

**PUBLIC ORDER AND SAFETY PLAN
OF THE LOCAL POLICE
F. MATEAȘ**

Florian Mateaș

Law and Economics Faculty, Social Sciences Department

Agora University of Oradea, Oradea, Romania

*Correspondence: Florian Mateaș, Agora University of Oradea, 8 Piața Tineretului St., Oradea, Romania

E- mail: departament@univagora.ro

Abstract

The strategy for providing public order and security, increasing the safety of citizens and preventing street crime is a medium-term planning document drafted by the Ministry of Administration on the basis of the National Security Strategy of Romania, the White Paper on National Defense and Security and the institutional and conceptual boundaries in the field, which defines public order and security and the national interest in this area, assesses the current state of public order and risk factors, lays down the main principles and directions of action, estimates the resources required in order to maintain, secure and restore public order and sets the responsibilities of the public order forces.

Keywords: strategy for providing public order, Local Police, Local Committee of Public Order

Introduction

The Ministry of Administration is the specialized authority of the central public administration which exercises, according to the law, its incumbent duties of maintaining public order, protecting fundamental human rights and freedoms, public and private property, preventing and combating antisocial acts, preserving the legal regime of the state border, fire safety and civil protection, contributing through all its activity to defence of constitutional democracy, sovereignty, the unity and territorial integrity of Romania.

Ensuring a climate of civic normalcy, of public order and safety has always been a priority for society, which through its specialized structures has sought to identify the most effective forms and methods of achieving this goal. The various patterns of organization of the authorities responsible for ensuring public order determined different approaches to implementing it, based on the realities specific to each country. The Ministry of Administration successively experienced several institutional models in order to meet the community's needs of public order and safety, among other things, through the development and implementation of programs and strategies adapted to the operational situation existing in a certain stage of social development.

1. The place and role of the Local Police among the state institutions responsible for public order and safety

The need for harmonization and compatibility of the Romanian public order system with those in the European Union has led to constant efforts to achieve an effective legal and action framework that might serve the intended structural and functional changes and objectives, by providing the human and financial resources necessary for their implementation.

To this end, the process of drafting and adapting the laws on the operation of the Ministry of Administration and its subsystems had in view to set their powers and duties, as well as to align them with EU standards.

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The general evolution of Romanian society and the dynamics of the operational situation, characterized by the perpetuation of criminal acts that endanger human life and integrity, public and private property, the legitimate rights and interests of citizens, require a reassessment and thoroughness of the reform of the structures and components with the authority to prevent and fight crime, by giving priority to the preservation of street public order and safety.

Depending on the operational situation and the resources allocated, the public order and safety strategy establishes the structure, the missions of the component forces of public order and safety in a dual system, the logistics, the management and cooperation mode of these forces.

Public order, as a component of national security, is the state of legality, balance and peace, corresponding to a socially acceptable level of compliance with the legal rules and civic behavior, which allows for the exercise of constitutional rights and freedoms, as well as the functioning of structures specific of the rule of law and is characterized by the credibility of public institutions, public health and morality, a state of normalcy in the organization and conduct of the political, social and economic life, in compliance with legal, ethical, moral, religious and other rules, that are generally accepted by society.

Public safety expresses the feeling of tranquility and trust that the police service inspires through the measures it applies to maintain public order and tranquility, the safety of persons, groups and goods, and to achieve a civil society – police partnership, in order to solve the problems of the community, to protect the rights, freedoms and legal interests of citizens.

The state of public order and safety is achieved through general economic, social and political measures, as well as through special measures, mainly of a preventive nature. An analysis of the current state of facts reveals the persistence of the vulnerability of citizens' safety, the perpetuation of crime and the development of organized crime, although the response capacity of the institutions of the rule of law to specific risks and threats has increased.

Oradea Local Police was established by the decision of the Local Council of Oradea¹, to exercise powers with regard to the protection of the fundamental rights and freedoms of individuals, public and private property, the prevention and detection of crimes, including the following fields:

- a) public order and tranquility, as well as the protection of goods;
- b) traffic on public thoroughfares;
- c) construction works and street display discipline;
- d) environmental protection;
- e) trading activities;
- f) population statistics;
- g) other fields established by law.

2. Public Order and Safety Plan²

¹ H.C.L. (Local Council Decision) No. 37/28.01.2011, as a public institution with legal personality subordinated to the Local Council of Oradea.

² Decision (No. 15/2011) approving the public order and safety plan of the local police. The Local Council of Oradea Municipality, Bihor County: Considering:

The provisions of Law No. 155/2010 on Local Police.

Order No. 92/2011 approving the methodology of the public order and safety plan of the local police.

Government Decision (HG) 1332/2010 on the Regulation of organization and functioning of the local police.

Local Council Decision (HCL) No. 1/2011 on the set up and operation of the local committee of public safety.

On grounds of Article 36 in conjunction with Article 45 of Law No. 215/2001 (r1).

The Local Council of Oradea Municipality adopts this decision:

Article 1. The plan of public order and safety of Oradea Local Police is approved, according to Annex 1 which is part of this decision.

- a) Analysis of the operational situation
- b) Public order and safety formations, missions and areas of responsibility
- c) The available manpower and logistical support
- d) Manpower training for the tasks and formation control
- e) Final Provisions

The Public Order and Safety Plan is the annual document that organizes the activity of the local police structures to maintain public order and safety in the territory of administrative-territorial units.

The drafting of public order and safety plans for the administrative-territorial units that have local police structures is done by the local committee of public safety and approved by the deliberative authority of the respective local public administration.

In drafting the public order and safety plan, the concept and modes of action set in the Unique public order and safety plan drafted at the level of the county/Bucharest municipality will be mandatorily taken into account.

The data referred to in the Unique plan and the main operational data required for the drafting of the public order and security plan are provided by the representative of the unit/territorial structure of the Romanian Police in the Local Committee of Public Safety, who also establishes the organization mode of sectors/areas of public safety, the action spots/perimeters and patrol areas.

Public order and safety plans are developed and updated annually until the 15th of April or whenever changes occur in the evolution of the operational situation or in the number of local police forces participating in the activities of enforcement of public order and safety.

In the preamble the legal framework underlying the preparation of the public order and safety plan is presented – provisions contained in laws, Government Ordinances, Emergency Government Ordinances, Government Decisions, orders of the Minister of Administration and Interior, as well as other provisions within the reference area.

2.1 Analysis of the operational situation³

For an effective analysis of the operational situation, issues relating to the geographic location of the territory, population, social and economic, political or religious events, regular traditional celebrations, the report on crimes and contraventions for the previous year and present-time trends in the field should be taken into account.

A. The territory

Mainly the following aspects are considered:

- a) the geographical location of the administrative-territorial unit;
- b) land superficies and configuration: hills, mountains, plains, woodland, arable land, cultivated areas;
- c) climate regime: ordinary temperatures, lows/highs recorded, rainfall recorded in recent years and temporary precipitation;
- d) river networks: networks built, state of maintenance, their owners or managers;
- e) communication routes – roads, railways, by sea: length, their arrangement, linkages with other administrative-territorial units;
- f) recreational areas: both urban and rural;
- g) tourist sights, economic sights, public institutions, churches, museums, schools and other places that may be of interest to the work of maintaining public order;
- h) petroleum product transport mains with their pertaining installations, their length, route.

B. Population

Article 2. This decision will be communicated to persons and institutions concerned by the care of the secretary of the municipality.

³ Mateaș Fl., Curulescu G., Nicholas M., *Manualul poliției locale*, (Local Police Handbook), CEAFSCE Publishing House, Bucharest, 2011.

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Data are recorded regarding:

- a) the number and structure of the population – by age, sex, nationality;
 - b) basic and/or temporary occupations;
 - c) demographic data of interest – the fluctuation of the population, unemployment, etc.
- C. Socio-economic, political or religious events

The events taking place in the administrative-territorial unit are recorded, by locations and times when they occur, to have an overview of them, thus allowing a flexible orientation of the forces in the integrated public order system.

The following events are of interest:

- a) national holidays – National Day, Day of the Union of the Principalities, etc.;
- b) days of municipalities, towns, villages;
- c) celebrations of professional organizations and associations – e.g.: Navy Day, Metallurgist Day, etc.;
- d) national and local religious holidays;
- e) regular traditional events – e.g. Ziua Salcâmului (Acacia Day), Târgul de Fete (Girls' Fair), Drăgaica, Sâmbra oilor, etc.

D. The report on crimes and contraventions

Overall statistical data will be recorded, as follows:

- a) data on the evolution of crime;
- b) data on acts of contravention, percentage by categories of acts, areas where they are often committed, etc.;
- c) inter/intra family, ethnic, confessional or other kinds of conflicts;
- d) other information that would help envisage accurately the state of crimes and contraventions.

2.2. Public order and safety formations, missions and areas of responsibility⁴

A. Public order and safety formations and areas of responsibility

The following issues are highlighted:

- a) the delineation of public safety sectors, patrol areas and places/perimeters where local police forces operate;
- b) the location of formations for road traffic surveillance and control;
- c) the arrangement of the forces guarding the objectives.

B. Specific Missions

The specific missions of local police components are highlighted, in compliance with the regulatory acts of organization and functioning, with strict reference to the object of the document, namely only missions of public order and safety enforcement.

C. Activities and missions carried out in common

The highlight is on the activities and missions that are carried out in common with: the Romanian Police, the Romanian Gendarmerie, the Romanian Border Police, structures of the General Inspectorate for Emergency Situations, Financial Guard, voluntary or private emergency services, civil defence formations from public administration authorities, National Sanitary Veterinary and Food Safety Agency, National Environmental Guard and other security-specialized institutions or companies that can help prevent crime and defend the rights and safety of citizens and are based on cooperation agreements concluded for this purpose.

2.3. The available manpower and logistical support

Numerical details are given of all existing manpower and the forces involved in missions of maintaining public order and public safety, as well as their logistical support.

⁴ Mateaş Fl., Curulescu G., Nicholas M., *Proceduri operaționale*, Editura CEAFSCE, București, 2011 (Operational Procedures, CEAFSCE Publishing House, Bucharest, 2011).

The logistics equipment description includes mentions of the personnel using specific means of action and the number of patrol/intervention vehicles, motorcycles, scooters, etc., that are provided.

2.4. Manpower training for the tasks and formation control

The modes of conducting the training are mentioned, according to mission types, in compliance with the legal duties in the reference field, the venue, also specifications of who leads, coordinates and controls the formations set in place.

2.5. Final provisions

The following are provided:

- a) the manner of mutual information on developments of the operational situation between local police structures and the other institutions participating in the activities of public order and safety enforcement;
- b) the frequency of the assessments of the activities performed.

Annexes

1. the map of the administrative-territorial unit and formation elements participating in activities of public order and public safety enforcement;
2. a table of the persons in leadership positions, with tasks of coordination and control of the formations participating in the activities of public order and safety enforcement;
3. other necessary documents, including documents of cooperation with structures of other security-specialized institutions or companies, in order to prevent crimes and protect the rights and safety of citizens.

3. The head of the public order service⁵ (head of the public order office) is subordinate to the chief of Oradea Local Police and has the following specific tasks, depending on the responsibilities entrusted to him:

- organize, plan, lead and monitor the work of the Oradea Local Police staff charged with maintaining public order and tranquility;
- make sure the subordinate staff know and carry out to the letter the legal provisions governing public order and tranquility enforcement, the rules of social cohabitation and the physical integrity of persons;
- keep track of the administrative sanctions enforced by the subordinate staff;
- make sure that the subordinate staff attend specialized training, according to the established schedule;
- immediately inform Oradea Local Police leadership about all special events in the activities of public order enforcement and keep track of them;
- give a monthly analysis of the work of the subordinate staff;
- take effective measures in order for the entire staff to properly execute their incumbent duties, have a civilized behaviour, respect the disciplinary rules set, by proposing rewards and sanctions, accordingly;
- participate, along with Oradea Local Police leadership, to the drafting or updating of the public order and safety plan of Oradea Municipality;
- ensure the maintenance of public order and tranquility in areas and places established by the public order and safety plan of Oradea Municipality;
- organize and coordinate the verification of the claims and complaints addressed to Oradea Local Police, on the committing of acts that violate public order and tranquility;
- prepare a weekly report on the activities of the subordinate staff and submit it to the chief of Oradea Local Police;

⁵ Decision (No. 15/2011) approving the public order and safety plan of the local police. The Local Council of Oradea Municipality.

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- provide daily training of local police officers on awareness of the operational situation in their area of competence;

4. Local Committee of Public Order

At Municipality level, a Local Committee of Public Order⁶ operates, consisting of:

- *The Mayor of Oradea Municipality..... – Chairman of the Commission;*
- *Police Chief Commissioner..... – Oradea Municipality Police Chief*
- *..... - Oradea Local Police Chief;*
- *..... - Secretary of Oradea Municipality;*
- *..... – Local Councilor;*
- *..... – Local Councilor;*
- *..... – Local Councilor.*

The Local Commission has the following duties:

- ensure cooperation between public institutions and services with duties in public order and public safety enforcement at the level of the administrative-territorial unit;
- endorse the draft of the Regulation of organization and functioning of the local police;
- draw up the project for the public order and safety plan of Oradea municipality, which he updates annually;
- periodically review the activities of public order and safety enforcement at the level of Brasov municipality and make proposals for the settlement of the deficiencies found and the prevention of acts affecting the social climate;
- assess the specific requirements and make proposals on the number of local police staff necessary;
- submit annual reports to the deliberative authority on the implementation of the provisions of the public order and safety plan of the administrative-territorial unit. On the basis of the conclusions drawn from the the analyses carried out, he proposes to the local public administration authorities the initiation of draft resolutions by which to prevent acts that affect the social climate.

The Local Committee meets quarterly or whenever necessary, being convened by the Mayor/General Mayor of Bucharest or one third of the number of local councilors/general councilors.

Conclusion

The Local Police (of Oradea) focus on fulfilling the tasks set by the “Public Order and Safety Plan of Oradea Municipality”, drafted by the City Hall of Oradea, approved by the Mayor of Oradea Municipality and having the advisory opinion of Oradea Municipality Police, and their primary objectives are to increase citizen safety, to prevent and combat criminal acts and contraventions, crime and street crime and other missions in compliance with the provisions of Law no. 155/2010.

Bibliography:

1. Government Ordinance no. 74/2013;
2. Mateaş Fl., Curulescu G., Nicholas M., Manualul poliției locale, Editura CEAFSCE, București, 2011 (Local Police Handbook, CEAFSCE Publishing House, Bucharest, 2011)
3. Mateaş Fl., Curulescu G., Nicholas M., Proceduri operaționale, Editura CEAFSCE, București, 2011 (Operational Procedures, CEAFSCE Publishing House, Bucharest, 2011)

⁶ Local Committee of Public Order established through H.C.L. (Local Council Decision) no. 60/2011.

4. Decision (No. 15/2011) approving the public order and safety plan of the local police. The Local Council of Oradea Municipality, Bihor County: Considering:
5. The provisions of Law No. 155/2010 on Local Police.
6. Order No. 92/2011 approving the methodology of the public order and safety plan of the local police.
7. Local Council Decision (HCL) No. 1/2011 on the set up and operation of the local committee of public safety.
8. Government Decision (HG) 1332/2010 on the Regulation of organization and functioning of the local police.
9. H.C.L. (Local Council Decision) No. 60/2011 for the establishment of the Local Committee of Public Order
10. Nadia Cerasela Aniței, Drept financiar, Editura Universul juridic, București, 2011.
11. On grounds of Article 36 in conjunction with Article 45 of Law No. 215/2001 (r1).
12. The Local Council of Oradea Municipality adopts this decision:
13. Article 1. The plan of public order and safety of Oradea Local Police is approved, according to Annex 1 which is part of this decision.
14. Article 2. This decision will be communicated to persons and institutions concerned by the care of the secretary of the municipality.

Web resources:

1. www.anaf.ro – National Agency of Fiscal Administration