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Tracking Persons With Vehicles

Daiciu Laura Silvana

Independent researcher

Abstract. In order to carry out an exhaustive investigation of the theme, the analysis of the problems was resorted to by referring to certain doctrinal points of view, evaluating and synthesizing some aspects in the field of technique and tactics of the tracking bodies. I used the inductive method as the main method because science uses experience as a means of confirming its conclusions and hypotheses. For the study of the theme, its complexity was taken into account, for which a combination of some classic research methods with some new methods was preferred. Thus, direct observation was used to underline the importance of the methods/tactics/rules that must be followed so that the mission of tracking people can be a success. Indirect observation was used by appealing to some clear and well-written previous findings in the studied subject. Other methods used throughout the elaboration of the paper include: - the sociological method necessary for the collection, analysis and interpretation of information; - the documentary research undertaken at some police headquarters in order to fully understand the techniques and tactics of the investigative bodies; - the documentary research undertaken at the headquarters of the local police units to reveal the number of files, which were solved with the help of tracking techniques; - indirect research.

Keywords. Police cooperation, means of intervention, operative supervision, legality, preventive management

I. Introductory considerations

I.1. Brief history of the police institution

Over time, human societies organized in communities have shown the desire/need to defend their members, collective and private property as well as the rules that are the basis of a good organization.

In order to ensure a climate of good coexistence, of respect for the norms that govern society, the idea of promoting the state's police right was advanced.¹

At the doctrinal level, the police concept has raised numerous controversies. So according to some doctrinaires, "police" derives from the Greek term "polis" which is used to denote the concept of a city or a settlement.²

Other doctrinaires believe that the notion of "police" is a derivative of the word "politea" which designates the order activity carried out in a state.

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

² Buzescu Gheorghe, *Police Law - university course*, Sitech Publishing House, Craiova, 2019

However, there is also a third category of theorists who believe that the term comes from the Latin word "politia" which designates the way of political-administrative organization of a society.

Regardless of the origin of the concept/notion, the word is found in most languages of the world map, being used worldwide.

"It is known that the activity related to the preservation of order and public safety during antiquity and during the Middle Ages was the responsibility of the army, which, apart from the duties of defending the territory during wartime, had the right and obligation to carry out various police activities, maintaining order and restoring it, in case of need."³

In this sense, the case of the Roman Empire is representative, which used soldiers in the occupied territories for police activities (patrols, raids, suppression of riots, etc.). In our country, the situation is similar. In Muntenia, the "function" of police commander was carried out by Marele Spătar, who was actually the head of the army.

In Moldova this position was occupied by the hetman, who was the boyar appointed by the Lord of Moldova as the head of the army and implicitly responsible for ensuring public order in the interior.

"Subordinate to the highest position were numerous military officers - *pârcalabi* (administrative, military and judicial heads of a county), *administrators* (heads of some regions or cities), city captains, infantry colonels (commanders of some military formations), *the zabicii* (military officials who were in charge of collecting taxes and fees) and *the guards* (military guards)".⁴

"In the middle of the 17th century, the police was under the authority of a "great aga" who was the General Commander of the infantry and the chief of the police. The great aga had "shanty guards and boyars" in coordination - these being the early equivalent of street policemen, a special prison and a court."⁵

Also in the 17th century, the first forms of police organization appeared, gradually shifting to the delimitation of the police attributions from the attributions of the national army.

"In the two Romanian countries - Moldova and Wallachia - at the level of the 17th century, safety and public order were ensured by two institutions, respectively *Agia* and *Spataria*, which had enhanced police powers."⁷

"*Agia* was a police institution initially tasked with maintaining public order in the capital, and later in the entire Wallachia".

Spataria had duties of a police nature as well as tasks related to guarding and managing the royal arsenal.

With the appearance of the Organic Regulations, at the level of the two Romanian principalities, the public order maintenance forces undergo a series of changes.

Starting with 1830, according to the Organic Regulations - a normative act that fundamentally reformed the two provinces - armed formations were established with responsibilities for the protection of property and persons. Two decades later, a new important

³ Buzescu Gheorghe, *Elements of order published*, Pro Universitaria Publishing House, Bucharest 2016

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

⁵ Buzescu Gheorghe, *Rules of theory and practice police*, Pro Universitaria Publishing House, Bucharest 2016

⁶ Buzescu Gheorghe, *Elements of order published*, Pro Universitaria Publishing House, Bucharest, 2016

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

normative act for the history of the Romanian police appears, respectively " The Law for the transformation of the body of servants into gendarmes".

" In 1866, according to new administrative normative acts, the "City Guard" was established, which has clear duties of guarding property and citizens and "maintaining good order and public peace".

" Following the entry into force of this normative act, the " town sergeants" ⁸appear, who are basically public order police whose main task was to prevent and combat antisocial acts that took place in the public domain."

" After this stage, it is important to remember the period of 1929-1949, which is marked by the appearance of *the Law for the organization of the General State Police and the appearance of the " corps of public guards "* .

" During the communist period, there was the popular militia ⁹, which, in addition to the duties of ensuring public order and peace, also had the duties of maintaining social order by repressing opponents of the regime."

In 1994, according to Law no. 26/1993 and Government Decision no. 518/1993, the Corps of Public Guards is re-established, as a public institution providing security and public order services as well as for the transport of goods and valuables. By Law no. 371/2004, the Community Police is established in Romania.

Later, the publication in the Official Gazette of Law no. 155/2010 and the Decision of the Government of Romania no. 1332/2010 constituted the legal basis for the establishment of the Local Police in Romania.

I.2. The purpose of the Romanian police

The main purpose of the exercise of the duties regarding the defense of the rights and freedoms of individuals, of private and public property, the prevention and detection of crimes, in the following areas: public order and tranquility, as well as the protection of assets; traffic on public roads; construction discipline and street display; environment protection; commercial activity; records of persons; other areas established by law.

I.3. The principles underlying the organization and functioning of the police

" Like any institution, the police conducts its activity based on principles such as; legality, trust, predictability, proximity and proportionality, openness and transparency, efficiency and effectiveness, accountability and responsibility, impartiality and non-discrimination."¹⁰

" The local police are carrying out their activity" ¹¹:

- ❖ in the interest of the local community, exclusively based on and in the execution of the law, as well as the acts of the deliberative and executive authority of the local public administration;
- ❖ in accordance with the regulations specific to each field of activity, established by administrative acts of the central and local public administration authorities.

In the exercise of its duties, the local police cooperates with the units, respectively with the territorial structures of the Romanian Police, the Romanian Gendarmerie, the Romanian Border Police and the General Inspectorate for Emergency Situations, with the other authorities

⁸ Buzescu Gheorghe, *Elements of order published* , Pro Universitaria Publishing House , Bucharest 2016

⁹ Buzescu Gheorghe, *Rules of theory and practice police* , Pro Universitaria Publishing House , Bucharest , 2016

¹⁰ Law no. 155/2010 - regarding the law Local Police

¹¹ Buzescu Gheorghe, *The place and role of the civil servant in the state apparatus* , Sitech Publishing House, Craiova, 2017

of the central and local public administration and collaborates with non-governmental organizations, as well as with natural and legal persons, under the law.

" The local police requests the intervention of the competent territorial units/structures of the Romanian Police or the Romanian Gendarmerie for any other situations that exceed their attributions, according to this law."¹²

The local police can conclude with other authorities and public institutions cooperation protocols with the object of detailing the ways in which, within the limits of the legal competences of each structure, they offer support in the performance of specific activities or missions.

" At the level of the commune, the city, the municipality or the sector of the Bucharest municipality, as the case may be, where the community police is established according to the provisions of Law no. 371/2004 on the establishment, organization and functioning of the Community Police, with subsequent amendments and additions, it is reorganized as a local police structure."¹³

At the level of the commune, the city, the municipality or the sector of the Bucharest municipality, as the case may be, where there is no community police established according to the provisions of Law no. 371/2004, with subsequent amendments and additions, a local police structure can be organized.

I.4. Duties of the police in the field of road safety

" In accordance with the provisions of art. 6 of Law no. 155/2010 in the field of public order and peace, as well as property security, the local police have the following duties:

- maintains public order and peace in the areas and places established by the order and public safety plan of the administrative-territorial unit/subdivision, approved under the law;
- maintains public order in the immediate vicinity of public education units, public sanitary units, in car parks located on the public or private domain of the administrative-territorial unit/subdivision, in commercial and leisure areas, in parks, squares, cemeteries, as well as in other such public places owned and/or under the administration of administrative-territorial units/subdivisions or other public institutions/services of local interest, established by the order and public safety plan;
- participates, together with the competent authorities provided by law, according to the competences, in rescue and evacuation activities of persons and goods endangered by natural calamities or catastrophes, as well as in limiting and eliminating the consequences caused by such events;
- act to identify beggars, children deprived of the supervision and protection of their parents or legal representatives, homeless persons and proceed to entrust them to the public social assistance service in order to solve their problems, under the law;
- detects contraventions and applies sanctions, according to the competence, for non-compliance with the legislation on the regime for keeping dangerous or aggressive dogs, the one on the management program for stray dogs and the one on the protection of animals and notifies the specialized services for the management of stray dogs about the existence of these dogs and provides support to specialized personnel in capturing and transporting them to the shelter;

¹² Buzescu Gheorghe, *Elements of order published*, Pro Universitaria Publishing House, Bucharest 2016

¹³ Buzescu Gheorghe, *Elements of order published*, Pro Universitaria Publishing House, Bucharest 2016

- ensures the protection of the personnel from the mayor's/general mayor's specialized apparatus, from the public institutions or services of local interest and carrying out specific controls or actions;
- participates, together with other competent authorities, in ensuring public order and tranquility during rallies, marches, demonstrations, processions, picketing actions, commercial promotional actions, cultural-artistic, sporting, religious or commemorative events, as appropriate, as well as other such activities that take place in the public space and that involve agglomerations of people;
- ensures the protection of assets and objectives owned by the administrative-territorial unit/subdivision and/or under the administration of local public administration authorities or other public services/institutions of local interest, established by the local council/General Council of the Municipality of Bucharest;
- finds contraventions and applies sanctions for non-compliance with the legal norms regarding social coexistence established by laws or administrative acts of the central and local public administration authorities, for the facts found in the territorial area of competence;
- executes, in accordance with the law, the arrest warrants issued by the criminal investigation organization and the courts surrounding the administrative-territorial unit/subdivision, for the persons who live within the jurisdiction;
- participates, together with the Romanian Police, the Romanian Gendarmerie and the other forces that make up the integrated system of order and public safety, to prevent and combat street crime;
- cooperates with the zonal military centers in order to hand over orders to call for mobilization and/or to clarify the military situation of reservists from the Ministry of National Defense;
- ensures protection measures for bailiffs in the event of enforced executions;
- grants, on the territory of territorial administrative units/subdivisions, immediate support to competent structures with attributions in the field of maintaining, ensuring and restoring public order.

Also according to art. 6 of the special law on the organization of the local police in the field of traffic on public roads, the local police have the following powers:

- ensures the flow of traffic on public roads within the territorial scope of competence, having the right to issue regulatory stop signals to motor vehicle drivers exclusively for the fulfillment of the duties conferred by this law in the field of traffic on public roads;
- verifies the integrity of the means of road signaling and reports irregularities found regarding the operation of traffic lights, the condition of indicators and road markings and provides assistance in the areas where road markings are applied;
- participates in joint actions with the road administrator to remove the effects of natural phenomena, such as: heavy snow, blizzard, strong wind, torrential rain, hail and other such phenomena, on public roads;
- participates, together with the units/territorial structures of the Romanian Police, in ensuring traffic measures caused by public gatherings, rallies, marches, demonstrations, processions, picketing actions, commercial promotional actions, cultural-artistic, sports, religious or commemorative events, after case, as well as other activities that take place on the public road and involve agglomerations of people;

- supports the territorial units/structures of the Romanian Police in ensuring traffic measures in the case of special and oversized transports within the territorial area of competence;
- provides support to the units/territorial structures of the Romanian Police in taking measures to ensure the flow and safety of traffic;
- ensures, in the case of accidents resulting in victims, the security of the site of these accidents and takes the first necessary measures to preserve the traces, identify the witnesses and the perpetrators and, if necessary, transport the victims to the nearest health facility;
- detects contraventions and applies sanctions for the violation of legal rules regarding the stopping, parking, parking of motor vehicles and prohibited access, having the right to order measures to remove illegally parked motor vehicles;
- detects contraventions and applies sanctions for violating the legal norms regarding the maximum allowed traffic and access to certain road sectors, having the right to make stop signals for the drivers of these vehicles;
- detects contraventions and applies sanctions for the violation of road rules by pedestrians, cyclists, drivers of mopeds and animal-drawn vehicles;
- finds contraventions and applies sanctions for non-compliance with the legal provisions relating to traffic in the pedestrian area, in the residential area, in parks and leisure areas, as well as on adapted parking spaces, reserved and signaled by the international sign for people with disabilities;
- applies the legal provisions regarding the legal regime of unattended or abandoned vehicles on land belonging to the public or private domain of the state or administrative-territorial units/subdivisions;
- cooperate with the units/territorial structures of the Romanian Police to identify the owner/user of the vehicle seized as a result of irregular parking or of vehicles abandoned on the public domain." ¹⁴

Deeply involved in ensuring the climate of legality, law enforcement agencies place the prevention of law violations at the center of their activity.

Contravention - the deed committed with guilt, established and sanctioned by law, ordinance, by decision of the Government or, as the case may be, by decision of the local council of the commune, city, municipality, or sector, the county council or the General Council of the Municipality of Bucharest .

Violator - the person who commits a contravention.

Detecting agent - the person authorized by law or other normative acts to detect contraventions and apply contraventional sanctions.

The contraventional sanction - is a measure of constraint and re-education, which is applied to the violator in order to correct him and prevent the commission of other contraventions.

Contraventional fine - the patrimonial sanction that is applied to the author of a contravention, natural or legal person, consisting in obligating him and preventing the commission of other contraventions.

II. The purpose and principles underlying the use of the means of intervention

¹⁴ Law no. 155/2010, Republished in the the screen Official no . 339 of May 8, 2014

The main purpose of using intervention means is to immobilize people who display aggressive behavior or who intend to leave the scene of the crime or evade the action of the police.

" In order to immobilize, the means of intervention are chosen in relation to:

- the number of people involved and to be immobilized;
- their state of aggression and physical strength;
- the way of manifestation of aggression;
- the objects they have on them that could be used to attack the policeman or other people;
- the place where the state of aggression is manifested.

As a rule, means of immobilization are used against people who:

- undertake actions that endanger the bodily integrity, health or property of other people;
- blocks, outside the conditions of the law, the public roads from the headquarters of public authorities, institutions and organizations of public or private interest, endangers in any way their integration or security or that of the staff or disturbs the normal development of the activity;
- offends persons with positions involving the exercise of public authority;
- oppose or do not oppose, by any means, the fulfillment of the legal requests of the policeman, only if there is a legitimate fear that their actions may endanger the bodily integrity or the life of the policeman."¹⁵

The principles underlying the use of means of intervention can be mentioned: the limitation and proportionality of the use of force; the gradualness of the use of intervention methods and means; the legality and legitimacy of the actions undertaken; minimal risk; defense of persons; firmness; impartiality; benefit of the doubt.

II.1. Tracking people with the vehicle

In order to carry out the action of following people with a car, it is necessary to mention the fact that when the person is in a vehicle and it is necessary to follow him, the police can use both the vehicles provided by the police and those belonging to persons , except for cases provided by law. "¹⁶

Also, in the execution of the pursuit action, the policemen must make their quality known in order to be supported by other policemen or the population, based on the uniform, service ID, badge, emblem, etc.

It is required that, during the tracking mission, the police vehicle can be easily identified (traffic light, acoustic signaling system, etc.) in order to be able to stop the vehicle that needs to be controlled.

Before intervening, if possible, the area, the most favorable piece of land depending on the situation, will be chosen, and the policemen will distribute their tasks between them.

It will be ensured that the doors of the police vehicle are always unlocked, possibly the windows will be lowered.

The movement, in order to catch the suspect/persons, will be carried out as close as possible to the axis of the road, using sound/light warning means.

¹⁵Anane Ivan, *Elements of theory and tactics of the tracking bodies* , Publishing House Pro Universitaria Bucharest , 2014

¹⁶Buzescu Gheorghe, *Rules of theory and practice police* , Pro Universitaria Publishing House , Bucharest 2016

The pursuit of a vehicle that did not stop the legally performed signal is carried out only after notifying the unit's dispatcher about the start of the action, communicating data regarding the signals of the pursued car and its occupants, as well as regarding any other event."¹⁷

At the same time, it is necessary to mention that a safe distance will be kept behind the pursued vehicle, so that the policemen are not surprised by any unforeseen/unexpected maneuver by continuing to use the acoustic and light signals.

The vehicle is not followed for too long, an attempt is made to block it with the vehicle with which the pursuit is carried out or with the support of other forces that will be posted at certain points on the route. The pursued vehicle stops by overtaking it and blocking the road transversely, maneuver which is not done immediately after overtaking, but at a short distance.

After blocking the road, the police quickly leave the vehicle and move to the side of the road, ready to act to stop and immobilize the suspect, taking personal protection measures.

Do not use the weaponry provided on the pursued vehicle on the streets of localities, in congested areas or on roads with heavy traffic, unless the person is caught red-handed at the time of committing a serious crime or when, through the way of driving, endangers other people's lives.

After catching the person, they immobilize and handcuff them, check the person, their luggage and the vehicle and then drive them to the police headquarters.

In order to identify and describe a vehicle, the following points will be noted:

- license plate;
- brand;
- type;
- the color;
- distinctive and visible signs for recognition;
- the number of passengers (eventual signals);
- the direction the vehicle is heading.

When passing through an intersection - regardless of whether it is marked or not by means of signaling, road safety measures will always be respected.

At the same time, in the case of a vehicle tracking mission, the use of all obstacles to stop suspicious vehicles (bridges, work points, road narrows, etc.) will be taken into account.

Those involved in the pursuit mission will be constantly informed by the radio station about the progress of the pursuit, the signals of the pursued vehicle and its occupants, as well as about any other new element .

The police officers involved in the execution of the mission will be informed, through the radio station, about the pursuit, the signals of the pursued vehicle and its occupants, as well as about any other new element.

Also, those on mission will keep in touch, permanently, with the dispatcher in order to indicate the tracked vehicle, the direction of travel or other necessary data.

One of the tracking techniques is to keep a safety distance of approximately forty meters behind the vehicle being followed in order not to be surprised by an unexpected maneuver of the fleeing driver or to lose sight of the vehicle.

As I have already mentioned, it is important that a vehicle is not followed for too long by the same police vehicle, making an alternation in this sense.

¹⁷Anane Ivan , *Elements of computerized records of the person* , Pro Universitaria Publishing House , Bucharest , 2015

Thus, we can imagine the following variants in the hypothesis that there are several policemen on the mission:

Policeman A - Driver: Protection - Liaison

Policeman B - Passenger next to the driver: Intervention

Policeman C - Rear left side passenger: Protection

Police officer D - Rear right side passenger: Protection (if any)

The police car is *behind* the stopped one

The police officer(s) on duty undertake the following actions:

- will stop the vehicle behind and slightly to the left of the stopped vehicle;
- they will get out of the vehicle and stay behind the door on the left-front side, being protected by it;
- they will place the radio station on the driver's seat to have it at hand;
- they will inform the duty officer about the entire evolution of the situation;
- he will protect his police partners B and C who intervene.

Policeman B, mission partner of policeman A, will undertake the following actions:

- will get out of the police vehicle, move a few meters away from it, on the right side in order to be able to head towards the vehicle to be controlled;
- when the policeman C has reached the fixed point, the policeman B places himself at the level of the door on the left-front side (the one intended for the driver), slightly behind to be able to block any possible hit or attempt to escape;
- remains attentive to any change in the evolution of the situation and regarding the checks it performs.

Police officer C, partner with police officers A and B, undertakes the following actions:

- he will get out of the police car at the moment when the policeman A has occupied his mentioned position, and he will move forward, on the left side of the door where the driver is, perpendicularly, to ensure his protection;
- will ensure the protection of policeman B for the entire duration of his intervention;
- is attentive to any undesirable evolution of the situation, as well as to everything that happens in the surroundings;
- will keep in touch with policeman A.

Policeman D: (possibly)

- gets out of the vehicle at the same time as the policeman B and ensures his protection until the moment when the policeman B has reached the set point;
- when policeman B has arrived at this place, he goes to the left side of the police car to ensure general protection and possibly directs traffic.

The police car is *in front of* the stopped one

In this scenario, police officer A will take the following actions:

- it will act in the same way as in the previously presented case and sits in front of the door on the left side;
- will ensure the connection with police officer C and inform the duty officer.

Policeman B will have to act as follows:

- he will get out of the police special vehicle, he goes a few meters from it and at the moment when the policemen A and C are at the fixed points, he goes towards the front door of the driver, going around the vehicle from the back and stays a few steps back;

If the interior of the stopped vehicle is observed while driving:

- will ask the driver to get out of the vehicle with the keys in hand;
- will proceed to the usual checks (control of the driver and any passengers).

- Policeman C:
- will be the first to get out of the police car and stand perpendicular to the door on the left side of the vehicle to be checked, a few meters away;
- will announce his intention and ask the driver to stop the engine;
- he will reach for the weapon that remains in the holster;
- will ensure the protection of policeman B who intervenes;
- will remain attentive to any undesirable evolution of the situation, as well as to everything that happens in the surroundings;
- will be prepared to intervene if necessary;
- notifies police officer A of any incident.

Policeman D has the task of placing himself in the direction of the side, right-front, of the stopped vehicle and will be attentive to the smallest gestures, signs, even if, apparently, they seem minor. At the same time, he will ensure the protection of police officer B and carefully follow the evolution of his intervention.

The police vehicle blocked the pursued vehicle

In this scenario, policeman A will act as follows:

- before starting his mission, he will accurately state his position through the radio station to all involved policemen, present on the spot or at a distance. It will also communicate all the signals of the vehicle and the occupants and announce its intervention;
- will overtake the vehicle to be stopped, using the light and sound signaling systems;
- he will drive as close as possible to the pursued vehicle, on the side, without risking too much, and will force the driver to stop by blocking his way with the police vehicle;
- will get out of the police car, leaving the engine running and the radio station on the seat. Also, he will keep the weapon in his hand, if necessary, he takes shelter behind the police special vehicle. No less important is ensuring the reinforced protection of police officers B and C who intervene;
- in principle, it does not change its position until the end of the action.

Policeman B will act in the following way:

- will get out of the police vehicle as quickly as possible, with the weapon in hand, using the front door or the natural obstacles located in the immediate vicinity as a means of protection;
- will supervise the descent of the people inside the vehicle and will be prepared to intervene in case of undesirable events of the mission:
- will provide surveillance of policeman A until the suspects are rendered harmless and, if necessary, assist him in handcuffing and performing a body search after he has re-holstered his weapon.

Policeman C will have to act as follows:

- He will go out at the same time as the policeman B, he has the gun in his hand and is placed on the left side of the stopped vehicle, a few meters back. He will ask the passengers to raise their arms and lean them against the car windows. After the neutralization of the driver by the policeman D, he takes out one by one, without hurrying, from the same side of the vehicle, the suspicious persons inside and forces them to remain in a position of imbalance in order to prevent any attempt to escape; ensures the protection of police officers B and D during the handcuffing and body search.

Policeman D will have to act as follows:

- From the moment police officers B and C got out, he also leaves the police vehicle, on the right or left side (depending on the specific situation) and has the weapon in his hand. He will bring the driver to the place where the handcuffs will be executed and ask each passenger to get out of the car on the right side, one by one, immediately handcuffing them." ¹⁸

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