



S. R.

MINISTÉRIO DA JUSTIÇA

## POLÍCIA JUDICIÁRIA

UNIDADE DE PLANEAMENTO, ASSESSORIA TÉCNICA E DOCUMENTAÇÃO

### ASSEMBLY OF THE REPUBLIC

**Act no. 37/2008,**

**of 6 August 2008**

**approving the structure and organisation of the Polícia Judiciária**

Pursuant to paragraph c) of article 161 of the Constitution, the Assembly of the Republic hereby enacts the following provisions:

#### TITLE I

### **General provisions**

#### CHAPTER I

### **Nature, mission and functions**

#### Section 1

##### **Nature**

The Polícia Judiciária, abbreviated as PJ, a higher criminal police force hierarchically positioned under the Minister of Justice and subject to supervisory control as legally provided, are a central service of direct State administration endowed with administrative autonomy.

#### Section 2

##### **Mission and functions**



S. R.

MINISTÉRIO DA JUSTIÇA

## POLÍCIA JUDICIÁRIA

UNIDADE DE PLANEAMENTO, ASSESSORIA TÉCNICA E DOCUMENTAÇÃO

1 - The mission of the PJ consists in assisting the judicial and prosecuting authorities with investigations, by developing and promoting preventive, detection and investigative action falling within the PJ's remit or entrusted to them by the competent judicial and prosecuting authorities.

2 - The PJ pursue the functions as set out in this act according to the Organisation of Criminal Investigation Act and the Outline Law on Criminal Policy.

### Section 3

#### **Assistance to the judicial and prosecuting authorities**

1 - The PJ assist the judicial and prosecuting authorities with cases concerning criminal offences the detection or investigation of which lies within the PJ's remit or whenever it is necessary to take action requiring special technical expertise or means before trial.

2 - Pursuant to the provisions set out in subsection (1), the PJ conduct proceedings under the direction and operationally subject to the judicial and prosecuting authorities, without prejudice to the PJ's hierarchical organisation and technical and tactical autonomy.

### Section 4

#### **Crime prevention and detection**

1 - As far as crime prevention and detection are concerned, the powers held by the PJ are as follows:

a) Promotion and completion of actions intended to encourage general prevention and reduce the number of crime victims, and motivate citizens to take precautionary measures and reduce actions and situations which are likely to facilitate or precipitate criminal behaviour;

b) Taking of appropriate action with a view to clarifying any given situation and collecting evidence.



S. R.

MINISTÉRIO DA JUSTIÇA

## POLÍCIA JUDICIÁRIA

UNIDADE DE PLANEAMENTO, ASSESSORIA TÉCNICA E DOCUMENTAÇÃO

2 - Within the field of crime prevention, the PJ are engaged in detecting and deterring situations which may lead to criminal offences, namely by inspecting and conducting surveillance on any places likely to give rise to criminal acts being committed, without prejudice to the functions assigned to the other criminal police bodies.

3 - For the performance of activities as referred to in subsection (2), the PJ have access to any information required for characterising, identifying and mapping the situations; furthermore, the PJ may conduct any surveillance activities, and request a person to disclose his identity. If necessary, they may use any and all image or sound recording techniques or equipment, as well as conduct searches pursuant to the provisions set out in the Code of Criminal Procedure and additional legislation.

### Section 5

#### **Criminal investigation**

1 - The PJ's criminal investigation powers are set out in the Organisation of Criminal Investigation Act.

2 - Furthermore, the PJ have the power to ensure the operation of the Interpol and Europol bureaus with a view to accomplishing their own mission and to sharing information within the framework established by legislation.

### Section 6

#### **Duty of co-operation**

1 - The PJ are subject to the duty of co-operation as established by law.

2 - Upon receipt of a justified request, legal representatives of public and private bodies must co-operate with the PJ.



S. R.

MINISTÉRIO DA JUSTIÇA

## POLÍCIA JUDICIÁRIA

UNIDADE DE PLANEAMENTO, ASSESSORIA TÉCNICA E DOCUMENTAÇÃO

3 - Persons and bodies exercising functions of surveillance, protection and security with regard to public or private persons, goods and premises have a special duty of co-operation with the PJ.

### Section 7

#### **International co-operation**

The PJ may, within the scope of instruments of international police co-operation, establish relations of co-operation in the various fields of their activity.

### Section 8

#### **Criminal intelligence system**

1 - The PJ have at their disposal a national criminal intelligence system for intelligence processing and dissemination, which shall be regulated by separate legislation.

2 - The system as referred to in subsection (1) is interconnected with the other criminal intelligence systems provided for by law, and will offer adequate interoperability.

### Section 9

#### **Right of access to information**

1 - The PJ have direct access to any information regarding civil and criminal identification held on magnetic data storage media belonging to the civil and criminal identification services, and provide mandatory co-operation to the analysis of applications for the automatic processing of information relevant for crime prevention and investigation when carried out by the Institute for Information Technologies in Justice, Public Institute.



S. R.

MINISTÉRIO DA JUSTIÇA

## POLÍCIA JUDICIÁRIA

UNIDADE DE PLANEAMENTO, ASSESSORIA TÉCNICA E DOCUMENTAÇÃO

2 - The PJ may, pursuant to the applicable norms and procedures, access any information of criminal relevance held on computer records belonging to other national and international bodies, establishing protocols for co-operation whenever necessary.

### Section 10

#### **Duty to appear**

1 - Any person duly summoned to appear by the PJ has the duty to do so on the date, time and place set forth, subject to the sanctions provided for by criminal procedure legislation, apart from the situations provided for by law or by an international treaty.

2 - In case of urgency, the summons mentioned in subsection (1) may be served by any means for giving notice of the fact, including by telephone; in this case, the summoning authority identifies himself, providing information on the position he holds as well as the elements allowing the summoned person to identify the action the summons is aimed at and to confirm the official nature and veracity of the telephone call, should he wish to do so; in a side note to the report, mention must be made of the means used.

3 - Where the summoned person needs to travel to a location situated in a district different from the place where he lives, works or is, the PJ must, upon request, provide any transport necessary and due assistance.

## CHAPTER II

### **Criminal police authorities**

#### Section 11

#### **Criminal police authorities**

1 - Pursuant to and for the purposes of the Code of Criminal Procedure, the following are criminal police authorities:

LVL/MJL/RO/LN/RE



S. R.

MINISTÉRIO DA JUSTIÇA

## POLÍCIA JUDICIÁRIA

UNIDADE DE PLANEAMENTO, ASSESSORIA TÉCNICA E DOCUMENTAÇÃO

- a) National director;
- b) Deputy national directors;
- c) National unit directors;
- d) Territorial unit directors;
- e) Territorial unit assistant directors;
- f) Criminal investigation advisers;
- g) Criminal investigation senior coordinators;
- h) Criminal investigation coordinators;
- i) Chief-inspectors.

2 - In compliance with legal provisions, criminal investigation staff not mentioned in subsection (1) may check the identity of any person.

### Section 12

#### **Procedural powers**

1 - Furthermore, the criminal police authorities mentioned in section 11 (1) have the special power, within the scope of a decision on the general delegation of criminal investigation powers, to order:

- a) Expertise to be carried out by official bodies, apart from expertise on psychiatric and personality questions and on forensic autopsies;
- b) Body searches and searches of premises to be conducted, apart from house searches and searches undertaken in a lawyer's office, a medical practice, a hospital or a bank;
- c) Seizures, apart from seizures of correspondence or seizures undertaken in a lawyer's office, a medical practice, a hospital or a bank;
- d) Arrests in cases other than *flagrante delicto* to be carried out where remand in custody is allowed and:



S. R.

MINISTÉRIO DA JUSTIÇA

## POLÍCIA JUDICIÁRIA

UNIDADE DE PLANEAMENTO, ASSESSORIA TÉCNICA E DOCUMENTAÇÃO

*i)* Elements exist giving reasonable grounds for fear of escape or it being impossible to await intervention by the judicial or prosecuting authority; or

*ii)* Over the course of body or any other searches, seizure takes place of suspect objects used for committing an offence or aimed at committing one, or that were its proceeds, profit, price or compensation.

2 - Completion of any of the acts provided for in subsection (1) subsidiarily complies with proceedings set out in the Code of Criminal Procedure and requires immediate notice to the judicial or prosecuting authority in charge of presiding over the case for the purposes of and subject to the comminatory clauses set out in criminal procedure legislation; in the case provided for by subsection (1)(d), the arrested person must be brought before the competent judicial or prosecuting authority within the time limit provided by law, although the latter may, should he so wish, order the arrested person to be brought before him without further delay.

3 - The judicial or prosecuting authority in charge of presiding over the case may, at any moment, condition the exercise of or avoke the powers provided for in subsection (1), pursuant to the Organisation of Criminal Investigation Act.

### Section 13

#### **Judicial and professional secrecy**

1 - Criminal investigation procedural acts and acts assisting the judicial and prosecuting authorities are bound by judicial secrecy laws.

2 - Any members of staff serving the PJ may not publicly disclose information regarding cases or information of a confidential nature, apart from where provided for in this act with regard to public information and population-based preventive measures, as well as the provisions set out in criminal procedure legislation.



S. R.

MINISTÉRIO DA JUSTIÇA

## POLÍCIA JUDICIÁRIA

UNIDADE DE PLANEAMENTO, ASSESSORIA TÉCNICA E DOCUMENTAÇÃO

3 - Where statements as mentioned in subsection (2) are allowed, prior authorisation by the national director or by the deputy national directors is required, subject to disciplinary proceedings, without prejudice to criminal liability where applicable.

4 - Preventive measures and administrative, disciplinary, inquiry, preliminary investigation and inspection procedures as well as probes are bound by secrecy under the general law.

### CHAPTER III

#### **Rights and duties**

##### Section 14

#### **Special duties**

PJ staff shall have the following special duties:

*a)* To ensure the life and physical integrity of detainees or of those who consider themselves under PJ custody or protection, while maintaining the strictest respect for human honour and dignity;

*b)* To act without discrimination on grounds of ancestry, gender, race, language, place of origin, religion, political or ideological beliefs, education, economic situation or social condition;

*c)* To identify themselves as PJ officers at the moment an identity check or arrest is carried out;

*d)* To comply, strictly and with due process, with the course of proceedings, time limits and requirements as required by law, whenever they arrest a person;

*e)* To proceed with the necessary determination and readiness whenever their action is needed to prevent serious, immediate and irreparable damage from occurring, in compliance with the principles of adequacy, discretion and proportionality in using the means available;





S. R.

MINISTÉRIO DA JUSTIÇA

## POLÍCIA JUDICIÁRIA

UNIDADE DE PLANEAMENTO, ASSESSORIA TÉCNICA E DOCUMENTAÇÃO

f) To proceed with the necessary determination, although without the use of force other than is strictly reasonable to accomplish a legally required or authorised task.

### Section 15

#### **Identification**

1 - Identification of criminal police authorities and criminal investigation staff is performed by means of a badge and a pass.

2 - In public actions, the members of staff referred to in subsection (1) shall identify themselves by any means unmistakably showing their capacity.

3 - Identification of staff not included in subsections (1) and (2) is performed by means of a card of a specific type.

4 - The types and means of identification referred to in subsections (1) to (3) shall be approved by ministerial order of the Government member responsible for justice.

### Section 16

#### **Temporary exemption from identification**

1 - The PJ may temporarily exempt their investigation officers from the necessity of revealing their identity and capacity, as well as that of the material means and equipments used.

2 - The PJ may determine the use of a codification system for the identity and rank of investigation officers involved in formalising procedural acts, without prejudice to decoding for procedural purposes by order of the competent judicial or prosecuting authority.

3 - Temporary exemption from identification and codification as referred to in subsections (1) and (2) shall be regulated by ministerial order of the Government member responsible for justice.



S. R.

MINISTÉRIO DA JUSTIÇA

## POLÍCIA JUDICIÁRIA

UNIDADE DE PLANEAMENTO, ASSESSORIA TÉCNICA E DOCUMENTAÇÃO

4 - The national director shall have the power to grant temporary exemption from identification and codification as referred to in subsections (1) to (3).

### Section 17

#### **Free access and right of access**

1 - Staff mentioned in section 11, when duly identified and on a mission, shall be given free access to the places referred to in section 4 (2) as well as to places where acts of criminal prevention, detection or investigation and judicial assistance are performed.

2 - For the performance of investigation or judicial assistance procedures, PJ staff, when duly identified and on a mission, shall have the right of access to any public offices or services, business or industrial companies or other public or private premises.

3 - To criminal police authorities, criminal investigation staff and security career officers, when duly identified and on a mission, free access shall be granted to land, inland waterway and maritime collective transport services throughout the country.

### Section 18

#### **Use of weapons**

1 - The PJ may use weapons and munitions of any type.

2 -

*a)* The criminal police authorities referred to in section 11 (1);

*b)* Criminal investigation staff;

*c)* Security staff;

*d)* Any other staff to be determined by order of the national director;

Shall be entitled to use and carry weapons belonging to categories approved by joint ministerial order of the Government members responsible for home affairs and justice,



S. R.

MINISTÉRIO DA JUSTIÇA

## POLÍCIA JUDICIÁRIA

UNIDADE DE PLANEAMENTO, ASSESSORIA TÉCNICA E DOCUMENTAÇÃO

irrespective of any licence, and must present a licence, according to the law, whenever they are the owners of such weapons.

3 - The use of firearms by PJ officers is regulated by Decree-Law no. 457/99, of 5 November 1999.

### Section 19

#### **Forfeiture to the PJ of objects seized**

Objects seized by the PJ and later forfeited to the State shall be allocated to the PJ pursuant to Decree-Law no. 11/2007, of 19 January 2007.

### Section 20

#### **Impediments, refusal and recusal**

1 - The framework for impediments, refusal and recusal provided for in the Code of Criminal Procedure shall, subject to any adaptations specified, apply to staff performing duties within the PJ.

2 - Any statement or request regarding impediments, as well as any request for refusal or recusal, shall be made to the national director.

## TITLE II

### **Structure, bodies and services**

#### CHAPTER I



S. R.

MINISTÉRIO DA JUSTIÇA

## POLÍCIA JUDICIÁRIA

UNIDADE DE PLANEAMENTO, ASSESSORIA TÉCNICA E DOCUMENTAÇÃO

### **General provisions**

#### Section 21

#### **Type of internal organisation**

The internal organisation of PJ services follows a hierarchically structured model.

#### Section 22

#### **Structure**

1 - The PJ comprises:

- a)* The National Directorate;
- b)* The national units;
- c)* The territorial units;
- d)* The regional units;
- e)* The local units;
- f)* The investigation assistance units;
- g)* The support units.

2 - The powers held by the PJ's units shall be established by decree-law.

3 - The headquarters and geographical area of intervention of the PJ's units shall be established by ministerial order to be approved by the Government member responsible for justice.

4 - The PJ's units may be organised in divisions, sectors or subsectors, their maximum number being defined by ministerial order of the Government member responsible for justice.

### CHAPTER II



S. R.

MINISTÉRIO DA JUSTIÇA

## POLÍCIA JUDICIÁRIA

UNIDADE DE PLANEAMENTO, ASSESSORIA TÉCNICA E DOCUMENTAÇÃO

### **Bodies and powers**

#### Section 23

##### **Bodies**

The PJ's National Directorate comprises the following bodies:

- a)* The national director;
- b)* The deputy national directors, who assist the national director;
- c)* The Polícia Judiciária's Advisory Council, which performs a consultative role and assists the national director.

#### Section 24

##### **National director**

Notwithstanding the powers either conferred to him by law or delegated or sub-delegated to him, the national director shall:

- a)* Liaise between the PJ and security forces and services, as well as customs services regarding organised crime;
- b)* Propose measures to the Minister of Justice to enhance effectiveness of the fight against crime, namely mutual assistance protocols and coordinated action plans with the other criminal police bodies;
- c)* Allocate or redistribute criminal investigation powers among the organisational units and reallocate ongoing investigations;
- d)* Chair the Polícia Judiciária's Advisory Council.

#### Section 25



S. R.

MINISTÉRIO DA JUSTIÇA

## POLÍCIA JUDICIÁRIA

UNIDADE DE PLANEAMENTO, ASSESSORIA TÉCNICA E DOCUMENTAÇÃO

### **Deputy national directors**

The deputy national directors shall have the power:

- a) To exercise the powers delegated or sub-delegated to them by the national director, who must identify his replacement in case of absence or impediment;
- b) To ensure higher-level coordination of the structures to which they are appointed by the national director, namely at administrative, financial and operational level.

### Section 26

#### **Polícia Judiciária's Advisory Council**

1 - The Polícia Judiciária's Advisory Council, hereinafter CSPJ, is comprised of ex officio members and elected members.

2 - The ex officio members are:

- a) The national director, who shall preside;
- b) Two deputy national directors;
- c) Two national unit directors;
- d) Four territorial unit directors;
- e) The Criminal Police Training School director.

3 - The ex officio members mentioned in subsections (2)(b) and (c) shall be appointed by the national director.

4 - The elected members are:

- a) One criminal investigation senior coordinator;
- b) One criminal investigation coordinator;



S. R.

MINISTÉRIO DA JUSTIÇA

## POLÍCIA JUDICIÁRIA

UNIDADE DE PLANEAMENTO, ASSESSORIA TÉCNICA E DOCUMENTAÇÃO

- c)* Two chief-inspectors;
- d)* Five inspectors;
- e)* Six representatives of the rest of the staff.

5 - The CSPJ shall have the power:

- a)* To draft its rules of procedure to be approved by the Government member responsible for justice;
- b)* To issue an opinion, if requested to do so by the national director, on matters of interest to the PJ, especially with regard to the improvement of their operating conditions;
- c)* To provide advice on bills regarding the PJ, if requested to do so by the national director;
- d)* To issue an opinion on proposals to grant awards of outstanding merit, insignia or titles and other honours;
- e)* To issue an opinion on any proposal to enforce disciplinary action in the form of compulsory retirement or dismissal;
- f)* To provide the national director with suggestions for measures to dignify services and improve social and working conditions of the PJ's staff.

6 - The rules governing the electoral system and term of office of the CSJP's elected members are part of rules of procedure to be approved by the Government member responsible for justice.

### Section 27

#### **National Directorate services**

The PJ's National Directorate comprises the following services, which operate under the national director:



S. R.

MINISTÉRIO DA JUSTIÇA

## POLÍCIA JUDICIÁRIA

UNIDADE DE PLANEAMENTO, ASSESSORIA TÉCNICA E DOCUMENTAÇÃO

- a) The Criminal Police Training School;
- b) The Prevention and Technological Support Unit;
- c) The Financial Intelligence Unit;
- d) The Planning, Technical Consultancy and Documentation Unit.

### Section 28

#### **National units**

1 - The following national units exist within the PJ:

- a) The National Counter Terrorism Unit;
- b) The National Anti-Corruption Unit;
- c) The National Unit for Fighting Drug Trafficking.

2 - The national units may have branches or operational premises situated outside their headquarters.

### Section 29

#### **Territorial, regional and local units**

1 - The powers of the territorial, regional and local units of the PJ shall be established pursuant to the decree-law referred to in section 22 (2).

2 - The headquarters and geographical area of intervention of the territorial, regional and local units of the PJ shall be established pursuant to the ministerial order referred to in section 22 (3).

3 - The regional and local units shall operate under a criminal investigation career officer, pursuant to the provisions established by the national director.





S. R.

MINISTÉRIO DA JUSTIÇA

## POLÍCIA JUDICIÁRIA

UNIDADE DE PLANEAMENTO, ASSESSORIA TÉCNICA E DOCUMENTAÇÃO

### Section 30

#### **Investigation assistance units**

The following investigation assistance units exist within the PJ:

- a)* The Criminal Investigation Information Unit;
- b)* The International Co-operation Unit;
- c)* The Forensic Science Laboratory;
- d)* The Telecommunications and IT Unit.

### Section 31

#### **Support units**

The following support units exist within the PJ:

- a)* The Financial and Property Management and Security Unit;
- b)* The Human Resources and Public Relations Unit;
- c)* The Financial and Accounting Expertise Unit;
- d)* The Disciplinary and Inspection Unit.

## CHAPTER IV

### **Management of services**

#### Section 32

#### **National unit directors**

The national unit directors shall have the power:

LVL/MJL/RO/LN/RE



S. R.

MINISTÉRIO DA JUSTIÇA

## POLÍCIA JUDICIÁRIA

UNIDADE DE PLANEAMENTO, ASSESSORIA TÉCNICA E DOCUMENTAÇÃO

- a) To represent, manage, orientate and coordinate at the national level preventive, detection and investigative action and assistance to the judicial and prosecuting authorities with regard to offences falling within the remit of their respective national unit, pursuant to the provisions established by the deputy national directors;
- b) To submit the annual report to the national director by 15 March;
- c) To exercise the powers delegated and sub-delegated to them by the national director;
- d) To exercise any other powers conferred to them by law or regulations.

### Section 33

#### **Territorial unit directors**

1 - The territorial unit directors shall have the power:

- a) To represent, manage, orientate and coordinate preventive, detection and investigative action and assistance to the judicial and prosecuting authorities with regard to offences falling within the remit of the territorial unit;
- b) To coordinate the regional and local units attached to them, pursuant to the provisions established by the national director;
- c) To submit the annual report to the national director by 15 March, which must contain a description of the activities undertaken by the regional and local units positioned under their respective territorial unit;
- d) To exercise the powers delegated and sub-delegated to them by the national director;
- e) To exercise any other powers conferred to them by law or regulations.

2 - In the event of absence or impediment or in case the position becomes vacant, the territorial unit director shall be temporarily replaced by the territorial unit assistant director.



S. R.

MINISTÉRIO DA JUSTIÇA

## POLÍCIA JUDICIÁRIA

UNIDADE DE PLANEAMENTO, ASSESSORIA TÉCNICA E DOCUMENTAÇÃO

### Section 34

#### **Unit directors**

The unit directors shall have the power:

- a)* To represent, manage, orientate and coordinate at the national level the activities of their respective unit, within the remit of their powers;
- b)* To submit the annual report to the national director by 15 March;
- c)* To exercise the powers delegated and sub-delegated to them by the national director;
- d)* To exercise any other powers conferred to them by law or regulations.

### Section 35

#### **Territorial unit assistant directors**

The territorial unit assistant directors shall have the power to provide assistance to the directors of the relevant unit.

### Section 36

#### **Heads of division**

The heads of division shall have the power:

- a)* To provide direct assistance to their respective director;
- b)* To head and orientate the organisational unit within the areas of their respective remit;
- c)* To issue information and opinions as requested by their respective director.

### Section 37



S. R.

MINISTÉRIO DA JUSTIÇA

## POLÍCIA JUDICIÁRIA

UNIDADE DE PLANEAMENTO, ASSESSORIA TÉCNICA E DOCUMENTAÇÃO

### **Management positions**

The senior and middle management positions shall be established by ministerial order to be jointly approved by the members responsible for finance and justice.

## TITLE III

### **Provision of personnel**

#### Section 38

##### **General rule**

Recruitment of PJ management and heads of staff shall be choice-based, pursuant to the provisions set out in sections 39 to 45.

#### Section 39

##### **National director**

1 - The national director shall be appointed by joint order of the Prime Minister and the Government member responsible for justice from among judges and public prosecutors, criminal investigation advisers and criminal investigation senior coordinators or holders of a law degree, with recognized professional standing and experience to hold the office, whether they are attached to the Public Administration or not.

2 - The appointment is made on a limited executive tenure basis for a three-year term, renewable for equal periods.

3 - Notice of renewal of limited executive tenure must be given to the interested party up to 30 days before expiry of the term; limited executive tenure shall automatically terminate upon expiry of the term if the Government member responsible for justice has not expressly



S. R.

MINISTÉRIO DA JUSTIÇA

## POLÍCIA JUDICIÁRIA

UNIDADE DE PLANEAMENTO, ASSESSORIA TÉCNICA E DOCUMENTAÇÃO

stated the intention of renewal, in which case the director will remain in office for current management duties until appointment of a new office-holder to the position.

4 - For the purposes of eventual renewal of limited executive tenure, the competent body must be informed, with 90 days notice, of the term of each period of tenure; limited executive tenure shall automatically terminate in case of failure to comply with this formality.

5 - Limited executive tenure may be terminated at any moment by order of the Government member responsible for justice, upon his initiative or upon request by the interested party.

### Section 40

#### **Deputy national directors**

1 - The deputy national directors shall be appointed by order of the Government member responsible for justice on a proposal by the national director from among:

- a)* Judges;
- b)* Public prosecutors;
- c)* Criminal investigation advisers;
- d)* Criminal investigation senior coordinators;
- e)* Holders of an appropriate degree, with recognized professional standing and experience to hold the office, whether they are attached to the Public Administration or not.

2 - The appointment is subject to the provisions of section 39 (2), (3) and (4).

3 - Limited executive tenure may be terminated at any moment by order of the relevant minister, upon his initiative, on a proposal by the national director, or upon request by the interested party.

### Section 41



S. R.

MINISTÉRIO DA JUSTIÇA

## POLÍCIA JUDICIÁRIA

UNIDADE DE PLANEAMENTO, ASSESSORIA TÉCNICA E DOCUMENTAÇÃO

### **National unit directors**

1 - The national unit directors shall be appointed by order of the Government member responsible for justice on a proposal by the national director from among:

- a) Judges;
- b) Public prosecutors;
- c) Criminal investigation advisers;
- d) Criminal investigation senior coordinators;
- e) Criminal investigation coordinators with more than five years' service in this rank.

2 - The Criminal Police Training School director shall be appointed from among:

- a) Judges;
- b) Public prosecutors;
- c) Criminal investigation advisers;
- d) Criminal investigation senior coordinators;
- e) Holders of an appropriate degree, with recognized professional standing and experience to hold the office.

3 - The Prevention and Technological Support Unit director shall be appointed from among:

- a) Criminal investigation advisers;
- b) Criminal investigation senior coordinators;
- c) Criminal investigation coordinators with more than five years' service in this rank.

4 - The provisions of section 40 (2) and (3) shall apply to the appointment *mutatis mutandis*.



S. R.

MINISTÉRIO DA JUSTIÇA

## POLÍCIA JUDICIÁRIA

UNIDADE DE PLANEAMENTO, ASSESSORIA TÉCNICA E DOCUMENTAÇÃO

### Section 42

#### **Territorial unit directors**

1 - The territorial unit directors shall be appointed by order of the Government member responsible for justice on a proposal by the national director from among:

- a) Judges;
- b) Public prosecutors;
- c) Criminal investigation advisers;
- d) Criminal investigation senior coordinators;
- e) Criminal investigation coordinators with more than five years' service in this rank.

2 - The provisions of section 40 (2) and (3) shall apply to the appointment *mutatis mutandis*.

### Section 43

#### **Unit directors**

1 - The unit directors shall be appointed by order of the Government member responsible for justice on a proposal by the national director.

2 - The investigation assistance unit directors and the Financial Intelligence Unit director shall be appointed from among:

- a) Criminal investigation advisers;
- b) Criminal investigation senior coordinators;
- c) Criminal investigation coordinators with more than five years' service in this rank;



S. R.

MINISTÉRIO DA JUSTIÇA

## POLÍCIA JUDICIÁRIA

UNIDADE DE PLANEAMENTO, ASSESSORIA TÉCNICA E DOCUMENTAÇÃO

d) Holders of an appropriate degree, with recognized professional standing and experience to hold the office.

3 - The Planning, Technical Consultancy and Documentation Unit director shall be appointed from among:

a) Senior specialists with a minimum of six years' service in this career;

b) Holders of an appropriate degree, with recognized professional standing and experience to hold the office.

4 - The support unit directors shall be appointed from among:

a) Senior specialists with a minimum of six years' service in this career;

b) Holders of an appropriate degree, with recognized professional standing and experience to hold the office.

5 - The Disciplinary and Inspection Unit director shall be appointed from among:

a) Judges;

b) Public prosecutors;

c) Criminal investigation advisers;

d) Criminal investigation senior coordinators.

6 - The provisions of section 40 (2) and (3) shall apply to the appointment *mutatis mutandis*.

Section 44

**Territorial unit assistant directors**

LVL/MJL/RO/LN/RE





S. R.

MINISTÉRIO DA JUSTIÇA

## POLÍCIA JUDICIÁRIA

UNIDADE DE PLANEAMENTO, ASSESSORIA TÉCNICA E DOCUMENTAÇÃO

1 - The territorial unit assistant directors shall be appointed by order of the Government member responsible for justice on a proposal by the national director from among:

- a) Criminal investigation advisers;
- b) Criminal investigation senior coordinators;
- c) Criminal investigation coordinators with more than five years' service in this rank.

2 - The provisions of section 40 (2) and (3) shall apply to the appointment *mutatis mutandis*.

### Section 45

#### **Heads of division**

1 - The heads of division shall be appointed by order of the national director by being chosen from among senior specialists with a minimum of five years' service in this career.

2 - The head of division of arms and security of the Financial and Property Management and Security Unit shall be appointed by being chosen from among criminal investigation staff with a minimum of five years' service in this career.

## TITLE IV

### **Financial provisions**

#### Section 46

#### **Revenues**

1 - The PJ have at their disposal revenues from appropriations in the National Budget.



S. R.

MINISTÉRIO DA JUSTIÇA

## POLÍCIA JUDICIÁRIA

UNIDADE DE PLANEAMENTO, ASSESSORIA TÉCNICA E DOCUMENTAÇÃO

2 - The PJ have at their disposal revenues from transfers made by the Institute for Justice Infrastructure and Financial Management, Public Institute (IGFIJ, I. P.)

3 - The PJ are responsible for collecting the following revenues from their activity:

*a)* The amounts collected from the sale of publications and articles for institutional promotion;

*b)* The amounts collected from activities or services provided, namely training courses, expertise and examinations, hard or soft copies and certificates;

*c)* Any other revenues conferred by law, agreement or otherwise.

4 - The amounts collected under the provisions of subsection (3) shall be paid to the PJ according to the table approved by order of the Government member responsible for Justice.

5 - The revenues mentioned in subsections (2) and (3) shall be earmarked for the PJ's expenditure during implementation of the budget of the corresponding year, and unspent balances can be carried forward to the next year.

### Section 47

#### **Expenditure**

The PJ's expenditure results from expenses incurred in pursuing the tasks they are entrusted with.

### Section 48

#### **Classified expenditure**

1 - The PJ may incur in expenses subject to the rules governing classified expenditure, as defined in this section, whenever the knowledge or disclosure of the identity of the service providers may put their lives or physical integrity at risk, or whenever the knowledge of the



S. R.

MINISTÉRIO DA JUSTIÇA

## POLÍCIA JUDICIÁRIA

UNIDADE DE PLANEAMENTO, ASSESSORIA TÉCNICA E DOCUMENTAÇÃO

circumstances involving the expenses incurred may compromise either the safety or the effectiveness of investigative and investigation assistance activities.

2 - Classified expenditure shall be justified by means of a document signed by the national director.

3 - Further budget management rules concerning this kind of expenditure shall be laid down by a joint order of the Government members responsible for finance and justice.

### TITLE V

## **Transitional and final provisions**

#### Section 49

#### **Management of criminal investigation departments**

Limited executive tenure of staff appointed to manage criminal investigation departments shall terminate on the date of entry into force of this act, the employees remaining in office for current management duties until appointment of a new office-holder.

#### Section 50

#### **Criminal investigation assistance heads of staff**

Limited executive tenure of criminal investigation assistance heads of staff shall terminate on the date of entry into force of this act, the appointed employees remaining in office for current management duties until the restructuring of the relevant service.

#### Section 51



S. R.

MINISTÉRIO DA JUSTIÇA

## POLÍCIA JUDICIÁRIA

UNIDADE DE PLANEAMENTO, ASSESSORIA TÉCNICA E DOCUMENTAÇÃO

### **Liaison officers**

Current limited tenure of liaison officers accredited to foreign countries or international bodies shall remain in force.

### Section 52

#### **Tendering procedures and training courses**

1 - Invitation to tender notices published prior to the date of entry into force of this act shall remain valid, as well as training courses in the same conditions.

2 - Pursuant to subsection (1), descriptions of careers and ranks shall be deemed associated with the provisions set forth in legislation regulating the Statute of PJ Staff.

3 - Entitlement to a monthly allowance equal to the amount represented by index 100 on the salary scale of the general public service scheme, which may be granted to students not attached to the public service and attending training courses for joining the PJ, shall be guaranteed by appropriation to be entered in the budget of the PJ.

### Section 53

#### **Restructuring of services**

1 - Staff performing duties in the Institute for Criminal Police Training and Criminal Sciences shall be included in the establishment plan of the PJ.

2 - Contracted teaching staff shall be included in the career of senior specialists, according to rules to be defined by order of the national director.

3 - The succession of rights and duties, as well as the reallocation of organisational and financial resources of the Institute for Criminal Police Training and Criminal Sciences, shall be done in accordance with the law.



S. R.

MINISTÉRIO DA JUSTIÇA

## POLÍCIA JUDICIÁRIA

UNIDADE DE PLANEAMENTO, ASSESSORIA TÉCNICA E DOCUMENTAÇÃO

### Section 54

#### **Regulation**

1 - The regulations in force regarding the PJ shall remain applicable, with the necessary adjustments, until publication of regulation arising from the rules provided for by this act.

2 - Whilst regulation mentioned in subsection (1) is not published, the internal disciplinary regulations regarding the operation of the Institute for Criminal Police Training and Criminal Sciences shall remain in force with the necessary adjustments.

### Section 55

#### **Rights and duties**

Career schemes and structures for criminal investigation staff and staff assisting criminal investigation shall be regulated by separate legislation.

### Section 56

#### **Safeguard of rights**

Until the entry into force of this act, employees appointed to management positions and as heads of division shall exercise their rights of access to career by order of the national director, subject to prior confirmation of relevant requirements by the Human Resources and Public Relations Unit.

### Section 57

#### **Amendment to Decree-Law no. 275-A/2000, of 9 January 2000**



S. R.  
MINISTÉRIO DA JUSTIÇA

## POLÍCIA JUDICIÁRIA

UNIDADE DE PLANEAMENTO, ASSESSORIA TÉCNICA E DOCUMENTAÇÃO

Section 84 of the Organic Law of the Polícia Judiciária, approved by Decree-Law no. 275-A/2000, of 9 November 2000 shall read as follows:

« Section 84

[...]

1 – .....

2 – .....

3 – .....

4 –By joint order of the Minister of Justice and the Government member responsible for transport, the cost arising from the allotment of the right granted in subsections (1) and (2) will be established annually, this expenditure being paid out of the PJ's budget.»

Section 58

### **Revocation**

Pursuant to section 5 of Decree-Law no. 201/2006, of 27 October 2006, the following shall be deemed revoked on the date of entry into force of this act:

a) Sections 1 to 61, 70, 112 to 117, 129 and 173 to 175 of Decree-Law no. 275-A/2000, of 9 November 2000, as amended by Law no. 103/2001, of 25 August 2001, Decree-Law no. 304/2002, of 13 December 2002, and Decree-Law no. 43/2003, of 13 March 2003;

b) All legal provisions referring to the Institute for Criminal Police Training and Criminal Sciences, namely Decree-Law no. 37/78, of 20 February 1978, Decree-Law no. 235/80, of 18 July 1980, Ministerial Order no. 316/87, of 16 April 1987, Decree-Law no. 54/88, of 25 February 1988, Decree-Law no. 88/88, of 10 March 1988, Ministerial Order no. 434/88, of 6 July 1988, joint order A-22/90-XI, of 5 April 1990, Decree no. 13/91, of 11 April 1991, Ministerial Order no. 1070/94, of 7 December 1994, and joint order no. 868/2003, of 2 September 2003.



MINISTÉRIO DA JUSTIÇA

## POLÍCIA JUDICIÁRIA

UNIDADE DE PLANEAMENTO, ASSESSORIA TÉCNICA E DOCUMENTAÇÃO

### Section 59

#### **Entry into force**

This act shall enter into force 30 days after its publication.

Approved on 2 July 2008.

The President of the Assembly of the Republic, *Jaime Gama*.

Promulgated on 21 July 2008.

For publication.

The President of the Republic, ANÍBAL CAVACO SILVA.

Countersigned on 22 July 2008.

The Prime Minister, *José Sócrates Carvalho Pinto de Sousa*.