

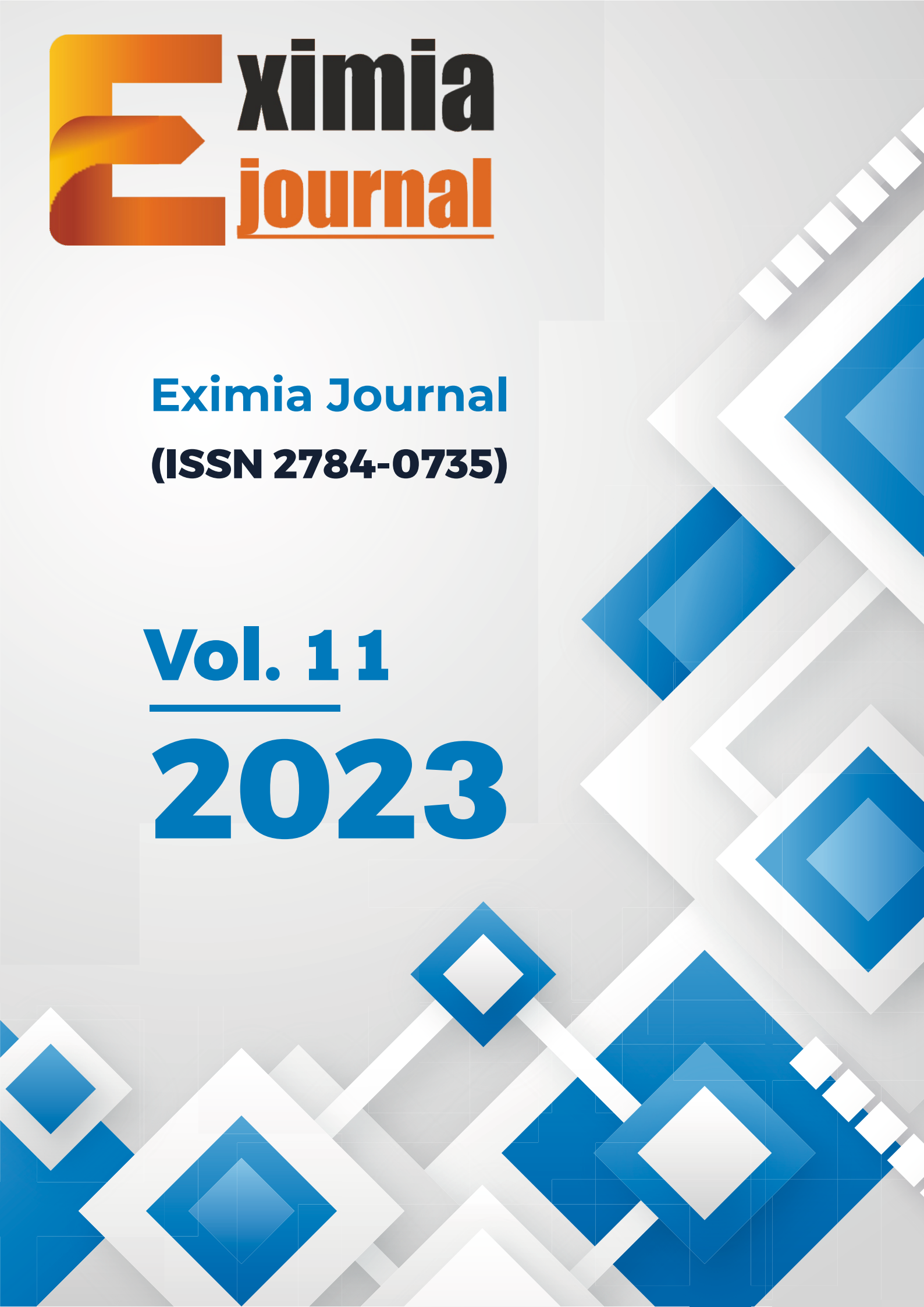


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## Driving people to the police headquarters in vehicles

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**Abstract.** This theme proposes the study of police procedures regarding the management of offenders at the local police headquarters, because in a state of law, an efficient administration of the local police duties is impossible without highlighting the most effective and legal forms and methods of management, of ensuring legality in the administration process, protecting the rights and legal interests of citizens. The definition of the notion of police has created and continues to create discussions among specialists in the field. In B. Barbu's conception, the police comes from the Greek word polis which means "of the city". According to Eugen Bianu, it derives from the word "politea" which means "order of the activities in the state". The police, until the Union of Romanian Principalities, realized that public order, the safety of people and public tranquility and the defense of property as being given to troop commanders, who, with this quality, held duties in the field of security, order and public tranquility. Legal doctrine defines police law as the totality of legal norms that regulate the social relations that are created in the process of police activity, of public administration bodies, burdened with attributions of legal intervention in the rights and interests of natural and legal persons. The local police is an important institution in the activity of the local public administration, it has major tasks, but also powers commensurate with the tasks. The factors that generate or require the discretionary application of law are known. The prevention of the abuse of law also depends on the personality, professionalism and integrity of the police officer, on compliance with the Code of Ethics and Deontology, the rules of conduct, morals in society.

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

### **I. Theoretical research of police theory and tactics**

#### **I.1. General rules**

The local policeman is invested with the action of the public authority and in connection with the exercise of the duties and the duty, within the limits given by law, and benefits from the legal basis regarding the persons who have a public position that involves the exercise of the state authority.

In carrying out the tasks assigned to him according to Law no. 155/2010 regarding the organization and functioning of the Local Police, according to the provisions of art. 20 and art. 21, the local police officer is empowered to exercise public authority with the following rights and obligations:

In exercising the duties of a local police officer, according to Law no. 155/2010, have the following rights:<sup>1</sup>

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<sup>1</sup> Art. 20 of Law 155/2010 regarding establishment , *organization* and functioning Local police , published in the M.Of. \_ no . 483/ 14.07.2010

- a) to proceed with the preventive control of a citizen and his luggage in the following situations:
  - there are clear indications that a crime or misdemeanor has been committed,
  - a crime/misdemeanor is committed,
  - the commission of a crime/misdemeanor is being prepared or the person participates in public gatherings held in spaces where access with weapons, certain products or dangerous substances is not allowed,
- b) to call to the police headquarters the persons needed for the performance of their duties, by notifying them in writing of the cause for which they are called;
- c) to ask for the support of people to identify, track and catch third parties who have committed crimes or misdemeanors;
- d) to carry and use, in accordance with the law and only while on duty, the equipment, ammunition and other means of defense and intervention;
- e) to travel free of charge, with the service ID, during and performing the service, within the scope of competence, on public transport buses, for the execution of notifications that cannot be fulfilled otherwise;
- f) to use force, under the terms of this law, in proportion to the situation that justifies its use, only in cases where the provisions he gave in the exercise of his duties are not respected;
- g) to legitimize a person and establish their civil status, who do not comply with the legal provisions or there are indications that they are preparing or have already committed an illegal act;
- h) to bring to the local police headquarters with the available means those who, through their actions, endanger the bodily integrity, health or life of persons, public order and tranquility or persons who are suspected of committing crimes or misdemeanors, on which no they were able to establish the civil status data.

The verification of the facts of these persons and the taking of the necessary measures, is done within a maximum of 12 hours from the moment of their detection, as an administrative measure.

Local police officers have access to the database of the Ministry of Administration and Internal Affairs, for the exercise of their duties.

The local police with the competent structures within the Ministry of Administration and Internal Affairs draw up collaboration protocols in which the communication infrastructures, the protection measures and ensuring the confidentiality of the data found, the level of access and the rules of application are provided.

"In the performance of his duties, the local policeman has the following obligations:<sup>2</sup>

- a) does not neglect the rights and fundamental freedoms of people, provided for in the Constitution of Romania, republished, and by the Convention for the Protection of Human Rights and Fundamental Freedoms;
- b) protects the principles of the rule of law and the values of democracy;
- c) evaluates the provisions of the laws and administrative acts of the central and local public administration authorities;
- d) carries out the orders and legal provisions of the hierarchical heads;
- e) values the norms of professional and civic conduct provided by law;

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<sup>2</sup> Art. 21 of Law 155/2010 regarding establishment , *organization* and functioning Local police , published in the M.Of. \_ no . 483/ 14.07.2010

f) to decline his status and show his police badge or service ID, except in situations where the action is endangered.

At the beginning of the action or at the beginning of the intervention that does not suffer postponement, the local policeman is obliged to present himself ("Local policeman ... name first name"), or after the end of any intervention to identify himself and declare the function that the unit has of the local police of which it is a part;

g) intervenes outside of the program hours, within the limits of the provision, for the exercise of service duties, within the territorial scope of competence, when he becomes aware of the existence of activities that justify his intervention;

h) appear at the local police headquarters or where requested, in situations of catastrophes, calamities or large-scale disturbances of public order and tranquility or other such events, as well as in the event of the establishment of a state of emergency or a state of siege and in case of mobilization and war;

i) to respect professional secrecy, the confidentiality of data acquired during the performance of the activity, in accordance with the law, except in cases where the performance of official duties, the needs of justice or the law require their disclosure;

j) to show fairness in solving personal problems, in such a way that he does not acquire or leave the impression that he is taking advantage of the confidential data obtained in his capacity. "

By collecting, verifying and capitalizing on data and information, the local police must not in any way harm or unlawfully limit people's fundamental rights and freedoms, their private life, honor or reputation.

The local policeman must take the necessary measures to remove the dangers that disturb public order or the safety of people, in situations where he becomes aware of them directly or is informed about them.

Carrying out specific activities in the field, local police officers have the professional obligation to intervene promptly, at any time, to prevent and immediately combat any actions that affect the life and integrity of people, the rights and property of citizens, public property, public order and tranquility, the climate of civic security.

"To ensure the success of these interventions, the local police officers must have good professional training, know that they have no other judge than the law and their own conscience, and the measures they take must be equal to the legal provisions, not to disturb civil rights and liberties."<sup>3</sup>

The local policeman has the duty to intervene in any situation when necessary, towards any citizen, regardless of their social position.

His action must be motivated by the need to defend the private and public good, the person, by maintaining the climate of safety and public tranquility.

In the field activity, the local police officers are faced with many situations, which they must solve in the spirit and on the basis of the laws they have in their competence, calling each time to the knowledge accumulated in the professional training courses, using the tactical rules right.

"The result obtained is the only thing that shows whether it was acted correctly, at the same time conclusions and lessons for the future activity can be derived from it.

Daily missions can only be accomplished by using the most effective procedures and following the rules of police tactics.

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<sup>3</sup> Manual of police tactics, Publishing House of the Royal Foundation for Literature and Art, Bucharest, 2011

The ability to adapt to the concrete situation in the field is always extremely important, because compliance with tactical rules protects the local police officer from committing abuses and mistakes in interventions."<sup>4</sup>

#### I.2. Police tactics

The local policeman must respect fundamental human rights and freedoms, the Constitution and legislation in force, the oath of allegiance to Romania and internal provisions. He must be perceived by the community members as a balancing factor, a reliable person, always ready to provide support when requested.

All his actions will be done in strict accordance with the rights and obligations granted to him by law, but also with respect for the rights and legitimate interests of the community members.

According to art. 16 of the Romanian Constitution: "citizens are equal before the law and public authorities, without privileges and without discrimination. No one is above the law".

Discrimination is the behavior of excluding or reducing the access of certain individuals to certain resources.

The legislation in force defines discrimination as: "any difference, exclusion, restriction or preference, based on race, nationality, ethnicity, language, religion, social category, beliefs, sex, sexual orientation, age, disability, chronic non-contagious disease, infection HIV, belonging to a disadvantaged category, as well as any other criterion that has the purpose or effect of restricting, removing the recognition, use or exercise, under equal conditions, of human rights and fundamental freedoms or rights recognized by law, in the political field, economic, social and cultural or in any other areas of public life".

The groups most often subject to discrimination are ethnic, racial, religious minorities and immigrant groups.

The local policeman must not allow himself to be influenced by any party, political group, union or other nature, by the belonging of people to a certain religion or ethnic group, he exclusively serves the citizen, freedom and democracy<sup>5</sup>.

Before deciding or continuing an action, all the risks it entails will be evaluated compared to what can be achieved in the final. In this sense, it is necessary for the local police to perceive, evaluate and respond promptly to any sign of threat.

It is also necessary to obtain substantial information from environments with high criminogenic potential and to design the action based on a well-thought-out plan. Instinct, intuition and, last but not least, experience can have their say in the action to be undertaken.

The mode of action and assessment of the need for forces must be established before the intervention, depending on the existing conditions and circumstances and the request for help, in case of need.

The general principles governing the professional conduct of police officers are the following<sup>6</sup>:

- the supremacy of the Constitution and the law;
- the priority of public advantage over personal advantage;
- ensuring equal treatment of citizens;
- professionalism;

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<sup>4</sup> V. Balmus and V. Muntean in the *Elements of law police*, Magazine National Law, 2015

<sup>5</sup> Anane Ivan, *Elements of theory and tactics of the tracking bodies criminal*, Pro Universitaria Publishing House, Bucharest, 2014

<sup>6</sup> Anane Ivan, *Management tracking bodies \_ criminal*, Pro Universitaria Publishing House, Bucharest, 2014

- impartiality and non-discrimination;
- independence;
- moral integrity;
- freedom of thought and expression;
- openness and transparency;
- respect;
- confidentiality.

Police practice has established five fundamental principles, which are found in every police intervention. These are:

- a) Analyzing the operative situation - taking into account the factors regarding the place, time, persons present or found nearby, the existence or non-existence of a potential danger. Depending on these factors, the police officer determines the nature of the intervention, which can be simple (giving help) or complex (detaining a person);
- b) Adaptation of the mode of action according to the legislative framework,
- c) The formation of an action strategy - the concrete distribution of tasks, the choice of suitable methods of intervention that are done in relation to the activities that each one can perform, respectively:<sup>7</sup>

- "Protection.

The local policeman whose mission is protection, is always positioned in the immediate vicinity of the one who intervenes. His actions are aimed both at ensuring his security and at supervising the circumstances of the place action.

- Link.

It consists in allowing or maintaining the connection with the superior agent on the one hand and ensuring the collaboration between the members of the intervention team on the other part.

- Mode of intervention.
- Methods of tactical intervention.

If all police activities are taken into account, many situations present, from the very beginning, a low risk, others, on the contrary, can degenerate into confrontations more or less violent.

- Daily training."

## **II. Procedure for interception of persons**

II.1. Interception and identification of persons in order to drive to the police headquarters

"Interception is a police measure that refers to the request addressed to a person to stop an activity in progress, in order to clarify a situation."<sup>8</sup>

*Legitimation* or finding out the identity of a person are police measures that have a preventive nature and consist in the request or verification of his identity document, in order to know his civil status data, citizenship, domicile or residence.

The measure of interception can only be taken against:

- a) to persons who do not comply with the legal provisions;
- b) to persons about whom there are substantial indications that they are following or have already committed a crime or misdemeanor;

<sup>7</sup> Buzescu Gheorghe , *Rules of theory and practice police* , Pro Universitaria Publishing House , 2016

<sup>8</sup>Tactics manual police , Publishing House Royal Foundation For Literature and Art , Bucharest , 2011

c) suspicious persons (persons who, according to their behavior, luggage, clothing, the place where they are detected and the time, bring suspicion among the police officers in the exercise of their duties);

d) towards the citizens who can clarify certain things or other aspects that are of interest for the resolution of service cases by the agents;

The rules of police tactics that must be respected when identifying people :

a) interception of the person.

b) requesting the identity document, using "GOOD DAY (EVENING)! I AM A LOCAL POLICE OFFICER... FROM THE FRAMEWORK OF..., PLEASE SEND MY IDENTITY DOCUMENT".

c) when identification is done by two local police officers, one of them checks the identity document, and the other is attentive to the behavior of the person being identified, positioning himself at a small distance from him, towards the back and to the side.

As the case may be, the agent who supervises the authorized person has prepared the means of the endowment for a quick intervention in case of need.

d) the identity document is kept at an appropriate height, which allows both the permanent and careful supervision of the person's behavior, as well as the verification of its content.

e) questions regarding the person's identity data are addressed in a different order than those listed in the identity document.

The police officer checks whether the document presented:

a) is issued by the competent authority.

b) corresponds in form and content.

c) belongs to the person or not, if the photo in the document corresponds to the person's physiognomy and if their data are the same as those declared.

d) has expired.

e) shows signs of forgery, has erasures, changes, corrections, written or stamped additions, or is damaged.

If a group of people needs to be registered, they are positioned in a line, documents are requested from each one, and in the situation where the activity is carried out by two agents, one of them is attentive to the behavior of those registered.

In the situation where the verified document is in order and no legal action is required against the authorized person, the policeman returns the document and continues his service.

If the registered person does not have identity documents on him but provides his personal data, the policeman checks them in the databases and, if necessary, takes legal measures.

The local policeman will avoid, as much as possible, the identification of people in crowded places, where this measure cannot be carried out in the best conditions due to the curious people around or the unwanted intervention of some of them, or in dark places <sup>9</sup>.

If a person does not want to identify himself or give information about his identity, the policeman draws his attention to the fact that this constitutes a contravention and is sanctioned according to the legislation in force.

If the citizen still does not want to present the identity document or provide the identity data, the local policeman proceeds to carry out the summary physical control, in compliance

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<sup>9</sup> Anane Ivan , *The Investigation tracking bodies \_ criminal* , Pro Universitaria Publishing House , Bucharest , 2014

with the legal provisions in force, and in the circumstance in which the document is discovered, after establishing the identity, applies the sanction contraventional.

If, following the control of the person, the identity document is not found on him, the local policeman will lead the person to the police headquarters in order to establish his identity.

Checking the person's situation and taking legal measures, as appropriate, is carried out within 12 hours at the most, as an administrative measure, the police trying to establish identity through other identification procedures.

"In the case of driving the person to the police headquarters, to establish his identity, the policeman prepares an identification report.

Legitimation is performed only for the purpose of fulfilling service duties, and the personal data obtained are subsequently processed, only in compliance with the provisions of the law on the protection of personal data.

If the legalization measure is carried out on a foreign citizen, against whom there are suspicions regarding the legality of entering and staying on the territory of Romania, the local policeman requests the support of the competent structures in this regard.

The policeman must, upon leaving the service, mention in the report the identity data of the authorized persons and the measures ordered against them."<sup>10</sup>

The police action represents a complex of activities organized in a clearly established area, according to the approved plan, in order to identify the people who commit antisocial acts, to detect the pursued persons, to neutralize some criminal phenomena or some repeated antisocial acts.

The training of the participating forces is carried out by the head of the action or the person designated by him, at the date, time and place provided in the plan, usually at the headquarters of the police unit, before entering the device, on which occasion the composition of the teams is specified in detail, the persons designated as team leaders, the activities to be carried out by each participant/team, as well as the elements of operative interest.

On the occasion of carrying out the action, in all cases, procedural documents are drawn up according to the law, by the policemen who are also the heads of the teams, and which will be handed over together with the detected persons or goods, to the research teams established at the headquarters of the police units for the continuation of the investigations.

For the purpose of applying the legal provisions, defending public order and peace, the fundamental rights and freedoms of citizens, public and private property, preventing and discovering crimes and other violations of the laws in force, protecting the fundamental institutions of the state and combating acts of terrorism, police officers carry out certain operational (tactical) measures with the aim of preventing antisocial acts or for identifying, catching and immobilizing criminals, releasing some people, etc.

## II.2. Identification of persons for driving to police headquarters

"By identifying a natural person we mean his individualization in civil legal relations with the help of identification means also called identification attributes."<sup>11</sup>

The identification of man in legal life is a general and permanent necessity.

General because the individualization of man is possible in all legal relationships in which he participates, including civil ones.

Permanent, because a natural person, as long as he lives, participates in the most different legal relationships, including civil ones.

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<sup>10</sup> Buzescu Gheorghe, *Elements of order published*, Pro Universitaria Publishing House, 2016

<sup>11</sup> Tactics manual police, Publishing House Royal Foundation For Literature and Art, Bucharest, 2011

The identification of a natural person must be observed both from a general point of view and from a personal, individual point of view. There is a general interest, since society itself has the interest that each of its components can be individualized when entering into various relationships.

This necessity is also of individual personal interest, because each person, in his capacity as a participant in multiple legal relationships, is directly interested in being able to individualize himself.

In actions to identify a natural person, certain means, ways or procedures are necessary. In Romanian civil law, the main means of identification are name, domicile and marital status.

The purpose of the pre-service training is to inform the local police about the evolution of the operational situation in the territorial area and the formation of patrols according to the needs identified from the tactical analysis and the elements of the criminogenic map.

In the training activity, emphasis is placed on respecting and showing fairness to citizens, caring for the policeman's conduct and self-image.

From the doctrine, we retain the most complete definition, in which marital status is considered to be the legal means of individualizing the natural person to indicate personal qualities, having this meaning, according to the law. In order for a person to acquire a certain civil status, in concrete terms, it is necessary that certain circumstances intervene, such as legal facts or legal acts, such as, for example, birth, marriage, death, to which the law links different effects, affecting the status legal person.

The individualization of man is achieved in all legal relations in which he appears as the holder of rights and obligations.

The consequence arising from this circumstance is that it regulates the individualization of man in all the legal relationships in which he participates - the identification of the natural person is a complex legal institution, and only a part of this legal institution belongs to civil law, namely that formed by legal (civil) norms which regulates the means of individualization of the natural person in civil legal relations.

"In specialized works, the subject of identification of the natural person is designated and treated under different names, such as *the attributes of the natural person, personal non-patrimonial rights, the individualization of the person, the rights of the human personality*. Under these names are analyzed the means that serve to identify the natural person, means named, in turn, attributes or elements of identification of the natural person. Also, a different terminology is also used in the legislation, for example, the term *identity*".<sup>12</sup>

In case there are doubts about the authenticity of the document presented, checks will be carried out in the field, as well as at the community public service for records of persons, using all means, including the elements of the spoken portrait (comparing the photo from the document presented with the existing one in the records of the community public service of records of persons, based on the description of the physiognomy of the person in question).

If necessary, the person will be asked to make his signature, in order to compare it with the one in the presented identity document. When, following the checks carried out, the identity data of the person in question has been established, the police officer will draw up an identification report.

The police action represents a complex of activities organized in a clearly established area, according to the approved plan, in order to identify the people who commit antisocial acts,

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<sup>12</sup> Anane Ivan, *Evidence – computerization of the person*, Pro Universitaria Publishing House, Bucharest, 2015

to detect the pursued persons, to neutralize some criminal phenomena or some repeated antisocial acts

Control is the police activity organized and executed in order to capture some facts, through the unexpected use of specific methods and means, simultaneously or successively, including the means of intervention provided, in order to prevent and combat criminal and contraventional acts, identification and capture their authors or the persons prosecuted under the law, the verification of compliance with the legal provisions in various fields.

### **III. Driving people to the police headquarters**

#### **III.1. The policeman's equipment**

"Individual means of intervention are the approved objects, devices or weapons in the equipment of the policemen, used, when the situation requires, to fulfill their duties.

Immobilization is a police measure, coercive in nature, undertaken with the aim of making the person who does not comply with legal requests unable to act aggressively, to leave the scene of the crime or to evade police measures."<sup>13</sup>

To deter, neutralize and prevent serious actions by citizens that disturb public order and peace, actions that could not be removed or annihilated by using other means, agents can use non-lethal weapons for self-defense, handcuffs, batons with electrostatic energy, devices with substances irritant-lachrymatory and paralyzing agents, rubber batons or toms, service dogs, and other means of immobilization that do not endanger life or cause serious bodily injury.

The means in the endowment can be used against persons:

- a) that may endanger the bodily integrity, health or property of other people;
- b) blocks, outside the law, public roads, tries to enter or refuses to leave the premises of public authorities or political parties, institutions and organizations of public or private interest, endangers their integrity and security or that of their staff or disrupts normal operations of the activity;
- c) offends persons with positions involving the exercise of public authority;
- d) who oppose or do not want to comply, by any means, with the fulfillment of the agents' legal warnings, only if there is a legitimate fear that their actions endanger the bodily integrity or life of the agents.

If the use of the means provided is not sufficient, the local police can proceed to immobilize people.

*Immobilization* is a police measure with a coercive character, undertaken with the aim of making it impossible for a person to run away or to be aggressive towards the local policeman or towards other people, to start or continue a violent action.

The means and procedures used for immobilization are chosen depending on:

- a) the number of people involved who are immobilized;
- b) state of aggression and physical strength;
- c) the manner of manifestation of aggression;
- d) the objects they have on them and which could be used to attack the policeman or other persons;
- e) the place where the state of aggression is manifested;

Before taking the measure of immobilization, the person in question is strongly warned to stop the violent action and submit to the summons of the agent, resorting to immobilization only if he did not comply.

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<sup>13</sup> Buzescu Gheorghe, *Police Law - university course*, Sitech Publishing House, Craiova, 2019

"The use of the means of the endowment against the people who participate in the violent actions will be done gradually, after summarizing the use of the means and giving the necessary time to stop the actions and comply with the legal requests of the agents. Any action in public is done by announcing: "Police!".

The use of means in the endowment must not exceed the real needs for preventing or neutralizing aggressive actions."<sup>14</sup>

When other means of immobilization or coercion are used that did not bear fruit, the local policeman may resort to using a weapon to fulfill his duties, in the following situations:

"a) ensuring the defense of any citizen against imminent violence, which can cause death or serious injury or which constitutes a serious threat to the life or bodily integrity of a person;  
b) the immobilization of a citizen who, after committing a violent crime, resists or tries to escape, and her remaining at liberty may endanger the life or bodily integrity of persons."

Weapons are used only after the summons: "Police, stay!". In case of disobedience, he is noticed again with the words: "Wait, I'm shooting!". If the person in question wants to obey this time as well, he is summoned by shooting the weapon upwards, in a vertical plane.

If, after the execution of the legal notices, the citizen in question does not obey, it is possible, in case of necessity, to use a weapon against him.

"The use of weapons, in the conditions and situations provided for previously, is done in such a way as to lead to the immobilization of those against whom the weapon is used, pulling themselves, as far as possible, to their feet, to avoid causing their death.

In cases of legitimate defense or state of necessity, lethal weapons of defense and guard may be used, without a summons, if there is no time necessary for this."<sup>15</sup>

In case of necessity, the policeman can use, in the situations and under the conditions provided by law, the force of white weapons or firearms. The use of weapons will be done in compliance with the legal provisions, respectively Law no. 17/1996 regarding the regime of firearms and ammunition. The use of the equipment provided for the fulfillment of the duties of the service, under the conditions and in the situations provided by the law, removes the criminal nature of the act.

"Carrying out specific activities in the field, police officers have the professional obligation to intervene promptly, at any time, to prevent and firmly combat any actions that affect the life and integrity of people, the rights and property of citizens, public property, public order and peace, the climate of civic security.

In order to ensure the success of these interventions, the police officers must have thorough professional training, know that they have no other judge than the law and their own conscience, and the measures they take must be in accordance with the legal provisions, not destroy the rights and civil liberties."<sup>16</sup>

Each local policeman must know and respect the rules regarding the carrying of weapons and other equipment. Training the correct skills in this regard can give him confidence and security in the actions he performs, being constantly prepared for quick intervention. The gun, ammunition and other equipment will be checked upon entering service, as well as after each use.

A good policeman must maintain himself in an optimal physical condition, the lack of which can sometimes put him in difficulty. With quick thinking and adequate physical endurance,

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<sup>14</sup> Art. 24 of Law 155/2010 regarding establishment, organization and functioning Local police, published in the M.Of. \_ no. 483/ 14.07.2010

<sup>15</sup> Art. 25 of Law 155/2010 regarding establishment, organization and functioning Local police, published in the M.Of. \_ no. 483/ 14.07.2010

<sup>16</sup> *Tactics manual police*, Publishing House Royal Foundation For Literature and Art, Bucharest, 2011

the police officer will be able to choose and apply the right force at the right time. First of all, he must observe the opponent, what objects he has on him, in order to dominate and disarm him - if necessary. If there are objects that the opponent can use as a weapon, he must place himself between them and the potential attacker, to prevent him from reaching them.

### III.2. Driving people to police headquarters

"Bringing people to the police headquarters is a coercive police measure, which consists in accompanying them from the place of detection to the police headquarters, in order to take the necessary measures."<sup>17</sup>

Depending on the circumstances, environment and equipment, driving people to the police headquarters can be done on foot or by car.

In the case of driving to the local police headquarters in order to identify a suspicious citizen or citizens who disturb public order and peace or endanger the lives of the people around, the policeman will draw up a document in which he will record the findings.

The local policemen have the right to bring to the police headquarters, the persons:

- a) which endangers the lives of surrounding citizens, public order and peace or other social values;
- b) suspected of committing illegal acts;
- c) tracking data;
- d) whose identity could not be established under the law .

In case of non-compliance with these provisions given by the policeman, he is allowed to use force against the people who oppose the measure.

Driving people to the headquarters on foot:

"Driving on foot is done when the distance to the local police headquarters is small. On this occasion, the implementation of this police measure, the person is intercepted and identified, who is to be taken to the local police headquarters.

The policeman intercepts the person who is to be taken to the police headquarters, proceeds to his identification and after assessing the situation, on the spot, if necessary, requests the intervention of additional forces."<sup>18</sup>

a brief body check on the person to be driven and, if necessary, a luggage check are mandatory . When acting in a team, the person being led is closely watched, in order to prevent a possible attack or escape.

If the policeman works alone, he can request the support of the citizens, whom he informs about what they have to do to help him.

If this is not possible and people do not accept help out of fear, the policeman acts alone, with increased attention, moving behind the person, left or right, being able to grab the person's coat or belt . When several citizens have to be driven, they will be grouped in relation to their number, height and degree of danger, considering them not to talk to each other throughout the journey.

The person is permanently and carefully monitored, both during travel and during stops, in order to observe their attitude and behaviour. The surroundings will also be monitored, even if everything seems normal.

While driving people to the headquarters, dark, crowded places, with tall vegetation or those where the person is known will be avoided. The traffic rules are respected throughout the

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<sup>17</sup>Tactics manual police , Publishing House Royal Foundation For Literature and Art , Bucharest , 2011

<sup>18</sup> Buzescu Gheorghe, *Peculiarities of contraventional law*, Sitech Publishing House, Craiova 2017

trip, the movement does not go on the sidewalks on their outer side or on the left side of the roads without sidewalks.

Driving people with vehicles

Driving people with service vehicles is indicated in most situations, when the distance to the local police headquarters is greater or when several people are to be driven and they become violent, dangerous.

Service vehicles can be used for driving.

On the occasion of carrying out this measure, the interception and identification of the person to be taken to the local police headquarters is carried out.

Before starting the journey to the local police headquarters, a brief body control of the person to be driven and, as the case may be, a luggage control, are mandatory.

The guided person is informed about the manner of behavior during the journey, drawing attention to the fact that, in the case of an inappropriate attitude, force and the means of the endowment can be used against him.

Before boarding, the interior of the vehicle is checked, so that there are no goods, objects or substances that could be used by the persons being driven, for attack or self-aggression.

When entering the service vehicle, the local policeman takes measures to protect the person so that he does not intentionally hit the door or other metal parts.

During the journey, the radio connection with the local police dispatcher is maintained.

Driving several people to the local police headquarters is, as a rule, done with the special vehicles of the local police, specially arranged, these being boarded in the compartment intended for this purpose.

A maximum of two people are brought with the service vehicle, in which case they will only be boarded on the back seat, and one of the police officers will also sit on this seat, behind the driver to constantly supervise the people being driven.

It must be taken into account that the rear doors will be locked.

In the situation where only one person is brought, he will be positioned on the back seat, accompanied and supervised by one of the agents, who will be positioned behind the car driver.

"Arriving at the police headquarters, after disembarking the person or their persons from the service vehicle, the interior is checked, so that there are no things left of the person being driven that could constitute evidence.

The use of public means of transport or those in which there are material goods that can be used for attacking the agent, for running away or committing a crime must be avoided, except for the situation in which the act was committed in one of the means of public transport, and the agent, after informing the passengers, must divert the vehicle from the route."<sup>19</sup>

**The person who is taken to the local police headquarters** is informed about the reasons for the driving, before the start of the measure, and his rights, upon arrival at the local police headquarters.

"If the person is a minor or a person lacking legal capacity, the agent will have the obligation."<sup>20</sup>

- to inform its legal representative or the guardianship authority of the measure taken, if the legal representative cannot be contacted or does not appear;

<sup>19</sup> Internal procedure within the General Directorate of the Constanța Local Police regarding driving people to the headquarters

<sup>20</sup> Law 155/2010 regarding establishment , *organization* and functioning Local police , published in the M.Of. \_ no . 483/ 14.07.2010

- not to ask for statements from it or not to ask it to sign documents, in the absence of the persons who represent it, with the exception of the communication of identification data."

"If the person brought to the local police headquarters shows visible symptoms that urgently require medical assistance, the policeman requests the support of specialized services in the shortest possible time.

Checking the situation of the person taken to the local police headquarters and taking the necessary legal measures are done within 12 hours at the most, as an administrative measure.

Once the identity of the person has been established, the agent must allow him to leave the police headquarters upon reaching the 12-hour deadline, the citizen having the right to leave the police headquarters, even if his identity has not been established. "

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