

## **A FEW CONSIDERATIONS REGARDING THE SPECIFIC LEGISLATION DEALT WITH BY THE LOCAL POLICE OFFICER**

**F. Mateaş**

**Florian Mateaş**

Law and Economics Faculty, Social Sciences Department  
Agora University of Oradea, Oradea, Romania

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

E-mail: departament@univagora.ro

### **Abstract**

*The Local Police have extensive powers and function at the level of each locality where there are Local Police forces. The Local Police Law<sup>1</sup> transferred the powers that should be held by the local communities in order for them to better carry out their work and be closer to citizens, in terms of the protection of goods, protection of physical integrity, as well as the management of road traffic on public thoroughfares, especially in the inner cities, including car parkings and car lifting.*

**Keywords:** local police officer, law, regulation, service, citizen

### **Introduction**

*Considering the various areas in which the Local Police operate, the duties of this entity are numerous. Local police officers maintain public order and tranquillity, have taken over some of the duties of the current Road Police, ensuring traffic fluency and having the right to pull over vehicle drivers, perform checks to identify construction works carried out without a construction permit and verify the legality of trading activities carried out in agricultural and food markets by freelance workers and economic operators.*

### **The duties of local police officers according to the law and the framework regulation**

The Local Police personnel consist of civil servants and contractual persons, in accordance with law provisions<sup>2</sup>. It operates on the basis of Government Decision 1332/2010 approving the Framework Regulation on the Organization and Functioning of the Local Police and the Ministry of Administration and Interior Order no. 92/5.05.2011 approving the Methodology for the Preparation of the Local Police Public Order and Safety Plan.

In this context, there are two types of police officers in Romania: the *Local Police* and the *National Police*.

The Local Police have extensive powers and operate at the level of each locality where there are Local Police forces. The Local Police Law<sup>3</sup> transferred the powers that should be held by the local communities in order for them to better carry out their work and be closer to the citizen, in terms of the protection of goods, protection of physical integrity, as well as the management of road traffic on public thoroughfares, especially in the inner cities, including

---

<sup>1</sup> Local Police Law no. 155 of 12 July 2010.

<sup>2</sup> Local Police Law no. 155 of 12 July 2010, Government Decision no. 1332/2010, Order no. 92 of 5 May 2011 for the approval of the Methodology approving the Local Police public order and safety plan.

<sup>3</sup> Local Police Law no. 155 of 12 July 2010.

car parkings and car lifting. The Local Police will be closer to the citizens and their needs, while the National Police will handle actions in the intervention domain, managing police activities such as those of the Romanian Police or fraud investigation. Also, officers of the National Police wear a new uniform and have a new logo, *which differentiates them from their colleagues in the Local Police.*

**The Local Police have got increased powers through Law 155/2010**

Local police officers have among their duties “the prevention and detection of crimes in areas such as public order and tranquillity, the protection of goods; traffic on public thoroughfares; discipline of construction works, street display, environmental protection; trading activities and population statistics”.

The fines imposed by the local police are either those provided by the legislation in force or those established by the Local Councils which they are subordinated. Sanctions can only be annulled by the law courts if challenged within 15 days of receipt of the minutes. In a chart of the fines imposed by the local police, the first position is held by those for illegal parking, the second by those for disturbing public order and tranquillity, and the third position is occupied by unauthorized trade.

Since 1 January 2011, the Community Police turned into the Local Police and has increased its activity, as follows:

- \* Police Community officers, who have become Local Police, can pull over vehicles in traffic and can impose sanctions for irregularities concerning the maximum permissible mass and access to certain sections of the road.

- \* The sanctions may include penalty points.

- \* They may sanction pedestrians, cyclists, drivers of mopeds and carters for irregularities in the traffic.

- \* Local Police officers in the field of road traffic will work for one year, with officers from the County Police Inspectorate.

- \* The Local Committee for Public Order is founded, which will be run by the mayor.

Example: Article 7, lettre i) of Law 155/2010 - “*they find offences and impose sanctions for the violation of legal norms on the maximum permissible mass and access to certain sections of the road, having the right to perform stop signals addresses to the drivers of the respective vehicles*”.

Local Police officers are *armed with handguns with bullets, handguns with non-lethal ammunition and electric shock batons*, in accordance with the Framework Regulation on the Organization and Functioning of the Local Police, adopted by Government Decision 1332/2010 published in the Official Journal (Annex no. 3). In Article 42, the Regulation provides one weapon and an amount of 12 cartridges, at the most, for *local police officers and contractual personnel with duties in the field of protection of goods and of local interest sites*. If the gun is lethal, it will only be used by its holder, under the conditions laid down in Article 33, para. 3 of Law 295/2004, with its subsequent amendments and additions.

A key issue lies in the fact that the Local Police, although subordinate to the Mayoralty, is obliged to cooperate with the Romanian Police, the two entities being meant to act as one.

Another priority is the training of local police officers. In accordance with Article 18 of Law 155/2010, local police officers emerging from the structures of the Community Police have the obligation to complete an initial training programme organized in an educational institution under the Ministry of Administration and Interior, within 5 years. Local police officers selected following the operationalization of the structure that will have duties in the field of public order and tranquillity and those with duties in the field of road traffic will be required to complete an initial training programme organized by the Ministry of Administration and Interior, within a year. An exception will be made for the local police officers emerging from the public order and security structures of the Ministry of

Administration and Interior, as well as for those who have completed the initial training programme organized in an educational institution under the same ministry, according to Article 18, para. 3 of Law 155/2010. The level of professional training for the hiring of local police officers with duties in the field of environmental protection, trading activities and construction works discipline, will be determined according to the Regulation on the organization and functioning of each Local Police in part.

A preliminary analysis of the transformation of the Community Police into the Local Police and/or the establishment of the Local Police shows that the disadvantages related to the poor financial motivation, the lack of necessary equipment and logistics etc., outweigh the benefits provided by Law 155/2010.

Thus, the Government's plan has recently supplemented some of the measures concerning public order and security by granting new powers to the local police officer through Law 155/2010, but this action was not accompanied by measures for endowment with the equipment and logistics necessary in order to operate within normal activity parameters. Moreover, in both Law 371/2004 (Community Police Law) and Law 155/2010, the local police officer is not assimilated in financial terms to the integrated public order and security system, as are the Romanian Police, Gendarmerie, where the pecuniary motivation is higher, a situation which is about to be remedied.

With all these difficulties they are experiencing, local police officers must be aware at all times of the purpose and importance of the work they are obliged to carry out in the community to ensure a climate of order and tranquility for citizens and the safety of both their person and their property.

**The Local Police is more at the service of the citizens than “the Local Guard” especially by the power of law**

The Local Police as a police force at the service of the citizens is a manner of approaching and carrying out all police missions aimed at a better understanding of the needs and expectations of the population, a better control of the territory in order to anticipate antisocial actions and a sustainable and adaptive response in order to provide security. The Local Police, in the broad sense of the concept, is the modern working method in which the attitude towards work, leadership style and organizational strategy are geared towards the preventive and proactive recognition of the community problems that cause fear and insecurity, as well as of the causes that may lead to crime and antisocial acts, approaching and solving or removing them by working closely with the population and with other institutions.

The concept of Local Police allows meeting citizens' requirements, setting the following priorities:

- reducing fear among the population by encouraging preventive thinking and actions;
- promoting increased accountability among citizens so that they feel in control of their lives and property;
- showing the public that security contributes to an increased quality of life;
- free and objective counseling of citizens in matters of security;
- fostering collaboration between the public and the police, encouraging citizens to inform the police when they have knowledge of an antisocial act;
- teaching the population how to properly assess crime in order to decrease the rate of criminal acts and the fear they cause;
- protecting the population only through police actions is not enough to reduce crime. The security of the population largely depends on the behaviour of the community.

#### *Conclusions*

According to the normative act, the Local Police were set up to in order exercise duties regarding the protection of the fundamental rights and freedoms of individuals, private and public property, the prevention and detection of crimes in the following areas:

- public order and tranquillity, as well as the protection of goods
- traffic on public thoroughfares

- construction works and street display discipline
- environmental protection
- trading activities
- population statistics
- other fields established by law

The Local Police function as a department within the specialized apparatus of the mayor or as a local public institution, with a distinct legal personality.

### **Bibliography**

1. Law local police no. 155/2010;
2. Decision Government no. 1332/2010 regarding the approval framework for the organization and functioning of the local police;
3. Ordered Government no. 2/2001 on the legal regime of contraventions, republished, with subsequent amendments;
4. Law no. 295/2004 regarding the regime of weapons and ammunition, republished, with subsequent amendments;
5. Ordered emergency no. 26/2008, amending and supplementing Law no. 295/2004 regarding the regime of weapons and ammunition, as amended and supplemented;
6. Law no. 61/1991, republished, the sanctioning încãlcãre of social standards of public order, as amended and supplemented;
7. Law no. 17/1996 regarding the regime of weapons and ammunition ( art. 46-52 ), as amended and supplemented;
8. Law no. 215/2001 on local public administration, republished, with subsequent amendments.

### **Monographs:**

1. Bianu, E., Civic order. Police science professional guide, Bucharest, 1938;
2. Cârjan, L., History of Romanian Police from the origins to the present, Ed West, Bucharest, 2000;
3. Constantin, C., Components and efficient managerial career Romanian police, Sitech Publishing, Craiova, 2009;
4. Iacob, A., Constantin, C. & Co., Treaty of theory and tactics police Publishing MAI, Bucharest, 2012;
5. Sandu, F., Serb, S., Udrea, M., Draghici, I., Theory and tactical police, Inside Ministry Publishing, Bucharest, 2002;
6. Mateas FI Curulescu G., Nicholas M., Handbook local police, CEAFSCE Publishing, Bucharest, 2011;
7. Mateas FI Curulescu G., Nicholas M., Operational procedures work CEAFSCE Publishing, Bucharest, 2011

### **Internet sources (pages /sites):**

[www.mai.gov.ro](http://www.mai.gov.ro)  
[www.politiaromana.ro](http://www.politiaromana.ro)  
[http://www.igpr.ro/Ordine\\_publica/index.htm](http://www.igpr.ro/Ordine_publica/index.htm)  
[http://www.igpr.ro/directia\\_investigare\\_fraude.htm](http://www.igpr.ro/directia_investigare_fraude.htm)  
[http://www.igpr.ro/directia\\_arme.htm](http://www.igpr.ro/directia_arme.htm)  
[http://www.igpr.ro/crima\\_organizata.htm](http://www.igpr.ro/crima_organizata.htm)  
[http://www.igpr.ro/directia\\_cazier.htm](http://www.igpr.ro/directia_cazier.htm)  
[http://www.igpr.ro/oficiul\\_national\\_protectia\\_martorilor.htm](http://www.igpr.ro/oficiul_national_protectia_martorilor.htm)  
[www.academiadepolitie.ro](http://www.academiadepolitie.ro)  
[www.ina.gov.ro](http://www.ina.gov.ro)  
[www.cepol.net](http://www.cepol.net)  
<http://www.politialocalabucuresti.ro/>  
<http://legislatie.just.ro/>