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ACT ON THE PERFORMANCE OF DUTIES BY POLICE OFFICERS

[Enforcement Date 26. Jul, 2017.] [Act No.14839, 26. Jul, 2017., Amendment
by Other Act]

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Article 1 (Purpose) (1) The purpose of this Act is to prescribe matters necessary for police officers to perform their duties (limited to national police officers; hereinafter the same shall apply) in order to protect people's freedom and rights and to maintain public order in society.

(2) The authority of police officers under this Act shall be exercised to the minimum extent necessary for performing their duties and shall not be abused.

[\[This Article Wholly Amended by Act No. 12600, May 20, 2014\]](#)

Article 2 (Scope of Duties)

Police officers shall perform the following duties:

1. Protection of people ' s lives, body, and property;
2. Prevention, suppression, and investigation of crimes;
3. Performing guard duties, guard of important persons, and performance of counter - espionage and counter - terrorist operations;
4. Collection, preparation, and distribution of information on public security;
5. Traffic control and traffic injury prevention;
6. International cooperation with foreign governments and international organizations;
7. Maintenance of public order and security.

[\[This Article Wholly Amended by Act No. 12600, May 20, 2014\]](#)

Article 3 (Stop and Question) (1) A police officer may stop any of the following persons and question him/her:

1. A person for whom any probable cause exists to suspect that he/she has committed a crime or is about to commit a crime judging from his/her dubious conduct or surrounding circumstances;
2. A person believed to be aware of a crime already committed or about to be committed.

(2) Where questioning a person falling under any of the subparagraphs of paragraph (1) at a place at which a police officer stopped him/her pursuant to the same paragraph is considered to be disadvantageous to him/her or to be interfering with

traffic flow, the police officer may request the person to accompany him/her to a nearby police station, patrol division, substation, or branch station (including a regional coast guard agency; hereinafter referred to as "police agency") to question him/her. In such cases, the person, who is requested to accompany the police officer, may refuse such request. <Amended by Act No. 12844, Nov. 19, 2014; Act No. 14839, Jul. 26, 2017 >

(3) Where a police officer questions a person under any of the subparagraphs of paragraph (1), the police officer may check whether the person carries any dangerous weapons.

(4) Where a police officer questions a person or requests the person to accompany him/her pursuant to paragraph (1) or (2), he/she shall present the person a certificate indicating his/her identification, notify the person of the agency with which he/she is affiliated and his/her name, and explain the purposes for accompanying him/her and grounds therefor; if he/she requests the person to accompany him/her, he/she shall notify the person of the destination.

(5) Where a person accompanies a police officer pursuant to paragraph (2), the police officer shall notify the family members, relatives, etc., of the person of his/her identity, a place where the person accompanies him/her, and the purposes for accompanying him/her and grounds therefor, or provide the person with an opportunity to make immediate contact with family members, etc., and notify the person of his/her right to receive assistance from an attorney.

(6) No police officer shall be allowed to require a person who accompanies him/her to remain in a police agency for more than six hours.

(7) No person who is questioned or requested to accompany a police officer pursuant to paragraphs (1) through (3) shall have his body detained unless by laws governing criminal procedures, and he/she shall not be compelled to answer any question against his/her will.

[This Article Wholly Amended by Act No. 12600, May 20, 2014]

Article 4 (Protective Measures, etc.) (1) If a police officer finds a person (hereinafter referred to as "person in need of relief") who evidently falls under any of the following subparagraphs and for whom any probable cause exists to believe that he/she is in need of emergency relief judging from his/her dubious conduct or

surrounding circumstances, the police officer may take appropriate measures, such as requesting a health care institution or public relief institution for emergency relief, or protecting him/her in a police agency:

1. A person who is likely to inflict any harm on his/her or another person's life, body, or property due to derangement or inebriation;
2. A person who attempts suicide;
3. A lost child, sick person, injured person, etc., who are deemed to have no guardian and be in need of emergency relief: Provided, That where he/she refuses relief, he/she shall be excluded.

(2) No health care institution or public relief institution in receipt of a request for emergency relief pursuant to paragraph (1) shall refuse the request without justifiable reasons.

(3) Where a police officer takes measures under paragraph (1), he/she may temporarily place weapons, deadly weapons, etc., carried by a person in need of relief that are deemed likely to cause any harm to others in a police agency.

(4) Where a police officer takes measures under paragraph (1), he/she shall immediately notify such fact to the family members or friends of a person in need of relief or to other persons having connections therewith; where other persons who have connections with the person are not found, the person shall be immediately transferred to an appropriate public health care institution or public relief institution.

(5) Where a police officer transfers a person in need of relief to a public health care institution or public relief institution pursuant to paragraph (4), he/she shall immediately report such fact to the chief of the police station or coast guard station with which he/she is affiliated. <Amended by Act No. 12844, Nov. 19, 2014; Act No. 14839, Jul. 26, 2017>

(6) The chief of a police station or coast guard station in receipt of a report under paragraph (5) shall, without delay, notify the fact of transferring a person in need of relief to the head of a public health care institution or public relief institution, or an administrative agency in charge of such institution, as prescribed by Presidential Decree. <Amended by Act No. 12844, Nov. 19, 2014; Act No. 14839, Jul. 26, 2017>

(7) The period for protecting a person in need of relief in a police agency pursuant to paragraph (1) shall not exceed 24 hours, and temporarily placing weapons, deadly weapons, etc., in a police agency pursuant to paragraph (3) shall not exceed ten

days.

[This Article Wholly Amended by Act No. 12600, May 20, 2014]

Article 5 (Prevention, etc., of Occurrence of Danger) (1) A police officer may take the following measures if natural disasters, incidents, destruction or collapse of artificial structures, traffic accidents, explosion of a dangerous object, appearance of a dangerous animal, chaotic congestion or other dangerous situation, likely to inflict harm on the life or body of people, or grave damage to property, occur:

1. Issuing necessary warning to persons who assemble at the relevant place, persons in charge of an article or interested persons;
2. Detaining persons likely to be injured or having them find refuge within necessary scope in cases of dire emergency;
3. Having persons who remain at the relevant place, persons in charge of an article or interested persons take such measures deemed necessary for preventing danger, or taking such measures personally.

(2) Where necessary for conducting a counter - espionage operation or suppressing any disturbance, the chief of a police agency may restrict or prohibit access to, or passage through the area of a counter - espionage operation or important national facilities, such as a police agency, armory, etc.

(3) Where a police officer takes measures under paragraph (1), he/she shall, without delay, report such fact to the chief of the police agency with which he/she is affiliated.

(4) The chief of a police agency who takes measures under paragraph (2) or receives a report under paragraph (3) shall take appropriate measures, such as seeking cooperation from relevant agencies, etc.

[This Article Wholly Amended by Act No. 12600, May 20, 2014]

Article 6 (Prevention and Control of Crimes)

If a police officer deems that a crime is about to be committed in his/her presence, he/she may issue a warning to interested persons to prevent such crimes, and may prevent them from committing such criminal act in cases of emergency in which such crime is likely to inflict harm on people's life or body or grave damage to property.

[This Article Wholly Amended by Act No. 12600, May 20, 2014]

Article 7 (Entry and Exit for Prevention of Danger) (1) Where any danger to people's life, body, or property is imminent as a dangerous situation under Article 5 (1) and (2), and Article 6 occurs, a police officer may enter the land, building, ship, or vehicle of another person within the extent rationally determined necessary, if such are deemed essential for the prevention of danger or the rescue of victims.

(2) No manager of an entertainment facility, inn, restaurant, railroad station, or other place frequented by many people, or interested person corresponding thereto, shall refuse a police officer entering such place without justifiable grounds if the police officer requests him/her to enter such place to prevent a crime or danger to people's life, body, or property during business hours of the place or while such place is open to the public.

(3) Where necessary to conduct a counter - espionage operation, a police officer may search places under paragraph (2) within the area of operation.

(4) If a police officer enters necessary places pursuant to paragraphs (1) through (3), he/she shall present a certificate indicating his/her identity and shall not interfere with the proper business of interested persons.

[This Article Wholly Amended by Act No. 12600, May 20, 2014]

Article 8 (Verification of Facts, etc.) (1) If any probable cause deemed necessary for performing duties exists, the chief of a police agency may inquire government agencies, public or private organizations, etc., into facts related to the performance of duties: Provided, That in an emergency, he/she may require police officers under his/her command to attend the scene and to verify facts in cooperation with the heads of such agencies or organizations.

(2) If necessary to perform the following duties, a police officer may request an interested person to appear at a police agency by sending an attendance request clearly specifying grounds for attendance and the time, date and place of attendance to interested persons:

1. To verify a guardian to have custody of a lost child;
2. To verify the holder of a claim for a lost object;
3. To verify the identity of the dead or injured after an accident;
4. To verify facts necessary for the investigation of a traffic accident in order to impose an administrative disposition.

[This Article Wholly Amended by Act No. 12600, May 20, 2014]

Article 8 - 2 (International Cooperation)

The Commissioner General of the Korean National Police Agency or the Commissioner of the Korea Coast Guard may conduct the exchange of data, international cooperation, etc., with foreign government agencies, international organizations, etc., to perform duties under this Act. <Amended by Act No. 12844, Nov. 19, 2014; Act No. 14839, Jul. 26, 2017 >

[This Article Newly Inserted by Act No. 12600, May 20, 2014]

Article 9 (Detention Cell)

A police station and a coast guard station shall establish a detention cell to accommodate arrested or detained persons or persons who receive judgment or disposition that restricts bodily freedom. <Amended by Act No. 12844, Nov. 19, 2014; Act No. 14839, Jul. 26, 2017 >

[This Article Wholly Amended by Act No. 12600, May 20, 2014]

- Article 10 (Use, etc., of Police Equipment)** (1) Police officers may use police equipment in performing duties: Provided, That where they use police equipment that may endanger life or inflict bodily harm (hereinafter referred to as "lethal police equipment"), they shall use such equipment after receiving necessary safety education and safety inspection.
- (2) "Police equipment" referred to in the main body of paragraph (1) means devices and tools that are needed by police officers in performing duties, such as weapons, police gear, tear agents and trigger devices thereof, water cannon, criminal identification tools, coastal surveillance equipment, communication devices, vehicles, vessels, aircraft, etc.
- (3) Police officers shall endanger life or inflict bodily harm by using equipment other than ordinary by modifying police equipment without permission or attaching other equipment to police equipment.
- (4) The use of lethal police equipment shall be restricted to the necessary minimum.
- (5) Where the Commissioner General of the Korean National Police Agency intends to introduce new lethal police equipment, he/she shall conduct safety inspection as prescribed by Presidential Decree and submit the inspection outcomes to the

relevant standing committee of the National Assembly. In such cases, independent specialists shall participate in the safety inspection.

(6) The kinds of lethal police equipment and standards for use thereof, standards for safety education and safety inspection, etc., shall be prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 12600, May 20, 2014]

Article 10 - 2 (Use of Police Gear) (1) If any probable cause deemed necessary for performing the following duties exists, a police officer may use police gear within necessary scope after reasonably assessing the situation:

1. To arrest a criminal flagrante delicto or a criminal who commits a crime punishable by death, life imprisonment or imprisonment with or without labor for a maximum period of at least three years, or to keep him/her from absconding;
2. To protect the police officer's or other people's life or body;
3. To deter resistance to the police officer performing his/her duties.

(2) "Police gear" referred to in paragraph (1) means handcuffs, ropes, police batons, shields, etc., carried by police officers for performing their duties, such as arrest of criminals and suppression of crimes.

[This Article Wholly Amended by Act No. 12600, May 20, 2014]

Article 10 - 3 (Use of Spray Guns, etc.)

In extenuating circumstances for performing the following duties, a police officer may use a spray gun (referring to spray guns prescribed in the Act on the Safety Management of Guns, Swords, Explosives, Etc., which include agents, such as tear agents used for spray guns; hereinafter the same shall apply) or tear gas grenades to the minimum necessary, based on the judgment of a person in charge of the scene:

<Amended by Act No. 12960, Jan. 6, 2015>

1. To arrest an offender or keep him/her from absconding;
2. To deter significant danger to the police officer's or other people's safety of life, body, property, or public facilities due to any unlawful assembly or demonstration.

[This Article Wholly Amended by Act No. 12600, May 20, 2014]

Article 10 - 4 (Use of Weapons) (1) If a police officer has any probable cause to arrest an offender, keep an offender from absconding, defend and protect the police

officer's or other people's life or body, deter resistance against the police officer in the line of duty, the police officer may use weapons within necessary range based on the reasonable judgment of the situation: Provided, That the police officer shall not inflict harm on the people, unless any of the following applies:

1. Where the situation constitutes legitimate self - defense and emergency evacuation prescribed by the Criminal Act;
2. Where the police officer has any probable cause to believe that no means other than the use of weapons exist to prevent following acts or to arrest an offender when any of the following applies:
 - (a) If the police officer has any probable cause to suspect that a person who commits or has committed a crime punishable by death or imprisonment with labor for and indefinite term or for a term of not less than three years, or imprisonment without labor resists the police officer in the line of duty or intends to abscond;
 - (b) If the offender resists the police officer in the line of duty or intends to abscond when an arrest and detention warrant or a search and seizure warrant is executed;
 - (c) If a third party resists the police officer to help a person corresponding to item (a) or (b) abscond;
 - (d) If an offender or a person creating any disturbance carries with him/her a dangerous object, such as a weapon, deadly weapon, etc., and continues to disobey the police officer, not complying with an order to throw away the dangerous object or an order to surrender issued by the police officer at least three times;
3. Where an armed espionage agent refuses to obey an order to surrender issued by the police officer in a counter - espionage operation.
 - (2) "Weapon" prescribed under paragraph (1) means a pistol, rifle, sword, etc., manufactured to endanger life or inflict bodily harm.
 - (3) In conducting military operations related to national security, such as counter - espionage and counter - terrorist operations, crew - served weapons may be used in addition to individual weapons.

[This Article Wholly Amended by Act No. 12600, May 20, 2014]

Article 11 (Keeping Usage Records)

Where water cannon under Article 10 (2), spray guns or tear gas grenades under Article 10 - 3 or weapons under Article 10 - 4 are used, a person responsible therefor shall make and keep a record of the date, time, place, objects of use, person in charge of the scene, kinds, quantity, etc.

[This Article Wholly Amended by Act No. 12600, May 20, 2014]

Article 11 - 2 (Indemnification) (1) The State shall reasonably indemnify a person for any of the following losses due to lawful performance of duties by a police officer:

1. Where a person not responsible for causing loss suffers economic loss (including cases in which a person not responsible for causing loss suffers economic loss as he/she voluntarily cooperates in the performance of duties by a police officer or provides articles);
2. Where a person responsible for causing loss suffers economic loss beyond the extent of his/her responsibility.

(2) A right to claim compensation for loss under paragraph (1) shall be extinguished by extinctive prescription if the right is not exercised within three years from the date one learns that any loss exists or within five years from the date any loss occurs.

(3) A committee for deliberation on compensation for loss shall be established in order to deliberate on cases of compensation for loss.

(4) The standards for compensation for loss, amount of compensation, procedures and methods of payment, organization and operation of a committee for deliberation on compensation for loss referred to in paragraph (1), and other necessary matters shall be prescribed by Presidential Decree.

[This Article Newly Inserted by Act No. 11736, Apr. 5, 2013]

Article 11 - 3 (Payment of Reward) (1) The Commissioner General of the National Police Agency, a commissioner of a district police agency, or a chief of a police station may pay reward to any of the following persons:

1. A person who reports a perpetrator or a perpetrator ' s whereabouts, leading to the arrest of the perpetrator;
2. A person who captures a perpetrator and hands him/her to a police officer;

3. A person who makes a substantial contribution to preventing terror crime;
4. Any other persons equivalent to those prescribed in subparagraphs 1 through 3 above, as prescribed by Presidential Decree.

(2) The Commissioner General of the National Police Agency, a commissioner of a district police agency, and a chief of a police station shall each establish and operate a reward review committee to examine payment of rewards (hereinafter referred to as “ reward review committee ”), as prescribed by Presidential Decree.

(3) The reward review committee under paragraph (2) shall comprise not more than five members including a chairperson.

(4) Members of the reward review committee under paragraph (2) shall be appointed by the Commissioner General of the National Police Agency, a commissioner of a district police agency, or a chief of a police station from among police officers under his/her management.

(5) The Commissioner General of the National Police Agency, a commissioner of a district police agency, or a chief of a police station shall pay rewards according to the review and deliberation of the reward review committee under paragraph (2), and recoup the rewards from an individual who receives the rewards by fraud or other improper means.

(6) Recipients of rewards, standards and procedures for payment of rewards, the composition of, and matters to be deliberated by, the reward review committee, and other necessary matters shall be prescribed by Presidential Decree.

[This Article Newly Inserted by Act No. 13825, Jan. 27, 2016]

Article 12 (Penalty Provisions)

Any person who inflicts harm on other people by violating the duties of a police officer or by abusing official authority bestowed under this Act shall be punished by imprisonment with or without labor, for not more than one year.

[This Article Wholly Amended by Act No. 12600, May 20, 2014]

Article 13 Deleted. <by Act No. 12600, May 20, 2014>

ADDENDA <No. 4048, 31. Dec, 1988 >

This Act shall enter into force on the thirtieth day after the date of its promulgation.

ADDENDA <No. 4130, 16. Jun, 1989 >

This Act shall enter into force on the date of its promulgation.

ADDENDA <No. 4336, 08. Mar, 1991 >

This Act shall enter into force on the date of its promulgation.

ADDENDA <No. 5153, 08. Aug, 1996 >

Article 1 (Enforcement Date)

This Act shall enter into force on the enforcement date of the Presidential Decree on the Organization of the Ministry of Maritime Affairs and Fisheries and Korea National Maritime Police Agency pursuant to the amended provisions of Article 41, within 30 days after the promulgation of this Act.

Articles 2 through 4 Omitted.

ADDENDA <No. 5988, 24. May, 1999 >

(1) (Enforcement Date) This Act shall enter into force six months after the date of its promulgation.

(2) (Transitional Measures concerning Penalty Provisions) In application of penalty provisions to any act committed prior to the enforcement of this Act, the previous provisions shall apply.

ADDENDA <No. 7247, 23. Dec, 2004 >

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation.

Article 2 Omitted.

ADDENDA <No. 7849, 21. Feb, 2006 >

Article 1 (Enforcement Date)

This Act shall enter into force on July 1, 2006.

Articles 2 through 41 Omitted

ADDENDA <No. 11031, 04. Aug, 2011 >

This Act shall enter into force on the date of its promulgation.

ADDENDA <No. 11736, 05. Apr, 2013 >

This Act shall enter into force one year after the date of its promulgation.

ADDENDA <No. 12600, 20. May, 2014 >

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation: Provided, That the amended provisions of Article 10 (5) shall enter into force six months after the date of its promulgation.

Article 2 Omitted.

ADDENDA <No. 12844, 19. Nov, 2014 >

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation. (Proviso Omitted.)

Articles 2 through 7 Omitted.

ADDENDA <No. 12960, 06. Jan, 2015 >

Article 1 (Enforcement Date)

This Act shall enter into force one year after the date of its promulgation.

Articles 2 through 6 Omitted.

ADDENDA <No. 13825, 27. Jan, 2016 >

This Act shall enter into force six months after the date of its promulgation.

ADDENDA <No. 14839, 26. Jul, 2017 >

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation: Provided, That among the Acts amended pursuant to Article 5 of the Addenda, amendments to an Act, which was promulgated before this Act enters into force but the date on which it enters into force has yet to arrive, shall enter into force on the enforcement date of the relevant Act.

Articles 2 through 6 Omitted.