

DUTIES OF THE LOCAL POLICE REGARDING THE SECURITY OF OBJECTIVES, GOODS, VALUABLES AND THE PROTECTION OF INDIVIDUALS

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Abstract

Security is that which ensures the well-being and the protection of the individual, as well as everything that is related to the human being: food, economy, education, environment, etc. Fighting crime as a way of providing the security of mankind “must take into account the respect for human rights”. All modern human communities have come to understand the need to intensify concerns in order to extinguish states of conflict since their early phase. Therefore, the attention of policy makers and analysts in each human settlement turns increasingly toward those events, processes and phenomena that can give rise to dangerous contradictions, trying to discover, examine, master them, constantly keeping them under control.

Keywords: security of objectives, protection of individuals, specific documents, security with the local police

1. Introduction

People have always tried to ensure their own protection against certain eventualities, in the beginning by satisfying their vital needs, and later on by giving rise to bodies empowered to ensure national security and/or local security.

Security went from being defined as “a state of fact” modifying its composition with the development of technique and technology in parallel with terrorist attacks and organized crime, to representing a security environment. The security issue has preoccupied human communities throughout their existence. With the social and political organization of human society, the need to ensure the security of the community has also emerged. The concept of security at the individual’s level expresses the feeling of not being in danger, of being protected, of living peacefully in an environment allowing self-affirmation on multiple levels. At the level of the community, the concept of security means a situation where a group of people, a state or groups of states, following specific measures of protection, have the certainty that their existence, integrity or fundamental interests are being protected.

2. The notions of security of objectives, goods and valuables and protection of individuals

The Romanian Police are part of the Ministry of Internal Affairs and the Local Police within the Local Administration are a specialized institution of the State, which exercises powers regarding the protection of the fundamental rights and freedoms of individuals, of public and private property, the prevention and detection of crimes, the respect for public order and tranquility, in compliance with the law.

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The two structures complement each other in their mission of ensuring the security of objectives and the protection of individuals.

The activity of the Romanian Police is a specialized public service done in the interest of the individual, of the community and in support of the State's institutions, being solely based on and aimed at law enforcement.

In carrying out their incumbent tasks, the Romanian Police cooperate with state institutions and collaborate with non-governmental organizations and associations, as well as natural and legal persons, within the limitations of the law².

Security and protection are activities performed by specific forces and means in order to ensure the safety of objectives, goods and valuables against any unlawful action adversely affecting the right of ownership over them or their material existence, as well as to protect individuals against any hostile acts that may endanger their life, physical integrity or health.

Security and protection are achieved through military or civilian forces and means by specialized institutions of public administration authorities, or privately, by the owners or holders of the objectives, goods and valuables, as well as by specialized security and protection companies³.

Security and protection structures, in the sense of the present methodology, include:

- a) companies specialized in security and protection;
- b) specialized bodies organized by regulations approved by Government Decision
- c) security of one's own⁴.

The ministries and other bodies of central and local public administration, autonomous administrations, national corporations and national companies, national research and development institutes, trading companies, regardless of the nature of their social capital, as well as other organizations holding goods or valuables by any title, called units under the law, are required to ensure their security.

Natural persons can resort for their personal protection to the services of specialized security and protection companies under conditions provided for by the legislation in force.

Depending on the importance, characteristics and value of the goods they hold, the heads of ministries and of other specialized bodies of central and local public administration, autonomous administrations, national corporations and national companies, national research and development institutes, trading companies and other units holding goods or valuables on any basis, with specialized support from the police, for civil security systems, or of the gendarmerie, for military security systems, establish concrete ways of organizing and providing security, as the case may be, with gendarmerie forces, public guards, own security personnel or security ensured by specialized companies.

The units grouped in a particular area may organize, with police permit, joint security with public guards, security by their own personnel or by specialized security companies. The heads of these units establish the form of security, the duties and responsibilities of each beneficiary, including those regarding the drafting of the security plan.

In the case of units where it is not possible to provide an organized security system, their heads are forced to produce enclosures, railings, shutters, safe locks, security lighting, alarm systems or other such means necessary in order to ensure the security and integrity of the goods.

The responsibility for coordinating and guiding the work carried out by the security and protection structures mentioned above, for preventing and combating crimes and other violations of the law in this field lies with the Directorate for Public Order Police within the General

² Law no. 218/2002 on the organization and functioning of the Romanian Police

³ Law no. 333/8 July 2003 on the security of objectives, goods, valuables and the protection of individuals, Article 1

⁴GIRP (General Inspectorate of the Romanian Police) Disposition no. 422/25 September 2006 on the regulation of the activity of the police structures in the field of security of objectives, goods, valuables and protection of individuals, Article 1, para. 2

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Inspectorate of Romanian Police and the Public Order Police Services within County Police Inspectorates, respectively the General Directorate of Bucharest Police, according to their jurisdiction.

As regards objectives or activities in the rail, water and air transport areas, the powers fall within the competence of the Transport Police Directorate, Regional Transport Police Departments, County Services and Transport Police Stations⁵.

Both the Directorate for Public Order Police and Transport Police Directorate include one service in the field, organized into compartments and lines of work. Within the Public Order Police Services of the County Police Inspectorates, a Security System Compartment operates, consisting of officers, of whom at least one is an electronics specialist, all of them being responsible for the control, support and guidance of the activity carried out by the security and protection structures, the beneficiaries of these services, as well as for monitoring the activity of subordinate police structures.

The Public Order Police Service of the General Directorate of Bucharest Police includes a Security Systems Office. Within the public order structures one or more police officers will be designated, depending on the volume of activity in the area, to be in charge of the security issue, who will be evaluated according to specific indicators.

In rural areas, activities in the security line are carried out by officers and agents within Communal Police Offices or Stations, in the assessment of whom specific indicators will be taken into account⁶.

The Security Systems Compartment ensures the fulfillment of police duties in the line of the security of objectives, goods, valuables and protection of individuals, at the level of the Public Order Departments, Offices and Formations in urban areas.

Police officers in the Security Systems Compartments perform the following preventive activities:

- a) provide support, guide and control the manner in which legal provisions regarding the security of objectives, goods, valuables and protection of individuals are respected by the holders of valuables and service providers, establishing the necessary measures to be taken;
- b) ensure knowledge of all holders of goods or valuables within their range of competence and the security measures they have taken;
- c) identify the objectives that work with few security measures and determine who should implement additional measures in order to protect the valuables;
- d) analyze the causes and circumstances of facts burglary or robbery committed on the personnel operating with the valuables of the objectives within their competence and propose measures to improve the security of all similar units in order to prevent such acts in the future.

To combat crimes aimed at the patrimony of institutions or economic units, police officers of the Security Systems Compartments gather information and carry out operational activities in order to identify those who violate legislation in the field of security and protection of objectives, goods, valuables and individuals, imposing the legal measures that are necessary⁷.

⁵ GIRP Disposition no. 422/25 September 2006 on the regulation of the activity of the police structures in the field of security of objectives, goods, valuables and protection of individuals, Article 2

⁶ GIRP Disposition no. 422/25 September 2006 on the regulation of the activity of the police structures in the field of security of objectives, goods, valuables and protection of individuals, Article 3

⁷ Annex to the GIRP Disposition no. 7/7 February 2008 on the principles of organization and action of the public order police structures, Article 21

The protection of magistrates, police officers and gendarmes, as well as of the members of their families, if their lives, physical integrity or property are under threat, is ensured by the Ministry of Interior, according to the law⁸.

The responsibility for taking measures to ensure the security of goods and valuables held by any title falls upon the heads of ministries and other specialized bodies of central and local public administration, autonomous administrations, national corporations and national companies, national research and development institutes, trading companies and other units holding goods or valuables by any title.

Security is organized and carried out according to the security plan drawn up by the unit whose goods or valuables are being watched over, with a special permit from the police. This permit is required for each instance of security plan change.

For units that ensure security through gendarme forces, a police permit is not mandatory.

The security plan sets the following main issues: characteristics of the objective under watch, the number of posts and their location in the respective area, the number of security personnel required, facilities, security and alarm equipment and technical means, posts' curfew, connection and cooperation with other bodies responsible for the security of objectives, goods, valuables and people and the mode of action in various situations. Access rules should also be provided, in compliance with the orders of the unit's head, as well as the documents specific of the security service.

In the case of units that ensure security through gendarme forces, specialized security and protection companies, public guards or a combination thereof, the security plan is drawn up by the heads of the beneficiary units together with the commanders/chiefs of these forces.

The specific documents required for the performance and records of security services, except for those provided by gendarme forces, and the models for these documents are established by Government Decision⁹.

As part of the specific activities they carry out within their range of competence, the proximity police should identify the objectives that require the provision of physical guarding, mechanical and electronic protection systems or complementing and upgrading those already in place, as well as connection to local monitoring dispatch units, while notifying about this, according to a grid, the Security Systems Compartments within the municipal and town Police structures. Police officers in these compartments should check and enforce legal measures to secure the objectives indicated.

Owners Associations will be advised by the proximity police officers to implement appropriate mechanical and electronic systems at the stairway entrances of their blocks-of-flats. Also recommendations should be made, in areas where required (parking lots, isolated walkways, places where public order and tranquility are frequently violated or street gangs are active, etc.), to organize security and protection according to a patrol system provided by authorized companies¹⁰.

Specific documents necessary for the performance and records of the security service

These documents and records should be present in all units provided with any of the forms of security mentioned by the law as a necessary condition for security activities, because

⁸ Law no. 333/8 July 2003 on the security of objectives, goods, valuables and protection of individuals, Article 3

⁹ Law no. 333/8 July 2003 on the security of objectives, goods, valuables and protection of individuals, Article 5

¹⁰ GIRP Disposition no. 422/25 September 2006 on the regulation of the activity of the police structures in the field of security of objectives, goods, valuables and protection of individuals, Article 81

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they keep track of all the activities and operations carried out by the security personnel and of the control exerted over the work thereof.

a) Post-Bulletin Register: set for objectives whose security system consists of three or more posts. In this case one or several shift heads of the service or of the objective will be appointed, by the beneficiary, in the case of self-provided security, or by the service provider, when the activity is carried out by security companies.

b) Register of Service Delivery-Receipt Reports, used at each guard post.

c) Register of Weapon Delivery-Receipt Reports, used at armed guard posts.

d) Records of People's Access.

e) Records of Vehicle Access, where appropriate.

f) Records of Factory Railway – CFU Access – where appropriate.

g) Records of the Movement of Weapons, kept at the arms' room.

h) Control Register, which records the checks performed by the representatives of the beneficiary and of the provider.

i) Unique Control Register, which records the checks performed by police officers or gendarmes, as appropriate.

j) Register of Events.

k) Special Register for keeping track of contracts.

All these documents, except the Records of Weapons and the Special Register, are numbered and registered at the secretary's office of the guarded unit, the two exceptions being registered each year at the Public Order Police Services of the General Directorate of Bucharest Police or of the County Police Inspectorates¹¹.

Duties of the Ministry of Administration in providing the security of objectives, goods and valuables

The Ministry of Administration is a specialized body of the central public administration, with legal personality and headquarters in Bucharest Municipality.

The Ministry of Administration exercises, in compliance with the Constitution and the laws of the country, its duties relating to:

a) the protection of the fundamental human rights and freedoms, of public and private property;

b) achieving the Governance Program and strategies in the field of public administration and order and monitoring, on behalf of the Government, the development and application of institutional reform programs by ministries and other central public administration authorities;

c) public function and civil servants;

d) the activity of cadastre, geodesy and cartography;

e) activity concerning disadvantaged areas and industrial parks;

f) the provision of public order;

g) the security of individuals, objectives, goods and valuables;

h) the prevention of and fight against antisocial acts;

i) compliance with the legal regime of the state border;

j) the computerized record of the person;

k) the legal status of foreigners;

l) applicants for refugee status and persons who were granted a form of protection in Romania;

m) fire safety and civil protection of people and property, as well as the management and protection of the National Archive Fund.

¹¹ Government Decision no. 1010/10 August 2004 approving the methodological norms stipulated in Article 69 of Law no. 333/2003 on the security of objectives, goods, valuables and the protection of individuals, Annex 4, Article 1

Duties of the Romanian Police regarding the security of objectives, goods, valuables and the protection of individuals

- a) approve the security plans of units whose security is not ensured by gendarme forces and determines, where appropriate, the need to equip the personnel involved with the required weapons and ammunition, if there are documents certifying the right of ownership or, as the case may be, the right of use over the objective¹²;
- b) provide specialist support in organizing security for these units, in training the security personnel and see to the strict enforcement of the measures established through the security plan;
- c) issue operating licences for specialized security companies and deliver permits for the heads thereof, in compliance with the law;
- d) issue certificates for the employment of security personnel or withdraw the certificate granted when the legal conditions that were the basis for its issuance are no longer met;
- e) approve, as appropriate, thematic plans for the training of the security personnel and bodyguards;
- f) approve the design for technical intrusion alarm systems, proposed for installation in the units;
- g) direct and oversee, where appropriate, the carrying out of firing sessions using the supplied armament by the security personnel and bodyguards;
- h) provide assistance in the organization of the security and bodyguard activities and supply, for free, the armament necessary to equip the personnel of public institutions authorized by the law on their establishment, organization and functioning to own and use firearms and ammunition, with the exception of those in the Defence, Public Order and National Security System;
- i) provide, through rental, for a fee, within available funds, the weapons needed to equip the security personnel of other units ;
- j) control the enforcement of legal provisions on the protection of objectives, goods and valuables, as well as those on bodyguard activity and establish measures to be taken;
- k) approve the rules of organization and functioning of the dispatch units in the area and monitor alarm systems;
- l) issue operating licences to companies specialized in activities of design, manufacture, installation and maintenance of alarm systems against intrusion or their components and of monitoring the alarms in the premises or revoke their licence, under the conditions of the law;
- m) authorize the managers and technical staff of specialized companies or withdraw these permits when the conditions provided by the law are no longer met;
- n) authorize the security personnel and bodyguards to own and use firearms;
- o) control and guide the activity of specialized companies;
- p) keep track of the licences, certificates and permits granted, as well as those withdrawn, and supply, on demand of the security and protection service beneficiaries, data in this regard¹³.

Duties of police officers in the Public Order structures regarding the security of objectives, goods, valuables and the protection of individuals

I. Public Order Offices and Formations, by law, carry out the following activities:

- a) provide specialized assistance, upon request, to the unit heads to help them establish effective ways of organizing and carrying out security services or install mechanical and electronic security means necessary to ensure the security and protection of goods and valuables, and also control the security systems adopted;

¹² Law no. 9/9 January 2007 amending Law no. 333/2003 on the security of objectives, goods, valuables and the protection of individuals, section 6

¹³ Law no. 333/8 July 2003 on the security of objectives, goods, valuables and protection of individuals, Article 55

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- b) notify in writing the managers/associates, heads of public and private economic agents about the obligations imposed by law with regard to the protection of patrimony;
- c) verify the manner in which the managers/associates, heads of public and private agents fulfill the obligations imposed by law with regard to the protection of patrimony;
- d) verify, according to their competence, the documents required for the approval of the applicants' requests to attend security guard qualifying courses;
- e) verify and propose for approval security plans for objectives secured with unarmed guards;
- f) carry out field verifications, following the observance of legal provisions regarding the holding, handling, storage and transportation of monetary values;
- g) conduct inspections and punctual actions at the objectives within their range of competence, which they communicate to the competent county service;
- h) propose the withdrawal of certificates from security personnel, in the cases prescribed by law;
- i) carry out regular trainings with the security personnel upon request or when the operational situation requires it;
- j) draw up reports addressed to the management of units within their range of competence where flaws were found in the security activities;
- k) organize meetings with the representatives of owners of goods and valuables in order to convince them to ensure appropriate security and protection against potential risks and threats;
- l) perform case analyses, aiming to establish favouring causes and circumstances, take measures to remedy deficiencies and spread information for preventive purposes, within the limitations of the law;
- m) carry out, within their competences, activities of criminal case investigation concerning the offences provided by the law with regard to the security of objectives, goods, valuables and the protection of individuals;
- n) carry out specific activities to identify legislation infringements in the field of the security of objectives, goods, valuables and the protection of individuals;
- o) establish contraventions and offences, particularly regarding the security law;
- p) communicate to the Public Order Police Service contravention sanctions imposed leading to the suspension of licenced companies or those resulting in the cancellation of security personnel qualifications¹⁴.

Public Order Offices and Formations draw up and keep to date the following records:

- a) objectives that are not provided with security and/or electronic and mechanical means;
- b) objectives provided with unarmed security;
- c) personnel approved for enrollment in training courses;
- d) collecting tellers and other storage spaces for monetary values;
- e) currency exchange and pawn offices, jewelry stores;
- f) lotteries and sports betting agencies;
- g) wholesale trade centers;
- h) post offices;
- i) museums, churches and any other places of culture and art that do not hold patrimony assets;
- j) petrol stations and deposits;
- k) educational units and institutions.

In fulfilling its incumbent duties, the Ministry of Administration cooperates with the other ministries and other specialized bodies of the central public administration and collaborates with local public administration authorities, their associative structures, employers' associations

¹⁴ GIRP Disposition no. 422/25 September 2006 on the regulation of the activity of the police structures in the field of security of objectives, goods, valuables and protection of individuals, Article 8

and trade unions, associations and non-governmental organizations, other legal entities, as well as natural persons, within the limitations of the law.

The Ministry of Administration organizes, provides and conducts cooperative relations with authorities in other countries specialized in its areas of competence, and through internal affairs attachés or liaison officers ensures the representation of the institution in relation to similar authorities of the countries with which Romania has diplomatic relations or specialized international bodies and organizations¹⁵.

Security with the local police

Law no. 155/2010 on the organization and functioning of Local Police mentions in Article 1 that this institution aims to ensure public order and safety, but also to increase the efficiency of the security of objectives, goods and valuables of public and private interest. The number of posts for local police officers with security duties is determined depending on the number and importance of the objectives for which security is to be provided.

The local police are organized as follows:

- the structure for public order and tranquility and security of goods;
- the structure for traffic on public thoroughfares;
- the structure for discipline of construction works and street display;
- the structure for environmental protection;
- the structure for trading activities;
- the structure with duties in the line of population statistics.

The structure for public order and tranquility and security of goods is made up of the head of the structure who is subordinate to the local police chief and local police officers with duties in maintaining public order and tranquility and ensuring the security of goods.

The head of the structure for public order and tranquility and security of goods has the following specific tasks, depending on the responsibilities entrusted to him:

- a) organizes, plans, directs and controls the activity of the local police personnel with duties in maintaining public order and tranquility and ensuring the security of goods;
- b) draws up the security plans of the objectives within his competence;
- c) makes 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;
- d) keeps track of the contravention sanctions enforced by the subordinate staff;
- e) makes sure that the subordinate staff attend specialized training, according to the established schedule;
- f) immediately informs the Local Police leadership about all special events in the activities of public order enforcement and keeps a record of these events;
- g) gives a monthly analysis of the work of the subordinate staff;
- h) takes 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;
- i) participates, along with the Local Police leadership, to the drafting or updating of the public order and safety plan of the administrative-territorial unit/subdivision;
- j) prepares a daily report on the main events and submits it to the Local Police chief;
- k) provides the daily training of local police officers to raise awareness of the operational situation in their area of competence¹⁶.

¹⁵ Emergency Ordinance no. 63 of 28 June 2003 on the organization and functioning of the Ministry of Administration and Interior, approved by Law no. 604/2003

¹⁶ Government Decision no. 1332/23 December 2010 on the approval of the Framework Regulation regarding the organization and functioning of the Local Police, Article 16

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The contractual personnel of the Local Police provide the security of goods, objectives and valuables as set by the Local Council or the General Council of Bucharest, through decisions.

The contractual personnel of the Local Police with duties in the field of security of goods and local interest objectives have the following specific tasks:

a) check, during the service, vulnerable places and spots, the existence and state of locks, of the technical facilities and security and alarm systems and take, if necessary, appropriate measures;

b) know the legal provisions regarding access to objectives and the rules established in the security plans;

c) make sure that the people who were allowed in the premises, on the basis of the documents set, only move to places to which they were given access;

d) do not leave the post entrusted to them except in situations and conditions provided for in the post's curfew;

e) verify the objective entrusted to them for guarding, to find any potential sources of fire, explosion, or other serious hazards. If such hazards have occurred, take the first measures to rescue people and goods, and also to limit the consequences of these events and notify the competent authorities;

f) in the case of a flagrant offence, they take measures to deliver the perpetrator to the Romanian Police structures competent by law. If the perpetrator has disappeared, they ensure the safety of goods, do not allow other people to enter the crime scene and announce the competent police unit, while also drafting a report in which they include their findings;

g) make use of the weaponry they are equipped with¹⁷ only in strict compliance with legal provisions.

Conclusions

The Local Police can provide, under the conditions of the law, the security of transportation of goods and valuables, consisting of amounts of money, credit bonds, cheques or other securities, jewelry, precious metals and stones, belonging to the commune, town, Oradea municipality or Bucharest municipality sector¹⁸.

During service, the contractual personnel of the local police with duties in the field of security of goods and objectives of local interest are obliged to wear uniforms and exercise the duties listed in their job description. Also when the use of weapons cannot be avoided, the local police personnel may make use of the weapon supplied while exercising their duties regarding the security of goods and objectives of local interest¹⁹.

Bibliography

1. Law no. 218/2002 on the organization and functioning of the Romanian Police
2. Law no. 155/2010 on Local Police
3. Law no. 333/8 July 2003 on the security of objectives, goods, valuables and the protection of individuals, Article 1, Article 3

¹⁷ According to Government Decision no. 1332/23 December 2010 on the approval of the Framework Regulation regarding the organization and functioning of the Local Police, Article 32 provides that local police staff who have made use of a weapon are obliged to act immediately in order to provide first aid and medical assistance for the injured persons and also to immediately notify the nearest police body of the Romanian Police, regardless of whether or not there were victims or property damage, according to the provisions of Law no. 295/2004 regarding the regime of weapons and ammunition, as subsequently amended and supplemented.

¹⁸ Government Decision no. 1332/23 December 2010 on the approval of the Framework Regulation regarding the organization and functioning of the Local Police, Article 30

¹⁹ Law no. 155/2010 on Local Police

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4. GIRP Disposition no. 422/25 September 2006 on the regulation of the activity of the police structures in the field of security of objectives, goods, valuables and protection of individuals, Article 1, para. 2, Article 2, Article 3, Article 81
5. Annex to GIRP Disposition no. 7/7 February 2008 on the principles of organization and action of the public order police structures, Article 21
6. Government Decision no. 1010/10 August 2004 approving the methodological norms stipulated in Article 69 of Law no. 333/2003 on the security of objectives, goods, valuables and the protection of individuals, Annex 4 , Article 1
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