



MINISTRY OF INTERNAL AFFAIRS
General Police Inspectorate



O R D E R

November "27", 2017

Chisinau municipality

no.473

Concerning the approval of common standards for the organization, operation and endowment of the Police investigation, criminal prosecution and forensic subdivisions

In order to ensure an efficient provision in the elaboration of the normative framework relevant to the activity of the Police on the unique principles of action, according to the provisions of the point 14 subpt. 14) of the Regulation on the organization and operation of the General Police Inspectorate of the Ministry of Internal Affairs, approved by the Government Decision no. 283 of April 24, 2013, as well as for the implementation of the action 1.2 of the Action Plan on capacity building of the Police to combat the organized and cross - border crime, for the years 2017-2020, approved by the MIA Order no. 219 of 19.07.2017, as well as in the context of the Order of the General Police Inspectorate no. 118 of June 23, 2015 "On the approval of the Instruction on the elaboration and implementation of operational procedures within the Police", -

O R D E R :

1. To approve the common standards for the organization, operation and endowment of the Police investigation, criminal prosecution and forensic subdivisions (hereinafter - Standards) as set out in the Annex.
2. To ensure that this order is studied and complied with by the subordinate staff.
3. To notify this order to the subdivisions concerned of the General Police Inspectorate.
4. The control of the execution of the present order provisions shall be attributed to the management of the National Investigation Inspectorate, the General Directorate for criminal prosecution and the technical-forensic Center and the judicial expertises of the GPI.

**Chief,
Chief - Commissioner**

/signature/

Alexandru PINZARI

COMMON STANDARDS
for the organization, operation and endowment of the Police
investigation, criminal prosecution and forensic subdivisions

Chapter I
GENERAL DISPOSITIONS

1. These Standards regulate the organization, the functional structure, the status of the functions and the categories of personnel employed and the endowment of the subdivisions involved in the prevention and combating of the crime and apply to the employees of the Police in accordance with the legislation in force.

2. In order to prevent and combat the crime, within the PGI, investigative, criminal prosecution and forensic subdivisions are set up at all levels (national, regional, territorial and specialized, with subordinated subdivisions, under the law, as operational and support subdivisions, without legal personality.

3. For the purposes of this Standard, the following notions mean:

Abbreviations list:

MIA - Ministry of Internal Affairs

GPI - General Police Inspectorate

NII - National Investigation Inspectorate

DGUI - General Directorate for Criminal Investigation

TFC AND JE - Technical – Forensic Center and Judicial Expertise

T-FS - Technical-forensic Subdivision

OSR Section - On-Site Research Section

CBRNE - Chemical, biological, radioactive, nuclear and explosive substances

TSMM - Technical-scientific methods and means

Standard - a set of mandatory and enforceable rules regarding the organization of the investigation activity, criminal prosecution and forensics of the Police and in the subordinated subdivisions, as well as rules on the interaction of the empowered subdivisions with the attributions of prevention, detection, investigation and prosecution of crimes.

Area / zone of competence / responsibility - the territory on which the regional subdivisions of the Police perform their duties and missions.

Police subdivisions - Police units of general territorial competence, or territorial corresponding to the administrative-territorial division of the country and specialized, subordinated to the General Police Inspectorate.

Subdivision performing special investigative activity - investigative services performing their tasks and duties in accordance with the provisions of the Law no. 59 of 29.03.2012 regarding the special investigation activity and other specific normative acts in the field.

Criminal prosecution body - a subdivision established in the order provided by the law, through the order of the minister of the MIA, which is empowered to carry out criminal prosecution actions under the Criminal Procedure Code, with the obligation to take all necessary measures for the prevention and eradication of the crime, to examine complaints regarding offenses and to conduct criminal prosecution according to the material or territorial competence.

Forensic activity - under this standard, is the activity of specialized subdivisions which, within the on-the-spot research, using technical-scientific methods and means, have the task of discovering / detecting, picking up and studying traces from the scene in order to identify the way, methods and means of committing the offense.

Forensic fixing activity of the crime scene - consists in carrying out the actions of making the orientation pictures, the sketch, the main objects and in detail, as well as the description in the contents of the on-site investigation minutes.

Criminologist - employee within the profile structures performing criminal activity.

Organizational subordination of the investigation, criminal prosecution officer and criminologist - report of hierarchical organization according to the national, regional and territorial principle towards the head of the institution in which the investigative body, criminal prosecution, forensic and the head of territorial subdivision, is established, only in the limits of behavioral issues, internal order and discipline and other activities that do not affect the attributions and procedural independence of the representatives of the criminal prosecution, investigation and forensic bodies.

Increased social resonance crime - an act that affects the natural social balance, causes a certain state of indignation, public disapproval, social insecurity.

Transnational crime - any offense which, as the case may be:

- a) is committed in the territories of two or more States;
- b) is committed on the territory of a State but its preparation, planning, direction or control takes place wholly or partly in the territory of another State;
- c) is committed on the territory of a State by a criminal group or organization which carries out criminal activities in two or more States;
- d) is committed on the territory of a State, but the result of which occurs on the territory of another state.

Areas of cross-border (transnational) organized crime:

- organized crime;
- terrorism;
- trafficking in human beings and sexual exploitation of women and children;
- illicit drug trafficking;
- illicit arms trafficking,
- smuggling;
- money laundering;
- corruption;
- counterfeiting of payment means;
- cybercrime;

4. The activity of investigations, criminal prosecution and forensics is regulated by the Constitution of the Republic of Moldova, international treaties to which the Republic of Moldova is a party, the Criminal Procedure Code, Law no.320 of 27.12.2012 "Concerning the police activity and the status of the policeman" as well as other laws and normative acts in force.

5. The legal framework for organizing the investigative activity is constituted by the Law no. 59 of March 29, 2012 "Concerning the special investigation activity", the Regulations on the organization and operation of the subdivisions subordinated to the General Police Inspectorate carrying out special investigative activity, as well as other interdepartmental and departmental normative acts.

6. The legal framework for the organization of the criminal prosecution activity consists of the: Law no. 333 of November 10, 2006 on the status of the criminal prosecution officer, the Regulation on the organization and operation of the General Directorate for Criminal Prosecution (hereinafter DGUI) of the GPI of MIA, the Regulations - framework on the organization and operation of the

subdivisions subordinated to the General Police Inspectorate carrying out criminal prosecution activity, as well as other interdepartmental and departmental normative acts.

7. Legal framework of the forensic activity, consisting of interdepartmental and departmental normative acts, which regulate the activity of the body of which the forensic subdivisions are part.

8. Interaction of investigation, criminal prosecution and forensic subdivisions shall be determined in accordance with the tasks and duties provided for / regulated by this Standard.

9. Investigation, criminal prosecution and forensic activities shall be carried out solely on the basis and for the enforcement of the law, in the interest of the person, the community and in the support of state institutions, for the protection of fundamental rights and freedoms and human dignity, in accordance with the principles of: the legality, the respect for the fundamental rights and freedoms of the person, opportunity and harmlessness, transparency, the merging of the public and secret methods, the cooperation with other state authorities, de-idealization and impartiality, humanism, democratism, the personal character of the criminal responsibility, the individualization of the criminal liability and the criminal punishment, the lawfulness of the criminal proceedings, the presumption of innocence, equality before the law and authorities, the inviolability of the person / domicile / property / private life, secrecy of correspondence and respect for professional secrecy.

10. All the specialized subdivisions, including subdivisions as police criminal prosecution bodies, shall be constituted, reorganized and liquidated, according to the law, by the order of the minister of internal affairs, at the proposal of the chief of the GPI of MIA.

CHAPTER II

ORGANIZATIONAL SYSTEM

11. **The system of the Police investigation bodies** consists of the following subdivisions: the National Investigation Inspectorate and its subordinate services, regional subdivisions with subordinate services, crime investigation services within the police inspectorates, under the law as operational and support subdivisions, without legal personality.

12. **The Police first level investigation body** is the National Investigation Inspectorate with the specialized subdivisions subordinated to it, which have senior hierarchical body status and coordinates the activity of all the subdivisions of investigations subordinated to the General Police Inspectorate and has as area of responsibility the whole territory of the Republic of Moldova.

13. **The Police second level investigation body** are the investigative subdivisions established in the Regional Police Subdivisions, which co-ordinate the work of the third level investigation bodies, responsible for preventing and combating crime on the area of responsibility.

14. **The Police third level investigation body** are subdivisions for investigating crimes constituted in the territorial police inspectorates and other lower units of the Police with such duties.

15. The system of criminal prosecution bodies of the Police consists of the following subdivisions: the General Directorate of criminal prosecution and the subdivisions established within it, the coordination sections of the criminal investigation activity (and the services within it, the specialized criminal prosecution sections, the criminal prosecution sections within the territorial police inspectorates.

16. **The central criminal prosecution body of the first level** of the Police is the General Directorate of criminal prosecution, has the **status of hierarchically superior body** and coordinates the activity of all subdivisions of criminal prosecution subordinated to the General Police Inspectorate and has a coverage over the entire territory of the Republic of Moldova.

17. **The Police second level criminal prosecution bodies** are the coordination Sections of criminal prosecution activities, subordinated to the first level criminal prosecution body.

18. **The Police third level criminal prosecution bodies** are criminal prosecution subdivisions set up within the territorial police inspectorates.

19. The criminal prosecution Division of the Center for Combating Trafficking in Human Beings and the Center for Combating Cybercrime have the **status of a specialized criminal prosecution body**.

20. All the criminal prosecution bodies of any level are part of the entire system of the criminal prosecution bodies of the GPI of MIA, organizational and procedural, within the limits of the Criminal Procedure Code, is subordinated to the DGUI of the GPI of MIA.

21. Criminal prosecution subdivisions of all levels, including the specialized criminal prosecution body, have full judicial independence in relation to police subdivisions and bodies carrying out special investigative activity and are organizationally subordinated to the head of the GPI of MIA or the head of the subdivision within the to which they operate, insofar as it does not affect the attributions and procedural independence.

22. The system of **subdivisions with criminal activity** of the Police consists of:

- **TFC and JE** within the GPI, specialized subdivision of support, in providing efficient technical and forensic assistance, with the subordinated subdivisions Directorate "Center" 1 and 2, "North" and "South"; "East" Section and OSR Section.

- **The OSR Section**, established within the Centre for technical - forensics and judicial expertise, is an independent subdivision with territorial (regional) division, the entire activity of which is coordinated at the level of the TFC and JE.

- T-FS at the local level, established within the Municipal Police Inspectorates of the Chisinau Police Department, Police Inspectorates of the ATU Gagauzia Police Department and Territorial Police Inspectorates, Independent Subdivisions and activates at territorial level.

CHAPTER III

FUNCTIONAL COMPETENCE

23. The **procedural competence** of the police investigation bodies is established by the art. 273 Criminal Procedure Code.

24. Investigative bodies shall carry out special investigative measures, including the use of audio and video recordings, filming, photographing, conducting the search actions and documenting the results of such actions in accordance with the provisions of par. (3) art. 265 and par. (2) art. 273 Code of Criminal Procedure, in order to discover the indications of the offense and the persons who committed it, to execute the provisions of the criminal prosecution officer regarding detention, forced bringing, arrest and other procedural actions, as well as to assist the criminal prosecution officer when conducting criminal prosecution actions.

25. Under the Code of Criminal Procedure, the organs of detection prior to the notification of the criminal prosecution bodies shall make inquiries only for the purpose of detecting indications and confirming reasonable suspicion with regard to the commission of the offense or circumstances that exclude criminal prosecution.

26. According to the functional competencies, the **National Investigation Inspectorate, a first-level investigative body** within the GPI of MIA, investigates and discovers on the whole territory of the country:

1) particularly and exceptionally serious crimes, with the aggravating circumstances provided by the Criminal Code of the Republic of Moldova (Article 77 par.(1) let.(i), k), *and namely, the commission of the crime by means of an increased social danger; the commission of the crime with the use of the weapon, ammunition, explosive substances or devices imitating them, specially prepared technical means, harmful and radioactive substances, medicinal preparations*

and other chemico-pharmacological preparations, as well as the application of physical or mental constraints);

- 2) crimes committed by criminal groups or organizations;
- 3) particularly serious and exceptionally serious crimes committed in several regions;
- 4) crimes related to cross-border / transnational organized crime;
- 5) crimes with increased social resonance;
- 6) crimes according to the competencies provided by the regulations of activity of the subdivisions subordinated to the NII.

27. As an exception, taking into consideration the specificity of the type of the crime, **investigation of the cases of cybercrime and related crimes committed through the use of information systems and modern technical means, payment card fraud as well as investigation and criminal prosecution of trafficking in human beings and related offenses** will be in the functional competence of the specialized subdivisions of the NII.

28. As the first level investigative body, the NII has the power to verify and contribute through special checks to carry out the tasks assigned to the second and third level investigative bodies.

29. **Second level investigation bodies** have competence within the area of responsibility in which they operate, investigate and discover particularly and exceptionally serious crimes that do not fall within the internal material competence of the first level investigative body within the limits of competence initiates and manages special dossiers, attracts people to confidential collaboration, based on written and verbal agreement, and distributes to third-level bodies financial resources dedicated to special investigative activity.

30. **Second level investigation bodies** have the obligation to verify and contribute through special checks for the accomplishment of the tasks assigned to the third level bodies within the administrative territory served, regarding their respective active role in detecting and recording all offenses, committed in the territory in which they operate, including latent ones. About the results of the checks, report to the hierarchically superior body.

31. **Third-level investigation bodies** have competence only in the area of responsibility in which they operate, detect, investigate and discover minor, less serious, serious offenses. Within the limits of competence, initiates and manages special dossiers, attracts people to confidential collaboration, based on the verbal agreement, asks the second level body to release the financial sources for the special investigative activity.

32. In the case of particularly serious offenses, committed in the administrative territory in which it operates, the third level investigative body has the obligation to go to the scene and carry out all the initial actions required to detect the offense, and the investigation of the case will be taken by the second level body or, as the case may be, by the first level.

33. **Second and third level investigative bodies** may carry out detection actions outside the territory in which they operate, but with prior notification of the management of the finding body from that territory and the hierarchically superior organs.

34. In the case of established offenses, the **employees of the investigative bodies have the right** to carry out the actions provided for in para. (2), (3), (4) art. 273 Criminal Procedure Code.

35. In cases of particularly serious offenses whose author has been established, there is sufficient evidence and there is no need to carry out special additional investigative measures, the criminal prosecution / investigation activities will be carried out by the specialized structures within the territorial subdivisions, **level three**.

36. **The General Directorate for criminal prosecution has territorial competence** over the entire territory of the Republic of Moldova and the material competence established by the art. 266

Criminal Procedure Code, usually carries out criminal prosecution in complex criminal cases with a greater degree of difficulty in the administration of evidence or which, given the amount of the prejudice, the quality and the number of the participants in the criminal trial or the extent of the facts on the territorial-administrative range with an international or republican character, as well as cases of increased social resonance and danger, including withdrawn, under the law, from the criminal prosecution subdivisions subordinated or other criminal prosecution bodies, or sent to prosecution by the Prosecutor General or his deputy.

37. The criminal prosecution Division of the Center for Combating Trafficking in Human Beings, as a specialized body, has territorial competence throughout the Republic of Moldova and material competence established by the art. 266 Criminal Procedure Code, as a rule, carries out the criminal prosecution in the cases started in connection with the offenses provided by the art. 158, 165, 165¹, 167, 168, 206, 207, 208¹, 208², 220, 284, 362¹ CC and other offenses that are tangential or have been committed in connection with the abovementioned offenses, including those taken over, under the law, from other criminal prosecution bodies or transmitted for the purpose of prosecution by the Prosecutor General or his deputy.

38. The criminal prosecution Division of the Center for combating computer crimes of the NII, as a specialized body, has territorial competence throughout the Republic of Moldova and the material competence established by the art. 266 Criminal Procedure Code, usually carries out criminal prosecution in cases initiated in connection with the offenses provided for in chapter XI of the Criminal Code (computer crimes and crimes in telecommunications field) and other offenses that are tangible or have been committed in concert with the abovementioned offenses, including those taken over, under the law, from other criminal prosecution bodies or transmitted for the purpose of prosecution by the Prosecutor General or his deputy.

39. The coordination section of the criminal prosecution activity of the Chisinau Police Directorate of the GPI has territorial competence over the entire territory of Chisinau municipality and the material competence established by the art. 266 Criminal Procedure Code performs criminal prosecution in complicated cases, with many episodes, acts committed in different sectors, where a large amount of work is necessary in cases involving a large number of suspects, accused and injured parties, as well as on the offenses provided by the art. 192¹, 264-266 and 268-269 Criminal Code, including taken over, under the terms of the law, subordinated criminal subdivisions or other criminal prosecution bodies or sent for the prosecution by the Chisinau Prosecutor's Office or the General Prosecutor's Office.

40. The coordination section of the criminal prosecution activity of the **ATU Police Department of Gagauzia** has territorial competence over the entire territory of the ATU Gagauzia of the Republic of Moldova and the material competence established by the art. 266 Criminal Procedure Code usually carries out criminal prosecution in complicated cases, with many episodes, acts committed in different districts of ATU Gagauzia, or where a large amount of work is required in cases where there is a large number of suspects, accused and injured parties, including cases taken over, under the law, from the subordinated criminal subdivisions or transmitted for criminal prosecution by the Gagauzia ATU Prosecutor's Office or the competent prosecutor's office.

41. The criminal prosecution subdivisions within the municipal or district police inspectorates have competence only in the administrative territory in which they operate and carry out the criminal investigation, within the limits of the material competence established by the art. 266 Criminal Procedure Code, including in those transmitted, under the law, by other criminal prosecution bodies or by the competent prosecutor's office.

42. The General Directorate for criminal prosecution, the coordination Division of the criminal prosecution activity of the Chisinau Police Department and the coordination Division of the criminal prosecution activity of the Police Department of ATU Gagauzia, the criminal prosecution Division of the Center for Combating Trafficking in Human Beings and the prosecution Section of the NII Center for Combating Computer Crimes, examining requests and communications on offenses by which they

have been seized are empowered to conduct criminal prosecution for any offense committed within the boundaries of the constituency in which they operate or dispose according to the law of the territorial subdivision of hierarchically inferior criminal prosecution under its subordination.

43. In **the field of forensic activity**, the specialized subdivisions perform their research activities according to their competencies for the purpose of discovering / detecting, collecting and packaging the traces and the material means of probation in order to hand them over to the representatives of the criminal prosecution bodies.

44. The OSR Section, as a profile subdivision, has competence throughout the Republic of Moldova, participate according to the competencies in the investigation of the crime scene, which provides for complex activities in the case of extremely serious and exceptionally serious crimes, with the aggravating circumstances provided by the Criminal Code of the RM, art. 77 par. (1), namely:

- committing the offense by acts of extreme cruelty or mockery of the victim;
- committing the offense by means of increased social danger;
- committing the offense by the use of the weapon, ammunition, explosive substances or imitation devices, specially prepared technical means, harmful and radioactive substances, medicinal preparations and other chemical-pharmacological preparations, as well as with the application of physical or mental constraints;
- attacks on persons or institutions benefiting by international protection (Article 142 of the CC);
- the intentional murder on two or more persons, murder committed on command against a minor, committed with an extreme cruelty or for sadistic reasons (par. (3) letter a) art.145 CC);
- cases of robbery with serious bodily or health damage, or by scaling, torture, inhuman or degrading treatment (par. 3 letter c) to d) art. 188 of the CC);
- blackmail with serious consequences, or accompanied by the kidnapping of the victim (par. (4) art. 189 CC);
- trafficking in children resulting in serious injuries or death (par.36 letter d) art.206 CC);
- the terrorist act (art. 278 of the Criminal Code);
- taking hostages (par. (3) art. 280 of the CC).
- crimes committed by criminal groups or organizations;
- crimes with increased social resonance.
- in other cases, by coordinating the TFC and JE management.

45. Training of T-FS criminologists within the Police Inspectorates shall be carried out through their dispatcher in the radius of which the offense was committed and, in other cases, at the indication of the Police Inspectorates, under the subordination of which is T-FS.

Section 1

Attributions of the leaders

46. **The head of the General Police Inspectorate**, in relation to the heads of the investigation bodies, at all levels within the GPI of the MIA, has the status of hierarchically superior leader and acts within the limits of the attributions and competences assigned by law.

47. By virtue of its attributions, the head of the GPI has the right to order, as appropriate, any subordinate investigating body of any level to examine, in the order provided by the law, information on offenses and incidents and to verify this activity.

48. Divergences in organizing the work of investigative, criminal and forensic subdivisions will be settled by the head of the GPI.

49. The indications and requirements of the head of the GPI given in accordance with the legislation in force, the Regulation on the organization and operation of the GPI of the MIA and these instructions are enforceable for all the representatives of the respective subordinate investigative, criminal prosecution and forensic bodies, except those that do not affect the attributions and their procedural independence.

50. In relation to the representatives of investigative, criminal prosecution and forensic bodies, the head of the GPI is an employer and decides on employment relationships and other activities that do not affect their attributions and procedural independence.

51. The head of the GPI may appoint a Deputy Chief to coordinate the activity in the field of offense investigating.

52. **The head of the NII** is hierarchically superior to the heads of the investigative subdivisions within the GPI and through the deputies and leaders of the subdivisions established within this institution, ensures the implementation of the state policies and GPI of the MIA in the field of the detection of crimes, organizes, directs, coordinates and exercises the control over the activity of the subordinated investigating bodies, including those within the NII, implicitly organizes the granting of the methodical-practical assistance to the subordinated bodies in the detection of the offenses, takes actions in order to ensure the observance of the legality in the activity of discovering the offenses, on the lines of activity. In the absence of the NII chief, the attributions will be fulfilled by the Deputy Head of the NII.

53. By the virtue of procedural duties, the NII chief has the right to order, as appropriate, to any subordinate investigating body to examine, in the order provided by the law, information on offenses and incidents and to verify this activity.

54. In the case of problems and divergences occurring at all three levels, in co-operation of investigative subdivisions, respectively to check the role when crime detection of the representatives of the investigation services included in the criminal investigation group, the NII chief organizes meetings, to which may invite the heads of subdivisions, within which the investigative services, the leaders of these services and the members of the criminal prosecution group work.

55. **The heads of second level investigation bodies**, in addition to express **attributions** provided for by the law, departmental and interdepartmental normative acts and by the own Regulations, have senior hierarchical status as compared to subordinate investigating bodies and are also empowered to organize, direct, coordinate and exercise control over the activity of the subordinated investigation bodies, implicitly ensuring the observance of the procedural legislation in these bodies.

56. **The heads of the third and specialized level investigation bodies have the express attributions stipulated by the law** in the subdivisions that they lead, respectively ensuring the carrying out of the actions for finding, according to the law and according to the material competence, as the case may be, territorial ones.

57. The heads of the investigative bodies also have other tasks provided by the law, departmental or interdepartmental normative acts.

58. **Leaders of any level conducting the special investigative activity** shall assign the acts by which the special investigative measures are ordered, shall authorize the measures provided for in the art. 18 par. (1) point 3 of the Law no. 59 of 29.03.2012 and exercises control over their execution, coordinates the activity of subordinated investigative officers and exerts the departmental control over them and the rights and obligations of the investigative officer affects it, as well as dispose of other rights stipulated by laws and normative acts.

59. **The head of the General Directorate of criminal prosecution**, in relation to the heads of the criminal prosecution bodies at all levels within the GPI of the MIA, including those established in the DGUI, has the status of hierarchical superior and acts within the limits of the powers and competences established by the law, The DGUI Regulation, these instructions and other departmental or interdepartmental normative acts.

60. By the virtue of the procedural attributions, the head of the DGUI is entitled to transmit, as the case may be, according to the territorial or material competence, in accordance with the law, to any subordinate criminal prosecution subdivision of any level, to examine and resolve, in the order provided by the law, notifications, or other information on offenses and incidents.

61. In order to solve the problems and divergences arising from the co-operation of the criminal prosecution bodies with other police subdivisions, respectively to check the role when crime detection of the representatives of the investigation services included in the criminal investigation group, the DGUI chief organizes meetings, to which may invite the heads of subdivisions, within which the investigative services, the leaders of these services and the members of the criminal prosecution group work.

62. The heads of the criminal prosecution body at all levels have the obligation to detect and cease the essential violations of the rights of the persons involved in the criminal trial and the irreparable omissions in the process of taking evidence, both ex officio and the complaints of the parties, and in connection with their detection, as the case may be, they have the obligation to dispose or to carry out directly investigations of the service and to adopt, according to the law, solutions regarding the removal of the criminal case materials and their transmission to another criminal prosecution officer.

63. **The heads of the second-level criminal prosecution subdivisions**, in addition to the express attributions provided by the law, departmental and interdepartmental normative acts and by their own regulations, have the status of superior hierarchical leaderships in relation to the subordinate subdivisions of criminal prosecution and have the obligation to ensure the implementation of policies promoted in the field of criminal prosecution, are also empowered to organize, direct, coordinate and exercise control over the activity of the subordinated criminal prosecution bodies, implicitly, to ensure the procedural independence of the subordinate officers.

64. **The heads of third and specialized level prosecution bodies**, in addition to the express attributions provided by the law, departmental and interdepartmental normative acts and their own regulations, have the duty to implement, in their subdivisions, the policies promoted in the sphere of criminal prosecution activity, to ensure the active role of the criminal prosecution body, to carry out criminal prosecution according to the material competence, in all respects, completely, objectively and respecting the principles of the criminal process. It also exercises control over the timely execution of crime detection and prevention actions and ensures the recording of the offense notifications in the established manner.

65. **The head of TFC and JE** in the execution of the duties provided by the law in the sphere of forensic activity carries out the following activities:

- 1) establishes the tasks and duties of the employees;
- 2) ensures the control over the fullness and quality of the investigations carried out, without violating the principle of the specialists independence;
- 3) organizes the technical-material insurance of the OSR Section;
- 4) coordinates the field of judicial expertise;
- 5) performs other functions assigned to it by its internal acts of the GPI and / or the indications of the GPI management.

In the absence of the TFC and JE head, the established activities are exercised by the Deputy Head of the TFC and JE.

66. **The head of the OSR Section** shall perform the duties provided for by the normative acts in the field of forensic activity and shall ensure the conduct of the following activities:

- 1) organizes and coordinates the activity of the OSRS and is responsible for the performance of its duties;
- 2) ensures the observance and enforcement of legislation in the field of crime scene investigation, the accomplishment of the tasks and functions deriving from the OSR Section activity Regulation;
- 3) application of technical-forensic means;
- 4) effective management and enforcement of forensic records;
- 5) strict record of forensic technical means reinforced after the OSR Section, keeping them in active condition for application;
- 6) participation in Police staff training in the teaching process on the application of forensic technical - scientific means;
- 7) granting practical assistance in the use and application of the forensic technical-scientific means of T-FS of the police inspectorates;
- 8) implementation of the TSMM in the practice of police activity and assurance of effective use in the detection and investigation of crimes;
- 9) establishing the need for forensic techniques procurement used by the OSR and T-FS Section.
- 10) methodical and professional control of T-FS activity;
- 11) organizes the discovery, generalization and introduction of the advanced experience of organizing the use of TSMM in the prevention, detection and investigation of crimes.

67. **The T-FS leader** performs the duties provided for by the normative acts in the sphere of forensic activity and ensures the conduct of the following activities:

- 1) application of TSMM at the crime scene investigation;
- 2) strict record of forensic technical means reinforced after T-FS, keeping them active for application;
- 3) effective management and enforcement of forensic records;
- 4) assuring the necessity of procurement of consumer materials and forensic technique used by OSR.
- 5) raising the professional level of each employee within subdivisions;
- 6) performs other functions assigned to it by internal documents of PI / GPI and / or by PI / GPI directions.

Section 2

Prevention and fight against crimes

68. In the field of preventing and combating crimes, the bodies carrying out special investigative and criminal prosecution activities, according to their competence, perform the following:

- 1) Take measures to prevent and combat crimes, jointly with other subdivisions of the Police bodies, applying all the means provided by the law promptly and according to their competencies;

- 2) inform public authorities, institutions, etc. and citizens on compliance with criminal law and on measures to defend against crime;
- 3) establish and analyze the causes and conditions that could contribute to committing or increasing the number of categories of offenses, notices about this the heads of enterprises, institutions and organizations and ask for steps to be taken to remove them;
- 4) notify state authorities on breaches of applicable law or of human rights and freedoms detected during criminal prosecution;
- 5) the prosecution officer draws up in the order of art. 217 Criminal Procedure Code notices which they send for execution to the body or the person with responsible positions competent for removing the causes and conditions that contributed to the commission of the offense;
- 6) continuously studies the level, state, trends and dynamics of the criminality, and, depending on the evidence, develops and undertakes concrete measures to control and combat the criminal manifestations;
- 7) exercise permanent control over the activities of discovering, preventing, ceasing and investigating crimes, especially of those serious, particularly serious and exceptionally serious, including transnational crime or increased social resonance;
- 8) respond immediately and promptly, within the limits of their competencies, to the notifications and other information, on the offenses;
- 9) ensure the search for persons who escape criminal liability and missing persons without a trace;
- 10) apply to the fight against crimes of special technique, forensic technique, forensic evidence, advanced experience, forms and methods of work organization;

Section 3

The way to cooperate with the services involved in the detection and investigation of the crimes

69. **The organization of the criminal prosecution group movement on-the-spot**, the on-site research, the initiation and conduct of criminal prosecution, the execution of the provisions of the criminal prosecution body and other aspects related to the organization of the criminal prosecution activity are carried out in accordance with the CPC and the order of GPI no. 138 of 11.11.2013 "Concerning the approval of the instructions regarding the organization of the criminal investigation activity within the General Police Inspectorate of the MIA", as well as the order no. 487 of 29.12.2016 "On the approval of the operational procedure" On-Site Research ".

70. **The investigative body**, obtaining information about the offense regardless of the source shall register it, verify it, if necessary, carry out acts of detection and establishing reasonable suspicion of committing a crime, draw up a report and send it to the criminal prosecution body, otherwise it makes a conclusion regarding the non-confirmation of the veracity of the information. The same actions are also fulfilled when obtain a complaint that does not meet the conditions of the art. 263 of the Code of Criminal Procedure.

71. The first actions that can not be postponed shall be organized and carried out in accordance with the GPI order no. 138 of 11.11.2013 "Concerning the approval of the instructions regarding the organization of the criminal investigation activity within the General Police Inspectorate of the MIA ".

Section 3

Exchange of information

72. In the case of obtaining information on the commission of a particularly serious and exceptionally serious offense at the third level investigating bodies, these are immediately obliged to inform the second level investigating body or, as the case may be, the first level, to take actions that can not be postponed.

73. In the cases of commission of a particularly serious and exceptionally grave or resentful crimes, the head of the third level investigating bodies immediately announces the second level investigating bodies in the administrative territory and conducts the first investigative actions. Second-level bodies are required to take charge of the investigation of the offense committed and the materials collected are taken over by the competent criminal prosecution body.

74. In the cases of particularly serious and exceptionally serious crimes, as well as those with a higher social resonance referred to in paragraph 26, as well as those referred to in paragraph 27 of this Standard, the investigation is taken over by the specialized subdivisions of the first level investigation body (NII), and the materials collected by the criminal prosecution bodies according to the procedural competence.

75. The OSR Section of the TFC and JE provides the assistance requested by T-FS within the third level bodies in the cases provided for in paragraph 44 of this Standard.

76. Interaction of investigative bodies with criminal prosecution bodies shall be carried out through the heads of those subdivisions at the level at which they operate.

77. The head of the first level investigative body ensures the interaction at national level, those of second level at regional level, and third level at territorial level.

CHAPTER IV

INTERACTION AND COORDINATION

78. Investigative services are obliged to communicate promptly, in the established order, to the investigating officer the data of interest for the objective, multilateral and all-round investigation of the circumstances of a case, and to propose motivated procedural actions for the purpose of establishing the evidence; procedural verification of the data obtained under special investigative measures.

79. In cases of obtaining information of interest for other authorities carrying out the special investigative activity and within their competence, they shall comply with the provisions of the art. 11, let. d) Law no. 59 of 29.03.2012 regarding the special investigative activity.

80. The criminal prosecution officer and investigative officers jointly provide objective verification and achieve information in the criminal prosecution process and bear personal responsibility for the disclosure of the sources and methods of obtaining it.

CHAPTER V

ENDOWMENT OF INVESTIGATIVE, CRIMINAL PROSECUTION AND FORENSIC SUBDIVISIONS

81. Investigative, criminal prosecution and forensic bodies may hold, administer and / or use, as the case may be, in accordance with the law, immovable property, means of transport personalized and equipped with audible and red light and blue warning devices, means of transport namely for the transport of goods and valuables equipped according to the law, weapons, ammunition, equipment and special technical means necessary for the exercise of the duties provided by the law.

82. The personnel of the investigative, criminal prosecution and forensic subdivisions shall be provided with uniform, distinctive signs and including,

1) lethal defense and security weapons or non-lethal weapons for self-defense;

2) individual means of defense, intervention and immobilization stipulated in the Law no. 218 of 19.10.2012 on the application of physical force, special means and firearms, with subsequent modifications and completions;

3) workspaces of at least 5m² for each employee, equipped with furniture (table-desk, armchair, 2 chairs, closet, safe box, computer, printer).

83. The rules for endowment of inventory material of the employees of specialized investigation, criminal prosecution and forensic subdivisions are approved by the order of the minister of internal affairs.

84. The minimum safety and health requirements at the workplace of the employees of the investigation, criminal prosecution and forensic subdivisions are ensured according to the Government Decision no. 353 of 05.05.2010 "On the approval of the minimum safety and health requirements at the workplace".

85. By the Framework Regulation on the organization and operation of the Police approved by the Government Decision no. 283 from 24.04.2013, are set, according to the law, the endowment rules, the categories of personnel that are equipped with individual means of defense, intervention, immobilization, weapons and ammunition, the types of weapons, the wear, the way of keeping, manipulation, security and evidence of them.

86. The endowment rules for the Police investigation, criminal prosecution and forensic subdivisions are ensured in accordance with the Government Decision no. 284 of 24.04.2013 "On the approval of uniforms, signs and uniform equipment norms of the policemen"; Government Decision no. 474 of 19.06.2014 "On the approval of the Nomenclature of special means, of the types of firearms and related ammunition, as well as of the rules for their application"; Government Decision no. 1154 of 23.10.2007 "On the annual consumption standards of the technical-forensic subdivisions of the Ministry of Internal Affairs", as well as the norms approved by the Minister of Internal Affairs.

CHAPTER VI

PROFESSIONAL TRAINING

87. Upon appointment, employees assigned to investigate offenses, criminal prosecution and forensic officers selected for the purpose of assignment are required within one year to undergo an initial training program, organized in an educational institution within the Ministry of the Interior.

88. Exceptions to the provisions of point 87 are the police officers coming from the structures of the Ministry of the Interior, as well as those who have attended an initial training program in an educational institution within the Ministry of the Interior.

89. Within the General Police Inspectorate, the TFC and JE or T-FS employees who have completed the appropriate training according to the normative acts in force may apply for the right to participate as criminal investigators in the conduct of criminal investigations and special investigative measures.

90. The examination of the professional activity of the forensic candidate is subject to qualification before the commission. As a result of the examination, a nominal document (Qualification Certificate) is issued which attests the presence of the right to carry out criminal investigations (including crime scene investigation) and special investigative measures.

91. The duration of the vocational training programs is established by the MIA order.

92. The completion of the vocational training programs is done through a graduation exam, according to the curriculum. Following the passing of the exam, you obtain a graduation certificate issued by the organizing institution. The organization of the training programs and the structure of the curricula will be phased in so that the specific activity is not affected.

FINAL PROVISIONS

93. The standard will be distributed in a controlled system through the distribution List to the structures / persons involved in the procedural activity process. It is kept at the issuer and can be updated independently of the review process of the standard.

94. The standard will be reviewed whenever deemed necessary (when organizational changes or legal regulations of a general and internal nature occur, etc). The list of changes will accompany the initial procedure in the warning / approval process, respectively the new edition in the allocation process.

95. During the absence from the service of persons using the Standard in force, the application of this Standard will be carried out by the rightful replacements of these persons.