

## STRUCTURE AND RESPONSIBILITIES OF THE INVESTIGATION AUTHORITIES OF THE ROMANIAN POLICE AS PART OF THE JUDICIAL SYSTEM

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At present, the Romanian Police is passing through a period of reorganization. The completion of the institutional reform according to the recommendation of the European Union has two new objectives:

1. The organization of the Romanian Police under the following 3 sections:
  - Public Order and Security;
  - Criminal Investigation;
  - Organized and Territorial Crime Control.
2. The decentralization of decision-making through raising awareness of the managerial act for all the police stations.

The General Inspectorate of the Romanian Police is the central police unit, a legal person with general territorial competence, which leads, guides and controls the activity of the subordinate police units; it investigates and examines severe and organized crime, economical, financial and banking crime or other infractions which are supervised by the Prosecution Department of the High Court of Justice and Cassation, besides all other responsibilities established by law.

The General Inspectorate of the Romanian Police is organized in general boards, departments, services and offices created by order of the Minister of Administrations and Internal Affairs.

The following departments have investigation responsibilities according to law:

- The Criminal Investigations Department;
- The Frauds Investigations Department;
- The Independent Service of Weapons, Explosives and Toxic Substances;
- The Department of Criminal Investigations;
- The General Department of Organized Crime and Anti – Drugs Control;
- The Department of the Transport Police.

**The Criminal Investigations Department** has in its jurisdiction the prevention and control of crimes against the person, patrimony, public property, authority and crimes generating prejudice in society with the exception of organized crime.

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The Criminal Investigations Department is responsible for international co-operation in the field of crime prevention through the Focal National Point, the Interpol National Office and the International Relationship Service, with similar structures from other countries and qualified international organisms directly on the basis of the approval of the General Inspector of the Police.

**The Frauds Investigations Department** uses through specific means to prevent the serious frauds related to organized crime, corruption and other frauds which affects the Romanian economic environment and the fundamental rights of the citizens.

This way, the police officers of the Frauds Investigation as a structural part of the Judicial Police are, besides the basic responsibilities, specialized in activities of finding the infractions and collecting the data necessary to institute criminal proceedings.

The criminal investigations and the solutions, which are provided according to law, are carried out under the Prosecutor's leadership and control and under his order in cases in the area of economic and financial crime. At the same time, it carries out acts of criminal proceedings established by the prosecutor.

**The Independent Services of Weapons, Explosive and Toxic Substances** has responsibilities in the following fields:

- prevention, detection and finding of the infractions of the Weapons and Ammunition Regime, authorization of the legal and natural persons to possess weapons and ammunition, granting import and export license of weapons and ammunition;
- prevention, detection and disclosure of crimes related to explosive materials and granting import and export license for the explosive materials;
- making sure that the laws concerning toxic substances are followed, and granting license to legal persons for the import of tear-gas.
- cooperates with similar foreign institutions and with the international organizations with responsibilities in the field of weapons, explosives and toxic substances.

**The Department of Penal Investigations** is part of the General Inspectorate of the Romanian Police and is subordinated to the general inspector deputy of the Romanian Police and professionals to the Prosecution Department of the High Court of Justice and Cassation. It is the central unit which has general competence in the field of criminal investigations of the judicial police to which all the related departments from the territorial sections are subordinated.

After all the changes of the Criminal Procedure Code have become operative since 1 January 2004, the Department of Criminal Investigations took part into the process of the implementation of the new laws giving specialized assistance to the correspondent territorial police units.

The strategy of the Department of Penal Investigations contains the following short and long term main objectives:

1. Continuation of the institutional reform through the implementation of the concept of organization and functioning of the judicial police and making clear the position and the duties of the criminal investigation officers within this institution.
2. Increasing the percentage of the pre-judicial recovery of damages caused to public or private property.
3. Reinforcement of the cooperation with the operative departments to determine the whole criminal activity of the investigated people, through mixed teams to investigate the complex penal causes which impose a great number of examinations and informative – operative activities.
4. Harmonizing the cooperative relationship and the partnership with the Prosecution Department to enable the efficiency and legality of the research through:
  - continuous relation with the supervising prosecutors and meetings with top officials of the police and the Prosecution Department;
  - creating common rules in order to improve the cooperation, the efficiency and the finality of criminal investigation and establishing common indicators of statistical assessment for the criminal phenomenon;
  - common thematical inspections of the police and the Prosecution Department in the units with special problems and operational situations;
  - a unitary system of statistical evidence for the proceedings at the police or the Prosecution Department;
  - a unique electronic system to monitor the criminal cases causes in the judicial system – unique number dossier (police, prosecution department, courts of law).

**The General Department of the Organized Crime and Anti-Drug Control (D.G.C.C.O.A.)** is a specialized department of the Administration and Internal Affairs Ministry in the organization structure of the General Inspectorate of the Romanian Police.

D.G.C.C.O.A. is a department with general territorial competence, which is not a separate legal person or credit ordinator and is subordinated to the adjunct of the General Inspector of the Romanian Police.

D.G.C.C.O.A. has to control, guide and sustain the activity of all the territorial centers, services and offices of organized crime and anti-drug control and has to improve their activities and duties.

D.G.C.C.O.A. belongs to the structure of the General Inspectorate of the Romanian Police and has 3 operative departments: the Department of Organized Crime Control, the Anti-drug Department and the Operations Department.

Within these departments there are services specialized in working fields; the D.G.C.C.O.A. also has services and offices at its direct subordination.

D.G.C.C.O.A. has territorial structures with working fields which correspond to the central structure, having territorial competence similar to the Prosecution Departments of the High Court and Territorial Law Courts.

In the General Directorate of the Police of Bucharest there are: the Organized Crime Control Department and the Anti-Drug Department and 6 offices, one for each district, which are subordinated from the operative point of view to the General Directorate of the Police of Bucharest and, from the professional point of view, to the Organized Crime and Anti-drug Departments Bucharest.

D.G.C.C.O.A. is mainly a leading, coordinating, guiding and control structure for the territorial units. It can carry out investigation and research over infractions within its competence.

To carry on the duties of its competence the General Department of the Organized Crime and Anti-Drug Control uses the following investigative activities:

- it leads, co-ordinates, guides, supports and controls the specific activity carried out by the territorial units;
- it supervises the work of under-cover agents and the use of technical means of surveillance with the purpose of a strict observance of law;
- it carries informative and operative activities to identify and supervise people or organized groups of delinquents which prepare, commit or have committed offenses related to organized or drug crime;
- it supervises the counterfeit, forgery and circulation of national or foreign currency, credit cards or checks;
- investigate cyber crime;
- investigates internal or international drug traffic or the traffic of essential chemical substances and illicit drugs consumption;
- investigates trading in people and organs, illegal international adoptions, illegal migration;
- investigates illegal operations with strategic materials;
- investigates trading in stolen cars;
- investigates money laundering when it is related to General Directorate's competence.

The General Direction cooperates with similar foreign structures and with similar international organizations which are either directly authorized or through the Interpol National Office, the Directorate of European Integration, the International Programs and Cooperation Department from the General

Inspectorate of the Romanian Police, and through the SECI Center (through the National Focal Point of the Ministry of the Administration and Internal Affairs), in activities such as:

- it carries on informative and operative activities in cooperation with similar foreign structures in order to annihilate some criminal networks which make the object of activity of the General Directorate of Organized Crime and Anti-drug Control, according to the national legislation and the internal rules;
- the obtained data and information are stored, analyzed and exploited efficiently by the General Directorate and territorial units;
- the controlled drugs deliveries and the common police activities are carried out under the coordination of the General Directorate of the Organized Crime and Anti-drug Control with the approval of General Inspector of the Romanian Police and the authorization, of the General Prosecution Department of the High Court of Justice;
- provides the enforcement of relevant laws, conventions and procedures;
- any other activities dealing with the international cooperation in the field of illicit drug trafficking control and organized crime are realized through compulsory opinion or advise of the General Department of the Organized Crime and Anti-Drug Control.

Inside the General Directorate of Organized Crime and Anti-drug Control the Strategic Material Service (SMS) was authorized by the National Committee for the Nuclear Activities Control (CNCAN); SMS has duties and rights as a unit authorized and trained to combat, nuclear materials and radioactive sources trade.

SMS is the structure in charge of all police investigations dealing with the seizure of nuclear materials or radioactive sources, or of any existent or potential situation of nuclear materials trade. Under these circumstances all the local or central authorities will appeal to the above mentioned structure. In case any security measures are needed the SMS – Nuclear Unit must be notified at once.

The SMS – Nuclear Unit is in charge of investigations and is the only authority which makes decisions on seizure and temporary removal of the materials in a warehouse authorized by CNCAN.

The transition of the seized material on the country territory and its manipulation is made by SMS – Nuclear Unit, which is authorized by CNCAN for this reason; it has the means, training and necessary equipment for this activity. The physical protection of the transport is also provided by SMS – Nuclear Unit.

**The Department of Transport Police** of General Inspectorate of the Romanian Police incorporates 3 services: the railway transport police, the of air and water transport police, the police for public security and travelers protection and an analyzing and secretarial department with the following competence: to organize and coordinate the activity of providing the public order, to defend the rights of the citizens, of the public and private property, to prevent and reveal the

infractions related to all types of transport.

At present, with the exception of the Transport Police there are 2 more structures (in Bucharest and Constanta) which are subordinate to local police units and the General Directorate of the Police of Bucharest and there are offices and services in the other districts.

This unit operates through specific means: about 11,380 km of railway, a network of 1,690 km navigable waters 1,075 km of which belong to the international Danube River, 91 km artificial canals, 35 harbors – 3 being seaports, including Constanta, the 3-rd European biggest port, a network of 17 airports – 8 being opened for international transport of goods and passengers, all of these being part of an European Infrastructure situated on the 4-th position.