



On approval of the Regulations on the local police service of internal affairs bodies

Unofficial translation

Decree of the Government of the Republic of Kazakhstan dated December 30, 2015 No. 1142 . It ceased to be in force by the decision of the Government of the Republic of Kazakhstan dated February 7, 2019 No. 37.

Unofficial translation

Footnote. Terminated by the decree of the Government of the Republic of Kazakhstan dated February 2019, no. 37.

Takes effect from January 1, 2016.

In accordance with subparagraph 2-1) of article 10 of the Law of the Republic of Kazakhstan dated April 23, 2014 “On Internal Affairs Bodies of the Republic of Kazakhstan”, the Government of the Republic of Kazakhstan **HEREBY DECREES:**

1. To approve the attached Regulations on the local police service of internal affairs bodies.
2. These Regulations shall take effect from January 1, 2016 and shall be subject to official publication.

*Prime Minister
of the Republic of Kazakhstan*

K. Massimov

Approved
by decree of the Government
of the Republic of Kazakhstan
dated December 30, 2015 no. 1142

Regulations on the local police service of internal affairs bodies

1. General provisions

1. These Regulations have been developed in accordance with subparagraph 2-1) of article 10 of the Law of the Republic of Kazakhstan dated April 23, 2014 “On Internal Affairs Bodies of the Republic of Kazakhstan” and shall determine the status, powers of the local police service of internal affairs bodies, as well as the powers of local executive bodies in the issues of organization of activities of local police service of internal affairs bodies (hereinafter referred to as the LPS).

2. The LPS shall carry out its activities in accordance with the Constitution and laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan, other regulatory legal acts as well as by these Regulations.

3. The LPS consists of subdivisions of district police inspectors, on juvenile affairs, on protection of women from violence, road police patrols, environmental police, reception-distribution centers and special holding centers and is included into the uniform system of internal affairs bodies.

4. The LPS employees have a single legal status of law enforcement officers, including the conditions of passing service.

5. Material support and social protection of the LPS employees shall be regulated by the legislation of the Republic of Kazakhstan.

6. Coordination of activities of the local police service shall be carried out by the Ministry of Internal Affairs of the Republic of Kazakhstan in accordance with a single regulatory legal and methodological framework governing the activities of internal affairs bodies, based on the principle of unity of command and subordination (submission).

7. Funding of the LPS shall be made from the local budget of regions, city of the republican significance, the capital.

2. Main tasks, functions, rights and obligations of the LPS

8. Tasks of the LPS:

- 1) prevention of infractions;
- 2) protection of the public order;
- 3) ensuring road traffic safety;
- 4) proceedings on cases on the administrative infractions;
- 5) prevention and suppression of criminal infractions;
- 6) pre-trial investigation of criminal cases in the form of a protocol;
- 7) detention of persons in reception centers and special institutes of the internal affairs bodies;
- 8) other tasks which are set to the LPS by akims of regions, city of the republican significance, the capital on ensuring law enforcement in the territory of the relevant administrative-territorial unit.

9. Functions of the LPS:

- 1) carry out the set of measures directed on detection, research, elimination of the reasons and conditions promoting the commitment of infractions;
- 2) carry out the set of measures on protection of public order;
- 3) carry out state control and supervision of road traffic and its safety ensuring;
- 4) carry out the proceedings on cases on the administrative infractions;
- 5) carry out investigation of criminal offenses;
- 6) provide receipt and conditions of detention of persons subjected to administrative arrest and persons without a fixed place of residence and (or) documents certifying the identity;

7) carry out other powers, stipulated by the laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and The Government of the Republic of Kazakhstan.

10. Rights and obligations of the LPS:

In accordance with the Law of the Republic of Kazakhstan the dated April 23, 2014 “On Internal Affairs Bodies of the Republic of Kazakhstan”, within its competence shall have the right to:

1) require from individuals and legal entities to comply with the legislation of the Republic of Kazakhstan, to stop illegal activities, and in case of non-fulfillment of these requirements to apply corresponding coercive measures;

2) inspect the documents of individuals certifying their identity, as well as other documents being necessary for inspection of observance of the established rules, control for performance of which is imposed on the internal affairs bodies;

3) call individuals and representatives of legal entities in the internal affairs bodies on materials and cases being in proceeding, to receive their explanations and evidences, documents, their copies and upon non-appearance, to subject to bringing in the established manner;

4) make binding instructions, submissions on elimination of the reasons and conditions contributing commission of criminal or administrative offenses for individuals and legal entities;

5) encourage citizens distinguished in the protection of public order;

6) suppress illegal forms of expression of public, group or personal interests and protests;

7) perform examination of persons with respect to establishing the fact of consumption of psychoactive substance and intoxication, and upon impossibility - deliver in medical institutions for the examination;

8) stop and search transport vehicles, suspend persons from driving of transport vehicles, prohibit the operation of transport vehicles, temporarily restrict or prohibit the movement of transport vehicles and pedestrians;

9) perform cordon of the sectors in location upon liquidation of the consequences of emergency situations, performance of the antiterrorist operations, security, mass, quarantine measures, detention of wanted persons, release of hostages, prosecution of persons suspected in commission of criminal or administrative offenses, inspection of details on detection of explosive materials, ammunition and explosive devices, poisonous and radioactive substances, suppression of mass disorders and other group activities threatening the security of individuals, livelihoods of the objects of infrastructure, disturbing public order;

10) perform screening of individuals, their belongings, transport vehicles and carried goods at the entrance (entry) of places of conducting security, public events, as well as with applying technical means, not to allow access for persons and transport vehicles with prohibited items and things to the places of their carrying out;

- 11) establish checkpoints during upon performance of operative-preventive, investigative and other special measures;
- 12) participate in quarantine, sanitary and anti-epidemic and environmental activities;
- 13) attract the forces and facilities of fire-fighting and accident rescue services, transport and other material and technical means, equipment of communications and chemical protection of organizations for liquidation of consequences for emergency situations;
- 14) use any form of transport (except for transport vehicles of the representatives of foreign states and international organizations with diplomatic immunity) for the prosecution of persons being suspected in commission of a criminal offense, the arrival to the place of accident, during the period of emergency or military situation in conditions of armed conflicts , upon liquidation of emergency situations, as well as for delivery of persons being in need of emergency medical care to health care organizations, if delay may pose a real threat to life or health of people, with compensation of material damage to owners in the case of its infliction in the manner determined by the Government of the Republic of Kazakhstan;
- 15) inspect the places of storage of the civilian weapons and ammunition to it, civil pyrotechnic substances and products with their use;
- 16) use technical means for recording the facts of committing criminal or administrative offenses and actions of the employees of the internal affairs bodies;
- 17) carry out measures to detain persons who have committed criminal or administrative offenses, evading execution and serving a criminal sentence and other criminal law measures;
- 18) deliver individuals for committing administrative offense to the internal affairs bodies;
- 19) detain military servants that committed criminal or administrative offenses, and send them to the military police commanders of military units or heads of local military administration;
- 20) seize weapons, ammunition, narcotic drugs, psychotropic substances and precursors, as well as other prohibited items or substances;
- 21) to enter without hindrance, to examine residential and other premises, territories and land plots (except for representative offices of foreign states and international organizations with diplomatic immunity) while prosecuting suspects in committing criminal or administrative offenses evading execution and serving of criminal punishment and other criminal law measures, threatening the safety of individuals, or if there is sufficient data to believe that a criminal or an administrative offense, an accident has been committed or is committed, to ensure the personal safety of individuals and public safety in natural disasters, incidents, accidents, epidemics, epizootics and mass disorders;
- 22) restrict, temporarily prohibit the access or stay to individuals in dwelling places, in certain parts of place, if their presence poses a threat to human life and health, property objects, disrupts work of organizations, prevents movement of vehicles and pedestrians, as well as in cases of conducting operational-investigative measures, investigative actions and mass events;

23) take photo, to fingerprint, to produce a sound recording, film and video for registration on criminal records of persons detained in the reception centers and special institutions, registered on preventive record;

24) engage mass media for publicity of activity of the LPS;

25) carry out collection and processing of personal data;

26) carry out the other rights provided by the Laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and The Government of the Republic of Kazakhstan.

The LPS in accordance with the Law of the Republic of Kazakhstan dated April 23, 2014 “On Internal Affairs Bodies of the Republic of Kazakhstan” shall be obliged to:

1) protect life, health, rights and freedoms of human and citizen from security incidents;

2) accept, register and consider applications or reports on accidents committed or preparing criminal or administrative infraction, inform an applicant party on made decision in the manner established by the legislation;

3) render assistance to the individuals injured from security incidents, accident and casualties as well as those being in helpless or other status being dangerous to their life and health;

3) carry out general and individual measures of prevention of infractions;

5) carry out the patrolling;

6) carry out the control for observance of the road traffic rules and regulations relating to the safety ensuring of the road traffic, regulate the road traffic;

7) detect and suppress the administrative infractions, carry out proceedings on cases on the administrative infractions;

8) deliver persons in the medical organizations or the internal affairs bodies being in public places in a state of intoxication, affront to human dignity and the public morality;

9) carry out the search, detain and deliver persons in the special medical institutions avoiding from compulsory medical measures designated by the court decision;

10) deliver to the minors adaptation centers neglected children at the age from three to eighteen years, as well as children left without care of parents or persons substituting them;

11) provide the protection of public order in carrying out public events;

12) suppress mass riots, group insubordinations;

13) carry out measures for prevention and elimination of emergency situations, fire safety and civil defense, provision of state of emergency or martial law;

14) control the observation by foreigners and stateless persons of established rules stay in the Republic of Kazakhstan and travel in transit through the territory of the Republic of Kazakhstan;

15) exercise control for observance by the individuals of established rules for circulation of civil service weapons and ammunition to them;

16) take part in performance of anti-terrorist operations and security measures;

- 17) detain the persons committing the criminal or administrative infractions;
- 18) establish the reasons and conditions promoting the commitment of criminal offenses, to take measures directed to their elimination;
- 19) carry out the pretrial procedure on criminal cases;
- 20) execute judicial acts, requirements of judges, regulations, prescriptions and requirements of the prosecutor in the course of pretrial proceeding in criminal cases;
- 21) render assistance to the officers of justice in compulsory execution of the enforcement documents;
- 22) detain persons in the reception centers and in the special institutions of the internal affairs bodies, to provide their security;
- 23) provide sanitary-epidemiological well-being and health of persons detained in the reception centers and in the special institutions of the internal affairs bodies;
- 24) provide the protection of details constituting the state secrets, and departmental control over the observance of secrecy order;
- 25) provide the observance of requirements of the informational safety;
- 26) provide protection of the personal details;
- 27) carry out the other obligations provided by the Laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

3. Organization of activity of the LPS

11. The LPS is a structural subdivision of the territorial internal affairs bodies, the competence of which includes the prevention of infractions, the protection of public order, road safety, prevention and suppression of criminal infractions.

12. Management of forces and means of the LPS shall be carried out by the head of the local police service, who shall be personally liable for carrying out of tasks imposed on the LPS and execution by it of its functions.

13. The head of the LPS (of a region, the city of republican significance, the capital, district, city, district in a city) shall be appointed to the office and shall be dismissed from the office by the akim of the region, the city of republican significance, the capital in coordination with the corresponding masklikhat.

The candidate for the office of the head of the LPS of a region, the city of republican significance, the capital shall be provided by the Minister of Internal Affairs, for the office of the head of the LPS of a district (city, district in a city) – by the head of the LPS of a region, the city of republican significance, the capital.

Candidates for the offices of the heads of the LPS shall be proposed from the number of police employees, belonging to the personnel reserve of internal affairs bodies, in accordance

with qualification requirements approved by the Ministry of the Interior of the Republic of Kazakhstan.

14. The procedure for coordination and appointment of the head of the LPS of a region, the city of republican significance, the capital shall be as follows:

1) The Minister of the Interior brings a proposal to the akim of the region, the city of republican significance, the capital on the appointment of a candidate for the post of head of the LPS of a region, the city of republican significance, the capital;

2) The akim, within five working days, if the candidacy submitted by the Minister of the Interior of the Republic of Kazakhstan is approved, shall bring proposal on its approval to the session of the corresponding maslikhat of the region, the city of republican significance, the capital, in case of refusal - informs about the decision of the Minister of Internal Affairs with justification of the reasons for refusal;

3) when obtaining a positive decision of the maslikhat, the akim of a region, the city of republican significance, the capital shall issue an order on appointment to the office of the head of the LPS in two copies. The second copy of the order within twenty-four hours shall be sent to the address of the Ministry of Internal Affairs for conducting the intradepartmental procedures. In case of refusal by the maslikhat of coordination of the presented candidate, the akim of the region, the city of republican significance, the capital within five working days from the time of bringing the decision of the maslikhat shall inform the Minister of Internal Affairs.

15. The procedure of coordination and appointment of the head of the LPS of a district (city, district in a city):

1) head of the LPS of a region, the city of republican significance, the capital, shall make a proposal to the akim of a region, the city of republican significance, the capital on appointment of a candidate to the office of the head of the LPS of a district (city, district in a city);

2) the akim of a region, the city of republican significance, the capital within five working days in case of approval of the proposed candidate by the head the LPS of a region, the city of republican significance, the capital, shall propose its approval at the session of the corresponding maslikhat of a district (city, district in a city), in case of refusal - shall inform the head of the LPS of a region, the city of republican significance, the capital about the decision made with justification of the reasons for refusal.

In cases where the maslikhat is not formed at the corresponding administrative-territorial unit, the proposal shall be presented for consideration to the maslikhat of the next higher level ;

3) When obtaining a positive decision of the maslikhat, the akim of a region, the city of republican significance, the capital, shall issue an order about appointment to the office of the head of the LPS of a district (city, district in a city) in two copies. The second copy of the order within one working day shall be sent to the address of the Department of Internal

Affairs for performance of intradepartmental procedures. In case of refusal by the maslikhat of coordination of the presented candidate, the akim of the region, the city of republican significance, the capital within five working days from the time of bringing the decision of the maslikhat shall inform the head of the LPS a region, the city of republican significance, the capital.

16. The procedure of holding a session of the maslikhat shall be regulated by the Law of the Republic of Kazakhstan dated January 23, 2001 “On Local Government and Self-government in the Republic of Kazakhstan”.

17. The total period of consideration of candidates for offices of the heads of the LPS by akims of regions, city of republican significance, the capital, shall not exceed thirty calendar days from the date of submission to the akimat of proposal of the internal affairs bodies.

18. The office of the head of the LPS shall be considered equivalent to the office of a deputy head of the territorial internal affairs body.

19. The term of the office of the head of the LPS must not exceed five years from the appointment.

20. The term of the office of the heads of local police service of the internal affairs bodies may be extended by the akim of a region, the city of republican significance, the capital from the consent of the corresponding maslikhat, accordingly, on the proposal of the Minister of the Interior, the head of the local police service of the region, the city of republican significance, the capital.

21. Heads of the LPS shall bear disciplinary responsibility in accordance with the Law of the Republic of Kazakhstan dated January 6, 2011 “On Law Enforcement Service” and particularities, established by the Law of the Republic of Kazakhstan dated January 23, 2001 “On Local Government and Self-government in the Republic of Kazakhstan”.

22. In case if the akim and (or) maslikhat recognizes work of the head of the LPS unsatisfactory, entailing as a measure of disciplinary sanction the dismissal from the office held, the akim of a region, the city of republican significance, the capital shall inform accordingly the Minister of Internal Affairs, the head of the LPS of a region, the city of republican significance, the capital for consideration at a disciplinary committee of the internal affairs bodies of the issue on further holding the office of the head of the LPS.

Decision of the disciplinary committee shall be sent within the period of three days to the akim of the region, the city of republican significance, the capital.

23. Dismissal of the heads of the LPS shall be made in accordance with the procedure, determined by the Law of the Republic of Kazakhstan dated January 6, 2011 “On Law Enforcement Service”.

24. Appointment of the employees of subdivisions, included to the composition of the LPS, shall be made in accordance with the procedure, established by the legislation of the Republic of Kazakhstan in the sphere of activities of law enforcement service and internal affairs bodies of the Republic of Kazakhstan.

25. Control over the state of discipline, course of law and anti-corruption management in the local police service units shall be provided by the territorial subdivisions of the internal security of internal affairs bodies.

26. In the event of a crisis, emergency of a natural, social or man-made nature, the management of the LPS subdivisions shall be carried out by the heads of territorial internal affairs bodies under the coordination of the Ministry of Internal Affairs.

27. The akim of the corresponding administrative-territorial unit for the purposes of organization of activities of the LPS in accordance with the legislation of the Republic of Kazakhstan within his competence shall:

- 1) provide financing of the LPS, including the material and technical foundation;
- 2) organize the protection of public order and security in the relevant territory and shall be responsible for its condition;
- 3) jointly with the maslikhat at least twice a year hear the relevant reports of the head of the LPS and shall evaluate his activities ;
- 4) take measures on involving citizens in the protection of public order;
- 5) coordinate the activities of crime prevention entities;
- 6) bear responsibility for achieving the target indicators of the development program of the relevant territory in the field of public order protection, road safety, prevention of infractions, domestic, recidivism and teenage crime;
- 7) set the local police service the task of ensuring law and order in the territory of the corresponding administrative-territorial unit, shall monitor their implementation.

28. attraction of the LPS employees to performance of tasks, not provided for by the legislation of the Republic of Kazakhstan shall not be allowed.

29. Protection of violated or disputed rights, freedoms and interests, protected by law shall be made in a judicial proceeding.

30. The head of the LPS shall have the following powers:

- 1) to give binding for execution by the LPS employees instructions, orders, within his competence, to issue orders on behalf of the internal affairs bodies;
- 2) to consider cases of administrative infractions, to impose administrative penalties, to approve procedural documents for pre-trial investigations in a protocol form for criminal misconduct;
- 3) to approve Regulations on structural subdivisions of the LPS and job instructions of the LPS employees;
- 4) to organize educational work among employees of the LPS structural subdivisions, to ensure their compliance with discipline, course of law, secrecy and professional development;
- 5) to make proposal to the akim of the region, the city of republican significance, the capital on appointment of the heads of the LPS of a district, a district in a city, the city of regional significance;

6) to carry out receipt of citizens, to consider complaints and applications, to take decisions on them, to assign official investigations into violations of discipline and the rule of law;

7) to take measures aimed at fighting corruption in the LPS, and to bear responsibility for implementation of anti-corruption measures;

8) to approve official investigations in disciplinary offences committed by the LPS employees;

9) to report at least twice a year to representative and executive bodies, once a year to the population;

10) to determine the powers of his deputies;

11) to perform other powers in accordance with the legislation of the Republic of Kazakhstan.

31. The execution of the powers of the LPS head within the period of his absence shall be made by his substituting person.

4. Reorganization and abolishment of the LPS

32. Reorganization and abolishment of the LPS shall be carried out by the Minister of Internal Affairs of the Republic of Kazakhstan in accordance with the Law of the Republic of Kazakhstan of dated April 23, 2014 “On Internal Affairs Bodies of the Republic of Kazakhstan”.