

THE BORN OF THE ROMANIAN POLICE FROM THE MILITIA DURING THE COMMUNIST PERIOD

Gabriel CRAP

Alexandru Ioan Cuza University of Iași, Faculty of Economics and Business Administration,
Iasi, Romania
crap.gabriel@gmail.com

Abstract: *During the last decade Romania has undergone major political transformation from communist regimes to democratic forms of government. Despite changes--introducing police ranks, changing uniforms, prohibiting party affiliation, police find it more difficult to persuade citizens that they have really changed. The article details the modifications that came about in tandem with the evolution of the Romanian Police following Romania's 1990 political upheaval. The relationship between socioeconomic shifts and the corresponding modifications to law enforcement agencies has received special attention. These modifications range from renaming the Militia to the Police to altering its personnel, organizational structure, and legal framework. The Romanian Police is a professional organization that serves the public and is commemorating its 202th anniversary in 2024.*

Keywords: *Police, Militia, international structures.*

JEL Classification: O15

1. Introduction

Throughout the 50 or so years of communism, the 'militia', as the police used to be called, was employed as a powerful instrument to crush any individual or collective protest against the powers that be. For many years, Romanians associated the police with the secret services (the 'Securitate') and feared both equally.

After December 1989, the names of the two institutions were changed (the militia became the police and the Securitate became the Romanian Intelligence Service), each having their own duties established by law.

However, both are still militarized, as are other special services, including the Foreign Intelligence Service, the Guarding and Protection Service, and the other secret services.

This means, among other things, that their internal rules and regulations are classified as secrets, that they benefit from numerous material privileges, and that only military prosecutors can investigate potential abuses; if indicted, the perpetrators can be tried only in military courts.

2. Summary of the Romanian Police history

The Mare Vornic, chosen by the monarch, was the early precursor to the modern police chief. The Romanian Police Service, known as the Agia, was established in 1834, with the National Guard later given extensive powers in 1864.

Significant reforms began in the 20th century under Interior Minister Vasile Lascăr, considered the founding father of the modern Romanian Police. The adoption of the Constitution in 1923 led to the reorganization of law enforcement institutions and the separation of state powers. The Law on the Organization of the General State Police in 1929 designated the General Directorate of the Police as the principal state body for public safety and internal order.

The Law of the Ministries in 1929 and the Regulation on the Organization of the Ministry of Interior in 1930 further empowered the police institution. The start of Communist control in 1949 marked a significant reorganization of the Ministry of Internal Affairs, dividing it into several directorates.

After the overthrow of the communist system in 1989, the Romanian Police underwent a reorganization along new principles, including the complete de-politicization of the institution. This served as a catalyst for reshaping the institution's constituent parts and the legal framework overseeing them.

Prior to the order, the majority of police officers held college degrees, to enter the militia, college degrees were not required. As per the Sighet Memorial, of the 35,000 workers who initially made up the Militia, only 161 held college degrees, 9,600 had completed four classes or less, and 7,800 – six-seven classes.

Since 1948, the staff had been subjected to several waves of purges. In July, the State Security Directorate issued an order aimed at identifying and sanctioning "all police officers and agents who actually worked in Security work until March 6, 1945", except for those who "are currently valuable informants, who have files created by informants and who have proven that they conscientiously fulfill their entrusted mission". In the same month, over a thousand employees excluded from the police were arrested and imprisoned. The former policemen remained imprisoned without trial until 1955, when they were sentenced to 8 years in prison based on article (193/1) of the Criminal Code, with retroactive character, defining "activity against the working class and the revolutionary movement.

To become militiamen, social origin and attachment to the party were more important than education. Professionalization was done on the fly, at first only by graduating from schools lasting a few months.

The Militia Apparatus began transit surveillance and residence control, meaning that by the end of 1952 no urban resident should be allowed to change his residence without the permission of a Militia office. One of the Militia's initial responsibilities was to issue residence permits and later, identity cards.

Over time, the Militia's power has increased. The institution's mission was reformulated in November 1969, with the new objective being to "contribute to the defense of the revolutionary conquests of the people, their peaceful work of socialist construction, public and personal wealth, life, freedom and dignity of individuals, the rule of law settled in Romania." The privileges granted by this legislation gave rise to numerous abuses, and the Militia was required by law to defend "socialist property against actions taken by criminals or other persons who harm the public property".

3. Organization of the Romania Militia

The Romanian militia, subordinate to the Ministry of Interior, was primarily responsible for conducting investigations and monitoring foreigners. Investigations were conducted by a group of militiamen using rapid questioning tactics. From July-August 1954, visas were issued by the Foreigners Control Section at the militia headquarters.

The militia had district headquarters with various sections including the Office of the Commanding Officer, Economic Militia Section, Control of Foreigners Section, Evidence of Population Section, Investigations Section, and Information Office. Each section had specific responsibilities ranging from commercial field activities, keeping records on foreigners, maintaining population census, issuing travel permits and building cards, to conducting investigations.

The Commanding Officers, usually a captain or a major, were selected from the ranks of the Communist Party. The Information Office, located at the entrance to the militia district office, was responsible for issuing passes into the building. Despite the inhuman manner of investigations, the militia played a significant role in maintaining law and order.

Sector runners, who are in charge of one to three streets, collaborate with block responsables to gather information about inhabitants and conduct house checks. Each city is divided into sectors, each led by a sectorist who oversees agents controlling personnel movements within the sector.

Sectorists and their agents monitor breaches of economic and political laws and control the papers of anyone in the sector. The behavior of sector runners towards the population was generally poor.

The militia's uniform was gray-blue, with ranks denoted by stars. There were many women in the militia dressed as officers. The Director General of the militia, responsible to the Ministry of the Interior, oversaw three branches: Territorial Militia, Railroad Militia, and Prison Militia.

The Romanian Territorial Militia was organized by regions, with each district having a militia. The regional militia was commanded by a field grade officer, while the district militia was commanded by a company grade officer. The militia had various bureaus, each with specific responsibilities ranging from handling correspondence, verifying personnel, political education, controlling citizen movement, conducting investigations, issuing vehicle documents, controlling prices, preventing prostitution, ensuring state security, training militia, and administrative tasks.

Each district had a group of mountain militiamen who patrolled public roads. Each village had a militia post, with frontier villages having a post of four to six people. The militia was equipped for climbing and skiing in mountain villages.

The Railroad Militia, headquartered in Bucharest, had guard units in communication centers, railroad stations, and frontier zones. They controlled travel documents and guarded materials in railroad warehouses and on trains.

The Prison Militia, also headquartered in Bucharest, was responsible for guarding prisons and concentration camps. Spot checks were conducted in various public places and villages. The two main documents controlled were the "Buletin de Identitate" and the new military certificate. The militia collaborates with security forces and helps security troops to make arrests and deportations and to block off mountain passes, forests, etc.

They also make periodic checks of isolated houses and cabins.

4. Police Reforms Following 1989

Following the decision in December 1989 to uphold democratic values, Romania underwent significant reforms in all institutions, including the police system. The aim was to transform the police into a public-serving organization capable of adapting to changing crime and public order situations.

The Constitution of Romania, adopted on December 8, 1991, declared the Romanian State to be democratic and governed by the rule of law. It also expressed a vision for democracy, human rights, social justice, and humanity.

The first step towards reform was the passing of Law No. 40/1990, which gave the Ministry of Interior the authority to implement laws related to public order, defense of freedoms and rights, and prevention and investigation of criminal activity.

Post-1996, there was increased pressure from the police and civil society for government reforms. However, the costs of reform outweighed the potential for change, leading to a cautious government stance.

The Romanian police system now comprises three forces: the Romanian Police, the Romanian Gendarmerie, and the Public Guards, all responsible for maintaining public order. The reform strategy aimed to improve communication, depoliticize, demilitarize, decentralize, increase transparency, partner with the community, establish an effective

accountability system, uphold professional ethics and human rights, and achieve interoperability with similar organizations from other European states.

The new Law on the Organization and Functioning of the Romanian Police was enacted in 1994, harmonizing the powers, authority, and limitations on the police with the provisions of the 1991 Constitution. The 1994 Law also included a clause forbidding police officers from belonging to political parties or organizations, while still protecting the freedom to vote.

Following the adoption of the 1994 Law, the Romanian Police began a major reform program, focusing on turning the Romanian Police into a civilian institution, improving operational response capability, altering organizational culture, maximizing resource utilization, and concentrating international efforts on police reforms.

The strategic activities of the Romanian police aimed to ensure effective logistical support, manage human resources, protect personnel, decentralize decision-making and resource allocation, modernize working methods, cooperate with public authorities, introduce new efficient instruments for police work management, and increase interoperability with similar bodies of the European Union.

In 2002, the European Code of Police Ethics was incorporated into Romanian law with the Law on the Organization and Functioning of the Romanian Police. This law emphasized public service and expanded the police's responsibilities to include combating terrorism, illegal immigration, and the trafficking of radioactive materials.

Law No. 218/2002 transformed the police's function into a public service mechanism, reducing their dependence on coercion. The Law on the Status of the Police Officer was the first legislation governing the police officer profession and its relationships with other professional communities.

5. Demilitarisation of the Romanian Police

The Romanian police system underwent significant reforms to become a public service without sacrificing its judicial function. This was based on the idea that a competent police force is best suited to uphold civic values. Legislative actions aimed to reorganize and restructure the Romanian Police, aligning it with similar structures in advanced democratic states and increasing interoperability with similar EU agencies.

The Romanian Police was reorganized into three components: Judiciary Police, Public Order Police, and Administrative Police. New structures were established, including the Institute for Crime Research and Prevention, the Division for Human Rights, specialized Brigades for Countering Organized Crime, and cross-border crime units. The national EUROPOL office was established for the Romanian Police to participate in European Community activities for countering organized crime.

A new organization, the Territorial Authority for Public Order, was created to involve the community in developing its own security framework. The law emphasized the importance of appropriate human resource management, aiming to replace the outdated image of the police officer as a military figure with that of a citizen who is approachable and possesses human traits.

Over half of the Romanian police officers who had served during the communist era left the country after 1989. The remaining officers sought to leave the system to pursue other employment opportunities. The Ministry of Interior's educational system in Romania underwent a significant reconstruction, transforming the School for Active Officers into a university-level institution, the Alexandru Ioan Cuza Police Academy. The academy offers four-year courses for training police officers, gendarmes, fire fighters, and archivists, with graduates receiving a BA-equivalent degree. It also offers two-year post-university courses and a six-year Ph.D. degree in police specialties.

The new Law on the Organisation and Functioning of the Romanian Police emphasized the protective role of the police and established new directions for police work and personnel training, focusing on crime prevention, countering organised crime, humanitarian law, and human rights.

Efforts were made to balance leadership and line positions, redistribute personnel according to specific problems, decrease personnel's average age, increase their quality and compatibility with tasks and missions, hire minority nationals, and increase the rate of women in the police forces. As a result, the number of Romanian police personnel increased by 68 percent compared to 1989, and relations between police officers and citizens were aligned with European Union standards.

6. Police and the romanian society

Police officers, as primary role models in society, have a unique and complex role that involves maintaining constant touch with the public and upholding an outstanding reputation. Their effectiveness is derived from societal acceptance and support, requiring a high degree of trust and confidentiality to foster cooperative relations between society and the police.

In recent times, more police officers have completed law school and are better educated, interacting with legal professionals on an equal footing. The public image of the Romanian Police varies among individuals, but with Romania's democratization, trust in the police has gradually increased, improving the institution's image.

However, minorities can impact societal perceptions, often negatively, due to frequent encounters with legal issues or feelings of disenfranchisement, leading to a decrease in trust in the police. The public's perception of the Romanian Police is influenced by numerous elements, including the errors committed and the outcomes of the missions completed by the officers.

The loss of faith in the police could stall or even vanish democracy, making the role of the police crucial for a democratic state. Without public engagement and faith in the police, criminal organizations will continue to grow and endanger public safety.

7. Romanian Police and the International Police Cooperation

The International Police Cooperation Centre, under the General Inspectorate of the Romanian Police, specializes in sharing intelligence to combat international crime. It maintains operational connections with foreign law enforcement through channels like Interpol, Europol, and the Schengen Information System. In 2012, the Centre participated actively in the exchange of police information, identifying and locating thousands of people and vehicles.

The Interpol National Bureau of Romania, established in 1973, serves as a national support point for international police cooperation, overcoming obstacles due to differences in national police structures, language barriers, and legal systems.

The National Focal Point (NFP), established in 2000, ensures operational connections between Romanian and foreign authorities and manages information flow on operations conducted by international police cooperation specialized structures of the Ministry of Internal Affairs.

In 2003, a Cooperation Agreement was signed between Romania and the European Police Office (EUROPOL), intensifying cooperation with EU countries. The NFP was designated as a specialized unit within the Ministry of Internal Affairs to act as the national contact point for Europol.

The Europol National Unit focuses on exchanging information related to various crimes, including financial crimes, drug trafficking, human trafficking, smuggling, murder/kidnapping, serious property damage, trafficking of nuclear and radioactive

materials, environmental crimes, theft, and terrorism. Cooperation may also involve other Europol competencies, such as exchanging knowledge, reports, investigation procedures, preventive methods, and providing advice and support in criminal investigations.

8. In conclusion

Reforming has not been simple. With all the uncertainties and challenges of a fresh start, Romanians had to relearn democratic principles and learn how to execute them after fifty years of an authoritarian administration that cut Romania off from the democratic world. There were various barriers to overcome, some of which were objective in the form of financial resources and others of which were subjective in nature and stemmed from the attitudes of both the public and police personnel. Other barriers included the lack of a collaborative culture and a model to follow.

The primary causes of the Romanian police's dysfunctions include a lack of management, political influence, slow legislation, and a failure to alter police officers' mindsets. Despite these obstacles, studies showing a 48 percent trust rate and the police ranked as the fifth most trusted state organization indicate that the reform of the Romanian police is deemed effective.

Romania has a low crime rate per 100,000 people, comparable to democratic nations like Austria, Switzerland, and Germany, demonstrating the effectiveness of the reforms. After overcoming the transitional phase, the changes are almost finished, along with ongoing attempts to integrate Europe and complete the concept of community policing.

References

1. Dontu, Marian, International Police Cooperation Centre (September 18, 2014). Available at SSRN: <https://ssrn.com/abstract=2498008> or <http://dx.doi.org/10.2139/ssrn.2498008>
2. Gerspacher, N. (2005). The Roles of International Police Cooperation Organizations. *European Journal of Crime, Criminal Law and Criminal Justice*, 13(3), 413-434. <https://doi.org/10.1163/1571817054604100>
3. Freedom of Information Act Electronic Reading Room [Online], Available: <https://www.cia.gov/readingroom/document/cia-rdp80-00810a006300790004-5>
4. Pașniciuc, L.I. (2017). Citizens' Trust in the Romanian Police. *Logos Universality Mentality Education Novelty, Section: Law*, V(2), 48-66. <https://doi.org/10.18662/lumenlaw.4>
5. Kádár, András. *Police in Transition: Essays on the Police Forces in Transition Countries*, Budapest, Hungary: Central European University Press, 2001. <https://doi.org/10.1515/9789633865514>