigations Service and its Officers

1. A pre-trial investigation against an officer of the Special Investigations Service may be initiated only by the Prosecutor General of the Republic of Lithuania or his Deputy.

2. The officers of the Service may not be collected or detained, and inspection of their person, their (the Service's) effects and vehicles shall be prohibited without participation of the head of the appropriate Special Investigations Service unit or a representative authorised by him, except in cases when the officer is detained in obvious *flagrante delicto*. In this case an agency having detained the Service officer shall inform the Director of the Special Investigations Service about it no later than within 12 hours.

3. Information about the officers of the Special Investigations Service who are carrying out or who have carried out special assignments shall be a state secret and may be used and declassified only in cases and according to the procedure established by the law of the Republic of Lithuania.

4. Measures prescribed in the Law on the Protection from Tampering of the Participants of Criminal Procedure and Criminal Intelligence Activities, Judicial and Law Enforcement Officers, may be provided for the protection of the officers of the Special Investigations Service and their family members.

## CHAPTER VIII STATUS AND CARREER OF THE OFFICER

### Article 27. Officer Positions at the Special Investigations Service

The Special Investigations Service shall have the following officer positions (top town):

- 1) director;
- 2) first deputy director, deputy director (hereinafter referred to deputy directors);
- 3) head of the board;
- 4) deputy head of the board;
- 5) head of the division;
- 6) deputy head of the division;
- 7) head of the subdivision;
- 8) chief specialist;
- 9) senior specialist;
- 10) specialist;
- 11) junior specialist.

**Article 28. Official Ranks**

The following official ranks shall be granted to the officers (top-down):

- 1) super special agent;
- 2) chief special agent;
- 3) senior special agent;
- 4) special agent;
- 5) special agent advisor;
- 6) senior agent;
- 7) agent;
- 8) junior agent.

**Article 29. Service Steps**

The service steps shall be as follows (top-down):

- 1) six;
- 2) five;
- 3) four;
- 4) three;
- 5) two;
- 6) one.

**Article 30. Coordination of Positions, Official Ranks and Service Steps**

1. An official subject appointing an officer to the position shall grant the officer the following official ranks matching the position:

- 1) Director – Super Special Agent;
- 2) Deputy Directors – Chief Special Agent;
- 3) Heads and Deputy Heads of the Boards – Senior Special Agent;
- 4) Heads, Deputy Heads of Divisions and Heads of Subdivisions – Special Agent;
- 5) Chief Specialists – Special Agent Advisor;
- 6) Senior Specialists – Senior Agent;
- 7) Specialists – Agent;
- 8) Junior Specialists – Junior Agent.

2. The service step means a coefficient of the official salary of the officer, within a span of coefficients applicable to a certain position, established by the officer's qualification, experience in service and official activity results, and matching the rating of service activities for the officer. When the service step is established for an officer first appointed to the Special Investigations Service, the level of the officer's professional preparedness and results of previous official and other professional activities shall be also taken into account.

3. Service step No. 1 shall be established for an officer appointed to the Special Investigations Service. Subject to business characteristics specified in Article 30.2 herein, in accordance with the procedure specified by the Director of the Special Investigations Service and based on the proposal by the Selection Committee, a service step higher than step No. 1 but not exceeding service step No. 3 may be established for the person first appointed to the Special Investigations Service. Criteria based on which the Selection Committee may propose a service step higher than service step No. 1 for the person first appointed to the Special Investigations Service, shall be established by the Director of the Special Investigations Service.

4. A higher service step shall be established when the officer's official activity results are rated as excellent during a routine or extraordinary certification (hereinafter referred to as the certification). A consistently lower service step shall be established when the officer's official activity is rated as unsatisfactory during a certification.

5. When the officer is promoted, a step shall be established that is consistently higher than the step under which the official salary is minimum as high as the official salary before the promotion.

6. When the officer is transferred to an equivalent position, the same service step shall be established for him.

7. When the officer is demoted on the grounds established by the Article 37.4.4 of this Law, it shall be considered that the same service step was established for him (as held before the demotion), but the wages the officer shall be paid shall be no less than the pre-demotion wages. When the officer is demoted on the grounds established by Articles 37.4.5 or 37.4.6 of this Law, the same service step (as held before the demotion) shall be established for him. When the officer is demoted on any other grounds, a service step is established for him so that the official salary is the closest to and no lower than the pre-demotion official salary. In case when the pre-demotion service salary was the same or exceeded the highest possible service salary, the service step No. 6 shall be established.

8. The service step shall be established by an order of the Director of the Special Investigations Service.

9. Service steps shall not be established for the Director and Deputy Directors of the Special Investigations Service.

### **Article 31. Officer Certification**

1. Results of the officer's official activity, qualification and suitability for the current and other (including higher-ranking) position (hereinafter referred to as the officer's activity) shall be assessed during certification by the direct supervisor, the Director of the Special Investigations Service and in certain cases by the Certification Commission formed by the Director of the Special Investigations Service. The Director of the Special Investigations Service or his authorised representative shall assess officers directly subordinate to the Director of the Special Investigations Service. Officers appointed by the President of the Republic shall not be certified.

2. The officer's activity shall be ranked as excellent, good or unsatisfactory during the certification.

3. If the officer's activity is ranked as excellent or unsatisfactory by the direct supervisor, the Director of the Special Investigations Service or his authorised representative, the officer's activity shall be assessed by the Certification Commission. Moreover, the officer's activity shall be assessed by the Certification Commission in cases when the officer disagrees with the ranking of the direct supervisor, the Director of the Special Investigations Service or his authorised representative, when the officer's activity is ranked by the Chairman of the Certification Committee as his direct supervisor, when the Chairman of the Certification Committee disagrees with the ranking of the officer's direct supervisor, and when activity of the head or deputy head of a structural unit outside another structural unit is under assessment.

4. Having ranked the officer's activity as excellent, the Certification Commission shall propose the following to the Director of the Special Investigations Service:

- 1) establish a higher service step for the officer;
- 2) transfer the officer to a higher-ranking position;
- 3) maintain the same service step, if the officer has the highest service step and proposing a higher-ranking position is impossible.

5. Having ranked the officer's activity as good, the direct supervisor or Certification Commission shall not submit proposals to the Director of the Special Investigations Service, and the pre-certification status of the officer shall be maintained, except the cases established in Article 31.3 herein and in cases of ranking the officer's activity as good when the period of service (5 years) of the head or deputy head of the unit outside another structural unit has expired or is under expiry. In this case the Certification Commission shall propose the Director of the Special Investigations Service to transfer the officer to another position of the head or deputy head of the structural unit equivalent to the pre-assessment position or a lower-ranking one.

6. Having ranked the officer's activity as unsatisfactory, the Certification Commission shall propose the following to the Director of the Special Investigations Service:

- 1) improve the officer's qualification;
- 2) establish a consistently lower service step for the officer;
- 3) transfer the officer to a lower-ranking position;
- 4) dismiss the officer.

7. Having ranked the activity of the officer in the position specified in Article 20.1 as excellent during an extraordinary certification performed on the grounds specified in Article 31.9 herein, the Certification Commission shall propose to the Director of the Special Investigations Service to re-appoint the officer to the same position upon expiry of the period of service in the position.

8. Decisions of the Director of the Special Investigations Service specified in this Article may be appealed against in accordance with the procedure prescribed by the Law on Administrative Proceedings.

9. An extraordinary certification shall be performed when the probation period established for the officer is under expiry or when the period of service (5 years) of the officer (applicable to the officers appointed to the prescribed position for a five-year period in cases established by this Law) is under expiry. An extraordinary officer's certification by the decision of the Director of the Special Investigations Service or his authorised Deputy may also be performed in the following cases:

- 1) when the officer performs his duties excellently;
- 2) when the officer performs his duties unsatisfactorily;
- 3) due to official necessity.

10. The criteria and procedure of the officer certification, the activities and powers of the Certification Commission shall be established by the Director of the Special Investigations Service.

### **Article 32. Officer Training and Qualification Improvement**

1. Officer training and qualification improvement shall be organised and conducted at the Special Investigations Service, Lithuanian and foreign education and training establishments and other institutions.

2. The Director of the Special Investigations Service shall establish the procedure for the officer training and qualification improvement and approve the officer training and qualification improvement plans.

3. During the period of training and qualification improvement the officers shall have their current position and wages guaranteed, and other social guarantees prescribed in this Law and other laws applicable.

4. State budget appropriations, financial support funds of the European Union, foreign states and international organisations and funds of other sources may be used to finance officer training and qualification improvement.

5. In cases and in accordance with the procedure established by the Director of the Special Investigations Service, the Special Investigations Service may conclude an agreement with the officer regarding payment for the officer's studies, training or qualification improvement. Having failed to perform or duly perform the agreement, or having resigned or been dismissed due to his own fault before the agreement expiry or expiry of the period prescribed by the agreement, the officer must reimburse costs related to his education, training or qualification improvement to the Special Investigations Service.

### **Article 33. Length of Service**

The length of service specified in this Law that is calculated to determine the duration of the annual leave and the amount of the severance payment established in Article 60.3 of this Law, shall consist of the years served for the State of Lithuania.

#### **Article 34. Service Card and Service Badge**

1. A service card and a service badge shall be issued to the officer appointed to the position. Their purpose shall be to verify the officer's status and service at the Special Investigations Service.
2. The model service card and a service badge shall be approved by the Director of the Special Investigations Service.

#### **Article 35. Officer Powers, Relations within the Service and Responsibility**

1. Lawful instructions provided by the officer shall be obligatory to all persons.
2. The officer must follow orders, instructions or carry out assignments of the officer superior in the chain of command. The officer shall have the right to request that orders, instructions or assignments of the officer superior in the chain of command are issued in writing.
3. The officer shall be personally responsible for his own activities, decisions and their consequences, as well as activities, decisions and their consequences of officers subordinate to him by the mandate and remit.
4. The officer must immediately inform the Director of the Special Investigations Service about an order, instruction or assignment received that is in conflict with the law or exceeds official powers of the officer superior in the chain of command. The officer must immediately inform the Prosecutor General or the his Deputy about an order, instruction or assignment given by the Director of the Special Investigations Service that is clearly in conflict with the law. Following an order, instruction or assignment in conflict with the law shall not exempt one from their responsibility.

#### **Article 36. Personal Data and Personal Records of the Officer**

1. The Special Investigations Service shall be entitled to manage personal data and special personal data of the officer in accordance with the Law on Legal Protection of Personal Data of the Republic of Lithuania.
2. Data specified in Article 36.1 herein, as well as data on the officer's recruitment, oath, appointment and dismissal, incentives, disciplinary sanctions, etc., shall be managed as the personal records of the officer stored at the Special Investigations Service. The procedure of developing personal records and their storage terms shall be established by the Director of the Special Investigations Service, subject to the document storage periods specified by the Chief Archivist of Lithuania.

### **CHAPTER IX**

#### **TRANSFER TO ANOTHER POSITION, SUSPENSION FROM THE OFFICE, DISMISSAL**

#### **Article 37. Transfer to another Position**

1. By an order of the Director of the Special Investigations Service, the officer may be promoted, demoted or transferred to an equivalent position.
2. The officer may be promoted:
  - 1) in case of an official necessity – no longer than for 3 months;
  - 2) in case the officer's activity is ranked as excellent by the Certification Committee.
3. The officer may be transferred to an equivalent position:
  - 1) based on own request or consent;
  - 2) in case the officer's position is made redundant due to reorganisation of the service;



- 3) in case of an official necessity – no longer than for 3 months;
  - 4) when due to health status the officer may not continue serving in his position, if the officer agrees with it;
  - 5) upon expiry of the appointed service period, if the officer agrees with it;
  - 6) when the officer is deprived of the special rights related to the performance of his direct duties in accordance with the procedure established by law;
  - 7) when an officer who had previously had the position is reinstated in the same position by a court decision.
4. The officer may be demoted:
    - 1) based on own request or consent;
    - 2) in case the officer's position is made redundant due to reorganisation of the service, and transferring to an equivalent position is impossible, if the officer agrees with it;
    - 3) when due to health status the officer may not continue serving in his position, if the officer agrees with it;
    - 4) in case of an official necessity – no longer than for 3 months;
    - 5) in case of a disciplinary sanction, demotion, is imposed;
    - 6) in case the officer's activity is ranked as unsatisfactory by the Certification Committee;
    - 7) upon expiry of the term of office or appointed service period, if the officer agrees with it;
  - 8) when the officer is deprived of the special rights related to the performance of his direct duties in accordance with the procedure established by law, if transferring to an equivalent position is impossible, if the officer agrees with it;
  - 9) when an officer who had previously had the position is reinstated in the same position by a court decision, if transferring to an equivalent position is impossible, if the officer agrees with it.
5. With a written officer's consent he may be transferred to a position in diplomatic missions, consular posts and missions of the Republic of Lithuania to international organisations, as well as to work at special missions and institutions the establishment of which is established by the European Union law.
  6. With respect to legal acts regulating delegation to international or foreign government institutions, with a written officer's consent he may also be temporarily transferred to a position in an international or foreign government institution.
  7. The officer transferred to the position specified in Articles 37.5 or 37.5 herein, shall stay in the office for no longer than three years, if not provided otherwise by an international treaty or the European Union law.
  8. At the end of the transfer time in line with Articles 37.5 or 37.5 herein, the officer's pre-transfer position shall be guaranteed for him. The procedure of transferring officers to or recalling them from the positions specified in this Article, as well as peculiarities of social guarantees during service abroad shall be established by laws and other legal acts.
  9. The officer may also be transferred to another position in cases established by other laws.

### **Article 38. Temporary Assignment to Perform other Duties and Temporary Assignment to Discharge Functions of another Officer**

1. In case of an official necessity, by an order of the Director of the Special Investigations Service, the officer may be temporarily assigned to another higher-ranking, lower-ranking or equivalent position in line with his remit, without his consent and transfer to another position. During this time period the officer shall not discharge the duties he had before the temporary assignment.
2. The temporary assignment specified in Article 37.1 herein may not exceed one year during five years of the officer's service at the Special Investigations Service, except the cases when an official necessity to assign other duties to the officer is caused by a sickness leave or

maternity or parental leave of an officer routinely occupying this position, or due to delegation to international, European Union or foreign government institutions, participation in support projects funded by the European Union, international organisations, foreign states or Lithuanian development cooperation and democracy support projects, which are engaged in activities related to the functions and assignments of the Service. In this case the temporary assignment may not exceed the expiry of the consequences having determined such official necessity.

3. If the officer is assigned to a higher-ranking position in accordance with the procedure established in Article 38.1, the wages paid to the officer shall be calculated based on the official salary of the position the officer is temporarily assigned to, and a consistently higher step shall be established than the step under which the official salary is the closest to and no lower than the official salary before the temporary transfer.

4. In case of an official necessity, by an order of the Director of the Special Investigations Service, the officer without his consent may be temporarily assigned to discharge additional functions of another officer. During this time period the officer shall also discharge the functions he had discharged before the temporary assignment to discharge functions of another officer.

5. The temporary assignment specified in Article 37.4 herein may not exceed one year during five years of the officer's service at the Special Investigations Service, except the cases when an official necessity to assign to discharge additional functions of another officer is caused by a sickness leave or maternity or parental leave of the officer routinely discharging such functions, or due to delegation to international, European Union or foreign government institutions, participation in support projects funded by the European Union, international organisations, foreign states or Lithuanian development cooperation and democracy support projects, which are engaged in activities related to the functions and assignments of the Service. In this case the temporary assignment to discharge functions of another officer may not exceed the expiry of the consequences having determined such official necessity.

6. If an officer is assigned to discharge functions of another officer in accordance with the procedure established Article 38.4 herein, the officer shall be paid additional pay as prescribed in Article 55.1.1 of this Law.

### **Article 39. Officer's Suspension from the Office**

1. The officer must be suspended from the office in the following cases:

1) if the officer reported to the Service under the influence of alcohol, narcotic, psychotropic or toxic substances, for the rest of the duration of the work hours of the day (shift);

2) if the officer is prohibited to use or familiarise with classified information in accordance with the procedure established by the Law on the State and Official Secrets, for the duration of inspection performed in accordance with the procedure established by the Law on the State and Official Secrets;

3) in case of a decision of other entities established by other laws, in accordance with the terms and procedure established by such laws.

2. The officer may be suspended from the office, if he is suspected of committing misconduct in office, discredited the name of the officer, breached the oath, committed an intentional criminal act or a criminal act against the civil service and public interests, until an official investigation is completed and a decision is made on imposing a disciplinary sanction or regarding his subsequent service, or until the criminal procedure is finalised.

3. The officer suspended from the office shall, from the moment of suspension, return the service card, service badge, service gun, special measures, documents and other means of work that he had when he was on active duty.

4. At the expiry of the suspension period the officer shall be returned to the previous position, if no grounds for dismissal arise after the suspension.

5. Wages shall not be paid for the suspension period. If the officer was suspended from the office without grounds, or if the circumstances having determined the suspension were not confirmed, the officer shall be reinstated to the previous office and within 10 work days shall be

paid wages for the suspension time together with interest calculated in accordance with the procedure established in Article 147 of the Labour Code. The interest shall not be paid, if the damages are reimbursed in accordance with the procedure established by other laws.

6. The limitation prescribed in Article 23.1.5 of this Law shall not apply to the officer during suspension period.

#### **Article 40. Officer's Dismissal**

1. The officer shall be dismissed on the following grounds:

- 1) when he resigns at his own request;
- 2) when a judicial conviction comes into effect that convicts the officer for the committed intentional criminal act or a criminal act against civil service and public interests, or a sanction is imposed due to which he may no longer perform his duties;
- 3) when he loses the citizenship of the Republic of Lithuania;
- 4) when the Certification Commission proposes the dismissal;
- 5) when he breaches the oath;
- 6) due to the health status, in case of certain findings of the personal health care institution, the Central Medical Expert Examination Commission the rights and duties of the owner of which shall be discharged by the Ministry of the Interior of the Republic of Lithuania;
- 7) if his official activity is ranked as unsatisfactory during the probation period;
- 8) when circumstances referred to in Articles 18.2 or 23 of this Law become established;
- 9) when a disciplinary sanction of dismissal is imposed on him;
- 10) when he reaches the age of the social insurance old age pension;
- 11) when it becomes clear that during recruitment to the service data (documents) were concealed or wrong data (documents) were provided due to which the person may not have been recruited to the service;
- 12) when he refuses to work after the service circumstances are modified in cases specified in Articles 37.2.1, 37.3.3, 37.4.4 and 38.1 of this Law;
- 13) when he has discredited the name of the officer;
- 14) when he retired based on own request;
- 15) when he reached the age referred to in Article 57.1 of this Law, if his service time was not extended according to the established procedure, or the time period for extending his service time has expired.

2. The officer may be dismissed on the following grounds:

- 1) if he is absent from work due to sickness leave for a period longer than 120 calendar days in succession or longer than 140 calendar days during the last 12 months, and if the absence is unrelated to the injury, self-inflicted injury or any other health impairment having occurred in the course of performance of official duties or due to the service or the officer's status;
- 2) when the officer's position is made redundant due to reorganisation of the service; and if the officer may not be transferred to another position or disagrees with it;
- 3) when an officer who had previously had the position is reinstated in the same position by a court decision, and if the officer may not be transferred to another position or disagrees with it;
- 4) when the officer is deprived of the special rights related to the performance of his direct duties in accordance with the procedure established by law;
- 5) when the period of service established for the head or deputy head of the unit outside another structural unit of the Special Investigations Service is under expiry, and if the head or deputy head may not be transferred to another position or disagrees with it.

#### **Article 41. The Officer's Dismissal when he Resigns at his own Request**

1. The officer shall have the right to resign at his own request (Articles 40.1.1 and 40.1.14 of this Law), with no less than 14 calendar days notice to the Director of the Special Investigations

Service. If the Director of the Special Investigations Service agrees, the officer may resign sooner than in 14 calendar days.

2. If the resignation application is based on the officer's disease or disability that precludes the proper discharge of the official responsibilities, the application shall be granted on the day subsequent to the application date.

3. The officer shall have the right to revoke his application no less than in three calendar days since its date, if the Director of the Special Investigations Service has not made a decision to dismiss on this basis.

#### **Article 42. Requirements for other Dismissal Cases**

1. The officer may not be dismissed during his sickness leave or leave, except dismissal on the grounds of Articles 40.1.1, 40.1.2, 40.1.3, 40.1.5, 40.1.6, 40.1.8, 40.1.10, 40.1.11, 40.1.13, and 40.2.1, 40.2.4 of this Law. If the officer is dismissed in violation of the above provision, the service day subsequent to the last day of his leave or his sickness leave shall be considered the dismissal day.

2. The pregnant officer or the officer raising a child (children) up to three years of age may not be dismissed, if acts of such officers do not contain their fault.

3. The officer may be dismissed according to Article 40.2.2 only if notified in writing about the dismissal no later than 2 months prior to the day of dismissal. The officer raising a child (children) up to 14 years of age and the officer with no more than 5 years left until the acquiring of the right to the state pension of officers and servicemen shall be notified in writing about the possible dismissal not later than 4 months prior to the day of dismissal. If the officer is dismissed before the expiry of the notice period, his dismissal date shall be transferred to the date when the notice is due to expire.

4. The officer may be dismissed on the grounds of Articles 40.1.6, 40.2.2, 40.2.3 and 40.2.4 of this Law only in case there is no possibility to transfer the officer, with his consent, to an equivalent or lower-ranking position.

5. The officer may be dismissed on the grounds of Articles 40.2.5 of this Law only if another equivalent vacant position is proposed to him, and if unavailable or the officer disagrees with the transfer, if a lower-ranking position is proposed, and the officer disagrees with the transfer.

#### **Article 43. Dismissal Procedure**

1. Officers shall be dismissed by an order of the Director of the Special Investigations Service except the officers dismissed by a decree of the President of the Republic.

2. The dismissed officer shall, no later than on the dismissal day, return the service card, service badge, service gun, special measures, documents and other means of work that he received when on active duty.

#### **Article 44. Procedure of Appealing against Dismissal and Grounds of Reinstatement**

1. Disputes regarding the officers' dismissal shall be settled in accordance with the procedure established in the Law on Administrative Proceedings.

2. When the illegally dismissed person is reinstated to the previous position by court, such officer shall be paid his average wages for the entire time period of the involuntary absenteeism.

3. When the illegally dismissed officer states that he would face unfavourable conditions of work if reinstated to the previous position, the court, having stated that the dismissal was illegal, may, as requested by the officer, instead of reinstating him, award him a compensation in the amount of up to 6 his average monthly wages and the average monthly wages for the time of the involuntary absenteeism from the dismissal date to the date of coming into force of the court decision. In this case the officer shall be considered dismissed according to Article 40.1.1 of this Law since the date of coming into force of the court decision.

#### **Article 45. Officer Reserve**

1. The Special Investigations Service may form the officer reserve (hereinafter referred to as the reserve). Officers may be included into the reserve when they are dismissed from the service at the Special Investigations Service and appointed to other Lithuanian, foreign or international institutions, enterprises, organisations, and when they are engaged in other lawful activities and perform work related to tasks of the Special Investigations Service. The officer shall be included into the reserve no later than on the day following the date of his dismissal.

2. The officer shall be included into the reserve by an order of the Director of the Special Investigations Service.

3. Officers included into the reserve shall not be paid wages or other payments related to the service relations.

4. The officers included into the reserve shall discharge the general officer duties and functions assigned to his current position of a civil servant or another position based on the job description.

5. The time in the reserve shall be included into the years of service only in case when the officer is again appointed to the Special Investigations Service and works there for no less than one year.

6. The officer may be included in the reserve for no more than 5 consecutive years, and this time may be extended in case of official necessity, however the total time of being included in the reserve shall not exceed 10 years during the entire service time.

7. In cases when the officer is included into the reserve due to getting appointed or elected as a government politician, a member of the European Parliament, a head of the government institution or agency appointed by the Seimas or the President of the Republic, another government officer appointed by the Seimas or the President of the Republic, a chairman or his deputy or member of a government (standing) commission or council appointed by the Seimas or the President of the Republic, as well as a chairman of the board or member of a commission, council or fund established by virtue of a special law, a civil servant of political (personal) confidence, or a head of an institution having the status of a civil servant employed for a certain term of office, the officer's inclusion in the reserve may not exceed the maximum subsequent time of staying in the office, however the total time of being included in the reserve shall not exceed 10 years during the entire service time.

8. The procedure of the reserve formation shall be established by the Director of the Special Investigations Service.

9. If the officer included into the reserve complies with the terms established in Article 46.1 of this Law, he shall be entitled to submit an application regarding his reinstatement.

#### **Article 46. Reinstatement**

1. In accordance with the procedure established by the Director of the Special Investigations Service and by an order of the Director of the Special Investigations Service, the former officers shall have the right to reinstatement – to getting restored to the previous position and if impossible, to another position in the Special Investigations Service, who:

1) were dismissed based on own request or appointed to an international, European Union or foreign government institution;

2) were dismissed based on own request and left together with a spouse who was relocated, appointed or elected to work abroad;

3) resigned from the position in service, career civil service or head of the institution based on own request due to getting appointed or elected as a government politician, a member of the European Parliament, a head of the government institution or agency appointed by the Seimas or the President of the Republic, another government officer appointed by the Seimas or the President of the Republic, a chairman or his deputy or member of a government (standing) commission or

council appointed by the Seimas or the President of the Republic, as well as a chairman of the board or member of a commission, council or fund established by virtue of a special law, a civil servant of political (personal) confidence, or a head of an institution having the status of a civil servant employed for a certain term of office, shall be reinstated in three months from the end of their term of appointment (election) to the new office or upon any other termination of their mandate. Persons whose mandate in the position specified herein was terminated due to reasons related with the improper discharge of duties, unsatisfactory performance of the official activity or due to misconduct on office, shall not have this right.

2. The officer shall be reinstated in three months since the end of his employment at the international, European Union or foreign government institution, or in three months since the end of the period of the spouse's relocation, appointment or election to work abroad, or in three months since the date of the application on reinstatement, if such an application is submitted before the end of the period of the spouse's relocation, appointment or election to work abroad.

3. The officer shall be reinstated, if the person aiming for reinstatement complies with requirements specified in Articles 17 and 18 of this Law.

## **CHAPTER X INCENTIVES AND RESPONSIBILITY OF OFFICERS**

### **Article 47. Incentives and Awards to Officers**

1. For the exemplary performance of service the officers may be granted the following incentives by the Director of Special Investigations Service:

- 1) a note of appreciation;
- 2) a single cash benefit assigned according to the procedure established by the Government of the Republic of Lithuania;
- 3) a cash benefit in the amount of up to two service salaries for personal exclusive input into the implementation of objectives established for the Special Investigations Service or results achieved and tasks implemented that qualitatively and quantitatively exceed activity results of other officers;
- 4) a personal gift;
- 5) a departmental decoration of the Special Investigations Service;
- 6) a honorary decoration of the Special Investigations Service.

2. For outstanding merits to the Special Investigations Service officers may be nominated for State awards.

3. Descriptions and regulations of the departmental decoration and honorary decoration of the Special Investigations Service shall be approved by the Director of the Special Investigations Service.

4. Officers with effective disciplinary sanction imposed shall not be incentivised.

### **Article 48. Disciplinary Sanctions**

1. The following disciplinary sanctions may be imposed in accordance with the procedure established by this Law on the officers for the misconduct in office:

- 1) a note of warning;
- 2) a reprimand;
- 3) a severe reprimand;
- 4) demotion;
- 5) dismissal.

2. Only one disciplinary sanction shall be imposed for a single misconduct in office.

3. The decision on imposing a disciplinary sanction may be appealed against in accordance with the procedure prescribed by the Law on Administrative Proceedings.

**Article 49. Subjects of Investigation of Imposing Disciplinary Sanctions, Procedure of Imposing Disciplinary Sanctions and Expiry of Sanctions**

1. The procedure of imposing disciplinary sanctions shall be started by a decision of the Director of the Special Investigations Service, upon receiving data on potential misconduct in office. Misconduct in office shall be investigated by the Director of the Special Investigations Service, his authorised officers or a commission formed by the Director of the Special Investigations Service.

2. A disciplinary sanction shall be imposed no later than in one month from the date of becoming aware of misconduct in office, excluding the time when the officer was absent due to illness, leave, a foreign business trip or apprenticeship abroad. A disciplinary sanction may not be imposed in one year from the date of committing misconduct in office, except cases when the investigation of misconduct in office is suspended in cases specified in Article 49.4 herein, or when misconduct in office is discovered during an audit, stock taking of financial or other values, or an official investigation or another investigation conducted by a competent agency. In such cases a disciplinary sanction shall be imposed no later than in three years from the date of misconduct in office, and no later than in two months from the date of completion of the investigation by a competent agency.

3. The officer having committed misconduct in office may provide a written explanation regarding it. If the officer fails to provide a written explanation, a statement shall be drawn and signed by the investigating officer and two other officers of members of the commission having investigated the misconduct in office. The statement shall confirm that the officer failed to provide a written explanation.

4. If it appears that the misconduct in office contains elements of a criminal act or an administrative violation, the procedure of imposing disciplinary sanctions shall be suspended and handed over to a competent agency for investigation. Moreover, the procedure of imposing disciplinary sanctions shall be suspended, if it appears that criminal or administrative proceedings have been initiated due to such activity of the officer. If initiation of a pre-trial investigation or administrative proceedings is refused, or if the criminal or administrative proceedings are completed, the procedure of imposing a disciplinary sanction shall resume, and the disciplinary sanction shall be imposed no later than in one month since arising of these conditions. When the officer's activity contains elements of independent misconduct in office, based on which such misconduct in office may obviously be differentiated from a criminal act or an administrative offence, the procedure of imposing a disciplinary sanction shall resume irrespective of the course of the criminal or administrative proceedings.

5. A disciplinary sanction shall be imposed by an order of the Director of the Special Investigations Service.

6. The procedure for imposing disciplinary sanctions shall be established by an order of the Director of the Special Investigations Service.

7. The officer shall be deemed not to have incurred a disciplinary sanction, if one year has elapsed since the imposition of a disciplinary sanction for misconduct in office (except dismissal).

8. By a motivated decision of the Director of the Special Investigations Service, a disciplinary sanction may be lifted before the expiry of the time period specified in Article 49.7 herein for good service. A disciplinary sanction may also be lifted, if the officer is granted a State award.

**Article 50. Material Responsibility of Officers**

1. The officer shall reimburse direct material damages incurred by the Special Investigations Service due to his unlawful guilty activity.

2. The full damages referred to in Article 50 herein shall be reimbursed, however the amount of reimbursed damages may not exceed six average wages of the officer except cases when the damages were intentional.

3. The officer may voluntarily reimburse the damages caused.

4. If the officer fails to reimburse damages in kind or cash, in good will and by agreement of the parties, the reimbursement of damages shall be deducted from the officer's wages by a decision of the Director of the Special Investigations Service. The reimbursement of damages deducted under the extra-judicial procedure may not exceed the average one-monthly wages of the officer having caused damages even in case the value of damages is higher. The reimbursement of damages monthly deducted under the extra-judicial procedure may not exceed 20 per cent of the monthly wages due to the officer. The decision on reimbursement of damages shall be made no later than in three months from becoming aware of the damages.

5. The share of damages due for the officer's reimbursement under Article 51.2 herein, that was not reimbursed after the deduction of reimbursement of damages from the officers' wages in accordance with the procedure established in Article 51.4, shall be recovered by submitting a court claim.

6. If in disagreement with the decision of the Director of the Special Investigations Service regarding the reimbursement of damages caused to the Special Investigations Service, the officer shall have the right to apply to court. Applying to court shall suspend the recovery of the reimbursement for damages.

7. The officer's dismissal shall not relieve him from reimbursement of damages caused due to his fault.

8. Having covered damages caused by the officer, the Special Investigations Service shall have the right of recourse to claim the reimbursement of damages from the causing officer in the amount of damages covered by the Special Investigations Service, but not exceeding nine average wages of the officer. If the officer caused damages intentionally, the Special Investigations Service shall have the right of recourse to damages from the causing officer in the amount of damages covered by the Special Investigations Service.

## **CHAPTER XI WAGES OF OFFICERS**

### **Article 51. Wages of Officers**

1. Officer wages shall consist of the following:

- 1) official salary;
- 2) bonus for the official rank;
- 3) bonus for the years served to the State of Lithuania;
- 4) additional pay;
- 5) payment for work at night, during days off and public holidays and overtime.

2. For participation in support projects funded by the European Union, international organisations, foreign states or Lithuanian development cooperation and democracy support projects, which are engaged in activities related to the tasks and functions of the Service, the officer may be paid single or regular benefits from funds of the European Union, international organisations and foreign governments in accordance with terms and tariffs specified in support project agreements. The officer shall not receive salary established in Article 51.1 herein for the time period of participation in the above support projects for which he receives benefits from funds of the European Union, international organisations and foreign governments allocated to implement the above support projects.

### **Article 52. Official Salary**



1. The officer's official salary shall be established based on the coefficient of the official salary prescribed in the Annex to this Law.

2. The officer's wages shall be calculated based on the basic amount of wages and official salary (hereinafter referred to as the basic amount) that is passed before the end of the Seimas' spring session for the upcoming year by the Seimas, as proposed by the Government and having taken into consideration the average annual inflation of the previous year (by calculating the national consumer price index) and influence of other factors having impact on the amount and change of the average wages in the civil service sector. The new basic amount approved may not be lower than the existing basic amount except the cases when the economic and financial status of the State materially deteriorates.

3. The official salary shall be calculated by multiplying the relevant coefficient of the official salary by the basic amount. The official salary shall be rounded off observing the general rules of rounding off numbers so that that last digit is either 0 or 5.

4. The official salary of officers not working all the days of the month or full time shall be calculated as follows: the amount of the official salary is divided by the established number of work hours or days of that month, and the received payment per work hour or work day is multiplied by the number of hours or days the officer has worked.

#### **Article 53. Bonus for the Official Rank**

Bonuses for the official ranks of officers shall be calculated based on the official salary:

- 1) for the junior agent, agent, senior agent, special agent advisor – the amount of 10 per cent;
- 2) for the special agent – the amount of 15 per cent;
- 3) for the senior special agent – the amount of 20 per cent;
- 4) for the chief special agent – the amount of 25 per cent;
- 5) for the super special agent – the amount of 30 per cent.

#### **Article 54. Bonus for the Years Served to the State of Lithuania**

1. The officers shall get paid a bonus for the years served to the State of Lithuania since 11 March 1990 for being in a position specified in Articles 4.1-4 and 4.5.1-4 of the Law on Civil Service (except municipal councillors who were neither mayors nor deputy mayors). Time periods specified in Article 42.1 of the Law on Civil Service and calculated in accordance with the procedure established by the Government, shall be included into the years served.

2. The bonus for the years served to the State of Lithuania shall consist of 3 per cent of the officer's official salary for every three years served, however the bonus amount shall not exceed 30 per cent of the official salary.

#### **Article 55. Additional Pay**

1. The following additional pay shall be paid to the officers:

- 1) for work when the officer is temporarily and in writing assigned to discharge additional functions of another officer;
- 2) in case of labour market shortage in certain professions, taking into account the list of individual professions featuring shortage of workers in the Republic of Lithuania, established by the Government or an institution authorised by it;
- 3) for work when there are deviations from normal conditions of work.

2. The bonus amount shall be established by an order of the Director of the Special Investigations Service. The bonus amount specified in Article 55.1.1 herein may not exceed 40 per cent of the official salary, the one specified in Article 55.1.2 herein may not exceed 100 per cent of the official salary, and the one specified in Article 55.1.3 may not exceed 20 per cent of the official salary.

3. The criteria and procedure of assigning bonuses specified in this Article shall be established by the Director of the Special Investigations Service.

**Article 56. Payment for Work at Night, during Rest Days and Public Holidays and Overtime Work**

1. Overtime work means the time when the officer actually works exceeding the total work time duration of the work day (shift) or accounting period, established for him by the work time regime.

2. Double officer wages shall be paid for work during a day off that is not included in the work (shift) schedule.

3. Double officer wages shall be paid for work during a public holiday.

4. One and a half officer wages shall be paid for work at night.

5. One and a half officer wages shall be paid for overtime work. Double officer wages shall be paid for work during a day off that is not included in the work (shift) schedule, or overtime work at night, and two and a half officer wages shall be paid for work during a public holiday.

6. At the officer's request the time of work during days off or public holidays, or time of overtime work, multiplied by the respective amount of wages established in Articles 56.2-5 herein, may be added to annual holiday time.

7. Overtime work may be assigned to pregnant officers, officers having recently given birth and breast feeding, officers raising a child up to three years of age, single officers raising a child up to 14 years of age or a disabled child up to 18 years of age, and officers nursing a disabled person only upon receiving a written officer consent.

**CHAPTER XII  
SOCIAL GUARANTEES**

**Article 57. Time of Service**

1. Officers, except the Director and deputy Directors of the Special Investigations Service shall serve at the Special Investigations Service until they reach 60 years of age.

2. The Director and Deputy Directors of the Special Investigations Service shall serve until a decree of the President of the Republic on their dismissal comes into force.

3. The officer appointed to a position for a five-year service period shall serve till the end of this term of service or this period, but not beyond the time when he reaches the age of the social insurance old age pension.

4. The officer's time of service may be extended at the officer's request, but not beyond the time when he reaches the age of the social insurance old age pension. The time of service shall be extended by a person authorised to appoint or dismiss the officer, and specify the time for the service time extension.

**Article 58. Leave**

1. The length of annual leave granted to officers shall be established taking into account the length of his service: The following length of annual leave shall be established to officers having served:

- 1) up to 5 years – 22 work days;
- 2) 5 to 10 years – 25 work days;
- 3) 10 to 15 years – 28 work days;
- 4) 15 to 20 years – 31 work days;
- 5) more than 20 years – 34 work days.

2. The annual leave may be granted to officers in portions. One annual leave portion may not be shorter than 10 work days.

3. The following special leave may be granted to officers:

- 1) maternity;
- 2) paternity;
- 3) child care;
- 4) study;
- 5) due to resettlement;
- 6) unpaid – up to 30 calendar days per year;
- 7) creative.

4. The duration and procedure of granting a leave shall be established by this Law, Labour Code and other legal acts.

5. Study leave may be granted to the officer at his request, upon submitting relevant documents of the educational establishment. Officers shall be paid no less than half of their wages for the study leave referred to in Article 58.3.4.

6. Creative leave of up to maximum one year may be granted to the officer having served at the Special Investigations Service for no less than three months. In this case the previous position shall be kept for the officer, however the wages established for him shall not be paid. The officer may use such leave no more than once in five years.

7. The officer shall be given up to five work days to relocate, if he relocates due to transfer to another position, (except the cases when the service location changes per officer's request), or due to temporary assignment to another position in a different place of residence. The officer shall be paid his average wages for this time period, and relocation costs shall be reimbursed in accordance with the procedure established by the Director of the Special Investigations Service.

8. In case of official necessity, officers may be recalled from their annual leave in accordance with the procedure established by the Director of the Special Investigations Service. Costs incurred by the officer due to recalling from annual leave shall be reimbursed by the Special Investigations Service in accordance with the procedure established by the Director of the Special Investigations Service.

### **Article 59. Compensations and Benefits**

1. When an officer is killed due to the service, his family – the spouse or partner (when the partnership was registered in accordance to the procedure established by law), the children (adopted children) up to 18 years of age, as well as older children (adopted children), if they study in the form of group studies, at general education schools and vocational training establishments according to general education and vocational training curriculum in the full-time, part-time, distant manner of the education process organisation, or study in the form of individual studies, in the independent and distant manner of the education process organisation, and in a higher education establishment in the form of distant studies, until they reach the age of 24, and children of the deceased who were born after his death, father or mother – and the persons having lost their capacity for work who were maintained by the deceased or were entitled to his maintenance on the day of his death, shall, within one year after the officer's death, be paid in equal portions a single compensation in the amount of 120 average monthly wages, after deducting the payable amount of the single social insurance benefit in case of the insured's death, established in the Law on Social Insurance of Occupational Accidents and Occupational Diseases of the Republic of Lithuania. The officer killed due service shall be buried with the state funds.

2. 2. If the officer is declared missing or killed, he is considered to be declared missing or killed due to service, if not proved otherwise, and his family and persons having lost their capacity for work who were maintained by the said officer or were entitled to his maintenance on the specified day, shall, every month since the date of declaring the officer missing or killed, be paid in equal portions the benefit in the amount of the average monthly wages of the officer, without exceeding the amount of 120 average monthly wages.

3. The officer who has been injured, incurred a self-inflicted injury or suffered from health disorder while performing official service, if the performing of the official service was related to

the higher hazard to the officer's life or health risk, or when his injury, self-inflicted injury or health disorder is related to the performance of his official service, if the performing of the official service was related to the higher hazard to the officer's life or health risk, or when his health was disordered due to performing official service or the officer's status, shall be paid the compensation in accordance with the procedure established by the Director of the Special Investigations Service, after deducting the payable amount of the single social insurance benefit in case of a loss of capacity for work, or after the deduction the amount of the regular compensation for the loss of capacity for work to be paid for no longer than 12 months, subject to the level of the loss for capacity for work and the extent of the health disorder, established in the Law on Social Insurance of Occupational Accidents and Occupational Diseases of the Republic of Lithuania. The following compensations shall be established:

- 1) persons having lost 75-100 per cent of their capacity for work due to injury or self-inflicted injury – in the amount of 60 average monthly wages;
- 2) persons having lost 60-70 per cent of their capacity for work due to injury or self-inflicted injury – in the amount of 48 average monthly wages;
- 3) persons having lost 45-55 per cent of their capacity for work due to injury or self-inflicted injury – in the amount of 36 average monthly wages;
- 4) persons having lost up to 40 per cent of their capacity for work due to injury or self-inflicted injury and therefore declared unsuitable for service – in the amount of 30 average monthly wages;
- 5) in case of grave health impairment – in the amount of 24 monthly salaries;
- 6) in case of medium health impairment – in the amount of 18 monthly salaries;
- 7) in case of light health impairment – in the amount of 12 monthly salaries.

4. It shall be established, in accordance to the procedure established by the Director of Special Investigations Service, whether the officer's death, injury, self-inflicted injury or health impairment are related to service, performing official service or the officer's status, and whether performing official service is related to the higher hazard to officer's life or health risk, as well as the amount of compensation to be paid in case of light health impairment.

5. The degree of graveness of the officer's health impairment shall be established, in accordance with the procedure prescribed by legal acts, by the Central Medical Expert Examination Commission of the personal health care institution, the rights and duties of the owner of which shall be discharged by the Ministry of the Interior of the Republic of Lithuania, in line with the Government-approved List of Grave, Medium and Light Injuries, Traumas and other Health Impairments of Officers.

6. The officer shall be paid a single benefit in the amount of one average monthly wages, if he relocates due to transfer to another position, (except the cases when the service location changes per officer's request), or due to temporary assignment to another position in a different place of residence.

7. The officer may be fully or partly reimbursed for housing rental costs in accordance to the procedure established by the Government and upon the officers request, if he relocates due to transfer to a higher-ranking or equivalent position, (except the cases when the service location changes per officer's request), and if he relocates due to transfer to a lower-ranking position, on the grounds established in Articles 37.4.4 and 37.4.7 of this Law, or due to temporary assignment to another position in a different place of residence. Such costs shall be reimbursed, if the officer, his spouse or partner (when the partnership is registered in accordance with the procedure established by law), minor children (adopted children) do not own and during the recent five years and have not owned a residential premise compliant with technical and sanitary requirements in the location of performance of the officer's service.

8. Housing rental costs shall be reimbursed, under the terms established in Article 59.7 herein, for the following:

- 1) officers who are first appointed or re-appointed to a position for a five-year period or term of office, while they are in office;

2) officers who are appointed to a position indefinitely, for five years from the date of appointment to the office;

3) officers who are transferred to a position in another residential area in case of official necessity for no longer than a three-monthly period, or who were temporarily assigned to discharge other duties in another residential area, for the period of transfer to another position or for the period of discharging temporarily assigned duties.

9. Officers, their family members shall get reimbursed for material damages incurred due to their suffering for reasons related to the officer's service, in accordance with the procedure established by the Government.

10. Reimbursement established in Articles 59.1 and 59.3 shall not be paid, if:

1) the officer was killed, injured or suffered from a self-inflicted injury when committing an intentional crime or intentional misconduct in office, or if the officer was injured or his health was impaired when committing an intentional crime or intentional misconduct in office;

2) the reason of the officer's death, injury, self-inflicted injury or health impairment was intoxication with alcohol, narcotic, psychotropic or other intoxicating substances not related to discharging official duties;

3) the officer committed a suicide, intended to commit a suicide or intentionally self-inflicted an injury;

4) the officer was killed, injured or suffered from a self-inflicted injury or health impairment during a road accident, if such officer was driving a vehicle without having the right to drive it or handed its driving over to a person intoxicated with alcohol, narcotic, psychotropic or other intoxicating substances or having no right to drive the vehicle;

5) the officer's health was impaired or he died due to an illness and it is unrelated to discharging official duties or the officer's training;

6) the reason of the officer's death or self-inflicted injury was an intentional violation of rules not related to any official necessity.

#### **Article 60. Severance Pays for Officers Dismissed from the Special Investigation Service**

1. When dismissing officers from the Special Investigations Service in accordance on the grounds established in Articles 13.1.4 , 13.1.7, 40.1.6, 40.2.1, 40.2.2, 40.2.3 or 40.2.5 of this Law, a severance pay in the amount of the average wages of two months shall be paid.

2. Payment of the severance pay in the amount prescribed in Article 60.1 herein, except the pay payable when the officer is dismissed on the grounds of Articles 13.1.4, 40.1.6, 40.2.1 of this Law, shall be started in one month since the officer's dismissal date, and shall be paid monthly in equal portions, but each of these portions shall not be lower than the amount of average monthly wages received by the officer. Payment of the severance pay shall be terminated, if the person starts employment as a civil servant or is recruited by an institution maintained by the Government or municipal funds, funds of the State Social Insurance budget or funds of other funds established by the State, as well as in a State-owned or municipal enterprise, public institution owned by the State or municipality, or the Bank of Lithuania. If the person starts performing official duties as a civil servant on a day that is not the first day of a month, the severance pay established in Article 60.1 herein shall be paid only for the days of the month preceding the date of his employment as a civil servant or recruitment by an institution maintained by the Government or municipal funds, funds of the State Social Insurance budget or funds of other funds established by the State, as well as in a State-owned or municipal enterprise, public institution owned by the State or municipality, or the Bank of Lithuania.

3. The severance pay in the amount established in Article 60.1 herein shall be increased 1.5 times for the officers who have the length of service of more than 5 years, 2 times for those who have the length of service of more than 10 years, and 3 times for those who have the length of service of more than 20 years.

**Article 61. Social Insurance and Pension Payments of Officers**

1. Officers shall be insured with all types of social insurance established in the Law on State Social Insurance of the Republic of Lithuania. The procedure and terms of insurance shall be established by individual legal acts regulating types of social insurance.

2. The procedure of investigating and accounting for accidents in service, accidents on the way to or back from service shall be established by the Director of the Special Investigations Service. Officers who have temporarily lost their capacity for work due to performance of official duties, or whose temporary loss of the capacity for work is related to performance of official duties (when the officer temporarily loses his capacity for work not because of an accident at service, accident on the way to or back from service) shall be paid the difference between their average wages and sickness benefit received from the funds of the Special Investigations Service and in accordance with the procedure established by the Government.

3. Officers shall be entitled to receive the state pension of officers and servicemen under the law regulating the procedure of granting and payment of state pensions of officers and servicemen.

**Article 62. Additional Health Care of Officers**

1. Additional health care shall be ensured for officers funded with the funds of the state budget, including: specialised medical expertise, preventative medical assistance, medical rehabilitation, health restoration and anti-recidivism treatment, preventive medical and psychological rehabilitation, applying measures of psychological support, health promotion and improvement, as well as personal health care at personal health care institutions not covered by the budget of the Compulsory Health Insurance Fund that is additionally supported by the state budget funds. Additional health care to the officers shall be ensured to the same extent as additional health care for officers of the internal service system.

2. The Ministry of the Interior or its authorised institution shall organise health care for officers established in Article 62.1 herein at personal health care institutions using services provided by personal and public health care institutions in locations of officer service and/or residential locations.

3. Former officers, receiving state pensions of officers and servicemen shall also be entitled to health care services at personal health care institutions provided to officers and funded by the state budget.

4. The procedure of specialised medical expertise for officers shall be established by the Minister of the Interior of the Republic of Lithuania after approval by the Minister of Health of the Republic of Lithuania, and the procedure of obligatory preventive medical examinations shall be established by the Minister of Health of the Republic of Lithuania after approval by the Director of the Special Investigations Service and the Minister of the Interior of the Republic of Lithuania.

**Article 63. Assistance Provided to Officers**

1. Costs for legal services may be fully or partly compensated from funds allocated to the Special Investigations Service to the officer who discharged assigned functions and exceeded the limits of official risk, and by this committed a criminal act or administrative violation, or has suffered in the course of performing of official functions or because of the service. The compensation shall be granted by the Director of the Special Investigations Service.

2. A benefit in the amount of up to five minimum monthly salaries may be granted to officers whose financial status became aggravated by the officer's illness, an illness or death of his family member, a natural calamity, loss of property and in other special cases. A benefit in the amount of up to five minimum monthly salaries may be granted to family members of the officer who died due to reasons unrelated to service. The compensation shall be paid from the funds allocated to the Special Investigations Service.

**Article 64. Other Guarantees**

1. The current position and the established wages shall be guaranteed to the officers:
  - 1) when they are sent to a training or qualification improvement courses by a decision of the Director of the Special Investigations Service or his authorised officer;
  - 2) when they are sent on a business trip, for the time spent on the business trip during work days and for the travel time of the business trip;
  - 3) when by on summons or invitation officers are away visiting court or institutions discharging functions of law enforcement of control (supervision);
  - 4) when officers are away as instructed by an institution of the national defence system administering conscription;
  - 5) for up to three work days in case of death of close relatives (parents (adoptive parents), children (adopted children), brothers (adopted brothers), sisters (adopted sisters), grandparents, grandchildren, the spouse, the spouse's parents (adoptive parents), children (adopted children), brothers (adopted brothers), sisters (adopted sisters), the cohabitant, if included in the private interests declaration of the officer, and the cohabitant's parents (adoptive parents), children (adopted children), brothers (adopted brothers), sisters (adopted sisters));
  - 6) for donors - during work days during which they must be relieved from service in accordance to the procedure specified by legal acts;
  - 7) for up to one work day when officers are visiting a health care institution or a Government or municipal institution or authority with the consent of their direct supervisor.
2. When the officer is on compulsory military service or alternative national defence service, he is guaranteed his current position.
3. Officers shall work 40 hour work weeks. In case of official necessity, officers may be assigned overtime work by the Director of the Special Investigations Service, Deputy Directors and the direct supervisor of the officer. The officer may be instructed to work up to 4 hours of overtime per day, and up to 8 hours per day with the officer's consent; and up to 8 hours of overtime per week, and up to 20 hours per week with the officer's consent. The assigned overtime of the officer may be up to 250 hours per calendar year.
4. The duration of the uninterrupted daily rest between work days shall not be shorter than 11 consecutive hours, and the duration of the uninterrupted rest per work week shall not be shorter than 35 consecutive hours.

**Article 65. Financing Sources of Social Guarantees Referred to in this Chapter**

State budget appropriations for the Special Investigations Service shall be used to provide social guarantees specified in this Article except provisions of health care services established in Articles 62.1, 62.3, 63.1, 63.3 of this Law.

**CHAPTER XIII  
USE OF FIREARMS AND OTHER COERCION MEASURES**

**Article 66. The Right of Officers of the Special Investigations Service to Use Coercion**

1. This Law shall authorise the officer of the Special Investigations Service, when performing the tasks assigned to him, to insist that individuals follow his lawful orders. In the event of disobeying the orders or resistance, the officer of the Special Investigations Service has the right to resort to the use of coercion in accordance with the procedure established by law.
2. The officers of the Special Investigations Service have the right to possess, keep and use an authorised service firearm, explosives and explosive substances.

**Article 67. Coercion Measures and Conditions of their Use**

1. The officer shall have the right to use coercion only in cases of official necessity and to the extent required to discharge official duties. The officer must use coercion adequately to the existing circumstances and in proportion to the existing danger, taking into account the specific situation, the type, intensity of a legal violation and individual characteristics of the perpetrator. Physical coercion shall only be used when psychological coercion was ineffective or when any delay endangers life or health of the officer or any other person.

2. The officer shall have the right to use psychological coercion in cases specified in Articles 67.3 and 67.4 herein or 68.2 on this Law.

3. The officer shall have the right to use physical coercion in the following cases:

- 1) when protecting himself or other persons from a threat to life or health;
- 2) when persons avoid following lawful requirements or instructions of the officers (when the officer aims to force persons to obey), and when apprehending persons (if they resist);
- 3) when repelling an attempt to possess a firearm, special measures, means of communication and aiming to recover these objects;
- 4) when repelling attacks against buildings (including premises), vehicles or other assets, territories, or when freeing these occupied objects;
- 5) when getting into territories, premises or vehicles during search or seizure, or when based on available data persons having potentially committed criminal acts or administrative offences may hide there;

6) when stopping a vehicle, vessel or aircraft (in case of official necessity);

7) when preventing criminal acts or administrative offences.

4. The officer shall have the right to use handcuffs and restraining devices:

- 1) against aggressive persons or persons tending to inflict harm on themselves;
- 2) when delivering persons tending to escape and having (potentially) committed criminal acts or administrative offences to the Special Investigations Service or another institution or authority, and when inspecting such persons.

5. The officer shall have the right to use a vehicle in order to stop another vehicle by blocking it. If the vehicle being stopped or persons inside act so that it poses an imminent threat to life or health of the officer or another person, the officer shall have the right to use another vehicle or a special measure meant for this purpose to ram into vehicle being stopped. If the vehicle-driving officer blocks another vehicle or rams into it thus endangering life or health of persons, after such actions he shall provide the necessary emergency medical or other assistance to the person, and undertake other necessary measures in order to eliminate dangerous consequences of his actions.

6. The officer shall have the right to use a firearm as a special measure by shooting charges included into the specification of special measures, the impact caused by which is designed to cause no direct threat to life of the person against which the firearm is used or any other persons.

7. Use of special measures (except handcuffs, measures of detention, restraining or repressing devices) shall be prohibited when there is no imminent threat to life or health of officers or other persons:

- 1) against persons, if the officer knows that they are disabled or it is obvious;
- 2) against persons having the right of immunity, if officers knows that the person has such right;
- 3) against women, if the officer knows that they are pregnant or it is obvious;
- 4) against minors, if their appearance corresponds to their age.

8. Having used psychological or physical coercion and thus endangered life or health of a person, the officer shall provide the necessary emergency medical or other assistance to the person, and undertake other necessary measures in order to eliminate dangerous consequences of his actions. A prosecutor shall be immediately informed about psychological or physical coercion used by the officer, if it caused a person's death or a life threatening health impairment



9. Officers shall be specially trained and regularly examined whether they are able to act in situations related to the use of psychological or physical coercion. The procedure of officer training and examining shall be established by the Government.

10. The specification of procedure of use of special measures shall be established by the Government.

#### **Article 68. Use of Firearms**

1. A firearm shall be used only in exceptional cases, when it is an absolute must and when psychological or physical coercion was ineffective, or an imminent threat to a person's life or health arises.

2. The officer shall have the right to use a firearm to exercise the rights and duties established in this Law:

1) when repelling armed attacks on premises of the Special Investigations Service (including premises of territorial units) and territories and vehicles;

2) when defending himself or another person from a started criminal attempt or a criminal attempt which directly endangers life or health;

3) when apprehending a person who has potentially committed a criminal act, if there is an imminent threat to life or health of the officer or another person;

4) when apprehending a person driving a vehicle whose actions pose an imminent threat to life or health of the officer or another person.

3. The officer shall have the right, without directly endangering life or health of a person, to use a firearm against an animal, vessel, aircraft or vehicle, if there is an imminent threat to life or health of the officer or another persons.

4. When intending to use a firearm, the officer must warn about such intention, giving the person the possibility to follow the lawful requirements and instructions of the officer (when the officer aims to force persons to obey), except cases when the delay poses an imminent threat to life or health of the officer or another person, or when such warning is impossible.

5. The officer shall have the right, without causing a threat to values protected by law, to shoot a firearm, when he must trigger an alarm or call for help.

6. If there is no imminent threat to life or health of the officer or other persons, using a firearm shall be prohibited:

1) in public gathering places, if it may endanger innocent people, except cases specified in Articles 68.1.1 and 68.2.1 herein;

2) inside premises containing explosive substances, combustible substances that may endanger life or health of a person or be a threat for public security.

7. Having used a firearm and thus endangered life or health of a person, the officer shall provide the necessary emergency medical or other assistance to the person, and undertake other necessary measures in order to eliminate dangerous consequences of his actions. A prosecutor shall be immediately informed about a firearm used by the officer, if it caused a person's death or a life threatening health impairment.

8. Officers shall be specially trained and regularly examined whether they are able to act in situations related to the use of a firearm. The procedure of officer training and examining shall be established by the Government.

9. Articles 68.1, 68.2, 68. 3 and 68.6.1 shall not apply in cases when a forearm is used as a special measure.

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

Annex to  
the Law on Special Investigation  
Service of the Republic of Lithuania

**OFFICIAL SALARIES OF OFFICERS OF THE SPECIAL INVESTIGATION SERVICE**

(In basic amounts)

It. No.	Job title	Coefficient of the official salary					
		Step I	Step II	Step III	Step IV	Step V	Step VI
1.	Director	18.35					
2.	Deputy Director	17.61					
3.	Head of the Board	14.42	14.88	15.34	15.80	16.26	16.72
4.	Deputy Head of the Board	13.72	14.15	14.58	15.01	15.44	15.87
5.	Head of Division	13.47	13.87	14.27	14.67	15.07	15.47
6.	Deputy Head of Division, Head of Subdivision	12.93	13.31	13.69	14.07	14.45	14.83
7.	Chief Specialist	12.55	12.89	13.23	13.57	13.93	14.29
8.	Senior Specialist	11.27	11.56	11.85	12.14	12.43	12.74
9.	Specialist	9.00	9.25	9.50	9.75	10.00	10.25
10.	Junior Specialist	7.30	7.59	7.88	8.17	8.46	8.75