



Eximia Journal
(ISSN 2784-0735)

Vol. 11

2023

The process of handcuffing persons

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Abstract. In Romania, the police are among the institutions whose aim is to defend civil rights and liberties, as well as train citizens to comply with the laws or punish those who deviate from the rules and principles of a modern and fair society. The police generally perform work in the field, having direct contact with citizens, to ensure public order and peace, tracking and enforcement of the law. The policeman is obliged to intervene on any person, regardless of the position that person holds in society, gender or race, when he endangers the security of the state, the rights and freedoms of other people. In some situations, the warning given by the police to a person is enough for that person to stop committing illegal acts, but there are also situations in which it is necessary to use the means of immobilization, force or even the weapons provided. These situations endanger the physical integrity of the policeman or even his life, because of violent people. The utility of the existence of theories and practices of police intervention is caused by the fact that there are no complete articles in the law regarding the rights and freedoms of police officers on duty, for solving all cases. Compliance with these theoretical and practical rules protects police officers from abuses and deviations in interventions. Missions will be solved successfully and carried out, only if the most effective procedures and methods are respected, which is exactly why the policeman is obliged to respect these rules.

Keywords. Police measures, public order, tactical rules, legal measures, means of intervention

I. General notions

Handcuffing people is a police measure that has the role of preventing people who have been caught breaking the law, to run away or continue their illegal actions. This measure consists in applying a pair of handcuffs to the wrists of that mentioned person. Handcuffing is executed quickly and effectively.

Suspects are generally handcuffed with their hands behind their backs, there are also situations when suspects are handcuffed with their hands in front, and with the restraint system facing down. Handcuffing is usually done with the person standing, in an unbalanced position, so that they cannot attack. If several people are to be handcuffed, and they are violent, the handcuffing is performed from the position of lying on the ground with the hands behind the back of the head.

There are three methods of handcuffing people, namely:

1. Handcuffing from the prone-support position facing the wall and arms raised
2. Handcuffing from the "standing" position
3. Handcuffing from the "lying on the ground" position

After handcuffing, the policeman must perform a mandatory body search of the person who has just been handcuffed. If, even after handcuffing, the suspect continues to be violent or recalcitrant, the policeman has the right to immobilize his legs as well.

There are also situations where the suspects are handcuffed with their hands in front, that is if the suspects are taken to the police headquarters with the provided car, the suspect will be seated on the seat on the right, and the second policeman will be seated behind the suspect, being pay attention to him in order not to be violent and not to be taken by surprise if the situation degenerates unfavorably for the police.

In the situation where two people are to be handcuffed with the same pair of handcuffs, they will be placed in a line, and one bracelet will be placed on the right hand of one of the suspects, and the other on the left hand of the second suspect.

The suspect can ask for the handcuffs to be removed only if his state of health changes significantly and visibly or to satisfy certain physical needs.

I.1. Handcuffing from the prone-supported position with the face to the wall and the arms raised

Handcuffing from the prone position facing the wall and arms raised is usually performed by a team of two policemen. While the first policeman ensures the protection of the second one by paying special attention to the surroundings and, if necessary, to the people in the immediate vicinity of the space where the handcuffing is carried out, he keeps his hand on the weapon provided and is ready to intervene at any time if the situation degenerates. It also informs the suspect of the position he should approach so that the handcuffing maneuver can be carried out quickly and in complete safety.

At the same time, policeman number two places the suspect facing the wall, with his hands raised and his legs apart. If necessary, in the case of disobedience or turbulent persons, the policeman resorts to self-defense methods for the immediate immobilization of these persons. After the execution of these immobilization practices, the second policeman proceeds to the body control of the suspect, and if he presents a weapon or any other object that can cause injury to the policeman, he is immediately handcuffed.

The policeman grabs the handcuffs with the help of his right hand, the two bracelets being located on either side of his hand thus forming a point of resistance between the two that allows them to be applied with the mobile part down. By snapping it faster on your wrist, the top of each handcuff will form a circle.

Handcuffing is done by positioning and tightening the handcuffs on the suspect's right wrist, without injuring him by tightening the handcuffs too suddenly, then moving on to bringing the already handcuffed hand behind his back, pushing the suspect towards the wall, thus placing him in the position of imbalance and bringing the left hand behind to complete the handcuff. The policeman checks once more that the tightening of the handcuffs is neither too weak nor too tight and leads the suspect to the police headquarters on foot or with the provided vehicle.

If driving the suspect to the police headquarters is done on foot, the policeman places himself behind the suspect keeping him under close supervision by the belt of his pants. If the journey to the headquarters is made with the vehicle provided, then the handcuffs will be done with the hands in front, and the suspect will be placed on the seat to the right of the driver.

There is another case of handcuffing from the prone-supported position with the face to the wall and the hands raised, in which the procedure is as follows:

- The first policeman takes his weapon out of his holster to intimidate the suspect and to be ready if he needs to act, and if "the people around are not hostile, the policeman will take

a position with his back to the wall, at a distance of about 2 meters, on the other side of the point where his colleague acts"¹

- The second policeman will proceed in the same way as in the first case, only he will ask the suspect to lean his head against the wall, he will handcuff the person and do a much more careful body control, then he will lead him to the police headquarters.

I.2. handcuffing from the "standing" position

This method is used in case the person to be handcuffed is caught in the act or in the situation where a suspicious object was discovered following a quick body check. As in the previous case, i.e. when handcuffing from the prone-supported position facing the wall and arms raised, two police officers are needed who will act as follows:

The first policeman stands at an appropriate distance from the suspect, with his hand on the weapon that remains in the holster and is attentive to any movement, being ready to intervene if the situation degenerates, thus offering protection to the second one who will execute the handcuffs.

If the situation degenerates, the policeman can remove the weapon from the holster to intimidate and surprise the person to be handcuffed, so that he will no longer be violent, and the other policeman can handcuff him much faster.

The second policeman grasps the handcuffs in his right hand, as in the case of handcuffing from the prone-resting position with his face against the wall and his arms raised, the two bracelets being on either side of his hand, and with a quick and surprising movement he takes the suspect's right arm behind his back and handcuffs him, then immobilizes him and performs the same maneuver for the left arm. After handcuffing, the policeman palpates the person's body in order to check the clothing and leads him to the police headquarters on foot or with the help of the provided car, as the case may be.

In the situation where there is also a third policeman in the team, he will be attentive to the movements of the suspect, and in case the second policeman encounters difficulties in handcuffing the suspect, the third policeman will intervene through self-defense methods and techniques, so that the mission is accomplished successfully.

I.3. Handcuffing from the "lying on the ground" position

This method is executed when the person to be handcuffed is recognized as aggressive, but only after the person in question has been immobilized. The handcuffing from the "lying on the ground" position must be executed impeccably, and the policeman who executes this type of handcuffing must show great self-control. Three policemen are needed for this type of handcuffing.

The first policeman remains at an appropriate distance from the suspect and the place where he is to be handcuffed so that he can be attentive to the surroundings and intervene in the protection of others if the situation degenerates in an unpleasant way. He provides protection to the second policeman.

The second policeman being the one who executes the handcuffs as follows: he acts on the person to bring him to the "lying on the ground" position by summoning or unbalancing him.

After the person has reached the desired position, the immobilization on the ground is carried out by twisting the right arm and pressing the left foot on the suspect's right shoulder, so that the person's right arm is blocked on the policeman's right thigh, and the same is done for

¹ Buzescu Gheorghe, *Rules of police theory and practice*, Pro Universitaria Publishing House, Bucharest 2016

the arm left of the suspect. Brought to this position, the suspect will be handcuffed on his right arm and then the left arm will be twisted so that he can be handcuffed.

After the handcuffing operation has ended, the physical control of the handcuffed person is carried out on the ground.

II. Means and procedures used to immobilize people

The means of immobilizing people are objects, weapons or devices in the possession of the police to be used when the situations require it, to solve them.

The immobilization is a police measure, which has a coercive character, and aims to make people who do not listen and obey the summons of the police officer unable to flee from the place where they have committed an illegal act or to show themselves aggressively.

The use of weapons is the police measure that consists in the use of weapons from the policeman's uniform. This measure is used on goods and people.

- The means of immobilizing people are chosen by the police depending on:
- The number of people to be immobilized
- The degree of aggression they show and their physical strength
- The objects they possess and for what purpose they could use them
- The place where the means of immobilization are to be used.

The means of immobilization are used against the following categories of persons:

- Who take dangerous actions for the physical integrity of police officers or other people
- Who blocks, without authorization, the roads or other public ways of circulation, tries to enter, trespasses without right into a private space, refuses to leave a private space and disturbs in any way the smooth running of the activities in that space.

The principles underlying the use of these means of immobilization:

- Legality and legitimacy
- The limitation and proportionality of the use of force
- Minimal risk
- Impartiality
- Benefit of the doubt
- The gradualness of using the means of immobilization from the endowment
- Defense of persons

Rules underlying the use of the means of immobilization provided by police officers:

- Respecting the fundamental rights and freedoms of individuals
- The legal responsibility of all the actions they undertake
- Establishing the degree of opposition of the persons to be handcuffed
- Increased and permanent attention on the suspects and on the people in the immediate vicinity of the place where the immobilization actions are carried out
- Division of tasks for each member, if the action is carried out in a team
- Using summonses on people who manifest violently and warning them of the measures to be taken if they do not obey the summonses
- Keeping calm and conversation in a civilized tone, controlling gestures and facial expressions, deliberately ignoring ironic remarks that do not disturb public order

The use of the means of immobilization provided is done gradually, through the summons specific to each means of intervention and leaving a certain time between the summons and the use of these means so that the summoned person can respond to the summons and obey the policeman's requirements.

After the policeman has succeeded in immobilizing the persons, he must carry out a physical control of the person and his luggage. If, through his actions, the policeman has injured someone, he obligatorily demands the immediate intervention of the medical staff.

When it is necessary to use these means of intervention, the policeman must consider avoiding the vital areas of the people with an exaggerated force, without taking into account the injury of the people or their death. To avoid, as much as possible, the use of intervention means from the endowment on children, women and the elderly.

It is forbidden to use these means of immobilization from the endowment on children, elderly people, women whose pregnancy is obvious, with the exception of cases where they are involved in an attack by which the bodily integrity of the policeman or other people is endangered imminent. It is forbidden to violate the territory, waters or airways of another state by using the equipment provided.

II.1. Verbally noticing people

The verbal notice is a police measure that is preceded by the immediate intervention of the policeman in order to immediately stop the commission of illegal acts, to detain people who seem suspicious, to prevent illegal infiltration or leaving clearly defined perimeters.

The verbal notice is made loudly, clearly, using short words, in an authoritative tone and at a distance large enough for the safety of the policeman, but close enough to be heard by the person for whom the summons is made. The two phases of the summons must be respected:

- The first phase is preventive in nature, the person in question is requested to submit to a certain action, presenting at the same time the authority that executes the notice "POLICE! WAIT!", "POLICE! STOP IT!"

- The second phase consists in complying with the request to the noticed person to obey the orders, by presenting the policeman's action in the event of disobedience: "STOP I'LL SHOOT!"

A short time interval must be kept between the two phases of the notices, in order to be able to anticipate the movements of the noticed person and to be able to intervene if necessary.

If the summoned person ceases the action, the policeman will slowly and cautiously approach him in order to immobilize him or carry out other police measures.

For the use of the various means of immobilization from the endowment, specific summonses are executed. If the action takes place at night and it is necessary to use a flashlight, the policeman will keep the flashlight away from the body so as not to reveal his exact position.

If two or more policemen participate in the operation at night, they will divide their tasks as follows: the one who has the task of providing protection illuminates the area where the suspect is with a flashlight, from a safe place that will provide him with protection, and the others intervene in order to catch and immobilize the suspect.

In the situation where the policeman suspects that the noticed person might have a weapon, then the person is noticed from a place that offers protection to the policeman.

The means of immobilization can be used without a notice only if the life of the policeman or of various people in the surroundings is in imminent danger and there is no time to issue the notice to the person in question.

II.2. Using the hand sprayer with irritant-lacrimogenic substances

The sprayer is used to immobilize recalcitrant people or to separate groups of people without causing them serious bodily harm.

This means of immobilization is used only after the appropriate notice "STOP! WE WILL USE TEAR GAS!". The position of the policeman must offer him protection, be defensive and give the person the opportunity to submit. The sprayer with irritant-lacrimogenic

substances should be used from a distance of at least 1.5 meters from the person on whom it is being used and a maximum of 3 meters from him.

If the suspect does not cooperate even after the notice, the policeman will use the sprayer, spraying towards the person's face in short bursts, and will change his position immediately after each spraying.

If the person on whom the pepper spray was used ceases his actions and is cooperative, the policeman has the obligation to immediately stop the spraying and immobilize him.

The use of the sprayer with irritant-tear-forming substances is prohibited in crowded places or in public transport. "It is forbidden to use the sprayer in the direction of flames or incandescent objects."²

II.3. Using the self-defense stick (baton)

The baton can be used in the following cases:

- As a means of defense against the blows of aggressors
- As a means of intimidating turbulent or recalcitrant people, in order to stop their actions. The first blows are applied to more violent people.
- As a means of attack, in order to force the aggressor to stop his actions, the application of blows. If there are several aggressors who need to be immobilized, the blows with the self-defense stick will be applied first to the most violent of the aggressors.

As with all other measures, the baton is used only after a notice has been issued beforehand ("STOP, WE WILL USE FORCE!"). the blows must be short and quick, immediately followed by the withdrawal of the policeman.

The application of blows with the help of the self-defense stick (baton) must stop at the immediate moment when the person on whom the blows were carried out stopped manifesting violent actions and agreed to cooperate with the policeman or policemen, as the case may be.

Blows to the head, face and other sensitive organs should be avoided.

The blows must be proportional to the degree of resistance of the person. If the person is with his back, the blows must be applied "over the shoulder blades, forearms and back"³, in other situations the blows are applied over the upper or lower limbs, so as to parry the aggressor's blows or make him throw the objects on he uses them to attack.

It is forbidden to use the baton in the police headquarters, with certain exceptions, namely when there are violent group actions that may endanger the lives of police officers or other people, or the destruction of some property belonging to the institution.

If, following the application of blows with the self-defense baton, the policeman injured the person, he calls for the intervention of the authorized medical personnel or, if the person is conscious, having no blows that could endanger his life, the policeman transports the person injured person to the nearest hospital unit and informs the hierarchical superior about this action.

II.4. Use of handcuffs⁴

Handcuffing is a provision of the criminal investigation bodies, which consists in applying a pair of handcuffs to the wrists of a suspect.

Handcuffing is done on several categories of people, namely:

² Anane Ivan, *Elements of theory and tactics of criminal investigation bodies*, Pro Universitaria Publishing House, Bucharest 2014

³B uzescu Gheorghe, *Elements of public order*, Pro Universitaria Publishing House, Bucharest 2016

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

- Deserters, escapees and dangerous recidivists⁵
- Pursued, detained, convicted and arrested persons, during their transfer to penitentiaries
 - Violent people, who have committed serious crimes that have serious consequences on the lives of some people
 - The mentally ill, who are a danger to their bodily integrity, or to other people
 - Persons on whom objects of illegal origin or objects that may affect the physical integrity of the police officer or other persons were found

Handcuffing is performed quickly and effectively. The handcuffs are applied to the wrists placed behind the back, with the fastening system upwards. Handcuffing is usually performed in a position where the person to be handcuffed cannot fight back.

If a group of people needs to be immobilized, and it is violent, all the members of the group are placed on their stomachs with their hands behind their backs. After handcuffing, the policeman must perform a mandatory physical control of the handcuffed person. If after being handcuffed, the suspect continues to be violent, the policeman has the right to immobilize his legs.

The suspect can ask for the handcuffs to be removed only in the event that his health deteriorates rapidly and in the event that he needs to satisfy certain physical needs. The handcuffing can also be done with the hands in front, only when the suspect is to be taken to the police headquarters with the provided vehicle.

In this case, the suspect will be seated on the seat to the right of the driver, and the second policeman will sit behind the suspect, paying attention to his every movement. If it is necessary to handcuff two persons with the same pair of handcuffs, then these persons shall be lined up, and one bracelet shall be placed on the right wrist of one person and the other bracelet shall be placed on the left wrist of the other person.

Handcuffing is usually done in three ways, namely:

- From the prone-supported position facing the wall and arms raised
- From the "standing" position
- From the "lying on the ground" position

The handcuffing from the prone-supported position facing the wall and arms raised is performed by a team consisting of two policemen.

While the first policeman offers protection to the second policeman through the increased attention he has on the surroundings and on the people in the immediate vicinity of the place where the handcuffing takes place, he is prepared to intervene at any moment if the situation degenerates and the first policeman has need help to immobilize the person or persons, if they are violent or recalcitrant. It also informs the suspect about the position he should approach so that the handcuffing can be performed quickly and in complete safety for both the police and the person in question.

The second policeman places the suspect in the unbalanced position, facing the wall with his hands raised and his legs apart. If necessary, in the case of turbulent persons or those who are known to be violent, the policeman resorts to self-defense methods to immobilize them. The policeman grabs the handcuffs with the help of his right hand, the two bracelets being on either side of his hand, thus forming a point of resistance between the two, which allows them

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

to be applied with the mobile part down. By quickly snapping the handcuffs onto your wrist, the top of each handcuff will form a circle.

Handcuffing is done by positioning and tightening the handcuffs, first on the right hand without injuring or exerting too much force on the person's hand, then bending the arm and bringing it to the back, pushing the suspect facing the wall so that he does not fall and or put in the imbalance position so as not to retaliate and bring the left hand to the back by bending it, to complete the handcuffing. The policeman must check that the tightening of the handcuffs is neither too weak nor too tight and drives the handcuffed person to the police headquarters on foot or in the provided vehicle, as the case may be.

Handcuffing from the standing position is used if the person to be handcuffed is caught in the act or in the position where, following a quick body check, the police discovered a suspicious object. As in the previous case, two policemen are needed.

The first policeman provides protection, standing at a considerable distance from his colleague and the person to be handcuffed, being attentive to any movement of the suspect or other people nearby, ready to intervene at any moment.

The second policeman holds the handcuffs in his right hand on either side of his hand, and with a quick and surprising movement he takes the suspect's right arm behind his back and handcuffs him, immobilizing him and performing the same maneuver for his left arm. the person.

After handcuffing, the policeman has the obligation to palpate the person's body, in order to check his body and clothing. After performing the physical control, the policeman will escort the handcuffed person to the police headquarters on foot or with the help of the provided car.

Handcuffing from the position lying on the ground is performed when the person in question is known to be dangerous, but only after being immobilized. The handcuffing must be executed impeccably, and the policeman who executes this type of handcuffing must show great self-control. Three policemen are needed for this type of handcuffing.

The first policeman remains at an appropriate distance so that he can be attentive to the surroundings and intervene if the situation degenerates in an unpleasant way. He offers protection to the second policeman who executes the handcuffs thus acts on the person to bring him to the position lying on the ground, by verbally noticing or unbalancing.

After the person has reached the desired position, immobilization on the ground is performed by twisting the arm and pressing the left leg on the suspect's right shoulder, so that the person's right arm is blocked on the policeman's right thigh.

Brought into position, the suspect will be handcuffed on his right arm, then the left arm will be twisted so that he can be handcuffed. After the handcuffing operation has ended, the physical control of the handcuffed person is carried out on the ground.

The third policeman sits on the left side of his colleague, the one doing the handcuffing, so that he can help him if he encounters certain difficulties, immobilizing the person or putting on the handcuffs. He participates in the handcuffing together with the second policeman, blocking the left arm of the individual who is handcuffed.

II.5. Use of weapons

Police officers are obliged to own, carry and use only the ammunition they have and only from the police headquarters of which they are a part. They must wear, in a mandatory manner, in their uniform the belt that supports the gun and two ammunition cartridges. It is forbidden to carry the weapon in a place other than the one mentioned, in order not to risk its loss or theft. Policemen who have their weapons permanently on them, i.e. also at home, are

obliged to keep them in metal boxes with secure closure, so that they cannot be used by family members or other unauthorized persons.

It is absolutely forbidden to take out and handle the gun in front of other people, except when it is on a mission and it is necessary to use it.

As with the other means of immobilization, weapons are used only in extreme cases and only after notices have been executed to intimidate people who have committed illegal acts.

Weapons can only be used in absolutely necessary cases, when other means have not led to the arrest and immobilization of the suspects.

The use of the weapons provided is done only after notices have been issued, at sufficient time intervals so that the person in question can stop the illegal actions and cooperate with the police. The notices are: "LEAVE THE AREA, FIREARMS WILL BE USED!"

"The seriousness of the act will be estimated in relation to the damage caused, the violent actions of the offender, the frequency of these categories of acts, the number of participants, the objects they have on them."⁶

In any situation, the weapon is used only after all the conditions provided by the law are met cumulatively. Weapons can only be used after a verbal notices for the use of weapons have been issued in advance. In the first phase, a shot is fired in a vertical plane, and if necessary, the head of the mission will shoot at the attackers, but only at their feet, to avoid their death. In situations of self-defense, the policeman can use a weapon without using the verbal notices, if the situation does not allow their use, due to the lack of time in order not to endanger his life.

The use of weapons in crowded spaces should be avoided, as much as possible, to avoid endangering the bodily integrity of other people, with the exception of shooting in a vertical plane.

"Before proceeding to action, a quick analysis of the existing situation on the spot is carried out in order to establish concrete data regarding the committed acts, the possible witnesses, the perpetrators of the acts, whether they are armed or not, the degree of aggressiveness as well as the behavior which they have at the moment of surprise"⁷

During the execution of the immobilization, by handcuffing the attacker, the weapon is put in the holster, or in the supporting harness.

If a car does not stop at the policeman's signal and the people in that car are suspected of transporting stolen goods or illegal things, and the chaotic driving endangers the life of the policeman or other people, the weapons provided can only be used in the tires the vehicle. Any situation in which a weapon is used must be reported to the superior and a written report drawn up.

In special situations, of imminent danger, the policeman can make use of other weapons that are not part of his equipment, weapons found near him and with which he can defend himself, or immobilize violent persons.

In the event that the use of firearms is carried out and there is no serious injury, which does not require escorting to a medical unit, the noticed person will be notified to the hierarchical superior and an investigation will be started related to the legality of the use of the weapons provided by the policeman . Weapons are used only to immobilize the person, without injuring the vital areas.

⁶ Buzescu Gheorghe, *The place and role of the civil servant in the state apparatus* , Sitech Publishing House, Craiova, 2017

⁷ <http://andreivocila.wordpress.com/2010/04/14/masuri-tactice-politienesti>

III. Principles to be respected when using immobilization means

When using the means of immobilization from the endowment, it is necessary to observe certain principles that any policeman should know and apply, so that he can fulfill his missions successfully. These principles derive from the laws of each country and from certain international conventions.

These principles are:

1. "Benefit of the doubt
2. Limitation and proportionality of the use of force
3. Impartiality of the police and equal protection for all persons
4. Gradual use of methods and means of action
5. Not surprising people
6. Legality and legitimacy
7. The principle of minimum risk
8. The principle of the defense of the human being
9. The principle of confidentiality of data obtained by the police" ⁸.

The use of means of immobilization of persons who directly participate in aggressive actions is done gradually, so that those persons can stop the actions that violate the law, comply with the requests from the police, making an exception only in extreme cases of legitimate defense when there is no time for these requests, due to the fact that the physical integrity of the police officer or other persons may be endangered.

III.1. Limitation and proportionality of the use of force

In situations where the need to use force and immobilization means is resorted to, the degree of resistance of the person is taken into account.

The use of force must be avoided as much as possible and the use of other nonviolent means of immobilization is tried. The use of force and the means of immobilization from the endowment is done on people who undertake violent actions that may endanger the life of the policeman or other people.

If the illegal activities could not be removed through the use of nonviolent means of immobilization, then forceful action is taken, taking into account the place, time and people near the incident.

The policeman must take into account the fact that the force he applies to immobilize a person, must be directly proportional to the degree of disobedience of the person in question, and the actions in the use of force must stop as soon as the person has given up resisting or after it was immobilized ⁹.

III.2. Gradual use of methods and means of immobilization

The gradual use of methods and means of immobilization represents the policeman's obligation to use force in stages, first with the lightest forms of force, and if the situation worsens, then the methods of immobilization and force will be stricter.

Gradualness implies compliance with all steps, if there is time and the situation does not degenerate, and the policeman is safe, as are the other people in the vicinity of the immobilization actions.

Situations in which the use of weapons is necessary is considered an extreme method, and therefore is avoided as much as possible.

⁸ <http://www.stiucum.com/drept/drept-general/Imobilizarea-persoanelor91234.php>

⁹ Anane Ivan , *The Investigation tracking bodies _ criminal* , Pro Universitaria Publishing House , Bucharest , 2014

III.3. The principle of minimum risk

Minimal risk involves taking the best decisions to avoid harming the suspects, the police or other people in or in the immediate vicinity of the intervention.

A policeman must not risk his life or that of other people when he is in the middle of an intervention.

Many times the lives of many people are in the hands of the police, which is why they must carefully weigh their decisions and the steps they take in immobilizing some people, so that no one threatens their bodily integrity or that of witnesses.

III.4. The principle of the defense of the human being

- "presupposes the provision of first aid in case of injury to the bodily integrity or health of persons, as well as the non-recourse to violence or ill-treatment of those detained."¹⁰

Professional interventions offer police officers an efficient framework for preparing and executing all missions.

Like all self-respecting institutions, the Police cannot leave to chance the actions of catching and punishing suspects, as well as those of modernizing intervention practices.

The law specifies "what you have to do" and the intervention practices show you exactly concrete methods of action so that the mission is a success and no one is injured at the end of it by putting into practice only the legal requirements. Being a professional requires a certain qualification, and this qualification cannot be achieved if you do not have high standards in relation to every small detail that may seem insignificant. This principle is based on the protection of each person, without discrimination related to race, religion, social status. For the policeman, every man is equal and his life is important, so it must be defended at all costs.

III.5. Impartiality of the police and equal protection for all persons

When it is necessary to intervene by force or use the means of immobilization provided, the policeman is prohibited from discriminating against people based on sex, race, religion, sexual orientation or social status.

The only criterion that could differentiate the force with which the policeman intervenes is the degree of retaliation, involvement and guilt in committing the illegal acts of the people whom the policeman wants or is going to handcuff.

The policeman has the obligation to offer protection to all people, regardless of their status, without making differences between them, without endangering their physical integrity or life, for personal reasons.

If, through the intervention of the policeman, the person was protected and thus his injury could be avoided, then the policeman will be held liable for discrimination.

III.6. The legality and legitimacy of the actions undertaken

This principle is based on the choice by the police of the appropriate immobilization measures and means for each person and individual intervention. Through these elections, the policemen must respect the legal provisions, defend the state and the citizens and punish the people who break the law¹¹.

The choice of means of immobilization is taken quickly, but being directly proportional to the rate of resistance of the person in question, so that he is not injured by the actions of the policeman, but also cannot escape or put the policeman's life in danger.

¹⁰ www.scoalarosu.ro/RO-FILES/Info_pub/revista_pdf/14/Principiile%20interventiei%20profesionale.pdf

¹¹ Anane Ivan, *Elements of computerized records of the person*, Pro Universitaria Publishing House, Bucharest, 2015

Before starting to implement the means of immobilization provided, the policeman has the obligation to use the notice specific to each means, so that the person to be immobilized is not taken by surprise by the actions of the policeman.

The actions of immobilization using physical force are also used in cases of legitimate defense, and then, if there is no time, they can be done without giving the notices specific to each measure beforehand. " In accordance with the provisions of Law no. 218 / 2002 on the organization and functioning of the Romanian Police, art. 34 para. (1), to discourage, prevent and neutralize the aggressive actions of people who disturb public order and peace, actions that could not be removed or annihilated by using other means, the police can use protective shields, helmets with visor, rubber batons, batons with electrostatic energy, devices with irritant-tear-forming and paralyzing substances, water jets, guns with rubber bullets and handcuffs, as well as other means of immobilization that do not endanger life or cause serious bodily injury."¹²

III.7. Benefit of the doubt

" The presumption of innocence is a legal custom used in most civilized states that implies a presumption that a person is presumed innocent until proven guilty. The purpose of the presumption of innocence is to protect the individual against abusive measures, by guaranteeing individual freedom , by stimulating the search for the truth by the state authorities and by avoiding the conviction that the person against whom a criminal action is being taken is guilty."¹³

In this case, the principle refers to the fact that the policeman must consider the fact that every man is innocent until evidence is gathered against him or until the policeman catches him doing something illegal.

The policeman must take into account the fact that the use of the means of immobilization provided and physical force is done only when, through the person's actions, behavior and reactions, he knowingly violates one or more legal provisions.

There are also other principles such as:

- the non-surprise of people, which involves the prior notice of the person, so that he is not taken by surprise by the policeman's actions or to have enough time to stop the violent actions or illegal acts he commits. Noticing and warning people are not mandatory when there is not enough time for this, because by his actions the noticed person endangers the physical integrity of the policeman or other people.
- the principle of confidentiality of data obtained by police officers, except in cases where the performance of official duties requires otherwise. This principle involves the protection of data that is related to the personal life of the suspects and may harm their safety or reputation, and the protection of classified data and information.

The police officers who act in uniform, have the obligation to have on them, in sight, all the means of immobilization from the endowment. They must be attached to the belt, being in the specially made supports.

The use of physical force and hand-to-hand fighting methods are used by police officers to defeat small-scale violent attacks directed at themselves or other people, as well as to immobilize persons considered suspicious who oppose the execution of police measures, meaning legitimization , body control, baggage control or driving to the police headquarters.

In order to defeat aggressive actions and immobilize turbulent people, the policeman can use hand-to-hand fighting methods, he can apply blows with fists, legs, knees, elbows or

¹² <http://www.stiucum.com/drept/drept-general/Imobilizarea-persoanelor91234.php>

¹³ https://ro.wikipedia.org/wiki/Prezum%C8%9Bia_de_nevinov%C4%83%C8%9Bie

other parts of the body. When applying these blows, it will be considered to avoid sensitive and vital areas, the use of force of an exaggerated intensity intended to bring injury to the person or even his death.

Physical force and the use of hand-to-hand combat is done only after subpoenas have been used for those who perform violent actions to obey the policeman's request.

There are also special cases in which there is no need to use summonses, when aggressive actions are directed at the policeman or other people around, putting their physical integrity at risk.

For the success of the intervention, it is necessary for the policeman to have a good physical and mental condition, to master the methods and techniques of self-defense very well and to be attentive and focused on that mission. Self-defense can be defined as an effective way by which the victim of a surprise attack can fight back, defending his bodily integrity.

In essence, this way of fighting involves putting the defense first, leaving the counterattack second, using it only as much as it is necessary for the aggressor to stop his actions that bring harm to the person in question, the victim.

The police provide support to the persons entrusted with the exercise of the administration's authorities in order to enforce the final court decisions, as well as other titles that are under the competence of:

- bailiffs, who have a general competence
- financial institutions, which ensure the forced execution of budget debts
- bank executors, to ensure the execution of the executory titles belonging to the banks.

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