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Method of action in the case of a public disturbance in public spaces

Jeni Georgiana Căciulă

Independent researcher

Abstract. Since the beginning of the first forms of human coexistence, the need for order and safety has undoubtedly become imperative. During the development of the state, the idea of public order was outlined in different ways, but it was always accompanied by the police law of the state. Until now, the consolidation of the state has relied on the maintenance of order and public safety. This concept is reflected in the state's focus on protecting social rights, life and integrity of citizens, compliance with established rules and other accepted values. Thanks to the authorities to which the state resorted, the priority of ensuring public order became satisfied, through the activities of preventing and countering antisocial phenomena. The complete realization of social equilibrium is disturbed by facts against which the forces must fix measures. Thus, the local police, one of the current institutions used by the state, constantly struggles with circumstances in which the action of law enforcement is required to restore peace. Whether acting alone or cooperating with other public safety maintenance forces, such as: the gendarmerie, the Romanian police, the courts, the local police respects a set of specific principles and rules that guide its activity in different fields. So, the duties of a policeman are reflected in the sectors of public order and peace, environmental protection, traffic on public roads, commercial activity, records of persons and other legally regulated areas. I believe that, for each area of activity, the police officer must follow a series of rules that protect him from errors in the intervention. The indispensability of knowing how to act in certain situations is determined by the fact that the legal provisions that illustrate the rights and obligations of the police officer do not subject to rules the difficulties regarding the procedures for intervention, behavior and reaction to incidents. The police force performs its service in the field, in particular, making direct contact with the population, and in this way it becomes the first frontier of confrontation with criminals. Therefore, the performance of a professional service is closely related to the manner in which a police officer acts in the interest of the community.

Keywords. Public places and premises, police intervention, restoration of order, individual equipment, legality

I. General notions

Depending on the situations manifested, the interventions used by the police must be carried out with maximum attention, but with minimal risks. Sudden situations require increased efforts on the part of the police officer, because they can occur unexpectedly, without the law enforcement officer being prepared in advance.

Therefore, it is necessary for the police officer to assess the situation, and then to fulfill his duty in accordance with the mandatory respect of the rights and fundamental interests of the person.

Action involves an activity carried out to achieve a known goal. The policeman must therefore actively intervene with any individual, either verbally or by force, to hold to account all those who have committed anti-social acts.

By the mode of action is understood the facts, the movements within the performance of the duties. Depending on the situations that require intervention, a different mode of action will be used, but always with authority, responsibility and temerity.

The choice of the mode of intervention must be consistent with the rights and obligations distributed by law and must lead to the restoration of the original balance, not to the incitement or amplification of agitation.

The policeman is obliged to impartially distinguish the context in which he is going to act, in order to match his behavior with the needs of the situation. Examining the actual situation is the first step by which the police officer can realize the spatio-temporal indications within which he will act or analyze the participating persons or who will be able to interfere, depending on their situation.

After investigating the circumstances, the police officer decides on the method of intervention. Whether it is about resolving a conflict, establishing a contravention or simply proving a person's identity, the police officer will act within the limits of legal and moral responsibility, objectivity and increasing or decreasing the use of intervention procedures.

Depending on the degree of complexity of the situation, which can be low or high, the policeman adapts his attitude to act responsibly.

In the case of a complex situation, such as scandal and fighting in public places and premises, the policeman must analyze the situation well. Scandals and fights in public places and premises are considered to be some of the most frequent acts of turbulence, due to their diversity and extent. That is why the intervention of the police is complex, and the choice of means is difficult, requiring reason and adaptation to the circumstances.

A situation manifested in public can become difficult to manage, as people other than the offender, the police or the victim may be present. There may be minors, if the commotion occurs in a public park, or there may be rioters whose purpose is not to help ameliorate the commotion, but to reinforce the violent reaction. In any of the circumstances, the attitude of the policeman must be appropriate, authoritative and civilized. Only through polite behavior can the provocative sources be silenced. In the event of a public scandal, it is necessary to remove any inappropriate behavior that attracts reactions.

Tact and respect for the rules must also be observed in the use of force when it is indispensable to eliminate fights in public. A policeman acting by force must demonstrate a different attitude to the rest of the participants in the conflict.

First, it must not impress the public unpleasantly and subsequently lose its authority. If in his action, the policeman violates the rules of conduct accepted by the whole society, the consequences will appear.

Second, extreme behavior will demonstrate the opposite of the fact that the law supports citizens. Force will be used only when it is useful to immobilize persons who do not submit to verbal coercion, but without threatening their fundamental rights.

Once the policeman has been notified about a situation of scandal and fighting in public places and premises, he must carry out several activities:

- a) to research the data regarding the event, the number of people, etc.;
- b) to call for the help of other subsidiary forces;
- c) to subject the place of interest to monitoring;
- d) to carry out the notices, to remove the conduct of aggressive acts;

- e) to use the means in the endowment in accordance with the legal provisions;
- f) to establish the identity of the persons and witnesses;
- g) to provide first aid to victims, as appropriate.¹

These tactical rules combine to establish the steps to follow when a police officer is faced with the diversity and uncertainty of action.

The policeman will have to show a lot of finesse in his behavior. Most scandals in public places are based on alcohol consumption or personal motivations, and these causes determine the need to use specific and balanced means.

By following the legal principles, the policeman will ensure the success of the action. Thus, in the conditions of the person's disobedience to the cessation of violent acts, the policeman will be able to resort to the means provided, only if the other annihilation measures have not had an effect.

Analyzing the people involved in the turbulent actions and assessing the balance of forces, the policeman must act in accordance with the degree of force of the adversary.

The policeman must be impartial in his intervention, so that gender, race, religion, social status will not be taken into account, because what matters is the level of culpability.

It is particularly important that the police officer warns people before the time of using the means of the equipment, so that they have the time necessary to stop the antisocial acts.

By gradually using the means of intervention, the policeman will respect the progressiveness of the use of methods, from the simple ones to the most complex ones, such as, for example, the use of the weapons provided.

All these tactical rules aim to respect human rights and freedoms, integrated in the Romanian Constitution. The law is meant to protect the human being, and the mission of the police does not deviate from the legal framework, protecting people regardless of the situations in which they act.

In the performance of his duties, the local policeman must be careful and apply a series of tactical rules, according to the situation in which he is acting.

The course of action is different from one circumstance to another. It represents the totality of the methods used, the steps used and the activities undertaken to achieve the purpose of the intervention, that is to prevent the commission of illegal acts.

In the context of scandal and fights in public places and premises, law enforcement agencies must assess the situation correctly and determine what is indispensable to achieve, in order to effectively and safely remove the anti-social situation.

Scandals in public places and places can arise spontaneously, having as their basis the excessive consumption of alcohol, in most cases, or certain motivations of a personal nature, which can turn into conflicts between people. Scandals and fights in public places and premises disrupt public order and peace.

Law no. 61/1991, updated, for the sanctioning of acts of violation of some norms of social coexistence, public order and tranquility, considers that scandals in public places cancel the possibility of normal activities and promote an immoral, uncivilized spirit. In the context of a scandal, offensive expressions can be used, which constitute an insult to certain people. The aggressiveness of the language leads to endangering interpersonal relations, and in a public place, insults can proliferate, giving rise to riot.

¹Buzescu Gheorghe, *Elements of public order*, Publishing House Pro Universitaria, Bucharest, 2016

Scandal is the incipient form of strife. Verbal violence can degenerate into beatings, hitting, and the people involved will disturb the state of social balance.

Being notified to act in a circumstance with a high degree of complexity, the police officer will have to follow a series of steps.

He will initially be informed about the event to which he was notified. Briefing is particularly important, as the police officer will create a general idea of what he will encounter in the field by becoming aware of unknown elements.

So, the duty officer from the police unit will give him details in relation to: the features of the situation, the arrangement of the spaces in the premises where the action will be taken, the number of individuals participating in the antisocial act, information related to the owner of the space and the typology customers.

Once the most obvious data has been communicated to him, the policeman will determine whether the intervention is simple or complicated, whether it only involves settling a minor, non-dangerous conflict or even using the means provided.

Announcing the action of moving to the area of interest, the alerted policeman will request assistance from subsidiary forces, in case the number of people against whom action will be taken exceeds the number of forces engaged in the mission. At the same time, if the reported policeman is part of a municipal police station, help from another unit will be requested.

Without drawing attention to the presence of the law enforcement team, the police officer will not use the sound and light warning system. Also, the parking of the police car in places located at a considerably sufficient distance from the premises of interest ensures that discretion is maintained.

Reserved actions determine a better possibility of monitoring the premises, before taking action. At the same time, law enforcement has the ability to analyze violent individuals and, if deemed necessary, can call for additional support.

What is of particular importance is the policeman's ability to objectively be aware of the context in which he will act. Only in this way can he realize the importance of solidarity in eliminating risk factors that may appear unexpectedly and, subsequently, in the success of the intervention.

When additional groups arrive, discretion will be maintained, so as not to cause unforeseen reactions to people involved in anti-social actions. The presence of police cars in the immediate vicinity of the premises can lead to the accentuation of the state of agitation and the indignation of the people involved in the turbulent activity.

The policeman will have to create a strategy for penetrating the premises and distributing responsibilities for each of the law enforcement officers: ensuring the security of the policeman acting, maintaining communication with the higher unit, the actual intervention.

Entering the premises, it is necessary to execute the notices made by a policeman, in order to give sufficient time to the aggressors to stop the illegal action. If the notices have no result, the violators will be informed that the equipment provided will be used.

The equipment in the endowment is made up of objects necessary for the execution of the service powers, being used only in situations that the policeman considers impossible to manage without the support of the means of action.

The disobedience of violent people attracts the use of the baton, the purpose of which is to immobilize aggressive people. But in the case of continuing the actions or even recording a response from the group against which the action is being taken, use will be made of the tear gas spraying device.

The policeman is not allowed to use the weapon in the equipment in the event of a fight in a closed space, because the lives of other people in the public premises may be threatened.

By immobilizing the violent people, the policeman will perform the steps aimed at getting to know the aggressive citizens. Thus, it will proceed to the search of persons, with the aim of discovering instruments that present a risk of injury.

The next steps are the identification and questioning of people about the basis of the start of the scandal. Also, the eyewitnesses will be identified, and they will be summoned to the headquarters of the department.

Later, for further investigations, the violent individuals will accompany themselves to the police headquarters, and the legal provisions will be applied. If there are victims, they will be given first aid.

Summarizing, the policeman must pay particular attention to scandals and fights in public places and premises, always having the ability to discern rationally in relation to the course of action.

Being frequent in the public space, scandals disturb public peace, and therefore must benefit from the full involvement of the police. Informing about the event and other important aspects, making the verbal notice and using the means provided if necessary, establishing the identity of the people involved in the conflict and possibly providing first aid, the police officer is ready to act.

I.1. Information about the event, the number of people, the layout of the premises

Before any intervention, the policeman has the duty to inform himself about the events that will be delegated to him for resolution. There are certain details that the agent must consider for appropriate action. Therefore, it is necessary to acquire knowledge regarding:

- a) the type of event;
- b) the number of people participating in the event in which action will be taken;
- c) the nature and organization of the clientele;
- d) identification of the owner of the premises by first and last name;
- e) "disposition of existing spaces inside and outside the premises".²

Knowing these important details, the police officer will avoid being taken by surprise by certain aspects that he did not know or that were not brought to his attention, or about which he was not informed before acting.

Further, "the police officer will inform about the event the staff on duty, from the police unit, and in the case of police stations, from the nearest unit with permanent day duty."³

The type of event.

Information about the nature of the event is the main duty of the police officer who goes to the scene of the action. The details of the event will be requested from the duty officer, if he mobilized the policeman to the crime scene, or from the persons who signaled the need for intervention. Only by being informed about the type of act, will he be able to later determine the way of intervention. It can be a simple argument between several people, a minor conflict, or, more seriously, the start of a fight. In these situations it is necessary to know whether to intervene by force or not.

The number of people.

² Anane Ivan, *Elements of theory and tactics of the tracking of criminals*, Pro Universitaria Publishing House, Bucharest, 2014

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

The police officer will need to ask for information about the approximate number of people who will be prosecuted. A considerable number of individuals participating in the scandal may motivate the police officer's decision to request additional support in the intervention. At the same time, a large number of people can lead to an equally large retaliation against the police. When the number of people is not known, the premises will be carefully monitored so as not to be taken by surprise by unseen persons. Also, there may be people not involved in the dispute, and in this case it is necessary for the policeman to prepare a way of action based on subtlety and good performance. Even impartial persons can show signs of a threat, if the intervention of the police officer contravenes the constitutional principles regarding the respect for human integrity.

The nature of the clientele.

In the public premises where the action will be taken, there may be different types of customers: immigrants, ethnic minorities, political party groups. However, the police officer must act in accordance with the principle of non-discrimination between persons, established by the Constitution, because what really matters is the degree of culpability of the persons involved in the scandal.

By assessing the degree of involvement and response, the policeman can devise an action plan in which he will distribute the tasks. The head of the patrol will take care of the implementation of the police measure, and the partner will ensure the protection and supervise the elements that will evade by running or that will react with aggression. It should be borne in mind that people can retaliate with any tool at hand, such as seemingly harmless objects such as mobile phones.

Name of the owner.

Identifying the owner of the unit being acted upon is an important aspect. The intervention of the police must be brought to the knowledge of the owner, and the exchange of information regarding customers, possible conflicts in the past can be of real help.

Seating configuration.

In establishing the method of intervention, it is necessary to gather information regarding the layout of the spaces outside and inside. The exterior of the premises consists of terrain, which can present certain advantages for the policeman acting; from the streets, which must always be in the perception of the policeman, so that he can choose the most suitable access routes. The information regarding the interior of the premises may be intended to illustrate the spaces in which turbulent persons may hide and subsequently undertake a surprise attack on law enforcement.

I.2. Execution of the verbal notice

The verbal notice is an action by which the policeman who will intervene later will announce his intention. The main purpose of the subpoena is to prevent or interrupt wrongful actions, to keep suspected individuals in place and to remove any appearance of opposition.

If two or more policemen participate in the action, they will act from different directions, so there will be one policeman in charge of protection, and the other will intervene in order to verbally notice and immobilize the suspect. The police will not act in opposite directions.

Entering the public premises, the policeman will have to carry out the verbal notice. The verbal notice is made out loud, using words of short duration, without admitting a reply, from a safe distance from the offenders.

The policeman will use the words: "*POLICE, STOP!*"⁴, with the role of making known the acting authority and expressing to the person in question the action he must undertake. For the execution of the action, the policeman will leave at the disposal of the participants an appropriate time, in relation to their number.

If, after the time period necessary for the execution of the action has passed, it is found that the participants have not obeyed the first verbal notice, the second notice will be formulated, by saying the words: "*STOP ! WE WILL USE THE BATON AND TEAR SPRAYS!*" . This notice requests the same action from the offending person, but this time, it also expresses the action to be taken by the police, if there is no submission from the noticed individuals.

During the issuance of the notice, the police officer must carefully follow the targeted persons, because they may take unexpected actions, which require immediate intervention.

Also, the warning may be missing if the law enforcement agencies are acted upon aggressively by the persons concerned, and there is an imminent danger. In this case, the time needed to carry out the summons is missing, and the warning will be replaced by the use of the individual means provided.

If the law enforcement forces are insufficient to restore order, the notices will be issued to stop the violent actions, and if the participants do not comply, the support of the nearest police unit will be requested to intervene .

In ordinary situations, the presence of a policeman in uniform can cause the scandal to end, but there are circumstances when the use of a verbal notice is necessary to restore order. With firmness and authority in pronouncing the notices, the desired effect will be obtained, that is, the cessation of violent actions.

The use of coercive means will cease when public order is restored. If the noticed person has stopped the action, the policeman will cautiously approach him and proceed to immobilize him or to the execution of other police measures. Otherwise, the policeman will have to resort to using the means of the endowment to stop the fight in the public place.

I.3. Use of the equipment provided

The means of intervention are represented by certain objects made available to the police, for the performance of their work activities.

The policeman must be able to choose and apply the right force in certain moments that require the use of means of intervention, for example, when an individual wants to move away from police measures or commits actions with the role of endangering individual and property rights of a person.

Also, a police officer must prove reason and choose the means by which he will intervene according to several objective factors, such as: the number of individuals participating in the event, the devices that these individuals can use to retaliate against the police and the space where the event takes place.

None of the means of intervention shall be used before the police officer executes the appropriate verbal notice, loudly. In a difficult situation, disobeying aggressive people can lead to the use of the rubber baton, whose role is to immobilize the most violent individuals.

The rubber baton is used for self-defense, in case the violent person undertakes an attack on the policeman; for forcing compliance, when the aggressor does not obey the measures communicated by the police. There are situations in which a fight leads to a clash of forces, and

⁴ Anane Ivan , *Management tracking bodies _ criminal law* , Pro Universitaria Publishing House , Bucharest ; 2014

the blows of the baton may force the offender to release either the assaulted person or certain objects used in his action.

When the person against whom this means of intervention was used stops the aggressive action, the use of the rubber baton will also stop.

In none of the above cases, the means of intervention will not be used "against children, women with visible signs of pregnancy, people with visible signs of disability" ⁵participating in the fight in the public place. The use of the rubber baton can cause an attack on the health of vulnerable people, which goes against the mission of a policeman, that of providing support and defense of human life.

There are situations in which the rubber baton cannot lead to stopping the violent elements, at which point, the attack on the policeman by the people against whom he is intervening causes the use of tear gas spray.

When there are people hiding in the public place or a group resistance against the police has formed, the sprayer is used to remove the offender from the hiding place and disperse the aggressive group. If the public place in which the action is being taken is crowded, try to avoid using this means of intervention, because injuries may occur to people not involved in the violent action. As in the case of the use of the rubber baton, it is mandatory to issue the warning by verbal notice.

If necessary, the police officer will have the possibility to use physical force. Under the conditions in which it is considered necessary for self-defense or for the immobilization of violators who do not submit to police measures, the agent can use force.

Before using combat procedures, the police officer must issue the verbal notice to cease aggressive actions. If the policeman is attacked unexpectedly or there are people in the premises whose life is seriously and immediately threatened, force will be used without executing the verbal notices.

The use of force involves the application of blows with the upper or lower limbs, but the police officer must take care that the physical force does not have an increased intensity and does not affect the vital areas of the body. The use of the means provided is essential in situations where the aggressive elements against which the policeman intervenes do not stop the violent actions, but their use requires compliance with some rules and principles for good application.

Thus, none of the means of intervention will be used until after the prior warning of the participants of the event, correctly assessing the necessity of its use and, last but not least, taking into account the permanent care for the integrity of the people.

Once the expected goal is achieved, basically immobilizing the turbulent people, the policeman will be able to continue with the following stages, such as establishing the identity of the people or providing first aid, if, following the application of the means of intervention, victims have resulted.

I.4. First aid

The main attribution of the Local Police is to defend public order and peace, in order to ensure a climate of understanding and peace for the community in which it carries out its activities. The atmosphere of peace contributes to the good development of society and man, helping the process of respecting individual rights. The Constitution establishes the principle of respect for human rights as the basis of all regulations.

⁵ Buzescu Gheorghe, *Police law* - university course, Sitech Publishing House, Craiova, 2019

The Local Police is the authority with the role to defend human rights, to protect them through its actions and not to violate them during the manifestation of the service. Often, acting to stop a criminal or trying to immobilize one of the aggressive individuals, the police can indirectly and unintentionally endanger the health of the subjects.

Also, some situations in which it intervenes with a level of violence directly proportional to the state of aggression on individuals, and the negative effects require care.

In the case of a fight in a public place, the people involved can end up with a complex degree of injury, through the clash of forces. The initial fight can be extremely violent, and verbal aggression fuels it.

People can hit each other with palms, fists, which leads to trauma, fractures, injuries, which in the whirlwind of the moment seem harmless.

At the same time, the aggressors can have apparently harmless objects, for example, a bank card, a mobile phone, which become weapons capable of harming the victims around them.

The duty of the policeman, as a man of the law, is to defend the human being and to show compassion, helping the assaulted persons to receive first aid, and then specialist help, if necessary. In this case, the victims will be transported to a medical facility, while the aggressors will be taken to police headquarters for questioning and legal action.

There are situations in which the use of the means provided by the police leads to the injury of the people involved in the turbulent action. The use of the sprayer with tear substances causes irritation of the ocular organs, and the use of the rubber baton causes blows proportional to the degree of disobedience of the turbulent person.

The policeman must take care, because with the execution of the service, not to cause serious bodily harm to the subjects, and in case, in the attempt to immobilize them, there are victims, he is obliged to provide first aid and provide the individuals with medical assistance specialty.

The provision of first aid by the police illustrates the ability of the law enforcement officer to deal with borderline situations and deal with the protection of human life. The application of the rules regarding the provision of first aid is part of the complex nature of the knowledge that a policeman must acquire during the execution of his duties.

I.5. Establishing the identity of individuals

After providing aid to the victims of the fight and immobilizing the turbulent persons, it is necessary to discover the identity of the individuals in order to investigate the causes of the occurrence of the event and to take the appropriate police measures.

The police officer can establish the identity of the people who contributed to the illegal event, the people who can provide information about the incident and who are used as witnesses.

In order to establish the identity, the "identity card or other identification documents will be checked, in order to know the data of civil status, citizenship, domicile or residence."⁶

If the person is one of the victims, being in a state of physical incapacity, it will be used to establish his identity by making use of the citizens near the event, who can provide information about his data. Citizens must be known and trustworthy, and, previously, they must be authenticated by name, surname, domicile, workplace.

If the person is accompanied, information will be requested from citizens who may have a close relationship with the individual in question, being neighbors or co-workers. It is

⁶ Anane Ivan , *Elements of computerized records of the person* , Pro Universitaria Publishing House , Bucharest , 2015

important that accompanying citizens are asked for their data, so that their correspondence with reality can then be checked.

In communicating with citizens, the policeman must demonstrate elaborate courtesy, respect for others, in order to succeed in ensuring beneficial collaboration and bilateral information.

For people who refuse to reveal their identity, the policeman will carry out a body search. If the identity document is found in her possession, legal measures will be applied according to the offenses committed.

"If, following the control of the person, the identity document is not found on him, the policeman will proceed to drive the person to the police headquarters", ⁷to check his situation, in the records of the community public service for records of persons.

After the person's data has been verified, the police officer will write an identification report.

Establishing the identity of the people participating in the event is essential for the continuation of the research, through their subsequent questioning and the application of the measures in force.

In some cases, the perpetrators of the scandal may be recidivists, known to the police, or people known to some citizens of the respective place.

In this last case, the establishment of identity will also apply to citizens who affirm the recognition of the person in question, in order to be able to verify afterwards the reflection of this data on reality.

Considering that the scandal in public places and premises causes a large gathering of curious people, the existence of truth in their statements must be proven.

At the same time, fighting in a public place cannot happen without the knowledge of the patron, who, often, can provide consistent information about the clientele or his employees who triggered the illicit event.

When fighting in public places, there can be different kinds of people. Establishing the identity must be done for each individual, but taking into account certain rules that prevent the agent from making mistakes.

The women who participate in the event represent a special category. When establishing identity, the policeman may be confronted with a morality similar to the male gender. The woman manages to attract the sympathy of the citizens to gain their trust.

A woman may accuse a policeman unjustly so as to jeopardize the success of his action, or she may use weapons to injure.

For a police officer tasked with the intervention, it is necessary to take precautions around a woman, for example, the existence of a witness to assist the legal proceedings.

A category of people often encountered in scandals in public places is represented by people under the influence of alcoholic beverages.

Intoxicated individuals cause disorder by disturbing the peace, this fact being caused by the agitated mental state.

When an intoxicated person violates police rules, it is necessary for the policeman to treat him calmly in order to track his identification.

⁷ Anane Ivan , *The Investigation tracking bodies _ criminal* , Pro Universitaria Publishing House , Bucharest , 2014

Since the individual cannot control his behavior, it is necessary for the police officer to draw his attention to the disciplined conduct he must have. It is important that the officer's tone is calm and caring, as those individuals may become aggressive for trivial reasons and attack.

If they refuse to show identification, the person will be accompanied to the police headquarters, to establish their identity. Legal measures will be taken after the person regains his natural state.

Intoxicated young people who participate in public scandal must be under the exclusive attention of the police, as they may form small organizations to continue the disorder or may react violently to each other.

The missions of the local policemen in the field of public order can be successfully executed only if certain tactical rules are followed. In the case of scandals and fights in public places and premises, the policeman will have to implement the aforementioned procedures, which are effective for carrying out interventions and protect him from the risk of committing errors in front of the public.

Although the methods discussed in the previous chapter are not action templates, they provide the police officer with a starting point for completing the action in which he will participate. The ability to adapt to the situation and the ways of acting, enshrined in theory, will ensure a high degree of satisfaction with the public service.

II. Application of legal provisions in case of scandals and fights in public places and premises

The application of sanctions in contraventional matters is the responsibility of the police officer, who must carry out a series of actions, such as: specify the norm violated by the illegal act, establish the identity of the person in question, that of the witnesses, as well as the victim, and then draw up the process notice of finding the contravention by which the contravention sanction is applied.

The local police officers are authorized to ascertain the contraventions committed and to apply the provisions in force, in accordance with Law no. 155/2010 of the local police. According to it, the scope of the Local Police is contained within the limits of the community in a certain area, and the activities they carry out are mainly determined by law.

The very origin of the Local Police was determined by the need to defend the individual rights of people, public and private property, and the purpose of preventing acts that could endanger public order.

Public order is the most extensive sector of the Local Police, so the police officers must maintain order in the areas established by the administrative unit in which they operate and, subsequently, apply the sanctions in accordance with the contraventional acts committed in the field of cohabitation in society. The areas of interest of local policemen are public places and premises, such as: parks, cemeteries, markets.

In the activity of fulfilling legal duties, the local policeman must treat with respect the democratic rights granted to the citizen, which are regulated by the Romanian Constitution. Chapter II of the Constitution illustrates the fundamental human rights that a police officer on duty must respect: the right to the fullness of physical and mental qualities, along with the right not to be subjected to degrading behavior.⁸

Government Ordinance no. 2/2001 on the legal regime of misdemeanors presents in the first article the difference between misdemeanor and criminal law. This law protects a company's own objectives. Unlike the crime in the criminal law, the misdemeanor is "the deed

⁸Romanian Constitution, Title II, Chapter II, Article 22

committed with guilt" ⁹, having a minimal degree of social danger, being punished by the application of fines, for the most part.

There are a number of main coercive measures, which can be: warning or fine, along with community service. If the warning or fine can be applied to any person, natural or legal, the sanction of community service applies only to natural persons. Also, these measures can be supplemented by a series of other secondary sanctions, such as: confiscation of assets used in the commission of contraventions or the closing of the unit where the contravention occurred.

What is particularly important is that the punishment that the police will propose is in accordance with the danger that a contravention can have on society and the severity of the action. Thus, the warning will be applied in the situation where the contraventional act does not present an extreme degree of danger, because the verbal or written warning about the threatening circumstances of the committed act does not oblige the execution of the punishment.

In the conditions where a misdemeanor is carried out in the circumstances of legitimate defense, infirmity, an unexpected event or physical or mental coercion, the police officer will consider the removal of the misdemeanor nature of the committed deed.

The contravention is recorded by the detecting agents in a report, in which the following will be noted: spatial and temporal indications of the completion of the report and the commission of the act, data about the author of the contravention, the events that led to the violation of the law, along with the specific circumstances, as well as the violated normative act, which results in a sanction, which, in the case of a monetary penalty, will have a minimum or maximum limit. If there are assets confiscated following the commission of the contravention, they will be mentioned in the report.¹⁰

Law no. 61/1991 republished, for the sanctioning of acts of violation of some norms of social coexistence, public order and peace, is the law of the local policeman, by which he orients himself for the application of contraventional punishments. Article 3 of this law outlines the main situations of violation of public order and peace, presenting also the main corresponding sanctions.

In the case of riots and fights in public areas, there is certainly an act of breach of public order and peace. People participating in gatherings in public places can become extremely violent when verbal aggression reaches the beginnings of a fight. Public areas must be protected by law because they are subject to the gaze of a heterogeneous public.

In the event of a scandal, people will bring out their strongest weapons of defense. Offensive words and trivial gestures, or provoking others lead to the disturbance of public order, by triggering a feeling of revolt in the people who attend publicly.

Insults harm the moral integrity of wronged persons, and law enforcement must take action to protect the human being.

In this situation presented, the misdemeanor law sanctions indecent acts with a fine ranging from 200 to 1,000 lei. The same type of punishment is received by a person if he commits "provocation or actual participation in scandal, in public places or premises" ¹¹.

⁹Government Ordinance no. 2/2001 regarding the legal regime of contraventions, ch. I, art. 1

¹⁰Government Ordinance no. 2/2001 regarding the legal regime of contraventions, ch. II, art. 16

¹¹ Law no. 61/1991 updated, for the sanctioning of acts of violation of some norms of social coexistence, public order and tranquility, art. 2, para. 24

But, in the situation where there is a group of at least three people, whose main purpose is to cause social unrest and to take part in the lack of discipline, the fine starts from 500 lei to 1,500 lei.¹²

In the conditions of the proliferation of insults, exclamations can reach a high note, turning into shouts. Often, noise is not contained within public premises, and if a public premises is on the ground floor of a block of flats, for example, the noise will spread. At the same time, if a public scandal takes place in a hotel, the rest of the tenants will be affected. Thus, disturbing the peace of the inhabitants is punishable by law, with a fine between 200 and 1,000 lei.

In order to record the contravention in a report, it is necessary to establish the identity of the violent persons.

In the conditions where an offender refuses to identify himself or to accompany the law enforcement agencies to the police headquarters to establish his identity, he will be fined between 100 and 500 lei.¹³ In this case, where an offender commits several illegal acts, it will be recorded in a single report by the investigating agent.

Scandals in public places can become very aggressive and attract people's need to win by any means. The individuals involved may carry, with the purpose of using, blunt objects or metal instruments, such as: knife, dagger; which, used without right, lead to the threat to the physical health of citizens. This act is a crime, punishable by imprisonment between 3 months and 2 years, or a fine.

Public places are run by patrons, who are required to provide details of their clientele in the event of scandals and act to take action against violent patrons. The policemen must act together with the person in charge of the premises to resolve conflicts, after notifying him beforehand.

The manager's lack of interest in ensuring order within his premises, be it a club, discotheque, or hotel; or refusal to help the police to enforce the law and restore the damaged order, are punished according to the law.

The sanction of the fine can be challenged by the violator, so that "a complaint can be made against the report of the violation within 15 days from the date of its delivery or communication."¹⁴

III. Gearing of order groups

III.1. Alignment of order groups inside the premises

Engaging the law enforcement groups involves an action by which the local policemen alerted to the scene train the people present in the public premises at the time in the event.

Before acting, the police must determine the mode of action and the required force, depending on the circumstances of the event, and then they can make the decision to involve the law enforcement groups inside the premises, if necessary. It must be taken into account that, in some moments, the immediate non-intervention, by using the human resources available to a police officer, can have much more serious consequences.

Event-directed personnel who intervene to restore peace must act to coordinate their own forces and not overlap with other internal forces. For a good resolution of the public

¹² Law no. 61/1991 updated, for the sanctioning of acts of violation of some norms of social coexistence, public order and tranquility, art. 3, paragraph 1, lit. c

¹³ Law no. 61/1991 updated, for the sanctioning of acts of violation of some norms of social coexistence, public order and tranquility, art. 3, paragraph 1, lit. A

¹⁴ Government Ordinance no. 2/2001 regarding the legal regime of contraventions, ch. IV, art. 31, para. 1

incident, it is often necessary for the local police to request the support of some internal order groups, which are much better informed about the unfolding of the scandal.

The groups of order inside the premises can be represented by the public participating in the public scandal, being aware of the causes of the commotion and having a position of authority within the public meeting.

So, the police can engage the local leader to manage the situation or, in most cases, they can act together with civilian personnel from the defense sector, such as specialized security companies. These specialized structures work under similar conditions of exposure to occupational risk factors and can become good coordinators for conflict resolution.

Specialized firms are familiar with most of the local customers, being the main defense institutions that citizens have at their disposal in this environment. They constantly deal with certain premises, which leads to a good knowledge of the customer base and a familiar approach. In this situation, the policeman will have to cooperate with the companies designated by the local to provide security, for an effective settlement of the conflict.

To coordinate the action at the event, the head of the intervention structure can request the involvement of other people around. However, in all cases of restoring public order, the police officers arriving at the scene of the incident will coordinate the activities of all participating forces.

The request for help from the people around must be explicit, followed by the belief that the person concerned has clearly understood what needs to be done. Therefore, a visibly responsible, vivacious person, involved in restoring order, will be chosen from the inner group.

The police officer must demonstrate a "behavior based on respect, exactingness, fairness, kindness to the public" ¹⁵in the request for support. Respect must not be lacking in relations with the public, but also in relations with colleagues. Otherwise, degradation of function and self will take the place of dignity, and support will cease to appear.

The main purpose in training order groups is, most of the time, to form a device for immobilizing turbulent people. Also, the pursuit, capture, immobilization and subsequent driving to the police units of turbulent persons can be carried out with the help of citizens.

There are certainly cases where citizen action can have the intended effects of the police, but in some cases, it can have negative effects. For example, the authority represented by a policeman in uniform can arouse a sense of duty and responsibility in citizens involved in restoring order.

But there are cases in which citizens can suddenly become outraged by the action of the police, jeopardizing the way of intervention. Therefore, the citizens who will be requested to carry out the action must be chosen carefully, through the lens of the observational spirit of the police officer coordinating the mission.

There are situations in which police officers must carry out their duties regardless of the circumstances, and the support of citizens plays a particularly important role. The local policeman has the right to "request the assistance of citizens in the identification, tracking and apprehension of persons" ¹⁶who violates the law.

Some measures that cannot be delayed must be carried out with the help of the people around. For example, the need to track a violator who escaped from the scene of the illegal

¹⁵Buzescu Gheorghe, *The place and role of the civil servant in the state apparatus*, Sitech Publishing House, Craiova, 2017

¹⁶Local Police Law no. 155/2010, ch. V, art. 20, para. 1, lit. c

event may lead to the use of a means of transport belonging to any person, natural or legal, who witnessed the incident. After the task is completed, the expenses will be paid.

The trust that police officers place in the citizens they serve must be matched by a similar degree of responsibility and safety on their part. The success of an intervention in the case of a scandal in a public place or a fight is ensured by combining the actions of all the people involved to restore the original order.

If the citizens comply with the tasks assigned by the local policemen, the mission can be completed easily. However, in cases where a general feeling of retaliation is triggered, for which the police cannot find a solution, it is imperative to request hierarchical support.

III.2. Request for law enforcement support

The Local Police is one of the institutions that, in its actions, has the option to participate alongside the Romanian Police, the Romanian Gendarmerie and other forces that form the public order system. In interventions that require additional support, the police can ask for the help of another public order institution or another Local Police unit.

The notification through the emergency call is sent to the structure closest to the place where the reported event takes place, and, in some situations, the structure that intervenes does not have enough forces.

The forces moving to the notified place must carefully examine the data provided by the dispatcher, educate themselves in relation to the nature of the event they intervene in, and if the action is complex or not within their competence, request additional support.

In the conditions of facing a special situation in the field, the support of other crews near the event area will be requested or, in cases of necessity of a specialized intervention, the assistance of specific structures will be called upon. If the intervention will be carried out together with other structures of the Ministry of the Interior, such as: gendarmes, firefighters, these forces will be contacted directly or through the duty officer by the local police. In such particular cases, the synchronization of actions is essential for the success of the intervention.

For example, the request for support from the Romanian Gendarmerie is made in situations where the complexity of the event is ascertained by the police, and the decision to act together with a specialized institution will be made. Being the authority of the Ministry of the Interior, it has the role of restoring public order and preventing the violation of legal provisions.

Law no. 116 of June 5, 1998, regarding the organization and operation of the Romanian Gendarmerie, presents the specific attributions of this military structure. The main responsibilities are carried out against particularly aggressive people, who violate public order and whose turbulent actions could not be annihilated by other legal means.

In the event of a fight in the public place, there may be recalcitrant people who refuse to stop the aggressive actions. Their immobilization is particularly important, because their actions cause social disorder, endangering people's lives or their property. Some offenders may seriously offend the acting authorities, disrupting public order through acts of verbal and physical aggression, or may evade the measure of arrest.

In this circumstance, the pursuit and capture of offenders is carried out by both structures. The gendarmes will help to immobilize the person in question, using the weapons provided, such as: "protective shields, sticks with electrostatic energy, devices with irritant-tear-forming substances, water jets"¹⁷, in situations of serious disturbance of order in public places. The intervention of the Gendarmerie, together with the Local Police, has the role of restoring order in situations of acute disorder and maintaining a climate of peace.

¹⁷Law no. 550/2004 regarding the organization and operation of the Romanian Gendarmerie, ch. V art. 29

In rural localities, equipped with insufficient staff, the support of law enforcement from the urban police subunit will be requested. Neighboring police stations will be contacted for emergency support of workers, at the direct request or of the duty officer, in case of events produced in the rural environment.

If the forces taking part in the intervention belong to the same structure, the management of the action is assigned to the person with the highest position among the workers present in the action. And, if there are several organizations participating in the intervention, the coordination of the crews will be ensured by the delegated person of the police structure, having competence in maintaining public order. In cases where support is required, the assistance of the duty officer will be sought.

In the situation outlined above, the local policeman leading the intervention will have to convey the orders correctly, ensure that they have been understood by subordinate personnel and then analyze how the communicated dispositions have been carried out. He also has the obligation to value the suggestions of his subordinates, which can be of particular importance both for the course of the intervention and for the improvement of the Local Police services.

There are situations in which the reported event is not within the competence of the police structure that arrived at the place. In this case, the police crew will request the support of the duty officer and will have to take preliminary measures, then wait for the arrival of the competent structure.

Eventually, the initial measures will be communicated by the crew traveling to the event site, through the duty officer. The required measures can consist of: providing first aid, identifying witnesses; without, however, drawing up the documents corresponding to the ascertained fact, i.e. of a contravention or crime .

The policeman in this situation will draw up a report on the activities he carried out, taking into account aspects related to: the persons participating and identified by the policeman at the time of arrival, the time of arrival, the brief description of the circumstances observed.

Taking legal measures in the intervention must be done with tact, so that the police officers avoid risks and more serious consequences. Bodily injury or outrage can be eliminated by good timing of actions and by requesting support from other crews, when the balance of forces between the policeman and the turbulent people is against the law enforcement officers.

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