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## The formal notice of persons

**Arsene Ionela**

Independent researcher

**Abstract.** The public order policeman is a civilian, armed civil servant, with a special status, who usually wears a uniform and performs the duties provided by law for the Romanian Police, as a specialized institution of the state. The policeman exercises his function by officially intervening, when the situation requires it, against any individual, regardless of his rank or social position. Any action taken must be motivated by the need to defend the life and bodily integrity of the individual, but also the property, or to maintain the climate of public safety. In the interaction with the citizens, various situations have been noticed in which the police officers do not address them with sufficient kindness, they apply the legal provisions abusively and even commit acts of impropriety, things incompatible with the status of a police officer or, even better said, the status of the police from a member country of the European Union. The job of a policeman, due to its specificity, comes with special duties and risks, so that through the law on the organization and operation of the Romanian Police and the Statute of the policeman, he is granted rights and obligations by which he can fulfill his entrusted missions, taking at the same time in calculating and ensuring protection. Precisely in order to carry out everything according to the legal provisions and for the safety of people, during and in connection with the fulfillment of the duties, the policeman is invested with public authority. As a result of the usual activities, the operational staff of the Romanian Police may face several situations that can only be solved by means of the laws in force and based on the experience gained. That is why it is necessary to know and respect the methods of intervention by applying appropriate rules, the intervention being an imperative condition for the successful fulfillment of professional duties.

**Keywords.** Police tactical rules, intervention, legality, patrol, citizen

### **I. General considerations regarding the formal notice of persons**

I.1. The formal notice. Tactical rules to be followed during the formal notice.

When talking about police tactics, when referring to how to proceed in the case of demonstrations or protests, as a rule, first the individuals who cause a disturbance of the public peace are intercepted, they are asked to identify themselves, and if they retaliate, then verbal notice is applied.

Interception is the measure that imposes the request addressed to an individual to end an activity they are carrying out, in order to clarify a situation that has arisen.

Interception is made in the following cases:

- a) against law-abiding individuals;
- b) against individuals about whom there is clear evidence that they are premeditating or have already committed a crime;
- c) against suspicious individuals who, according to the way they behave, dress, where they are, create suspicion among the police bodies who are on duty;

- d) towards the individuals who can declare about the facts or other aspects that can help to resolve the service attributions by the competent authorities.

The individual concerned is asked, from an appropriate distance, in a firm, persuasive tone, to stop using the formula " *Hello, I'm (rank, name and first name) from (police unit) - "Please stop! "* .

If the situation requires it, the policeman will show his ID, maintaining a distance from which he can act safely.

You have to act firmly, subtly, explaining to the individual the reason why he is stopped, telling him what is to be done next, i.e. identification and baggage check.

During the discussions, the individual is carefully monitored, the policeman being always ready to act to defend himself or capture the individual in case there is an attempt to run away.

When the activity is carried out in a team, the partner will sit in a lateral position, slightly behind the intercepted individual. The policeman's position is also conditioned by the presence or absence of certain obstacles located near the stopped individual, such as buildings, fences, walls, in which case the policeman will position himself on the opposite side of the obstacles.

The partner must intervene quickly if the stopped individual becomes aggressive or tries to run away. He will also pay attention to what is happening around the place where the individual in question is in order to prevent and fight back against a surprise attack.

The interception of the individual on the roads or streets must be avoided, and if this cannot be avoided, the individual must be removed from the area in question, in dark or uneven places, in crowded areas or where there are groups, and in the situation where it is necessary, the individual is taken in a safe place, suitable for the following activities.

The formal notice is a police tactic that precedes the immediate intervention of the police, carried out in order to:

- a) to stop the beginning of an illegal act;
- b) interrupting the development of antisocial acts;
- c) the interruption of some acts of disturbance of public order;
- d) the interception or arrest of suspicious persons;
- e) the elimination of the resistance attempts of some people in the execution of the legal activities of the police bodies, as well as the disarming of some violent people;
- f) extracting people from a hidden place;
- g) preventing the escape, unauthorized entry or exit of some individuals, in or out of certain objectives, visibly marked perimeters.

*"The verbal notice is executed loudly, with short words, pronounced energetically, in an authoritative tone, from an appropriate distance from the person summoned, which guarantees the security of the policeman" <sup>1</sup> .*

The number of verbal notices and their content is determined on the one hand by the legal provisions, by the number and behavior of the persons, and on the other hand by the committed deed, the execution phase, the time available to the policeman, as well as the measure to be taken taken after summons.

The tactics for restoring public order, in cases of small proportions, are done after early warning and giving the necessary time to interrupt the actions and abandon the area.

If, after the end of the time allowed for dispersal and despite the warning, those summoned do not obey and the activities of disturbing the public order persist, the policeman

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<sup>1</sup>Buzescu, Gheorghe, *Elements of public order*, ProUniversitaria Publishing House, Bucharest, 2016

leading the operation will summon with the formula: "*ATTENTION, PLEASE LEAVE....., FORCE WILL BE USED!*", followed by sound and light signals <sup>2</sup>and other equipment to restore order.

If in such situations, as well as in those provided by the law of the firearms act and ammunition, the use of weapons from the equipment is required, a last verbal notice will be used beforehand, such as: "*LEAVE..... WE WILL USE FIREARMS!*".

The verbal notice is executed loudly, clearly, with short words, pronounced energetically, in an authoritative tone, from an appropriate distance from the person noticed, which guarantees the security of the policeman. Next, the police officer will execute the two phases of the notice, the first of which is preventive in nature, by which the person in question must perform a certain action, presenting himself and the authority on whose behalf the notice is issued "*FREEZE, THIS IS THE POLICE!*" ; "*STOP, THIS IS THE POLICE!*" The second phase has the role of combating the disobedience of the person noticed to perform a certain action, at the same time presenting the action that the policeman is going to implement in the opposite case ("*STOP I'M SHOOTING!*" or "*SPREAD OUT ! WE WILL USE THE BATONS!*").

Between the phases of the notice, a relatively short interval of time will be left, in order to observe the reaction of the person noticed. In case of disobedience, the next phase will be carried out and the actual intervention will be carried out.

In order to be able to anticipate the movements of the summoned person and to be able to intervene promptly in case of necessity, it is necessary to constantly supervise and observe him.

If there is an assumption that the summoned person has weapons on him, the policeman will notice him from a position that ensures his protection.

" *In order to ensure the security of the policeman at night, when it is necessary to illuminate the suspect or the location, the light source will be kept as far as possible from the body, so as not to reveal the position of the policeman* " <sup>3</sup>.

If the noticed person obeys the policeman's instructions, the latter cautiously approaches the suspect and proceeds to the immobilization or execution of other police measures.

If several police officers participate in the intervention, they will act from different directions, but in no case will they act from opposite directions.

## I.2. Attributions of public order bodies regarding the legal notice of persons

### *The principles of achieving public order and safety*

The objectives of the public order strategy will be fulfilled considering the following principles:

The principle of legality. The activity of the forces of order and public safety is carried out taking into account the laws in force, and the citizens - taking into account the constitutional rights and freedoms - submit only to the restrictions established by law and the natural requirements of morality <sup>4</sup>.

The territorial principle and the dynamism of forces. The forces of order and public safety are organized at the central and territorial level, with structures and attributes specific to the disposition and organization of administrative-territorial units and the evolution of the criminal level.

<sup>2</sup> Anane Ivan , *Management of criminal investigation* , Pro Universitaria Publishing House, Bucharest, 2014

<sup>3</sup>Buzescu, Gheorghe, *Rules of police theory and practice* , Pro Universitaria Publishing House, Bucharest, 2016

<sup>4</sup>Popescu, G., et al., *Operative Methods and Techniques* , MAI Publishing House, 2013

The principle of preventing the disturbance of public order. It shows the ability of those in management and law enforcement to adopt at the right time the necessary measures to avoid the occurrence of acts or facts that may disturb public order and peace, to avoid their amplification and escalation into violent or seriously affecting the public order<sup>5</sup>.

The principle of operability and interoperability. It shows the capacity and availability of the law enforcement forces to carry out actions in the national space, to collaborate with similar forces from other states and to carry out specific missions to maintain peace and combat the effects of disasters, in the composition of international bodies, on the territory of other states.

The principle of non-discrimination. It forces law enforcement and public safety to adopt a fair, impartial and non-discriminatory attitude, without distinguishing race, sex, religion, nationality, political affiliation, wealth or social class, towards all citizens.

The principle of avoiding surprise. Presupposes that those who make decisions in the field of public order and safety warn and warn regarding the use of the equipment provided, especially weapons, and, as the case may be, allow the necessary time to cease the actions and/or leave the area by the individuals involved.

The principle of sufficiency, gradualness and balance. It consists in the use of force equally with the type and level of disturbance of public order, only as much as is strictly necessary and for a limited time, sufficient to achieve the proposed objective. The procedures and means of action that are used as coercive measures will be able to be used progressively and only when necessary.

The principle of permanent collaboration with the community. In order to fulfill their duties, the law enforcement agencies support all their activities with the wide participation of the citizens and act with respect for them.

The principle of the inviolability of the person. Every individual has the right to have their life, moral and physical integrity, but also the attributes of their character respected. The principle refers to the individual's right under the law to a fair, public and fair trial by a fair, competent and independent tribunal and also includes the prohibition of the use of torture and ill-treatment of any individual.<sup>6</sup>

The principle of cooperation and specialized intervention. The use of the main and supporting, complementary and exceptional public order and security forces, in maintaining and restoring public order, is carried out in relation to the legal duties, the training and the equipment characteristic of all categories of forces.

The principle of unitary management – structural-relational optimization, synchronization and harmonization of actions in order to achieve the expected goals, with minimum efforts and superior results.

*The structure of the forces of order and public safety*

The public order and security forces are divided into: main forces, complementary forces, support forces and emergency forces.

The main forces of the Ministry of Internal Affairs are empowered by law to exercise the police power of the state. These constitute the main element of the intended structures to control the situation in the field of public order in peacetime or in emergency situations, being composed FROM police structures and gendarmes.

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<sup>5</sup> Buzescu Gheorghe, *The place and role of the civil servant in the state apparatus*, Sitech Publishing House, Craiova, 2017

<sup>6</sup> Iacob, A, *Tactics of international police cooperation*, Sitech Publishing House, Craiova, 2007

The complementary forces are formed by structures of the Ministry of National Defense, the Romanian Intelligence Service, the Protection and Security Service, as well as the Ministry of Justice, the Community and Local Police, the Financial Guard, the National Environmental Guard, the civil protection structures from the public administration authorities, civil fire services, the National Sanitary-Veterinary Agency, specialized protection and security companies, institutions and economic agents and from other groups of forces established by law, which take part, according to their competences<sup>7</sup>, in the efforts of the main and support forces.

From the point of view of attributions and competences, the support forces are made up of the border police, special protection and intervention structures, the Inspectorate for Emergency Situations and Aviation that are part of the Ministry of Internal Affairs.

The exceptional forces are composed from the competent staff of The Foreign Intelligence Service, the Romanian Intelligence Service, the Ministry of National Defense and the Protection and Security Service. These just operate in the cases where there is a need to legally restore order constitutional in situations where:

- democratic institutions are in danger and all measures to restore public order have been applied;
- the capacities of the base and support forces and of the extra law and order forces and the public safety were violated.

The structuring of public law and order activities is carried out to ensure, preserve and restore public order.

Preservation of public order refers to all the activities, measures and actions structured and carried out daily by the law enforcement and public safety forces, for the normal functioning of state institutions, the protection and observance of the basic rights of citizens, the norms of civic conduct, other social values, norms of social coexistence, but also private and public assets.

Ensuring public order includes the measures taken to comply with legal parameters, prevent and discourage certain actions aimed at social disturbances or manifestations of violence during public gatherings and demonstrations, sports and cultural activities, but also other similar events with numerous participants, and is ensured, according to the competences, by the main and support forces.

#### *Duties of the Romanian Police*

Through the specialized structures – the Directorate of the Public Safety Police, the county services, the communal police offices and stations, the municipal and city offices of public order, the Romanian Police carries out the following missions<sup>8</sup>:

- preserve public order and safety in urban and rural areas, ensure patrolling, preventing and combating street crime, by carrying out public order and safety patrols with specialized skills;
- ensures the investigation of crimes committed in the rural and urban environment;
- ensures the protection of the magistrates;
- offers advice to citizens and public institutions, with the help of police personnel in the respective area;

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<sup>7</sup>Duțu, P., Dinu, M., *European Security and Defense Policy - the framework for the manifestation and development of national security interests*, "Carol I" National Defense University - Center for Strategic Defense and Security Studies, Bucharest, 2007

<sup>8</sup>Iacob, A, *Tactics of international police cooperation*, Sitech Publishing House, Craiova, 2007

- ensures, through specialized structures, public order in railway areas, stations, patrolling passenger trains and combating criminal activities;
- ensures the observation, directing and checking of road traffic, in the urban and rural environment, streamlining the circulation and escorting official columns during official activities and visits, as well as other such missions through the specialized structures of the traffic police;
- carry out specific activities for obtaining information and data, activities carried out previously and during public events;
- ensures the flow of traffic in the area and on the movement route of the demonstrators and, if necessary, intervenes with specialized research-sorting teams;
- helps the gendarme units with information and data, to ensure or restore public order and tranquility when public gatherings, rallies, cultural-sporting events and other such activities are held.

*Duties of the Romanian Gendarmerie*

The Romanian Gendarmerie has the following tasks and responsibilities:

- a) protect life, individual freedom and bodily integrity, public and private property, the legitimate interests of citizens, the community and the state through legal means and methods;
- b) carries out public order protection missions when rallies, marches, demonstrations, picketing actions, processions, commercial and promotional actions, cultural-artistic, sporting, religious, commemorative events, or other activities carried out in the public space and which involve the existence of more many people;
- c) performs missions to restore public order following the disturbance through any kind of actions or facts that do not respect the current laws;
- d) carries out missions to ensure and restore public order at checkpoints to cross the state border, at the request of the General Inspectorate of the Border Police and based on collaboration plans;
- e) carry out, based on the collaboration plans approved by the Minister of Administration and the Interior, public order maintenance missions for the prevention and detection of crimes in the mountain recreational areas, on tourist routes in their area, but also on the Black Sea coast, in the Danube Delta, in balneo-climatic resorts or in other areas of tourist interest;
- f) carry out, together with the specialized institutions of the state, missions to ensure public order when there are official visits or other activities in which high Romanian and foreign dignitaries take part in the territory of Romania, in the area of the places where the activities and objectives are carried out;
- g) fulfills, according to the law, at the request of the competent authorities, missions to track and capture escapees, deserters and individuals who are registered in the system and about whom there is reliable information that they plan to commit or have committed crimes or who oppose the measure of preventive arrest or atonement custodial sentences;
- h) carries out anti-terrorist intervention missions at the objectives that are under the responsibility of the gendarmerie or for the capture and annihilation of individuals who use weapons or other means that threaten the safety of persons, valuables, goods and special transports;

- i) ensures, according to the law, the guarding and protection of the objectives, values and goods of particular importance, decided by a Government decision, and the objectives belonging to the Ministry of Administration and Interior, established by the order issued by the Minister of Administration and Interior;
- j) participates, together with other competent institutions, in the control, supervision and assurance of the protection and preservation of the natural hunting and fishing fund, the forestry and environmental protection fund, through specific measures to prevent and combat the violation of any provision of the laws;
- k) participates in the protection of secret correspondence during its transport throughout the territory of Romania;
- l) participates in limiting and removing the consequences of technological, natural, environmental or complex disasters;
- m) participates in missions abroad, with the personnel and equipment provided, in accordance with the law;
- n) ensures order and protection measures in areas where fires, explosions or emergency situations have occurred or there is an inevitable danger of occurring that endanger the lives, physical well-being of individuals or their property;
- o) notifies legal violations and applies fines;
- p) prepares, in accordance with the provisions of article 214 of the Code of Criminal Procedure, the necessary documents for the initiation of criminal prosecution for the crimes reported during the missions.

*Duties of the Local Police*

The local police have the following tasks and responsibilities, regarding the field of public order and tranquility, but also the protection of assets <sup>9</sup>:

- a) preserve public order and peace in the places established by means of the public order and safety plan of the administrative-territorial unit/subdivision, approved according to the law;
- b) maintains public order in the vicinity of school units, medical units, in car parks on its private public domain of the administrative-territorial unit/subdivision, in commercial and leisure areas, in markets, cemeteries, parks, but also in other localized public spaces in the property and/or in the management of administrative-territorial units or other public institutions/services of local interest, determined by the public order and safety plan;
- c) participates, in collaboration with the competent authorities provided for by law, in activities to rescue and evacuate people and goods endangered by natural disasters, but also to limit and eliminate the consequences caused by such events;
- d) operates, in accordance with the law, for the recognition of people who beg for money, children without the observation and protection of parents or legal representatives, homeless people and entrusts them to the public social worker service to help them with their problems;
- e) notifies legal violations and applies sanctions, according to the competence, for non-compliance with the legislation on the regime of keeping dangerous or aggressive dogs, that on the program for the management of stray dogs and that on the protection of

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<sup>9</sup>Neața, E., Pruteanu, M., *Elements of police tactics and operational procedures regarding the intervention of public order and safety structures*, Hamangiu Publishing House, 2013

- animals and notifies the specialized services for the management of stray dogs about their existence, helping qualified staff to capture and transport the animals to the shelter;
- f) ensures the protection of personnel from the town hall, from institutions or public services of local interest when carrying out checks or private actions;
  - g) participates, together with other competent authorities, in ensuring order and public tranquility in the situation of rallies, demonstrations, marches, picketing actions, commercial promotional actions, processions, sporting, cultural-artistic, religious or commemorative events, as appropriate, as well as other activities that take place in public space and involve a large number of individuals;
  - h) ensure the protection of assets and objectives that are owned by the administrative-territorial unit/subdivision and/or under the administration of local public administration authorities or other public services/institutions of local interest, established by the local council/General Council of the municipality;
  - i) reports legal violations and applies penalties for non-compliance with the laws on social coexistence of the central and local public administration authorities, for the facts found in the competent territorial area;
  - j) execute, according to the law, the arrest warrants issued by the criminal investigation structures and the courts dealing with the administrative-territorial unit/subdivision, for the persons who have their residence within the coverage area;
  - k) participate, together with the Romanian Gendarmerie, the Romanian Police and the other forces that make up the integrated system of order and public safety, in preventing and combating street crimes;
  - l) works together with the zonal military centers to hand over the orders calling for mobilization and/or clarifying the military situation of reservists from the Ministry of National Defense;
  - m) provides measures to protect bailiffs during forced executions;
  - n) provide immediate support to the competent structures with tasks in the field of preserving, restoring and ensuring public order, on the territory of administrative-territorial units/subdivisions.

## **II. Procedures used during the legal notice**

Public demonstrations must take place in a peaceful and civilized manner, the protection of the participants and the environment must be ensured, without disturbing the normal use of public roads, public transport, except for authorized ones, the operation of public or private institutions or degenerate into turbulent actions that could endanger public order and peace, the safety of people, their life or property or the public, and cannot be extended after 11:00 p.m., as they fall under the provisions of Law no. 61/1991 for sanctioning acts of violation of some rules of social coexistence, public order and tranquility.

Physical force and hand-to-hand combat methods are used only after the violent individuals are summoned, to stop the aggressive action and to obey the request of the policeman who will use the formula: "POLICE, FREEZE!"<sup>10</sup>.

To reduce violent actions and immobilize turbulent individuals, the procedures specific to hand-to-hand combat are used; punches, hands and feet, knees, elbows or other parts of the body can also be applied. Hits in vital areas and with an exaggerated intensity must be avoided, which can cause serious injury to the body integrity or death of people.

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<sup>10</sup>Iacob, A, *Tactics of international police cooperation* , Sitech Publishing House, Craiova, 2007

The summons is useless when the policeman is attacked by surprise or the bodily integrity or life of a person is endangered.

sprayer it is used to immobilize recalcitrant individuals, to disperse groups of aggressors or to evacuate them from closed spaces and hiding places, without causing them bodily harm. This tool is used only after the verbal notice "*STOP! I WILL USE TEAR GAS!*". The verbal notice is not mandatory if the necessary time does not exist.

The position in which the policeman must stand must be defensive and offer the possibility to the opponent to be cooperative. If he refuses to cooperate, the policeman sprays briefly in his face, changing his position after each spray. The sprayer with irritant-tear-forming substances must usually be used from a distance of at least 1.5 meters and at most 3 meters. If the opponent is cooperative, the policeman can stop spraying and proceed to immobilize him. It is forbidden to use the sprayer in the direction of flames or flammable objects.

The baton can be used <sup>11</sup>:

- as a defense method for blocking the aggressor's blows by grabbing and pointing in the direction from which the blows come;
- as a method to intimidate turbulent or recalcitrant people, applying the first blows to aggressive people, aiming for them to stop their actions and to discourage other aggressive individuals, to make them withdraw and disperse;
- as a way of attack, by applying blows to the aggressor to force him to release the victim, throw the object used in the attack or stop the action. In the case of several aggressors, the first blows will be applied to the most dangerous aggressor.

When using the baton, the individual is verbally noticed to stop the aggressive action and submit to the ordered measures, using the formula "*STOP, I WILL USE FORCE!*" , applying blows only if the individual refuses to calm down and continues to be violent.

The application of blows must be done quickly, immediately followed by a quick retreat, over the shoulder blades, arms, sitting (if the individual is standing with his back), lower or upper limbs, to block the blows or to make the individual let go of objects that use to attack.

In order to achieve the desired effect, the blows must be applied by surprise. Their strength must be the same as the resistance level of the individual. The cane can be used as much as necessary, and the application of blows must stop as soon as the aggressor has given up violence and cooperates. You must not make sudden movements and you must not raise the stick above your head, as this movement gives the person against whom it is used the opportunity to notice the intervention and defend himself by blocking the blow. The application of blows with the cane to the head, ears, neck, eyes or other vital or sensitive parts of the body must be avoided, because the person could suffer bodily harm or even death. It is forbidden to use the baton in the police headquarters, except when there are violent or group actions that endanger the lives of policemen or other people or there is a danger of destroying property belonging to the institution.

*" If, following the application of blows with the baton, the person in question has bodily injuries, the policeman is obliged to give him first aid, even transport the individual to the hospital, for the provision of care and to report the emergency event" .*

The escort dogs are given to the police officers after they are prepared through an initiation course in raising and training dogs.

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<sup>11</sup>Neața, E., Pruteanu, M., *Elements of police tactics and operational procedures regarding the intervention of public order and safety structures* , Hamangiu Publishing House, 2013

When it goes out into the field, the service dog is equipped with a muzzle and a leash, being used, usually, only by the policeman who takes care of it and who trained it.

Depending on the existing problem, the service dog can be used:

- a) with muzzle and without leash, for:
  - guarding the crime scene, criminals and victims;
  - checking and searching for covered areas or hard-to-access areas;
- b) without a muzzle and on a leash, when:
  - a group that constitutes a danger to public order must be dispersed;
  - the violent response to the legal measures adopted by the law enforcement officers must be reduced;
  - the protection of individuals must be ensured during the forced driving at the police headquarters;
  - order must be restored in parks or other public places.
- c) without muzzle and without leash, for:
  - highlighting individuals who are hiding;
  - the elimination of attacks that endanger the life or bodily integrity of the police officer or other people, but also to prevent such attacks;
  - capturing individuals suspected of committing crimes and who retaliate when summoned;
  - the capture of those who escape and other individuals pursued for violating the law.

The use of service dogs is announced by the verbal notice for the cessation of violence and the warning regarding their use, by the formula "*STOP, DISPERSE, WE WILL USE SERVICE DOGS!*"<sup>12</sup>. The dogs can also be used without a verbal notice, if the time required for this is insufficient, and there is an imminent danger. The police officers, who have service dogs, will dedicate 30 minutes of their daily work schedule to care for and feed the dogs.

Police officers can own, carry and use the weapons they have been provided with by the units they belong to.

During the execution of the missions, the policemen who are in uniform must have the belt on which they will fix the holster with the supplied pistol and the two chargers.

In cases where the police are acting in civilian clothes, the gun must be kept in a holster on the belt of the trousers or in a specially created harness, ensuring its concealment.

It is forbidden to carry weapons and ammunition in pockets, folders, bags or in other places that are adequately secured and can be easily lost or stolen.

Police officers who carry weapons and ammunition permanently on them, when they are at home, are obliged to secure them in such a way as to eliminate any possibility of their loss or use by family members or other persons, keeping them in metal boxes that have secure closing systems.

It is categorically forbidden to remove the gun from the holster and handle it in the presence of other people, except in legal cases of use.

Using a weapon means firing a firearm at people and property.

Before proceeding to action, a quick analysis of the existing situation on the spot is carried out in order to establish concrete data regarding the acts committed, witnesses, the perpetrators of the acts, whether they are armed or not, the level of violence, but also their behavior have when they are surprised.

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<sup>12</sup>Iacob, A, *Tactics of international police cooperation* , Sitech Publishing House, Craiova, 2007

Police officers can use weapons, to fulfill their duties, in the following situations <sup>13</sup>:

- a) against the individuals who attack the policemen who were on duty, escort, guard, protection, preservation and restoration of law and order, but also against those who, by the act committed, by surprise, endanger the guarded objective. In this case, the weapon can be used if the following conditions are met:
  - there is a direct, immediate and unjust attack committed by surprise against the specified categories of individuals;
  - by the deed committed by surprise, the life, bodily integrity or health of the police officers who were on guard, guard, escort, protection, maintenance and restoration of order was put in danger;
  - if the attack takes place in a guarded objective, by the action committed by surprise, its security is endangered;
  - the weapon will be used only if due to the concrete circumstances of committing the act, the person's opposition or illegal action cannot be eliminated by other means;
  - that other people's lives are not in danger.
- b) against individuals who attack persons appointed to exercise public authority or who, according to the law, are provided with protection by the police. The weapon can be used in this case if the following conditions are met:
  - the individual against whom the attack is launched, to be part of the category of those invested with the exercise of public authority or to be protected by the police;
  - there is a direct, immediate and unjust attack, which endangers the life or bodily integrity of those who are part of the category of individuals invested with the exercise of public authority or of those who are protected by the police;
  - the weapon will be used only if due to the concrete circumstances of committing the act, the person's attack cannot be eliminated in other ways;
  - that the lives of other people are not exposed to danger.
- c) against individuals who try to enter or leave illegally in/from police headquarters or guarded areas, visibly delimited, established by record. The weapon can be used in this situation only if the following conditions are met:
  - there is a strict and visibly delimited area, established by record;
  - there is an attempt to enter or leave illegally in/from the police headquarters or a guarded area;
  - by written provision the protection of the unit, subunit or area was given responsibility;
  - that other people's lives are not threatened;
- d) for the immobilization of delinquents who, after committing crimes, attempt to escape. The weapon can be used in this situation if the following conditions are met:
  - the delinquent was caught in the act while committing a serious crime (deprivation of a person's freedom, against patrimony, public health, crimes committed with violence, illegal possession of weapons, ammunition, toxic, radioactive substances, explosives, drugs, contraband);
  - after the summons is applied, he tries to run away, responding to the policeman's request not to leave the crime scene;

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<sup>13</sup>Neața, E., Pruteanu, M., *Elements of police tactics and operational procedures regarding the intervention of public order and safety structures*, Hamangiu Publishing House, 2013

- due to the circumstances of committing the act, another way to immobilize the delinquent cannot be effectively used;
- that other people's lives are not threatened.

It will be possible to estimate the seriousness of the act in relation to the damage caused, the violent actions of the offender, the frequency of these acts, the number of participants, the objects they have on them, etc.

- e) against any means of transport used by the aggressors mentioned in letters b) and c), but also against their drivers who refuse to turn right at the policemen's regulatory signals, when there is clear evidence that they have committed a crime or that the commission of a crime is inevitable . The weapon can be used in this situation, if the following conditions are met:
  - there is the certainty that the individuals in the cars commit or have committed a serious crime, transport stolen goods and do not stop at the police signal;
  - the policeman must wear a uniform;
  - due to the circumstances of the act, another method cannot be effectively used to immobilize the vehicle;
  - that other people's lives are not threatened.
- f) to immobilize or detain individuals for whom there is evidence or clear indications that they have committed a crime and who retaliate or attempt to retaliate with a weapon or other objects or substances that may endanger the life or bodily integrity of the person. The weapon can be used if the following conditions are met:
  - a crime has occurred and the guilty person does not obey or retaliate with a weapon or other objects that may endanger the life or bodily integrity of the police officer or other people;
  - there is a direct and immediate attack on the police officer who is on duty or other people and legal measures must be taken;
  - the retaliation of the guilty person cannot be eliminated in any other way;
- g) to prevent the escape of those who are under legal detention, arrest. The weapon can be used if the following conditions are met:
  - to start an attempt to escape from the legal places of detention or under escort;
  - the capture or immobilization of escapees or escorts cannot be achieved by other methods;
  - not to endanger other people's lives.
- h) against gatherings of people or isolated people who try to enter the offices or locations of public authorities and institutions without the right. The weapon can be used in this case if the following conditions are met:
  - there is an attempt to enter without right into the offices or locations of authorities or public institutions;
  - that other people's lives are not threatened.
- i) against those who prevent the police from carrying out specific missions. The weapon can be used in this situation if the following conditions are met:
  - there is a direct, immediate and unjust attack committed against the police to prevent them from carrying out their duties;
  - the attack cannot be eliminated by other methods;
  - not to endanger other people's lives.

- j) in carrying out the anti-terrorist intervention, on the locations besieged or targeted by terrorists, in order to detain or capture them, to release the hostages and restore public order. The weapon can be used in this case if the following conditions are met:
- there is a terrorist attack on a location, it is caught or if hostages are taken;
  - his hostage-taking attack, because of the way it was designed and carried out, could not be eliminated in other ways;
  - the life or health of the hostages or other people should not be endangered.

In the situations mentioned in letters c), d), g), h) and i) the weapon may be used only after the legal summons has been executed.

In the situations mentioned in letters h) and i) the weapon will be used only after it has been repeated three times, at sufficient time intervals to disperse the participants, the verbal notice: "Leave the area (...), firearms will be used! " ", after which a shot will be fired into the air. The attackers will be shot only at the command of the one leading the action and only at the feet, in order to avoid causing their death and being able to immobilize themselves.

In the situations mentioned in letters a), b), f), and j) when the policeman is in self-defense, he can use the weapon even without a summons, if he has enough time for it.

The weapons in the equipment can be used only after the legal summons are carried out.

The verbal notice is made with the words: "*POLICE, STOP!*" In the case of disobedience, the verbal notice is repeated with the words "*FREEZE OR I'LL SHOOT!*"<sup>14</sup>. If the person in question does not obey even after the second summons, a third verbal notice is carried out by firing a warning shot into the air. If the individual in question does not obey even this verbal notice, the weapon will be used in his direction, shooting, as much as possible, at his feet, so that he is immobilized and the killing is avoided.

As an exception, weapons can be used without issuing a verbal notice, in case there is a surprise attack on the policeman or on other people, but also for the arrest of criminals who retaliate with weapons or firearms, there is not enough time for a verbal notice.

### **III. Noticing persons during car and pedestrian patrols**

Patrolling is an organized police tactical activity, through which the presence of police officers is achieved in the field, in a certain period of time, on a defined route, in relation to the requirements of the operational situation in the field of competence.

Police patrol is the first response and contact mechanism of the police for<sup>15</sup>:

- a) crime prevention;
- b) providing support and assistance to the citizen;
- c) reactivity to incidents that endanger the safety of the citizen.

Depending on the means of travel, the patrols are on foot, on bicycles, on scooters, motorcycles, ATVs, cars, naval (boats, sloops and other means of movement on water) or carried out by flying over the desired area with a helicopter.

The patrol routes have a different length, depending on the means of travel:

- a) pedestrians 3-6 km;
- b) on bicycles 6-12 km;
- c) on ATV, scooter, snowmobile, by boat - 10—15 km;
- d) on motorcycles, cars and sloops or other means of water transport - 15-20 km.

<sup>14</sup>Jacob, A, *Tactics of international police cooperation* , Sitech Publishing House, Craiova, 2007

<sup>15</sup>Anane, Ivan, *Elements of theory and tactics of criminal investigation bodies*, Pro Universitaria Publishing House, Bucharest, 2014

As far as pedestrian and car patrols are concerned, one of the members can be accompanied by the service dog.

Patrol activity usually lasts about 8 hours with the possibility of extension when necessary.

Taking into account the weather conditions, the head of the unit can establish, by order, extra breaks at certain time periods.

" *The patrol is planned according to certain conditions, and the drafted act will include the following aspects* <sup>16</sup>:

- *the route, time frame, time of departure and completion of the mission;*
- *parked and parking spaces;*
- *the means of travel used;*
- *the operations to be performed in each area of the route "*

The training that is carried out before entering the service aims to inform the policemen regarding the progress of the operational situation and the composition of the teams (patrols) taking into account the needs emerging from the elements of the criminogenic map and tactical analysis.

In the training activity, emphasis is placed on fairness shown to citizens, respect and care for the policeman's own image and conduct.

During the training activity, patrol members will receive <sup>17</sup>:

- a) global information regarding the various events or crimes that took place in the sector (area) of responsibility (information from citizens, or event notes, etc.);
- b) information about operative or preventive methods useful for reducing street crime;
- c) operational instructions regarding the persons and assets pursued;
- d) indications in the form of presenting experiences, suggestions, ideas or other general or specific prevention procedures, with a view to correcting possible procedural errors and reducing street crime;
- e) activities, tasks and instructions to put into practice;
- f) new information regarding criminal techniques and the operative situation.

The police officers who deal with the training activity check their mental and physical condition, as well as the individual means of intervention and take measures so that each policeman enters the service with the appropriate equipment.

During the training activity, no professional training topics will be presented or debated.

At the end of the shift, the members of the patrol crews draw up a report, in which the activities carried out with their results are presented, which will be analyzed by the head of the office / formation and by the head of the public safety sector, the local policeman and by the one from criminal justice, in daily meetings.

"In the patrol activity, there are also cases in which the police deviate from the established route or can stop the patrol activity, as follows <sup>18</sup>:

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<sup>16</sup>Law no. 218 of 23.04.2002 regarding the organization and operation of the Romanian Police, republished in M.Of. no. 307 of 25.04.2014

<sup>17</sup> Anane Ivan , *The investigation of criminal investigation bodies* , Pro Universitaria Publishing House, Bucharest, 2014

<sup>18</sup>Law no. 218 of 23.04.2002 regarding the organization and operation of the Romanian Police, republished in M.Of. no. 307 of 25.04.2014

- a) to pursue and capture individuals pursued or criminals missing from the scene of the crime;
- b) to take suspected individuals or delinquents to the police headquarters;
- c) when the commission of serious acts outside the established route is reported;
- d) to help another police officer or people who are in danger, victims of an accidental attack, or those in borderline situations;
- e) to prevent the commission of illegalities;
- f) for transporting a dangerous mental patient to the psychiatric unit;
- g) to respond urgently in situations of natural disasters;
- h) when weather conditions or other natural phenomena prevent the continuation of the mission;
- i) if a member of the patrol falls ill;
- j) when he receives an order from the immediate boss or from the duty officer".

These situations that lead to leaving the patrol route are carried out only after the dispatcher or duty officer of the subunit is notified.

The chief or the officer in command may order the abandonment of the patrol route in order for the police officers to:

- a) intervenes in special situations in which it is necessary to act with additional forces;
- b) organize activities for the immobilization of some delinquents by fencing off on an area, with the blocking of entrances or exits of the location.

### III.1. Foot patrol

The pedestrian patrol operates on the territory of counties, municipalities, cities and towns, on predetermined routes, taking into account the places and environments where crimes are most often committed, but also the places where criminals act.

The foot patrol usually consists of at least two policemen.

This patrol can also include students of specialized educational institutions, community police officers, staff from security companies or volunteers.

The members of the patrol usually walk side by side, and when it is impossible, one behind the other, respecting the traffic rules adopted for pedestrians.

Patrolling must be done on the side of the sidewalks, on the left side of the street or in the middle of roads that are not traveled.

At night, if it is necessary to travel through places that are not illuminated, the flashlight must mainly be turned off, so as not to alert criminals and reveal their position.

Usually, before entering covered, dark areas, a short stop is made, but one must avoid highlighting one's silhouette while parking for this purpose.

In order to be able to exercise their rights and obligations, in addition to the main duties of police officers in the public safety service, pedestrian patrols have the following obligations<sup>19</sup>:

- a) to investigate, especially at night, how the objectives within their responsibility are secured with security systems and how they perform their duties;
- b) to act permanently to prevent thefts from the targets within the range they operate, those from and from vehicles, public telephones on the street, but also to prevent rapes, robberies, scandals or other manifestations that violate the standards of social coexistence, public order, circulation on public roads and the rights and freedoms of people, the life and bodily integrity of the person, of the public and private domain are

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<sup>19</sup> Buzescu Gheorghe, *Police Law - university course*, Sitech Publishing House, Craiova, 2019

not respected, taking drastic measures, in accordance with the legal provisions, when these acts were committed;

- c) to adopt measures to reduce illegal acts;
- d) to take part in organized actions, in accordance with the plans established in this regard, to combat antisocial acts;
- e) to adopt measures to combat illegal trade, social parasitism and to detect those who pollute the street (beggars, prostitutes, vagabonds);
- f) to keep in permanent contact with the gendarmes, the community police, the personnel of the security system operating in the respective area, to exchange information, ask for and offer help in solving unforeseen situations during the service;
- g) to monitor the individuals under the police's attention who live in the area where they carry out their activity;
- h) to intervene to ensure the flow of road traffic on the patrol route, when the situation requires it, seeking to detect individuals who have stolen cars or criminals who are transporting stolen goods or are under surveillance;
- i) to search in the database the cars that are suspicious due to the stationary for long periods of time or due to the state of degradation;
- j) to intervene to preserve the cleanliness of the locality and an adequate household condition, in relation to the competences established by regulating the decisions of the local councils or other laws in force;
- k) to be at the times set at the points set in the patrol schedule, if there are no reasons that can prevent this;
- l) to take part in preserving public order when natural calamities, catastrophes, disasters occur, but also to limit their effects by taking the necessary measures.

### III.2. Car patrol

Car patrols carry out established activities in the public safety area, to observe, ensure visibility and intervention at events, to prevent and combat antisocial acts.

Car patrols ensure the relationship with pedestrian patrols, which operate in the same public safety zone.

Mandatory stopping points are fixed for car patrols to observe the areas crowded or where suspicious individuals gather, an activity that will be carried out by the police, being near the vehicle and possessing all the means of intervention equipment.

The station may last about 15 minutes, while the members of the patrol will disperse in the area to perform their duties.

It is forbidden for the police officers to stay in the car during the parking, except for breaks.

The car patrol carries out its activity with the help of specially designed cars and consists of at least two policemen or one policeman with professional experience and a student.

Patrolling the area of competence can be carried out with the light signals in operation, both during the day and at night.

This type of patrol is established by the heads of units and subunits, taking into account the operational situation or the specifics of certain patrol areas or missions that must be performed.

The respective heads of unit determine, if necessary, even the time intervals in which the light signals are to be used.

The basic condition is not to impede the movement of other cars, and thus, the lane next to the sidewalk is used.

In order not to create confusion among drivers that cars are moving to events, it is recommended to use a low speed (20 - 40 km/h) during patrolling.

When the patrol is interrupted to go to a signaled event or for an emergency activity, the driver of the car will activate both the acoustic and light signals.

While traveling to events, the YELP sound is used - button 2, and when entering intersections, the PIERCER sound is used - button 3.

"Police officers who are engaged in car patrol must take into account the following rules:

- a) to comply with the legislation that refers to traffic on public roads;
- b) to wear the service uniform, regardless of the compartment it belongs to;
- c) to use the company car only for work purposes;
- d) to wear a seat belt;
- e) in special situations, intervene to provide first aid and transport to a hospital the persons whose life are in danger;
- f) when necessary, to intervene quickly to help other police officers who were in the field, but also for the rapid transport of detained individuals to the police;
- g) to intervene promptly to resolve situations found ex officio at the request of the people or at the disposal of the immediate boss, duty officer or dispatcher;
- h) to keep in touch directly or through the transmission-reception station with the police officers on duty, in order to exchange information and provide the necessary assistance, if necessary;
- i) before leaving the patrol route, to report using the methods available to the chief or duty officer.

During the car patrol, the police officers must take into account:

- a) areas where there are violent individuals, repeat offenders, hosts of criminals and other such individuals;
- b) the places where violent crimes can be easily committed, but also where dangerous individuals usually meet, are clubs, bars or other entertainment areas with a night program;
- c) isolated homes of the elderly, of defenseless people or who, by way of life, are possible victims of criminals;
- d) streets, boulevards with intense traffic or where road accidents are usually recorded;
- e) taxi stations and ensuring prompt intervention in case of unpleasant events;
- f) commercial companies with night program;
- g) kindergartens, schools, nursing homes, houses under construction, newly built neighborhoods in peripheral areas".

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