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**The General Inspector of Romanian Police's
message with the occasion of Winter Holiday 2011,
dedicated to the JOURNAL OF CRIMINAL INVESTIGATION'S readers**

We are all preparing to meet the holy feasts of Christmas and the New Year with the deepest spiritual and emotional experiences.

In these days full of magic carols, of habits and customs of our ancestors, of the retrieval of loved ones around the tree please accept my best wishes, health and happiness!

Dear students,

To all of you, I am grateful for your efforts this year and I would like to know that both I and the entire management team of Romanian Police attach great attention and appreciation of your professional training to the highest standards.

It is true that being a policeman is not a profession but a vocation. A good policeman is one who is always on duty to guard the peace and safety of citizens and also enjoys community respect.

I appreciate the determination and diligence that you showed in training, as well as your desire to join the great family of Romanian Police.

Dear teachers,

I am firmly convinced that through everything you do, you will plant in the hearts of student's ideals, you will draw paths to follow in life and work of police and will be for them models of behavior and competence.

I am optimistic that together we are able to cope with new professional and life Challenges.

At the turn of the year, let's clang a glass for a better and more generous New! I wish you Merry Christmas, good health and happiness with family and friends!

Happy New Year!

**GENERAL INSPECTOR OF ROMANIAN POLICE
Police Quaestor**

Dr. LIVIU POPA

The Police Academy „Alexandru Ioan Cuza” president’s message with the occasion of Winter Holiday of 2011, dedicated to the JOURNAL OF CRIMINAL INVESTIGATION’S readers

Dear colleagues,

We prepare to meet the Holy Feasts of Christmas and New Year with joy and peace in our souls.

The magic of the ancient traditions and habits brings us together and closer to family and friends, and all those dear and urges us to wish them health, happiness and fulfillment of everybody’s wishes.

I appreciate the seriousness and dedication of the editorial staff of the “Journal of Criminal Investigations” who made possible its appearance at the highest professional standards.

I am firmly convinced that, by what you do, you’ll give the hope of a quiet safety life to all the readers of your journal, because the policeman is always on duty in our country. Also, I have the firm belief that the high professional level of the magazine content makes the readers wish to continuously develop themselves and become the best in their jobs.

I am grateful for your efforts in training the students this year and I want to know that the managerial team of the Police Academy grant a special attention to your teaching activity as well as the professional development in the field of Financial-Economic Crime Investigation.

At the turn of the year we want the Holy New Year bring you peace of heart and mind, enhance your health and wealth, and accomplish your inner thoughts and hopes.

Happy New Year 2012!

Police Quaestor

Ph.D. LIVIU IOAN TĂUT



I. ANALYSIS, STUDIES, SYNTHESIS

EUROPEAN SECRET SERVICE – A NEW EUROPEAN UNION INSTITUTION ?

Ph.D. Lecturer Marius PANTEA

Police Faculty, Police Department, „A.I.Cuza” Police Academy

Ph.D. Professor Costică VOICU

Law Faculty, Spiru Haret University

Security of the European Union is a highly complex concept, difficult to define and implement on the two components: internal security and external security. Political figures from the EU institutions jointly support the establishment of a secret service common to the member countries, able to contribute the development and implementation of an effective European foreign policy.

Keywords: intelligence, security, European Union, European intelligence service, information, the world of intelligence, internal security, foreign security

GENERAL CONSIDERATIONS REGARDING THE MANAGEMENT OF INFORMATIVE SECURITY IN INTERNATIONAL POLICE COOPERATION

Police Quaestor Ph.D. Petre TOBĂ
Deputy Secretary, Ministry of Administration and Interior

This study aims to analyze management concepts aimed at information security as well as the importance given that it is the international police cooperation. The study aims at both a structural analysis, which focuses on information security system elements and functional analysis, aimed at the purpose and functional requirements of these elements.

Keywords: information security, privacy, information security strategy, the security environment of information.

POWER, AUTHORITY AND INFLUENCE-FACTORS OF MANAGEMENT PROCESS

Ph.D. Ioan Liviu TĂUT
"A. I. Cuza" Police Academy

Management is a key element in the structure and efficiency of their organization. The success depends largely on the discovery and use of effective leaders as talented, imaginative people that, full of curiosity, perseverance, working, multi-skilled able to encourage diversity and foster innovation.

Keywords: management process, human resources, leadership, organization, leader

**PROVISIONS OF THE INTERNATIONAL INSTRUMENTS REGARDING THE INSTITUTIONS
OF THE NATIONAL COORDINATOR AND THE NATIONAL RAPPORTEUR
ON TRAFFICKING IN HUMAN BEINGS**

Ph.D. Dumitru LICSandru,
Ministry of Administration and Interior,
Directorate for European Affairs and International Relations
Ph.D. Costică VOICU,
Law Faculty, Spiru Haret University
Mădălina MANEA,
Ministry of Administration and Interior, National Antidrug Agency

In spite of the positive developments recorded since the first debates on the necessity of their setting up late in '90, the National Coordinator and the National Rapporteur on trafficking in human beings still face a series of challenges mainly related to their statute in relation with each other or with national institutions involved in the fight against trafficking. Ongoing discussions on their roles and responsibilities are particularly more significant in the European Union member states where efforts to make them operational are advanced. The paper advance a series of viewpoints regarding the way in which the National Coordinator, and the National Rapporteur have been provided for in the most important regional, European and international conventions or other legal instruments. A special attention is paid to the evolution of the concepts in the last 15 years, as well as to issues still pending clarification.

Keywords: trafficking, trafficking in human beings, trafficking in persons, conventions, international legal instruments, National Coordinator, National Rapporteur

PUBLIC SECURITY VULNERABILITY

Ph.D. Lecturer Ion DRĂGHICI
Police Department, „A.I.Cuza” Police Academy

To be considered serious a crisis must threaten the values in a very credible way and – in the same time – must be urgent and unacceptable. In order to assure an efficient management of the crisis, the states created their own national systems. The most performant and efficient seem to be the systems of the NATO members. Over their diversity the crisis management systems of the states are connected, working together or with the NATO system for managing the inner crisis in the states where the ethnic conflict emerge and the international crisis determined by the terrorist attacks.

Keywords: crisis, risks, public order and safety.

THE EMERGENCE AND THE EVOLUTION OF THE HUMANITARIAN LAW

Junior Commissioner Ph.D. student Virgiliu-Bogdan ZOTOI
Head of service, Braila Police County Inspectorate

The study focuses on the issue of humanitarian law as a distinct branch of law. There are presented the main developments from the early emergence of the first regulations to the latest regulations adopted or concerns for introducing non-lethal weapons in armed conflicts.

Keywords: war, armed conflict, humanitarian, injured, non-lethal, convention, crime.



II. EVOLUTION AND TRENDS OF CRIME

ONLINE GAMBLING IN ROMANIA

Ph.D. Lecturer Marius PANTEA
Police Faculty, Police Department,
„A.I.Cuza” Police Academy
Ph.D. student Sorin CONSTANTINESCU
Head of the Romania Casinos Organizators
Ph.D. student Octavian AVRĂMOIU
Counsellor of the Romanian Finance Minister

The authorization of online gambling in Romania is beneficial under the current economic and financial conditions because it allows the state budget to gain important amounts of money. In order to understand the mechanisms and the conditions of functioning we present in this article the main aspects related to the activity carried out by police officers in charge with fraud investigation.

Keywords: gambling, tax fraud, crime, economic and financial crime.

PROCEDURAL RIGHTS CIRCUMSCRIBED TO JUDICIAL INVESTIGATION OF INTERNATIONAL CRIMES

Lecturer Ph.D. Marin Claudiu TUPULAN
"A.I.Cuza" Police Academy
Lecturer Ph.D Ionut Andrei BARBU
"A.I.Cuza" Police Academy

At the international level was tried to create a number of bodies that have as their main concern rights and fundamental freedoms. Attention should be focused on particular rights of the individual and their violations in international processes, whereas there have been very important cases, analyzed and judged by international courts, in which the question of violation of rights of defendants, such as the not to be subjected to inhuman or degrading treatment, right to settle the case within areas on able time is right to give medical treatment in case of necessity, the right to keep in touch, the defenders to choose right to free speech, etc.

Keywords: freedom, dignity, inhumane treatment, fair trial within a reasonable time, war crimes, crimes against humanity, international justice.

**PERSPECTIVES OF THE PILOT PROGRAMMES CARRIED OUT IN BUCHAREST FOR REHABILITATION
OF DRUG ADDICTS THAT HAVE COMMITTED CRIMINAL ACTS**

Lecturer Ph.D Gheorghe POPESCU
„Alexandru Ioan Cuza” Police Academy
Chief Superintendent Ph.D. Adrian Marcel IANCU
National Anti-Drug Agency

The study brings into attention the national integrated system of rehabilitation of drug users who committed crimes. This is the result of a project aimed at developing a working methodology to create a unified model of cooperation to achieve an integrated national system for the rehabilitation of drug users who commit crimes.

Keywords: drug users, rehabilitation of drug addicts, methadone arrest.

CORRUPTION THREATS AND RISKS ADDRESSED TO THE STATE LAW

Lecturer Ph.D. Nelu NIȚĂ
"George Bacovia" University, Bacau, Romania

State law is considered as that State which is organized on the principle of separation of state powers, under which justice becomes a real and seeking independence through legislation, promoting the rights and freedoms inherent in human nature, ensure strict compliance with its regulations by all organs of the whole activity. Whatever the nature of corruption and social level, it affects seriously all the essential values on which society must be founded and the rule of law, destroying good faith, which is necessary for the government, politics and economy to work properly.

Key words: state, rule of law, normative order, authority, legitimacy, governance, crime, organized crime, corruption, threats of corruption, causes of corruption

ATTACK MODELS FOR VIRTUAL MACHINE SURVIVABILITY ANALYSIS

Assistant Ph.D.Ioan-Cosmin MIHAI
Police Faculty, Police Department,
„A.I.Cuza” Police Academy
Angelica BACIVAROV

This paper analyzes the concept of survivability and examines some models to ensure the virtual machines survivability. The virtual machines - an isolated duplicates of the real machines, will be analyzed. Some attack models like the Trojan horse and the computer Worm attacks will be proposed to evaluate the performance of virtual machine survivability.

Keywords: attack model, attack tree, security, survivability, virtual machine



III. RESEARCH AND CRIME PREVENTION

**LES ENTREPRISES « FANTÔME » ET LEUR IMPACT SUR L'ÉCONOMIE NATIONALE
DANS LE CONTEXTE DE LA CRISE MONDIALE**

*Lect. univ. dr. Marius PANTEA
Académie de Police Bucarest
Dr. Dan BUCUR*

This article shows the way a ghost company in Romania is set up and functions, the economic actors that, although they have documents, they are innexistent in the economic life because such companies are set up to deal with illegal bussiness on a large scale. The effect is directly proportionate with the amount of illegal money in the underground economy. The huge amounts of money coming from illicit economy are transfered abroad and they produce an imbalance.

Keywords: fiscal fraud, tax evasion, ghost companies, economic and financial crime, fraud investigation.

MULTINATIONAL CORPORATIONS FRAUDS IN THE INDUSTRY AND AGRICULTURE

Assistant Ph.D Petrică-Mihail MARCOCI
"A. I. Cuza" Police Academy

The organization and functioning of multinational companies doesn't differ essentially from the one existent at the level of a large national economic agent, consisting of departments, services or other functional entities, on one side, having individually quantifiable objectives, and on the other side, interacting with each other in order to realize the purpose which the respective branch was founded to perform. The industry and agriculture are the main areas where is manifested most of types of multinational corporation frauds, because these areas generate high rate of operational benefits and the easy acces to resources.

Keywords: Multinational corporation, transfer pricing, agriculture, animal husbandry, industry.

COMMON THREATS TO POLICE AND JUDICIAL COOPERATION IN EUROPEAN UNION

Lecturer Ph.D. Claudiu Marin ȚUPULAN,

"A.I. Cuza" Police Academy

Ph.D. Adrian ANGHELUȘ,

Head of Section, General Directorate of Bucharest Police

The EU Member States can no longer fight at present individually against certain scourges, must join their efforts in this regard. Terrorism, drugs, organized crime, fraud, trafficking in human beings and sexual exploitation of children are matters that are interested in all the EU Member States. These scourges are unaware of the existence of borders. The EU wants a space of freedom, security and justice, and not an area of irregular traffic of any kind (persons or goods). EU citizens want to benefit fully from the freedom of movement that allows the development of the Union and at the same time, to be protected against threats that concern personal security. This security must remain an important objective in the context of enlargement of the EU.

Keywords: cross-border crime, computer-aided, judicial cooperation, border security, trafficking in migrants, trafficking in human beings, drug trafficking, international cooperation, police cooperation, globalization.

**ANTICOMPETITIVE PRACTICES IN ROMANIA,
THE EUROPEAN UNION MEMBER STATE. CASE STUDY**

Lecturer Ph.D. Laura MAIEREAN
"A.I. Cuza" Police Academy

Anticompetitive practices antitrust law are traditionally two types of business behavior likely to affect competition: cartels and abuse of dominant position. Cartel are concentration between two or more your enterprise with the purpose or effect of restricting competition in the market, while abuse of dominant position is an act of state enterprises to wear its dominant market power to limit or exclude any competition.

Keywords: anti-competitive practice, competition, abuse of dominant position, cartel

**OFFENSE OF DRIVING WITHOUT A LICENSE AND ILLEGAL RACING, AS ROAD SAFETY RISK
EMERGING IN THE WORLD -INVESTIGATION MANAGEMENT**

Ph.D. Dragoș-Andrei IGNAT
„A. I. Cuza” Police Academy

Driving a vehicle on public roads or a tram to a person who does not have a driving license or a person whose license is inadequate categories or subcategories of which the vehicle or it has been withdrawn or canceled or who the right to drive was suspended or who is not entitled to drive in Romania is an act whose consequences are true tragedy genre and that the Traffic Police is required to prevent or prove them to limit their number. On the other hand, illegal racing tend to be a burden on traffic safety in the western part of Europe or in Australia, USA, Canada, Malaysia and Japan. Traffic professionals (psychologists, sociologists, experts in the reconstruction of traffic accidents), sought and seek to find their motives and how best to counter.

Keywords: social involvement, police investigations, prevention, public road, driver

The image features a 3D rendered mechanical assembly, possibly a turbine or engine component, with a blue translucent overlay. A light blue rectangular box is positioned horizontally across the middle of the image, containing the text "IV. MANAGEMENT OF CRIME INVESTIGATION".

IV. MANAGEMENT OF CRIME INVESTIGATION

THE PRACTICAL PSYCHOLOGICAL KNOWLEDGE – A TOOL OF MODERN MANAGEMENT

Professor Ph.D. Ștefan PRUNĂ
Police Department, Faculty of Police, "A. I. Cuza" Police Academy

The present study examines the possibility that the manager can influence his subordinates, can lead them to adopt the professional conduct that he seeks, through a good psychological insight. This can become a management tool to the extent that the leaders can effectively use it in the relationships they develop with their subordinates and can be turned into a skill that can be learned. The learning process of this requires both knowledge and understanding of seven psycho social filters.

Key words: practical psychological knowledge, personality, subjectivity, power management, dialog training.

PERFORMANCE MANAGEMENT – SEVERAL CONSIDERATIONS

Ph.D. student Monica SECELARIU

The article is a theoretical analysis of the main problems nowadays defining performance management. We analyze the key concepts operating in this interdisciplinary field. Performance is a polysemous concept while understanding the associated meanings is important in constructing policies and strategies in the field of performance.

Key terms: Performance, performance management, assessing performance, performance standard, performance criterion

SOME CONSIDERATIONS REGARDING ORGANIZATIONAL CRISES AND THE WAY TO MANAGE THEM

Associate professor Ph.D. Mihaela PRUNĂ
Faculty of Law, Romano-Americana University

This article analyses some theoretical aspects of defining and understanding of crises in a social and organizational environment. Seen as a breaking point, the crisis has implications regarding the output of an organization and its management. The author proposes a synthetic guide for answering to crisis situation emphasizing the important activities associated to it.

Keywords: crisis, organizational crisis, organizational functionality, anti-crisis planning, organizational diagnosis.

CIRCULAR FEEDBACK – A COMPONENT OF PERFORMANCE MANAGEMENT

Ph.D. student Monica SECELARIU

The article presents, in a structural manner, a technique of efficient evaluation that has soon become part of the architecture of performance management. As an evaluation instrument, circular feedback supposes collecting complex information about an individual or a group’s performance. The author analyzes the technique from the perspective of the opportunities it offers to help a correct understanding of the concept of organizational performance.

Key terms: performance, circular feedback, multi-source evaluation, performance management, competence



V. SCHENGHEN ISSUES

JOINT STRATEGIES OF THE EUROPEAN UNION
vs.
DIVERGENT TRANSATLANTIC TRENDS IN STRENGTHENING BORDER SECURITY

Assist. Lect. Ph.D. Sergiu Adrian VASILE
"Alexandru Ioan Cuza" Police Academy
Border Police, Schengen Training and Foreign Languages Department
Assist. Lect. Ph.D. cand. Andreea CĂLUGĂRIȚĂ
"Alexandru Ioan Cuza" Police Academy
Border Police, Schengen Training and Foreign Languages Department

In recent years, the concept of Integrated Border Management (IBM) has been developed to address the weak link in the border mechanism to provide facilities and security solutions – two issues vital to the functioning of modern societies. Pursuant to its specific needs, the European Union has set up its own IBM concept that aptly caters to the Union's incomplete status and to the multitude of competent authorities, both at a national and European level.

Key words: The European Union, USA, borders, strategy, soft power, hard power.

BIOMETRIC ELEMENTS USED IN TRAVEL DOCUMENTS

Lecturer Ph.D Cristian Florin POPESCU
„Alexandru Ioan Cuza” Police Academy

Globalization has made its presence in the field of border crime as well, which, accompanied by the persistence of terrorist threats, have generated a growing concern among developed countries, which led to the adoption of common measures designed to deter, prevent and combat these types of crimes. In this respect, among other aspects, in order to increase security in border control and protection of democratic values was considered as appropriate to introduce biometric data in travel documents. For adopting this measure it was taken into consideration the continuous improvement of networks dealing with forged passports and visas.

Key words: biometrics, passport control, border, identification, method, implementation, check, characteristics, storage, identifiers.

TRENDS OF THE MIGRATION PHENOMENON IN THE CONTEXT OF ROMANIA'S ADHERRING TO THE SCHENGEN SPACE

Assistant Ph.D student Cristian Paul MATEI

Assistant Ph.D student Amalia NIȚU

The guidelines stated in European programmatic documents and the dynamics of migration flows in the region require a permanent adjustment of national policies related to social realities in Romania and a institutional development to meet the challenges imposed by a proper management of the phenomenon. Managing migration flows is based on the participation of all institutions with competences in this field, through a participatory management and institutional cooperation, at national and international level coordinated by the Ministry of Administration and Interior through the Romanian Immigration Office.

Key words: free movement, irregular migration, asylum seeker, migration flow, forged documents.



VI. REVIEWS



MARIUS PANTEA * SORIN CONSTANTINESCU * ȘANTA OVIDIU

JOCURILE DE NOROC ÎN CONTEXTELUL GLOBALIZĂRII

Volumul I



MARIUS PANTEA * SORIN CONSTANTINESCU * ȘANTA OVIDIU

JOCURILE DE NOROC ÎN CONTEXTELUL GLOBALIZĂRII

Volumul II



The monograph entitled "Gambling in the context of globalization" published in two volumes, is, in our opinion, a thorough research on a highly interesting issue in the Romanian law, that of preventing and combating criminal acts in the field of gambling. It has a high degree of originality and it is useful and appropriate in several ways.

First the author presents in a judicious and original manner the concerns of the international community in designing and developing a general framework to regulate traditional gambling, but also the perspective of the development of on-line gambling.

Second the book "Gambling in the context of globalization" improves the current state of the art on player protection and the rule against fraudulent games, and many different situations are presented along with a theoretical analysis of jurisprudence of relevant situations. It highlights the innovations occurring with the development of modern technical means of communication, the Internet in solving various practical reasons, the proposed solutions that

involve a uniform implementation of criminal procedures discussed. We note how crime analysis apart from the field, as highlighted in particular the modalities of committing crimes on the material and gambling links.

Third, the authors, who are real professionals with practical and operational expertise, have treated separately the complex process that is "digitization" of gambling, in the era of globalization and the elements of comparative law in penal matters, administrative and fiscal.

We are of the opinion that the work "Gambling in the context of globalization" is presented as a scientific monograph developed at a high scientific level. Also we consider that the work is performed in a single, clear and well organized manner, the authors managed to achieve a scientific reference work, particularly significant and useful for practitioners in the field of economic and financial crime and the criminal law science and related fields.

September 2011
Professor Ph.D Costică Voicu