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The search of people's luggage

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Abstract. The police as a public institution is the link between the rule of law and citizens, contributing to building a cooperation with the population, local authorities, the business environment, non-governmental organizations, etc., in order to create a climate of public security. In order to fulfill the constitutional role of the lawyer and public order in Romania, the police as a public institution needs the support of the citizens in whose service it is, and for a good relationship with the community, a good collaboration with it and trust on both sides is necessary. Research on police activity in the field of social control has shown, as a rule of law, that the activity of the police as a state institution has a modest impact on reducing the level of crime and the security of individuals. An increase in the number of police officers does not always lead to a reduction in the crime rate or an increase in the number of cases solved. Factors from the social environment, such as income, unemployment, population structure and education, are the most important elements of the problem that must be taken into account when cataloging the criminal phenomenon. Some analysts believe that police patrols and patrol activities, even double or triple, have a major impact on crime, victimization and public opinion of the police service and how it is applied in everyday life. Changing the phenomenon, the evolution or the reform that the police institutions of different countries have proposed, the idea of "local police" is a common theme that has become the object of numerous studies and statistics that have the main purpose of improving the activity to respond to the possibilities of society in the most efficient way possible. The idea behind this concept is due to the fact that the means of police action as a public institution that helps citizens, become ineffective in dissolving crime and social unrest, which has a negative impact on the institution meant to serve communities.

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

I. General considerations

I.1. The purpose of the check carried out on people's luggage

Baggage screening is a preventive police activity based on checking a person's luggage.

This baggage control has the role of:

- finding and identifying things with which the policeman could be attacked;
- finding and identifying things from the commission of crimes ;
- finding and identifying things whose possession is prohibited .¹

The police have the right to check the luggage of the following categories of persons:

- for persons convicted of committing crimes;
- for suspected persons due to the circumstances in which they were identified and the volume of items transported;

¹<https://www.police.ro/forums/topic/4454-legality-of-a-body-and-baggage-check/>

- natural persons who own objects, the possession and circulation of which are prohibited by law;
- people participating in events or other places where the entry with dangerous products is prohibited;
- on the individuals who are going to enter an objective that is guarded;
- in the fight against terrorism;
- people who confuse details regarding luggage .²

Based on art. 31, par. 1 of Law no. 218/2002 on the organization and operation of the Romanian Police in fulfilling the obligations provided by law, the police body is authorized by exercising the public authority that has these rights and obligations:

- to legitimize and determine the identity of persons who violate the law or who are informed that they are preparing an act of a criminal or contradictory nature;
- brings to the headquarters of the police station individuals who threaten the lives of others, public order, as well as persons suspected of committing illegal acts, whose identity cannot be established by law, in the case of provisions respecting public order, verifying the data of these categories of persons and taking legal measures is carried out within 24 hours³;
- to notice the individuals whose presence is necessary for the performance of police duties to the premises of the institution they represent, by informing them in writing of the purpose of the notices
- executes notices in accordance with the legal provisions;
- to enter homes, companies, public or private institutions, political organizations, regardless of the owner, as well as means of transport, in accordance with the legal provisions;
- to carry out, in accordance with the law, control over persons, objects and vehicles in circulation when they have data on the commission of crimes or activities of a terrorist nature;
- to carry out checks when there is data on the commission of crimes or the hiding of criminals, things related to the commission of crimes or potential terrorist acts;
- have the necessary weapons and ammunition, whether in uniform or civilian, and use vehicles equipped with or without distinctive markings for the purpose of carrying out missions;
- to use means of transport, regardless of the owner, except for those belonging to the diplomatic corps, to take legal measures that are not delayed and cannot be fulfilled in any other way; the total costs being borne at the request of the holders and will be paid from the budgets of the police units or from the people who established the intervention within no more than 15 days;
- benefits from the means of transport free of charge during the service for carrying out the missions;
- to ask for the support of citizens for the capture and guidance of people who have committed crimes.

The absence of an obligation on the police body to prove the existence of a motive for the commission of a crime makes any attempt to prove that it played an illegal role impossible.⁴

According to the legislation in force at this moment and the special rules shown in an IGPR Decision, the duties of the police body and the manner of its manifestation are established as clearly as possible regarding the method of identification, body and luggage control of people, as well as the way in which is in charge of the police headquarters.⁵

The law expressly shows the right of the police body to take to the headquarters the persons who refuse to identify themselves (in order to identify them) as well as to control the luggage of suspicious persons.

² Ella Marcu, *Tactics Manual for the police*, Publishing House of the Royal Foundation for Literature and Art, Bucharest, 2011

³ Gheorghe Buzescu, *Peculiarities of contraventional law*, Sitech Publishing House, Craiova, 2017

⁴ Law no. 218/2002 - on the organization and operation of the Romanian Police, art. 31, par. 1

⁵ <https://www.police.ro/forums/topic/4454-legality-of-a-body-and-baggage-check/>

Another approach is the legal provision refers to "Solid Indexes" that allow stopping an individual on the street and checking his luggage, taking into account the existence of information that he is committing an illegality.

Here it is the duty of the police to show this information about the violation of art. 246 Criminal Code.⁶:

- Identification of things and materials that could be used to commit crimes or misdemeanors or that come from such acts;
- Finding weapons and things that are obtained illegally and are confiscated;
- Discovering things that can be used to attack the police or other individuals;
- Identification of documents that individuals refuse to present at the police officer's request.⁷

The baggage control procedure applied to people is also considered based on the legislation in force, but done in other situations such as that in airports, to people who are serving certain punishments, and that applied in centers for the reception of foreigners differs depending on its nature.

If we talk about the control of people's luggage in airports, we can detail some aspects of this procedure:

Baggage checking is carried out by security operators. If the baggage contains valuables or other items not intended to be seen by other passengers, this is brought to the operator's attention and requires a confidential version.

Negotiating what the operator has said she is not authorized to carry is unnecessary and increases inspection time.

The physical check of the luggage of the person concerned after the scanning equipment is carried out can be done by the need to clarify the contents, as well as by chance.

Regarding the baggage check procedure, in the light of law n. 275/2006 on the application of sanctions and measures ordered by judicial bodies in the framework of the criminal proceedings provided for in art. 41 provides as follows:

In order to prevent the introduction of weapons, ammunition or toxic substances into the place of detention, the persons who make these visits are subject to an anti-terrorist or specialized control through observation, body control or the use of technical equipment for the detection and identification of the mentioned and obliged to leave luggage and things not related to the visit at the checkpoint.⁸

The consent to the visit with the body search of the individual deprived of liberty is granted, both before and after its performance, under the conditions set forth in the law.⁹

In turn, the legislator, by law 333 of 07.08.2003, the control agents of the baggage security company gives people access to certain objectives that have subordinated and guarantees their safety. Checking people's luggage according to law no. 333/2003 is in their in-depth examination, after carrying out the physical control.

The term "luggage" in the context of the security guard is any object in which a person has and carries things. If the safety of employees, the access control of persons who wish to enter a monitoring stage and keep things likely to say suspicions because of their origin, measures will be taken to keep these things at the control point or in case prisoners with provisions legal will be informed within a hierarchical management of the group and the competent bodies for the adoption of the measures imposed by law.

⁶ The new Criminal Procedure Code, art. 246

⁷ <https://www.police.ro/forums/topic/4454-legality-of-a-body-and-baggage-check/>

⁸ Law no. 275/2006 regarding execution SENTENCING and measures _ arranged by the organs court in the COURSE of the criminal process of 21.12.2006, art. 41, point. 1

⁹ Law no. 275/2006 regarding execution SENTENCING and measures _ arranged by the organs court in the COURSE of the criminal process of 21.12.2006, art. 41, point. 2

Stopping these things is done by drawing up a report if they are held illegally, or by detaining them at the access point and registering them in the Register of Persons, so that when they leave the institution, they are returned to the individuals from whom they were taken.¹⁰

Things that must be observed when checking people's luggage by security agents in accordance with the above-mentioned legislation:

- witnesses will be present to confirm the finding of things in the person's checked luggage;
- things are controlled in one room;
- luggage must be placed at a sufficient distance from the control agent and the owner;
- the objects taken from the luggage will not be degraded;
- after the general control of things, the luggage will be checked in the side pockets to find new items;
- at least two security guards must participate;
- witnesses must be present who will confirm the finding of the things in the checked individual's luggage;
- the person must first be asked about the interior of the luggage and will be asked about the need for control;
- things, to be controlled in a room;
- the luggage will be placed at a sufficient distance both from the security guard who performs the control and from the owner;
- the person whose belongings are checked will be asked to describe all the objects inside the luggage and to say if they have prohibited objects. Finding this, the person will not be allowed to search the things;
- after opening the luggage, each thing is checked and the individual, in front of the witnesses, will tell about its possession;
- it will be ensured that the objects taken from the luggage are not degraded;
- after the general check of things, the luggage will be checked in the side pockets to find new items.

After completing the search of the person's luggage, the agent will write a record of the things found and what he decided with each of them. It gives you details about what's going on and gives it to the person.

The minutes will be signed by the agent, the witnesses and the person interviewed. A copy will be given to the latter. If necessary, the individual with the belongings will be handed over to the police on a report.¹¹

I.2. Drafting and approval of documents related to these activities

After checking people's luggage, a report is drawn up that will include the detailed procedures carried out, the things seen and the objections of those who participated, which will be attached to the release of individual control.

The protocol is in duplicate and must be signed by the police, witnesses and the man who performed the control, one copy being given.

If individual luggage is things that commit crimes or whose possession is prohibited, it is more about this in the report of presentation of their seizure for research purposes, and the place of storage, otherwise everything will be returned to the rightful owner.

These measures are applied by MAI officers and non-commissioned officers, persons authorized for this purpose by ministers, prefects, presidents of county councils, mayors, the mayor of Bucharest, as well as other persons under special laws¹².

Among the rules that must be respected during the check of people's luggage carried out on different occasions by the staff of the institutions mentioned above, we mention:

¹⁰ Law 333 of 08.07.2003, art. 6, point 1

¹¹ Law 333/2008, art.5, point.2

¹² Law no. 218/2002 regarding organization and functioning POLICE Romanians , art.3, point 1

- the patrol colleague has the obligation to ensure protection, being seated near the controlled person, with the purpose of blocking the exit from the room;
- the person in question should be kept away from the things they could attack with, as well as from the windows that could be scaled;
- in the presence of the witness, before the start of checking the luggage, the respective person is asked to detail in writing what things are inside it, giving some specific elements of them;
- the person is watched closely while he unpacks his luggage;
- after opening the luggage, each item is examined, comparing those declared by the person with those found at the control;
- after examining the things, the packaging is seen, so that the public order agent is convinced that it does not contain other things.

In order to carry out the control of people's luggage, the authorization of the magistrate is not needed, the police body on duty, being able to resort to this measure in the situations provided by the law.¹³

II. Baggage control procedure

II.1. Description of the procedure

Checking people's luggage is a preventive police activity which consists of thoroughly checking the interior and contents of an individual's luggage.

Their control is aimed at finding things with which the police officer can be attacked, proceeds from the commission of crimes and goods whose possession and movement is strictly prohibited.

The persons under control are:

- those who were caught after committing crimes and have the things behind them after committing the crime;
- those suspected of the circumstances and places where they were found, as well as the volume of things they carry;
- owners of assets whose movement is strictly prohibited by law;
- those who participate in an event where access with weapons, goods or dangerous substances is prohibited;
- those who have to enter a protected unit;
- those who are unsure at the moment of finding and of the explanations offered for the contents of the luggage they have with them.

The policeman must stop, identify himself and communicate the measure to be taken, asking the person to go to the police headquarters or to a place where luggage can be checked.

Using them in the order described above, a stop can be said to be a police measure involving a person interrupting an activity to clarify an emerging situation.

The measure was taken in the following situations:

- against persons who violate the legal provisions;
- persons who indicate that they are preparing or committing an illegal act;
- suspicious persons (depending on their behavior, luggage, clothing, where they are or at the time of discovery, create doubts among the police officers on duty);
- people who can provide clarifications regarding the facts or other aspects of interest for decision-makers in solving work tasks.

Checking people's luggage is a preventive police activity, which consists of a thorough check of the interior and contents of a person's luggage. Their control is aimed at finding things

¹³ Eugen Neata, Mihai Pruteanu, *Elements of police tactics and operational procedures regarding the intervention of public order and public safety structures*, Hamagiu Publishing House, Bucharest, 2013

that could be used to attack the police officer, assets resulting from the commission of crimes, as well as assets whose possession and circulation is strictly prohibited.

The individuals subject to control are:

- those who are caught in the act of committing crimes and have on them the things found after committing the act;
- those who are suspects, due to the circumstances and the places where they were found, as well as the volume of the things they are transporting;
- those who transport things whose possession and circulation are strictly prohibited by law;
- those who participate in demonstrations where access with weapons, products or dangerous substances is prohibited;
- those who are going to enter an objective that is guarded or protected;
- those who are at the place of carrying out an anti-terrorist control;
- those who, at the moment of finding, are unsure of the explanations given about the contents of the luggage they have with them.¹⁴

The individual stops, presents his ID and is informed of the measure to be taken, asking him to follow the police body to the headquarters or to a place where luggage can be checked .

Taking them in the order above, we can say that stopping or intercepting is the police measure that consists of asking a person to stop an activity in order to clarify an emerging situation.

The measurement is carried out in the following situations:

- against persons who violate the legal provisions;
- against people who indicate that they are preparing or committing an illegal act;
- against suspects (who, due to their behavior, suitcases, clothing or in the presence of time detection, create suspicion among police officers on duty);
- subjects who can provide information about facts or other issues of interest to police officers in solving their work tasks.

The person concerned, at a convenient distance to stop using the words "Hello, I'm X, rank, name and surname, police unit" - "Please stop". If necessary, the police officer is legitimized by maintaining a distance that allows him to act firmly but calmly, explaining individual safety. Acts for arrest, indicating what to do, on activities (presenting luggage for identity verification, etc.).

During the discussion, the person is closely monitored, the police are ready to intervene to catch him. If the work is carried out in a team, the patrol companion is in a lateral position, a little behind the intercepted position is the subordinate existence or lack of natural obstacles near the person that is not accessible: skyscrapers, walls or hedges, in which case they will face obstacles.

The fellow patroller acts easily when the person violently stops or tries to escape. It will also be aware of what is happening in the vicinity to prevent a possible surprise attack. Possible from individual road arteries, where this is unavoidable, immediately remove the person from it. Also avoid dark or injured places, high traffic areas or between groups, and if necessary, the person is immediately taken to a safer place to carry out the activities that need to be undertaken

¹⁴ Gheorghe Buzescu, *Theory Rules and practice for police usage*, Pro Universitaria Publishing House, Bucharest, 2016

The offended person is carefully monitored, maintaining a safe distance, and the police body has the equipment ready for use if necessary.

Legitimizing and establishing the identity of a person is a preventive police measure that consists in requesting and verifying the identity document or other identification documents, in order to know his civil status data.¹⁵

The legitimacy and creation of an individual's identity is a preventive measure for the police, who request and verify an identity document or other documents of legitimacy for the purpose of recognizing civil status files.

The police officer takes the measure of legitimacy when:

- the persons violate the legal provisions;
- there is clear evidence that the persons are preparing an illegal act;
- natural persons are suspected of behavior, luggage, clothing, where they are, causing suspicion among the police bodies in the mission;
- natural persons can clarify facts or other aspects of interest to police officers in solving their duties;
- the person requires access to a legal perimeter;
- the person is used as a witness.

To legitimize and establish the identity of individuals, one of the following methods is used:

- research of identity documents;
- research of another document issued by public institutions: passport, driver's license, service card or diploma of an educational institution, with the last photo;
- identifying the identity of the individual with the help of other legitimate known and trusted persons;
- carrying out investigations in police records.¹⁶

In order to legitimize and establish the identity of individuals, one of the following procedures is used:

- researching their identity documents;
- the research of another document issued by public institutions: passport, driver's license, service card or graduation diploma of an educational institution, with a recent photo;
- establishing the identity data of the individual with the help of other known and trustworthy persons, who were previously legitimized;
- conducting research in the police records.¹⁷

When legitimization is carried out by two policemen, the team leader investigates the identity and the fellow patrolman sees the behavior of the legitimate person, who is 2-3 steps away, behind and to the side. The police body supervising the legitimate person will have prepared the means for intervention.

The identity document is kept at a sufficient height, allowing both the tracking of the person's behavior and the investigation of its content.

Questions regarding the data of the individual concerned are dealt with in a different order than the one in force.

It is examined whether the document presented to the agent:

¹⁵ Gheorghe Buzescu, *Elements of public order*, Publishing House Pro Universitaria, Bucharest, 2016

¹⁶ Ivan Anane, *Elements of Theory and Tactics of the Pursuing of Criminals*, Pro Universitaria Publishing House, Bucharest, 2014

¹⁷ Anane Ivan, *The Investigation and tracking of criminals*, Pro Universitaria Publishing House, Bucharest, 2014

- is issued by the competent authority;
- is the individual, in the sense that the photograph corresponds to the physiognomy of the possessor, and the data regarding the civil status correspond to those declared by him;
- the term for which it was granted has expired;
- shows traces of forgery, erasure, changes, corrections, etc.;
- is not damaged if the person has taken measures to prevent damage or destruction;
- whether or not it contains a prohibition to be in that location or to leave a certain location without approval.

In the case of identification of a group of individuals, they are lined up, the documents are collected by each one and the patrol colleague supervises the behavior of the individual. Identity documents are returned after all persons have been identified.

In the situation where the verified identity document is in order and the individual cannot be blamed for anything, the police officer gives him the document, thanks him and continues his service.

Avoid identification in crowded places, where this measure cannot be done in good conditions due to the surrounding individuals or the unwanted intervention of some of them or in dark places. In special cases, identification can also be done in these places.

If the individual refuses to identify himself, his attention is drawn in a firm tone that his deed constitutes a contravention and is sanctioned according to the legislation in force.

If the individual still refuses to show the identity document, the police officer carries out a physical control, and in the situation where he finds the document, after establishing the identity, he applies the contraventional sanction.

If, following the control of the individual, the identity document is not found on him, the police officer tries to establish the identity through other identification methods.

If the identity cannot be established, the individual in question is taken to the police headquarters where his situation is verified and legal measures are taken, which will be carried out within 24 hours at the most.¹⁸

ID verification is carried out to carry out its duties and the information is confidential and can only be used in accordance with personal law. Because the law on data protection as legitimacy refers to a foreign person, against whom there are suspicions of control over documents and acts of crossing the border, to see the legality of entry and stay on the territory of Romania.

Law enforcement should be able to report the identity of legitimate individuals and the steps taken when leaving the service.

If the document is authentic Authentication Board and the person cannot be accused of anything, the police officer gives the deed, satisfied and the job constant legitimacy. If he avoids crowded places, if this disposition can not be in good condition in the case people or the unwanted intervention of some or in dark places. In special cases, legitimacy can also be done in these places.

If the individual refuses to identify himself, he strongly warned that his act constitutes a crime and is punishable by law. If the person continues to refuse to present the identity card, the police will perform a search and, if found, acts when applying the sanction.

If, after checking an individual, the identity document is not found on him, the police will try to identify him with other identification methods.

¹⁸ Sandu Florin, *Theory and tactics police*, Publishing House Ministry of the Interior, 2001

If the identity cannot be verified, the person goes to the police headquarters where the situation is established. The right to be fulfilled to perform its functions and information about the service is confidential and can only be used in accordance with the law on the protection of personal data.

If the measure of legitimacy is against a foreign people suspected of doing this, the check of the documents and the actions they perform to see the legality of entering and staying in Romania. The body of public order could report the identity of the legal persons and the measures taken at the time of the termination of the activity. Managing people in police headquarters is a coercive measure to escort them.

The police have the right to drive individuals to the headquarters:

- who, through their actions, endanger people's lives, as well as public order;
- suspected of committing illegal acts;
- who are prosecuted;
- whose identity cannot be determined.

In case of non-compliance with the provisions of the public order body, it has the right to use force against the people who oppose the measure. The verification of the situation of these persons and the taking of measures, as appropriate, takes place within 24 hours.

In the police headquarters for the purpose of identifying a suspect or an individual who hinders public order or endangers the lives of other people, the police officer will make a report in which the results will be transmitted. Depending on the circumstances, conditions and possessions, the management of the persons of to the police station can be done on foot or by vehicle transport.

When identification is done by two officers, the team leader investigates the identity and the fellow patrol examines the person's lawful behavior, staying 2-3 behind. The police body supervising the legal entity will be prepared with the means of intervention.

The identity card is kept at a sufficient height, allowing the person's behavior to be tracked and investigated.

It was examined whether the act indicated to the agent:

- is issued by the competent authority;
- corresponds;
- is the individual, in the sense that the photograph corresponds to the owner's appearance, and the record of the civil status corresponds to what he declared;
- the term for which it was granted has expired;
- there is no evidence of manipulation, deletion, modification, correction, etc
- it was not damaged and the person took measures to prevent damage or destruction;
- whether or not it is forbidden to be in that locality or to leave a certain place without approval.

If they legitimize a group of individuals, they are placed in a que, the cards are collected by each and fellow patrollers to monitor the behavior cards. Documents are returned after all persons have been identified. If a special situation appears the patrol officers will take the suspect at the police station to identify the person who disturbs public order or endangers the lives of other people, the police officer will draw up a report in which the results will be transmitted.

Depending on the circumstances, conditions and equipment, the direction of the police people can be done on foot or by car. The walk is generally done when the distance from the police station is small.

On the occasion of this police measure, the individual is arrested and has the right to be brought to the police.

Before starting the journey to the venue, it is mandatory to check the person driving the vehicles and, if necessary, check your luggage as a precautionary measure. The individual's attention is drawn to the way he behaves during the movement, considering that in the case of a violent attitude he will be used against his power.

When the driving teams are led by individuals to prevent a possible attack or to run away from his policeman. If you are acting alone, ask for support from citizens to inform them of what the person has done.

If this is not possible, the policeman acts alone, with the greatest care, in slight movement behind the individual, to the left or to the right, in connection with the existence of natural obstacles along the way, even keeping the individual in the sleeve of the layer or the belt.

When several individuals have to be guided, they will be grouped, the higher in front, the more dangerous in the middle, making them not talk during the journey.

The person is constantly monitored, both during the journey and during stops, to observe the attitude and behavior as well as the surroundings, even if everything seems normal.

If the public order team is equipped with a working dog, it will always go with the driver.

While driving, avoid dark, crowded places, with tall vegetation or those where the individual is known.¹⁹

The traffic rules for pedestrians are respected, moving on sidewalks on their outer side or on the left side of the roads.

The driving of individuals by car is indicated in all situations, when the distance to the headquarters is long.

For driving, the means of transport of the Police can be used, as well as those of natural or legal persons, if they accept.

It is forbidden to drive to the headquarters of the institution mentioned above using public transport as well as bicycles, motorcycles, boats as long as the vehicle is the property of the individual, which is to be driven. In the situation where the driven individual is a driver, the measure will be carried out either on foot, or with the institution's vehicle.

On the occasion of carrying out this measure, the individual who is to be taken to the police headquarters is stopped and identified. Before moving to the headquarters, the control over him and, as the case may be, the control of his luggage, is carried out.

The individual's attention is drawn to the manner of behavior during the journey, reminding him that, in case of a violent attitude, force will be used against him.

Before boarding, the vehicle's premises are checked, so that there are no things that could be used by the persons being driven, for attack or self-harm.

When getting into the car, the police officer takes measures to protect the individual so that he does not hit himself intentionally. During the journey, radio contact is maintained with the headquarters of the institution. The driving of several individuals to the headquarters is done, as a rule, with a car provided by the Police, specially equipped, which is put in the compartment reserved for this purpose.

A car can be driven by at most two individuals, in which case they will be seated only on the back seat, and one of the members of the patrol will also sit on this seat, behind the driver to permanently see the individuals being driven. If possible, the rear doors will be locked.²⁰

¹⁹ Sultănescu Ion, *Police Tactics*, All Beck Publishing House, Bucharest, 2002

²⁰ Gheorghe Buzescu, *The place and role of the civil servant in the state apparatus*, Sitech Publishing House, Craiova, 2017

If only one individual is brought, he will be placed on the back seat, accompanied by one of the law enforcement officers, who will sit behind the driver.

At the headquarters, after the individual gets out of the car, the interior of the car is checked, so that there are no things left intentionally by the driver that could constitute evidence.

The use of public means of transport and those in which there are things that can be used for attacking the police body, for running away or suicide will be avoided, unless the deed was done in the means of public transport, and the agent of the police, after informing the passengers, diverts the vehicle from the route.²¹

The forced bringing to the headquarters of the individuals who do not submit to the baggage control is done after handcuffing them.

The individuals brought to the headquarters will be registered in a register, which includes:

- number;
- the date, degree and name of the public order body;
- the name, surname and data of the individual who was brought;
- the act committed by him;
- the measure taken against him;
- registration number.²²

II.2. Baggage control as a police measure

Regarding the control of the luggage of the population as a police measure, certain rules must be taken into account:

- the person will be stopped, legalized and informed that the measure will be taken, asking him to accompany the public order to the police station or to a place where the luggage can be checked;

- baggage checks are carried out by at least two police officers in the presence of the witness to be located;

- the check of people in the luggage is done away from the eyes of other people or from the police headquarters, in order not to throw objects or goods that provoke the check;

- a member of the patrol will be obliged to ensure protection by positioning himself next to the person under control, blocking the exit from the room and keeping the person away from the things with which he can attack, as well as the windows that could be enlarged;

- in the presence of the witness, before the start of the investigation, the person will be obliged to provide in writing what material goods are in it, giving their characteristics;

- luggage can be opened by a police officer without damaging the closing system;

- after the luggage has been unloaded, everything will be reviewed;

- after reviewing the items, the package will be checked to make sure it has no other items.

The mentioned measures are implemented by officials and officials of the Ministry of Administration and Interior, persons authorized for this purpose by ministers, mayors, heads of regional councils, mayors, mayors of Bucharest, as well as others defined by special laws".

The report must be drawn up in duplicate and signed by the police, witnesses and supervised person, and the use of surgical gloves during the triage procedure is recommended."

Rules to observe when checking luggage:

²¹ Ivan Anane, *Elements of criminal procedural law*, Pro Publishing House University, Bucharest, 2015

²² IGPR provision no. 643/2005 regarding the good manual intervention practices _ for POLICEMAN of order public

- the patrol worker is obliged to ensure protection, being placed near the supervised person, with the department blocking the exit from the room;
- the person concerned should be kept away from things they could attack with, as well as windows that could be enlarged;
- in the presence of the witness, before checking the luggage, the interested party must detail in writing the contents of the packaging, providing some of its specific elements;
- naturally follows the person while removing their luggage;
- when the luggage is opened, everything is examined, in comparison with those declared by the person, with those found under control;
- after examining the things, the package is visible, so the public order agent is convinced that it does not contain other things;
- after checking the luggage, a report is drawn up describing the activities carried out, the objects examined and any objections raised by the participants, accompanied, as the case may be, by the statement of the controlled person ²³.

The report is drawn up in two copies and signed by the police, witnesses and the verified person, a copy being sent to the police. If the controlled person is considered to be the property of crimes or violations or whose possession is prohibited, it must be mentioned in the report regarding the collection of such objects for investigation or confiscation, as well as regarding the place of storage, otherwise will mention that all objects have been returned to the owner .

In order to carry out the control of things, the authorization of the magistrate, the policeman, in the exercise of his official duties, is not necessary, being able to resort to this measure in the cases and in the situations provided by the law, in compliance with the legality, as well as the rules of substance and form of the documents that are concluded. It is advisable to use surgical gloves when applying this police measure.²⁴

II.3. Categories of persons who get their baggage checked

Baggage control is carried out for the following categories of people:

- suspected due to the circumstances and places where they were found, as well as the volume of items transported;
- who were surprised by the commission of the crimes and who had the things they did after the commission of the crime;
- people participating in public events where access with weapons, goods or dangerous substances is prohibited;
- persons to enter a security or defense objective;
- people who are confused when finding explanations regarding the contents of their luggage;
- the individuals who are at the place of an anti-terrorist control;
- individuals who at the time of finding are confused regarding the explanations about the contents of the luggage.²⁵

The person is stopped, ID is obtained and the measure to be taken is communicated to the person, asking him to accompany the policeman to the headquarters or to a place where luggage can be checked.

²³ Ivan Anane, *Elements of computerized records of the person*, Pro Universitaria Publishing House, Bucharest, 2015

²⁴ Ella Marcu, *Tactics manual for police officers*, Publishing House of the Royal Foundation for Literature and Art, Bucharest, 2011

²⁵ Gheorghe Buzescu, *Police Law - university course*, Sitech Publishing House, Craiova, 2019

At law no. 4 of 2008 regarding the prevention and combating of violence during sporting competitions, we have services for ensuring order and safety within the sports arenas, where it is explicitly stated that one of the duties of the personnel who ensure security in the access area is the verification of access documents, such as and carrying out preventive physical and baggage control, near the access points;²⁶

Making a comparison with the legislation of other countries regarding baggage control, we see in our neighbors from the Republic of Moldova that personal control, baggage control, as a police measure, is applied by persons with responsible functions of internal affairs bodies, ministries, departments, inspectorates state, border guards, customs bodies within the limits of competence.

As a legal basis for the implementation of these measures in the Republic of Moldova we can talk about:

- the existence of reasons to assume that the person in question hid objects in order to commit an illegal act or that attests to the maintenance of "prohibited substances, objects in civil circulation or are there without a special authorization ;
- trying to keep contraband items along the state border in luggage;
- the existence of documents that falsify trademarks, etc.

The law of the Republic of Moldova also provides other reasons for the implementation of baggage control and the removal of objects. The things discovered during the baggage control, which constitute the means of committing a violation, are removed by competent persons in the manner prescribed by law.

The removal of things or documents must be done in a report completed by the determining agent taking the procedural step, in which the list of removed items will be added.

Copies of the report will be presented to the persons implementing these procedural actions or their representatives and the picked up objects will be packed and sealed at the place of departure, which are recorded in the minutes.

Closed packages are also signed by the person who checked them.

II.4. Coordinating the baggage control personnel

The police officers who implement the legal provisions apply the initial form, as well as the revised/revised version/variants from the date of its entry into force.

The police officer involved in these activities will learn and respect the normative acts in force as well as the provisions of the job description.

The coordinates of the head, support, guide and control the persons who apply the legal provisions:

- Respect for constitutional rights;
- Reconsidering the principle of impartiality;
- Judgments regarding all actions taken;
- Revision of the principles of proportionality and gradualism;
- Establishing the mode of action;
- Preparation and supply of weapons and other means of equipment;
- Development of the environment in which it operates;
- Evaluation of the degree of risk for the persons to whom the measures must be taken;
- Continuous surveillance of the opponent and those around him;
- Determination of tasks when working in a team;
- Protection of life, health and bodily integrity of the persons;

²⁶ Law 4 of 2008 regarding the prevention and combating of violence during sports competitions, art. 6

- Respect for constitutional rights;
- Respecting the principle of impartiality;
- Legal justification of all actions taken;
- Port badge and service book;
- Attracting the attention of violent people to submit to the measures that must be taken and to present the consequences to which they are exposed in case of opposition;
- Protecting the life, health and physical integrity of the persons for whom they ensure safety;
- Report police rules;
- Keep a suit of appropriate self-gestures and facial expressions, the way to discuss and deliberate ignorance of ironic remarks, as long as they do not influence public order;
- Listening carefully and calmly reported the involvement of people and others and the tactful treatment of victims, the mentally ill, minors, women, etc.

In checking people's luggage as a police measure, the personnel carrying out the procedure must take into account some strict rules:

- That person will be intercepted, identified and informed about the measures to be taken and will ask them to accompany the police forces to the institution or to a place where the investigation can be carried out;
- The check is carried out by at least two policemen, in the presence of a witness, who will be found and questioned about what needs to be done next;
- The control is usually carried out in rooms away from the presence of other people or at the police station where, during the movement, the person will be carefully monitored to avoid throwing things or goods under control;
- The patrol partner will be responsible for protection, being positioned near the person to be checked to block the exit and the person in question must be kept away from things that could attack and windows that could be scaled;
- In the presence of witnesses, before starting the baggage check, the person will have to declare in writing that the things are inside it, indicating some elements of them, such as brand, color, size, wear.
- Luggage can be opened by a policeman, as far as possible, without degrading the closure;
- After opening the luggage, everything will be examined, comparing the details of the person with the goods found under control;
- After examining the things, the package will be studied so that the police can be convinced that it does not contain other things and discover possible hiding places.

The measures mentioned above are applied by "officers and non-commissioned officers within the Ministry of the Interior, persons authorized for this purpose by ministers and other heads of central public administration bodies, prefects, presidents of provincial councils, mayors, the mayor of Bucharest, as well as by other persons provided by special laws".

Rules to observe when checking luggage:

- the patrol worker has the task of ensuring protection, being positioned near the controlled person in such a way as to block the exit from the room;
- the person in question should be away from the objects with which they could attack, as well as from the windows that could intensify;
- in the presence of the witness, the person is obliged to declare in writing what objects are inside it, as well as some of their characteristic elements,
- supervises the person while removing their luggage;

- when the luggage is opened, each item is examined, in front of those declared by the person, with the goods found in the luggage;
- after examining the objects, the packaging is studied, so that the public order agent is suspected of not containing other objects;
- after checking the luggage, a report is written detailing the activities carried out, the things examined and the possible objections of those who took part, to which the statement of the controlled person is attached, if applicable.

The report is drawn up in two copies and will be signed by the police, witnesses and the controlled person. If things are found on the controlled person that come from the commission of crimes or an act of a contraventional nature or the possession of which is prohibited, mention will be made in the minutes about their collection for investigation, as well as about the place of storage, otherwise it will be mentioned that all objects have been returned to the rightful owner.

In order to carry out the luggage control, the authorization of the magistrate, the police officer, in the exercise of the duties of the service is not necessary, being able to take this measure only in the cases and in the situations strictly provided by the law and the internal provisions, respecting the rights of the persons, as well as the rules, of the closing documents.

It is advisable to use surgical gloves when applying this police measure.²⁷

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