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MINISTÉRIO DA JUSTIÇA

POLÍCIA JUDICIÁRIA

UNIDADE DE PLANEAMENTO, ASSESSORIA TÉCNICA E DOCUMENTAÇÃO

MINISTRY OF JUSTICE

Decree-Law no. 42/2009,

of 12 February 2009

Within the framework of the Government Programme for administrative modernization and quality improvement of public service, with achievement of efficiency gains, Decree-Law no. 206/2006, of 27 October 2006, approved the Organic Law of the Ministry of Justice, establishing the organisation models for the services comprised within this structure.

In order to effectively achieve this structural rationalisation goal, as provided for in Decree-Law no. 206/2006, the Government proposed and the Assembly of the Republic approved Act no. 37/2008, of 6 August 2008, approving the organisation and structure of the Polícia Judiciária and enacting their mission and functions, as well as the type of internal organisation of this higher criminal police force.

The new Organic Law of the Polícia Judiciária constitutes not only a moment of concentrating, rationalizing and specialising means, but also of adapting to new types of crime caused by social, political and economic changes. These new types of crime, which are often extremely complex in nature and possess an international scope and ramifications, brought about a change in the former models for fighting criminal offences. Terrorism, corruption or drug trafficking are examples of these ever more transnational phenomena.

Set against this background, and seven years after the approval of the previous Organic Law (Decree-Law no. 275-A, of 9 November 2000), the need arose to update the structure and organisation of the Polícia Judiciária, and to make them fit for purpose.

Thus, and as a way of increasing the Polícia Judiciária's operability, Act no. 37/2008 established the national units in replacement of the former central departments, endowed with a special mission in the fight against organised crime, taking into account the new characteristics of crime and the demands for a proper response and intervention from the operability point of view.



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Still according to the logic of service restructuring, and considering the need for resource rationalization aimed at improving effectiveness and efficiency of any action taken, units with different scopes of activity and new names were created.

As set forth in the new Organic Law of the Polícia Judiciária, the Criminal Police Training School – former Institute for Criminal Police Training and Criminal Science – falls under the National Directorate, and constitutes an organisation unit specially designed to provide professional training to officers within the Polícia Judiciária as well as to staff from other criminal police bodies. Furthermore, International Co-operation, the Prevention and Technological Support Unit, the Financial Intelligence Unit and the Planning, Technical Consultancy and Documentation Unit also fall under the National Directorate.

It is now essential, for the purpose of implementing Act no. 37/2008 and pursuant to the provisions of sections 22 (2) and 29 (1), to define the powers of the relevant organisational units, following the principles and guidelines resulting from the new Organic Law of the Polícia Judiciária.

Act no. 37/2008, of 6 August 2008, also established the structure and organisation of management positions. Therefore, it proves necessary to define the remuneration system for the Polícia Judiciária management staff.

Thus:

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

CHAPTER I

General provision

Section 1

Object

1 - This decree-law, pursuant to section 22 (1) and section 29 (1) of Act no. 37/2008, of 6 August 2008, lays down the remit of the units within the Polícia Judiciária, abbreviated as PJ.

2 - This decree-law also establishes the remuneration system for PJ management staff.



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CHAPTER II

PJ units' remit

PART I

General provision

Section 2

PJ core structure

1 - The PJ comprises the following core organisational units:

a) National Directorate services:

- i)* The Criminal Police Training School;
- ii)* The Prevention and Technological Support Unit;
- iii)* The Financial Intelligence Unit;
- iv)* The Planning, Technical Consultancy and Documentation Unit;

b) National units:

- i)* The National Counter Terrorism Unit;
- ii)* The National Anti-Corruption Unit;
- iii)* The National Unit for Fighting Drug Trafficking;

c) Territorial units:

- i)* The North Directorate;
- ii)* The Centre Directorate;



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- iii)* The Lisbon and Tagus Valley Directorate;
- iv)* The South Directorate;

- d)* Regional units:
 - i)* Aveiro Criminal Investigation Department;
 - ii)* Braga Criminal Investigation Department;
 - iii)* Funchal Criminal Investigation Department;
 - iv)* Guarda Criminal Investigation Department;
 - v)* Leiria Criminal Investigation Department;
 - vi)* Ponta Delgada Criminal Investigation Department;
 - vii)* Portimão Criminal Investigation Department;
 - viii)* Setúbal Criminal Investigation Department;

- e)* Local criminal investigation units:
 - i)* Vila Real;
 - ii)* Évora;

- f)* Criminal investigation assistance units:
 - i)* Criminal Investigation Information Unit;
 - ii)* International Co-operation Unit;
 - iii)* Forensic Science Laboratory;
 - iv)* Telecommunications and IT Unit;

- g)* Support units:
 - i)* Financial and Property Management and Security Unit;
 - ii)* Human Resources and Public Relations Unit;



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- iii)* Financial and Accounting Expertise Unit;
- iv)* Disciplinary and Inspection Unit.

2 - The PJ's organisational units may include the following flexible organisational units:

- a)* Divisions;
- b)* Sectors;
- c)* Subsectors.

3 - The core organisational units integrating criminal investigation services also comprise sections and squads, which are not subject to the definition of the number of flexible organisational units.

4 - Sections are coordinated by criminal investigation coordinators, under the terms laid down by a separate decree-law.

5 - Squads are headed by chief inspectors, under the terms laid down by a separate decree-law.

6 - Whenever it is not possible to provide for the coordination or heads of staff for sections and squads according to the provisions of subsections (4) and (5), those positions may be held by employees of the rank immediately below, by order of the national director, and for a one-year, non-renewable term.

7 - Other local investigation units may be established by joint ministerial order of the Government members responsible for finance and justice, on a proposal of the PJ national director and based upon studies on criminological factors.

PART II

National Directorate services

Section 3

Criminal Police Training School



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The Criminal Police Training School, abbreviated as EPJ, has the following remit:

- a) to program and run both initial and continuing training courses for PJ staff;
- b) to co-operate in the recruitment and selection of staff, namely by providing examinations and skill tests to applicants who intend to join the PJ, as well as by following up on the trial period of trainee inspectors whenever required;
- c) to prepare and provide training courses for national entities operating in the areas of justice and security, in compliance with the coordination remit of the National Security System secretary-general within this area, as well as for similar bodies from Portuguese-speaking or Ibero-American countries;
- d) to co-operate with various institutions at national, European and international levels within the scope of training and scientific investigation, without prejudice to the powers of other entities with responsibilities in this field;
- e) to organise and run the PJ museum, ensuring the collection, conservation, study and display of items of criminal, historical, documental and museological interest existing within the PJ, as well as of items seized and forfeited to the State.

Section 4

Prevention and Technological Support Unit

1 - The Prevention and Technological Support Unit, abbreviated as UPAT, has the following remit at the national level:

- a) to develop research and surveillance actions regarding suspicious activities, persons and places, providing assistance to the criminal investigation services, pursuant to section 4 of Act no. 37/2008, of 6 August 2008, and to section 189 of the Code of Criminal Procedure;
- b) to proceed as provided for by Act no. 101/2001, of 25 August 2001, in co-operation with the criminal investigation services;



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c) to proceed as provided for by section 160-A of Act no. 144/99, of 31 August 1999, as amended by section 2 of Act no. 104/2001, of 25 August 2001, in co-operation with the criminal investigation services.

2 - The UPAT is also responsible for managing the equipments and resources required for their operational purposes, as well as for developing appropriate technological projects.

Section 5

Financial Intelligence Unit

1 - At the national level, the Financial Intelligence Unit, abbreviated as FIU, is responsible for gathering, centralising, processing and disclosing information concerning the prevention and investigation of offences involving the laundering of criminal proceeds, financing of terrorism and tax-related offences, by ensuring both internal co-operation and liaison with the judicial or prosecuting authority, the supervisory and inspection authorities and the financial and non-financial entities as mentioned in Act no. 25/2008, of 5 June 2008, and international co-operation with the financial intelligence units or counterpart services.

2 - The powers referred to in subsection (1) do not prejudice the tax administration bodies' duties in this field.

3 - The Financial Intelligence Unit may resort to people employed at the Directorate-General for Customs and Excise Duties on Consumption, at the Directorate-General for Taxation and at other supervisory authorities or government services and bodies, under a framework to be established by the ministers concerned.

Section 6

Planning, Technical Consultancy and Documentation Unit



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1 - The Planning, Technical Consultancy and Documentation Unit, abbreviated as UPATD, has the following remit:

- a) Planning PJ global management;
- b) Review and assessment of procedures;
- c) Legal and technical advice;
- d) Documentation, translation and interpretation services.

2 - Under the remit referred to in subsection (1), the UPATD must:

- a) Devise and prepare coordinated development plans regarding the PJ;
- b) Review and assess the activities of the organisational units in terms of compliance with policies, plans, procedures, laws and regulations, as well as towards improving efficiency and effectiveness of services;
- c) Prepare opinions and information of a legal and technical nature on matters submitted to their consideration by the national director or by the deputy national directors;
- d) Prepare reports and data reviews on the state and evolution of crime;
- e) Draft, in concert with the structures involved, the directives, the permanent service instructions or the regulations such as shall have been established by the national director;
- f) Promote the undertaking of actions and studies of comparative law and policing in the fields of criminal and judicial police, criminal information, technical and scientific police, expertise and co-operation;
- g) Provide secretarial assistance to the National Directorate;
- h) Devise, maintain and develop documentation systems;
- i) Ensure the operation, maintenance and upgrade of document management applications and computer files, as well as promote and coordinate access thereto, according to the applicable security rules;
- j) Translate information and documentation supporting criminal investigation and provide interpretation services.



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PART III

National units

Section 7

National Counter-Terrorism Unit

1 - The National Counter-Terrorism Unit, abbreviated as UNCT, is responsible for the prevention, detection, criminal investigation and assistance to the judicial and prosecuting authorities regarding the following:

- a)* Terrorism and terrorist organisations;
- b)* Offences against the security of the State, apart from those related to the electoral process;
- c)* Hijacking means of transport by air, water, railway or road, or endangering the safety thereof, corresponding, in the abstract, to a term of 8 years imprisonment or more;
- d)* Offences committed by means of bombs, grenades, explosive materials or devices, firearms and booby-trap devices, and nuclear, chemical or radioactive weapons;
- e)* Offences committed against the President of the Republic, the President of the Assembly of the Republic, the Prime Minister, the presidents of higher courts and the Attorney General, during the performance of their official duties or related thereto;
- f)* Offences related to the provisions of paragraphs (a) to (e).

2 - The prevention, detection, criminal investigation and assistance to the judicial and prosecuting authorities also fall under the UNCT's remit in what regards the following:

- a)* Slavery, abduction, kidnapping and hostage taking;



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- b)* Offences against the cultural identity and personal integrity and offences provided for in the Criminal Law Amendment Act regarding Violations of International Humanitarian Law;
- c)* Robbery committed in credit institutions, Public Treasury offices and post offices;
- d)* Participation in armed insurrections;
- e)* Arms trafficking;
- f)* Offences related to the ones referred to in paragraphs (a) to (e).

Section 8

National Anti-Corruption Unit

1 - The National Anti-Corruption Unit, abbreviated as UNCC, is responsible for the prevention, detection, criminal investigation and assistance to the judicial and prosecuting authorities, regarding corruption, embezzlement, influence peddling and unlawful profit-sharing.

2 - The prevention and criminal investigation also fall under the UNCC's remit in what regards the following:

- a)* Malfeasance and abuse of power by political office-holders;
- b)* Fraud in obtaining a subsidy or subvention or misappropriation thereof, as well as fraud in obtaining a subsidised loan;
- c)* Economic and financial offences;
- d)* Counterfeiting of money, credit instruments, stamp duty papers, stamps and other cash equivalents or the passing thereof;
- e)* Offences related to the securities market;
- f)* Fraudulent bankruptcy and maladministration;
- g)* Money-laundering;
- h)* Tax-related offences to an amount exceeding €500,000;



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- i)* Predicate offences to the ones referred to in subsection 1 and in paragraphs (b) to (e), (g) and (h).

3 - The UNCC also holds the power to take preventive action as previously granted to the Central Department for Combating Corruption, Fraud and Economic and Financial Crime by section 1 of Act no. 36/94, of 29 September 1994.

Section 9

National Unit for Fighting Drug Trafficking

The National Unit for Fighting Drug Trafficking, abbreviated as UNCTE, is responsible for the prevention, detection, criminal investigation and assistance to the judicial and prosecuting authorities regarding trafficking in drugs and psychotropic substances, as provided for in sections 21, 22, 27 and 28 of Decree-Law no. 15/93, of 22 January 1993, as well as other offences provided for in this decree-law, and which are reported to the unit or which the unit becomes aware of.

Section 10

Branches of the national units

1 - The UNCC and the UNCTE have branches in the territorial units based outside the corresponding headquarters and in the regional units, those branches being an integral part of these units.

2 - The UNCT has branches in the territorial units based outside the corresponding headquarters, those branches being an integral part of these units.

3 - The functions falling under the remit of the branches located within the geographical area of intervention of the territorial and regional units shall be coordinated by the directors of



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those units, together with the director of the corresponding national unit, in compliance with the orders of the national director.

PART IV

Territorial, regional and local units

Section 11

Territorial units

Territorial units are responsible for the prevention, detection, investigation and assistance to the judicial and prosecuting authorities regarding offences falling under the remit of the PJ, committed or known to exist within their corresponding geographical area of intervention, and which do not fall under the remit of the national units.

Section 12

Regional units

Regional units are responsible for the prevention, detection, investigation and assistance to the judicial and prosecuting authorities regarding offences falling under the remit of the PJ, committed or known to exist within their geographical area of intervention, and which do not fall under the remit of the national units.

Section 13

Local units

Local units are responsible for the prevention, detection, investigation and assistance to the judicial and prosecuting authorities within their geographical area of intervention,



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regarding offences falling under the remit of the PJ, committed or known to exist within their geographical area of intervention, and which do not fall under the remit of the national units.

PART V

Criminal investigation assistance units

Section 14

Criminal Investigation Information Unit

1 - The Criminal Investigation Information Unit, abbreviated as UIIC, has the following remit:

- a)* To centralize, maintain and ensure the national management of the PJ's criminal information system;
- b)* To collect, process, record, analyse and disclose information regarding known crime in conjunction with the criminal information systems provided for by law;
- c)* To promote preventive action against crime and actions aimed at finding missing persons.

2 - Pursuant to section 4 (2) and (3) of Act no. 37/2008, of 6 August 2008, and within the scope of crime prevention, it falls under the remit of the UIIC to detect and deter situations likely to lead to the commission of crimes, namely by conducting surveillance and inspection at places and establishments that may conceal activities with regard to receiving stolen property or the possession thereof or illicit trading in goods.

3 - The owners, chief executives, managers, directors or any other persons in charge of the establishments mentioned in subsection (2) shall be obliged, after appropriate notice, to deliver to the PJ unit with jurisdiction in the area of their location, within 5 days and according to an exclusive form of which they shall receive a hard or soft copy, a full list of transactions made, stating the parties thereto as well as the items traded, including those



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which they received to be sold or exchanged, upon request or following someone else's instructions.

4 - The obligation mentioned in subsection (3) may also apply to any person running a place where the above mentioned transactions are made.

5 - Insurance companies must report to the PJ unit with jurisdiction in the area of their location, no later than the 5th day of the month following that in which the transaction or regularization was made, the stocks or the sale of vehicle salvage, stating, according to each case, the identity of the buyer, the price of sale and the identification details of the relevant vehicle.

6 - Apart from vehicles and accessories, the items purchased by the establishments and places mentioned in subsection (2) may not be modified or disposed of before 20 days have elapsed from the delivery of the lists and reports referred to in subsections (3) and (5).

7 - Any violation of the provisions of subsections (3) to (6) shall be considered an administrative offence punishable with a fine of €250 up to €2500, the enforcement of which falls within the remit of the national director, who establishes the PJ unit to be in charge of such investigation.

8 - Negligence is punishable, the minimum and maximum limits of the applicable fine being reduced to half.

Section 15

International Co-operation Unit

1 - The International Co-operation Unit, abbreviated as UCI, ensures the operation of the EUROPOL National Unit and of the INTERPOL National Bureau to accomplish the PJ's mission as well as to share information with other criminal police bodies.

2 - Within the remit of subsection (1), the UCI shall:

a) Receive and forward requests for provisional arrest that must be executed in extradition cases;



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- b)* Ensure the operation of mechanisms of police co-operation within the International Criminal Police Organisation (ICPO/INTERPOL), EUROPOL and other international bodies of the same nature;
- c)* Develop, follow up on and review cases, projects and missions on the international scene and on that of institutional co-operation with other States, particularly with those where Portuguese is the official language;
- d)* Coordinate the PJ's participation in the competent institutions in the field of police co-operation within the European Union;
- e)* Ensure appropriate reception and accompaniment of law enforcement counterparts who travel to Portuguese territory on duty;
- f)* Manage the deployment of PJ liaison officers.

3 - The Public Prosecution Service promotes the remittance to the UCI of certified copies of sentences pronounced by courts against foreign citizens convicted in criminal cases.

4 - The Directorate-General for Prison Service reports to the UCI the relevant facts related to sentences served by foreign citizens.

Section 16

Forensic Science Laboratory

1 - The Forensic Science Laboratory, abbreviated as LPC, has the following remit:

- a)* To research, collect, process and record traces, and to carry out expertise within the several fields of forensic science, namely ballistics, biology, documents, handwriting, physics, lophoscopy, chemistry and toxicology;
- b)* To implement new types of expertise and to develop the existing ones;
- c)* To disclose technical and scientific information which is relevant to new crime scenarios;



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- d)* To issue opinions and to provide technical and scientific advice within their remit of forensic science;
- e)* To implement a management system for quality as well as for technical and administrative tasks;
- f)* To ensure the technical and scientific involvement of the PJ regarding forensic science in the different national, EU and international authorities.

2 - The LPC is endowed with technical and scientific autonomy.

3 - The LPC's remit is cumulative with that of the medical-legal services.

4 - The LPC may request co-operation from other establishments, laboratories or specialized official services, and may also co-operate with any other entity or official service, without prejudice to the PJ's duties or to other criminal police bodies which the PJ must support.

5 - The LPC, under the technical and scientific dependence of its director, may comprise several flexible units at the territorial units, pursuant to the provisions of section 2 (2).

6 - The existence, number and location of the branches referred to in subsection (5) are established by order of the Government member responsible for justice.

Section 17

Telecommunications and IT Unit

1 - The Telecommunications and IT Unit, abbreviated as UTI, has the following remit:

- a)* Establishment, running, maintenance and security of the PJ's telecommunications systems, as well as their connection to the networks of the International Criminal Police Organisation, EUROPOL and other international bodies of the same nature;
- b)* Development, management and maintenance of computer applications;
- c)* Management and operation of computer and telecommunications equipments and systems, as well as their networks;



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- d)* Selection and setting up of technological equipments and systems in support of the activities of other organisational units within the PJ;
- e)* Technical support to prevention and criminal investigation;
- f)* Assistance to the judicial and prosecuting authorities, within their remit.

2 - Under the remit referred to in subsection (1), the UTI must:

- a)* Design the architecture of communications equipments and networks;
- b)* Ensure the operation, maintenance, upgrade and security of the equipments and their supporting structures as well as of the computer applications and databases;
- c)* Prepare the opinions required for the selection of equipments and support systems for developing and running the application systems and radio, data, voice and image communications networks;
- d)* Co-operate with the user services in the selection of systems or specific technological equipments and subsequent installation and maintenance thereof;
- e)* Define, execute or coordinate the implementation of safety and security, confidentiality and integrity procedures regarding information stored in the computer systems, and ensure the safe transmission thereof through the communications networks;
- f)* Promote the development of proper technological projects regarding the provisions of section 187 and following of the Code of Criminal Procedure, and manage the equipments and resources needed for the safe and trustworthy operation of the relevant equipments and systems;
- g)* Take action aimed at identifying illegal interceptions of communications;
- h)* Provide expertise on computer and telecommunications equipments, defined by the judicial and criminal police authorities;
- i)* Provide assistance to criminal investigations, helping in the collection and analysis of telecommunications and computer equipments, preparing opinions, offering technical advice and taking part in searches and other evidence collection procedures;



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- j)* Support the users in the running, management and maintenance of system equipments and networks in use;
- l)* Co-operate with the managing entity in the management of SIRESP (Integrated System of Portugal's Emergency and Security Networks);
- m)* Ensure the availability of safe access, by national users, to information from INTERPOL, EUROPOL and other bodies of the same nature;
- n)* Provide education and training to operators;
- o)* Co-operate in the training of users of computer applications and computer and communications systems in use by the PJ.

3 - The UTI is endowed with technical and scientific autonomy.

4 - The UTI, under the technical and scientific dependence of its director, may comprise several flexible units at the territorial units, pursuant to the provisions of section 2 (2).

5 - The existence, number and location of the branches referred to in subsection (4) are established by order of the Government member responsible for justice.

PART VI

Support units

Section 18

Financial and Property Management and Security Unit

1 - The Financial and Property Management and Security Unit, abbreviated as UAFPS, has the following remit:

- a)* Financial management and budget control;
- b)* Property administration, property being comprised of real estate, movable property and vehicles;
- c)* Records, correspondence and archives;



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- d)* Safety and security of people, premises and equipments;
- e)* Armament.

2 - Under the remit referred to in subsection (1) (a) to (c), the UAFPS must:

- a)* Prepare and propose the budget and the investment plan;
- b)* Carry out surveys and reviews regarding financial and property management;
- c)* Ensure the standardization of financial procedures to be carried out by all the organisational units, by giving appropriate instructions, namely in what concerns the collection of revenues from PJ activity;
- d)* Promote and organise procedures necessary to purchase goods and services and to execute public works contracts, including their legal review;
- e)* Control and check the lawful nature of any expenditure;
- f)* Prepare maps and execution reports required for proper budget control and evaluation;
- g)* Ensure the management of budget appropriations, namely requests for funds, execution of payments and control of cash transactions;
- h)* Organise accounts and keep bookkeeping as well as mandatory accounting records updated;
- i)* Prepare management accounts to be submitted to the national director for approval;
- j)* Ensure continuous updating of the property inventory;
- l)* Ensure, in co-operation with the other organisational units, the control and management of their premises and equipments;
- m)* Manage and inspect the execution of works in concert with the other organisational units;
- n)* Ensure that prior payment of the justice fee is timely, under the provisions of section 15 (a) of the Costs in Legal Proceedings Regulations, approved by Decree-Law no. 34/2008, of 26 February 2008.

3 - Under the remit referred to in subsection 1 (d) and (e), the UAFPS must:



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- a)* Undertake surveys, analyses and tests on the equipments in general, and on those of security and armament in particular, with a view to their acquisition;
- b)* Keep, maintain and hand out equipments, armament and the corresponding ammunition;
- c)* Control and carry out annual checks on each piece of armament and ammunition handed out, keeping the staff personal record files updated, in concert with the URHRP;
- d)* Jointly with the EPJ, establish the assessment patterns and criteria regarding mandatory shooting training at national level;
- e)* Carry out annual checks on the levels of individual skills and dexterity in the use of armament;
- f)* Forward to the URHRP the individual data, as provided for in paragraph (e), to be included in the personal record files;
- g)* Define rules and procedures in the fields of prevention and security of premises;
- h)* Ensure the safety and security of staff, premises and classified matters.

4 - With a view to exercising its powers, the UAFPS centralizes all the budget and financial information, distributing the PJ's budget internally among the units, which operate as cost centres.

Section 19

Human Resources and Public Relations Unit

The Human Resources and Public Relations Unit, abbreviated as URHRP, holds the following powers regarding recruiting and selection, personnel management and public relations:

- a)* To ensure forward-looking staff management;
- b)* To take any action required to recruit and select staff;



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- c)* To process permanent salaries and benefits;
- d)* To ensure career management, namely assignments, promotions, retirements, special early retirements and performance evaluations;
- e)* To inform the EPJ on the needs concerning initial training and specialized training, until 31 January of each year;
- f)* To ensure psychosocial and health support to employees as well as to follow up on cases of work absenteeism;
- g)* To arrange and update the employees' personal records;
- h)* To prepare the corporate balance sheet;
- i)* To follow up on administrative procedures, both contentious and non-contentious, as well as to organise procedures regarding accidents at work;
- j)* To prepare legal advice regarding human resources, personnel and public relations management;
- l)* To promote and coordinate the relationship with the media;
- m)* To plan and boost representation of the PJ, by organising events and supporting relevant initiatives.

Section 20

Financial and Accounting Expertise Unit

1 - The Financial and Accounting Expertise Unit, abbreviated as UPFC, has the following remit:

- a)* To carry out financial, accounting and banking expertise ordered by the judicial, prosecuting and criminal police authorities;
- b)* To provide technical advice to the criminal investigation services, by assisting them in gathering and examining documents and other evidence;
- c)* To assist the judicial and prosecuting authorities during the inquiry, the investigative and the trial stages, acting within its remit.



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2 - The UFPC is endowed with technical and scientific autonomy.

3 - The UFPC, under the technical dependence of its director, may comprise several flexible units at the territorial units, pursuant to the provisions of section 2 (2).

4 - The existence, number and location of the branches referred to in subsection (3) are established by order of the Government member responsible for justice.

Section 21

Disciplinary and Inspection Unit

1 - The Disciplinary and Inspection Unit, abbreviated as UDI, has the following remit:

- a) Disciplinary powers, namely by opening and carrying out internal investigations, as well as disciplinary and inquiry proceedings;
- b) Inspection and auditing of services, proposing proper measures in the fields of work organisation, performance and professional qualification.

2 - The director of the UDI has free access to all locations and services connected to the relevant disciplinary, auditing or inspection actions under his remit.

3 - The director of the UDI appoints the instructors and secretaries in charge of disciplinary cases, providing follow-up, supervision and technical guidance.

CHAPTER III

PJ management staff remuneration system

Section 22

Senior and middle management positions



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The PJ's management positions have the following qualifications and degrees:

- a) National director, first degree senior management position;
- b) Deputy national directors, second degree senior management position;
- c) Criminal Police Training School director, first degree middle management position;
- d) Prevention and Technological Support Unit director, first degree middle management position;
- e) Financial Intelligence Unit director, first degree middle management position;
- f) Planning, Technical Consultancy and Documentation Unit director, first degree middle management position;
- g) National unit directors, first degree middle management position;
- h) Territorial unit directors, first degree middle management position;
- i) Territorial unit assistant directors, first degree middle management position;
- j) Investigation assistance unit directors, first degree middle management position;
- l) Support unit directors, first degree middle management position;
- m) Heads of division, second degree middle management position.

Section 23

Remuneration

1 - The national director's base pay shall be equivalent to that of a judge in a higher court with more than five years experience.

2 - Schedule I to this decree-law forms an integral part thereof and shows the index structure of the salary scale for management staff.

3 - Index 100 on the salary scale referred to in subsection (2) is part of schedule II to this decree-law, of which it forms an integral part, and may be amended by ministerial order of the Government members responsible for finance, public administration and justice.



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Section 24

Risk supplement

1 - Until legislation as provided for in section 55 of Act no. 37/2008, of 6 August 2008, enters into force, the risk allowance for PJ management staff while in performance of their management duties remains regulated by the rules in force on the date this decree-law takes effect.

2 - For the purposes of subsection (1), the national unit director and the territorial unit director's positions shall be equivalent to that of deputy national director, the territorial unit assistant director's position is equivalent to that of assistant deputy national director and the unit director's position is equivalent to that of the central department director.

3 - The amount of the supplement mentioned in subsection (2) is liable to be updated according to the general provisions of the public sector workers' annual update.

Section 25

Entertainment allowance

The entertainment allowance for PJ management staff is paid according to the law and to the table of equivalences in schedule III to this decree-law, of which it forms an integral part.

Section 26

Use of means of transport

The management staff who, pursuant to section 11 of Act no. 37/2008, of 6 August 2008, are a criminal police authority, are entitled to use land, inland waterway and maritime collective transport services throughout the country, according to the provisions set forth for criminal investigation career officers.



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Section 27

Physical disability

The legal regime in force for Armed Forces and security forces disabled people shall apply to PJ management staff, with the necessary adjustments and under the terms applicable to PJ employees.

Section 28

Social welfare benefits

Without prejudice to the rules set forth in Decree-Law no. 503/2009, of 20 November 2009, the PJ management staff shall be entitled to an insurance that covers the risks of death, permanent total or partial disablement and hospitalization arising from accidents at work, to be regulated by joint ministerial order of the Government members responsible for finance, public administration and justice.

Section 29

Remuneration option

1 - Judges and public prosecutors, as well as employees holding a PJ management position under a limited executive tenure, shall be entitled to 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 24.

3 - Judges and public prosecutors under a limited executive tenure in the PJ shall maintain all the rights established in their corresponding statutes, and any services provided by them



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shall be deemed provided in the ranks and official duties of their positions of origin, no vacancy being created at the position of origin nor at the position the office-holder has been appointed to.

CHAPTER IV

Transitional and final provisions

Section 30

Transitional rule

The provisions set forth in section 23 (2) and (3) shall be subject to new regulation as from the date of entry into force of legislation as provided for in section 55 of Act no. 37/2008, of 6 August 2008.

Section 31

Revocation rule

The following shall be revoked:

- a) Section 63, section 90 (2) to (4) and (6), section 92 (3), section 94 (3), section 161 (1) and (2), with the exception of the provisions regarding heads of staff, tables 1 and 2 of schedule II, the first line of schedule III and schedule IV to Decree-Law no. 275-A/2000, of 9 November 2000;
- b) Ministerial Order no. 900/2003, of 28 August 2003.

Section 32

Entry into force



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This decree-law shall enter into force the day after its publication.

Reviewed and approved by the Council of Ministers of 4 December 2008. – *José Sócrates Carvalho Pinto de Sousa – Fernando Teixeira dos Santos – Henrique Nuno Pires Severiano Teixeira – Rui Carlos Pereira – Alberto Bernardes Costa.*

Promulgated on 4 February 2009.

For publication.

The President of the Republic, ANÍBAL CAVACO SILVA.

Countersigned on 5 February 2009.

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