
ORDNANCE OF LITHUANIAN POLICE OFFICERS WITH SERVICE UNIFORMS: THE RIGHTS AND POSSIBILITIES OF THEIR USE

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Annotation. The article analyzes a problem of ordnance of police officers with service uniforms. To this end there are discussed aspects of legal regulation and administration of ordnance of officers with service uniforms and samples of courts practice.

There is taken the view that ordnance with service uniforms is a social guarantee established by the law, which cannot be denied by the lack of money or absence of post-legislation.

The conclusion is made in the article that attempts of leaders of Lithuanian police to tackle the problems of ordnance with service uniforms by the means of legislation are not efficient: systems of ordnance with service uniforms under creation do not allow satisfaction of needs of officers, therefore they are forced to tackle the problems risen with the help of the courts. It is proposed to change legal regulation of service uniforms ordnance.

Keywords: material supply of police, service uniforms, social guaranties

INTRODUCTION

In *the Statute of Internal service* (next – the Statute) there is a provision established that „according to the principle of compensation of peculiarities of internal service, the peculiarities of officers’ service (increase danger to life or health, tightened responsibility, longer working hours and different limitations related to the service) are being compensated by social guarantees determined in legislation.“¹ Article 46 of the Statute foresees the following social guarantees: officers’ ordnance with service uniform, accommodation, food, officers’ insurance and officers’ pensions, legal state help guaranteed for officers, restoration into internal service and compensations, allowances and other payments.

Purpose of ordnance of officers with service uniforms is dual: on the one hand, this is the additional social guarantee for the officer in striving to decrease his/her expenses in acquiring outfit he/she is wearing during the service; on the other hand, this is a striving of the state that officers while performing their duties would look equally and regularly, their official position and superiority would be clear, and their appearance would be apparently different from other persons. Thus, in order the officer would look properly and regularly and

¹ Lietuvos Respublikos vidaus tarnybos statuto patvirtinimo įstatymo 3 str., 7d. *Valstybės žinios.*, 2003, Nr. 42-1927.

could perform his/her duties, he/she must be supplied with full set of uniform, and when any part of that set shows wear of term of its wear expired it should be replaced with new one.

Unfortunately, in practice ordnance of officers with uniforms is dealt not so smooth. Frequent complaints of police officers and statutory service trade-unions, articles in the press due to uniform unsupplied in time reveal the extent of the problem.² The most frequently indicated reason of the problem is a decreasing financing of police: financing given to police from 2008 to 2013 decreased by total amount of 205, 3 million litas.³ On the other hand, the striving of police leaders for tackling financial problems was noticed, by changing the order of officers' ordnance with service uniforms which is not acceptable to officers.

These conditions presuppose the goal of the study – to reveal peculiarities of the system of police officers' ordnance with service uniforms. To that end the article discusses the aspects legal regulation and administration of officers' ordnance with service uniforms in period of 2003 -2013 and the samples of courts practice.

A method of analysis of legislation and police institution normative documents was applied in the article

LEGAL REGULATION AND ADMINISTRATION OF OFFICERS' ORDNANCE WITH SERVICE UNIFORMS IN THE YEAR 2003 - 2009

Service uniform of police officers of Lithuanian Republic is a set of clothes of the same form and colour that have to be worn with insignia of rank during the service, holidays, and professional and introductory training. Regular uniform raises officer's self-reliance and police image in society, therefore it is evaluated as important factor representing police activity and increasing officers' motivation. In the article 46 of the *Statute* it is established that officers are supplied with service uniform at costs of the state in accordance to the norms established by leaders of central offices of internal affairs. The leaders of these offices are establishing the order of issuance, wear and return of service uniform as well. Samples of service uniform and insignia of ranks are established by the Government. The decision of the Government of June 14, 2004 validated the samples of statutory officers' service uniforms and determined their type in accordance to their purposes: *special*, *party* and *dress* uniform.⁴ While implementing this decision, in July 19, 2004 there were validated the *Rules of wear of service uniform of Lithuanian police*

² Gerai dirbti policijai trūksta motyvacijos. *Valstiečių laikraštis*, 2007 m., lapkričio 20 d.

³ Policijos departamento prie vidaus reikalų ministerijos 2012 metų veiklos ataskaita. <http://www.policija.lt/get.php?f.12915> [žr.2013.03.15].

⁴ Lietuvos Respublikos Vyriausybės 2004 m. birželio 14 d. nutarimas Nr. 748 *Dėl pareigūnų tarnybinių uniformų ir skiriamųjų ženklų pavyzdžių patvirtinimo*. *Valstybės žinios*, 2004, Nr. 95-3512.

officers (next – Rules of wear of uniform), where the order of uniform wear, issuance and requirements for officers were established.⁵ Norms of service uniform wear were prepared in accordance to the functions performed by the officer and categories of patches: different uniform for primary, middle and higher patches. It was indicated in the rules, that police officers must wear regular service uniform: „person wearing creasy, dirty clothes, unlearned and slipshod shoes degrades dignity of police officers.“⁶ It is forbidden to wear service uniform with civil outfit of uniform or shoes of undetermined sample, to wear insignia of rank or other undetermined trappings. Hence, there was a striving to strengthen image of officers using legal regulation and to foresee responsibility for non-pursuance of provisions. However, determined terms of wear of separate parts of uniform set raises doubts regarding the possibilities to keep regular uniform and stay flawless all the term determined. For example, shirts are intended to officers for 2 years, jackets, trousers, summer and winter shoes for 3 years. Knowing that officers of public police are wearing uniform every day and in different situations, it is hard to believe that it will be regular all the time determined for wear. Therefore it is needed to be acknowledged that such order of wear of uniform was faulty and presupposed presumptions for bad image of police officer. The situation partially had to be softened by the *Rules of payment of monetary compensations for service uniform* established in December 24, 2004, which validated monetary payments for which it was possible to acquire uniforms on own resources.⁷ The order of general commissar of December 12, 2006 validated new *Rules of wear of uniform* where only two types of service uniforms were named: *personal* and *general special* uniforms and party uniform was not mentioned any more. Personal unifor is issued to officers for personal wear in service, and general special uniform is issued for a time wear on a purpose. Police officers are supplied with service uniforms by logistic center of Lithunian police.⁸ Evaluating these changes from the aspects of legislation hierarcht, it should be noted that they were performed by replacing provisions of Government decision with the order of general commissar.

⁵ Lietuvos generalinio komisaro 2004 m. liepos 19 d. įsakymas Nr.V-354 *Dėl Lietuvos policijos pareigūnų tarnybinės uniformos dėvėjimo taisyklių patvirtinimo* www.policija.lt/index.php?id=2796&extension=.doc&type...

⁶ Ten pat, 127 str.

⁷ Lietuvos generalinio komisaro 2004 m. gruodžio 24 d. įsakymas Nr.5-V-606 *Dėl Piniginės kompensacijos už tarnybinę uniformą mokėjimo taisyklių patvirtinimo*. <http://www.policija.lt/index.php?id=48>

⁸ Lietuvos generalinio komisaro 2006 m. gruodžio 12 d. įsakymas Nr.5-V-767 *Dėl Lietuvos policijos pareigūnų tarnybinės uniformos ir skiriamųjų ženklų apskaitos taisyklių, tarnybinės uniformos ir skiriamųjų ženklų dėvėjimo taisyklių ir tarnybinės uniformos dėvėjimo normų patvirtinimo*. <http://www.policija.lt/index.php?id=48>

At the point of the content, the norms of police officers' service uniforms wear established in 2006 were not very different from analogous norms of the year 2004 (see Table 1).

Table 1. Norms of wear of police officers (men) service uniform

Name of service uniform	Officers' of primary patch				Officers' of middle and higher patches			
	Year 2004		Year 2006		Year 2004		Year 2006	
	Amount pcs.	Term of wear (years)	Amount pcs.	Term of wear (years)	Amount pcs.	Term of wear (years)	Amount pcs.	Term of wear (years)
Cap	1	2	1	2	1	2	1	2
Winter cap	1	3	1	3	1	3	1	3
Winter coat	1	3	1	3	1	3	1	3
Summer jacket	1	3	1	3	1	3	1	3
Jacket	-	-	-	-	1	2	1	3
Trousers	2	3	2	3	2	3	2	3
Summer trousers	1	3	1	3	1	3	1	3
Jumper	1	3	1	3	1	3	1	3
Waistcoat with reflectors	1	3	-	-	-	-	-	-
Shirt with long sleeves	2	2	2	2	2	2	2	1
Shirt with short sleeves	2	1	2	2	2	2	2	1
Low shoes	1	2	1	3	1	2	1	2
Winter shoes	1	3	1	3	1	3	1	3
Boots with raised bootlegs	1	2	1	2	1	4	1	4
Outfit for training	1	4	1	4	1	4	1	4

Source: created by the author according to the Rules of wear of service uniforms of the year 2004 and 2006

The attention should be paid to the fact, that in 2006 it was not foreseen to supply the officers of primary patch with waistcoat with reflectors, the terms of wear of some parts of the uniform were: terms of wear of shirts with short sleeves increased from 1 to 2 years and terms of wear of summer shoes increased from 2 to 3 years. Meanwhile, terms of wear of shirts with short sleeves for officers of middle and higher patches decreased from 2 to 1 year, but a term for wear of jackets was extended (from 2 to 3 years). It has to be acknowledged that practically the conditions of uniform wear for officers were not improved and in some cases, especially for officers of primary patch, became worse. Most often officers of public police are not satisfied in quality of shoes, trousers, low shoes, shirts and other clothes of every day use, which does not allow keeping regular outfit for longer period of time.

In *the Rules of wear of service uniform* of 2006 there was established regulation of officer's responsibility for service uniform wear. For example, in case the officer damages (looses) service uniform, there had to be performed an official inspection in police office and the issue on officer's disciplinary responsibility and restitution had to be tackled. Having

determined officer's fault, he/she had to pay for the damage made to uniform. The attention should be paid that there are no circumstances of uniform damage distinguished in the legislation (for example, during performance of official task, persecution of criminal or other circumstances of necessity present), but accent is made only on action of the officer, i.e. there is a striving for evaluation if he/she did everything to keep the uniform safe. Tackling the problem with such attitude the possibility of subjectivity and partiality becomes stronger which can be increased by such factors as bad financial situation of the office, lack of uniforms, leaders' unwillingness or inability to give additional resources and so on. Employees of police stations are often forced to cover the loss for damaged uniform, with little reference to the circumstances of its damage; therefore this order is valued very negatively by officers. Most frequently payment for damage was related to the officer's obligation to buy lacking parts of uniform set by him/her. Such practice very increased while decreasing financing of police offices and growing demands of resources saving. It is supposed that a requirement to tackle the issue of restitution for damaged uniform in all cases withdraws the aspect presumption of officer's honesty and responsibility, and presupposes preconceived provision regarding distrust in the officer.

Administration of police officers' ordnance with service uniform was performed by the Department of uniform outfit of the Lithuanian police service center (specialized police office) established in 2003.⁹ This department was assigned to calculate the need for uniform outfits and resources to buy them, to organize and perform contests of public purchases, to prepare purchase contracts, to control if manufacturing of uniform outfit conforms requirements determined and to perform other functions related to the ordnance with uniforms. The department planned general need of police institutions for service uniforms for one or few years in accordance to their need. After formation of general need and with reference to the remaining amount of uniforms at stock in the beginning of the year and given resources, the amount of uniform's elements required to be bought was determined. Successful functioning of this system was hindered by constant lack of resources intended for service uniforms. Because the annual financing given for these needs was insufficient, police headquarters had to review priorities, i.e. to supply with uniforms a half of police officers one year and next year was for the rest police stations. Thus, lack of resources forced to decrease general need for uniforms to the size of the resources given, which not nearly allowed

⁹ Lietuvos generalinio komisaro 2003 m. balandžio 25 d. įsakymas Nr. V – 200 *Dėl Lietuvos policijos aptarnavimo paslaugų centro nuostatų patvirtinimo.*
www.policija.lt/index.php?id=2796&extension=.doc&type...

satisfaction of officers' needs. Financing decreasing for several years and constant lack of uniform (police officers were supplied with uniform by 40 – 70 percent) didn't allow formation of uniforms' reserve, therefore practically only circulating amount of uniforms was stored. Summarizing it could be stated that the system of determining norms of wear of service uniform with reference to years didn't created possibilities for ordnance of officers with uniforms in accordance to their individual needs.

ORDNANCE OF OFFICERS WITH SERVICE UNIFORMS IN 2009 -2013

Economical crisis that started in 2008 made the problem of officers' ordnance with service uniforms more complicates, therefore police leaders in striving for saving the recourses intended to uniforms were forced to look for the way out of the adversity. Implementing "*Plan of the means for decrease of police system's costs*", in July 9, 2009 there was accepted new *Concept of police officers' ordnance with service uniform* which raised the following tasks: 1) to consolidate new order of police officers ordnance with service uniform; 2) to ensure even and equal ordnance of every officer with uniform in accordance to the financial resources available; 3) to initiate changes of legislation regulating police officers' ordnance with service uniform.¹⁰ Creators of the concept expected to create more flexible order of police officers' ordnance with service uniform, which can satisfy individual needs of every officer. Provisions of this concept were detailed in new *Rules of ordnance with service uniform* validated in May 31, 2010¹¹.

Table 2. Financial norms of police officers' ordnance with service uniforms

Police officers' groups and types of financial norms	Men (Lt)	Women (Lt)
Financial norm for first dressing of students of Lithuanian police school with service uniforms	1752,08	1730,97
Financial norm for first dressing of officers of administration primary, middle and higher packs with uniform	3126,79	3140,58
Financial norm for maximal yearly dressing of officers of administration primary, middle and higher packs with uniform	312,54	323,59

The rules provided the calculation of recourses for officers' uniforms by applying differentiated financial norms: 1) financial norm for officer's first dressing with service uniform, i.e. resources for the person newly taken into the service; 2) maximal yearly financial norm intended for uniform in accordance to the recommended term for wear of

¹⁰ Lietuvos generalinio komisaro 2009 m. liepos 9 d. įsakymas Nr. 5-V-491 *Dėl policijos pareigūnų aprūpinimo tarnybine uniforma koncepcijos patvirtinimo*. www.policija.lt/index.php?id=2796&extension=.doc&type...

¹¹ Lietuvos generalinio komisaro 2010 m. gegužės 31 d. įsakymas Nr. 5 –V- 438 *Dėl Lietuvos policijos pareigūnų aprūpinimo tarnybine uniforma finansinių normų nustatymo ir tarnybinės uniformos apskaitos taisyklių patvirtinimo*. . www.policija.lt/index.php?id=2796&extension=.doc&type

service uniform; 3) yearly financial norm for uniform calculated in accordance to the financing given to police every year (see Table 2).

After evaluation of the resources intended and in accordance to the cost of separate elements of the service uniform and intended yearly monetary sum, officers are ordering needed elements of service uniform for next calendar year. After inspection of officers' service uniform condition in police offices and having asserted that it is not fit for use, officers are allowed to acquire clothes in demand for the sum of yearly resources intended for them. The officer, who hasn't used all resources intended for uniform, loses the right to use those resources next year. Summarizing we could state, that new *Rules of ordnance with service uniform* changed essentially the order of officers' ordnance with service uniforms established by the Government in 2004: instead of determination of the norms of uniforms wearing in years (when quantity of parts of uniform set was determined for the corresponding number of years) there was established new order of officers' ordnance with service uniform in accordance to the determined yearly financial norms, i.e. in accordance to the monetary amount intended to renewing of uniform for one officer every year – „officer's bag“. The attention should be paid into the fact, that in this case the ordnance with service uniforms established by the Government was changed by the legislation of lower power – the order of general commissar.

While evaluating the new order of ordnance with service uniforms in efficiency point of view it is need to be acknowledged that the goals raised in the concept, to create more flexible order of officers' ordnance with service uniforms that could satisfy individual needs of every officer, are not implemented. After new order came into force, it became impossible for officer to get full set of uniform, because his „bag“ is amounting only 312 Lt, when, for example, winter jacket costs 279 Lt., summer pants cost 120 Lt, jacket - 315 Lt, shoes - 120 Lt., winter cap – 106 Lt and so on. Thus intended yearly sum is not much bigger than one part of the uniform set. When it is needed to renew some parts of the uniform set, officers can't do that. Situation is complicated by the fact that since the year 2011 payment of compensations for service uniforms is suspended; besides, officers can't "save" unused money to another year because they are being transferred to reserve fund.¹² Due to that many officers are forced to buy service uniforms on own money. It could be stated, that such order of supply with uniforms was established in striving not for real improvement of officers

¹² Lietuvos generalinio komisaro 2011 m. sausio 11 d. įsakymas Nr. 5-V-17 *Dėl piniginių kompensacijų už tarnybinių uniformų nemokėjimo*. <http://www.policija.lt/get.php?f.7649>

material supply, but in order to „patch financial holes“, therefore, it is natural that results of the reform do not satisfy officers' needs.

The situation forced officers to go to law regarding the ordnance with service uniforms. Deciding such cases, Supreme Administrative Court of Lithuania (LVAT - Lietuvos vyriausiasis administracinis teismas) stated, that social guarantee for officers of internal service system established by the law can not be changed or limited by legislation of lower power. The Statute (law) delegates the right to leaders of internal affairs central offices, as well as duty to determine the rules of wear of service uniform. Opposite regulation of officers ordnance with service uniforms established by the law is impossible¹³. The court concluded, that the law established by imperative can be implemented in three ways: 1) by supplying with uniform; 2) by paying compensation in conditions established by legislation; 3) by making restitution due to the fact that the officer had to wear own outfit at service. In analogous case while deciding the issue regarding the payment for unsupplied uniform, LVAT highlighted, that officer has the right to refuse the uniform and request for the compensation. The issues of monetary compensations are decided by head assignment administrators in accordance to the resources available for the purpose, and not exceeding 80 percent of uniform value¹⁴. The courts judging the problems mentioned have stated that ordnance with service uniform or compensation of appropriate size instead is a guarantee established by the law, which can not be denied by the lack of resources or absence of post-legislation, because the law does not foresee that, and the Statute does not relate the ordnance with service uniforms to any conditions¹⁵.

Summarizing courts practice, it is possible to state that legislation does not foresee the cases when officers are not supplied with service uniform. Therefore, after expiration of the term of wear of uniform's component, police officers have to decide regarding the officer's ordnance with new service uniform or its parts or as alternative, when officer's written application is present, monetary compensation for the coming calendar year could be paid.

In striving to implement the provisions of LVAT and in order to improve ordnance with service uniforms, it is purposeful to police leaders to review legal regulation of issuance of uniforms: 1) to cancel the order of general commissar No.5-V-17, dated January 11, 2011, *Regarding the non-payment of monetary compensation for service uniform*; 2) to change the

¹³ Lietuvos vyriausiojo administracinio teismo nutartis byloje Nr. A⁶³-2434/2011; Lietuvos vyriausiojo administracinio teismo nutartis byloje Nr. A⁴⁹²-3379/2011;.

¹⁴ Lietuvos vyriausiojo administracinio teismo nutartis byloje Nr. P¹⁴³-6/2013.

¹⁵ Vilniaus apygardos administracinio teismo nutartis byloje Nr. P-492-187-11.

provision (Clause 23) of the order of general commissar No.5-V-439, dated may 31, 2010, prohibiting officers to receive resources intended for renewing uniform unused during the year; 3) to relate the resources needed for police uniforms to particular need of the uniforms but not to general financing of the office.

As positive reaction of police leaders towards striving of officers to struggle for the right to be supplied with service uniforms we can name the order of the general commissar dated February 7, 2013, to the Investment Planning and Technical Development Board, to issue a set of uniform after reception of written application of officer of criminal police for supply with ordinary service uniform if the officer never received a set of the uniform of new sample during all the time of service in police and if the officer haven't ordered a service uniform in that calendar year.¹⁶ Since this order is interim and valid till December 31, 2013, it shows, however, that police leaders are looking for new decisions for elimination of the problem.

CONCLUSIONS

Police ordnance with service uniforms should be evaluated both as additional social guarantee and state striving, distinguished by officers between other social groups, to create the conditions for officers to look equally and regularly, and thus raising police image in public.

Ordnance with service uniform or compensation of adequate size instead is a guarantee established by the law, which can not be denied by the lack of resources or absence of post-legislation. The law does not relates the ordnance with service uniforms to any conditions, therefore police offices must look for the ways how to implement the provisions of the legislation properly.

Attempts of Lithuanian police leaders to tackle the problems of ordnance with service uniforms by the means of legal regulation are inefficient: the systems of ordnance with service uniforms under creation do not satisfy the needs of officers; therefore they are forced to tackle the problems raised with the help of the courts.

In striving for improvement of ordnance with service uniforms, it is purposeful for police leaders to review the legal regulation of issuance of service uniforms cancelling prohibition to compensate for the uniforms and validating the possibility to transfer the

¹⁶ Lietuvos policijos Generalinio komisaro 2013 m. vasario 7 d. nurodymas Nr. 5-N-2 dėl policijos pareigūnų aprūpinimo // Internetinė prieda: <http://www.policija.lt/index.php?id=2797> [žiūrėta 2013-03-12]

unused resources intended for uniforms to another year by relating the resources required for uniforms with their particular need but not with the general financing of the office.

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LIETUVOS POLICIJOS PAREIGŪNŲ APRŪPINIMAS TARNYBINĖMIS UNIFORMOMIS: TEISĖS IR GALIMYBĖS JOMIS PASINAUDOTI

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S a n t r a u k a

Straipsnyje analizuojama policijos pareigūnų aprūpinimo tarnybinėmis uniformomis problema. Tuo tikslu aptariami pareigūnų aprūpinimo tarnybinėmis uniformomis teisinio reguliavimo ir administravimo aspektai bei teismų praktikos pavyzdžiai.

Tyrime laikomasi nuostatos, kad aprūpinimas tarnybine uniforma yra įstatymu nustatyta socialinė garantija, kuri negali būti paneigiama lėšų trūkumu, ar poįstatyminių aktų nebuvimu.

Straipsnyje daroma išvada, kad Lietuvos policijos vadovų bandymai teisinio reguliavimo priemonėmis spręsti tarnybinių uniformų aprūpinimo problemas nėra efektyvūs: kuriamos tarnybinėmis uniformomis aprūpinimo sistemos neleidžia patenkinti pareigūnų poreikių, todėl jie priversti iškilusias problemas spręsti teismų pagalba. Siūloma keisti uniformų išdavimo teisinį reglamentavimą.

Pagrindinės sąvokos: policijos materialinis aprūpinimas, tarnybinės uniformos, socialinės garantijos

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