

**Decree-Law No. 275-A/2000,
of 9 November 2000**

Profound social and economical changes witnessed within the last decades have produced significant changes as regards crime features. The suppression of borders within the European framework, the technological evolution as well as the boom in media phenomena have contributed to accelerate globalization of individual behaviour at all levels, giving rise to the emergence and generalization of new types of crime, more and more sophisticated, opaque and immune to traditional investigation methods.

Thus, there is a growing belief that in the light of the challenges posed by the mentioned evolving state of affairs, the Portuguese society cannot do without a specially qualified criminal police force, scientifically and technically equipped and endowed with an organic structure enabling it to perform, in a highly effective manner, its key role within the scope of crime prevention, criminal investigation and assistance to judicial and prosecuting authorities.

Twenty years after the first broad change in the Polícia Judiciária's organisational structure, and ten years after their last restructuring, it is important to consolidate the ongoing modernisation process and reinforce the organisation's dynamics, preserving knowledge acquired through large years of experience, goals which are pursued by this organic law.

As regards nature and powers, rules are established concerning the improvement and clarification of the most suitable model to fight, in particular, organised crime and related crimes, as well as highly complex and violent crime, whose features require the management of an information system, at national level, being the Polícia Judiciária a higher criminal police force endowed with their own statute, which differentiates them from other police and security forces.

Hence, in order to develop the system defined in the Organisation of Criminal Investigation Act, a normative framework is established connecting investigation and prevention duties to the national centralisation of criminal information and its operational coordination.

That way, technical support to the Criminal Information Integrated System, to be regulated by separate legislation, shall be set up within the organic structure of the Polícia Judiciária, falling within the remit of the Criminal Information and Technical Police Central Department. Nevertheless, taking into account the national nature of such power as far as the centralisation of criminal information is concerned, this department's powers and functional organisation – for the purposes of centralisation, processing, analysis and dissemination, at national level, of information regarding reported crime and crime known to criminal police bodies, customs and security services, as well as liaison with judicial and prosecuting authorities and such entities – shall be set out in a joint ministerial order of the Prime-Minister, Minister of Justice and ministers responsible for the mentioned bodies and services.

Changes will be introduced at the organisational level, aimed at improving a model that has provided good results in terms of operability in the fields of management, supervision, coordination and command, reinforcing the national nature of its intervention and allowing a prompt and effective response over the whole national territory.

Accordingly, the National Directorate replaces the General-Directorate, emphasising its national structure and powers.

The geographical location of directorates and criminal investigation departments is therefore redefined, i.e. adjusted to the observed criminological phenomena, taking into account improved accessibilities, thereby complying with the principle of non-dispersal of departments, leading to significant gains in terms of economic efficiency and criminal investigation effectiveness of the highest level.

Sub-inspectorates are suppressed, being replaced by branches and support premises outside the respective headquarters, which are expected to operate under the National Directorate, the directorates and the criminal investigation departments.

Given the national scope of the Polícia Judiciária's structure and organisation, it is imperative that the respective functional organisation, in order to adequate means, as

well as to manage and accelerate responses to threats posed by crime, fall within the national director's remit.

The structure of administrative and financial management shall be additionally improved, deliberative powers in this matter being entrusted to a unique administrative board, supported by a department with specific powers in the field of financial management and budget control.

As consultation bodies for the national director, the Police Advisory Council, now designated the Polícia Judiciária's Advisory Council, shall be maintained and endowed with further operational powers, and the Operational Coordination Council shall be set up with the objective of planning and designing the necessary internal and external coordination mechanisms, as well as assessing, on a regular basis, the relationship and liaison with other criminal police bodies, customs and security services.

Moreover, the central departments' operation and liaison mechanisms, bodies specifically committed to fighting, at national level, organised and more complex crime, shall be improved, it being expressly stated that it is incumbent on the relevant management staff to orientate and coordinate, country-wide, the exercise of powers conferred both to the body they manage, and to the organic and functional units under it.

International cooperation takes on new forms furthering the creation of the International Cooperation Department, thus bringing together different intervention methods in this field, namely as regards Portugal's commitments within the European Union and the International Criminal Police Organisation (ICPO/INTERPOL).

Assistance departments' powers shall be developed, it being clearly established that the corresponding strategic management falls within the national director's remit, the new Planning and Technical Consultancy Department being a privileged instrument thereto.

Taking into account the growing interconnection of computing and telecommunications areas arising from the most recent technological progress, the Telecommunications and IT Department shall be established aimed at ensuring an integrated management of resources, as well as optimisation of policies to be developed in those fields.

The General Assistance Department is now designated as the Financial and Property Management Department, a description that is more appropriate for its set of functions in the field of movable and immovable property management and the reinforcement of powers in what concerns financial management and budget control.

The setting up of the directorates and criminal investigation departments complies with a new structural model, the definition of its organisational structure in seeking to guarantee greater flexibility and coherence falling within the national director's remit.

Regarding the statute of the Polícia Judiciária's staff, the definition of specific investigation or police areas, as well as that of investigation assistance or technical areas shall be clarified, and the corresponding designations altered. As regards the first mentioned area, in order to join the criminal investigation career, it is mandatory to hold a degree, and senior levels pertaining to this career play a decisive role as far as the assessment of instructions or directives of judicial and prosecuting authorities are concerned, with a view to developing criminal investigation autonomy as laid down in the Organisation of Criminal Investigation Act.

As regards employment, a specific recruitment system shall be adopted, which tries to reconcile the demands of flexible, forward-looking staff management with the principle of equal opportunities.

The opportunity is taken to carry out an ambitious career restructuring in order to adapt the Police structure to the challenges posed by the much-desired administrative modernisation. Moreover, the index structures shall be re-evaluated in two phases considering the current budget limitations.

The Institute for Criminal Police Training and Criminal Science, the body responsible for training as well as technical and scientific research, shall be transformed into the Criminal Police Training School, which shall be given adequate capacity and dimension in order to meet the new responsibilities, at national level, in the field of criminal police qualification as laid down in Decree-Law no. 81/95, of 22 April 1995, and in compliance with the "Recommendations of the Assessment Group for Education and

Training Procedures for Security Forces and Services”, created by Cabinet Resolution no. 33/96, of 29 May 1996.

The National Data Protection Commission was heard.

Procedures pursuant to Act no. 23/98, of 26 May 1998 were followed.

Thus, pursuant to article 198 (1) (a) of the Constitution, the Government hereby enacts the following provisions:

CHAPTER IV

Special body of the Polícia Judiciária

PART I

Statute and powers

SUBPART I

General provisions

Section 62

Staff groups and careers

1. The Polícia Judiciária’s staff are a senior and special body, within the single establishment plan in schedule I to this Decree-Law, of which it forms an integral part, and shall comprise the following staff groups:

- (a) Management;
- (b) Criminal investigation;
- (c) Criminal investigation assistance heads;
- (d) Criminal investigation assistance.

2. The management staff group shall comprise the following positions:

- (a) National director;
- (b) Deputy national director;
- (c) Assistant deputy national director;
- (d) Central department director;
- (e) Department director.

3. The criminal investigation career shall comprise the following ranks:

- (a) Criminal investigation senior coordinator;
- (b) Criminal investigation coordinator;
- (c) Chief inspector;
- (d) Inspector;
- (e) Driver with investigatory powers.

4. The criminal investigation assistance heads staff group shall comprise the following positions:

- (a) Head of division;
- (b) Head of sector;
- (c) Head of subsector.

5. The criminal investigation assistance staff group shall comprise the following careers:

- (a) Senior specialist;
- (b) Specialist;
- (c) Assistant specialist;
- (d) Support specialist;
- (e) Security officer.

6. Support and labouring staff shall not belong to the senior and special body, although they shall be part of the single establishment plan.

7. The Polícia Judiciária's establishment plan may be modified by a joint ministerial order of the Ministers of Finance and Justice and the Government member responsible for Public Administration.

Section 63

Criminal investigation organisational units management

(Amended by Decree-Law No. 42/2009, of 12 February 2009).

Section 64

Assistance

Criminal investigation staff shall be assisted by the remaining employees, in the scope of the activities legally entrusted to the Polícia Judiciária. The employees appointed by their heads to provide assistance, according to the provisions set forth in subsection 1, shall act under the criminal investigation employees for the time established by the person responsible for the relevant organisational or functional investigation or prevention unit, subject to the system arising from the applicable directives and permanent working instructions.

SUBPART II

Criminal investigation staff

Section 65

Criminal investigation senior coordinator

1. In general, the criminal investigation senior coordinator shall have the following powers:

(a) To represent the organisational unit he manages;

- (b) To directly assist the deputy national directors and the assistant deputy national directors;
- (c) To manage criminal investigation departments or other equivalent organisational units;
- (d) To coordinate investigation sections.

2. The criminal investigation senior coordinator shall have specifically the following powers:

- (a) To direct and coordinate at a higher level the corresponding services;
- (b) To ensure at a higher level the fulfilment of the obligations set forth in subsections 3 to 6 of section 4;
- (c) To issue service instructions and orders aiming at the implementation of the directives, orders and instructions, the application of which he must ensure;
- (d) To allocate the employees to the organisational units;
- (e) To issue the pieces of information and opinions requested by the relevant deputy national director;
- (f) To submit the annual report to his superiors no later than 1 March.

3. The criminal investigation senior coordinator shall also have the following powers:

- (a) To provide criminal investigation technical assistance with a high degree of qualification and responsibility, namely in the area of crime trends analysis, by preparing surveys, reports and opinions, representing the relevant departments at meetings, working groups and committees that require a highly specialized knowledge or a global overview of the organisation;
- (b) To cooperate in training actions;
- (c) To cooperate in inspections of services.

Section 66

Criminal investigation coordinator

1. In general, the criminal investigation coordinator shall have the following powers:

- (a) To represent the organisational unit he manages or heads;
- (b) To directly assist the deputy national directors and the assistant deputy national directors;
- (c) To manage criminal investigation departments;
- (d) To head sections or equivalent organisational units.

2. The criminal investigation coordinator shall have specifically the following powers:

- (a) To ensure the supervision, control and discipline as regards observing the provisions set forth in subsection 2(b) of section 65;
- (b) To prepare criminal investigation planning and to ensure the corresponding operational control;
- (c) To issue service instructions and orders aiming at the implementation of the directives, orders and instructions, the application of which he must ensure;
- (d) To allocate the employees to the organisational units;
- (e) To submit the annual report to his superiors no later than 1 March.

3. The criminal investigation coordinator shall also have the following powers:

- (a) To control the lawfulness and suitability of the criminal investigation and prevention acts, operations, actions and measures;
- (b) To prepare orders, reports and opinions;
- (c) To attend meetings, working groups and committees, aiming at preparing higher-level decision making on management or criminal investigation and prevention measures of interest to the organisation and functioning of the Polícia Judiciária;
- (d) To cooperate in training actions.

Section 67

Chief inspector

1. In general, the chief inspector shall be entrusted with the following duties:

- (a) To represent the organisational unit he heads;
- (b) To directly assist the criminal investigation senior coordinators or criminal investigation coordinators;
- (c) To head squads or equivalent organisational units.

2. The chief inspector shall be specifically entrusted with the following duties:

- (a) To directly head and direct staff allocated to him;
- (b) To prepare operational planning and ensure the corresponding control of execution, subject to the provisions set forth in section 66;
- (c) To personally head the criminal investigation actions, by planning, allocating and controlling the tasks carried out by inspectors;
- (d) To control and ensure the fulfilment of time limits, as well as criminal investigation acts, operations, actions and measures deadlines, by preparing the corresponding report or the specified summary in agreement with the detailed report prepared by the inspector;
- (e) To ensure that police and criminal information is forwarded to the relevant organisational units;
- (f) To prepare orders, reports and opinions, aiming at preparing higher-level decision making on criminal investigation and prevention measures.

3. The chief inspector shall also be entrusted with the following duties:

- (a) To replace the criminal investigation coordinator in his absence and impediments;
- (b) To carry out other criminal investigation tasks specified by his hierarchical superiors;
- (c) To cooperate in training actions.

Section 68

Inspector

The inspector shall be entrusted with carrying out, under the direction of his superiors, the criminal investigation and prevention services he is in charge of, namely:

- (a) To carry out criminal investigation acts, operations, actions and measures as well as the corresponding procedural acts;
- (b) To carry out surveillance or arrests;
- (c) To search, collect, compile, process and forward to the relevant units criminal information with an express record in the ongoing investigation;
- (d) To prepare reports, pieces of information, maps, charts and tables;
- (e) To carry out other criminal investigation tasks specified by his superiors;
- (f) To cooperate in training actions.

Section 69

Driver with investigatory powers

The driver shall be entrusted with carrying out criminal investigation tasks he is given by his superiors, as well as with driving motor vehicles allocated to the national director and to the deputy national directors.

SUBPART III

Criminal investigation assistance heads

Section 70

Head of division

(Amended by Decree-Law No. 37/2008, of 6 August 2008.)

Section 71

Head of sector

The head of sector shall be entrusted with the following duties:

- (a) To head and direct the development of the relevant organisational unit's activities;
- (b) To enforce the directives, orders and permanent service instructions, the application of which he must ensure;
- (c) To issue pieces of information as requested by his superiors.

Section 72

Head of subsector

The head of subsector shall be entrusted with the following duties:

- (a) To directly head and direct staff allocated to him;
- (b) To ensure control over the performance of activities and tasks, as well as compliance with the corresponding deadlines;
- (c) To issue pieces of information as requested by his superiors.

SUBPART IV

Criminal investigation assistance staff

Section 73

Senior specialist

The senior specialist shall be entrusted with the following duties:

- (a) To provide technical or expert advice in the legal, medical, psychological, economic, financial, banking, accountancy or securities market, criminalistics, telecommunications, computing, public information and prevention surveys, planning and organisation, documentation, technical translation and interpretation, and management of human resources areas, as well as general support in the scope of the criminal investigation and prevention activities and judicial assistance;
- (b) To attend meetings, working groups and committees;
- (c) To prepare surveys and opinions;

- (d) To conceive, adapt, and/or apply scientific and technical procedures and methods;
- (e) To collect and process information for disclosure in the areas of interest to the Polícia Judiciária;
- (f) To use the available equipment and means required to perform their tasks and ensure their protection, security and conservation;
- (g) To cooperate in training actions.

Section 74

Specialist

The specialist shall be entrusted with performing the tasks aimed at assisting the senior specialists in collecting and processing data, surveying situations and preparing reports and opinions according to their functional area.

Section 75

Assistant specialist

The assistant specialist shall be specifically entrusted with performing, upon instructions received, tasks to assist the senior specialists and specialists, in the scientific police, technical police, criminalistics, telecommunications, computing and accounting and financial expertise areas.

Section 76

Support specialist

The support specialist shall be entrusted with performing, upon instructions given by his superiors, all the assistance procedures concerning the organisational unit where he works.

Section 77

Security officer

The security officer shall be entrusted with the following duties:

- (a) To ensure the defence of the premises and of employees working there;
- (b) To prevent attacks, robberies, fires and floods;
- (c) To control the access of persons to the buildings and to protect personalities;
- (d) To assist the criminal investigation in protecting witnesses, transporting and guarding arrested persons, seized material and values;
- (e) To cooperate in training actions.

PART II

Incompatibilities, duties and rights

Section 78

Accumulation of functions

The accumulation of private or public functions shall be governed by the provisions of the general law.

Section 79

Permanent service

1. Service with the Polícia Judiciária shall be permanent and mandatory in nature.
2. The standard working hours shall be established by an order of the Minister of Justice.
3. Out of standard working hours permanent service shall be ensured by 24/7 response and on-call teams or shift work, and the employees shall be entitled to receive 24/7 response, on-call or shift work allowances.

4. The regulation of 24/7 response, on-call teams or shift work services shall be established by an order of the Minister of Justice.

5. By means of an order issued by the national director, whenever deemed necessary, shift work may be established for crime investigation and prevention actions, subject to the general public service scheme.

6. With the exception of the provisions set forth in subsection 7, 25% of the base pay shall correspond to the functional readiness factor.

7. Subject to the provisions set forth in subsection 3 of this section, labouring and support staff shall be entitled to receive an on-call allowance to ensure the permanent and mandatory nature of the Polícia Judiciária's service, in an amount to be established by means of a joint ministerial order of the Ministers of Finance and Justice, due from the date this Decree-Law enters into force.

Section 80

Urgent measures

1. Employees, even when they are out of the department's jurisdiction where they perform their duties or out of their standard working hours, and until intervention by the competent criminal police authority, must take urgent measures within their sphere of competence to avoid the commission of a crime or to find and arrest the perpetrators of any crime, the preparation or commission of which they become aware of.

2. Employees who become aware of facts concerning crimes must report them immediately to the person responsible holding powers to conduct the investigation or to the employee in charge of the investigation.

Section 81

Use of equipment and means

Employees must use the available equipment and means necessary to perform the tasks they are entrusted with and ensure their protection, security and conservation.

Section 82

Place of residence

1. Employees must reside in the locality where they usually perform their duties or in another locality situated within the limit of 50 km, provided that there are efficient scheduled means of public transport.
2. Employees may be authorized by the national director to reside in a different locality, whenever the circumstances justify it and there being no harm to full readiness to perform their duties.

Section 83

Attending vocational training courses

1. Employees shall be obligated to attend permanent training courses designed for them.
2. If there is a serious and duly justified reason, the national director may exempt employees from attending the courses set forth in subsection 1, subject to the obligation of attending those courses for the purpose of access to the rank.
3. Whenever due to serious work-related reasons or due to reasons beyond the employee's control it is not possible to attend the permanent training courses in the period of time preceding promotion or progression, these shall take effect from the time they should have taken place, upon successful completion of said courses.
4. The lack of training actions due to inaction on the part of the Administration cannot harm promotion or progression of the employee.

Section 84

Use of means of transport

1. The criminal police authorities, the remaining criminal investigation staff and the members of the Advisory Council of the Polícia Judiciária shall be entitled to use land, inland waterway and maritime collective transport services throughout the national territory.
2. The remaining employees of the Polícia Judiciária, whenever in service, shall be entitled to use transport services, within the circumscription where they perform their duties.
3. For the purposes of the provisions set forth in subsection 2, travelling between the place of residence and the usual place of work shall be deemed in service.
4. The cost arising from the right set forth in subsections 1 and 2, shall be annually established by a joint order of the Minister of Justice and the Government member responsible for transport, an expense borne by the PJ's budget.

Section 85

Mention for outstanding merit

1. The Minister of Justice may, according to a regulation approved by him, and on a proposal of the national director and after hearing the Advisory Council of the Polícia Judiciária, grant employees of the Polícia Judiciária a mention for outstanding merit in situations of relevant performance of duties, dangerous actions, or due to a conduct and acts revealing physical and moral courage.
2. The mention for outstanding merit shall result in a reduction of the length of service for the purposes of promotion or progression, or in a promotion in the respective career, regardless of tender.

Section 86

Honours and awards

The Minister of Justice, on a proposal of the national director and after hearing the Advisory Council of the Polícia Judiciária, may grant employees of the Polícia Judiciária insignia, commendations, mentions and monetary awards, according to the regulation mentioned in section 85.

Section 87

Special rights

1. Criminal investigation staff, staff performing the duties of fingerprint officers and staff in the career of security officer shall be entitled to receive an increase of 15% in their length of service for the purposes of retirement, counting from the date of taking office.
2. Coordinators heading criminal investigation departments shall be entitled, for the purposes of access to career, to an increase of 25% in the length of service while performing such duties and to an increase in remuneration corresponding to 30 index points on the criminal investigation career staff salary scale, up to the limit of the base remuneration for criminal investigation advisers.
3. Criminal investigation employees who perform duties according to subsection 3 of section 63 shall be entitled to a remuneration corresponding to the first step of the rank immediately above.

Section 88

Employee formally under investigation

1. In duly justified cases, the national director may provide for the hiring of a lawyer to defend employees criminally charged with acts committed while in service.
2. When arrested, employees of the Polícia Judiciária, even in situations of pre-retirement or retirement, shall be taken into custody secluded from the other arrested or detained persons, and the same occurs as regards their removal or transportation.
3. Employees mentioned in subsection 2 shall remand in custody and serve imprisonment sentences in a special prison.

Section 89

Physical disability

1. The legal regime in force for Armed Forces and security forces disabled people shall apply to the management staff and remaining employees of the Polícia Judiciária, with the necessary adjustments.
2. The Minister of Justice shall acknowledge the status equivalent to that of an Armed Forces disabled person, a power which can be delegated, in general terms, and the Attorney General's Office may be heard as regards the qualification and characterization of the cases and the circumstances that caused the disability.
3. The disability for service or the percentage of depreciation is established by the medical committee of the Public Service Pension Fund.
4. The management staff and remaining employees of the Polícia Judiciária who were considered equivalent to Armed Forces disabled people, according to the previous subsections, shall be entitled to use the identification card with characteristics and terms of use identical to those of Armed Forces disabled people, whose model shall be approved by an order of the Minister of Justice.
5. Staff mentioned in subsection 4 may be admitted to attend training courses administered by the Institute for Criminal Police Training and Criminal Sciences, under

the same circumstances as the other applicants, although benefiting from an exemption for some or all of the physical tests to be taken, according to requirements to be established by the national director.

6. Only employees deemed clinically healed and able to perform all the duties that do not depend on their physical capacity shall be entitled to benefit from the provisions set forth in subsection 5.

7. Any employee considered equivalent to an Armed Forces disabled person, and who is promoted, shall not occupy a vacancy in the corresponding establishment plan, and shall remain in the situation of permanent supernumerary, his deployment being determined by the national director according to the employee's physical capacity and in the interests of the service.

8. Subject to the provisions set forth in the previous subsections and in section 147, a ministerial order of the Minister of Justice establishes the requirements, conditions and periodicity to be observed in the scheme of random control of the individual situation of employees as regards physical and psychological health or due to functional occurrences of behaviour or events that should require support and that determine their temporary removal from investigation duties and from contact with the public, as well as the collection of arms distributed.

Section 90

Remuneration

1. The remuneration statute of staff in the special body of the Polícia Judiciária is an autonomous and individual statute that prevails and excludes the application of general rules of the same nature.

2. (Amended by Decree-Law No. 42/2009, of 12 February 2009).

3. (Amended by Decree-Law No. 42/2009, of 12 February 2009).

4. (Amended by Decree-Law No. 42/2009, of 12 February 2009).
5. The monthly base pay for labouring and support staff is set forth in the general law.
6. (Amended by Decree-Law No. 42/2009, of 12 February 2009).

Section 91

Risk allowance

The risk allowance for employees working for the Polícia Judiciária, graded according to the responsibility of the different staff groups' duties, shall be established and regulated by separate legislation, subject to the provisions set forth in section 161.

Section 92

Other allowances

1. The 24/7 response allowance and the on-call allowance to be granted to staff performing duties under such working arrangements shall be established by a ministerial order of the Ministers of Finance and Justice and the Government member responsible for Public Administration.
2. The shift allowance to be granted to staff performing duties under such working arrangements shall be regulated according to the general law.
3. (Amended by Decree-Law No. 42/2009, of 12 February 2009).

Section 93

Work accident insurance

Management staff and employees of the Polícia Judiciária shall be entitled to a work accident insurance, to be regulated by a ministerial order of the Minister of Justice.

Section 94

Remuneration option and other rights

1. Judges, public prosecutors and employees working with the Polícia Judiciária on a loan or limited tenure may opt for the remuneration corresponding to their place of origin.
2. Staff mentioned in subsection 1 shall be entitled to the allowance set forth in section 91.
3. (Amended by Decree-Law No. 42/2009, of 12 February 2009).

Section 95

Criminal investigation staff movement

1. Movements of criminal investigation staff shall take on the following forms:
 - (a) Rotation – between services of the same department or between departments situated in the same locality;
 - (b) Transfer – between departments in different localities, at their request, a situation where they acquire the status of resident employee at the destination department;
 - (c) Limited tenure – a temporary movement between departments situated in different localities, a situation where they acquire the status of displaced employee at the destination department.
2. For the purposes of subsection 1, department means the central departments, the regional directorates and the criminal investigation departments.

Section 96

Compensation for displacement between services

1. Employees who, on the Administration's initiative, are displaced more than 100 km within the mainland on a limited tenure, for a period of time exceeding one year, shall be entitled to:

- (a) A period of time not exceeding 15 days to present and accommodate themselves, counting from the notification date, if no other period of time is established;
- (b) An accommodation allowance in a net amount corresponding to 45 days of travel and subsistence allowances;
- (c) The payment of transport expenses for their household members.

2. The provisions set forth in subsection 1 shall apply to cases of displacement exceeding 50 km, if it implies changing the usual residence.

3. Employees who, on the Administration's initiative, are displaced from the mainland to the Autonomous Regions, between the Autonomous Regions or from the Autonomous Regions to the mainland, on a limited tenure, for a period exceeding one year, shall be entitled to:

- (a) A period of time not exceeding 30 days to present and accommodate themselves, counting from the notification date, if no other period of time is established;
- (b) An accommodation allowance in a net amount corresponding to 80 days of travel and subsistence allowances;
- (c) The payment, once a year, of displacement expenses for the employee and his household members, for spending holidays, when performing duties in the Autonomous Regions or in the mainland for over one year and returning there to perform duties.

4. Employees mentioned in subsection 3 who perform their duties in the Autonomous Regions shall be entitled to a settlement allowance in an amount to be established by a ministerial order of the Ministers of Finance and Justice and the Government member

responsible for Public Administration, liable to be updated on a yearly basis according to the general increase for public servants.

5. The right mentioned in subsection 3 (c) cannot be cumulated with any other right of the same nature.

Section 97

Deployment in the Autonomous Regions

1. Employees deployed in the Autonomous Regions shall be entitled to be transferred to the mainland after two years of actual service, counting from the date they started performing duties in those Regions, and the transfer must occur within a period of time not exceeding three months counting from the date the corresponding request is submitted.

2. The transfer mentioned in subsection 1 may, however, be done in advance, as long as two thirds of the actual service time mentioned in subsection 1 elapsed and there is a serious reason for it, no harm being caused to the service.

3. Employees transferred under subsections 1 and 2 shall be preferably deployed in an organisational unit or body in the locality of their request, as long as there is no inconvenience to the service.

PART III

Grades

Section 98

Service grading

The employees of the Polícia Judiciária who are not on limited executive tenure in management positions or as criminal investigation assistance heads shall be graded

according to a regulation to be approved by a ministerial order of the Minister of Justice and the Government member responsible for Public Administration.

Section 99

Grades and their effects

1. The employees of the Polícia Judiciária shall be graded, according to their merits, Very good, Good with distinction, Good, Satisfactory and Mediocre.
2. The grade of Mediocre implies the opening of a disciplinary inquiry due to inaptitude to perform duties.

CHAPTER V

Appointment

PART I

General provisions

Section 100

Tendering procedures

1. Recruitment for posts within the establishment plan of the Polícia Judiciária shall be done in accordance with this Decree-Law and general law.
2. Regarding invitations to tender for entering the posts of inspector, besides selection methods set forth in the general law, medical examination and physical condition tests shall be carried out, according to regulation approved by an order of the Minister of Justice.
3. When appointment depends on successfully completing a training course, professional training or traineeship administered and organized by the Institute for

Criminal Police Training and Criminal Sciences, grading of applicants shall be carried out according to their achievements during those actions.

4. Regarding the filling of posts within the establishment plan, and on equal terms, preference shall be given to staff already rendering service to the Polícia Judiciária.

Section 101

Traineeship

1. Traineeship shall be over a period of one year, although this period may be reduced by three months subject and pursuant to an order of the Minister of Justice, on a proposal of the national director and whenever in the interest of the service.

2. Upon conclusion of such traineeship period, the trainee shall be appointed permanently, after being considered eligible.

Section 102

Provisional appointment

1. The filling of posts within the establishment plan, when not preceded by traineeship, shall be provisional for one year, and after that period the employee shall be permanently placed if considered eligible.

2. If, during the aforementioned period, the employee does not demonstrate capability, he may be discharged at any time.

Section 103

Career progression and promotion

1. An essential requisite for career progression and promotion is the minimum acceptable grade of Good, unless otherwise provided.

2. Step changes in each rank occur upon achievement of the required grade of good and actual time of service in the relevant step for three years, whereby the employee shall be entitled to compensation on the first day of the month immediately following.

Section 104

Seniority

Staff seniority within the Polícia Judiciária in the corresponding ranks, as regards access, shall be calculated from the date of the relevant appointment order, and, if applicable, the order of grades obtained during tendering or the course.

Section 105

Transfer of staff

1. In exceptional cases where the recruitment of qualified staff proves to be difficult, a transfer of employees from other services or bodies to the Polícia Judiciária's establishment plan may take place.

2. Transfers shall be made to a career with functional content affinity or identity and with identical qualification requirements.

3. Transferred employees shall be integrated in a step and index with an equivalent remuneration or, in cases where there is no coincidence, with a remuneration immediately higher in the index structure of the new career.

4. Transfers as mentioned in the previous subsections may also be preceded by a loan under the terms of the law.

Section 106

Exceptional authorization

1. On a proposal of the national director, recruitment and selection of employees for the Polícia Judiciária may be exceptionally authorized by the Ministers of Finance and Justice and by the Government member responsible for Public Administration, according to criteria to be established by an order.
2. The recruitment of expertise staff may be done on limited tenure, loan, secondment or contract, according to the law, from among employees of the central, regional or local public administration, institutes, state-owned companies and independent experts or experts from private companies.
3. The performance of functions according to subsection 2 is of overriding public interest for the purposes of subsections 1(c) and 4 of section 19 of Act No. 49/99, of 22 June 1999.
4. The appointment of private experts, due to urgency or complexity of matters, shall be done under a contract, to which the provisions of Decree-Law No. 197/99, of 8 June 1999, apply as follows:
 - (a) By direct recruitment, regardless of the amount and when the appointment is done for a certain investigation or inquiry;
 - (b) By means of a tender according to the global estimated amount of the services and when the services are to be provided in response to needs arising over a certain period of time.
5. The curricula planning for training selected applicants, whenever applicable, shall be approved by the Minister of Justice, on a proposal of the Institute for Criminal Police Training and Criminal Sciences, after hearing the relevant pedagogic bodies.

Section 107

Fixed-term employment contract

For fulfilment of specific needs of the criminal investigation assistance staff group and by means of authorization of the Ministers of Finance and Justice and the Government member responsible for Public Administration, a fixed-term employment contract for one year may be concluded, aimed at fulfilling human resources needs of a non-permanent nature.

Section 108

Special loan scheme

1. The temporary loan of technicians of the Inspectorate General of Finance and of other inspection services may be determined by a joint order of the Minister of Justice and the Minister of the corresponding area, not subject to other formalities.
2. Pursuant to section 54 of Decree-Law No. 343/99, of 26 August 1999, and whenever there are service reasons recommending it, namely the accumulation of inquiries, the loan of court and public prosecution services employees may take place by means of an order of the Minister of Justice, not subject to other formalities.

Section 109

Exemption from publication

Due to exceptional security reasons, exemption from publication of the appointment of criminal investigation staff may be authorized by a reasoned order of the Minister of Justice.

Section 110

Access to career by an employee who is formally under investigation

1. During an ongoing criminal or disciplinary inquiry, employees formally under investigation shall not be affected in tenders for access to a career or progression

therein, but their appointment, whenever they are entitled to it, shall be suspended and the relevant post, if this is the case, shall be reserved until the final decision is made.

2. Dismissal of the case, reversing the conviction or application of a sanction not corresponding to a punishment higher than a fine, shall determine the appointment of the employees, having retroactive effects to the date they would have been appointed, had there been no ongoing criminal or disciplinary inquiry.

3. Whenever the employee must not be appointed, the appointment shall not take place and the post reserved may be occupied by another person.

Section 111

Service provision and academic internship

1. The Polícia Judiciária may hire, by way of service provision contracts, as well as invite national or foreign entities to develop studies, inquiries and unplanned work or to conduct internships necessary to the good performance of the Polícia Judiciária's powers, in particular in the areas of criminal investigation and prevention and the relationship between the police and the community.

2. The Polícia Judiciária may admit, according to subsection 1, interns from universities, schools and polytechnic and university institutes, in the scope of their academic education or postgraduate programs in fields concerning their activity, namely, medico-legal expertise, scientific expertise, criminalistics, computer science and documentation.

3. Interns admitted under the terms of subsection 2 shall develop their duties in scientific and technical subordination and shall be bound to professional secrecy and privilege.

4. Interns who completed over one year of internship and received a positive evaluation shall have preferential rights, on equal terms, when participating in invitations to tender for entering the single establishment plan.

PART II
Special provisions

SUBPART I
Management staff

Section 112
General rule

(Amended by Decree-Law No. 37/2008, of 6 August 2008).

Section 113
National director

(Amended by Decree-Law No. 37/2008, of 6 August 2008).

Section 114
Deputy national director

(Amended by Decree-Law No. 37/2008, of 6 August 2008).

Section 115
Assistant deputy national directors

(Amended by Decree-Law No. 37/2008, of 6 August 2008).

Section 116

Central department directors

(Amended by Decree-Law No. 37/2008, of 6 August 2008).

Section 117

Department directors

(Amended by Decree-Law No. 37/2008, of 6 August 2008).

SUBPART II

Criminal investigation staff

Section 118

Career

The career of criminal investigation staff shall comprise the ranks mentioned in subsection 3 of section 62, which are divided into steps.

Section 119

Criminal investigation senior coordinator

1. The rank of criminal investigation senior coordinator shall comprise six steps.
2. Steps 5 and 6 may only be held by criminal investigation senior coordinators transferred from the former ranks of inspector-coordinator and inspector.
3. The posts of criminal investigation senior coordinator in step 1 shall be staffed by criminal investigation coordinators with, at least, four years of service in this rank, whereas at least two-thirds shall be holders of a law degree, with a grade not under Good with distinction, through tender consisting in the evaluation and discussion of:

- (a) The professional curriculum of the applicant, where a former leading position of a criminal investigation department for at least one year and attendance at a specific training action for senior heads shall be a preferred factor;
- (b) A paper on a subject establishing a clear and evident correlation with criminal police duties.

Section 120

Criminal investigation coordinator

1. The rank of criminal investigation coordinator shall comprise nine steps.
2. Steps 6 to 9 may only be held by criminal investigation coordinators transferred from the former rank of inspector.
3. The posts of criminal investigation coordinator in step 1 shall be staffed by chief inspectors with, at least, four years of service in this rank, with a grade not under Good with distinction, by tender and having attended a training course administered by the Institute for Criminal Police Training and Criminal Sciences.

Section 121

Training course for criminal investigation coordinators

1. The number of vacant posts shall be established by the national director, as well as the number of applicants to be accepted for the course, whereby at least 50 per cent of the vacant posts are designed for chief inspectors with a law degree.
2. In case of equal grades, applicants with more seniority in the rank shall be admitted.

Section 122

Chief inspector

1. The rank of chief inspector shall comprise six steps.
2. The posts of chief inspector in step 1 shall be staffed by inspectors with, at least, seven years of service in this rank, with a grade not under Good with distinction, by tender and having attended a training course administered by the Institute for Criminal Police Training and Criminal Sciences.

Section 123

Training course for chief inspectors

1. The number of vacant posts shall be established by the national director, as well as the number of applicants to be accepted for the course.
2. In case of equal grades, applicants with more seniority in the rank shall be accepted.

Section 124

Inspector

1. The rank of inspector shall comprise nine steps.
2. The posts of inspector in step 1 shall be staffed by trainee inspectors after being considered eligible.
3. Trainee inspectors shall be appointed from among individuals under the age of 30 years, with a suitable degree, whereas at least 35 per cent shall be holders of an appropriate degree – at least 35 per cent of whom in law – bearers of a motorcar driving licence, having successfully completed tendering procedures and qualified following the training course administered by the Institute for Criminal Police Training and Criminal Sciences.

Section 125

Training course for inspectors

Invitation to tender for attending the training course for inspectors and the number of vacancies shall be established by the Minister of Justice, on a proposal by the national director.

Section 126

Entry

1. Entry to the career of criminal investigation shall be made through the rank of trainee inspector.
2. Applicants who are employees or agents of the central, regional and local administration shall attend the training course for entry to career and complete the traineeship under extraordinary limited tenure.
3. During traineeship, an administrative employment contract with applicants without a bond to the public service shall be concluded, granting the remuneration stated in Schedule V to this Decree-Law, of which it forms an integral part.
4. If the trainee does not show skills regarding the performance of his duties, the contract mentioned in subsection 3 may be terminated.
5. The trainee subject to a disciplinary sanction punishable by fine or by any more serious punishment shall be excluded from traineeship.
6. Applicants admitted to the course and trainees shall commit themselves to perform their duties with the Polícia Judiciária for a minimum period of five years after conclusion of the course or traineeship or, in cases of abandonment or unjustified withdrawal, to compensate the State for the training costs, remunerations and bonuses received during the period of the course or traineeship.

Section 127

Driver with investigatory powers

The rank of driver with investigatory powers shall comprise nine steps.

SUBPART III

Criminal investigation assistance heads

Section 128

General rule

1. The appointment of criminal investigation assistance heads shall be choice-based, by order of the national director, on a limited executive tenure basis, for periods of three years, renewable for equal periods.
2. 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 national director does not expressly state the intention of renewal, in which case the employee shall stay in office for current management duties until appointment of a new office-holder to the position.
3. Limited executive tenure may be terminated at any time by reasoned order of the national director, upon his initiative or upon request by the interested party.
4. The length of service as head shall count for all legal purposes, namely for career progression and promotion of each employee.

Section 129

Head of division

(Amended by Decree-Law No. 37/2008, 12 August 2008).

Section 130

Head of sector

The head of sector shall be appointed from among:

- (a) Senior specialists with, at least, three years of service in this career;
- (b) Specialists with, at least, five years of service in this career;
- (c) Assistant specialists with, at least, seven years of service in this career;
- (d) Support specialists with, at least, nine years of service in this career.

Section 131

Head of subsector

The head of subsector shall be appointed from among:

- (a) Assistant specialists with, at least, five years of service in this career;
- (b) Support specialists with, at least, seven years of service in this career;
- (c) Security officers with, at least, nine years of service in this career.

Section 132

General rule

1. Entry to careers of criminal investigation assistance staff shall be made in step 1, preceded by a traineeship period.
2. In situations of mobility, entry to senior level careers must fulfil the requirement of a grade not under Good during the relevant years.

3. In the cases where there is an internal selection procedure, progression is made in the step where the employee is positioned until he is integrated into the next step, according to subsection 2 of section 103.

4. The length of service according to the previous subsection counts as served in the new step whenever integration is done following the first internal selection procedure he may apply to.

5. In the cases where integration is done into a step having a lower remuneration index than the step where the employee is positioned, the employee is paid according to the index of origin.

Section 133

Senior specialist

1. The career of senior specialist shall comprise nine steps.

2. Access to step 9 shall be confined to senior specialists in step 8 who have been three years in this step graded as Very good and subject to tender consisting in the evaluation and discussion of:

- (a) The professional curriculum of the applicant;
- (b) A paper on a subject establishing a clear and evident correlation with the duties.

3. Access to step 6 shall be confined to senior specialists in step 5 who have been three years in this step graded as Good with distinction and subject to an internal selection procedure, consisting in the evaluation of their professional curriculum.

4. Entry to the career of senior specialist shall be made from among graduate persons, who successfully completed their traineeship and have a motorcar driving licence, as well as from among specialists with, at least, seven years of service in the career, having completed a higher education programme not conferring a university degree, regardless of attending a traineeship, and who successfully completed a specific training action.

5. For the purposes set forth in the previous subsection, the following percentages shall be established as regards the posts to fill:

- (a) Persons who successfully completed a university degree – 75%;
- (b) Specialists – 25%.

6. If, following a tender, the number of approved applicants does not fill in the percentages established in the previous subsection, the remaining posts shall be distributed among the other approved applicants.

Section 134

Specialist

1. The career of specialist shall comprise nine steps.

2. Access to step 9 shall be confined to specialists in step 8 who have been three years in this step graded as Very good and subject to tender consisting in the evaluation and discussion of:

- (a) The professional curriculum of the applicant;
- (b) A paper on a subject establishing a clear and evident correlation with the duties.

3. Access to step 6 shall be confined to specialists in step 5 who have been three years in this step graded as Good with distinction and subject to an internal selection procedure, consisting in the evaluation of their professional curriculum.

4. Entry to the career of specialist shall be made from among persons who completed a higher education programme not conferring a university degree, who successfully completed their traineeship and have a motorcar driving licence, as well as from among assistant specialists and support specialists with, at least, 7 and 15 years of service in the career and, in both cases, having the proper qualifications to enter the corresponding

career, regardless of a traineeship, and who have successfully completed a specific training action.

5. For the purposes set forth in the previous subsection, the following percentages shall be established as regards the posts to fill:

- (a) Persons who completed a higher education programme not conferring a university degree – 75%;
- (b) Assistant and support specialists – 25%.

6. If, following a tender, the number of approved applicants does not fill in the percentages established in the previous subsection, the remaining posts shall be distributed among the other approved applicants.

Section 135

Assistant specialist

1. The career of assistant specialist shall comprise nine steps.

2. Access to step 9 shall be confined to assistant specialists in step 8 who have been three years in this step graded as Very good and subject to tender consisting in the evaluation and discussion of:

- (a) The professional curriculum of the applicant;
- (b) A paper on a subject establishing a clear and evident correlation with the duties.

3. Access to step 6 shall be confined to assistant specialists in step 5 who have been three years in this step graded as Good with distinction and subject to an internal selection procedure, consisting in the evaluation of their professional curriculum.

4. Entry in the career of assistant specialist shall be made from among persons who successfully completed their traineeship, have a motorcar driving licence, completed the twelfth year of education, or equivalent, except where they are to perform duties in the

functional areas of telecommunications, computing or finance and accounting expertise, in which they must hold the following qualifications:

- (a) Telecommunications – a course of technical, technical-professional and technological or professional nature, with specific training in telecommunications, conferring a level III professional qualification certificate as well as a certificate or diploma equivalent to that of regular secondary school or twelfth year of education, or equivalent, and an officially recognized vocational training course in telecommunications or electronics;
- (b) Computing – a course of technical, technical-professional and technological or professional nature, with specific training in computing, conferring a level III professional qualification certificate as well as a certificate or diploma equivalent to that of regular secondary school or twelfth year of education, or equivalent, and an officially recognized vocational training course in computing;
- (c) Financial and accounting expertise – a course of technical, technical-professional and technological or professional nature, with specific training in accounting, conferring a level III professional qualification certificate as well as a certificate or diploma equivalent to that of regular secondary school or twelfth year of education, or equivalent, and an officially recognized vocational training course in accounting.

Section 136

Support specialist

1. The career of support specialist shall comprise nine steps.
2. Access to step 9 shall be confined to support specialists in step 8 who have been three years in this step graded as Very good and subject to tender consisting in the evaluation and discussion of:
 - (a) The professional curriculum of the applicant;

(b) A paper on a subject establishing a clear and evident correlation with the duties.

3. Access to step 6 shall be confined to support specialists in step 5 who have been three years in this step graded as Good with distinction and subject to an internal selection procedure, consisting in the evaluation of their professional curriculum.

4. Entry to the career of support specialist shall be made from among persons who completed the eleventh year of education, or equivalent, have a motorcar driving licence and successfully completed their traineeship.

Section 137

Security officers

1. The career of security officer shall comprise nine steps.

2. Access to step 9 shall be confined to security officers in step 8 who have been three years in this step graded as Very good and subject to tender consisting in the evaluation and discussion of the professional curriculum of the applicant.

3. Access to step 6 shall be confined to security officers in step 5 who have been three years in this step graded as Good with distinction and subject to an internal selection procedure, consisting in the evaluation of their professional curriculum.

4. Entry to the career of security officer shall be made from among persons between 21 and 30 years of age, who completed the eleventh year of education, or equivalent, have a motorcar driving licence and successfully completed their traineeship.

Section 138

Entry

1. Traineeship for entry to careers of criminal investigation assistance staff shall be governed by the following rules:

- (a) Admittance to traineeship shall be gained subject to tender;
- (b) Traineeship shall be probationary in nature and must comprise the attendance of training courses directly related with the duties to perform, and in the case of assistant specialists and security officers it shall be mandatory at the beginning of the traineeship to attend an appropriate course at the Institute for Criminal Police Training and Criminal Sciences;
- (c) Traineeship shall have the duration of one year;
- (d) Persons without a bond to the public service shall attend traineeship under an administrative employment contract, whereas persons with a bond shall do so under an extraordinary limited tenure;
- (e) Approved trainees shall be permanently appointed to the relevant career, whereas non-approved trainees shall return to their place of origin or their contract shall be terminated, without being entitled to any compensation, depending on them having a bond to the public service or not;
- (f) The consequence of not successfully completing the initial training courses set forth in the last part of paragraph (b) shall be the same as set forth in paragraph (e).

2. The evaluation and grading of traineeship shall be established by means of:

- (a) The service grading, given according to the regulations, considering, whenever possible, the results of the vocational training, trainees graded as Good or higher being considered successful;
- (b) In the cases where attendance of initial training courses is mandatory, through the service grading and the grading obtained in initial training courses where attendance thereof is mandatory.

3. Trainees shall be remunerated according to the index table in schedule V to this Decree-Law, and the ones who are already employees shall be given the opportunity at any time to opt for the remuneration corresponding to their rank of origin.

4. The period of traineeship, when followed by a permanent appointment, shall count as served in the career.

Section 139

Tendering and internal selection procedures

1. The tendering and internal selection procedures mentioned in this subpart shall be established by a regulation to be approved by an order of the national director.
2. The tendering and internal selection procedures shall have a six month periodicity.

Section 140

Mobility

1. In cases of mobility to a higher-level career, according to the provisions set forth in this subpart, integration in the new career shall occur in a step with:
 - (a) The same remuneration index;
 - (b) If there is no coincidence, the closest higher index in the career structure.
2. In the situations set forth in subsection 1 (a), the length of service in the step of origin is relevant for progression in the new career.

Section 141

Exemption from tender or internal selection procedure

Employees in careers of criminal investigation assistance staff, who successfully completed a tender process for the highest step of the career, shall be exempted from tender or internal selection procedure for integration in the several steps of the new career.

SUBPART V

Support and labouring staff

Section 142

Support and labouring staff

Recruitment, appointment, promotion and progression in support and labouring staff careers shall be done according to the general law.

PART III

Movements

Section 143

Staff deployment

1. Deployment of staff shall be carried out according to a regulation to be approved by an order of the Minister of Justice.
2. Performing duties in a certain department or service does not hinder displacement of employees – without loss of any rights and benefits – to a different department or service within the same or in a different locality.

Section 144

Deployment in Public Administration bodies and in state-owned companies

1. The Polícia Judiciária's staff may perform duties in bodies of the central, regional and local administration or in state-owned companies, on loan, secondment and limited tenure, according to the general law.
2. The performance of duties by criminal investigation staff according to subsection 1 requires the authorization of the Minister of Justice, and may terminate at any time.

3. Criminal investigation staff mentioned in subsection 2 remain subject to the discipline of the Polícia Judiciária's relevant entities.

Section 145

Liaison officers

1. The Ministers of Foreign Affairs and Justice may – according to the international agreements entered into by the Portuguese Government – appoint liaison officers from among the Polícia Judiciária's criminal investigation staff for accreditation to foreign States or international bodies.

2. The appointment of liaison officers shall be done on limited tenure, for three years, which may be extended in the urgent interests of the service, except where otherwise stated in the joint ministerial order of appointment.

3. Liaison officers shall keep their right to a remuneration corresponding to the place of origin, and shall also be entitled to additional remunerations established by a joint order of the Ministers of Foreign Affairs, Finance and Justice, based on the criteria of and subordinated to the system used for equivalent staff of the Ministry of Foreign Affairs performing duties abroad.

4. A joint order of the Ministers of Foreign Affairs, Finance and Justice shall establish the amounts concerning grants for individual accommodation expenses, transportation, insurance, baggage and furniture packaging, as well as possible expenses and other grants for expenses whenever they are called to Portugal or displaced in an extraordinary service within or outside the State they are accredited to.

5. In establishing the grants mentioned in the previous subsection, consideration shall be given to the amounts used for equivalent staff within the Ministry of Foreign Affairs performing duties abroad.

6. The expenses regarding pharmaceutical and medical assistance to liaison officers performing duties abroad, as well as to their relatives who are beneficiaries of the Social

Services of the Ministry of Justice shall be subsidised by these Services, according to the limits to be established by an order of the Minister of Justice.

7. The number of liaison officers shall be established by a joint order of the Ministers of Foreign Affairs, Finance and Justice.

8. Where appropriate, and on a proposal of the Minister of Justice, liaison officers may be accredited by the Minister of Foreign Affairs as attachés to the Portuguese Embassies abroad and may use the diplomatic bag, observing the rules in force for its use.

CHAPTER VI

Pre-retirement and retirement

PART I

Pre-retirement

Section 146

Pre-retiring

1. Criminal investigation staff not holding management positions on a limited tenure shall pre-retire:

- (a) Compulsorily, upon reaching 60 years of age;
- (b) By means of an order of the Minister of Justice, at the employee's request, upon reaching 55 years of age and 36 of service.

2. Employees in the situation set forth in subsection 1 (a) may expressly waive pre-retirement, and retire.

Section 147

Pre-retirement statute

1. During pre-retirement, the employee shall maintain his rights and benefits and remain bound by his duties and incompatibilities, with the exception of:

- (a) The right to fill a post in the establishment plan;
- (b) The right to be promoted.

2. During pre-retirement, the employee shall provide services compatible with his physical and intellectual condition, according to his knowledge and experience and to the needs and interests of the services, and no duties as head may be assigned to him.

3. The remuneration of the employee during pre-retirement, when performing tasks, shall be equal to the one he would be entitled to if he were on active service.

4. The remuneration of the employee during pre-retirement, when not performing tasks, shall be equal to the base average remuneration of the last year, plus any allowances he may be entitled to.

5. The system of service provision during pre-retirement shall be established by a ministerial order of the Minister of Justice.

Section 147-A

Quota of employees performing tasks

1. The quota of pre-retired employees performing tasks shall be established annually by an order of the Minister of Justice.

2. When the number of pre-retired employees exceeds the quota established by order of the Minister of Justice, the exceeding employees who so request shall stop performing tasks.

3. The rules of priority in complying with requests shall be established by order of the Minister of Justice, considering the employees' age and length of service provided.

PART II
Retirement

Section 148
Retiring

1. Criminal investigation staff, even when appointed to management positions on limited executive tenure, shall retire upon reaching 60 years of age, if they so request.
2. The provisions set forth in the previous subsection shall apply to pre-retired staff.

Section 148-A
Security career staff retirement

Employees in the security career may request retirement upon reaching 60 years of age.

Section 149
Rights and benefits of retired employees

1. Criminal investigation employees who retired for a reason other than a disciplinary sanction shall maintain the right:
 - (a) To use and carry a defence weapon, regardless of licence, in the terms to be set forth by a joint ministerial order of the Ministers of National Defence and Justice;
 - (b) To travel and subsistence allowances, whenever called to take part in procedural acts before the judicial or prosecuting authority and the courts as a result of duties performed before retiring.

2. Employees mentioned in the previous subsection shall hold an identification card for acknowledgement of their capacity and the rights they are entitled to, according to the model and the terms approved by a ministerial order of the Ministers of Finance and Justice and of the Government member responsible for transport.

3. The provisions set forth in this section, with the exception of the provisions set forth in subsection 1 (a), shall apply to the remaining employees of the *Polícia Judiciária*.

Section 150

Retirement due to disability

1. Employees who, due to weakening or diminishing of their physical or intellectual capacities evidenced during the performance of their duties cannot maintain this performance without causing a serious disturbance to the services shall be subject to a medical committee of the Directorate-General for the Protection of Public Servants.

2. Employees submitted to a medical committee, according to subsection 1, finding them unfit, shall receive notice of the opinion of such medical committee, having 30 days to request retirement or to present any remarks deemed suitable in writing.

3. Employees who, according to subsection 2, do not request retirement after the mentioned term shall be submitted to a medical committee of the Public Service Pension Fund.

4. Employees in the situation set forth in subsection 2, and while the final decision on retirement has not been taken, may be suspended from performing duties whenever the corresponding disability justifies it, by an order of the Minister of Justice, on a proposal of the national director.

5. The suspension set forth in this section is carried out safeguarding the reputation and dignity of the employees and does not affect their remuneration.

CHAPTER VII

Supervision and discipline

Section 151

Supervision

In order to exercise the statutory powers vested in it, the Public Prosecution Service, through its competent bodies, may request information from the Polícia Judiciária about the course of proceedings.

Section 152

Inquiries, internal investigations and disciplinary proceedings

1. The Minister of Justice may order inspections, inquiries and investigations into the services of the Polícia Judiciária, stating the scope and object of such action.
2. The data collected about merit shall be weighting factors for internal evaluation and discipline.
3. The Minister of Justice, on his own initiative or upon request of the national director, may order the Inspectorate-General of Justice Services to initiate the disciplinary proceedings he assumes or in which the application of the expected penalty falls within his remit.

Section 153

Disciplinary system

1. The disciplinary system regarding employees of the Polícia Judiciária must comply with the principles and rules established by the general law.

2. Employees must give notice in writing to their hierarchical superior of any facts known to them constituting a disciplinary offence.
3. The course of disciplinary proceedings shall be governed by summary and celerity principles, subject to the provisions set forth in the general law.
4. The national director, the deputy national directors, the criminal investigation senior coordinators and the criminal investigation coordinators heading criminal investigation departments shall have disciplinary powers regarding the staff organisationally and functionally under them.
5. The scope of the powers mentioned in subsection 4 shall be established by the Disciplinary Regulation of the Polícia Judiciária, to be approved by a ministerial order of the Minister of Justice.

CHAPTER VIII

Transitional and final provisions

Section 154

Management staff and assistance heads

Limited executive tenure of management and heading staff shall terminate on the date this Decree-Law enters into force, but they shall continue to perform current management duties until their replacement.

Section 155

Public prosecutor inspectors

1. Public prosecutors who at the time Decree-Law No. 364/77, of 2 September 1977, entered into force performed the duties of inspector on a limited executive tenure shall

be entitled to an increase of 20% in the length of service concerning retirement, counting from the date they were appointed.

2. Inspectors who at the time the mentioned Decree-Law entered into force were permanently appointed to that position, shall benefit from the increase in the length of service mentioned in subsection 1.

Section 156

Criminal investigation staff transition

1. Coordinator-inspectors, inspectors, sub-inspectors and agents shall respectively change to criminal investigation senior coordinators, criminal investigation coordinators, chief-inspectors and inspectors.

2. For this transition into the new index structure, the full count of the length of service in the rank is considered and, for the purposes of progression, the remaining time is counted as time already served in the step into which the transition is made.

Section 157

Criminal investigation adviser

1. Criminal investigation senior coordinators with at least 10 years of service in the rank, who have been in a management position for a period of time exceeding 5 years may, by an order of the national director, be appointed criminal investigation advisers.

2. The criminal investigation adviser shall be entrusted with advising the national director and the deputy national directors on surveys and criminal investigation planning, as well as with issuing the pieces of information and the opinions as may be requested of him.

3. The criminal investigation adviser shall have the same rights and duties as criminal investigation career staff.

Section 158

Access to criminal investigation coordinator

1. Until the first inspectors recruited under the scheme of this Decree-Law are able to accede to the rank of criminal investigation coordinator, appointment in this rank shall comply with the following rules:

- (a) 35% for criminal investigation employees holding a law degree, with, at least, five years of service and a grade not under Good with distinction;
- (b) 50% for chief-inspectors with, at least, four years of service in this rank and a grade not under Good with distinction;
- (c) 15% for criminal investigation employees holding any degree, with, at least, five years of service and a grade not under Good with distinction.

2. The percentages mentioned in subsection 1 (a) and (c) shall be filled from among employees in place at the time this Decree-Law is published, except if the number of applicants to tender is below the double of vacancies opened or if the number of applicants approved is below the number of vacancies, in which case there shall be a new tender procedure to include criminal investigation employees holding a law degree, with a grade not under Good with distinction, and with, at least, three years of service.

Section 159

Access to chief inspector

Until the first inspectors recruited under the scheme of this Decree-Law are able to accede to the rank of chief inspector, appointment in this rank shall comply with the following rules:

- (a) Two thirds for inspectors with at least 7 years and less than 14 years of service in the rank, with a minimum grade of Good with distinction;

- (b) One third for inspectors with at least 14 years of service in the rank, with a minimum grade of Good with distinction.

Section 160

Drivers with investigatory powers

1. Drivers with investigatory powers shall be transferred, with the same designation and according to the provisions set forth in subsection 2 of section 156, to the criminal investigation career.
2. The posts of driver with investigatory powers shall be terminated as they become vacant.

Section 161

Risk allowance

1. Heads of staff, while performing such duties, shall be entitled to a risk allowance in the amount established on the date this Decree-Law enters into force.
2. (Amended by Decree-Law No. 42/2009, of 12 February 2009).
3. The remaining staff of the Polícia Judiciária shall be entitled to a risk allowance according to the criteria in place on the date this Decree-Law enters into force, until the regulation set forth in section 91 is in place.
4. The provisions set forth in the previous subsections shall apply to staff who, on the date this Decree-Law enters into force, perform duties on tenure with the Polícia Judiciária.

Section 162

Rent allowance

Staff who according to Decree-Law No. 295-A/90, of 21 September 1990, were granted a rent allowance shall keep that right.

Section 163

Telecommunications technical staff

The provisions set forth in section 148 shall apply to the telecommunications technical staff performing duties at the time Decree-Law No. 295-A/90, of 21 September 1990, enters into force.

Section 164

Criminal investigation assistance staff transition

1. Police senior specialists, police specialists, police assistant specialists, police support specialists, shift heads and security officers shall respectively change to senior specialists, specialists, assistant specialists, support specialists and security officers, according to the map in schedule VI to this Decree-Law, of which it forms an integral part.
2. The rank of police technician shall be terminated and staff therein transferred to the career of support specialist, according to the map in schedule VI to this Decree-Law.
3. The length of service served in the current rank and step, even as regards a rank which has been terminated or subject to reclassification, shall count as globally served in the rank and step of transition.
4. The provisions set forth in subsection 3 shall apply to the cases where the integration in the new careers, by means of tender or other mobility instrument, occurred before this Decree-Law entered into force.

Section 165

Reclassification of heads of staff

1. Current heads of sector who were transferred from heads of office, according to Decree-Law No. 295-A/90, of 21 September 1990, shall be reclassified in the rank of senior specialist, step 4, while maintaining the right to payment according to a higher index, should this be the case in their step of origin.
2. Senior specialists mentioned in subsection 1 may be appointed heads of division, regardless of the length of service in the rank.

Section 166

Tender for assistant specialist

During the period of one year, counting from the date this Decree-Law enters into force, support specialists may tender for assistant specialist, as long as they fulfil all the following requirements:

- (a) 11th year of education or equivalent;
- (b) Three years of good and effective service in the functional areas of telecommunications, computing or finance and accounting expertise;
- (c) Successful completion of a specific training action.

Section 167

Tender for support specialist

During the period of one year, counting from the date this Decree-Law enters into force, labouring and support staff may tender for support specialist, as long as they fulfil all the following requirements:

- (a) 9th year of education or equivalent;
- (b) Six years of good and effective service with the Polícia Judiciária;

- (c) Successful completion of a specific training action.

Section 168

Posts to be terminated as they become vacant

The posts of cleaning assistant and warehouse labourer shall be terminated as they become vacant.

Section 169

Invitation to tender and training courses

1. Invitations to tender with a notice published before this Decree-Law enters into force shall remain valid, and shall be considered to refer to the corresponding careers and ranks.
2. The provisions set forth in subsection 1 shall apply to the training courses under the same conditions.

Section 170

Secretarial duties

The national director and the deputy national directors may have secretaries, appointing employees for that purpose, according to the law.

Section 171

Monthly grant for students attending courses

Students without a bond to the public service who attend training courses for entry to the rank of inspector and to the careers of assistant specialist and security officer shall receive a monthly grant corresponding to the amount of index 100 on the general public

service scheme salary scale, to be borne by budget appropriation of the Institute for Criminal Police Training and Criminal Sciences.

Section 172

Supplemental scheme

The corresponding general schemes for the public service shall apply to the Polícia Judiciária's employees, as well as to management staff in what concerns any matter not opposed to the provisions set forth in this Decree-Law.

Section 173

Institute for Criminal Police Training and Criminal Sciences

(Amended by Decree-Law No. 37/2008, of 6 August 2008.)

Section 174

Staff of the Institute for Criminal Police Training and Criminal Sciences

(Amended by Decree-Law No. 37/2008, of 6 August 2008.)

Section 175

Employees of discontinued inspectorates

(Amended by Decree-Law No. 37/2008, of 6 August 2008.)

Section 176

Remuneration system

The remuneration system of the Polícia Judiciária's staff set forth in this Decree-Law shall apply as follows:

- (a) Between 1 July 2000 and 30 June 2001, the index levels on table I, published as a schedule to this Decree-Law, and which is an integral part thereof, shall be applicable;
- (b) As of 1 July 2001, the index levels on table II, also published as a schedule to this Decree-Law, and which is an integral part thereof, shall be applicable.

Section 177

Financial and administrative structure

The current financial and administrative structure of the Polícia Judiciária shall be maintained in operation until the ministerial order mentioned in subsection 2 of section 24 of this Decree-Law enters into force.

Section 178

Additional legislation

1. The relevant regulatory legislation must be published within the period of 180 days counting from the date this Decree-Law enters into force.
2. The organic law of the Institute for Criminal Police Training and Criminal Sciences must be published within the same period.
3. Whilst legislation mentioned in subsections 1 and 2 is not published, regulations currently in force for the Polícia Judiciária shall remain so with the necessary adjustments.

Section 179

Revocation rule

Subject to the provisions set forth in subsection 3 of section 178, Decree-Law No. 295-A/90, of 21 September 1990, and any additional legislation shall be revoked.

Reviewed and approved by the Council of Ministers of 28 September 2000. – António Manuel de Oliveira Guterres – Jaime José Matos da Gama – Jorge Paulo Sacadura Almeida Coelho – Júlio de Lemos de Castro Caldas – Henrique Nuno Pires Severiano Teixeira – Joaquim Augusto Nunes Pires Moura – Eduardo Arménio do Nascimento Cabrita – Alberto de Sousa Martins.

Promulgated on 7 November 2000.

For publication.

The President of the Republic, JORGE SAMPAIO.

Countersigned on 9 November 2000.

On behalf of the Prime Minister, Jorge Paulo Sacadura Almeida Coelho, Minister of State.